

[Cite as *Sun v. Lyndhurst Mun. Court*, 2013-Ohio-5597.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 100368

JOSEPH C. SUN

RELATOR

vs.

LYNDHURST MUNICIPAL COURT

RESPONDENT

JUDGMENT:
COMPLAINT DISMISSED

Writ of Mandamus
Motion No. 469930
Order No. 470383

RELEASE DATE: December 17, 2013

FOR RELATOR

Joseph C. Sun, pro se
P.O. Box 151
Bluffton, SC 29910

ATTORNEY FOR RESPONDENT

Joseph W. Diemert
Joseph W. Diemert & Associates
1360 S.O.M. Center Road
Mayfield Heights, OH 44124

SEAN C. GALLAGHER, J.:

{¶1} Joseph C. Sun has filed a complaint for a writ of mandamus. Sun seeks an order from this court that requires the Lyndhurst Municipal Court to grant a trial by jury with regard to a pending traffic citation. The Lyndhurst Municipal Court has filed a motion to dismiss, which we grant.

{¶2} Attached to the motion to dismiss is a copy of a judgment entry, journalized on September 18, 2013, which demonstrates that the traffic citation has been dismissed. Thus, Sun's complaint for a writ of mandamus is moot. *State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723; *State ex rel. Gantt v. Coleman*, 6 Ohio St.3d 5, 450 N.E.2d 1163 (1983).

{¶3} Accordingly, we grant the Lyndhurst Municipal Court's motion to dismiss. Costs to the Lyndhurst Municipal Court. Costs waived. The court directs the clerk of court to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Complaint dismissed.

SEAN C. GALLAGHER, JUDGE

LARRY A. JONES, SR., P.J., and
EILEEN A. GALLAGHER, J., CONCUR