

[Cite as *State ex rel. Fagan v. Saffold*, 2014-Ohio-1089.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 100882

STATE EX REL., JOHNATHAN FAGAN

RELATOR

vs.

JUDGE SHIRLEY STRICKLAND SAFFOLD

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 471929
Order No. 472676

RELEASE DATE: March 14, 2014

FOR RELATOR

Johnathan Fagan, pro se
Inmate No. 602-079
Lake Erie Correctional Institution
P.O. Box 8000
Conneaut, Ohio 44030-8000

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
8th Floor Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

MARY EILEEN KILBANE, J.:

{¶1} On January 14, 2014, the relator, Johnathan Fagan, commenced this mandamus action against the respondent, Judge Shirley Strickland Saffold, to compel the judge to resolve the issue of jail-time credit, in the underlying case, *State v. Fagan*, Cuyahoga C.P. No. CR-546219. On January 31, 2014, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a signed and file-stamped January 22, 2014 journal entry granting 117 days of jail-time credit in the underlying case. Fagan did not timely file a response to the motion for summary judgment. This establishes that the relator has received his requested relief and that the action is, therefore, moot. *State ex rel. Corder v. Wilson*, 68 Ohio App.3d 567, 589 N.E.2d 113 (10th Dist.1991).

{¶2} Accordingly, the court grants the respondent's motion for summary judgment and denies the application for a writ of mandamus. Costs assessed against respondent; costs waived. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶3} Writ denied.

MARY EILEEN KILBANE, JUDGE

SEAN C. GALLAGHER, P.J., and
MELODY J. STEWART, J., CONCUR