

[Cite as *State ex rel. Young v. Gall*, 2014-Ohio-1441.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 100919

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STATE EX REL., EVANGELIST A. YOUNG

RELATOR

vs.

CUYAHOGA COUNTY COURT JUDGE  
STEVEN GALL

RESPONDENT

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**JUDGMENT:**  
WRIT DENIED

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Writ of Procedendo  
Motion No. 472246  
Order No. 473382

**RELEASE DATE:** April 1, 2014

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**RELATOR**

Evangelist A. Young, pro se  
Inmate Number 620-161  
Grafton Correctional Institution  
2500 South Avon Belden Road  
Grafton, Ohio 44044

**ATTORNEYS FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor  
By: James E. Moss  
Assistant County Prosecutor  
9th Floor, Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

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KATHLEEN ANN KEOUGH, J.:

{¶1} Evangelist A. Young (“Young”) has filed a complaint for writ of procedendo. Young seeks an order from this court that requires Judge Steven Gall to rule on motions he filed in Cuyahoga C.P. Nos. CR-11-553117-A and CR-11-552705. Judge Gall has moved for summary judgment, which we grant because the complaint is moot.

{¶2} Young seeks to compel a ruling on a motion for jail-time credit that he alleges was filed on October 31, 2013. Young filed motions for jail-time credit in case number CR-11-552705 on November 5, 2013, and March 5, 2014. The court issued orders granting Young jail-time credit in that case on January 29, 2014, and March 10, 2014. In CR-11-553117-A, Young filed a motion for jail-time credit on November 6, 2013, and the court issued an order granting Young jail time credit in that case on January 29, 2014.

{¶3} Young is not entitled to a writ of procedendo because respondent has already ruled on the motions. “A writ of procedendo will not issue to compel the performance of a duty that has already been performed.” *State ex rel. Roberts v. Marsh*, \_\_\_\_\_ Ohio St.3d \_\_\_\_\_, 2014-Ohio-106, ¶ 6, citing *State ex rel. Grove v. Nadel*, 84 Ohio St.3d 252, 253, 1998-Ohio-541, 703 N.E.2d 304 (1998)

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{¶4} Judge Gall's motion for summary judgment is granted, and Young's complaint for a writ of procedendo is denied. Relator to pay costs. Costs waived. The court directs the clerk of court to serve all parties with notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Writ denied.

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KATHLEEN ANN KEOUGH, JUDGE

KENNETH A. ROCCO, P.J., and  
TIM McCORMACK, J., CONCUR

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