

[Cite as *State ex rel. Soverns v. Synenberg*, 2014-Ohio-1442.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 100991

S/O EX REL., CURTIS D. SOVERNS

RELATOR

vs.

JUDGE JOAN SYNENBERG

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Order No. 473396
Motion No. 473078

RELEASE DATE: April 2, 2014

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FOR RELATOR

Curtis D. Soverns, pro se
Inmate No. 514-355
Lorain Correctional Institution
2075 S. Avon-Belden Rd.
Grafton, OH 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, OH 44113

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TIM McCORMACK, J.:

{¶1} Curtis D. Soverns has filed a complaint for a “writ of mandamus and/or procedendo in accordance with R.C. 2731.01.” Soverns seeks an order from this court that requires Judge Joan Synenberg to render a ruling with regard to a motion to withdraw plea of guilty filed in *State v. Soverns*, Cuyahoga C.P. No. CR-482687.¹ We decline to issue a writ mandamus and/or procedendo on behalf of Soverns.

{¶2} Attached to Judge Synenberg’s motion for summary judgment is a copy of a judgment, journalized on March 13, 2014, which demonstrates that a ruling has been issued with regard to the motion to withdraw plea of guilty. Judge Synenberg has discharged her duty to rule on the pending motion. Thus, Soverns’s request for a writ of mandamus and/or procedendo is moot. *State ex rel. Fontanella v. Kantos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220; *State ex rel. Reynolds v. Basinger*, 99 Ohio St.3d 303, 2003-Ohio-3631, 791 N.E.2d 459.

{¶3} Accordingly, we grant Judge Synenberg’s motion for summary judgment. Costs to Judge Synenberg. 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).

¹Pursuant to Civ.R. 25(D)(1), Judge Joan Synenberg is substituted for Judge Eileen T. Gallagher, the judge that was originally assigned to the underlying case.

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 {¶14} Writ denied.

TIM McCORMACK, JUDGE

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

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