

[Cite as *State ex rel. Bogan v. Matia*, 2014-Ohio-1845.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 100940

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**STATE EX REL. JAMES C. BOGAN**

RELATOR

vs.

**JUDGE DAVID MATIA**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Procedendo  
Motion No. 472576  
Order No. 473273

**RELEASE DATE:** April 30, 2014

**FOR RELATOR**

James C. Bogan, pro se  
Inmate #451-645  
Richland Correctional Institution  
P.O. Box 8107  
Mansfield, OH 44901

**ATTORNEYS FOR RESPONDENT**

Timothy J. McGinty  
Cuyahoga County Prosecutor  
Justice Center - 9<sup>th</sup> Floor  
1200 Ontario Street  
Cleveland, OH 44113

KENNETH A. ROCCO, J.:

{¶1} James Bogan has filed a complaint for a writ of procedendo. Bogan seeks a writ of procedendo in order to compel Judge David T. Matia to render a ruling with regard to a “motion to withdraw plea pursuant to Criminal R. 32.1” filed in *State v. Bogan*, Cuyahoga C.P. No. CR-396492. We decline to issue a writ of mandamus.

{¶2} Initially, we find that Bogan’s complaint for a writ of procedendo is defective. Bogan has failed to provide this court with a sworn affidavit, required by Loc.App.R. 45(B)(1)(a), that specifies the details of the complaint. *State ex rel. Mayes v. Ambrose*, 8th Dist. Cuyahoga No. 91980, 2009-Ohio-25; *James v. Callahan*, 8th Dist. Cuyahoga No. 89654, 2007-Ohio-2237.

{¶3} In addition, Bogan’s request for a writ of mandamus is moot. Attached to Judge Matia’s motion for summary judgment is a copy of a judgment entry, journalized on April 20, 2012, which demonstrates that Bogan’s motion to withdraw plea was denied.

No additional action is required on the part of Judge Matia with regard to the motion to withdraw plea. *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).

{¶4} Accordingly, we grant Judge Matia’s motion for summary judgment. Costs to Bogan. 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).

{¶5} Writ denied.

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KENNETH A. ROCCO, JUDGE

LARRY A. JONES, SR., P.J., and  
MELODY J. STEWART, J., CONCUR