

[Cite as *State ex rel. Moorer v. Donnelly*, 2014-Ohio-2066.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101031

**STATE OF OHIO EX REL.,
CORNELIUS MOORER**

RELATOR

vs.

MICHAEL P. DONNELLY, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 473412
Order No. 474025

RELEASE DATE: May 13, 2014

FOR RELATOR

Cornelius Moorer, pro se
Inmate No. A543-644
Marion Correctional Institution
P.O. Box 57
Marion, OH 43301

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant County Prosecutor
The Justice Center, 9th Floor
1200 Ontario Street
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MELODY J. STEWART, J.:

{¶1} Cornelius Moorer has filed a complaint for a writ of procedendo. Moorer seeks a writ that requires Judge Michael P. Donnelly to render a ruling with regard to a motion to “correct the journal entry filed on March 19, 2008, to properly reflect the sentence imposed in open court on March 17, 2008” that was journalized in *State v. Moorer*, Cuyahoga C.P. No. CR-07-497196-A. We decline to issue a writ of procedendo on behalf of Moorer.

{¶2} Attached to Judge Donnelly’s motion for summary judgment is a copy of a judgment entry, journalized on March 21, 2014, which demonstrates that a ruling has been issued with regard to Moorer’s motion to correct the original sentencing journal entry. Moorer’s request for a writ of 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. In addition, a writ of procedendo will not issue to compel the performance of a duty that has already been performed. *State ex rel. Rose v. McGinty*, 123 Ohio St.3d 86, 2009-Ohio-4050, 914 N.E.2d 366; *State ex rel. Sevayega v. McMonagle*, 122 Ohio St.3d 54, 2009-Ohio-2367, 907 N.E.2d 1180.

{¶3} Accordingly, we grant Judge Donnelly's motion for summary judgment. Costs to Moorer. 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} Writ denied.

MELODY J. STEWART, JUDGE

EILEEN A. GALLAGHER, P.J., and
TIM McCORMACK, J., CONCUR