

[Cite as *State ex rel. v. McClelland*, 2014-Ohio-217.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 100429

**STATE OF OHIO, EX REL.
BASIR A. ALSABUR**

RELATOR

vs.

JUDGE ROBERT C. McCLELLAND

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 469077
Order No. 470855

RELEASE DATE: January 17, 2014

FOR RELATOR

Basir A. Alsabur, pro se
#A-255556
Richland Correctional Institution
P.O. Box 8107
1001 Olivesburg Road
Mansfield, Ohio 44901

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor
BY: James E. Moss
Assistant Prosecuting Attorney
The Justice Center
1200 Ontario Street
Cleveland, Ohio 44113

SEAN C. GALLAGHER, P.J.:

{¶1} On September 19, 2013, the relator, Basir Alsabur, commenced this procedendo action against the respondent, Judge Joseph Russo, to compel the judge to rule on his motion for void judgment, which he filed on January 24, 2011, in the underlying case, *State v. Coats*, Cuyahoga C.P. No. CR-215362.¹ On October 15, 2013, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of a journal entry, file-stamped October 4, 2013, in the underlying case, denying the subject motion. This journal entry establishes that the judge has proceeded to judgment and that this procedendo action is moot. Alsabur never filed a response to the motion for summary judgment.

{¶2} Additionally, the relator failed to support his complaint with an affidavit “specifying the details of the claim” as required by Loc.App.R. 45(B)(1)(a). This is sufficient reason to deny the writ. *State ex rel. Leon v. Cuyahoga Cty. Court of Common Pleas*, 123 Ohio St.3d 124, 2009-Ohio-4688, 914 N.E.2d 402.

{¶3} Accordingly, the court grants the respondent’s motion for summary judgment and denies the application for a writ of procedendo. Costs assessed against relator. 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).

{¶4} Writ denied.

¹ The relator was tried under the name Leroy Coats. He now calls himself Basir Alsabur. Additionally, Judge Robert C. McClelland is now assigned to the underlying case. Pursuant to Civ.R. 21 and 25(D)(1), this court substitutes Judge McClelland as the respondent.

SEAN C. GALLAGHER, PRESIDING JUDGE

KATHLEEN ANN KEOUGH, J., and
MARY EILEEN KILBANE, J., CONCUR