

[Cite as *State ex rel. Varholick v. Donnelly*, 2014-Ohio-2655.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101241

STATE OF OHIO, EX REL. JAMES VARHOLICK

RELATOR

vs.

MICHAEL P. DONNELLY, JUDGE

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 475359
Order No. 475709

RELEASE DATE: June 16, 2014

RELATOR

James Varholick, pro se
No. 5730485
Marion Correctional Institution
P.O. Box 57
Marion, Ohio 43301

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

KATHLEEN ANN KEOUGH, J.:

{¶1} James Varholick has filed a complaint for a writ of procedendo. Varholick seeks an order from this court, that requires Judge Michael P. Donnelly to render a ruling with regard to a motion captioned “motion to return one 2002 Ford F-150 King Ranch truck forfeited in violation of O.R.C. 2933.43 & O.R.C. 4511.19 on February 23, 2007”, which was filed in *State v. Varholick*, Cuyahoga C.P. No. CR-06-485615-A.

{¶2} Attached to Judge Donnelly’s motion for summary judgment is a copy of a judgment entry, journalized on May 20, 2014, which demonstrates that a ruling has been rendered with regard to Varholick’s motion to return forfeited property. Thus, the complaint for a writ of procedendo is moot. *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).

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

{¶4} Writ denied.

KATHLEEN ANN KEOUGH, JUDGE

KENNETH A. ROCCO, P.J., and
EILEEN A. GALLAGHER, J., CONCUR