

[Cite as *State ex rel. Priest v. Jackson*, 2014-Ohio-34.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 100390

**STATE OF OHIO EX REL.,
MYRON PRIEST**

RELATOR

vs.

JUDGE MICHAEL JACKSON

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 469028
Order No. 470564

RELEASE DATE: January 8, 2014

FOR RELATOR

Myron Priest, Pro Se
Inmate No. 520029
Lorain Correctional Institution
2075 S. Avon-Belden Road
Grafton, OH 44044

ATTORNEYS FOR RESPONDENT

Timothy J. McGinty
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, OH 44113

MELODY J. STEWART, J.:

{¶1} On September 12, 2013, the relator, Myron Priest, commenced this procedendo action against the respondent, Judge Michael Jackson, to compel the judge to rule on a “Motion to vacate court costs and/or motion for resentencing” that Priest filed on September 11, 2012, in the underlying case *State v. Priest*, Cuyahoga C.P. No. CR-481596.¹ On October 11, 2013, the respondent judge moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a certified copy of an October 11, 2013 journal entry denying the subject motion. Priest never filed a response. Indeed, a review of this court’s docket shows that Priest has appealed the judge’s ruling to this court; *State v. Priest*, 8th Dist. Cuyahoga No. 100614. The ruling and Priest’s appeal establishes that this procedendo action is moot.

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

¹ Pursuant to Civ.R. 25(D)(1), Judge Michael Jackson, as successor judge, is substituted for the judge who was originally assigned to the underlying case.

{¶3} Writ denied.

MELODY J. STEWART, JUDGE

SEAN C. GALLAGHER, P.J., and
KENNETH A. ROCCO, J., CONCUR