

[Cite as *State ex rel. Waver v. McClelland*, 2014-Ohio-4221.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 101605

**STATE OF OHIO EX REL.,
JAMES WAVER**

RELATOR

vs.

JUDGE ROBERT C. McCLELLAND

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 477050
Order No. 478069

RELEASE DATE: September 23, 2014

FOR RELATOR

James L. Waver, pro se
Inmate No. A340-516
Grafton Correctional Institution
2500 South 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, 9th Floor
1200 Ontario Street
Cleveland, OH 44113

MELODY J. STEWART, J.:

{¶1} James Waver has filed a complaint for a writ of procedendo. Waver seeks an order from this court that requires Judge Robert C. McClelland to render a ruling with regard to a motion to correct jail-time credit filed in *State v. Waver*, Cuyahoga C.P. No. CR-97-351032. We decline to issue a writ of procedendo on behalf of Waver.

{¶2} Waver's request for a writ of procedendo is moot. Attached to Judge McClelland's motion for summary judgment is a copy of a journal entry, journalized on July 22, 2014, which demonstrates that a ruling has been rendered with regard to the motion to correct jail-time credit. Thus, Waver is not entitled to a writ of procedendo. *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 McClelland's motion for summary judgment. Costs to Judge McClelland. Costs waived. The court directs the clerk of courts 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.

MELODY J. STEWART, JUDGE

SEAN C. GALLAGHER, P.J., and

PATRICIA ANN BLACKMON, J., CONCUR