

[Cite as *Strowder v. Astrab*, 2014-Ohio-839.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 100889

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**DEMETRIUS STROWDER**

RELATOR

vs.

**JUDGE MICHAEL ASTRAB**

RESPONDENT

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**JUDGMENT:  
WRIT DENIED**

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Writ of Mandamus/Procedendo  
Motion No. 471927  
Order No. 472435

**RELEASE DATE:** February 28, 2014

**FOR RELATOR**

Demetrius Strowder, pro se  
Inmate No. 604-072  
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  
8th Floor Justice Center  
1200 Ontario Street  
Cleveland, Ohio 44113

MARY J. BOYLE, A.J.:

{¶1} Demetrius Strowder has filed a complaint for a writ of mandamus and/or procedendo. Strowder seeks an order from this court that requires Judge Michael Astrab to render a ruling with regard to a “motion for court to order clerk to serve notice of final order of judgment” filed in *State v. Strowder*, Cuyahoga C.P. No. CR-542305. For the following reasons, we decline to issue a writ of mandamus and/or procedendo on behalf of Strowder.

{¶2} Initially, we find that Strowder has failed to comply with Loc.App.R. 45(B)(1)(a), which mandates that a complaint for a writ of mandamus must be supported by a sworn affidavit that specifies the details of his claim for relief. *State ex rel. Leon v. Cuyahoga Cty. Court of Common Pleas*, 8th Dist. Cuyahoga No. 92826, 2009-Ohio-1612; *State ex rel. Santos v. McDonnell*, 8th Dist. Cuyahoga No. 90659, 2008-Ohio-214; *Turner v. Russo*, 8th Dist. Cuyahoga No. 87852, 2006-Ohio-4490; *Barry v. Galvin*, 8th Dist. Cuyahoga No. 85990, 2005-Ohio-2324.

{¶3} In addition, Strowder’s request for a writ of mandamus and/or procedendo is moot. Attached to Judge Astrab’s motion for summary judgment is a copy of a journal entry, journalized on January 22, 2014, which demonstrates that a ruling has been rendered with regard to the motion for court to order clerk to serve notice of final order of judgment. Thus, Strowder is not entitled to a writ of mandamus and/or 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). Accordingly, we grant Judge Astrab's motion for summary judgment. Costs to Strowder. 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.

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MARY J. BOYLE, ADMINISTRATIVE JUDGE

KENNETH A. ROCCO, J., and  
MARY EILEEN KILBANE, J., CONCUR