

[Cite as *State ex rel. Banks v. Gall*, 2015-Ohio-1961.]

# Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA

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JOURNAL ENTRY AND OPINION  
No. 102609

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STATE OF OHIO, EX REL.  
SAHAAD BANKS

RELATOR

vs.

STEVEN E. GALL, JUDGE

RESPONDENT

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**JUDGMENT:**  
**WRIT DENIED**

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Writ of Mandamus  
Motion No. 483315  
Order No. 485402

**RELEASE DATE:** May 20, 2015

**FOR RELATOR**

Sahaad Banks, pro se  
Inmate #623103  
Richland Correctional Institution  
P.O. Box 8107  
Mansfield, Ohio 44901

**ATTORNEYS FOR RESPONDENT**

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

LARRY A. JONES, SR., P.J.:

{¶1} Relator, Sahaad Banks, commenced this mandamus action against the respondent, Judge Steven E. Gall, seeking to compel respondent to vacate certain orders that were issued and to cease the collection process in the underlying case, *State v. Banks*, Cuyahoga C.P. No. CR-06-486970-A. On March 3, 2015, respondent moved for summary judgment on the grounds of mootness. Respondent's motion attached a certified copy of a February 24, 2015 journal entry that granted Banks's motion to terminate the collection of court costs and fines in part, ordered that Banks be reimbursed court costs and fees he paid in the case, and vacated the journal entries issued on June 16, 2014, and August 6, 2014. The court denied Banks's motion regarding the termination of the collection of fines because the court did not impose fines in the case. Banks has not opposed the respondent's motion for summary judgment and has not disputed that he has received the requested relief. This action is moot. *State ex rel. Culgan v. Kimbler*, 132 Ohio St.3d 480, 2012-Ohio-3310, 974 N.E.2d 88 (a writ of mandamus will not issue to compel an act already performed).

{¶2} Accordingly, this court grants the respondent's motion for summary judgment and denies the application for a writ of mandamus. Respondent to pay costs; costs waived. This 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).

{¶3} Writ denied.

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LARRY A. JONES, SR., PRESIDING JUDGE

EILEEN T. GALLAGHER, J., and  
MARY J. BOYLE, J., CONCUR