

[Cite as *Pugh v. Buchanan*, 2015-Ohio-3148.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 102963

ALGENON PUGH

RELATOR

vs.

JUDGE A. DEANE BUCHANAN

RESPONDENT

JUDGMENT:
COMPLAINT DISMISSED

Writ of Procedendo
Motion No. 486174
Order No. 487579

RELEASE DATE: August 4, 2015

FOR RELATOR

Algenon Pugh
16710 Whiteway Dr. #D-119
Cleveland, OH 44143

ATTORNEYS FOR RESPONDENT

L. James Juliano
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TIM McCORMACK, J.:

{¶1} Relator Algenon Pugh has filed a complaint for a writ of procedendo. Pugh seeks an order from this court that requires Judge A. Deane Buchanan to render a ruling with regard to a motion for summary judgment as filed in *Pugh v. Joseph*, Cleveland Hts. M.C. No. CVF-1201374.

{¶2} Attached to Judge Buchanan's motion to dismiss is a copy of a judgment entry, journalized on June 1, 2015, which demonstrates that a ruling has been rendered with regard to Pugh's motion for summary judgment. Thus, Pugh's complaint for a writ of procedendo is moot. *State ex rel. Fontanella v. Kontos*, 117 Ohio St.3d 514, 2008-Ohio-1431, 885 N.E.2d 220; *State ex rel. Reynolds v. Basinger*, 99 Ohio St.3d 303, 2003-Ohio-3631, 791 N.E.2d 459. A writ of procedendo will not issue to compel the performance of a duty that has already been performed. *State ex rel. Rose v. McGinty*, 123 Ohio St.3d 86, 2009-Ohio-4050, 914 N.E.2d 366; *State ex rel. Sevayega v. McMonagle*, 122 Ohio St.3d 54, 2009-Ohio-2367, 907 N.E.2d 1180.

{¶3} Accordingly, we grant Judge Buchanan's motion to dismiss. Costs to Judge Buchanan. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the docket as required by Civ.R. 58(B).

{¶4} Complaint dismissed.

TIM McCORMACK, JUDGE

MARY EILEEN KILBANE, P.J., and
PATRICIA ANN BLACKMON, J., CONCUR