

[Cite as *State ex rel. Taylor v. Calabrese*, 2016-Ohio-4712.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104127

STATE OF OHIO, EX REL.
TEVIN P. TAYLOR

RELATOR

vs.

JUDGE DEENA R. CALABRESE

RESPONDENT

JUDGMENT:
WRIT DENIED

Writ of Procedendo
Motion No. 494269
Order No. 496569

RELEASE DATE: June 28, 2016

FOR RELATOR

Tevin P. Taylor, pro se
Inmate No. 584-561
Lebanon Correctional Institution
3791 State Route 63
Lebanon, Ohio 45036

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

EILEEN T. GALLAGHER, J.:

{¶1} On February 17, 2016, the relator, Tevin Taylor, commenced this procedendo action against the respondent, Judge Deena R. Calabrese, to compel the judge to rule on his motion to withdraw guilty plea that he filed on August 11, 2015, in the underlying case, *State v. Taylor*, Cuyahoga C.P. No. CR-09-320891-A.

{¶2} On March 10, 2016, the respondent moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of a journal entry, file-stamped February 25, 2016, in the underlying case, denying Taylor's motion. This journal entry establishes that Taylor has received his requested relief, a ruling on his motion, and that this procedendo action is moot. Taylor never filed a response to the motion for summary judgment.

{¶3} Additionally, Taylor did not comply with R.C. 2969.25(C), which requires that an inmate file a certified statement from his prison cashier setting forth the balance in his private account for each of the preceding six months. This also is sufficient reason to deny the procedendo, deny indigency status, and assess costs against the relator. *State ex rel. Pamer v. Collier*, 108 Ohio St.3d 492, 2006-Ohio-1507, 844 N.E.2d 842; and *Hazel v. Knab*, 130 Ohio St.3d 22, 2011-Ohio-4608, 955 N.E.2d 378 — the defect may not be cured by subsequent filings.

{¶4} Accordingly, the court grants the respondent's motion for summary judgment and denies the writ. Costs assessed against relator; costs waived. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶5} Writ denied.

EILEEN T. GALLAGHER, JUDGE

TIM McCORMACK, P.J., and
MELODY J. STEWART, J., CONCUR