

[Cite as *State ex. rel. Gray v. McDonnell*, 2016-Ohio-7725.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 104679

STATE EX REL., RICARDO GRAY

RELATOR

vs.

JUDGE NANCY R. MCDONNELL

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 499145
Order No. 501174

RELEASE DATE: November 8, 2016

FOR RELATOR

Ricardo Gray
Inmate No. 368431
Lebanon Correctional Institution
P.O. Box 56
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

FRANK D. CELEBREZZE, JR., J.:

{¶1} Ricardo Gray has filed a complaint for a writ of procedendo. Gray seeks an order from this court that requires respondent to render a ruling with regard to his petition to vacate conviction under R.C. 2953.21, filed on February 10, 2016, in *State v. Gray*, Cuyahoga C.P. No. CR-98-369837. Respondent filed a motion for summary judgment, which Gray has not opposed. The motion is granted for the reasons that follow.

{¶2} Judge McDonnell's motion for summary judgment includes a copy of a judgment, journalized on August 9, 2016, which demonstrates that a ruling has been issued with regard to the motion. Thus, Gray's request 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. Gray has not opposed the motion or otherwise disputed the mootness of his action.

{¶3} Accordingly, we grant Judge McDonnell's motion for summary judgment. Costs to respondent. Costs waived._

{¶4} The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{¶5} Writ denied.

FRANK D. CELEBREZZE, JR., JUDGE

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