

[Cite as *State ex rel. Debardeleben v. Matia*, 2017-Ohio-1058.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 105267

**STATE OF OHIO, EX REL.
ANTHONY DEBARDELABEN**

RELATOR

vs.

JUDGE DAVID T. MATIA

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 502942
Order No. 505019

RELEASE DATE: March 21, 2017

FOR RELATOR

Anthony Debardeleben, pro se
Inmate No. 672516
P.O. Box 59
Nelsonville, Ohio 45764

ATTORNEYS FOR RESPONDENT

Michael C. O'Malley
Cuyahoga County Prosecutor
By: James E. Moss
Assistant County Prosecutor
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

MARY EILEEN KILBANE, J.:

{¶1} Anthony Debardeleben filed a complaint for a writ of mandamus on December 16, 2016. Debardeleben seeks an order from this court that requires Judge David T. Matia to issue findings of fact and conclusions of law filed with regard to a petition to vacate or set aside judgment of conviction or sentence filed in *State v. Debardeleben*, Cuyahoga C.P. No. CR-14-584052. Judge Matia has filed a motion for summary judgment.

{¶2} Attached to the motion for summary judgment is a copy of findings of fact and conclusions of law, journalized on December 21, 2016, with regard to Debardeleben's petition to vacate or set aside judgment of conviction or sentence. Relief is unwarranted because mandamus will not compel the performance of a duty that has already been performed. *State ex rel. Hopson v. Cuyahoga Cty. Court of Common Pleas*, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49, ¶ 4. Herein the request for relief is moot.

{¶3} Accordingly, we grant Judge Matia's motion for summary judgment. 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 journal as required by Civ.R. 58(B).

{¶4} Writ denied.

MARY EILEEN KILBANE, JUDGE
LARRY A. JONES, SR., P.J., and
MELODY J. STEWART, J., CONCUR