

[Cite as *State ex rel. Taylor v. Corrigan*, 2017-Ohio-2766.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 105498

**STATE OF OHIO, EX REL.
MAURICE P. TAYLOR**

RELATOR

vs.

THE HONORABLE BRIAN J. CORRIGAN

RESPONDENT

**JUDGMENT:
WRIT DENIED**

Writ of Mandamus
Motion No. 505245
Order No. 506408

RELEASE DATE: May 10, 2017

FOR RELATOR

Maurice P. Taylor, pro se
Inmate No. A582889
Warren Correctional Institution
P.O. Box 120
Lebanon, Ohio 45036

ATTORNEYS FOR RESPONDENT

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

MARY EILEEN KILBANE, P.J.:

{¶1} Maurice P. Taylor has filed a complaint for a writ of mandamus through which he seeks an order that requires Judge Brian J. Corrigan to render a ruling with regard to a pro se motion for reconsideration of sentence filed in *State v. Taylor*, Cuyahoga C.P. No. CR-09-519865.¹ Judge Corrigan has filed a motion for summary judgment that is granted for the following reasons.

{¶2} Initially, we find that Robinson’s complaint for a writ of mandamus is procedurally defective because he has failed to comply with R.C. 2969.25(A). Pursuant to R.C. 2969.25(A), an inmate that commences a civil action against a government entity or employee must file a sworn affidavit that contains a description of each civil action or appeal of a civil action filed in the previous five years in any state or federal court against a government entity or employee. *State ex rel. McGrath v. McDonnell*, 126 Ohio St.3d 511, 2010-Ohio-4726, 935 N.E.2d 830.

{¶3} Finally, attached to Judge Corrigan’s motion for summary judgment is a copy of a judgment entry, journalized on March 8, 2017, that renders Taylor’s request for a writ of mandamus moot. Judge Corrigan denied Young’s pro se motion for reconsideration of sentence. “[R]elief is unwarranted because mandamus * * * will not compel the performance of a duty that has already been performed.” *State ex rel.*

¹The relator has incorrectly identified the respondent as “Judge Brian A. [sic] Corrigan.” Sua sponte, we correct the caption of the complaint to reflect the respondent as Judge Brian J. Corrigan.

Hopson v. Cuyahoga Cty. Court of Common Pleas, 135 Ohio St.3d 456, 2013-Ohio-1911, 989 N.E.2d 49, ¶ 4.

{¶4} Accordingly, we grant Judge Corrigan’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 its entry upon the journal as required by Civ.R. 58(B).

{¶5} Writ denied.

MARY EILEEN KILBANE, PRESIDING JUDGE _____

ANITA LASTER MAYS, J., and
FRANK D. CELEBREZZE, JR., J., CONCUR