

**THE STATE EX REL. SEVAYEGA, APPELLANT, v. MCMONAGLE,
JUDGE, APPELLEE.**

**[Cite as *State ex rel. Sevayega v. McMonagle*,
122 Ohio St.3d 54, 2009-Ohio-2367.]**

Appeal from dismissal of a petition for a writ of procedendo – Procedendo not available to compel performance of a duty already performed – Judgment affirmed.

(No. 2009-0106 — Submitted May 19, 2009 — Decided May 28, 2009.)

APPEAL from the Court of Appeals for Cuyahoga County,

No. 92157, 2008-Ohio-6275.

Per Curiam.

{¶ 1} We affirm the judgment of the court of appeals dismissing the complaint of appellant, Reginald D. Sevayega, for a writ of procedendo. A writ of procedendo will not issue to compel the performance of a duty that has already been performed. *State ex rel. Howard v. Skow*, 102 Ohio St.3d 423, 2004-Ohio-3652, 811 N.E.2d 1128, ¶ 9. Moreover, insofar as Sevayega contests the propriety of the ruling he received on his postconviction motion, he had an adequate remedy in the ordinary course of law by way of appeal. Extraordinary relief in procedendo will not be granted if there is an adequate remedy in the ordinary course of law. *State ex rel. George v. Burnside*, 118 Ohio St.3d 406, 2008-Ohio-2702, 889 N.E.2d 533, ¶ 7.

Judgment affirmed.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O’CONNOR,
O’DONNELL, LANZINGER, and CUPP, JJ., concur.

SUPREME COURT OF OHIO

Reginald D. Sevayega, pro se.

William D. Mason, Cuyahoga County Prosecuting Attorney, and Pamela Bolton, Assistant Prosecuting Attorney, for appellee.

D. Jim Brady, amicus curiae.
