

THE STATE EX REL. CARLTON v. HEEKIN, JUDGE.

[Cite as *State ex rel. Carlton v. Heekin*, 165 Ohio St.3d 248, 2021-Ohio-2822.]

Mandamus—Writ sought to compel judge to direct county clerk of courts to mail copy of judgment entry on a motion to vacate costs and fines to the movant—Writ will not issue when judge has already complied with the request—Writ denied.

(No. 2021-0080—Submitted June 15, 2021—Decided August 19, 2021.)

IN MANDAMUS.

Per Curiam.

{¶ 1} In January 2021, relator, Damian Carlton, filed a complaint for a writ of mandamus seeking to compel respondent, Hamilton County Court of Common Pleas Judge Thomas Heekin, to direct the Hamilton County Clerk of Courts to serve Carlton with a judgment entry. In April 2021, we denied Judge Heekin’s motion to dismiss the mandamus complaint and granted an alternative writ. 162 Ohio St.3d 1426, 2021-Ohio-1202, 166 N.E.3d 25.

{¶ 2} Carlton seeks a writ from this court ordering Judge Heekin to direct the clerk to serve him with the judgment entry denying his motion to vacate costs and fines. Carlton alleges that Judge Heekin rendered the judgment in June 2020 but did not direct the clerk to mail a copy of the judgment entry to him. Carlton contends that he needs a copy of the judgment entry so that he will have notice of the denial and can appeal the entry.

{¶ 3} Judge Heekin has submitted evidence of an entry dated May 3, 2021, in which he directed the clerk to serve Carlton with the June 30, 2020 judgment entry overruling Carlton’s motion to vacate costs and fines. Because Judge Heekin has performed the act that Carlton has requested through his mandamus complaint, this

SUPREME COURT OF OHIO

case is now moot. *See State ex rel. Jerningham v. Cuyahoga Cty. Court of Common Pleas*, 74 Ohio St.3d 278, 279, 658 N.E.2d 723 (1996) (“A writ of mandamus will not issue to compel an act already performed”).

{¶ 4} We therefore deny as moot Carlton’s complaint for a writ of mandamus.

Writ denied.

O’CONNOR, C.J., and KENNEDY, DEWINE, DONNELLY, STEWART, and BRUNNER, JJ., concur.

FISCHER, J., not participating.

Damian Carlton, pro se.

Joseph T. Deters, Hamilton County Prosecuting Attorney, and Sean M. Donovan, Assistant Prosecuting Attorney, for respondent.
