

[Cite as *State ex rel. Pettway v. Cuyahoga Cty. Court of Common Pleas*, 2013-Ohio-1456.]

Court of Appeals of Ohio

EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA

JOURNAL ENTRY AND OPINION
No. 99011

**STATE OF OHIO, EX REL.,
TIMOTHY PETTWAY**

RELATOR

VS.

**CUYAHOGA COUNTY COURT OF
COMMON PLEAS, ET AL.**

RESPONDENTS

**JUDGMENT:
WRIT DENIED**

Writ of Procedendo
Motion No. 460161
Order No. 463466

RELEASE DATE: April 5, 2013

FOR RELATOR

Timothy Pettway, Pro se
Inmate #550-655
Toledo Correctional Institution
2001 E. Central Avenue
Toledo, Ohio 43608

ATTORNEYS FOR RESPONDENTS

Timothy J. McGinty
Cuyahoga County Prosecutor

BY: James E. Moss
Assistant Prosecuting Attorney
The Justice Center, 8th Floor
1200 Ontario Street
Cleveland, Ohio 44113

LARRY A. JONES, SR., J.:

{¶1} Timothy Pettway has filed a complaint for a writ of procedendo. Pettway seeks an order from this court that requires Judge Deena Calabrese and the Cuyahoga County Court of Common Pleas to render a ruling with regard to a petition for postconviction relief filed in *State v. Pettway*, Cuyahoga C.P. No. CR-498474.

{¶2} Attached to a motion for summary judgment, filed by Judge Calabrese and the Cuyahoga County Court of Common Pleas, is a copy of a judgment entry, journalized on November 2, 2012, which demonstrates that a ruling, accompanied by findings of fact and conclusions of law, has been rendered with regard to Pettway's petition for postconviction relief. Thus, Pettway's complaint for a writ of procedendo is moot. *State v. Jerningham*, 74 Ohio St.3d 278, 1996-Ohio-117, 658 N.E.2d 723; *State ex rel. Gantt v. Coleman*, 6 Ohio St.3d 5, 450 N.E.2d 1163 (1983).

{¶3} Accordingly, we grant the motion for summary judgment. Judge Calabrese and the Cuyahoga County Court of Common Pleas to pay costs. Costs waived. The court directs the clerk of court to serve all parties with notice of this judgment and its date of entry upon the journal as required by Civ.R. 58(B).

{¶4} Writ denied.

LARRY A. JONES, SR., JUDGE

MELODY J. STEWART, A.J., and
SEAN C. GALLAGHER, J., CONCUR