

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

DWAYNE HARRIS, :
Relator, :
v. : No. 111499
JUDGE TIMOTHY MCCORMICK, :
Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED

DATED: June 29, 2022

Writ of Procedendo
Motion No. 555364
Order No. 555832

Appearances:

Dwayne Harris, *pro se*.

Michael C. O'Malley, Cuyahoga County Prosecuting Attorney, and James E. Moss, Assistant Prosecuting Attorney, *for respondent*.

EILEEN T. GALLAGHER, J.:

{¶ 1} On May 6, 2022, the relator, Dwayne Harris, commenced this procedendo action against the respondent, Judge Timothy McCormick, to compel the judge to proceed to final judgment on his “Motion for public records request,

pursuant to R.C. 149.43(B)(8)” that he filed on December 13, 2021, in the underlying case, *State v. Harris*, Cuyahoga C.P. No. CR-89-235106-ZA. Because Harris is a vexatious litigator, he moved for leave to institute this writ action. The court grants his motion for leave.

{¶ 2} On June 1, 2022, the respondent judge moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of a certified journal entry, file-stamped June 1, 2022, in the underlying case, denying Harris’s motion for public records request. This journal entry establishes that Harris has received his requested relief, a ruling on his motion, and that this procedendo action is moot.

{¶ 3} Accordingly, the court grants the respondent’s motion for summary judgment and denies the writ. Costs assessed against relator. The clerk is directed to serve upon the parties notice of this judgment and its date of entry upon the journal. Civ.R. 58(B).

{¶ 4} Writ denied.

EILEEN T. GALLAGHER, JUDGE

SEAN C. GALLAGHER, A.J., and
EILEEN A. GALLAGHER, J., CONCUR