

COURT OF APPEALS OF OHIO

**EIGHTH APPELLATE DISTRICT
COUNTY OF CUYAHOGA**

STATE OF OHIO EX REL.,
STACEY BELLE, :

Relator, :

v. : No. 112345

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

Respondent. :

JOURNAL ENTRY AND OPINION

JUDGMENT: WRIT DENIED
RELEASED AND JOURNALIZED: April 25, 2023

Writ of Procedendo
Motion No. 562111
Order No. 563821

Appearances:

Stacey Belle, *pro se*.

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

ANITA LASTER MAYS, A.J.:

{¶ 1} On January 23, 2023, the relator, Stacey Belle, commenced this procedendo action against the respondents, the Cuyahoga County Common Pleas

Court and Judge Shannon Gallagher, to compel them to rule on his postconviction-relief petition that he filed on May 17, 2019, in the underlying cases, *State v. Belle*, Cuyahoga C.P. Nos. CR-17-617407-A and CR-17-614505-A. On February 16, 2023, the respondents moved for summary judgment on the grounds of mootness. Attached to the dispositive motion was a copy of certified journal entry, filestamped February 14, 2023, in the underlying case, denying Belle's postconviction-relief petition. This journal entry establishes that Belle has received his requested relief, a ruling on his petition, and that this procedendo action is moot. Belle never filed a response to the motion for summary judgment.

{¶ 2} Accordingly, the court grants the respondent's motion for summary judgment and denies the writ. Costs assessed against respondent. 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).

{¶ 3} Writ denied.

ANITA LASTER MAYS, ADMINISTRATIVE JUDGE

FRANK DANIEL CELEBREZZE, III, J., and
MARY J. BOYLE, J., CONCUR