

IN THE COURT OF APPEALS OF OHIO
SIXTH APPELLATE DISTRICT
LUCAS COUNTY

State of Ohio, ex rel. Thomas S. Miller

Court of Appeals No. L-15-1042

Relator

v.

Judge Ruth Ann Franks

DECISION AND JUDGMENT

Respondent

Decided: April 15, 2015

* * * * *

Thomas S. Miller, pro se.

* * * * *

OSOWIK, J.

{¶ 1} On February 23, 2015, relator, Thomas S. Miller, acting pro se, filed an “Original Action in Procedendo” in which he asks this court to order respondent, the Honorable Ruth Ann Franks, to issue findings of fact and conclusions of law in regard to his petition for postconviction relief which was filed on December 17, 2014. Relator also asks this court to order respondent to rule on said postconviction relief petition and also

“render Judgment on the petitioner’s Motion for Summary Judgment * * * [filed on January 23, 2015].” Relator, who is currently incarcerated, also filed an accompanying motion in which he asks this court to accept fewer than the required number of copies of the petition, due to his limited resources.

{¶ 2} The record shows that, on February 25, 2015, respondent issued a judgment entry which denied relator’s petition for postconviction relief, based on findings of fact and conclusions of law set forth therein. That same day, respondent also issued a judgment entry denying relator’s summary judgment motion. On March 19, 2015, relator filed a timely notice of appeal from the judgment denying his motion for postconviction relief. Relator’s appeal is currently pending in this court as *State v. Miller*, 6th Dist. Lucas No. L-15-1077.

{¶ 3} On consideration of the foregoing, we find that relator’s petition for a writ of procedendo is moot. *State ex rel. Wells v. Corrigan*, 8th Dist. Cuyahoga No. 101754, 2014-Ohio-4941, ¶ 2, citing *State ex rel. Jernighan v. Cuyahoga Cty. Ct. of Common Pleas*, 74 Ohio St.3d 278, 658 N.E.2d 723 (1996). Relator’s motion for permission to file his petition with fewer than the required number of copies is also moot.

{¶ 4} Writ dismissed. Costs are assessed to relator.

{¶ 5} To the clerk: Manner of Service.

{¶ 6} The clerk of court, whom the court hereby specially authorizes to perfect service in this case, shall immediately serve, upon the respondent by personal service, a

copy of this writ, and clerk shall verify, by affidavit, the time, place, and manner of service and file such verification upon completion of the service.

{¶ 7} The clerk is further directed immediately to serve **upon all other parties** a copy of the writ in a manner prescribed by Civ.R. 5(B).

{¶ 8} It is so ordered.

Writ denied.

Arlene Singer, J.

JUDGE

Thomas J. Osowik, J.

JUDGE

James D. Jensen, J.
CONCUR.

JUDGE

This decision is subject to further editing by the Supreme Court of Ohio's Reporter of Decisions. Parties interested in viewing the final reported version are advised to visit the Ohio Supreme Court's web site at:
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