

**IN THE COURT OF APPEALS OF OHIO  
ELEVENTH APPELLATE DISTRICT  
PORTAGE COUNTY**

STATE OF OHIO ex rel.  
JAMES E. MITCHELL,

Relator,

- VS -

PORTAGE COUNTY COMMON PLEAS  
COURT JUDGE LAURIE J. PITTMAN,

Respondent.

**CASE NO. 2024-P-0040**

Original Action for Writ of Procedendo

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**PER CURIAM**  
**OPINION**

Decided: August 26, 2024  
Judgment: Dismissed

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*James E. Mitchell*, pro se, PID# A293-032, Marion Correctional Institution, 940 Marion-Williamsport Road, P.O. Box 57, Marion, OH 43302 (Relator).

*Victor V. Vigluicci*, Portage County Prosecutor, and *Theresa M. Scahill*, Assistant Prosecutor, 241 South Chestnut Street, Ravenna, OH 44266 (For Respondent).

PER CURIAM.

{¶1} This matter is before this Court upon motion to dismiss of respondent, Portage County Common Pleas Court Judge Laurie J. Pittman, filed July 25, 2024.

{¶2} On October 17, 2023, relator James E. Mitchell, filed a Motion for a Final Appealable Order with the Portage County Court of Common Pleas in Case No. 1993 CR 0294. On December 8, 2023, relator filed a Motion to Dismiss Indictment in the same case. Relator then filed a Petition for a Writ of Procedendo with this Court on June 25,

2024, after seven months had passed and there had been no ruling on his motions. On July 5, 2024, this Court issued an alternative writ. On July 18, 2024, Judge Pittman entered a judgment on both motions. Judge Pittman now asks this Court to dismiss this action.

{¶3} As grounds for dismissal, Judge Pittman argues that the motions were ruled upon, and the issue is now moot. “Neither procedendo nor mandamus will compel the performance of a duty that has already been performed.” *State ex rel. Grove v. Nadel*, 84 Ohio St.3d 252, 305 (1998).

{¶4} Because the duty relator sought has already been performed, respondent cannot be compelled. *Id.* Relator’s request is rendered moot. Accordingly, respondent’s motion is granted and relator’s complaint for writ of procedendo is dismissed.

MATT LYNCH, J., JOHN J. EKLUND, J., ROBERT J. PATTON, J., concur.