

**COURT OF APPEALS OF OHIO**

**EIGHTH APPELLATE DISTRICT  
COUNTY OF CUYAHOGA**

STATE OF OHIO, EX REL. :  
THOMAS JONES, :  
 :  
 Relator, :  
 : No. 114088  
 v. :  
 :  
 JUDGE NANCY M. RUSSO, :  
 :  
 Respondent. :

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JOURNAL ENTRY AND OPINION

**JUDGMENT:** WRIT DENIED

**DATED:** July 30, 2024

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Writ of Mandamus  
Motion No. 576101  
Order No. 576338

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***Appearances:***

Thomas Jones, *pro se*.

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

KATHLEEN ANN KEOUGH, A.J.:

{¶ 1} Thomas Jones, the relator, has filed a complaint for a writ of mandamus. Jones seeks an order from this court that requires Judge Nancy M. Russo, the respondent, to serve him with a copy of a judgment pursuant to Civ.R.

58(B), that denied his petition for postconviction relief on May 23, 2024. Judge Russo has filed a motion for summary judgment that is granted.

**{¶ 2}** Attached to Judge Russo’s motion for summary judgment is a copy of a judgment entry, journalized July 9, 2024, that provides:

Defendant’s motion for verified request for the court to direct clerk to serve appellant pursuant to Civil Rule 58(B) filed on June 11, 2024, is granted in part and denied in part.

This entry and the court’s journal entry issued on May 23, 2024, denying defendant’s petition for postconviction [relief] will be served in compliance with Civil R. 58(B).

Defendant’s remaining claims in his motion for verified request for the court to direct clerk to serve appellant pursuant to Civil Rule 58(B) filed on June 11, 2024, are denied.

Pursuant to Civil R. 58(B), the clerk of courts is hereby ordered to send a copy of this entry and the attached journal entry issued on May 23, 2024, to the following parties and its date of entry upon the journal;  
....

**{¶ 3}** Jones’s complaint for mandamus is moot because Judge Russo has fulfilled her duty, under Civ.R. 58(B), and ordered the clerk to serve notice of the May 23, 2024 judgment entry upon all parties in CV-94-316693. An action for a writ of mandamus becomes moot when the requested relief is attained. *State ex rel. Jerningham v. Court of Common Pleas*, 74 Ohio St.3d 278 (1996).

**{¶ 4}** Accordingly, we grant Judge Russo’s motion to dismiss. Costs waived. The court directs the clerk of courts to serve all parties with notice of this judgment and the date of entry upon the journal as required by Civ.R. 58(B).

{15} Writ denied.

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KATHLEEN ANN KEOUGH, ADMINISTRATIVE JUDGE

EILEEN A. GALLAGHER, J., and  
FRANK DANIEL CELEBREZZE, III, J., CONCUR

