

COURT OF APPEALS OF OHIO, EIGHTH APPELLATE DISTRICT,  
CUYAHOGA COUNTY

Johnson v. Torres-Lugo

2025-Ohio-5530 · No. No. 115375 · Decided December 5, 2025

SUMMARY

The Ohio Eighth District Court of Appeals dismissed Stephen-E. Johnson’s mandamus complaint seeking to compel Judge Jazmin Torres-Lugo to rule on motions in a Cleveland Municipal Court criminal case. The court found that the complaint failed to comply with Civ.R. 10(A) and R.C. 2731.04, and that the requested relief was moot because the judge had already ruled on the motions.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                    |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | Court of Appeals of Ohio, Eighth Appellate District, Cuyahoga County                                                                                                                                                                                                                               |
| WRITING FOR THE COURT | Anita Laster Mays; Kathleen Ann Keough; Eileen T. Gallagher                                                                                                                                                                                                                                        |
| JURISDICTION          | Ohio Court of Appeals, Eighth Appellate District, Cuyahoga County                                                                                                                                                                                                                                  |
| DECIDED               | December 5, 2025                                                                                                                                                                                                                                                                                   |
| DOCKET                | No. 115375                                                                                                                                                                                                                                                                                         |
| DISPOSITION           | dismissed                                                                                                                                                                                                                                                                                          |
| PROCEDURAL POSTURE    | Relator filed an original complaint seeking a writ of mandamus requiring the respondent judge to rule on motions to vacate a conviction and stay execution of sentence, fines, and costs. The respondent moved to dismiss, and the appellate court granted the motion and dismissed the complaint. |
| PRECEDENTIAL VALUE    | Published                                                                                                                                                                                                                                                                                          |
| PARTIES               | Stephen-E. Johnson, relator v. Jazmin Torres-Lugo, respondent                                                                                                                                                                                                                                      |

TOPICS

- motions to dismiss
- mootness
- civil procedure
- appellate procedure
- remedies

PRACTICE AREAS

- civil procedure
- appellate procedure
- mandamus
- remedies

QUESTIONS PRESENTED

1. Whether the mandamus complaint could proceed despite failing to include the parties' addresses in the caption as required by Civ.R. 10(A).
2. Whether the mandamus complaint could proceed despite not being brought in the name of the state on the relation of the person applying as required by R.C. 2731.04.
3. Whether the mandamus claim was moot because the respondent had already performed the requested duty.

## HOLDINGS

1. Failure to include the names and addresses of all parties in the caption of a mandamus complaint is sufficient grounds to deny or dismiss the requested writ.
2. A mandamus application that is not brought in the name of the state on the relation of the person applying may be dismissed.
3. Mandamus relief is unavailable when the respondent has already performed the duty the relator seeks to compel.

## KEY QUOTATIONS

*“This court will not compel the performance of a duty that has already been performed.”*

## FACTUAL BACKGROUND

Johnson sought rulings on a motion to vacate his conviction and a motion to stay execution of his sentence, fines, and costs. His mandamus complaint omitted the addresses of the parties from the caption and was not brought in the name of the state on the relation of the person applying. The respondent submitted judgment entries showing that the requested rulings had already been issued on September 26 and October 3, 2025.

## PROCEDURAL HISTORY

Johnson filed a mandamus complaint in the Eighth Appellate District concerning motions filed in *Cleveland v. Johnson*, Cleveland Municipal Court No. 2025-TRD-002740. The respondent moved to dismiss. The appellate court concluded that the complaint failed to comply with Civ.R. 10(A) and R.C. 2731.04 and that the requested relief was moot because the respondent had already ruled on the underlying motions.

## DISPOSITION

dismissed

## CASES CITED

- State ex rel. Sherrills v. State, 91 Ohio St.3d 133, 133 (2001)
- Scott v. Sargeant, 2009-Ohio-1745, ¶ 5 (6th Dist.)
- Blankenship v. Blackwell, 2004-Ohio-5596, ¶ 34
- Maloney v. Sacks, 173 Ohio St. 237 (1962)

- *Shoop v. State*, 2015-Ohio-2068, ¶ 10
- *State ex rel. Ames v. Pokorny*, 2021-Ohio-2070, ¶ 7
- *Thompson v. Donnelly*, 2018-Ohio-4073, ¶ 5

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