

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

OPINION

Johnson v. Torres-Lugo

2025 Ohio 5530

PER CURIAM.

[Cite as Johnson v. Torres-Lugo, 2025-Ohio-5530.]

COURT OF APPEALS OF OHIO

EIGHTH APPELLATE DISTRICT

COUNTY OF CUYAHOGA

STEPHEN-E: JOHNSON, : Relator, : No. 115375 v. : ADMIN JUDGE: JAZMIN TORRES- :
LUGO,

Respondent.

JOURNAL ENTRY AND OPINION

JUDGMENT: COMPLAINT DISMISSED

DATED: December 5, 2025 Writ of Mandamus Motion Nos. 588531 and 588567 Order No. 590187 Appearances: Stephen-E: Johnson, pro se. Mark D. Griffin, Cleveland Director of Law, Gilbert E. Blomgren and Caroline E. Lettrich, Assistant Directors of Law, for respondent. ANITA LASTER MAYES, J.: Stephen-E: Johnson, the relator, has filed a complaint for a writ of mandamus. Johnson seeks an order that requires Judge Jazmin Torres-Lugo, the respondent, to issue rulings with regard to a motion to vacate conviction and a motion to stay execution of sentence, fines, and costs filed in Cleveland v. Johnson, Cleveland M.C. No. 2025-TRD-002740.1 Judge Torres-Lugo has filed a motion to dismiss that is granted for the following reasons. A. Failure to Comply with Civ.R. 10(A) Civ.R. 10(A) states that the caption of a complaint must include the “names and addresses of all the parties. . . .” Johnson has not included the address of any party in the caption of his complaint. It is well settled that the failure to properly caption a mandamus action is sufficient grounds for denying the writ. State ex rel. Sherrills v. State, 91 Ohio St.3d 133, 133 (2001); Scott v. Sargeant, 2009- Ohio-1745, ¶ 5 (6th Dist.). The failure to comply with Civ.R. 10(A) prevents this court from granting the request for a writ of mandamus. B. Failure to Comply with R.C. 2731.04 Johnson is not entitled to a writ of mandamus because R.C. 2731.04 provides that an application for a writ of mandamus must be brought in the name of the state on the relation of the person applying. Thus, a complaint for a writ of mandamus may be dismissed for failure to bring the action in the name of the state. Blankenship v. Blackwell, 2004-Ohio-5596, ¶ 34. Accord Maloney v. Sacks, 173 Ohio St. 237 (1962). Johnson’s complaint was not brought in the name of the state, 1 Johnson has incorrectly identified Judge Jazmin Torres-Lugo, the respondent, as the administrative judge of the Cleveland Municipal Court. Judge Michelle D.

Earley, not a party to this action for mandamus, is the administrative and presiding judge of the Cleveland Municipal Court. and therefore his claims for a writ of mandamus are properly dismissed. *Shoop v. State*, 2015-Ohio-2068, ¶ 10. C. Complaint is Moot Attached to the motion to dismiss are copies of judgment entries, journalized September 26, 2025, and October 3, 2025, that demonstrates Judge Torres-Lugo has addressed Johnson's pro se motion to vacate conviction and injunction to stay execution of sentence, fines, and court costs. Judge Torres-Lugo has performed her duty to render rulings with regard to Johnson's motions. Relief is unwarranted because the request for a writ of mandamus is moot. This court will not compel the performance of a duty that has already been performed. *State ex rel. Ames v. Pokorny*, 2021-Ohio-2070, ¶ 7; *Thompson v. Donnelly*, 2018-Ohio-4073, ¶ 5. Accordingly, we grant Judge Jazmin Torres-Lugos'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). Complaint dismissed.

ANITA LASTER MAYS, JUDGE
KATHLEEN ANN KEOUGH, P.J., and
EILEEN T. GALLAGHER, J., CONCUR