Commonwealth of Kentucky

Court of Appeals

NO. 2026-CA-0580-OA

ESAU MAUDEE MILLINER — PETITIONER

v. AN ORIGINAL ACTION
ARISING FROM JEFFERSON CIRCUIT COURT
ACTION NO. 06-CR-000367

HON. MELISSA L. BELLOWS, JUDGE, JEFFERSON CIRCUIT COURT — RESPONDENT

AND

COMMONWEALTH OF KENTUCKY — REAL PARTY IN INTEREST

ORDER

* * * * * *

BEFORE: ACREE, CALDWELL, AND L. JONES, JUDGES.

Petitioner, *pro se*, petitions this Court for a writ of mandamus to compel the Jefferson Circuit Court to rule on a motion for post-conviction relief pursuant to CR[1] 60.02, filed on September 29, 2025. No response to the petition

[1] Kentucky Rules of Civil Procedure.

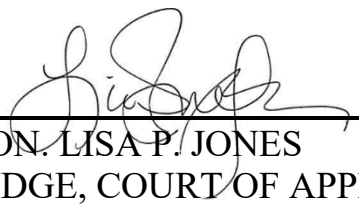
has been filed.[2]

Mandamus is an appropriate remedy to compel a lower court to adjudicate on a subject within its jurisdiction where it neglects or refuses to do so, but not an appropriate remedy to tell the court how to decide or to interfere with its exercise of discretion. *Humana of Kentucky, Inc. v. NKC Hosps., Inc.*, 751 S.W.2d 369, 374 (Ky. 1988).

The Jefferson Circuit Court ruled on Petitioner's motion in an order that was entered on November 19, 2025. Accordingly, this Court has no cause to act. *See Commonwealth, Kentucky Bd. of Nursing v. Sullivan Univ. Sys., Inc.*, 433 S.W.3d 341, 344 (Ky. 2014).

Having considered the petition for a writ of prohibition filed herein by Petitioner and being otherwise sufficiently advised, this Court ORDERS that the petition is hereby DENIED AS MOOT.

ENTERED: November 16, 2026



HON. LISA P. JONES
JUDGE, COURT OF APPEALS

[2] Pursuant to Kentucky Rule of Appellate Procedure (RAP) 60(D), Respondent has elected not to file a response. See RAP 60(D) ("The party against whom relief is sought . . . may . . . file a response[.]").