

[Cite as *Napier v. Ohio State Penitentiary*, 2005-Ohio-4611.]

IN THE COURT OF CLAIMS OF OHIO

RONALD A. NAPIER :
Plaintiff :
v. : CASE NO. 2005-03768-AD
OHIO STATE PENITENTIARY : MEMORANDUM DECISION
Defendant :

: : : : : : : : : : : : : : :

{¶ 1} Plaintiff, Ronald A. Napier, an inmate incarcerated at defendant, Ohio State Penitentiary ("OSP"), related that on multiple occasions from July, 2004 through February 8, 2005, he delivered personal clothing items to the institution laundry to be washed and the items were returned in an unwashed infested condition. Plaintiff has alleged he developed a yeast fungus infection from wearing the returned unlaundered clothing. Plaintiff maintained he suffered from sores and skin discoloration on his body which required medical treatment.

{¶ 2} Plaintiff has alleged his medical condition was proximately caused by being forced to wear unwashed clothing items. Plaintiff filed this complaint seeking to recover \$2,000.00. Plaintiff asserted defendant should bear liability for the damage claimed.

{¶ 3} Defendant denied any liability in this matter. Defendant related plaintiff's laundry was washed and returned to plaintiff in a clean condition. Defendant asserted washing procedures at OSP "meet or exceed all standards of the American Correctional Association."

{¶ 4} Defendant submitted a statement from Dr. Ayham Haddad, who provided medical treatment to plaintiff. Dr. Haddad stated plaintiff, "was diagnosed with a yeast or fungal infection." Dr. Haddad further stated: "[y]east or fungal infections are not contracted from poorly cleaned laundry . . . [t]he infections just occur due to the right circumstances being present such as moisture and heat."

{¶ 5} Despite filing a response, plaintiff did not offer any evidence to establish his medical condition was caused by any negligent act or omission on the part of defendant. Plaintiff did not submit any evidence to prove unwashed or improperly washed laundry causes yeast or fungal infections.

{¶ 6} In order to prevail, plaintiff must prove, by a preponderance of the evidence, that defendant owed him a duty, that defendant breached that duty, and that defendant's breach proximately caused his injuries. *Strother v. Hutchinson* (1981), 67 Ohio St. 2d 292. Ohio law imposes a duty of reasonable care upon the state to provide for its prisoners' health, care, and well-being. *Clemets v. Heston* (1985), 20 Ohio App. 3d 136. Reasonable or ordinary care is that degree of caution and foresight which an ordinarily prudent person would employ in similar circumstances. *Smith v. United Properties, Inc.* (1965), 2 Ohio St. 2d 310. The state is not an insurer of inmate safety. See *Williams v. Ohio Dept. of Rehab. & Corr.* (1991), 61 Ohio Misc. 2d 699.

{¶ 7} Plaintiff has failed to show defendant breached any duty of care owed to him when laundering his clothing. In fact, plaintiff has failed to offer sufficient evidence to establish his physical condition was caused by any act or omission on the part of defendant. Plaintiff cannot produce evidence to even suggest the origin of his physical malady. Consequently, plaintiff's claim is denied.

IN THE COURT OF CLAIMS OF OHIO

RONALD A. NAPIER	:	
Plaintiff	:	
v.	:	CASE NO. 2005-03768-AD
OHIO STATE PENITENTIARY	:	<u>ENTRY OF ADMINISTRATIVE</u>
Defendant	:	<u>DETERMINATION</u>

: : : : : : : : : : : : : : :

Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

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For Defendant

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