

[Cite as *Byrd v. Ohio Dept. of Job & Family Serv.*, 2003-Ohio-4016.]

IN THE COURT OF CLAIMS OF OHIO

HOUSTON BYRD, JR. :  
 :  
 Plaintiff : CASE NO. 2001-12037  
 :  
 v. : JUDGMENT ENTRY  
 :  
 OHIO DEPARTMENT OF JOB AND : Judge Fred J. Shoemaker  
 FAMILY SERVICES :  
 :  
 Defendant :

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

{¶1} This case was scheduled to be tried to a magistrate of the court on May 19, 2003. Plaintiff failed to appear at the trial and subsequently failed to appear at a June 11, 2003, hearing to show cause why he did not appear for trial. On June 16, 2003, the magistrate issued a decision recommending dismissal of plaintiff's case pursuant to Civ.R. 41(B)(1) for failure to prosecute.

{¶2} Civ.R. 53 states: "Within 14 days of the filing of a magistrate's decision, a party may file written objections to the magistrate's decision." Plaintiff timely filed his objections.

{¶3} In plaintiff's objections, plaintiff criticizes several rulings of the court regarding his untimely filed motion for summary judgment. Plaintiff does not address his failure to appear at trial or at the show cause hearing. Accordingly, plaintiff's objections are OVERRULED. In accordance with the recommendation of the magistrate, plaintiff's case is hereby DISMISSED with prejudice pursuant to Civ.R. 41(B)(1) for failure to prosecute. 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.

---

FRED J. SHOEMAKER  
Judge

Entry cc:

Houston Byrd, Jr.  
241 N. 10th Street  
Newark, Ohio 43055

Plaintiff, Pro se

Anne Berry Strait  
Assistant Attorney General  
65 East State St., 16th Fl.  
Columbus, Ohio 43215

Attorney for Defendant

LP/cmd  
Filed 7-18-2003  
To S.C. reporter 7-28-2003