

[Cite as *Zanders v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-2973.]

IN THE COURT OF CLAIMS OF OHIO

LAWRENCE ZANDERS :
Plaintiff :
v. : CASE NO. 2002-08891-AD
OHIO DEPARTMENT OF : ENTRY OF DISMISSAL
REHABILITATION AND CORRECTION :
Defendant :
: : : : : : : : : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On September 30, 2002, plaintiff, Lawrence Zanders, filed a complaint against defendant, Department of Rehabilitation and Correction. Plaintiff believes the Rules Infraction Board erred in finding him guilty of a Class II rules violation. Plaintiff asserts there was not sufficient evidence for the Rules Infraction Board to reach a finding of guilty. Plaintiff seeks damages in the amount of \$2,500.00. Plaintiff submitted the filing fee with the complaint;

{¶3} 2) On December 2, 2002, defendant filed a motion to dismiss;

{¶4} 3) In support of the motion to dismiss, defendant stated in pertinent part:

{¶5} "Plaintiff's action should be dismissed for lack of subject matter jurisdiction because an inmate's appeal of a Rules Infraction Board decision does not relate to civil law. In the present case, the Rules Infraction Board decided to suspend disciplinary control confinement for plaintiff and send him to committee for job reclassification. This court has previously held that it has no jurisdiction over decision of the Rules Infraction

Board. Conan v. Department of Rehabilitation and Correction, (July 2, 1987), Court of Claims Case No. 86-04018-AD, unreported . . .
Fox v. Marion Correctional Institution, (March 22, 1982), Court of Claims Case No. 83-07504-AD, unreported. Lack of subject matter jurisdiction is, therefore, applicable in this case”;

{¶6} 4) On December 12, 2002, plaintiff filed a motion for extension of time to submit a memorandum contra to defendant’s motion to dismiss;

{¶7} 5) On December 19, 2002, plaintiff filed a notice of dismissal without prejudice.

{¶8} IT IS ORDERED THAT:

{¶9} 1) Defendant’s motion to dismiss is MOOT;

{¶10} 2) Plaintiff’s motion for extension of time is MOOT;

{¶11} 3) Plaintiff’s notice is considered a motion for voluntary dismissal and is GRANTED;

{¶12} 4) Plaintiff’s case is DISMISSED without prejudice;

{¶13} 5) Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Lawrence Zanders
2500 South Avon-Belden Road
Grafton, Ohio 44044

Plaintiff, Pro se

Steven A. Young,
Legal Counsel
Department of Rehabilitation
1050 Freeway Drive North
Columbus, Ohio 43229

For Defendant