

[Cite as *Penland v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-3815.]

IN THE COURT OF CLAIMS OF OHIO

ALEX PENLAND :

Plaintiff : CASE NO. 2003-08428
Judge J. Warren Bettis
v. : Magistrate Steven A. Larson

OHIO DEPARTMENT OF : JUDGMENT ENTRY
REHABILITATION AND CORRECTIONS

Defendant :

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{¶1} This case was tried to a magistrate of the court. On May 20, 2004, the magistrate issued a decision recommending that plaintiff's claim be dismissed for failure to prosecute pursuant to Civ.R. 41(B).

{¶2} Civ.R. 53(E)(3)(a) states: "A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, regardless of whether the court has adopted the decision pursuant to Civ.R. 53(E)(4)(c). ***" Plaintiff has not filed an objection.

{¶3} Upon review of the record and the magistrate's decision, the court determines that there is no error of law or other defect on the face of the magistrate's decision. Therefore, the court adopts the magistrate's decision and recommendation as its own, including the findings of fact and conclusions of law contained therein.

{¶4} Accordingly, this case is DISMISSED for failure to prosecute pursuant to Civ.R. 41(B). 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.

J. WARREN BETTIS
Judge

Entry cc:

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Filed June 28, 2004
To S.C. reporter July 19, 2004