

[Cite as *Chamberlain v. Trumbull Corr. Inst.*, 2004-Ohio-5623.]

IN THE COURT OF CLAIMS OF OHIO

ROY CHAMBERLAIN :
 :
 Plaintiff :
 :
 v. : CASE NO. 2004-05872-AD
 :
 TRUMBULL CORRECTIONAL : ENTRY OF DISMISSAL
 INSTITUTION :
 :
 Defendant :
 :
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{¶ 1} Plaintiff, Roy Chamberlain, an inmate incarcerated at defendant, Trumbull Correctional Institution (TCI), alleged various items of his personal property were stolen from his unlocked cell on April 11, 2002. On May 20, 2004, plaintiff filed this complaint seeking to recover \$45.39 for his alleged property loss, which he asserted was the result of negligence on the part of TCI personnel in unlocking his cell door and thereby facilitating theft attempts.

{¶ 2} On August 26, 2004, defendant filed an investigation report contending plaintiff’s claim is barred by the two-year statute of limitations applicable to such claims filed in this court. Therefore, defendant requested plaintiff’s complaint be dismissed.

{¶ 3} On September 7, 2004, plaintiff filed a response to defendant’s investigation report. Plaintiff asserts the delay in timely filing his complaint was caused by the loss of his initial theft report on April 12, 2002. Plaintiff does not give a reasonable explanation for his delay in filing the complaint with this court.

{¶ 4} R.C. 2743.16(A) provides in relevant part:

{¶ 5} “*** civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of the action or within any shorter period that is applicable to similar suits between private parties.”

{¶ 6} Upon review of the complaint, it is clear that plaintiff’s claim accrued when his

property was stolen, April 11, 2002. Plaintiff did not file this complaint until May 20, 2004. Plaintiff's complaint was not timely filed. Consequently, defendant's request to dismiss this complaint is GRANTED and plaintiff's claim is DISMISSED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Roy Chamberlain, #215-814
501 Thompson Road
Box 8000
Conneaut, Ohio 44030

Plaintiff, Pro se

Gregory C. Trout, Chief Counsel
Department of Rehabilitation
and Correction
1050 Freeway Drive North
Columbus, Ohio 43229

For Defendant

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