

[Cite as *Johnson v. Toledo Correctional Inst.*, 2004-Ohio-4836.]

IN THE COURT OF CLAIMS OF OHIO

TYRONE JOHNSON :
Plaintiff :
v. : CASE NO. 2004-06798-AD
TOLEDO CORRECTIONAL INSTITUTE : ENTRY OF DISMISSAL
Defendant :

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{¶1} On June 23, 2004, plaintiff filed a complaint against defendant, Toledo Correctional Institution. Plaintiff submitted the filing fee with the complaint.

{¶2} On June 30, 2004, plaintiff submitted a letter requesting that his claim be dismissed and his filing fee be returned.

{¶3} Plaintiff's letter is considered a motion for voluntary dismissal and is GRANTED. Pursuant to *Bailey v. Ohio Department of Rehabilitation and Correction* (1990), 62 Ohio Misc. 2d 19, the filing fee may be reimbursed as compensable damages only if judgment is rendered in favor of the plaintiff. Plaintiff may not be reimbursed his filing fee when he voluntarily dismisses his case.

Plaintiff's case is DISMISSED without prejudice. The court shall absorb the costs of this case. 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:

Tyrone Johnson, #411-766
2001 E. Central Avenue
Toledo, Ohio 43608

Plaintiff, Pro se

Toledo Correctional Institute
2001 E. Central Avenue
Toledo, Ohio 43608

Defendant

DRB/laa
8/13
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