

[Cite as *Haynes v. Ohio Dept. of Rehab. & Corr.*, 2006-Ohio-4735.]

IN THE COURT OF CLAIMS OF OHIO

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SHANNON HAYNES	:	
	:	
Plaintiff	:	CASE NO. 2004-08456
	:	Judge J. Craig Wright
v.	:	Magistrate Steven A. Larson
	:	
OHIO DEPARTMENT OF REHABILITATION AND CORRECTION	:	<u>JUDGMENT ENTRY</u>
	:	
Defendant	:	
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{¶ 1} This case was tried to a magistrate of the court. On March 8, 2006, the magistrate issued a decision recommending judgment for defendant.

{¶ 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). ****”

{¶ 3} On March 17, 2006, plaintiff filed a motion for an extension of time to file objections to the magistrate’s decision. Defendant did not respond to plaintiff’s motion. On March 31, 2006, plaintiff filed his objections to the magistrate’s decision. On April 6, 2006, defendant filed both a motion to strike plaintiff’s objections as untimely and a memorandum contra plaintiff’s objections. Upon consideration, defendant’s motion to strike is DENIED and plaintiff’s motion for an extension of time to file objections is GRANTED, instanter.

{¶ 4} All five of plaintiff’s objections challenge the weight that the magistrate gave to the testimony of various witnesses at trial. Plaintiff also alleges that the magistrate erred by finding that plaintiff’s testimony was inconsistent.

{¶ 5} Civ.R. 53(E)(3)(c) states, in relevant part: “*** Any objection to a finding of fact shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that fact or an affidavit of that evidence if a transcript is not available.” Plaintiff failed to file a transcript of the proceedings in this matter to support his objections. As such, it is impossible for the court to review the alleged errors raised by plaintiff’s objections. Accordingly, plaintiff’s objections are OVERRULED.

{¶ 6} Additionally, 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. Judgment is rendered in favor of defendant. 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. CRAIG WRIGHT
Judge

Entry cc:

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