## [Cite as Ferrara v. Ohio Dept. of Rehab. & Corr., 2006-Ohio-360.]

IN THE COURT OF CLAIMS OF OHIO

JAMES FERRARA	:	
Plaintiff	:	
ν.	:	CASE NO. 2005-08824-AD
DEPARTMENT OF REHABILITATION AND CORRECTION	:	MEMORANDUM DECISION
Defendant	:	

## FINDINGS OF FACT

{¶1}1) On July 2, 2003, plaintiff, James Ferrara, an inmate incarcerated at defendant's Mansfield Correctional Institution ("ManCI"), was transferred to a security control unit. Plaintiff's personal property was secured in the ManCI property vault incident to this transfer.

 $\{\P 2\}$  2) On July 11, 2003, plaintiff was summoned to the ManCI property vault to retrieve his stored property items. Plaintiff related that when he regained possession of his property he discovered twenty-one packs of cigarettes, two packs of cigars, ten books, and a three-way plug had been "ransacked, missing, or destroyed." Plaintiff never recovered the cigarettes, cigars, books, and plug which had been stored in the ManCI property vault.

 $\{\P 3\}$  3) On August 2, 2005, plaintiff filed this complaint seeking to recover the replacement cost of the cigarettes, cigars, plug, and books. The filing fee was paid.

## CONCLUSIONS OF LAW

{**¶**4}1) R.C. 2743.16(A) states:

 $\{\P 5\}$  (A) Subject to division (B) of this section, 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 action or within any shorter period that is applicable to similar suits between private parties."

{¶6} The statute of limitations for plaintiff's claim is two years. Plaintiff's cause of action accrued on July 11, 2003, when he discovered his property had been "ransacked, missing, or destroyed." Plaintiff filed his complaint on August 2, 2005, more than two years after the accrual of his cause of action. Consequently, plaintiff's claim is dismissed since he filed his claim beyond the applicable two-year statute of limitations.

## IN THE COURT OF CLAIMS OF OHIO

JAMES FERRARA	:	
Plaintiff	:	
v.	:	CASE NO. 2005-08824-AD
DEPARTMENT OF REHABILITATION AND CORRECTION	:	ENTRY OF ADMINISTRATIVE DETERMINATION
Defendant	·	

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Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, plaintiff's claim is DISMISSED. 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.

> DANIEL R. BORCHERT Deputy Clerk

Entry cc:

James Ferrara, #177-365 P.O. Box 57 Marion, Ohio 43301 Plaintiff, Pro se

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

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