



# Court of Claims of Ohio

The Ohio Judicial Center  
65 South Front Street, Third Floor  
Columbus, OH 43215  
614.387.9800 or 1.800.824.8263  
www.cco.state.oh.us

ADAM CHASTEEN

Plaintiff

v.

DAYTON CORRECTIONAL INSTITUTION

Defendant

Case No. 2011-01721-AD

Deputy Clerk Daniel R. Borchert

## ENTRY OF DISMISSAL

{¶1} On January 26, 2011, plaintiff, Adam Chasteen, filed a complaint against defendant, Dayton Correctional Institution. Defendant received the complaint on January 28, 2011. On April 4, 2011, plaintiff filed a motion for default judgment. In support of the motion for default judgment, plaintiff stated in pertinent part:

{¶2} "Pursuant to L.C.C.R. 6(A), the defendant in this action shall file the investigation report within sixty (60) days of receipt of the claim by the defendant; Plaintiff submits that no request for an extension of time has been filed by the Defendant, and that no answer or other defense has been filed by the Defendant.

{¶3} "Wherefore, Plaintiff respectfully seeks an order from the Court entering an order of default judgment against the Defendant, and granting the relief requested in the original complaint to Plaintiff Chasteen."

{¶4} On April 8, 2011, defendant filed a motion for extension of time to file the investigation report. In support of the motion for extension of time, defendant in pertinent part stated:

{¶5} “Defendant requests an additional fourteen (14) days in order to file an Investigation Report in this case. The reason that this extension is necessary is the Defendant requires additional time to complete its investigation and gather documents.”

{¶6} Civ.R. 55(D) in pertinent part states:

{¶7} “No judgment by default shall be entered against this state . . . or agency . . . unless the claimant establishes his claim . . . by evidence satisfactory to the court.”

{¶8} A default judgment against the state may not be granted solely on procedural errors made by the defendant. Upon review, plaintiff’s motion for default judgment is DENIED. Defendant’s motion for extension of time is MOOT.

{¶9} On April 27, 2011, plaintiff filed a motion to dismiss. The plaintiff contends this court lacks subject matter jurisdiction to hear his claim so he requests his claim be dismissed. On April 27, 2011, defendant also filed a motion to dismiss. Plaintiff’s motion to dismiss is GRANTED and plaintiff’s case is DISMISSED. Defendant’s motion to dismiss is MOOT. The court shall absorb the court costs of this case.

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DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

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DRB/laa  
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