

[Cite as *Jackson v. Ohio Dept. of Rehab. & Corr.*, 2019-Ohio-4047.]

SONYA R. JACKSON

Plaintiff

v.

OHIO DEPARTMENT OF
REHABILITATION AND CORRECTION

Defendant

Case No. 2018-00742JD

Judge Patrick M. McGrath
Magistrate Holly True Shaver

ENTRY GRANTING DEFENDANT'S
MOTION FOR JUDGMENT ON THE
PLEADINGS

{¶1} On July 8, 2019, defendant filed a motion for judgment on the pleadings pursuant to Civ.R. 12(C). On July 18, 2019, plaintiff filed a response. On July 31, 2019, plaintiff filed a second response to the motion.

{¶2} According to the complaint,¹ on December 28, 2016, plaintiff, an inmate in defendant's custody, was transferred from the Northeast Reintegration Center (NERC) to the Ohio Reformatory for Women (ORW) because the security level of NERC changed from Level 2 to Level 1. At the time, plaintiff was classified as a Level 2 inmate. Plaintiff alleges that the transfer has caused her psychological harm because her family is unable to visit her at ORW due to their inability to travel. Plaintiff further argues that she was enrolled in classes and activities at NERC that are not offered at ORW. Plaintiff asserts that in May 2017, her security level was lowered from a Level 2 to a Level 1. Accordingly, plaintiff argues that she now meets the criteria to be returned to NERC, but that despite following the proper institutional channels, her request for a transfer has been denied.

{¶3} "Civ.R. 12(C) may be employed by a defendant as a vehicle for raising the several defenses contained in Civ.R. 12(B) after the close of the pleadings. * * * Pursuant to Civ.R. 12(C), the pleadings must be construed liberally and in a light most

¹Plaintiff's claims for violations of her constitutional rights and the conditions of her confinement were dismissed on August 30, 2018.

favorable to the party against whom the motion is made along with the reasonable inferences drawn therefrom. * * * A Civ.R. 12(C) motion presents only questions of law, and it may be granted only when no material factual issues exist, and the movant is entitled to a judgment as a matter of law.” *Burnside v. Leimbach*, 71 Ohio App.3d 399, 402-403, (10th Dist.1991). To dismiss a complaint for failure to state a claim upon which relief can be granted (Civ.R. 12(B)(6)), it must appear beyond doubt from the complaint that plaintiff can prove no set of facts entitling her to recovery. *O’Brien v. Univ. Community Tenants Union, Inc.*, 42 Ohio St.2d 242 (1975), syllabus.

{¶4} “The language in R.C. 2743.02 that ‘the state’ shall ‘have its liability determined * * * in accordance with the same rules of law applicable to suits between private parties,’ means that the state cannot be sued for its legislative or judicial functions, or the exercise of an executive function involving a high degree of official judgment or discretion.” *Deavors v. Ohio Dept. of Rehab. & Corr.*, 10th Dist. Franklin No. 98AP-1105, 1999 Ohio App. LEXIS 2338, *3 (May 20, 1999), citing *Reynolds v. State*, 14 Ohio St.3d 68, 70 (1984). “[D]ecisions relating to a prisoner’s transfer to different institutions, classification and security status concern prison security and administration and are executive functions that involve a high degree of official discretion.” *Id.*, at ¶ 10, citing *Bell v. Wolfish*, 441 U.S. 520, 547 (1979). Therefore, “the ODRC is generally immune from liability arising from decisions regarding inmate transfer and placement under the discretionary immunity doctrine expressed in *Reynolds* * * *.” *Troutman v. Ohio Dept. of Rehab. & Corr.*, 10th Dist. Franklin Nos. 03AP-1240 & 04AP-670, 2005-Ohio-334, ¶ 9.

{¶5} Insofar as plaintiff alleges that defendant violated its own internal rules or policies, there is no cause of action for a violation of internal rules or policies. *Peters v. Ohio Dept. of Rehab. & Corr.*, 10th Dist. Franklin No. 14AP-1048, 2015-Ohio-2668 ¶ 10. Indeed, internal prison regulations “are primarily designed to guide correctional officials in prison administration rather than to confer rights on inmates.” *State ex rel. Larkins v.*

Wilkinson, 79 Ohio St.3d 477, 479 (1997). “Thus, those violations will not support a cause of action by themselves, even though violations of internal rules and policies may be used to support a claim of negligence.” *Triplett v. Warren Corr. Inst.*, 10th Dist. Franklin No. 12AP-728, 2013-Ohio-2743, ¶ 10.

{¶6} Making all reasonable inferences in her favor, plaintiff has failed to state a claim for relief due to her institutional placement or security status. The decision to transfer plaintiff to ORW involved a high degree of official discretion. Thus, defendant is entitled to discretionary immunity. Based upon the foregoing, defendant’s motion is GRANTED, and plaintiff’s complaint is DISMISSED. All previously scheduled events are VACATED. 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.

PATRICK M. MCGRATH
Judge