

IN THE COURT OF APPEALS OF OHIO

TENTH APPELLATE DISTRICT

Eric S. Mohler,	:	
	:	
Plaintiff-Appellant,	:	
	:	
v.	:	No. 12AP-14
	:	(Ct. of Cl. No. 2011-11262)
Bureau of Sentence Computation,	:	
	:	(REGULAR CALENDAR)
Defendant-Appellee.	:	

D E C I S I O N

Rendered on June 26, 2012

Eric S. Mohler, pro se.

Michael DeWine, Attorney General, and Christopher P. Conomy, for appellee.

APPEAL from the Court of Claims of Ohio

TYACK, J.

{¶ 1} Eric S. Mohler is appealing from the granting of summary judgment by the Court of Claims of Ohio. He asserts four assignments of error:

1. THE COURT OF CLAIMS MISINTERPRETED APPELLANT'S CLAIM AS ONE OF FALSE I[M]PRISONMENT AND DEFAMATION INSTEAD OF ONE BASED ON NEGLIGENCE AND CONSEQUENTLY FAILED TO APPLY THE RELEVANT LAW TO THIS CASE WHICH RESULTED IN PREJUDICIAL ERROR TO APPELLANT, ENTITLING HIM TO JUDGMENT IN HIS FAVOR AS A MATTER OF LAW.

2. THE TRIAL COURT MADE PLAIN ERROR IN GRANTING SUMMARY JUDGMENT WHICH RESULTED IN PREJUDICIAL ERROR TO APPELLANT, ENTITLING HIM TO JUDGMENT IN HIS FAVOR AS A MATTER OF LAW.

3. THE TRIAL COURT ABUSED IT'S DISCRETION WHICH RESULTED IN PREJUDICIAL ERROR TO APPELLANT,

ENTITLING HIM TO JUDGMENT IN HIS FAVOR AS A MATTER OF LAW.

4. THE TRIAL COURT VIOLATED APPELLANT'S DUE PROCESS BY THE RECASTING OF THE NEGLIGENCE COMPLAINT FOR ONE OF FALSE IMPRISONMENT WHICH RESULTED IN PREJUDICIAL ERROR TO APPELLANT, ENTITLING HIM TO JUDGMENT IN HIS FAVOR AS A MATTER OF LAW.

{¶ 2} On September 21, 2011, Mohler, then an inmate at Noble Correctional Institution, filed a complaint in the Court of Claims. The complaint stated it was a "Complaint for Negligence, and for determination of who violated my civil rights, for a civil action suit under 42 U.S.C.A.[.] 1983 violation of my civil rights." The named defendant was "State of Ohio Bureau of Sentence Computation."

{¶ 3} To the extent the complaint stated a claim under 42 U.S.C.A. 1983, the complaint did not belong in the Court of Claims. Also, to the extent the complaint was alleging violations of the Eighth and Fourteenth Amendments to the United States Constitution, the complaint did not belong in the Court of Claims.

{¶ 4} Complaints properly alleging a claim for relief in negligence by the state of Ohio can be heard in the Court of Claims. However, a two-year statute of limitations applies to claims against a state agency, unless a shorter statute of limitations applies.

{¶ 5} Because of defects on the face of Mohler's complaint, counsel for the Bureau of Sentence Computation filed a motion to dismiss the lawsuit. In the alternative, counsel asked that the motion be treated as a motion for summary judgment.

{¶ 6} The judge assigned to the case in the Court of Claims chose to treat the motion as a motion for summary judgment. After a non-oral hearing, the judge granted summary judgment. The judge noted the lack of jurisdiction over constitutional claims and over 42 U.S.C.A. 1983 claims.

{¶ 7} The negligence claim alleged by Mohler was interpreted as a claim for false imprisonment, which would have accrued more than two years before the complaint was filed.

{¶ 8} A secondary claim under the heading of "negligence" was interpreted in the trial court as a negligent order to register as a sexually-oriented offender. This claim also would have accrued more than two years before the complaint was filed.

{¶ 9} Mohler argues that the trial court improperly interpreted his complaint insofar as it alleges negligence. He acknowledges that there was no false imprisonment. He also acknowledges the applicable two-year statute of limitations. However, he argues that a new negligent act occurred on October 7, 2009, when he was made to register as a sex offender again.

{¶ 10} Mohler's complaint was and is less than a model of clarity. The trial court attempted to interpret it as best it could. Mohler requested relief of "some kind of parole" and compensatory damages of \$50,000. This requested relief had some affect on how the trial court interpreted the claims for relief.

{¶ 11} Mohler alleges on appeal that part of what he was seeking was immunity determinations. However, his complaint does not name a party or individual whose immunity could be addressed.

{¶ 12} Turning to the actual assignments of error, Mohler has no basis for asserting that he is entitled to judgment as a matter of law based merely upon his filing of a complaint in negligence.

{¶ 13} The first assignment of error is overruled.

{¶ 14} The trial court made no plain error in addressing the theories of negligence it could decipher from the words of Mohler's complaint. Nor did the trial court abuse its discretion in its addressing the merits of the complaint through the vehicle of a summary judgment motion. The trial court clearly did read Mohler's filings and attempt to apply the appropriate legal standards to them in the context of a claim against the Ohio Bureau of Sentence Computation. The second and third assignments of error are overruled.

{¶ 15} Nothing which occurred in the Court of Claims even approaches a violation of Due Process of Law. Nothing occurred there which entitles Mohler to judgment.

{¶ 16} The fourth assignment of error is overruled.

{¶ 17} All four assignments of error having been overruled, the judgment of the Court of Claims of Ohio is affirmed.

Judgment affirmed.

BRYANT and SADLER, JJ., concur.
