

[Cite as *Douglas v. Ohio Adult Parole Bd.*, 2001-Ohio-1863.]

IN THE COURT OF CLAIMS OF OHIO

DONALD DOUGLAS :
Plaintiff : CASE NO. 2000-11444
v. : ENTRY GRANTING DEFENDANT'S
MOTION FOR JUDGMENT ON THE
OHIO ADULT PAROLE BOARD : PLEADINGS
Defendant :
 : :
 :

On September 26, 2001, defendant filed a motion for judgment on the pleadings. To date, plaintiff has not filed a response.

Civ.R. 12(C), motion for judgment on the pleadings, provides: "After the pleadings are closed but within such time as not to delay the trial, any party may move for judgment on the pleadings."

A motion for judgment on the pleadings is the same as a motion to dismiss filed after the pleadings are closed and raises only questions of law. The pleadings must be construed liberally and in a light most favorable to the party against whom the motion is made, and every reasonable inference in favor of the party against whom the motion is made should be indulged.

Peterson v. Teodosio (1973), 34 Ohio St.2d 161. The motion should be denied if it cannot be determined from the face of the pleadings that the pleading does not state a claim upon which relief can be granted. *Calhoun v. Supreme Court of Ohio* (1978), 61 Ohio App.2d 1.

Defendant argues that the court lacks subject matter jurisdiction over plaintiff's constitutional claims; that the court lacks subject matter jurisdiction over plaintiff's claim

for relief; and that plaintiff's claims are barred by the applicable statute of limitations.

Plaintiff alleges in his complaint that on February 11, 1997, defendant denied him an opportunity to be present at a parole hearing. It is further argued that defendant failed to follow its own guidelines for the scheduling of parole hearings.

Plaintiff filed this action on October 27, 2000, and stated in his prayer for relief "there is no money damages, however, I am (sic) requesting that this court order a hearing."

Upon review, the court finds that plaintiff failed to comply with the applicable two-year statute of limitations, R.C.

2743.16. However, even assuming *arguendo* that plaintiff's cause of action did not accrue until October 27, 1998, this court lacks subject matter jurisdiction over plaintiff's claims. Plaintiff, in essence, seeks a writ of mandamus from this court to compel defendant to conduct a parole hearing. The Court of Claims is without jurisdiction to grant such relief. *State ex rel.*

Washington v. Ohio Adult Parole Auth. (1999), 87 Ohio St.3d 258.

For the foregoing reasons, defendant's motion for judgment on the pleadings is hereby GRANTED and 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.

JUDGE

Entry cc:

Donald Douglas, #A198-007
P.O. Box 80033

Pro se

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ENTRY

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