

[Cite as *Parsons v. Ohio Dept. of Mental Health*, 2001-Ohio-6986.]

IN THE COURT OF CLAIMS OF OHIO

DONALD PARSONS :
Plaintiff : CASE NO. 2000-12327
v. : ENTRY GRANTING DEFENDANT'S
MOTION FOR SUMMARY JUDGMENT
OHIO DEPARTMENT OF MENTAL :
HEALTH :
Defendant :
: : : : : : : : : : : : : : : :

On September 19, 2001, defendant filed a motion for summary judgment. On October 16, 2001, plaintiff filed a response to defendant's motion. On October 17, 2001, defendant filed a supplemental memorandum in support of its motion for summary judgment. This matter is now before the court for a non-oral hearing on defendant's motion for summary judgment.

Civ.R. 56(C) states, in part, as follows:

*** Summary judgment shall be rendered forthwith if the pleadings, depositions, answers to interrogatories, written admissions, affidavits, transcripts of evidence, and written stipulations of fact, if any, timely filed in the action, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. No evidence or stipulation may be considered except as stated in this rule. A summary judgment shall not be rendered unless it appears from

the evidence or stipulation, and only from the evidence or stipulation, that reasonable minds can come to but one conclusion and that conclusion is adverse to the party against whom the motion for summary judgment is made, that party being entitled to have the evidence or stipulation construed most strongly in the party's favor. ***

See, also, *Williams v. First United Church of Christ* (1974), 37 Ohio St.2d 150; *Temple v. Wean United, Inc.* (1977), 50 Ohio St.2d 317.

Defendant argues that plaintiff has failed to state a claim upon which relief may be granted. More specifically, defendant maintains that this court lacks subject matter jurisdiction over plaintiff's claims, and that plaintiff has failed to state a valid cause of action under Ohio law. Plaintiff counters that this court does have jurisdiction over his claims; however, he failed to provide any legal basis for his assertions.

Upon review, this court finds that it is without jurisdiction to determine federal or state constitutional claims.

Graham v. Bd. of Bar Examiners (1994), 98 Ohio App.3d 620. The court finds that defendant is entitled to judgment as a matter of law with regard to plaintiff's allegations concerning political subdivisions, R.C. 2744.01 et seq. Further, the court finds that there is no genuine issue of material fact and that defendant is entitled to judgment as a matter of law with regard to plaintiff's mental health related claims.

For the foregoing reasons, defendant's motion for summary judgment is 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.

FRED J. SHOEMAKER
Judge

[Cite as *Parsons v. Ohio Dept. of Mental Health*, 2001-Ohio-6986.]

Entry cc:

Donald Parsons
5416 Townline 187
New London, Ohio 44851

Pro se

Velda K. Hofacker-Carr
65 East State St., 16th Fl.
Columbus, Ohio 43215

Assistant Attorney General

KWP/cmd
Filed 11-9-2001
Jr. Vol. 686, Pgs. 125-127
To S.C. reporter 12-19-2001