

IN THE COURT OF CLAIMS OF OHIO

BRIAN K. BISHOP, #186-447	:	
P.O. Box 56	:	
3791 St. Rt. 63	:	Case No. 2002-08653-AD
Lebanon, Ohio 45036	:	
	:	
Plaintiff	:	MEMORANDUM DECISION
	:	
v.	:	
	:	
LEBANON CORRECTIONAL	:	
INSTITUTION	:	
	:	
Defendant	:	

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For Defendant: Gregory C. Trout, Chief Counsel  
Department of Rehabilitation and  
Correction  
1050 Freeway North  
Columbus, Ohio 43229

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FINDINGS OF FACT

{¶1} 1) Plaintiff, Brian K. Bishop, an inmate incarcerated at defendant, Lebanon Correctional Institution, filed a complaint stating he was found guilty of charges issued in a conduct report on September 17, 2000. As part of the finding of guilt, plaintiff was sentenced to a period of fifteen days cell isolation. Plaintiff has asserted defendant failed to follow administrative regulations in processing the conduct report. Furthermore, plaintiff asserted defendant did not follow administrative regulations in responding to his appeal of the finding of guilt. Therefore, plaintiff has maintained his right to due process was violated.

{¶2} 2) Consequently, plaintiff filed this complaint seeking to recover \$360.00 for

time he spent in cell isolation. Plaintiff also seeks recovery of the \$25.00 filing fee.

{¶3} 3) Defendant denied any liability in this matter based on the argument this court does not maintain jurisdiction over a claim of this type.

{¶4} 4) Plaintiff filed a response.

#### CONCLUSIONS OF LAW

{¶5} 1) Plaintiff's claim is denied. Plaintiff is not entitled to the damages sought. An inmate may not pursue damages under a false imprisonment theory for spending time in disciplinary confinement for rules infractions, which he was ultimately found not to have committed. *Saxton v. Ohio Dept. of Rehab. & Corr.* (1992), 80 Ohio App. 3d 389. In the instant claim plaintiff's action is essentially based on a false imprisonment theory. Regardless of any procedural error on defendant's part plaintiff has no right to seek compensation for being confined to his cell.

{¶6} 2) Furthermore, any allegations or claims based on violations of plaintiff's constitutional rights are dismissed. This court lacks jurisdiction to hear a claim to the extent it asserts constitutional violations. *Gersper v. Ohio Dept. of Hwy. Safety* (1994), 95 Ohio App. 3d 1. Constitutional claims and claims based on Section 1983, Title 42, U.S. Code are not actionable in this court. *Bleicher v. Univ. of Cincinnati College of Med.* (1992), 78 Ohio App. 3d 302.

{¶7} Having considered all the evidence in the claim file and adopting the memorandum decision concurrently herewith;

{¶8} IT IS ORDERED THAT:

{¶9} 1) Plaintiff's claim is DENIED and judgment is rendered in favor of defendant;

{¶10} 2) The court shall absorb the court costs of this case in excess of the filing fee.

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DANIEL R. BORCHERT  
Deputy Clerk