

IN THE COURT OF CLAIMS OF OHIO

JOHNNY CUNNINGHAM, #233-378 :
P.O. Box 540 :
St. Clairsville, Ohio 43950 : Case No. 2002-08963-AD

Plaintiff : ORDER DISMISSING
v. : PLAINTIFF'S CASE

BELMONT CORRECTIONAL :
INSTITUTION :

Defendant :

: : : : : : : : : : : : : : : :

For Defendant: David Bobby, Warden
Belmont Correctional Institution
68518 Bannock Rd., P.O. Box 540
St. Clairsville, Ohio 43950

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{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 5, 2002, this court issued an order (Jr. Vol. 724, Pgs. 74-75), finding plaintiff's affidavit of indigency was invalid pursuant to *Armstrong v. Ohio Department of Rehabilitation and Correction* (1992), 92-10164 and L.C.C.R. 3(B). Plaintiff was ordered to submit an affidavit of indigency which complied with the requirements of *Armstrong, supra*, or the filing fee on or before December 5, 2002, or face dismissal of his case;

{¶3} 2) A check of the docket reveals plaintiff has not filed either the filing fee or the affidavit of indigency.

{¶4} IT IS ORDERED THAT:

{¶5} 1) Plaintiff's case is DISMISSED without prejudice;

{¶6} 2) The court shall absorb the court costs of this case.

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ORDER

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
12/18
Filed 1/7/03
Jr. Vol. 729, Pgs. 136-137
Sent to S.C. reporter 1/14/03