

[Cite as *Gray v. Unknown*, 2003-Ohio-1679.]

IN THE COURT OF CLAIMS OF OHIO

THOMAS GRAY, et al.	:	
9065 Shelby St. N.W.	:	
Massillon, Ohio 44646	:	Case No. 2002-10038-AD
Plaintiffs	:	ORDER DISMISSING
	:	PLAINTIFF'S CASE
v.	:	
UNKNOWN	:	
Defendant	:	

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 18, 2002, plaintiffs Thomas Gray and Hope Ann Gray, filed a complaint but failed to name a proper defendant. Plaintiffs also failed to submit the filing fee or an affidavit of indigency with the complaint;

{¶3} 2) On November 18, 2002, this court issued a notice that filing fee was not paid. The notice stated in pertinent part: "Your case may be dismissed unless you pay the required filing fee or file an affidavit of indigency prior to December 9, 2002.";

{¶4} 3) On November 20, 2002, this court issued a pre-screening entry (Jr. Vol. 725, Pg. 201). The entry required plaintiffs to file a complaint form naming a state entity as defendant. The entry, in pertinent part, stated: "This case will be dismissed unless an amended complaint is filed on or before December 20, 2002, which pursuant to R.C. 2743.13(A) and L.C.C.R. (4), names a state department, board, office, commission, agency, institution, or other state instrumentality as defendant.";

{¶5} 4) A check of the docket reveals plaintiffs have

neither submitted the filing fee or an affidavit of indigency nor submitted an amended form complaint.

{¶6} IT IS ORDERED THAT:

{¶7} 1) Plaintiffs' case is DISMISSED without prejudice;

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

DANIEL R. BORCHERT
Deputy Clerk

DRB/laa
2/27
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Jr. Vol. 736, Pgs. 178-179
Sent to S.C. reporter 4/2/03