

[Cite as *Sims v. Noble Correctional Inst.*, 2003-Ohio-3129.]

IN THE COURT OF CLAIMS OF OHIO

MICHAEL A. SIMS :

Plaintiff :

v. : CASE NO. 2003-02713-AD

NOBLE CORRECTIONAL INSTITUTION : ET AL.	<u>ENTRY OF DISMISSAL</u>

Defendants

{¶1} THE COURT FINDS THAT:

{¶2} 1) On February 26, 2003, plaintiff Michael A. Sims, filed a complaint against defendants, Noble Correctional Institution and Richland Correctional Institution. Plaintiff alleges on May 3, 2002, he ordered cassette tapes from an outside vendor. After placing the order, he was transferred from defendant, Noble Correctional Institution, to Grafton Correctional Institution and then to defendant, Richland Correctional Institution. He alleges his tapes were lost while at Noble Correctional Institution. He seeks damages in the amount of \$65.50 which includes the loss of four tapes, postage and handling and reimbursement of the filing fee which he submitted with the complaint;

{¶3} 2) On March 31, 2003, plaintiff filed a motion to return filing fee;

{¶4} 3) In support of the motion, plaintiff states in pertinent part:

“The lost property was suddenly found by Richland Correctional Institution and ultimately returned to the plaintiff before the Court of Claims had to intervene. Consequently, there is no further reason to petition the court to settle this matter.”;

{¶5} 4) On May 15, 2003, defendant submitted the investigation report. Defendant asserts the tapes were found and sent out of the institution to an addressee approved by plaintiff.

{¶6} IT IS ORDERED THAT:

{¶7} 1) Plaintiff's motion is considered a motion for voluntary dismissal and is GRANTED;

{¶8} 2) Plaintiff's case is DISMISSED without prejudice;

{¶9} 3) Plaintiff's request for the return of the filing fee is DENIED;

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

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Michael A. Sims, #386-261
P.O. Box 8107
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Plaintiff, Pro se

Noble Correctional
Institution
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Defendant

Richland Correctional
Institution
P.O. Box 8107
Mansfield, Ohio 44901

Defendant

Case No. 2003-02713-AD

-3-

ENTRY

Sent to S.C. reporter 6/17/03