

[Cite as *Palacz v. Belmont Correctional Inst.*, 2003-Ohio-378.]

IN THE COURT OF CLAIMS OF OHIO

TIMOTHY PALACZ, #A340-282 :
P.O. Box 540 :
St. Clairsville, Ohio 43950 : Case No. 2002-08947-AD

Plaintiff : ORDER DISMISSING
 : PLAINTIFF'S CASE
v. :

BELMONT CORRECTIONAL :
INSTITUTION :
 :
Defendant :

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

For Defendant: Belmont Correctional Institution
P.O. Box 540
St. Clairsville, Ohio 43950

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

{¶1} THE COURT FINDS THAT:

{¶2} 1) On October 25, 2002, this court issued an order (Jr. Vol. 723, Pgs. 10-11), 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 24, 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
1/10
Filed 1/14/03
Jr. Vol. 730, Pgs. 23-24
Sent to S.C. reporter