

[Cite as *Howard v. Ohio Dept. of Rehab. & Corr.*, 2003-Ohio-4014.]

IN THE COURT OF CLAIMS OF OHIO

DERRICK C. HOWARD :
Plaintiff : CASE NO. 2001-01108
v. : JUDGMENT ENTRY
OHIO DEPARTMENT OF :
REHABILITATION AND CORRECTION :
Defendant :
: : : : : : : : : : : : : : : :

{¶1} This case was tried to a magistrate of the court. On June 9, 2003, the magistrate issued a decision recommending judgment for defendant.

{¶2} Civ.R. 53 states: "Within 14 days of the filing of a magistrate's decision, a party may file written objections to the magistrate's decision." On June 19, 2003, the court granted plaintiff's June 13, 2003, motion for an extension of time to file objections. However, on June 25, 2003, plaintiff moved the court for leave to withdraw his motion for the stated reason that he no longer wished to file an objection to the magistrate's decision. Plaintiff's motion to withdraw is hereby GRANTED and the court's June 19, 2003, entry is hereby VACATED. Consequently, this case is now ready for court review.

{¶3} Upon review of the record and the magistrate's decision, the court determines that there is no error of law or other defect on the face of the magistrate's decision. Therefore, the court adopts the magistrate's decision and recommendation as its own. Judgment is rendered in favor of defendant. Court costs are

assessed against plaintiff. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

JUDGE

Entry cc:

Richard F. Swope
6504 East Main Street
Reynoldsburg, Ohio 43068

Attorney for Plaintiff

Velda K. Hofacker Carr
Assistant Attorney General
65 East State St., 16th Fl.
Columbus, Ohio 43215

Attorney for Defendant

LP/cmd
Filed 7-14-2003
To S.C. reporter 7-28-2003