

[Cite as *Carpenter v. Mansfield Correctional Inst.*, 2003-Ohio-6427.]

IN THE COURT OF CLAIMS OF OHIO

WILLIAM CARPENTER, #274-564 :

Plaintiff :

v. :

CASE NO. 2003-06905-AD

MANSFIELD CORRECTIONAL :
INSTITUTION :

ENTRY OF DISMISSAL

Defendant :

: : : : : : : : :

{¶1} THE COURT FINDS THAT:

{¶2} 1) On August 26, 2003, defendant filed a motion for extension of time to file the investigation report;

{¶3} 2) On September 10, 2003, defendant filed a motion to dismiss and in the alternative a motion to extend time if the motion to dismiss is not granted;

{¶4} 3) In support of the motion to dismiss, defendant stated in pertinent part:

{¶5} “From the plaintiff’s complaint and attached documentation, it is clear he was aware of the alleged missing property in July 2000 and knew the defendant’s position with respect to his alleged loss in December 2000. Plaintiff filed this complaint some two and a half years after the date on the disposition of grievance and over three years from the date of the alleged loss.

{¶6} “Wherefore defendant respectfully requests the case be dismissed for failure to file in accordance with Section 2743.16.”;

{¶7} 4) On September 11, 2003, plaintiff submitted a letter indicting his property was lost due to the negligence of defendant’s agents. He submitted a copy of an informal complaint resolution concerning his lost property which was dated July 20, 2000;

{¶8} 5) On September 19, 2003, plaintiff submitted a second letter. He indicated the statute of limitations should run from the time he received the form complaint, not from the time his personal property was lost. This argument has no merit.

{¶9} THE COURT CONCLUDES THAT:

{¶10} “1) Plaintiff’s cause of action accrued in April 2000. Evidence submitted by plaintiff reveals he knew of his cause of action at the minimum by July 20, 2000;

{¶11} 2) R.C. 2743.16(A) in pertinent part:

{¶12} “. . . civil actions against the state permitted by sections 2743.01 to 2743.20 of the Revised Code shall be commenced no later than two years after the date of accrual of the cause of action or within any shorter period that is applicable to similar suits between private parties.”;

{¶13} 3) Plaintiff’s action was not filed in a timely manner pursuant to R.C. 2743.16(A) and, accordingly, plaintiff’s case is DISMISSED.

{¶14} IT IS ORDERED THAT:

{¶15} Defendant’s motions for extension of time are MOOT. Upon review, defendant’s motion to dismiss is GRANTED. Plaintiff’s case is DISMISSED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

William Carpenter, #274-564
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Plaintiff, Pro se

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For Defendant

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ENTRY

Columbus, Ohio 43229

DRB/laa

10/17

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