

[Cite as *Hughley v. Pickaway Correctional Inst.*, 2003-Ohio-6570.]

IN THE COURT OF CLAIMS OF OHIO

TERRY A. HUGHLEY :
Plaintiff : CASE NO. 2002-06782
v. : JUDGMENT ENTRY
PICKAWAY CORRECTIONAL INST. :
Defendant :
: : : : : : : : : : : : : : : : :

{¶1} This case was tried to a magistrate of the court. On August 13, 2003, the magistrate issued a decision recommending judgment for defendant.

{¶2} Civ.R. 53(E) (3) (a) provides in relevant part: "Within 14 days of the filing of a magistrate's decision, a party may file written objections to the magistrate's decision ***." Plaintiff timely filed objections. Defendant has not filed a response.

{¶3} Plaintiff's objections read as follows:

{¶4} "I Terry Hughley plaintiff object to magistrate decision all medical information about case was not admitted into evidence plaintiff feels he was not treated fairly by Magistrate Decision or by Court of Claims I want to have a real trial [sic] this time with a judge and jury."

{¶5} Under Civ.R. 53(E)(3)(b) "Objections shall be specific and state with particularity the grounds of objection." Although plaintiff alludes to an alleged error regarding the admission of "medical evidence," the specific evidence is not identified by plaintiff. Additionally, the circumstances surrounding the

admission or exclusion of the evidence are not set forth in plaintiff's objections and the transcript of proceedings has not been made available to the court for review. Consequently, plaintiff's objection is OVERRULED.

{¶6} Plaintiff's objection to his case being tried to a magistrate of the court is also without merit and is OVERRULED. See Civ.R. 53(C)(1)(a)(ii).

{¶7} Finally, with respect to plaintiff's claim that he is entitled to a trial by jury, R.C. 2743.11, provides:

{¶8} "No claimant in the court of claims shall be entitled to have his civil action against the state determined by a trial by jury. Parties retain their right to trial by jury in the court of claims of any civil actions not against the state." Under the statute, plaintiff is not entitled to a jury trial in this case and his objection is OVERRULED.

{¶9} Upon review of the record and the magistrate's decision, and having overruled each of plaintiff's objections, the court adopts the magistrate's decision and recommendation as its own including the findings of fact and conclusions of law contained therein. 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:

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