

[Cite as *Jones v. Grafton Correctional Inst.*, 2003-Ohio-7301.]

IN THE COURT OF CLAIMS OF OHIO

VINCENT D. JONES	:	
Plaintiff	:	
v.	:	CASE NO. 2003-08746-AD
GRAFTON CORRECTIONAL INSTITUTION	:	<u>ENTRY OF DISMISSAL</u>
Defendant	:	
	:	

{¶1} THE COURT FINDS THAT:

{¶2} 1) On August 7, 2003, plaintiff, Vincent D. Jones, filed a complaint against defendant, Grafton Correctional Institution. Plaintiff alleges on April 30, 2001, he was placed in SMU for disciplinary reasons. As a result of this action, his personal property was packed by defendant's agent and stored in defendant's vault. On June 8, 2001, plaintiff filed an informal complaint asserting that his personal property had been lost while it was in defendant's possession. Plaintiff seeks damages in the amount of \$1,121.00, which represents \$521.00 for personal property loss and \$600.00 for suffering;

{¶3} 2) On September 5, 2003, plaintiff submitted the filing fee;

{¶4} 3) On October 15, 2003, defendant filed a motion to dismiss;

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

{¶6} "Plaintiff filed this complaint in the Court of Claims on August 7, 2003. According to R.C. 2743.16, a civil action against the state shall be commenced no later than two years after the date of accrual of the cause of action. According to the information provided by the Plaintiff, it is clear that the loss occurred and, therefore, this cause of action accrued within a few days of April 30, 2001. Plaintiff's complaint was filed

more than two years thereafter.

{¶7} “As Plaintiff’s complaint is outside the two year statute of limitations on its face, it fails to state a claim upon which relief can be granted.”;

{¶8} 5) On November 4, 2003, plaintiff filed a response to defendant’s motion to dismiss. Plaintiff asserts the reason his complaint was not timely filed was due to the requirement that remedies be exhausted prior to the filing of a complaint. He claims any delay in filing this complaint was due to the inactions of defendant’s agents.

{¶9} THE COURT CONCLUDES THAT:

{¶10} 1) R.C. 2743.16(A) states:

{¶11} “Subject to division (B) of this section, 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.”;

{¶12} 2) At the latest, plaintiff’s action accrued on June 8, 2001, the date he filed the informal complaint. Accordingly, plaintiff’s action in this court was not timely filed since over two years had lapsed before he filed his complaint on August 7, 2003.

{¶13} IT IS ORDERED THAT:

{¶14} Having considered all the evidence in the claim file and, for the reasons set forth above, defendant’s motion to dismiss is GRANTED and plaintiff’s case is DISMISSED. Court costs are assessed against plaintiff. The clerk shall serve upon all parties notice of this dismissal entry and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Vincent D. Jones, #283-081

Plaintiff, Pro se

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