

IN THE COURT OF CLAIMS OF OHIO

JOHN E. WELLS, SR. :

Plaintiff :

v. :

CASE NO. 2003-10988-AD

OHIO DEPARTMENT OF :  
REHABILITATIONS AND CORRECTIONS :

ENTRY OF DISMISSAL

Defendant :

.....

{¶1} THE COURT FINDS THAT:

{¶2} 1) On November 13, 2003, this court issued an entry ordering plaintiff to submit the \$25 filing fee;

{¶3} 2) On December 3, 2003, plaintiff filed documents in response to this court's entry. Plaintiff admits he received \$19 per month from prison labor however he contends he uses this money to purchase personal hygiene items and pursue other legal actions;

{¶4} 3) On December 30, 2003, defendant filed a motion to dismiss based on plaintiff's failure to submit the filing fee;

{¶5} 4) On January 7, 2004, plaintiff filed a memorandum in opposition to defendant's motion to dismiss. Plaintiff asserts that this court should rely on the Seventh District Court of Appeals finding that he is indigent.

{¶6} THE COURT CONCLUDES THAT:

{¶7} 1) The filing fees at the Court of Appeals and the Court of Claims are different. This court is bound by the judicial holding in *Armstrong v. Department of Rehabilitation and Correction* (1992), 92-10164;

{¶8} 2) Plaintiff's case is dismissed by on his failure to comply with this court's entry of November 13, 2003.

{¶9} IT IS ORDERED THAT:

{¶10} Having considered all the evidence in the claim file and, for the reasons set forth above, defendant's motion to dismiss is GRANTED. Plaintiff's case is DISMISSED without prejudice. The court shall absorb the court costs of this case. The clerk shall serve upon all parties notice of this entry and its date of entry upon the journal.

---

DANIEL R. BORCHERT  
Deputy Clerk

Entry cc:

John E. Wells, Sr., #344-727  
1150 N. Main Street  
P.O. Box 788  
Mansfield, Ohio 44901

Plaintiff, Pro se

Vincent E. Lagana, Staff Counsel  
Department of Rehabilitation  
and Correction  
1050 Freeway Drive North  
Columbus, Ohio 43229

For Defendant

DRB/laa  
2/5  
Filed 2/25/04  
Sent to S.C. reporter 3/10/04