

[Cite as *Herrington v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-2283.]

IN THE COURT OF CLAIMS OF OHIO

FRANK HERRINGTON :
 :
 Plaintiff :
 :
 v. : CASE NO. 2004-01362-AD
 :
 OHIO DEPARTMENT OF REHAB. : ENTRY OF DISMISSAL
 AND CORRECTIONS :
 :
 Defendant :
 ::::::::::::::

{¶1} On February 4, 2004, plaintiff was ordered to either pay the \$25 filing fee or to file documentation in support of the previously filed poverty statement. On March 23, 2004, defendant filed a motion to dismiss due to plaintiff's failure to pay the filing fee or in the alternative, a motion for extension of time to submit the investigation report. Plaintiff has failed to comply with the court order. Defendant's motion to dismiss is GRANTED and the motion for extension of time is MOOT. Therefore, plaintiff's action is DISMISSED, without prejudice, pursuant to Civ.R. 41(B)(1). The court shall absorb the costs of this case. The clerk shall serve upon all parties notice of this judgment and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

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Entry cc:

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Plaintiff, Pro se

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For Defendant

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4/13
Filed 4/15/04
Sent to S.C. reporter 5/6/04