

[Cite as *Watley v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-3816.]

IN THE COURT OF CLAIMS OF OHIO

RAYSHAN WATLEY	:	
Plaintiff	:	CASE NO. 2003-01067
v.	:	Judge Joseph T. Clark
DEPARTMENT OF REHABILITATION AND CORRECTION	:	<u>JUDGMENT ENTRY</u>
Defendant	:	
: : : : : : : : : : : : : : : :		

{¶1} This case was tried to a magistrate of the court. On May 18, 2004, the magistrate issued a decision recommending judgment for defendant.

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

{¶3} In plaintiff's objections, plaintiff challenges several of the magistrate's factual findings made in support of the recommendation. However, Civ.R. 53(E)(3)(c) reads, in pertinent part: "Any objection to a finding of fact shall be supported by a transcript of all the evidence submitted to the magistrate relevant to that fact or an affidavit of that evidence if a transcript is not available. \*\*\*"

{¶4} Plaintiff has not filed a transcript of the proceedings in this case or an affidavit of that evidence in support the objections as required by Civ.R. 53(E)(3)(c).

{¶5} Absent a complete transcript of proceedings in this case, the court is unable to conduct an independent review of all of the evidence in ruling upon the merits of plaintiff's objections. See *State ex rel. Duncan v. Chippewa Twp. Trustees*, 73 Ohio St.3d 728, 730, 1995-Ohio-272; *Wade v. Wade* (1996), 113 Ohio App.3d 414, 418-419; *Ohio Edison Co. v. Gilmore* (1995), 106 Ohio App.3d 6, 10-11. Moreover, the court notes that plaintiff's objection alleging he was handcuffed behind his back during trial has not been substantiated by any evidence. Inasmuch as plaintiff has the burden under Civ.R. 53 of providing the court with evidentiary support for his objections, plaintiff's June 3, 2004, objections are OVERRULED.

{¶6} Upon review of the record and the magistrate's decision, the court finds that the magistrate found the relevant facts, analyzed the issues and applied the law to the facts. Therefore, the objections are OVERRULED and 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.

---

JOSEPH T. CLARK  
Judge

Entry cc:

Rayshan Watley, #A347-921  
P.O. Box 45699  
Lucasville, Ohio 45699

Plaintiff, Pro se

John P. Reichley  
Assistant Attorney General  
150 East Gay Street, 23rd Floor  
Columbus, Ohio 43215-3130

Attorney for Defendant

LM/cmd/Filed July 7, 2004  
To S.C. reporter July 19, 2004