

[Cite as *Swiger v. Ohio Dept. of Rehab. & Corr.*, 2004-Ohio-4832.]

IN THE COURT OF CLAIMS OF OHIO

SHELBY F. SWIGER :
 :
 Plaintiff :
 :
 v. : CASE NO. 2004-06399-AD
 :
 OHIO DEPARTMENT OF : ENTRY OF DISMISSAL
 REHABILITATION AND CORRECTIONS :
 :
 Defendant :
 :
 ::::::::::::::::::::

{¶1} On June 8, 2004, plaintiff filed a complaint against defendant, Department of Rehabilitation and Correction. Plaintiff did not submit a poverty statement or the filing fee with the complaint.

{¶2} On June 9, 2004, this court issued a notice requiring plaintiff to submit the filing fee or the poverty statement on or before July 7, 2004, or face dismissal of his case. A check of the docket reveals plaintiff has failed to comply with this court's notice.

{¶3} On June 28, 2004, plaintiff filed a motion for extension of time to file an amended complaint. On July 15, 2004, defendant filed a motion to order plaintiff to submit the filing fee and a motion for extension of time to submit the investigation report. On August 3, 2004, plaintiff filed a motion in opposition to defendant's motions of July 15, 2004.

{¶4} Upon review, plaintiff's case is DISMISSED, without prejudice, pursuant to Civ. R. 41. Plaintiff's and defendant's motions are MOOT. The court shall absorb the court costs of this

case. The clerk shall serve upon all parties notice of this entry of dismissal and its date of entry upon the journal.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Shelby F. Swiger, #A215-336
2500 South Avon-Belden Road
Grafton, Ohio 44044-9802

Plaintiff, Pro se

Stephen A. Young
Department of Rehabilitation
and Correction
1050 Freeway Drive North
Columbus, Ohio 43229

For Defendant

DRB/laa
7/22
Filed 8/19/04
Sent to S.C. reporter 9/13/04