

[Cite as *Palmer v. Williams*, 2005-Ohio-2952.]

IN THE COURT OF CLAIMS OF OHIO
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DAVID D. PALMER :
Plaintiff : CASE NO. 2005-06694
v. : Judge J. Craig Wright
THOMAS WILLIAMS : ENTRY OF DISMISSAL AND
RETURNING ORIGINAL PAPERS
Defendant :
: : : : : : : : : : : : : : : :

{¶ 1} On May 13, 2005, the court received original papers from the clerk of the Franklin County Court of Common Pleas in Case No. 03-CVH08-9391. Contained therein is Judge Reece's May 4, 2005, order to the clerk of that court to transfer the case to this court. That entry states:

{¶ 2} "Pursuant to instructions from the Tenth District Court of Appeals in a Judgment Entry filed April 5, 2005, the above-referenced matter shall be TRANSFERRED to the Ohio Court of Claims."

{¶3} The decision and judgment entry of the Tenth District Court of Appeals to which Judge Reece refers in his order was not made part of the original papers transmitted to this court. Thus, this court is unable to determine the legal basis upon which Judge Reece ordered the case to be transferred.

{¶ 4} Moreover, the Court of Claims Act does not prescribe a method whereby jurisdiction may be assumed by this court over a case that has been transferred from another court. Upon review of the original papers, the court finds that a claim has not been

asserted against the state either by the filing of an original action pursuant to R.C. 2743.02 and 2743.13 or by the filing of a petition for removal pursuant to Civ.R. 2743.03(E); nor has a civil action been filed against an officer or employee of the state in the manner prescribed by R.C. 2743.02(F). Consequently, this court is without jurisdiction of the claims asserted in the original papers received from the Franklin County Court of Common Pleas. See *Steward v. Dept of Natural Resources* (1983), 8 Ohio App.3d 297; *Pollack v. Watts* (1999), 134 Ohio App.3d 560. Accordingly, this case is DISMISSED and the clerk of this court is directed to return the original papers in Case No. 03-CVH08-9391 to the Franklin County Court of Common Pleas. Court costs are absorbed by the court.

J. CRAIG WRIGHT
Judge

Entry cc:

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LP/cmd
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