

[Cite as *Allen v. Ohio Dept. of Rehab. & Corr.*, 2006-Ohio-1111.]

IN THE COURT OF CLAIMS OF OHIO
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ROBERT J. ALLEN :
 :
 Plaintiff : CASE NO. 2004-06461
 : Judge Joseph T. Clark
 v. : Magistrate Steven A. Larson
 :
 OHIO DEPARTMENT OF : JUDGMENT ENTRY
 REHABILITATION AND CORRECTION :
 :
 Defendant :

: : : : : : : : : : : : : : :

{¶ 1} This case was tried to a magistrate of the court. On November 30, 2005, the magistrate issued a decision recommending judgment for defendant.

{¶ 2} Civ.R. 53(E)(3)(a) states: "A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, regardless of whether the court has adopted the decision pursuant to Civ.R. 53(E)(4)(c). ***" On December 12, 2005, plaintiff filed a motion for an extension of time to December 30, 2005, to file objections to the magistrate's decision.

On December 28, 2005, plaintiff filed his proposed objections and on January 4, 2006, the court granted plaintiff's motion for an extension of time to file objections, instant. Plaintiff's January 3 and 10, 2006, motions to supplement his objections with an affidavit of evidence are untimely filed and are hereby DENIED. Plaintiff's proposed affidavit is STRICKEN from the record.

{¶ 3} 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:

Robert J. Allen, #A159-045 Plaintiff, Pro se
Grafton Correctional Institution
2500 South Avon-Belden Road
Grafton, Ohio 44044

James P. Dinsmore Attorney for Defendant
Assistant Attorney General
150 East Gay Street, 23rd Floor
Columbus, Ohio 43215-3130

LP/cmd
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