

without any authorized forfeiture order.

{¶ 4} 4) In his response to defendant's investigation report, plaintiff asserted he should have been given the opportunity to mail his radio/cassette player back to the manufacturer and obtain a refund. Plaintiff acknowledged he restored the recording capability of the radio/cassette player by dropping the device. Plaintiff pointed out WCI personnel placed a pin inside the radio/cassette player to inhibit recording capacity and the pin fell out when the returned radio/cassette player was dropped. Plaintiff related he "was told that my tapes were dubbed without them as evidence this statement can't be determined." Plaintiff did not provide any evidence he purchased nineteen cassette tapes from legitimate authorized vendors or obtained legitimately recorded tapes by any other authorized means.

CONCLUSIONS OF LAW

{¶ 5} 1) Plaintiff has no right to pursue a claim for lost property in which he cannot prove any right of ownership. *DeLong v. Department of Rehabilitation and Correction* (1988), 88-06000-AD. Defendant cannot be held liable for the loss of contraband property that plaintiff has no right to possess. *Beaverson v. Department of Rehabilitation and Correction* (1988), 87-02540-AD; *Radford v. Department of Rehabilitation and Correction* (1984), 84-09071.

{¶ 6} 2) It has been previously held, an inmate plaintiff may recover the value of confiscated property destroyed by agents of defendant when those agents acted without authority or right to carry out the property destruction. *Berg v. Belmont Correctional Institution* (1998), 97-09261-AD. However, plaintiff must prove he was the rightful owner of the destroyed property and the destroyed items were permissible.

{¶ 7} 3) This court has previously held that property in an

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