

# Court of Claims of Ohio

The Ohio Judicial Center  
65 South Front Street, Third Floor  
Columbus, OH 43215  
614.387.9800 or 1.800.824.8263  
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BILLY VAUGHN

Case No. 2006-01106

Plaintiff

Judge J. Craig Wright  
Magistrate Matthew C. Rambo

v.

## JUDGMENT ENTRY

OHIO DEPARTMENT OF  
REHABILITATION AND CORRECTION

Defendant

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{¶1} On November 30, 2006, an oral hearing was held on the parties' cross-motions for summary judgment. On January 12, 2007, the magistrate issued a decision recommending that defendant's motion for summary judgment be granted and plaintiff's motion for summary judgment be denied.

{¶2} Civ.R. 53(D)(3)(b)(i) states: "A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, whether or not the court has adopted the decision during that fourteen-day period as permitted by Civ.R. 53(D)(4)(e)(i). \*\*\*"

{¶3} On January 19 and 26, 2007, plaintiff filed objections. Defendant filed a memorandum contra on January 30, 2007.

{¶4} Based upon the undisputed affidavit testimony submitted by defendant in support of the motion for summary judgment, the magistrate specifically found that "defendant did not have actual notice of an imminent altercation between plaintiff and Taylor." The magistrate also found "no factual basis to support a finding that defendant had constructive notice of the altercation." Finally, the magistrate found that "defendant did not violate SOCF policy in housing plaintiff and Taylor together in the RTU. Based upon these findings, the magistrate concluded that defendant was entitled to judgment as a matter of law and the magistrate recommended both that defendant's motion be granted and that plaintiff's motion be denied.

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{¶5} Plaintiff's objections reiterate arguments that he presented in his motion for summary judgment and during the oral hearing. Plaintiff argues that he should have been segregated from an inmate whose security classification was more restrictive than his own and that the failure to segregate provided defendant with constructive notice that an altercation was likely.

{¶6} The court does not agree. When making decisions that involve "internal order and security," prison officials must be afforded broad discretion. *Bell v. Wolfish* (1979), 441 U.S. 520, 546-547. Indeed, the very administrative code provisions upon which plaintiff relies, vest defendant with the discretion to determine whether segregation is necessary. See Ohio Adm.Code 5120:1-8-15.

{¶7} Upon review of the record, the magistrate's decision, and the objections, the court finds that the magistrate has properly determined the factual issues and appropriately applied the law. Therefore, the objections are OVERRULED and the court adopts the magistrate's decision and recommendation as its own, including findings of fact and conclusions of law contained therein. In accordance with the magistrate's recommendation, defendant's motion for summary judgment is hereby GRANTED and plaintiff's motion is DENIED. 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.

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J. CRAIG WRIGHT  
Judge

[Cite as *Vaughn v. Ohio Dept. of Rehab. & Corr.*, 2007-Ohio-1882.]

cc:

Amy S. Brown Velda K. Hofacker Carr Assistant Attorneys General 150 East Gay Street, 23rd Floor Columbus, Ohio 43215-3130	Billy Vaughn, #R146-229 Southern Ohio Correctional Facility P.O. Box 45699 Lucasville, Ohio 45699-0001
LP/RCV/cmd	

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