

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
www.cco.state.oh.us

BRYAN L. BOYER

Plaintiff

v.

OHIO DEPARTMENT OF REHABILITATION AND CORRECTION

Defendant

Case No. 2015-00018-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

{¶1} On January 12, 2015, plaintiff, Bryan L. Boyer, an inmate, filed a complaint against defendant, Ohio Department of Rehabilitation and Correction (“ODRC”), asserting that money sent to him by relatives was forwarded by defendant’s agents to an outside court to satisfy court costs plaintiff was obligated to pay.

{¶2} On April 28, 2015, defendant filed a motion to dismiss stating that this court lacked subject matter jurisdiction to hear plaintiff’s case since plaintiff is seeking equitable relief. Accordingly, plaintiff’s case should be dismissed pursuant to Civ.R.12(B)(1).

{¶3} Plaintiff has not responded to defendant’s motion to dismiss.

{¶4} “The standard of review for dismissal pursuant to Civ.R.12(B)(1) is whether any cause of action cognizable by the forum has been raised in the complaint.” *State ex rel. Bush v. Spurlock*, 42 Ohio St.3d 77, 80, 537 N.E.2d 641 (1989).

{¶5} At all times relevant, plaintiff was an inmate in the custody and control of defendant pursuant to R.C. 5120.16. Plaintiff alleges that employees of defendant improperly withdrew funds from his inmate account to pay for court costs and after such withdraws only \$10.00 remained in his inmate account.

{¶6} To the extent that plaintiff claims that employees of defendant improperly

withdrew funds from his inmate account, R.C. 2743.03 limits the equitable jurisdiction of the Court of Claims as follows:

{¶7} “(A)(2) If the claimant in a civil action as described in division (A)(1) of this section also files a claim for a declaratory judgment, injunctive relief, or other equitable relief against the state that arises out of the same circumstances that gave rise to the civil action described in division (A)(1) of this section, the court of claims has exclusive, original jurisdiction to hear and determine that claim in that civil action. *This division does not affect, and shall not be construed as affecting, the original jurisdiction of another court of this state to hear and determine a civil action in which the sole relief that the claimant seeks against the state is a declaratory judgment, injunctive relief, or other equitable relief.*” (Emphasis added.)

{¶8} In *Santos v. Ohio Bur. Of Workers’ Comp.*, 101 Ohio St.3d. 74, 2004-Ohio-38, 801 N.E.2d 441, Supreme Court of Ohio examined the term “other equitable relief” as it is used in R.C. 2743.03 and held that “[a] suit that seeks the return of specific funds wrongfully collected or held by the state is brought in equity.” *Santos* ¶17. See also, *Butler v. Ohio Dept. of Rehab. & Corr.*, Ct. of Cl. No. 2011-09616 aff’d 10th Dist. No. Ap-998 (June 28, 2012).

{¶9} Plaintiff seeks the return of money that he alleges was improperly collected. Such a claim is equitable in nature and not within the jurisdiction of this court.

{¶10} Based upon the foregoing, defendant’s motion to dismiss is GRANTED and plaintiff’s complaint is DISMISSED for lack of subject matter jurisdiction. Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk

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ENTRY