

favor.” See, also, *Williams v. First United Church of Christ* (1974), 37 Ohio St.2d 150; *Temple v. Wean United, Inc.* (1977), 50 Ohio St.2d 317.

{¶5} At all times relevant to this action, plaintiff was an inmate in the custody and control of defendant pursuant to R.C. 5120.16. Plaintiff contends that defendant is liable for confiscation of his typewriter which was previously authorized. Further, plaintiff alleges that defendant is liable for constitutional violations and for breach of an oral contract. Defendant argues that plaintiff’s claims are not cognizable in this court and that the typewriter was confiscated as contraband in accordance with established policies.

{¶6} Plaintiff contends that defendant “illegally” confiscated his typewriter which contained a port for removable memory disk. In accordance with institution guidelines, plaintiff allegedly paid for repair services to have the typewriter disk port sealed. Following return of plaintiff’s typewriter and the issuance of a certificate of ownership, defendant’s employees conducted a shakedown of plaintiff’s cell and confiscated the typewriter as contraband. Plaintiff then filed an appeal, which was denied by the institution’s Rules Infraction Board (RIB).

{¶7} This court lacks subject matter jurisdiction over plaintiff’s constitutional claims, *Graham v. Bd. of Bar Examiners* (1994), 98 Ohio App.3d 620. Further, this court lacks jurisdiction over decisions rendered by the RIB. *Saxton v. Ohio Dept. of Rehab. & Corr.* (1992), 80 Ohio App.3d 389. The state of Ohio cannot be held liable on an implied contract. *Buchanan Bridge Co. v. Campbell* (1899), 60 Ohio St. 406.

{¶8} Plaintiff asserts that defendant entered into an oral contract that allowed him to possess the typewriter. However, the evidence shows that defendant’s employees are not permitted to enter into agreements contrary to established policies. Although defendant allowed plaintiff to retain possession of the typewriter until such point that it was determined that the typewriter was contraband, this court does not provide appellate review for RIB decisions. Rather, the court gives due deference to defendant’s interpretation of its own administrative rules. See *Hamilton Cty. Bd. of Mental Retardation & Developmental Disabilities v. Professionals Guild of Ohio* (1989), 46 Ohio St.3d 147.

{¶9} Upon review of the evidence and law, defendant's motion for summary judgment shall be GRANTED. Consequently, defendant's motion to transfer the case to the administrative docket is denied as moot.

JUDGE

Entry cc:

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