

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

MR. ROBERT M. ALLEN

Plaintiff

v.

ROSS CORRECTIONAL INSTITUTION

Defendant

Case No. 2010-03703-AD

Deputy Clerk Daniel R. Borchert

ENTRY OF DISMISSAL

On March 2, 2010, plaintiff, Robert M. Allen, filed a complaint against defendant, Ross Correctional Institution. Plaintiff seeks to overturn the decision of the Rules Infraction Board (RIB) concerning property determined to be contraband which was subsequently destroyed or items over the property limit which were mailed out of the institution. Plaintiff seeks damages of between \$300 to \$400.

On May 12, 2010, defendant filed a motion to dismiss. In support of the motion to dismiss, defendant asserted plaintiff's case should be dismissed on two grounds. First, once plaintiff's property is determined contraband, plaintiff has no right to possess contraband property. And, second, this court has no subject matter jurisdiction to review the decision of the RIB.

Plaintiff did not respond to defendant's motion to dismiss.

Plaintiff has no right to assert a claim for contraband property he has no right to possess. *Radford v. Department of Rehabilitation and Correction* (1985), 84-09071-AD.

An inmate's appeal of a Rules Infraction Board decision does not relate to civil

law, a proper subject for adjudication pursuant to Chapter 2743 of the Ohio Revised Code. Instead, the appeal relates to private rights and remedies involving criminal proceedings and penalties imposed by a disciplinary board. Therefore, it falls outside the court's exclusive jurisdiction. *Maynard v. Jago* (1977), 76-0581-AD.

The Court of Claims does not have jurisdiction over decisions of the Rules Infraction Board. *Chatman v. Dept. of Rehabilitation and Correction* (1985), 84-06323-AD; *Ryan v. Chillicothe Institution* (1981), 81-05181-AD; *Rierson v. Department of Rehabilitation* (1981), 80-00860-AD.

Therefore, defendant's motion to dismiss is GRANTED. Plaintiff's case is DISMISSED. The court shall absorb the court costs of this case.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Mr. Robert M. Allen, #168-630
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DRB/laa
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