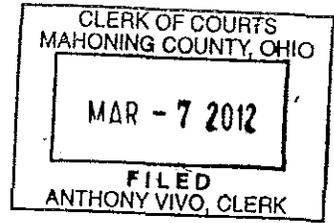


3-7-12 C

IN THE COURT OF COMMON PLEAS  
MAHONING COUNTY, OHIO



LAMAR T. ADAMS  
APPELLANT

CASE NO. 11 CV 1960

VS.

JUDGE R. SCOTT KRICHBAUM

OHIO DEPARTMENT OF  
JOB AND FAMILY SERVICES,  
ET AL APPELLEES

JUDGMENT ENTRY

This matter was considered on the Magistrate's Decision filed February 6, 2012. After review pursuant to Civ. R. 53(D)(4), the Court finds that no written objections have been filed and that no error of law or other defect appears on the face of the Magistrate's Decision. Therefore, the Magistrate's Decision is hereby adopted and made the action, judgment and order of this Court.

MAGISTRATE'S DECISION  
FINDINGS OF FACT AND  
CONCLUSIONS OF LAW

This cause came on for hearing this 31<sup>st</sup> day of January, 2012 upon the Motion of Appellee, Director, Ohio Department of Job and Family Services to Dismiss for Failure to Prosecute. Appellant has not opposed this Motion.

Appellant, appearing in this matter pro se, filed his Notice of Appeal on June 15, 2011. In doing so, he provided this Court with a mailing address of 451 Ferndale Avenue, Youngstown, Ohio 44511. On October 25, 2011, this Court executed and filed the Motion, Briefing, and Trial or Hearing Schedule requiring Appellee to file his brief upon the merits on or before December 16, 2011. According to the docket of this Court, a copy of the Judgment Entry of October 25, 2011 was mailed to the parties by Regular U.S. Mail. The docket further indicates that on November 3, 2011 there was a failure of



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service of the Judgment Entry of October 25, 2011 upon Appellant as “not deliverable as addressed; unable to forward”.

Furthermore, a copy of the notice of non-oral hearing upon the Motion to Dismiss filed by Appellee was likewise issued by the Mahoning County Assignment Office to the parties on January 10, 2012. Appellant has failed to file his brief upon the merits as previously ordered by this Court or respond to Appellee’s Motion to Dismiss.

Pro se litigants are held to the same standard as litigants who are represented by counsel. Sabouri vs. Ohio Dept. of Job & Family Servs. (2001), 145 Ohio App. 3d 651, 654. The Clerk of Courts issued the Judgment Entry of October 25, 2011 and the Assignment Office issued the Notice of Non-Oral Hearing to Appellant by regular mail at his last known address. It was and remains the responsibility of the Appellant to notify this Court of a change of address to ensure that he will receive copies of all pleadings, motions and memoranda filed by opposing counsel, as well as Judgment Entries issued by the Court and notices of Court hearings. Clearly, Appellant has failed to notify the Court of the apparent change in his address. However, his failure to do so does not relieve him of his responsibility to comply with this Court’s Order and prosecute his claim.

Based upon the foregoing, the Motion of Appellee, Director, Ohio Department of Job and Family Services to Dismiss for failure to prosecute is sustained. These proceedings are dismissed with prejudice at Appellant’s costs pursuant to Civ. R. 41(B)(1).

There being no just cause for delay, Judgment is entered as above specified.

DATE

3/7/12

JUDGE R. SCOTT KRICHBAUM

THE CLERK SHALL SERVE NOTICE  
OF THIS ORDER UPON ALL PARTIES  
WITHIN THREE (3) DAYS PER CIVIL R.5