

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-N-870 (OES) (Consolidated for all purposes with Civil Action No. 96-N-343)

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

Claim Number X-253

Category: Untimely Filed Claim

Claimant: Nancy Tehee, #124499

Address of Claimant: LVCF, 1401 W. 17th Street, Pueblo, CO 81003

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the claim of Nancy Tehee. In the claim form, Claimant stated that she came into DOC custody in February, 2005. Since it appeared that the Special Master might not have jurisdiction over the claim, a show cause order was issued to Claimant. Despite being granted up to and including January 28, 2008 in which to respond to the show cause order, Claimant has filed nothing in response to that order.

This case was commenced in 1992 under the Americans with Disabilities Act and Rehabilitation Act. The general allegations were that DOC had many inmates who were disabled and who were being discriminated against because of those disabilities. On August 27, 2003, Judge Nottingham approved the Remedial Plan. That document is the written settlement agreement between counsel for the class and Defendants. Judge Nottingham held a fairness hearing and then approved the settlement. Article XXXII of the Remedial Plan provides for a claim process for individuals who were in DOC custody on or before August 27, 2003 and were the victims of discrimination prohibited by the ADA and Rehabilitation Act on or before that date.

Claimant came into DOC custody after August 27, 2003. The Special Master has no jurisdiction over this claim. Claimant has the right to file her own separate lawsuit concerning what has occurred since February, 2005. She may not pursue this claim.

IT IS HEREBY ORDERED that the claim of Claimant is denied, as Claimant came into

custody of DOC after August 23, 2003 and the Special Master has no jurisdiction over the claim; and

IT IS FURTHER ORDERED that Claimant and Defendants are advised that they may file an objection to this Order pursuant to Federal Rule of Civil Procedure 53(g)(2), but said objection must be filed with the Clerk of the United States District Court, 901 19th Street, Denver, CO 80294 **on or before May 5, 2008.**

SIGNED this 4th day of February, 2008.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master