

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-236

Category: Untimely Filed Claim

Claimant: Eli C. Andrade, #81861

Address of Claimant: 1450 E. 62nd Avenue, Denver, CO 80216

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER came before the Special Master on the claim form of Eli C. Andrade. Since it appeared that he had come into DOC custody after August 27, 2003, an order was issued to him directing that more information be provided concerning the claim. Claimant was granted up to and including January 7, 2008 in which to respond. Claimant filed nothing in response to that order. A show cause ordered was issued and granted him up to and including January 28, 2008 in which to respond. Nothing has been filed by Claimant.

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.

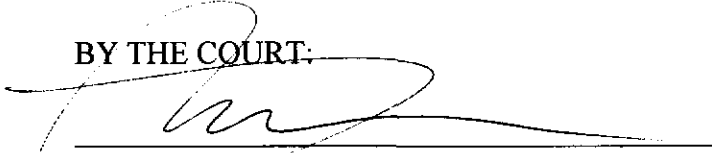
Claimant came into DOC custody after August 27, 2003, based upon his own claim form. The Special Master has no jurisdiction over this claim. Claimant has the right to file his own separate lawsuit concerning what has occurred since July, 2006. He may not pursue this claim.

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



Richard M. Borchers
Special Master

CERTIFICATE OF MAILING

4th I hereby certify that I have mailed a copy of the foregoing Order of Special Master this day of February, 2008 to the following:

Mr. Eli C. Andrade
#81861
1450 E. 62nd Avenue
Denver, CO 80216

Mr. James Quinn
Mr. Jess Dance
Office of the Attorney General
Litigation Section
1525 Sherman Street, 5th Floor
Denver, CO 80203

A handwritten signature in cursive script, reading "Susan L. Carter", is written over a horizontal line.