

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-334

Category: Untimely Filed Claim

Claimant: Anthony M. Waller, #66470

Address of Claimant: BVCF, P.O. Box 2017, Buena Vista, CO 81211-2017

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER came before the Special Master on the letter of Claimant. In that letter, Claimant requested information on how to file a claim. Claimant had not filed a claim at that point in time. An order was issued granting Claimant up to and including February 9, 2009 in which to file a claim form. Despite being given time to file a claim, nothing further has been submitted 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. Absent the filing of a claim, the Special Master has no jurisdiction to determine if Claimant was disabled and the victim of discrimination on or before August 27, 2003.

Claimant has not filed a claim. The Special Master has no jurisdiction to do anything except dismiss this matter.

IT IS HEREBY ORDERED that the case of Anthony M. Waller is dismissed, as he has failed to file a claim form; 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 April 9, 2009.**

SIGNED this 13th day of February, 2009.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master