

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-CV-870-CMA

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

Claim Number X-337

Category: Untimely Filed Claim

Claimant: Robert Blankenship, #52475

Address of Claimant: FLCF, P.O. Box 1000, Ft. Lyon, CO 81038-1000

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER came before the Special Master on the letter of Claimant. In the letter, Claimant alleged that he had been the victim of discrimination while in DOC custody in the past. Claimant had not filed a damage claim. A damage claim form was provided to him. He was granted up to and including March 2, 2009 in which to file his claim form. Though granted time in which to file a claim, Claimant has failed to file his damage claim form.

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 has not filed a damage claim form. Without such a form, nothing further can be done for Claimant.

IT IS HEREBY ORDERED that the case of Robert Blankenship is dismissed, as he has failed to file a damage 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 May 11, 2009.**

SIGNED this 6th day of March, 2009.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master