

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

Claim Number X-345

Category: Untimely Filed Claim

Claimant: Norman E. Weigand, #58767

Address of Claimant: CTCF, P.O. Box 1010, Canon City, CO 81215-1010

ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter of Claimant that has been filed with the Court(#3844). A copy of this letter was previously provided to the undersigned. The letter has been referred to the undersigned per the order of Judge Kane that expanded the jurisdiction of the Special Masters.

In the letter, Claimant explains his concern about the problems that exist in obtaining a accommodation resolution. Claimant states in his attached documents that he has vision, hearing and mobility impairment. Claimant also relates that other inmates have difficulty obtaining their accommodation resolutions.

Claimant has not filed a damage claim pursuant to Article XXXII of the Remedial Plan. In fairness to Claimant, a damage claim form and instruction sheet will be provided to him. He will be granted time to file a claim for damages.

To the extent that Claimant is requesting relief for something that is presently occurring, the letter will be treated as a motion. The question of whether the Court has jurisdiction over individual requests for relief is pending before the District Judge. The Special Masters have issued a report and recommendation, and Claimant will be provided a copy of that. The assigned District Judge has issued an order directing class counsel and Defendants to meet and discuss whether an agreement can be obtained as to this issue. If not, the District Judge will issue an order resolving the issue. Until

the jurisdictional issue is resolved, nothing further can be done on Claimant's letter as it requests relief for something that is presently occurring.

IT IS HEREBY ORDERED that Claimant is granted up to and including **April 27, 2009** in which to file a damage claim form, if he believes that he meets the requirements of Article XXXII of the Remedial Plan; and

IT IS FURTHER ORDERED that Claimant's letter is held in abeyance as it pertains to a request for relief for on-going care and treatment.

SIGNED this 13th day of March, 2008.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master