

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-166

Category: Untimely Filed Claim

Claimant: Paul Deschaine, #124164

Address of Claimant: SCF, P.O. Box 6000, Sterling, CO 80751

ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter of Paul Deschaine (#3891). He has requested help from the Court on the basis that he has been denied certain rights due to him as a diabetic.

Claimant previously filed a damage claim that was dismissed for lack of jurisdiction. Claimant came into DOC custody after August 27, 2003. Claimant's request for help pertains to on-going issues, especially related to medical shoes.

The issue of whether an individual inmate may seek relief from the Court under the Remedial Plan has not been resolved. The present case law provides that individuals must seek relief through counsel for the class. *McNeil v. Guthrie*, 945 F.2d 1163 (10th Cir. 1991). Whether the Remedial Plan or the two stipulations allow such requests for relief has not been resolved by the assigned District Judge. Absent resolution of this issue, there is no jurisdiction to process the letter as a claim for relief. Claimant's letter will be held in abeyance pending resolution of this issue.

IT IS HEREBY ORDERED that Claimant's letter is accepted for filing and will be held in abeyance.

SIGNED this 27th day of March, 2009.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master