

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 (JESUS) MONTEZ, et al.,

Plaintiffs,

-vs.-

BILL OWENS, et al.,

Defendants.

Claim Number: 03-297

Category: III

Claimant: Raymond A. Price, #66072

Address of Claimant: CSP, P.O. Box 777, Canon City, CO 81215-0777

ORDER OF SPECIAL MASTER

THIS MATTER comes before the Court on Claimant's pleading and attached document. He has requested relief from the Court.

The issue concerning the jurisdiction of the Court to adjudicate individual inmate requests remains unresolved. The Special Masters have submitted a report and recommendation to the District Judges. A copy of that report will be provided to Claimant. Under the prevailing decision of *McNeil v. Guthrie*, 945 F.2d 1163 (10th Cir. 1991), individual members of the class are precluded from seeking relief directly from the court. Instead, class members must work through class counsel. As Claimant has noted, class counsel affirmatively have stated that they do not represent inmates seeking individual relief.¹

The pleading and attachment will be filed and held in abeyance. Once the jurisdictional issue is resolved, then the Special Masters will be able to issue further orders.

IT IS HEREBY ORDERED that Claimant's letter and attached document will be treated as a motion for relief and will be held in abeyance.

¹ The issue of whether a claimant can appeal to the 10th Circuit is before the District Judges on remand from the appellate court. That is separate from the issue concerning the right to seek and obtain individual relief as a class member.

SIGNED this 10th day of April, 2009.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master