

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: 03-459

Category III

Claimant: John Nasious, #98775

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

ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on Claimant's motion and documents (#3951) filed with the Court. Claimant is asking for relief from a COPD conviction and other relief from the Court.

Claimant is seeking help concerning issues that have arisen recently. At the time of the issuance of this order, the controlling case law would require that this letter and attachments be forwarded to class counsel for action. *McNeil v. Guthrie*, 945 F.2d 1163 (10th Cir. 1991). Counsel for the class has argued that the Remedial Plan and the two subsequent stipulations allow claimants to seek individual relief, as Claimant is attempting to do with his letter. The jurisdictional issue has not been resolved, and no action can be taken on anything that has recently occurred. There is some question as to whether Claimant would be a member of the class.

IT IS HEREBY ORDERED that the motion and attachments will be held in abeyance pending resolution of the jurisdictional issue.

SIGNED this 11th day of May, 2009.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master