

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-cv-870-JLK

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

Claim Number X-347

Category: Untimely Filed Claim

Claimant: Kenneth Thunderbird (Oregon #3525722)

Address of Claimant: TRCI, 82911 Beach Access Road, Umatilla, Oregon 97882

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER came before the Special Master on the letter of Claimant. Review of the records indicated that Claimant had not filed a claim. It was noted that Claimant is in the custody of the Oregon Department of Corrections.

Claimant was provided a claim form and information sheet. He was granted up to and including July 20, 2009 in which to file a claim, if he believed he met the criteria of Article XXXII of the Remedial Plan. Despite being given time to respond to the order, Claimant has not filed a claim form. There is no jurisdiction to do anything further than to close Claimant's file.

IT IS HEREBY ORDERED that the claim of Kenneth Thunderbird is dismissed for lack of jurisdiction, as Claimant has not filed a 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 September 21, 2009.**

SIGNED this 28th day of July, 2009.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master