

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 02-800

Category: II

Claimant: Kevin L. McClearen, #86635

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 to Judge Kane (#4037). The letter requests help in obtaining compliance with the Remedial Plan.

Claimant previously filed a damage claim pursuant to Article XXXII of the Remedial Plan. That claim was denied in September 2006.

Claimant is requesting relief for something that is presently occurring. 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. Class counsel and Defendants have stated their positions on this jurisdictional question. The District Judge will issue an order resolving the issue at some point. 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's letter will be held in abeyance pending resolution of the jurisdictional issue before the assigned District Judge.

SIGNED this 30th day of July, 2009.

BY THE COURT:

/s/ Richard M. Borchers

By: _____

Richard M. Borchers
Special Master