

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.

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Claim Number X-373

Category: Untimely Filed Claim

Claimant: Lora J. Wilson, #146350

Address of Claimant: DWCF, P.O. Box 392005, Denver, CO 80239

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**ORDER OF DISMISSAL OF SPECIAL MASTER**

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THIS MATTER comes before the Special Master on the claim form of Lora J. Wilson. Claimant is in the custody of the DOC and placed at the Denver Women's Correctional Facility. Claimant has alleged that she is diabetic and mobility impaired.

In her initial claim form, Claimant stated that she came into DOC custody on June 8, 2009. Claimant is seeking damages for discrimination she alleges that she suffered after entry into DOC custody. Since it appeared that there might be no jurisdiction over this claim, a show cause order was issued to Claimant. A response has been filed by Claimant.

Article XXXII of the Remedial Plan provides for a claim process for individuals who were in DOC custody on or before August 27, 2003 and were the victims of discrimination prohibited by the ADA and Rehabilitation Act on or before that date. Since Claimant was not in DOC custody on or before August 27, 2003, there is no jurisdiction over this claim.

To the extent that Claimant is seeking relief for something that occurred after August 27, 2003, there is a jurisdictional question that exists as to whether individual *pro se* claimants may seek relief under the Remedial Plan. This issue is before Judge Kane and should be resolved shortly.

IT IS HEREBY ORDERED that the claim of Lora J. Wilson is dismissed for lack of jurisdiction, as Claimant came into DOC custody after August 27, 2003; and

IT IS FURTHER ORDERED that Claimant's request for help for what has occurred while in custody of the Colorado Department of Corrections will be held in abeyance pending a determination of the jurisdictional issue; 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 19<sup>th</sup> Street, Denver, CO 80294 **on or before November 9, 2009.**

SIGNED this 28<sup>th</sup> day of August, 2009.

BY THE COURT:

*/s/ Richard M. Borchers*

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Richard M. Borchers  
Special Master