

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-CV-870-JLK

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 motion for an emergency hearing. In his motion, Claimant indicates that his living will has been taken from his medical files. He wishes not to be resuscitated and to be cremated on death. He requests that doctors outside of DOC be appointed to review any medical screening.

This case was brought pursuant to the Americans with Disabilities Act and Rehabilitation Act. When the case settled, the Remedial Plan became the document providing continuing jurisdiction for the Court. The Remedial Plan is a contract between class counsel on behalf of the class and Defendants.

There is no provision in the Remedial Plan dealing with living wills and do not resuscitate orders. In addition, Judge Kane has recently ruled that there is no jurisdiction for appointment of outside doctors to review medical conditions of inmates. There is no jurisdiction in the Remedial Plan to provide any of the requested relief. Claimant may commence a separate lawsuit or request assistance from class counsel.

IT IS HEREBY ORDERED that Claimant's motion is denied, as there is no provision in the Remedial Plan that would provide any jurisdiction for the relief being requested.

SIGNED this 12th day of February, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master