

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-166

Category: Untimely Filed Claim

Claimant: Paul Deschaine, #124164

Address of Claimant: c/o P.O. Matt Yacano, 205 Main Street, Longmont, CO 80501

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**FINAL ORDER OF SPECIAL MASTER**

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THIS MATTER comes before the Special Master on his own motion. Claimant previously filed a claim pursuant to Article XXXII of the Remedial Plan that was approved on August 27, 2003. The claim was dismissed as to Article XXXII due to the fact that Claimant came into DOC custody after August 27, 2003. The claim remained open, as an issue had arisen concerning the jurisdiction of the Special Masters to accept *pro se* claims for alleged discrimination occurring after August 27, 2003.

Judge Kane ruled on March 23, 2010 that the Remedial Plan does not provide any basis for accepting claims from inmates who were not in DOC custody on or before August 27, 2003. A copy of that order will be provided to Claimant. The Special Masters will refer this matter to class counsel pursuant to *McNeil v. Guthrie*, 945 F.2d 1163 (10<sup>th</sup> Cir. 1991). Claimant does retain the right to file his own lawsuit with the Court. He may not pursue any claim for damages in this case. The Special Master has no discretion under Judge Kane's order and must dismiss the claim.

IT IS HEREBY ORDERED that the claim of Paul Deschaine is dismissed in its entirety; and

IT IS FURTHER ORDERED that a copy of the file maintained by the Special Masters will be provided to class counsel for such action as may be deemed appropriate; and

IT IS FURTHER ORDERED that Claimant, Defendants and class counsel 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 August 16, 2010.**

SIGNED this 2<sup>nd</sup> day of April, 2010.

BY THE COURT:

*/s/ Richard M. Borchers*

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Richard M. Borchers  
Special Master