

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-285

Category: Untimely Filed Claim

Claimant: Dean Hackborn, #130945

Address of Claimant: FLCF, P.O. Box 1000, Ft. Lyon, CO 81038-1000

FINAL ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on his own motion. Claimant previously filed several documents requesting accommodations. The documents were treated as a claim pursuant to Article XXXII of the Remedial Plan that was approved on August 27, 2003. The claim was held in abeyance due to the fact that Claimant came into DOC custody after August 27, 2003. 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 (10th 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 letter of Dean Hackborn, being treated as a claim, 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 19th Street, Denver, CO 80294 **on or before August 16, 2010.**

SIGNED this 2nd day of April, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master