

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 RITTER, et al.

Defendants.

Claim Number 03-156

Category III

Claimant: Don L. Martin, #113936

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 a claim pursuant to Article XXXII of the Remedial Plan. The claim was denied on April 21, 2008 because Claimant had not proven he was the victim of discrimination on or before August 27, 2003. The claim remained open, as a jurisdictional issue had arisen concerning the ability of the Special Masters to adjudicate claims that raised issues 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 for alleged discrimination that occurred after 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 claim of Don L. Martin 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 9th day of April, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master