

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-377

Category: Untimely Filed Claim

Claimant: Patricia Larkins, #105263

Address of Claimant: LVCF, 1401 W. 17th Street, Pueblo, CO 81003

FINAL ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on his own motion. A claim was previously filed by Claimant and was dismissed because Claimant had not provided any information concerning the dates of her incarceration and when she became disabled. The claim was left open concerning alleged discrimination that may have occurred 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 became disabled 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 her own lawsuit with the Court. She 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 Patricia Larkins 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