

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 02-124

Category II

Claimant: Donald Hunt, #114109

Address of Claimant: LCF, 49030 State Highway 71, Limon, CO 80826

FINAL ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter from Claimant, dated April 16, 2010. In the letter, Claimant has requested accommodations for his hearing loss. His letter will be treated as a new claim.

Claimant filed a claim for damages pursuant to Article XXXII of the Remedial Plan. Claimant's claim was denied on January 23, 2006. Claimant has now requested to file a new claim and to obtain relief for his hearing loss.

Judge Kane ruled on March 23, 2010 that the Remedial Plan does not provide any basis for accepting claims or motions from inmates who were not disabled and the victims of discrimination on or before August 27, 2003. A copy of that order will be provided to Claimant. There is no jurisdiction for the filing of a second claim. 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 additional 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 Donald G. Hunt, being treated as a new claim, is dismissed; 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 September 7, 2010.**

SIGNED this 7th day of May, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master