

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-CV-870-JLK

JESSE (JESUS) MONTEZ, et al.,

Plaintiffs,

-vs.-

BILL RITTER, et al.,

Defendants.

Claim Number: 02-126

Category: II

Claimant: Pete G. Maestas, #116059

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

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. That claim was denied on January 25, 2006. The Special Master determined that Claimant had failed to prove that he was disabled and the victim of discrimination on or before August 27, 2003.

Claimant has filed a letter with the Special Masters that will be treated as a new claim. Claimant indicates that he is having hearing problems.

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. 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 further claim for damages in this case nor may he filed any individual motions. The Special Master has no discretion under Judge Kane's order and must dismiss the claim.

IT IS HEREBY ORDERED that the letter of Pete G. Maestas, being treated as a new 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 September 7, 2010.**

SIGNED this 7th day of May, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master