

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 03-377

Category III

Claimant: Ronald Cordova, #57350

Address of Claimant: SCF, P.O. Box 6000, Sterling, CO 80751

FINAL ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter of Claimant. In that letter, Claimant indicates a desire to file a new claim. Claimant believes that the order of March 23, 2010 granted him the ability to file a new claim.

Claimant previously filed a claim pursuant to Article XXXII of the Remedial Plan. After a hearing, the claim was denied because Claimant had not established that he was the victim of discrimination prohibited by the ADA and Rehabilitation Act. Claimant had provided testimony concerning the quality of medical care that he had received. The quality of medical care cannot be the subject of an ADA lawsuit. *Fitzgerald v. Corrections Corporation of America*, 403 F.2d 1134 (10th Cir. 2005). Claimant was determined to be mobility impaired. The denial of the claim was appealed to Judge Kane and affirmed.

Claimant cannot file a second claim for what transpired on or before August 27, 2003. Claimant cannot file a claim for what has transpired after August 27, 2003. Claimant has exercised his rights under Article XXXII of the Remedial Plan. Claimant may bring a separate lawsuit under the ADA for what has transpired since August 27, 2003 or seek the help of class counsel. Claimant should read Judge Kane's order again, as it precludes Claimant from pursuing any additional *pro se* claims in this case.

IT IS HEREBY ORDERED that the letter of Ronald Cordova, being treated as a new claim,

is dismissed; and

IT IS FURTHER ORDERED that a copy of Claimant's letter 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 7th day of May, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master