

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 OWENS, et al.,

Defendants.

Claim Number: 03-151

Category III

Claimant: James Ross, #105312

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

FINAL ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter of Claimant. The letter will be treated as a new claim under Article XXXII of the Remedial Plan.

Claimant previously filed a claim pursuant to Article XXXII of the Remedial Plan. Claimant settled his claim with Defendants. He received monetary consideration and provided a release to Defendants. Claimant cannot pursue a new claim for what occurred prior to August 27, 2003.

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 on or before August 27, 2003 and the victim of discrimination under the ADA on or before that date. 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 another claim for damages nor file any motions for relief in this case. The Special Master has no discretion under Judge Kane's order and must dismiss the new claim form.

IT IS HEREBY ORDERED that the letter of James Ross, 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 21st day of May, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master