

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 X-530

Category: Untimely Filed Claim

Claimant: John Schwegel, #150139

Address of Claimant: 3950 N. Nevada, Colorado Springs, CO 80907

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter of John Schwegel. In the letter, Schwegel alleges that he is diabetic. He has requested assistance in obtaining medicine and further accommodations.

The Special Masters were appointed to adjudicate claims made pursuant to the Remedial Plan approved by Judge Nottingham. The Remedial Plan is the settlement document that established the claim process. Claimant has not filed a claim previously.

Judge Kane issued an order on March 23, 2010. That order established some limitations on the claims process established by Article XXXII of the Remedial Plan. A copy of that order will be provided to Claimant. Judge Kane limited claims to the following individuals: (1) inmates who were in DOC custody on or before August 27, 2003; (2) inmates who were disabled, as defined by the Remedial Plan, on or before August 27, 2003; and (3) inmates who were the victims of discrimination on or before August 27, 2003. Unless each of these three requirements is established, a claimant cannot prevail on his claim.

Judge Kane also ruled that all claims had to be filed on or before April 30, 2010. Claimant did not file a claim on or before that date. The DOC Inmate Locator also reflects that Claimant was sentenced on May 7, 2010. Claimant was not in DOC custody on or before August 27, 2003. The Special Masters have no jurisdiction over any request from Mr. Schwegel, as he did not file a claim

within the time limit established by Judge Kane's order. Even if he had filed a claim, he was not in DOC custody on or before August 27, 2003.

IT IS HEREBY ORDERED that the letter of John C. Scwegel, being treated as a new claim, is dismissed, as the claim was not filed on or before April 30, 2010; 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 October 18, 2010.**

SIGNED this 19th of August, 2010.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master