

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-CV-870-JLK

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

JOHN HICKENLOOPER, et al.

Defendants.

Claim Number X-343

Category: Untimely Filed Claim

Claimant: Jose Perez Soto, #129465

Address of Claimant: CTCF, P.O. Box 1010, Canon City, CO 81215-1010

ORDER OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter filed by Claimant. In that letter, Claimant relates various alleged problems that have arisen concerning his medical care. Claimant requests that the Special Master conduct an investigation concerning these problems.

Claimant previously filed a letter with the Special Master in early 2009. Since he had not previously filed a claim pursuant to Article XXXII of the Remedial Plan, time was granted to him in which to file a claim. Despite being granted up April 20, 2009 in which to file a claim, Claimant did not do so. The case was closed on April 24, 2009.

Judge Kane 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 Special Master has no jurisdiction over any letter or claim of Claimant for this reason.

In addition, Claimant is represented by class counsel. His concerns about institutional issues at CTCF must be relayed to class counsel. Claimant may not file *pro se* motions in this case.

Claimant may contact class counsel for help. Claimant has the right to pursue his own law suit under the ADA in this Court. Claimant may not pursue any individual help through Article XXXII or any other section of the Remedial Plan.

IT IS HEREBY ORDERED that the letter of Jose Perez Soto, being treated as new claim or *pro se* motion, 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 January 30, 2012.**

SIGNED this 7th day of December, 2011.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master