

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-370

Category: Untimely Filed Claim

Claimant: James M. Bertolo, #142464

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

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER comes before the Special Master on the letter of Claimant that was received on May 16, 2012. Claimant alleges a number of problems that have arisen at CTCF, especially since the transfer of many inmates from FLCF.

Claimant previously filed a claim. That claim was dismissed, as Claimant came into DOC custody after August 27, 2003. There was no jurisdiction over the claim or any requested affirmative relief.

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. As noted, Claimant previously filed a claim.

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. 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. Claimant also may not file *pro se* motions in this case.

A copy of this letter will be forwarded to class counsel. Claimant may not pursue any individual help through Article XXXII or any other section of the Remedial Plan. Claimant may not file any *pro se* motions dealing with systemic issues.

IT IS HEREBY ORDERED that the letter of May 5, 2012 of James M. Bertolo, being treated as a *pro se* motion, 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 July 16, 2012.**

SIGNED this 21st day of May, 2012.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master