

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.

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Claim Number X-449

Category: Untimely Filed Claim

Claimant: Miguel A. Rodriguez Cruz, #145031

Address of Claimant: CTCF, P.O. Box 1010, Canon City, CO 80215-1010

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**ORDER OF DISMISSAL OF SPECIAL MASTER**

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THIS MATTER comes before the Special Master on the letter of Claimant that was received on June 27, 2013. Claimant alleges that he has been denied medical appliances and repair of his prosthetic device. The letter will be treated as a new claim and motionas under Article XXXII of the Remedial Plan.

Claimant came into DOC custody in 2009. Claimant filed previously a claim pursuant to Article XXXII of the Remedial Plan. That claim was denied, as Claimant came into DOC custody after August 27, 2003.

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. 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 came into DOC custody well after August 27, 2003.

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 lawsuit 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 Miguel A. Rodriguez Cruz, being treated as new claim and 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 19<sup>th</sup> Street, Denver, CO 80294 **on or before August 26, 2013**

SIGNED this 1<sup>st</sup> day of July, 2013.

BY THE COURT:

*/s/ Richard M. Borchers*

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Richard M. Borchers  
Special Master