

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 92-cv-00870-CMA

JESSE MONTEZ, et al.,

Plaintiffs,

v.

JOHN HICKENLOOPER, et al.,

Defendants.

---

**ORDER ON CLAIMANT BLANCHARD'S OBJECTION**

---

This matter is before the Court on Claimant Robert Blanchard's "Objection Motion for the Montez," filed on July 5, 2013. (Doc. # 5394.) In this motion, the Court discerns that Claimant objects to the May 23, 2013 Order of Dismissal by the Special Master (Doc. # 5381).<sup>1</sup> (*Id.*)

Abuse of discretion is the standard of review in this instance. (Article XXXII of the Remedial Plan.) The Special Master "abuses [his] discretion when [he] renders a judgment that is arbitrary, capricious, whimsical, or manifestly unreasonable." *United States v. Regan*, 627 F.3d 1348, 1352 (10th Cir. 2010). In many cases "there will be a range of possible outcomes the facts and law at issue can fairly support; rather than pick and choose among them," the Court will defer to the Special Master's judgment

---

<sup>1</sup> Claimant does not specifically reference the Special Master's May 23, 2013 Order (Doc. # 5381), nor does he articulate any objection to the ruling in that Order. (See Doc. # 5394.) However, because the Special Master issued only one ruling on Claimant's claims (Doc. # 5381), the Court discerns that his "objection" relates to that ruling.

“so long as it falls within the realm of these rationally available choices.” *United States v. McComb*, 519 F.3d 1049, 1053 (10th Cir. 2007).

In the Order of Dismissal, the Special Master dismissed Claimant’s claim because it was not filed on or before April 30, 2010. (Doc. # 5381 at 2.) The Special Master’s ruling complies with the Court’s April 6, 2010 Order, authorizing the Special Masters to accept **only** those *pro se* pleadings filed on or before April 30, 2010. (Doc. # 4412.)

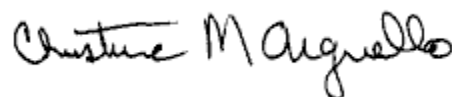
In the instant motion, Claimant does not argue that the Special Master abused his discretion in the May 23, 2013 Order of Dismissal. (See Doc. # 5394.) Rather, Claimant asks the Court to explain his legal options. (*Id.* at 2.) The Court repeats the Special Master’s instructions on this point: Claimant has the right to pursue his own action under the Americans with Disabilities Act. (See Doc. # 5381 at 2.)

Because Claimant has not offered any evidence showing that the Special Master abused his discretion in issuing the May 23, 2013, Order of Dismissal (Doc. # 5381), it is ORDERED that Claimant’s “Objection Motion for the Montez” (Doc. # 5394) is DENIED. It is

FURTHER ORDERED that the May 23, 2013, Order of Dismissal of the Special Master (Doc. # 5381) is AFFIRMED.

DATED: September 24, 2013.

BY THE COURT:



CHRISTINE M. ARGUELLO  
United States District Jud