

**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 MOTION TO FORCE ACTION
ON MONTEZ RULING OF MONTEZ CLAIM X-285**

This matter is before the Court on Dean D. Hackborn's Motion to Force Action on Montez Ruling of Montez Claim X-285 (Doc. # 5510). Mr. Hackborn makes various claims that he is being denied reasonable accommodations related to his disability. In this Court's Order on Continuing Jurisdiction, the Court informed Colorado Department of Corrections inmates that it no longer had jurisdiction over subsequent complaints relating to substandard treatment. (Doc. # 5414 at 2.) Accordingly, the Court dismisses Mr. Hackborn's motion for lack of jurisdiction.

Mr. Hackborn is reminded that he may pursue any further complaints that he is the victim of discrimination on account of her disability or concerns regarding substandard medical treatment or equipment in a separate action, either under the Eighth Amendment or relevant state statutes. See *Rhodes v. Chapman*, 452 U.S. 337, 346-47 (1981) (serious deprivation of basic human needs may constitute cruel and unusual punishment in violation

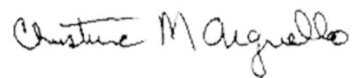
of the Eighth Amendment of the United States Constitution); *Fitzgerald v. Corrections Corp. of America*, 403 F.3d 1134, 1144 (10th Cir. 2005) (Claims for substandard medical treatment are not actionable under the Americans with Disabilities Act).

Accordingly, it is ORDERED that Mr. Hackborn's Motion to Force Action on Montez Ruling of Montez Claim X-285 (Doc. # 5510) is DENIED.

The Court will summarily strike any future filings by Mr. Hackborn in this action.

DATED: April 21, 2015

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge