

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action, File No. 92-N-870 96-N-343  
(To be supplied by the Court)

Jesse Montez et al  
Barbara A. Freeman

, Plaintiff(s)

vs.

Bill Owens et al

, Defendant(s)

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUL 25 2006

GREGORY C. LANGHAM  
CLERK

MOTION STIPULATION AND ORDER REGARDING STRUCTURAL COMPLIANCE MONTEZ  
REMEDIAL PLAN

A1 Comes Now, Plaintiff Barbara Freeman # 105776 pro se regarding the Structural Compliance under the Montez Remedial Plan. Per Stipulation Order the period for filing is 7/27/06 therefore, I am notifying this court DOC is not in Compliance with the Architectual Structural Plan.

According to the Montez Remedial Plan:

V11 Structural compliance/PHYSICAL PLANT CHANGES PAGE 7 REMEDIAL PLAN paragraph 2.

Structural modifications or, where appropriate, programmatic accomodations, shall be made to ensure inmates with disabilities have full use and enjoyment of all the following areas.

Inmate cells, dining halls etc., which are not for the disabled.

V PLACEMENT PAGE 4 paragraph 4

Inmates who are currently in DOC and are moved to a designated facility because of a disability and pursuant to this agreement, will have the same privileges and property rights as they posses in their current placement. (C.W.C.F.)

I was brought to DWCF for medical reasons from CWCF. At CWCF, unit 7 I had a single cell, chair with rollers, low table, closet, night stand with a drawer and a 4 drawer dresser.

Due to left leg since surgery at Denver Health which was under DOC medical, needing right hip/back surgery due to increasing problems I have a hard time bending, Having the legal boxes under the bed is hard for me to get to as they have to be pulled and pushed in and out. A 2 drawer filing cabinet would meet the requirements of my legal box needs due to being unable to bend and the weight of the boxes. The closet bottom chest is hard to get into as well due to bending and due to vision problems, I cannot see in the closet chest without proper lighting, and I get dizzy bending and fall. I need natural light, sunlight and full spectrum lights, at all times. The handicap cells we have are in a corner, dark and the only light is flourscent lights. Slourseent lights are bad for everyone, but especially me with the vision problems I have. I have limited vision with the left eye and am blind in the right eye. The flourscent lights, due to the vision problems give me pain in the eyes and I get migraine headaches often, blurred vision, dizzy spells and at times no vision at all.

The big yards which is for our use cannot be used as it has no sidewalks and with gravel my left leg and right hip/back problem, am not steady and either could go out on me at any time while walking. In a wheel chair, one cannot even get into the yard. I do use the wheel chair when needed.

Automatic door buttons on all doors for the disabled especially for the mailroom, property and dining hall. They are so heavy one cannot open them.

The air system is never working. There is no air in the room, they do not change the air filters and their is dirt, dust and mold in the system. There is mold on the walls, and I cannot breathe this stuff without getting sick. My breathing problem has been ongoing and is in my medical files. I have been sent out for on several occassions to be monitored for my breathing.

Due to being a Montez plantiff, I should not be retailiated against by any DOC personal, nor be moved from unit 2 a minimum security unit to a higher security unit due to my medical problems. Medical problems are not a security issue nor should I be treated as if it is. I should not be forced to move under these conditions, nor be threatened by DOC personal about being moved because I have medical problems. No one can control their medical health problems or disabilities.

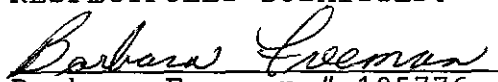
#### VIOLATIONS BY DOC:

DOC personal does not respond to the grievences filed and being this is our only way to complain about things, why are we penalized? Cathie Holst refuses to let me file ADA grievences.

X11 ADA GRIEVENCES AND PROCEDURES PAGE 14 MONTEZ REMEDIAL PLAN.

This states the grievence procedure, but when you are forbidden to file one or DOC refuses to respond on one , where does one go except to the courts.

RESPECTFULLY SUBMITTED:

 7/21/06  
Barbara Freeman # 105776

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