

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 92-N-870 (OES) (Consolidated for all purposes with Civil Action No. 96-N-343)

JESSE MONTEZ, et al.

Plaintiffs,

-vs.-

BILL OWENS, et al.

Defendants.

Claim Number X-273

Category: Untimely Filed Claim

Claimant: Lorandon Byrd, #134537

Address of Claimant: LVCF, 1401 W. 17th Street, Pueblo, CO 81003

ORDER OF DISMISSAL OF SPECIAL MASTER

THIS MATTER came before the Special Master on the claim form of Lorandon Byrd. Since it appeared that Claimant had come into DOC custody after August 27, 2003, a show cause order was issued to Claimant requesting that she provide some basis for jurisdiction by the Special Master over her claim.

Claimant has filed a letter and attachments. Claimant has not dealt with the issue of jurisdiction. She has detailed the medical problems that she has, but has not indicated upon what basis the claim may proceed. There is no dispute that she came into DOC custody after August 27, 2003.

This case was commenced in 1992 under the Americans with Disabilities Act and Rehabilitation Act. The general allegations were that DOC had many inmates who were disabled and who were being discriminated against because of those disabilities. On August 27, 2003, Judge Nottingham approved the Remedial Plan. That document is the written settlement agreement between counsel for the class and Defendants. Judge Nottingham held a fairness hearing and then approved the settlement. Article XXXII of the Remedial Plan provides for a claim process for individuals who were in DOC custody on or before August 27, 2003 and were the victims of discrimination prohibited by the ADA and Rehabilitation Act on or before that date. The Remedial Plan also contemplated prompt filing of claims by those individuals who were in custody on or before August 27, 2003.

Claimant came into DOC custody in 2005. The Special Masters have no jurisdiction over her claim, as she was not in DOC custody on or before August 27, 2003.

IT IS HEREBY ORDERED that the claim of Lorandon Byrd is dismissed for lack of jurisdiction; and

IT IS FURTHER ORDERED that Claimant and Defendants 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 September 15, 2008.**

SIGNED this 14th day of July, 2007.

BY THE COURT:

/s/ Richard M. Borchers

Richard M. Borchers
Special Master