

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge John L. Kane

Civil Action No. **92-cv-00870-JLK**

JESSE MONTEZ, et al.

Plaintiffs, as representatives of themselves and all others similarly situated in
the class action,

v.

BILL RITTER,¹ et al,

Defendants.

**ORDER FORMALIZING 9/1/09 BENCH RULING RE TENTH CIRCUIT
APPEALS FROM SPECIAL MASTER ORDERS**

Kane, J.

This Order formalizes my ruling, made from the bench during the September 1, 2009 Status Conference in this prisoner class action, that my rulings on “abuse of discretion” reviews of Special Master decisions on individual pro se damage claims were intended under the operative consent decree to be FINAL decisions and ARE NOT APPEALABLE to the Tenth Circuit Court of Appeals. Tr. (Doc. 4131) at p. 9. Because there is no right of appeal from my decisions on review of Special Master orders granting or denying individual pro se damage claims, *no certificate of appealability will issue to the State or to any individual claimant dissatisfied with any such decision. Id.*

Dated: September 29, 2009, *nunc pro tunc* to September 1, 2009.

BY THE COURT:

s/John L. Kane

SENIOR U.S. DISTRICT JUDGE

¹ Current Colorado State Governor Bill Ritter is substituted for former Governor Bill Owens.