

<p>Colorado Court of Appeals 2 East 14th Avenue Denver, CO 80203</p> <p>Appeal from Chaffee County District Court The Honorable Dayna Vise No. 2025CV2</p>	<p>DATE FILED November 20, 2025 11:45 AM FILING ID: 5B8465A3B371D CASE NUMBER: 2025CA2233</p>
<p>Adam Griffith, Plaintiff-Appellant, v. Moses ‘Andre’ Stancil, in his official capacity as Executive Director of the Colorado Department of Corrections, and Bryan Coleman, in his official capacity as Warden of the Buena Vista Correctional Facility.</p>	<p>-Court Use Only-</p>
<p>Attorneys for Plaintiff-Appellant</p> <p>Timothy R. Macdonald, No. 29180 Anna I. Kurtz, No. 51525 American Civil Liberties Union Foundation of Colorado 303 E. 17th Avenue, Suite 350 Denver, CO 80203 tmacdonald@aclu-co.org akurtz@aclu-co.org P: (720) 402-3114 F: (303) 777-1773</p>	<p>Case No.</p>
<p style="text-align: center;">NOTICE OF APPEAL</p>	

Plaintiff-Appellant, through counsel, submits this Notice of Appeal pursuant to C.A.R. 3. Before retaining undersigned counsel, on or about November 11, 2025, Plaintiff-Appellant timely deposited a pro se Notice of Appeal in the legal mail of the institution to which he is confined. Plaintiff-Appellant respectfully asks that this Notice be accepted as a supplement/amendment to the pro se Notice.

I. Nature of the Case

(A) Plaintiff-Appellant Adam Griffith is imprisoned at the Colorado State Penitentiary (CSP) as a result of a disciplinary conviction he received while incarcerated at a lower-security Colorado Department of Corrections (CDOC) facility. Mr. Griffith sought review of his disciplinary conviction under C.R.C.P. 106.5, which provides for district court review of any final decision resulting from a quasi-judicial CDOC hearing. A 28-day deadline applies to C.R.C.P. 106.5 actions.

Mr. Griffith's classification (also a result of the disciplinary conviction) deprives him of physical access to CSP's law library. To access its resources, he must submit request forms for materials or assistance to library staff—which he relies on staff in his unit to transmit. Mr. Griffith requested the “documents needed to file” a C.R.C.P. 106.5 complaint well in advance of the 28-day deadline. Yet, through no fault of his own, CDOC failed to respond to his request or provide any materials until the deadline had long passed.

Finding “good cause” under C.R.C.P. 106.5(j), the district court allowed an extension for Mr. Griffith to file his complaint. When he did, Defendants-Appellees moved to dismiss, arguing the complaint was untimely, the 28-day deadline was jurisdictional, and the court was without power to extend it. The court agreed and dismissed the complaint. This is an appeal of that order.

(B) The order being appealed is the Chaffee County District Court (Vise, J.) Order Granting Defendants’ Motion to Dismiss Under C.R.C.P. 12(B)(1) and C.R.C.P. 106(B) for Lack of Subject-Matter Jurisdiction, entered in 2025CV2 on October 2, 2025. This Court has jurisdiction under C.R.S. § 13-4-102(a), because this is an appeal from a district court’s final judgment.

(C) The order being appealed resolved all issues pending before the agency because it dismissed the case in its entirety.

(D) The order is final for purposes of appeal.

(E) The final CDOC decision was entered January 8, 2025, and the district court’s order dismissing Plaintiff-Appellant’s C.R.C.P. 106.5 complaint was entered October 2, 2025.

(F) The district court granted no extensions to file post-trial relief motions.

(G) No motions for post-trial relief were filed.

(H) An advisory copy of this notice of appeal were filed with the district court on November 20, 2025.

(I) No motions for post-trial relief were denied or deemed denied.

(J) No court granted any extension to file any notice of appeal.

I. Advisory Listing of Issues To Be Raised on Appeal

Plaintiff-Appellant expects to raise the following issues on appeal:

- Whether the district court erred in dismissing Mr. Griffith’s complaint.
- Whether the district court erred in concluding the 28-day deadline could not be extended in Mr. Griffith’s case.
- Whether the district court erred in concluding it lacked subject-matter jurisdiction over Mr. Griffith’s complaint.
- Whether the dismissal of Mr. Griffith’s complaint violated his rights under the Colorado and U.S. Constitutions.

The above listing is advisory only and does not prevent argument on additional or different issues in Plaintiff-Appellant’s opening brief. *Good Life Colorado, LLC v. WLCO, LLC*, 2025 COA 8M, ¶ 28, as modified on denial of reh’g (Feb. 20, 2025).

II. Transcripts

No transcript is necessary to resolve the issues raised on appeal.

III. Magistrate

The order on review was not issued by a magistrate.

IV. Counsel

Counsel of Record for Defendants is:

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Date: November 19, 2025

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'A. Kurtz', is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that on Thursday, November 20, 2025, I served via the Colorado Court E-Filing System a copy of the foregoing Notice of Appeal, with attachments, on the district court and all other parties to the district court proceedings.

/s/ Kara S. Narberes