NOT RECOMMENDED FOR PUBLICATION File Name: 23a0300n.06

No. 20-4303

UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

Jun 28, 2023 DEBORAH S. HUNT. Clerk

HARRY C. CALCUTT, III,	DEBORAH S. HUNT, Cler
Petitioner,	ON REMAND FROM THE
V.	SUPREME COURT OF THE UNITED STATES
FEDERAL DEPOSIT INSURANCE CORPORATION,	ORDER
Respondent.))

Before: BOGGS, GRIFFIN, and MURPHY, Circuit Judges.

The Federal Deposit Insurance Corporation (FDIC) issued an administrative order barring Harry C. Calcutt, III from the banking industry and ordering him to pay civil penalties. *See Calcutt v. FDIC*, 37 F.4th 293, 309 (6th Cir. 2022). We previously held that the FDIC legally erred in the standards that it applied when issuing this order, but that substantial evidence otherwise supported its order under the proper legal rules. *See id.* at 329–35. The Supreme Court granted Calcutt's petition for a writ of certiorari in part and reversed. *See Calcutt v. FDIC*, 143 S. Ct. 1317, 1321 (2023) (per curiam). The Court held that after identifying the legal errors, the proper course was to remand to the FDIC for it to reconsider its order under the proper legal standards. *Id.* at 1318, 1320–21.

Accordingly, we VACATE the FDIC's order and REMAND this matter to the FDIC so that it may reconsider Calcutt's case in a manner consistent with the Supreme Court's opinion.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk