

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**FILED**
UNITED STATES DISTRICT COURT
DENVER, COLORADO

Civil Action No. 06-cv-01379-ZLW

FEB - 6 2007

PAUL DESCHAINE,

GREGORY C. LANGHAM
CLERK

Plaintiff,

v.

DEBRA ANSHUTZ, PA/NP,
DR. McLAUGHLIN, MD, and
DOC MEDICAL,

Defendants.

ORDER DENYING MOTION TO RECONSIDER

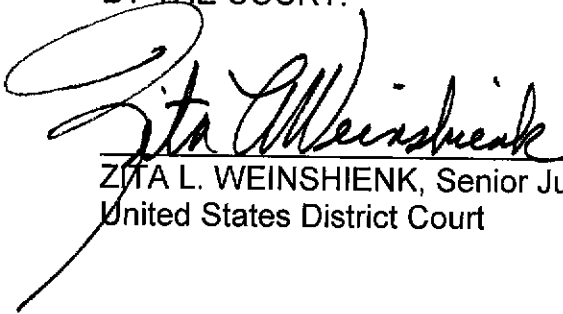
Plaintiff Paul Deschaine has filed *pro se* on December 28, 2006, a "Motion to Reconsider Order and Judgment of Dismissal." On January 16, 2007, he again filed the "Motion to Reconsider Order and Judgment of Dismissal." The Court's Order and Judgment of Dismissal was filed on November 3, 2006. The Court dismissed the instant action without prejudice for failure to exhaust administrative remedies. The Court specifically determined that Mr. Deschaine failed to submit copies of any grievances to demonstrate that he exhausted administrative remedies for his claim that he has been denied adequate medical treatment while incarcerated at the Buena Vista Correctional Facility and he also failed to allege with specificity how he exhausted administrative remedies for that claim. Pursuant to *Jones v. Bock*, – S. Ct. –, 2007 WL 135890 (Jan. 22, 2007), the Order and Judgment of Dismissal will be vacated. Accordingly, it is

ORDERED that the "Motion to Reconsider Order and Judgment of Dismissal" filed on December 28, 2006, and the "Motion to Reconsider Order and Judgment of Dismissal" filed on January 16, 2007, are granted. It is

FURTHER ORDERED that the Order and Judgment of Dismissal filed in this action on November 3, 2006, is vacated.

DATED at Denver, Colorado, this 6 day of Feb., 2007.

BY THE COURT:


ZITA L. WEINSHIENK, Senior Judge
United States District Court

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 06-cv-01379-BNB

Paul Deschaine
Prisoner No. 124164
Buena Vista Corr. Facility
PO Box 2017
Buena Vista, CO 81211

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on 2-6-07

GREGORY C. LANGHAM, CLERK

By: 

Deputy Clerk