

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 06-CV-1989-CMA-KLM

CHARLES LEE KETTERING,

Plaintiff,

v.

LARIMER COUNTY DETENTION CENTER,  
DEPUTY GREGORY HARRIS, in his individual and official capacity,  
SERGEANT MICHAEL ESTERS, in his individual and official capacity,  
DEPUTY CLYDE MEEKS, in his individual and official capacity,  
DEPUTY ROBERT MOLL, in his individual and official capacity,  
SERGEANT JEFFREY VANFLEET, in his individual and official capacity,  
CORPORAL JOHN HARTEKER, in his individual and official capacity,  
DEPUTY JOSEPH PUGLIESE, in his individual and official capacity,  
DEPUTY CANDIDO MARTINEZ, in his individual and official capacity,  
DEPUTY SANTOS ROMERO, in his individual and official capacity  
DEPUTY JEFFREY ARMENTROUT, in his individual and official capacity,  
DEPUTY AARON SMOYER, in his individual and official capacity,  
DEPUTY THERESA MCHUGH, in her individual and official capacity,  
DEPUTY RHETT PURRIER, in his individual and official capacity,

Defendants.

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**ORDER INDICATING THE COURT'S WILLINGNESS  
TO GRANT MOTION FOR VACATUR**

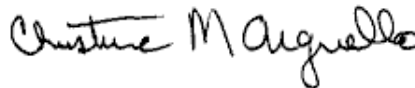
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This matter is before the Court on the Parties' Rule 60(b) Joint Motion for Vacatur (Doc. # 392). The Court, having fully reviewed the Joint Motion, hereby indicates its willingness to grant the motion and vacate the Findings of Fact and Conclusions of Law entered February 27, 2009 (Doc. # 359), the Judgment entered March 3, 2009 (Doc. # 360), and the Order [Denying Defendants' Motion to Alter or Amend Judgment and Motion for Attorney Fees] entered June 18, 2009 (Doc. # 368).

The recent amendments to the Federal Rules of Appellate Procedure outline the procedure this Court must follow when presented with a motion for vacatur in a case pending in the Tenth Circuit Court of Appeals. Fed. R. App. P. 12.1 (2009). Because this Court cannot directly grant such a motion, it hereby indicates its willingness to grant the Joint Motion. Fed. R. App. P. 12.1(a). Upon dismissal of the Defendants' Tenth Circuit appeal, the action will be remanded to this Court, and the Joint Motion for Vacatur will be granted.

DATED: January 26, 2010

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge