

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Senior Judge Zita L. Weinshienk

Civil Action No. 08-cv-01452-ZLW

HAROLD L. WALLETTTE,

Applicant,

v.

J. M. WILNER, Warden, FCI Florence, CO,

Respondent.

**FILED**  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO

JUN 04 2009

GREGORY C. LANGHAM  
CLERK

---

ORDER VACATING AUGUST 14, 2008, DISMISSAL AND JUDGMENT  
AND ENTERING NEW ORDER OF DISMISSAL AND JUDGMENT


---

On June 1, 2009, the United States Court of Appeals for the Tenth Circuit (Tenth Circuit) issued a mandate in the above-referenced case. The Tenth Circuit remanded the instant action to this Court and directed the Court to dismiss this matter without prejudice for failure to exhaust administrative remedies. Accordingly, it is

ORDERED that the August 14, 2008, Order of Dismissal and Judgment are vacated. The Application is denied and the action is dismissed without prejudice for failure to exhaust administrative remedies.

DATED at Denver, Colorado, this 4 day of June, 2009.

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. 08-cv-01452-ZLW

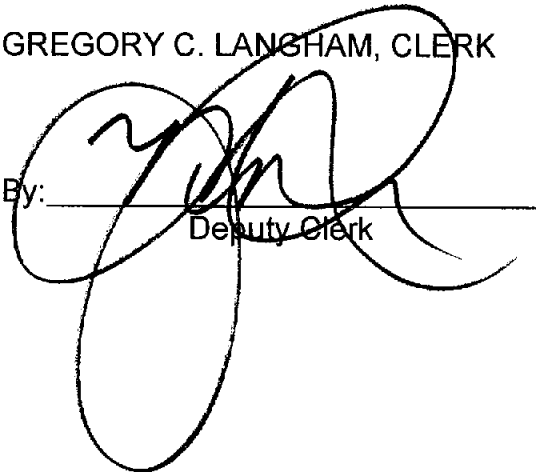
Harold L. Walette  
Reg No. 4047-059  
FCI - Florence  
P.O. Box 6000  
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER AND JUDGMENT** to the  
above-named individuals on 6/4/09

GREGORY C. LANGHAM, CLERK

By: \_\_\_\_\_

Deputy Clerk

A large, stylized handwritten signature in black ink, appearing to read 'G. Langham', is written over a horizontal line. The signature is highly cursive and loops around the line.