

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Robert E. Blackburn**

Civil Case No. 10-cv-02966-REB-BNB

HENRY SHELDON FELLERMAN, JR.,

Plaintiff,

v.

THE UNITED STATES ARMY, and
UNITED STATES SECRETARY OF THE ARMY, JOHN M. McHUGH,

Defendants.

ORDER

Blackburn, J.

This matter is before me on the plaintiff's **Unopposed Motion for Administrative Closure of Case** [#12]¹ filed February 8, 2011. The motion is granted.

On February 2, 2011, the defendants filed an **Unopposed Motion To Remand** [#9]. In that motion, the defendants sought a remand of this case to the Army Board for Correction of Military Records, whose initial decision was at issue in this case. The court entered an order [#10] granting the motion, remanding the decision at issue to the Army Board for Correction of Military Records, and closing this case. Based on that order [#10], **Judgment** [#11] was entered.

In his present motion, the plaintiff states that the parties did not intend that this case be closed and judgment entered when they filed their **Unopposed Motion To**

¹ “[#12]” is an example of the convention I use to identify the docket number assigned to a specific paper by the court’s case management and electronic case filing system (CM/ECF). I use this convention throughout this order.

Remand [#9]. Rather, the plaintiff states that if, after its reconsideration, the decision of the Army Board for Correction of Military Records is adverse to the plaintiff, then the plaintiff intends to proceed with this case to challenge the adverse decision. The plaintiff asks that this case be closed administratively, subject to re-opening should he seek to challenge an adverse decision by the board.


Under FED. R. CIV. P. 60(b), a court may relieve a party from an order or final judgment due, *inter alia*, to mistake, inadvertence, or any other reason that justifies relief. I conclude that the plaintiff has satisfied this standard in his present motion.

THEREFORE, IT IS ORDERED as follows:

1. That the plaintiff's **Unopposed Motion for Administrative Closure of Case** [#12] filed February 8, 2011, is **GRANTED**;
2. That under FED. R. CIV. P. 60(b), the portion of the February 2, 2011, **Order** [#10] directing that this case be closed is **WITHDRAWN**;
3. That under FED. R. CIV. P. 60(b), the **Judgment** [#11] is **WITHDRAWN**;
4. That this case is **RE-OPENED**;
5. That under **D.C.COLO.LCivR 41.2**, the clerk is **DIRECTED** to close this civil action administratively, subject to reopening for good cause.

Dated August 11, 2011, at Denver, Colorado.

BY THE COURT:


Robert E. Blackburn
United States District Judge