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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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SEAN C. OWEN,

Petitioner,

v.

UNITED STATES OF AMERICA et al.,

Respondents.

**MEMORANDUM DECISION  
& ORDER AFTER TENTH  
CIRCUIT'S REMAND OPINION**

Case No. 2:18-CV-434 DBB

District Judge David Barlow

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On June 23, 2022, the Tenth Circuit Court of Appeals remanded to this Court "to VACATE the dismissal with prejudice for Mr. Owen's claims pursuant to 42 U.S.C. § 1983 against the United States and State of Utah and to enter an order dismissing those claims without prejudice." *Owen v. United States*, No. 21-4134 (10th Cir. June 23, 2022). The Tenth Circuit further remanded to this Court "to VACATE the dismissal of Mr. Owen's claims properly construed as seeking habeas relief pursuant to § 2254 so that he may bring all of his habeas claims in a single petition or withdraw those claims." (*Id.*)

**IT IS THEREFORE ORDERED** that:

(1) This Court's Order, (ECF No. 23), is **VACATED** regarding Petitioner's § 1983 claims against the United States and State of Utah.

(2) Petitioner's § 1983 claims against the United States and State of Utah are **DISMISSED WITHOUT PREJUDICE**.

(3) This Court's Order, (ECF No. 23), is **VACATED** as to Petitioner's § 2254 claims, so that Petitioner may--within thirty days--bring all his habeas claims in a single petition or withdraw his § 2254 claims. Failure to comply will result in dismissal.

(4) This Court's judgment is **VACATED**. (ECF No. 24.)

DATED this 17th day of August, 2022.

BY THE COURT:



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JUDGE DAVID BARLOW  
United States District Court