NOT RECOMMENDED FOR PUBLICATION
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No. 20-4303

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Jun 28, 2023
DEBORAH S. HUNT, Clerk

HARRY C. CALCUTT, III, Petitioner, v. FEDERAL DEPOSIT INSURANCE CORPORATION, Respondent.	)	ON REMAND FROM THE SUPREME COURT OF THE UNITED STATES ORDER

Before: BOGGS, GRIFFIN, and MURPHY, Circuit Judges.

The Federal Deposit Insurance Corporation (FDIC) issued an administrative order barring Harry C. Calcutt, III from the banking industry and ordering him to pay civil penalties. *See Calcutt v. FDIC*, 37 F.4th 293, 309 (6th Cir. 2022). We previously held that the FDIC legally erred in the standards that it applied when issuing this order, but that substantial evidence otherwise supported its order under the proper legal rules. *See id.* at 329–35. The Supreme Court granted Calcutt's petition for a writ of certiorari in part and reversed. *See Calcutt v. FDIC*, 143 S. Ct. 1317, 1321 (2023) (per curiam). The Court held that after identifying the legal errors, the proper course was to remand to the FDIC for it to reconsider its order under the proper legal standards. *Id.* at 1318, 1320–21.

Accordingly, we VACATE the FDIC's order and REMAND this matter to the FDIC so that it may reconsider Calcutt's case in a manner consistent with the Supreme Court's opinion.

ENTERED BY ORDER OF THE COURT

Deborah S. Hunt, Clerk