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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Estate of JAYNE BONHAM,

Plaintiff,

v.

SYLVIA MATHEWS BURWELL,
SECRETARY OF HEALTH AND
HUMAN SERVICES OF THE UNITED
STATES OF AMERICA,

Defendant.

No. 2:14-cv-2465 JAM AC

ORDER

Plaintiff in this case appeals a May 23, 2014 decision of the Medicare Appeals Council, which is the final decision of the Secretary of Health and Human Services. Complaint (ECF No. 2) at 1; Complaint Exhibit C (ECF No. 2-3) (decision).¹ That decision reversed the Administrative Law Judge (“ALJ”), who had issued a March 21, 2012 decision that was “fully favorable” to plaintiff. Complaint ¶ 6. Judicial review in the district court is provided by 42 U.S.C. §§ 1395w-22(g)(5). That review is governed by the standard provided by 42 U.S.C. § 405(g). 42 U.S.C. § 1395w-22(g)(5); Int’l Rehab. Scis. Inc. v. Sebelius, 688 F.3d 994, 1000 (9th Cir. 2012).

¹ See Int’l Rehab. Scis. Inc. v. Sebelius, 688 F.3d 994, 997 (9th Cir. 2012) (“[t]he Medicare Appeals Council’s decision is the agency’s final decision”) (citing 42 C.F.R. § 405.1130).

1 The Secretary's Answer was filed on May 6, 2016. ECF No. 11. The Administrative
2 Record ("AR"), housed on compact discs, was lodged on May 6, 2015 and August 17, 2015, with
3 the Clerk of the Court. See ECF Nos. 12, 13.

4 According to the October 21, 2014 Scheduling Order, briefing on this case was to
5 commence 45 days after plaintiff was served with the Administrative Record. ECF No. 4. In
6 addition, the parties were ordered to "complete and return the enclosed Consent to Assignment or
7 Request for Reassignment" within 90 days of the Scheduling Order. ECF No. 4-1, 4-2.
8 However, the parties have undertaken no further action in this case. The matter has now been
9 assigned to a district judge and referred to the undersigned. ECF No. 14.

10 Accordingly, IT IS HEREBY ORDERED that:

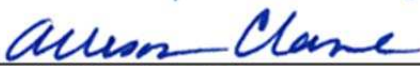
11 1. No later than 30 days from the date of this order, the parties shall:

12 a. Complete and return the "Consent to Proceed Before a United States Magistrate
13 Judge" or "Request for Reassignment To a United States District Judge" served on them with the
14 Scheduling Order. See ECF No. 4-2.

15 b. File a Joint Status Report setting forth proposed dates for commencing and
16 completing briefing in this matter, advising the court whether oral argument is requested or not,
17 and advising the court of any other relevant matter. If the parties fail to agree on a Joint Status
18 Report, they shall file separate Status Reports.

19 2. If any party believes that a Status Conference would be helpful in managing this case,
20 that party may request it in the Status Report.

21 DATED: February 26, 2016

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23 ALLISON CLAIRE
24 UNITED STATES MAGISTRATE JUDGE
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