

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**MINNESOTA LIFE
INSURANCE CO.,**

Plaintiff,

v.

CORY BIRNEY, et al.,

Defendants.

Case No. 2:15-cv-2693

JUDGE GREGORY L. FROST

Magistrate Judge Terence P. Kemp

ORDER

This matter is before the Court for consideration of Defendant Cory Birney's motion to set aside the Order of Reference filed on February 1, 2016 (ECF No. 29) and to vacate the Federal Rule of Civil Procedure 26(f) report that Plaintiff filed on January 29, 2016 (ECF No. 28). (ECF No. 30.) In support of the motion, Birney states that Plaintiff filed a Rule 26(f) report containing the erroneous statement that the parties unanimously consented to the Magistrate Judge's jurisdiction when, in fact, Birney does not so consent.

The motion is unopposed and the deadline for filing a response in opposition has passed. Pursuant to Southern District of Ohio Local Civil Rule 7.2(a)(2), the Court **GRANTS** the motion (ECF No. 30), **SETS ASIDE** the February 1, 2016 order referring this case to the Magistrate Judge (ECF No. 29), and **ORDERS** Plaintiff to file an amended Rule 26(f) report that accurately reflects the parties' Rule 26(f) conference. The Clerk is **DIRECTED** to place this matter back on the docket of United States District Judge Gregory L. Frost.

IT IS SO ORDERED.

/s/ Gregory L. Frost

GREGORY L. FROST

UNITED STATES DISTRICT JUDGE