FILED
United States Court of Appeals
Tenth Circuit

December 28, 2018

Elisabeth A. Shumaker
Clerk of Court

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

NORTHERN ARAPAHO TRIBE, on its own behalf and on behalf of its members,

Plaintiff - Appellant

v.

ALEX M. AZAR, II,* Secretary of the United States Department of Health and Human Services, et al.,

Defendants - Appellees.

No. 15-8099

ORDER

This matter is before the court on the parties' *Joint Status Report*, filed December 17, 2018. The court abated this appeal on June 16, 2017 on the parties' representations that Congress was actively considering legislative alternatives that could moot this case. The appeal has now been abated for a year and a half. On July 9, 2018, the court directed the parties to specifically advise the court of the legislative alternatives that Congress is actively considering that could moot this case. In the joint status report and Appellant's supplement filed on August 17, 2018, the parties advised that Senator Steve Daines introduced legislation on May 23, 2018, that dovetails with legislation passed by the

* Pursuant to Federal Rule of Appellate Procedure 43(c)(2), Alex M. Azar, II is substituted for Thomas E. Price, as Secretary of the United States Department of Health and Human Services.

now-outgoing House of Representatives. According to the parties' December 17 status report, Senate Bill 2943 remains pending.

Upon consideration, the abatement of this matter is continued. However, the court will not continue the abatement indefinitely pending indeterminate legislative action. On or before January 17, 2019, the parties shall file an additional status report that (1) describes with specificity where S.B. 2943 stands in the legislative process and, effective the date of the status report, whether any legislation is pending the 116th Congress that will impact this appeal; (2) provides the parties' best assessment of the possible timeline for definitive legislative action that will impact this appeal; and (3) addresses with specific and substantive argument why the court should continue the abatement.

Entered for the Court
ELISABETH A. SHUMAKER, Clerk

by: Jane K. Castro
Counsel to the Clerk