

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS, HOUSTON DIVISION

Christopher Matthew Thierry v. U.S. Secretary of Health and Human
Services

Thierry · No. 4:25-cv-3765 · Decided March 6, 2026

SUMMARY

This Memorandum and Recommendation addresses the defendant’s motion to dismiss a Medicare-benefits action for lack of subject matter jurisdiction. The court recommends dismissal without prejudice because the plaintiff failed to timely request an administrative-law-judge hearing and therefore did not obtain a final decision subject to judicial review. It also concludes that the plaintiff’s claim falls below the Medicare Act’s applicable \$1,900 jurisdictional amount-in-controversy minimum.

CASE DETAILS

COURT	United States District Court for the Southern District of Texas, Houston Division
WRITING FOR THE COURT	Christina A. Bryan
JURISDICTION	United States District Court for the Southern District of Texas, Houston Division
DECIDED	March 6, 2026
DOCKET	4:25-cv-3765
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(1) to dismiss Plaintiff's action seeking judicial review of a Medicare reimbursement denial. The magistrate judge issued a memorandum and recommendation recommending dismissal without prejudice for lack of subject matter jurisdiction.
STANDARD OF REVIEW	On a Rule 12(b)(1) motion, the court may weigh evidence and resolve factual disputes to determine whether it has subject matter jurisdiction, and may consider the complaint, undisputed record evidence, and resolved factual disputes. The plaintiff bears the burden of establishing subject matter jurisdiction.

PRECEDENTIAL VALUE	nonprecedential
PARTIES	Christopher Matthew Thierry v. U.S. Secretary of Health and Human Services

TOPICS

subject matter jurisdiction motions to dismiss exhaustion of remedies medicare medicaid civil procedure

PRACTICE AREAS

Medicare federal civil procedure administrative law

QUESTIONS PRESENTED

1. Whether the court had subject matter jurisdiction when Plaintiff failed to timely request an ALJ hearing and therefore did not obtain a final decision made after a hearing.
2. Whether the Medicare claim satisfied the statutory minimum amount in controversy for judicial review.

HOLDINGS

1. The court recommended dismissal for lack of subject matter jurisdiction because Plaintiff's untimely ALJ-hearing request resulted in no hearing and no final decision subject to judicial review under 42 U.S.C. § 405(g).
2. The court recommended dismissal because Plaintiff's claimed reimbursement amount of \$1,771.90 was below the \$1,900 jurisdictional minimum applicable to requests for judicial review filed on or after January 1, 2025.

KEY QUOTATIONS

"Congress has divested courts of subject-matter jurisdiction on any claim arising under the Medicare statute except as provided in 42 U.S.C. § 405(g), which is the 'sole avenue for judicial review for all 'claim[s] arising under' Medicare.'" (at 5)

"Due to Plaintiff's untimely hearing request, no hearing was held before an ALJ and thus no final decision subject to judicial review, as defined by the Act, has been made." (at 6)

FACTUAL BACKGROUND

Plaintiff underwent oral surgery and sought Medicare reimbursement for a consultation and surgery totaling \$1,771.90. CMS and its contractors denied the claim, and the Medicare QIC issued an unfavorable reconsideration decision on January 1, 2025. Plaintiff requested an ALJ hearing more than 120 days later, without requesting permission for a late filing or showing good cause; the ALJ dismissed the request and the Medicare Appeals Council denied review. The claimed amount was below the \$1,900 jurisdictional minimum applicable to Medicare judicial-review requests filed on or after January 1, 2025.

PROCEDURAL HISTORY

CMS denied Plaintiff's Medicare reimbursement claim, and a contractor upheld the denial on redetermination. A Medicare Qualified Independent Contractor denied reconsideration, Plaintiff's request for an ALJ hearing was dismissed as untimely, and the Medicare Appeals Council denied review. Plaintiff then filed this federal action under 42 U.S.C. § 1395ff(b)(1), incorporating 42 U.S.C. § 405(g). Defendant moved to dismiss, and Plaintiff did not timely respond. The magistrate judge recommended granting the motion and dismissing the case without prejudice, subject to the parties' fourteen-day period for objections.

DISPOSITION

dismissed

CASES CITED

- Watson v. U.S. ex rel. Lerma, 285 F. App'x 140, 143 (5th Cir. 2008)
- Arthurton v. CarMax Auto Fin., No. 4:25-CV-02708, 2025 WL 3542156, at *1 (S.D. Tex. Nov. 17, 2025)
- Montez v. Dep't of the Navy, 392 F.3d 147, 149 (5th Cir. 2004)
- Krim v. Porder.com, 402 F.3d 489, 494 (5th Cir. 2005)
- Hopkins v. Wayside Schs., No. 23-50600, 2024 WL 3738478, at *4 (5th Cir. Aug. 9, 2024)
- Schaeffler v. United States, 889 F.3d 238, 242 (5th Cir. 2018)
- Exelon Wind 1, L.L.C. v. Nelson, 766 F.3d 380, 388 (5th Cir. 2014)
- Baylor All Saints Med. Ctr. v. Kennedy, 161 F.4th 298, 302 (5th Cir. 2025)
- Heckler v. Ringer, 466 U.S. 602, 615 (1984)
- Physician Hosps. of Am. v. Sebelius, 691 F.3d 649, 653 (5th Cir. 2012)
- Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc)