

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

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|-------------------------------|---|---------------------------------|
| MORSELLOR ECTOR <i>ex rel</i> | : | |
| United States, | : | |
| | : | |
| Plaintiff, | : | Civil Action No.: 05-1637 (RMU) |
| | : | |
| v. | : | |
| | : | |
| AXIA COLLEGE ONLINE, | : | |
| WESTERN INTERNATIONAL | : | |
| UNIVERSITY <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

MEMORANDUM OPINION

**DISMISSING THE CASE PURSUANT TO 31 U.S.C. § 3730(B)(1) WITHOUT
PREJUDICE TO THE UNITED STATES**

On August 15, 2005, the plaintiff brought this action on behalf of the United States, seeking to recover damages arising from false claims made by the defendants in violation of the Federal False Claims Act, 31 U.S.C. § 3729. On April 12, 2006, the United States declined to intervene in the action, and on November 15, 2006, the plaintiff filed a notice of voluntary dismissal.

Such an action may only be dismissed if the court and the Attorney General give written consent to the dismissal and their reasons for consenting. 31 U.S.C. § 3730(b)(1). On February 2, 2007, the United States gave its consent to the dismissal of the action, but it failed to articulate its reasons for consenting as required by statute. Accordingly, on February 2, 2007, the court ordered the United States to show cause why the case should be dismissed. On February 21, 2007, the United States responded that it had investigated the plaintiff's allegations and deemed

that it was not in the interest of the United States to devote resources to pursue the litigation.

United States Resp. to Order to Show Cause at 1.

Having now reviewed and considered the plaintiff's voluntary dismissal and the United States' articulated reasons for consenting to the dismissal, the court concludes that the requirements of 31 U.S.C. § 3730(b)(1) have been satisfied. Accordingly, the case is hereby dismissed without prejudice to the United States. An order consistent with this opinion is separately and contemporaneously issued this 7th day of July, 2008.

RICARDO M. URBINA
United States District Judge