

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-7025**September Term, 2018****1:14-cv-01047-RMC****Filed On: August 22, 2019**

United States of America, ex rel. Laurence
Schneider, et al.,

and

Laurence Schneider,

Appellant

v.

JPMorgan Chase Bank, National Association,
et al.,

Appellees

BEFORE: Henderson, Srinivasan, and Rao, Circuit Judges

ORDER

Upon consideration of the motion for summary affirmance, the response thereto, the supplement, the replies, and the notice to join the motion for summary affirmance; and the motion for summary reversal, the responses thereto, and the reply, it is

ORDERED that the motion for summary affirmance be granted and the motion for summary reversal be denied. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). The district court properly dismissed appellant's qui tam action. The False Claims Act "give[s] the government an unfettered right to dismiss [a qui tam] action," Swift v. United States, 318 F.3d 250, 252 (D.C. Cir. 2003), and appellant presented no evidence of "fraud on the court or any similar exceptional circumstance to warrant departure from the usual deference we owe the Government's determination whether an action should proceed in the Government's name," Hoyte v. American National Red Cross, 518 F.3d 61, 65 (D.C. Cir. 2008); see also id. at 65 n.4 (noting that the court has "declined to adopt the judicial review standard for a qui tam action endorsed by the Ninth Circuit, under which the Government must initially show that dismissal is 'rationally related to a valid purpose,' after which the relator bears the burden to show the decision to dismiss is 'fraudulent, illegal, or arbitrary and capricious'" (quoting Swift, 318 F.3d at 252)).

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Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam