## United States Court of Appeals FOR THE EIGHTH CIRCUIT

No. 07-2578 Douglas B. Stalley, on behalf of the \* \* United States of America, \* Appellant, \* \* \* Appeal from the United States v. \* District Court for the \* Western District of Arkansas. Regency Hospital Company, a Delaware Corporation; Regency \* Hospital Company, LLC, a Delaware \* [UNPUBLISHED] Limited Liability Company; Regency \* Hospitals, LLC, a Delaware Limited \* Liability Company, \* \* Appellees. \*

> Submitted: May 16, 2008 Filed: May 23, 2008

Before WOLLMAN, BRIGHT, and JOHN R. GIBSON, Circuit Judges.

PER CURIAM.

Douglas Stalley appeals the district court's<sup>1</sup> dismissal of his action to recover damages allegedly owed to the United States for violations of the Medicare Secondary

<sup>&</sup>lt;sup>1</sup>The Honorable Jimm Larry Hendren, Chief Judge, United States District Court for the Western District of Arkansas.

Payer statute, 42 U.S.C. § 1395y (MSP). This court addressed a similar appeal brought by Stalley in <u>Stalley v. Catholic Health Initiatives</u>, 509 F.3d 517, 519 (8th Cir. 2007), and concluded that the suit authorized by the MSP was a "private cause of action, which requires plaintiff to have standing in his own right, rather than a *qui tam* statute, which allows plaintiff to assert injury to the United States." The court's dismissal was proper. Accordingly, we affirm. <u>See</u> 8th Cir. R. 47B.