

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 21-5766-CBM-(PVCx)

Date November 18, 2022
[JS-6]

Title United States of America et al. v. Anthem, Inc. et al.

Present: The Honorable CONSUELO B. MARSHALL, UNITED STATES DISTRICT JUDGE

YOLANDA SKIPPER

NOT REPORTED

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

NONE PRESENT

NONE PRESENT

**Proceedings: IN CHAMBERS- ORDER DISMISSING ACTION WITHOUT
PREJUDICE [JS-6]**

This is a qui tam action brought pursuant to the False Claims Act. Relator is proceeding *pro se* in this action. Relator was previously represented by counsel but the Court granted former counsel's motion to withdraw on August 9, 2022. (Dkt. No. 33.) The Court advised Relator during the proceedings on June 28, 2022 and August 9, 2022 that she could not proceed *pro se* in this action if the government declined to intervene. On September 16, 2022, the government filed an "Election by the United States and Plaintiff States to Decline Intervention." (Dkt. No. 37.) The government further noted in its election to decline intervention that Relator cannot proceed *pro se* in this action. (*Id.*)

After the Court granted former counsel for Relator's motion to withdraw and the government filed its election to decline intervention, the Court provided Relator a reasonable time to find new counsel. On October 26, 2022, the Court ordered Relator to notify the Court in writing no later than November 3, 2022 regarding the status of obtaining counsel in this matter in light of the government's election to decline intervention. (Dkt. No. 40.) On November 8, 2022, Relator advised the Court that she attempted to contact numerous firm and attorneys after prior counsel decided to withdraw, but has not retained counsel to assist her in this matter. (Dkt. No. 42.)

Because Realtor cannot proceed *pro se*, and was given notice that she could not proceed *pro se* on June 28, 2022, August 9, 2022, and October 26, 202, but has failed to retain counsel to represent her in this action, the Court **dismisses the action without prejudice**. See *Stoner v. Santa Clara Cnty. Office of Education*, 502 F.3d 1116, 1126-27 (9th Cir. 2007) (holding a *pro se* relator cannot prosecute a *qui tam* action on behalf of the United States where the government has declined to intervene and remanding with instructions to dismiss the action without prejudice if the relator failed to retain counsel).

IT IS SO ORDERED.