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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

San Francisco Division

UNITED STATES OF AMERICA ex rel.  
MICHAEL MCNALL and KARYL  
MCNALL,

Plaintiffs,

v.

PACIFIC RETIREMENT SERVICES,  
INC., et al.,

Defendants.

Case No. 16-cv-00889-LB

**ORDER DISMISSING CASE  
WITHOUT PREJUDICE TO THE  
GOVERNMENT**

The court assumes the reader's familiarity with the subject matter and procedural history of this case. On August 29, 2019, the court granted Cotchett, Pitre, and McCarthy, LLP's motion to withdraw as counsel for the relators, Michael and Karyl McNall.<sup>1</sup> The court stayed the case until September 30, 2019 to give the McNalls an additional opportunity to retain new counsel.<sup>2</sup> The court cautioned the McNalls that if they failed to retain new counsel on or before the expiration of

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<sup>1</sup> Order – ECF No. 71. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

<sup>2</sup> Id. at 6.

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the stay, the court would dismiss this case without prejudice to the government.<sup>3</sup> The McNalls have not retained new counsel (and have not filed a motion for an extension of time).<sup>4</sup>

A pro se plaintiff cannot bring a qui tam action or pursue a False Claims Act claim on behalf of the United States. *Stoner v. Santa Clara Cty. Office of Educ.*, 502 F.3d 1116, 1126–28 (9th Cir. 2007). As the McNalls have not retained new counsel, they cannot proceed with this case. The court therefore dismisses the case without prejudice to the government.

**IT IS SO ORDERED.**

Dated: October 4, 2019



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LAUREL BEELER  
United States Magistrate Judge

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<sup>3</sup> Id.

<sup>4</sup> See Docket.