

II. LEGAL STANDARD

Under the False Claims Act, the Government has “primary responsibility for prosecuting the action” and the “Government may dismiss the action notwithstanding the objections of the person initiating the action if . . . the court has provided the person with an opportunity for a hearing on the motion.” 31 U.S.C. § 3730(c).

III. DISCUSSION

Because plaintiff was provided a hearing to attempt to convince the United States to pursue the action, the United States may now dismiss the action without regard for plaintiff’s objections under section 3730(c)(2)(A). After such a hearing, the government has “virtually unfettered discretion to dismiss” this type of claim. *Hoyte v. Am. Nat’l Red Cross*, 518 F.3d 61, 65 (D.C. Cir. 2008) (internal citation and quotation marks omitted). This case presents no evidence of “fraud on the court . . . to warrant departure from the usual deference [courts] owe the Government’s determination whether an action should proceed in the Government’s name.” *Id.*; see also *Swift v. United States*, 318 F.3d 250, 253 (D.C. Cir. 2003) (noting that “fraud on the court” may be an exception). Because the United States still chooses to dismiss and section 3730(c)(2)(A) provides the United States and not this Court that discretion, *Hoyte*, 518 F.3d at 65, this case will be DISMISSED in a separate order issued this date.

Signed by Royce C. Lamberth, United States District Judge, on December 18, 2014.