

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA and)
THE STATE OF NEW MEXICO,)
ex rel. KAI MCSWAIN)

Plaintiff,)

) Civil No. 20-cv-426 GJF/KRS

v.)

ARTESIA GENERAL HOSPITAL,)
ARTESIA SPECIAL HOSPITAL)
DISTRICT)

Defendant.)

ORDER


The Relator Kai McSwain having filed a Notice of Dismissal of this action and the United States having filed its Notice of Consent to Dismissal, pursuant to the False Claims Act, 31 U.S.C. § 3730(b)(1), the Court rules as follows:

IT IS ORDERED¹ that,

1. This action is dismissed with prejudice as to Relator Kai McSwain and without prejudice as to the United States and the State of New Mexico;
2. The seal shall be lifted upon Relator’s Complaint, Relator’s Notice of Dismissal, the United States’ Notice of Consent to Dismissal, this Order, and any subsequent filings in this case. All other contents of the Court's file in this action shall remain under seal and not be made public.

¹ Although not all parties have filed consents or objections to this Court serving as the presiding judge pursuant to Federal Rule of Civil Procedure 73, the undersigned infers consent to enter this Order of Dismissal by the Relator, the United States, and the State of New Mexico. In the event that any of these parties objects to the undersigned doing so, their counsel should file a notice to that effect no later than 12:00 p.m. MST on March 6, 2024, whereupon the undersigned will vacate the Order of Dismissal and transfer the case to a United States District Judge to repeat the same process.

This 5th day of March, 2024.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE