
IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

**UNITED STATES OF AMERICA ex rel.
MARK CHRISTOPHER TRACY,**

Plaintiff,

v.

**EMIGRATION IMPROVEMENT
DISTRICT, a Utah Special Service District,
ET AL.**

Defendants.

**MEMORANDUM DECISION AND
ORDER**

Case No. 2:14cv00701-JNP-PMW

District Judge Jill N. Parrish

Magistrate Judge Paul M. Warner

Before the court is *qui tam* relator Mark Christopher Tracy's ("Plaintiff") motion for leave to file the sealed second amended complaint,¹ and two motions to strike the sealed second amended complaint.²

A complaint brought by a private person under the False Claims Act "shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders." 31 U.S.C. § 3730(b)(2). On August 18, 2015, the court granted Plaintiff leave to file its second amended complaint under seal and in camera pursuant to the statute.³ Plaintiff has not yet moved for leave to unseal the proposed second amended complaint, and Plaintiff's motion for

¹ Docket no. 61.

² Docket nos. 50 and 52.

³ Docket no. 42.

leave to file the second amended complaint is premature. Similarly, defendants' motion to strike the sealed second amended complaint is premature.

Upon completion of the statutory period and requirements, Plaintiff may bring a motion to unseal the complaint and for leave to file the unsealed second amended complaint, and parties opposing amendment may file an opposition at that time. Depending on the outcome of the motion, the court may rule on the pending motions to dismiss the first amended complaint or determine that those motions are moot.

Accordingly, Plaintiff's motion for leave to file the sealed second amended complaint⁴ is **DENIED** without prejudice. The motions to strike the sealed second amended complaint⁵ are **DENIED** without prejudice.⁶

IT IS SO ORDERED.

DATED this 13th day of October, 2015.

BY THE COURT:

A handwritten signature in cursive script, reading "Paul M. Warner", is written over a horizontal line.

PAUL M. WARNER
United States Magistrate Judge

⁴ Docket no. 61.

⁵ Docket nos. 50 and 52.

⁶ Docket no. 50.