

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FILED

JUN 20 2016

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

UNITED STATES ex rel. JONATHAN
BLOEDOW,

Plaintiff - Appellant,

v.

PLANNED PARENTHOOD OF THE
GREAT NORTHWEST INC,

Defendant - Appellee.

No. 14-35017

D.C. No. 2:11-cv-01192-MJP

MEMORANDUM*

Appeal from the United States District Court
for the Western District of Washington
Marsha J. Pechman, Senior District Judge, Presiding

Argued and Submitted June 7, 2016
Seattle, Washington

Before: PAEZ, BYBEE, and CHRISTEN, Circuit Judges.

Jonathan Bloedow appeals the district court's order dismissing his qui tam
action for lack of subject matter jurisdiction. We affirm.

* This disposition is not appropriate for publication and is not precedent
except as provided by 9th Cir. R. 36-3.

The district court did not err in concluding that the False Claims Act's ("FCA") public disclosure bar applied to Bloedow's suit.¹ The "FCA sets up a two-part test" for subject matter jurisdiction. *United States v. Alcan Elec. & Eng'g, Inc.*, 197 F.3d 1014, 1018 (9th Cir. 1999). First, we agree with the district court that, taken together, the *Gonzalez v. Planned Parenthood of Los Angeles* complaint, No. CV 05-8818 (C.D. Cal. May 1, 2008), and the 2011 report by the Office of Inspector General for the Department of Health and Human Services "constituted a 'public disclosure' of the 'allegations or transactions' upon which [Bloedow's] FCA suit is based." *Id.* (quoting 31 U.S.C. § 3730(e)(4)(A)). That neither document explicitly references Planned Parenthood of the Great Northwest ("PPGN") is not determinative of the public disclosure bar. *See id.* at 1018-19. Second, we agree that Bloedow does not qualify as an "original source" under 31 U.S.C. § 3730(e)(4)(B). *United States ex rel. Devlin v. California*, 84 F.3d 358, 360 (9th Cir. 1996). His knowledge of PPGN's allegedly fraudulent behavior was neither "direct" nor "independent." *Id.* at 361. Thus, the district court lacked subject matter jurisdiction over Bloedow's case.

AFFIRMED.

¹ The district court correctly applied the pre-2010 version of the FCA. *See Hughes Aircraft Co. v. United States ex rel. Schumer*, 520 U.S. 939, 946 (1997).