

CLD-207

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 23-2073

UNITED STATES OF AMERICA, ET AL

v.

KING PHARMACEUTICALS INC, ET AL.

ROBERT N. YOUNG, Appellant

(E.D. Pa. Civ. No. 2-02-cv-02704)

Present : SHWARTZ, MATEY, and FREEMAN, *Circuit* Judges

Submitted:

- (1) By the Clerk for possible dismissal due to a jurisdictional defect;
- (2) Appellant's jurisdictional response;
- (3) Appellees' jurisdictional response;
- (4) Appellant's supplemental jurisdictional response; and
- (5) Appellant's documents in support of appeal

in the above-captioned case.

Respectfully,

Clerk

ORDER

This appeal is dismissed for lack of appellate jurisdiction. A notice of appeal in a civil case must be filed within either 30 or 60 days after entry of the order appealed from, depending on whether the United States is a party. Fed. R. App. P. 4(a)(1). This statutory time limit for taking an appeal is "mandatory and jurisdictional." *Bowles v. Russell*, 551 U.S. 205, 209 (2007) (citation omitted). Young's June 12, 2023 notice of

appeal was filed more than eight years after the District Court entered its September 10, 2014 order dismissing his case. Accordingly, Young's appeal is untimely and must be dismissed for lack of appellate jurisdiction.

By the Court,

/s/ Arianna J. Freeman
Circuit Judge

Dated: October 4, 2023
PDB/cc: Robert N. Young
All Counsel of RecoN



A True Copy: P // I; II;

Patricia S. Dodszeit

Patricia S. Dodszeit, Clerk
Certified Order Issued in Lieu of Mandate

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 23-2073

UNITED STATES OF AMERICA, et al.

v.

KING PHARMACEUTICALS INC, et al.

ROBERT N. YOUNG,
Appellant

(E.D. Pa. Civil No. 2-02-cv-02704)

SUR PETITION FOR REHEARING

Present: CHAGARES, *Chief Judge*, JORDAN, HARDIMAN, SHWARTZ, KRAUSE,
RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, FREEMAN,
MONTGOMERY-REEVES, and CHUNG, *Circuit Judges*

The petition for rehearing filed by Appellant in the above-captioned case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc is denied.

By the Court,

s/ Arianna J. Freeman
Circuit Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA ex. rel. :
ROBERT N. YOUNG, et. al., :
 :
Plaintiff, : CIVIL ACTION
 :
vs. :
 : NO. 02-CV-2704
KING PHARMACEUTICALS, INC., et. al. :
 :
Defendants. :

ORDER

AND NOW, this 9th day of September, 2014, it appearing to the Court that Plaintiff is no longer represented by counsel and that he has had more than adequate opportunity to secure new representation, it is ORDERED that this action must be and hereby is DISMISSED¹.

IT IS FURTHER ORDERED that Defendants' Motions for Summary Judgment (Doc. No. 156) and for Judgment on the Pleadings (Doc. No. 158) are DENIED AS MOOT.

¹ As we discussed in our Order of March 4, 2014, the law is clear that a pro se relator who is not an attorney cannot prosecute a qui tam action on behalf of a government. See, e.g., Georgakis v. Illinois State University, 722 F.3d 1075, 1076 (7th Cir. 2013); Timson v. Sampson, 518 F.3d 870, 873 (11th Cir. 2008); U.S. ex. rel. Gunn v. Shelton, Civ. A. No. 13-163-RGA, 2013 U.S.

BY THE COURT:

s/J. Curtis Joyner

J. CURTIS JOYNER,

J.