

November 30, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS

FOR THE FIFTH CIRCUIT

No. 04-20384
Summary Calendar

United States of America, ex rel, JAMES BOWAN,

Plaintiff-Appellant,

versus

EDUCATION AMERICA, INC.; JERALD M. BARNETT, JR.;
PEDRO DEGUZMAN, ERIN J. HINKLE; KARON J. ROSA;
BOB SEELEY; SUZETTE GOODMAN,

Defendants-Appellees.

Appeal from the United States District Court for
the Southern District of Texas
(USDC No. 4:00-CV-3028)

Before REAVLEY, BARKSDALE and GARZA, Circuit Judges.

PER CURIAM:*

The district court ruled correctly in its memorandum and order of January 7, 2004. False certifications of compliance with applicable regulations and statutes

*Pursuant to 5TH CIR. R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

governing participation in federal student financial aid programs under Title IV of the Higher Education Act did not constitute a basis for imposing liability on the defendants under the False Claims Act because the relator did not allege that the defendants made certifications of compliance with particular regulations on which payment was conditioned. U.S. ex rel Graves v. ITT Educational Services, Inc., 284 F. Supp.2d 487 (S.D. Tex. 2003). AFFIRMED.