

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 08-10282

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT FEBRUARY 5, 2009 THOMAS K. KAHN CLERK

D. C. Docket No. 05-03147-CV-JEC-1

JAMES R. BRICKMAN,

GREENLIGHT CAPITAL, INC.,

Plaintiffs-Appellants,

UNITED STATES OF AMERICA EX REL,

Plaintiff,

versus

BUSINESS LOAN EXPRESS LLC,
f.k.a. Business Loan Express, Inc.,
BUSINESS LOAN CENTER, LLC,
f.k.a. Business Loan Center, Inc.,
ROBERT TANNENHAUSER,
MATTHEW MCGEE,
GEORGE HARRIGAN,
DOES 1-100,

Defendants-Appellees,

ALLIED CAPITAL CORP.,
et al.,

Defendants.

Appeal from the United States District Court
for the Northern District of Georgia

(February 5, 2009)

Before BARKETT, PRYOR and FARRIS,* Circuit Judges.

PER CURIAM:

James R. Brickman and Greenlight Capital, Inc. (collectively, “Relators”) appeal from the dismissal of their complaint against Business Loan Express, LLC, f/k/a Business Loan Express, Inc.; Business Loan Center, LLC, f/k/a Business Loan Center, Inc.; Robert Tannenhauser; Matthew McGee; and George Harrigan (collectively, “BLX”). The complaint, filed under the False Claims Act (“FCA”), 31 U.S.C. § 3729 et seq., alleged that BLX had participated in a secret scheme to defraud the United States Small Business Administration out of tens of millions of dollars.

The district court ruled that the Relators’ claims of fraud were based upon information that had been publicly disclosed or was otherwise publicly available

* Honorable Jerome Farris, United States Circuit Judge for the Ninth Circuit, sitting by designation.

prior to the filing of the action, and thus, the public disclosure bar of the FCA, 31 U.S.C. § 3730(e)(4)(A), deprived it of subject matter jurisdiction to resolve the fraud claims.

We find no reversible error. The uncontested factual record demonstrates that the complaint in this case was derived entirely from information available to any member of the public and that the Relators had no direct, personal knowledge of any of the parties or transactions at issue here.

AFFIRMED.