

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 17-13647
Non-Argument Calendar

D.C. Docket No. 1:09-cv-20756-PAS

In Re: UNITED STATES OF AMERICA, ex rel.

CARLOS URQUILLA-DIAZ,

Plaintiff - Appellant,

JUDE GILLESPIE, et al.,

Plaintiffs,

versus

KAPLAN UNIVERSITY,
a.k.a. Iowa College Acquisition Corporation,
a.k.a. Kaplan College,
KAPLAN HIGHER EDUCATION CORPORATION,
a division of Kaplan, Inc.; wholly owned subsidiary of
The Washington Post Company,
KAPLAN, INC.,

Defendants - Appellees.

Appeal from the United States District Court
for the Southern District of Florida

(April 16, 2019)

Before TJOFLAT, WILLIAM PRYOR and DUBINA, Circuit Judges.

PER CURIAM:

This is the second time we have considered an appeal in this case. In *Urquilla-Diaz v. Kaplan University*, 780 F.3d 1039 (11th Cir. 2015) (Kaplan I), we affirmed the district court's dismissal of Diaz's claims against Kaplan that were based on its alleged violations of the Department of Education's satisfactory-progress regulation, 34 C.F.R. § 668.34; the 90/10 rule, 20 U.S.C. § 1094(a)(24), (d)(2); and the accreditation requirement, 34 C.F.R. § 600.5(a)(6). *Id.* at 1064. We reversed the district court's dismissal of Diaz's claims against Kaplan to the extent that they were based on its alleged violation of the incentive-compensation ban, 20 U.S.C. § 1094(a)(20); 34 C.F.R. § 668.14(b)(22)(ii), and remanded the case for further proceedings consistent with our opinion. *Id.*

On remand, the district court granted summary judgment to Kaplan, finding no genuine issue of material fact exists as to whether Kaplan made false statements to the government with the requisite scienter. Additionally, the district court

granted summary judgment to Kaplan because it found Diaz's claim is barred as a matter of law by the public-disclosure bar of the False Claims Act.

After reviewing the record and reading the parties' briefs, we affirm the district court's grant of summary judgment based on its well-reasoned order filed on July 13, 2017.

AFFIRMED.