UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAII

United States ex rel. Todd Alan Duell v. State of Hawaii, et al.

Duell · No. Civ. No. 26-00161 JMS-RT · Decided April 3, 2026

SUMMARY

The United States District Court for the District of Hawaii orders pro se Plaintiff Todd Alan Duell to show cause why his purported False Claims Act qui tam complaint should not be dismissed without leave to amend. The court concludes that a pro se relator cannot prosecute a qui tam action on behalf of the United States and that the complaint is incoherent, fails to comply with Federal Rule of Civil Procedure 8, and does not state a plausible FCA claim. The court also directs the Clerk to unseal the complaint and Exhibit A, while leaving Exhibit B sealed pending possible redaction.

CASE DETAILS

COURT	United States District Court for the District of Hawaii
WRITING FOR THE COURT	J. Michael Seabright
JURISDICTION	United States District Court for the District of Hawaii
DECIDED	April 3, 2026
DOCKET	Civ. No. 26-00161 JMS-RT
DISPOSITION	other
PROCEDURAL POSTURE	Pro se plaintiff filed a qui tam complaint under seal under the False Claims Act. The court issued an order to show cause why the complaint should not be dismissed without leave to amend and ordered the Clerk to unseal the complaint and Exhibit A.
STANDARD OF REVIEW	For screening and sua sponte dismissal, the court applied the standards under 28 U.S.C. § 1915(e)(2)(B), Federal Rule of Civil Procedure 8, and the plausibility framework requiring conclusory allegations to be disregarded, nonconclusory allegations to be accepted as true, and the remaining allegations to state a plausible claim for relief. Because plaintiff paid the filing fee, the court also required notice and an opportunity to respond before sua sponte dismissal.
PRECEDENTIAL VALUE	Unknown; district court order to show cause, with no reporter citation or precedential designation stated.
PARTIES	United States ex rel. Todd Alan Duell v. State of Hawaii, City and County of Honolulu officials and entities, Other named defendants

TOPICS

pleadings · civil procedure · tax

PRACTICE AREAS

civil procedure · False Claims Act · federal courts · tax litigation

QUESTIONS PRESENTED

1. Whether a pro se relator may prosecute a qui tam action under the False Claims Act on behalf of the United States.
2. Whether the court could sua sponte consider dismissal of a paid complaint after providing notice and an opportunity to respond.
3. Whether the complaint complied with Federal Rule of Civil Procedure 8 and stated a plausible claim for relief under the False Claims Act.
4. Whether the complaint should remain sealed or be unsealed given that plaintiff could not proceed pro se with the qui tam action.

HOLDINGS

1. A pro se relator may not prosecute a qui tam action under the False Claims Act because the United States is the real party in interest and the action is not the relator's own case or one in which the relator has a personal interest for purposes of 28 U.S.C. § 1654.
2. A district court may dismiss a complaint sua sponte after the plaintiff has paid the filing fee if it gives notice of its intention to dismiss and affords the plaintiff an opportunity to submit a written response.
3. The complaint failed to comply with Federal Rule of Civil Procedure 8 and failed to state a plausible claim for relief under the False Claims Act.
4. The Clerk was directed to unseal the complaint and Exhibit A because plaintiff could not proceed pro se with the qui tam action and the complaint otherwise lacked a basis to proceed under the False Claims Act.

KEY QUOTATIONS

> *"a pro se relator cannot "prosecute a qui tam action on behalf of the United States""* (Introduction)

> *"If such response is not filed by April 30, 2026, the court will dismiss the Complaint without prejudice and instruct the Clerk to close the case."* (Conclusion)

FACTUAL BACKGROUND

Duell filed a pro se qui tam complaint asserting that the State of Hawaii, the City and County of Honolulu, and related officials had engaged in tax, securities, accounting, and other alleged misconduct affecting the United States. The complaint characterized Duell as a nonresident, nondebtor, secured party, and purported holder of securities identified by CUSIP numbers, and sought more than $53 billion in damages, treble damages, statutory penalties, costs, and extensive injunctive relief. The court found the allegations specious, incoherent, and unsupported by a plausible False Claims Act theory.

PROCEDURAL HISTORY

On March 31, 2026, Duell filed a purported qui tam complaint against the State of Hawaii and various state and municipal defendants. Although the complaint was filed under seal and the filing fee was paid, the court concluded that a pro se relator cannot prosecute a qui tam action on behalf of the United States and that the pleading was incoherent, failed to comply with Federal Rule of Civil Procedure 8, and failed to state a plausible claim under the False Claims Act. The court gave plaintiff until April 30, 2026, to show cause or obtain licensed counsel; absent a timely response, the court stated that it would dismiss the action without prejudice and close the case.

DISPOSITION

other

CASES CITED

- Stoner v. Santa Clara County Office of Education, 502 F.3d 1116, 1127 (9th Cir. 2007)
- United States ex rel. Mergent Services v. Flaherty, 540 F.3d 89, 93 (2d Cir. 2008)
- Wojcicki v. SCANA/SCE&G, 947 F.3d 240, 244 (4th Cir. 2020)
- Georgakis v. Illinois State University, 722 F.3d 1075, 1076–77 (7th Cir. 2013)
- Timson v. Sampson, 518 F.3d 870, 874 (11th Cir. 2008)
- Reed v. Lieurance, 863 F.3d 1196, 1207 (9th Cir. 2017)
- Seismic Reservoir 2020, Inc. v. Paulsson, 785 F.3d 330, 335 (9th Cir. 2015)
- Belanus v. Clark, 796 F.3d 1021, 1029 (9th Cir. 2015)
- Ashcroft v. Iqbal, 556 U.S. 662, 677–80 (2009)
- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- United States ex rel. Tung v. Hemmings, 2019 WL 3936968, at *2 (S.D.N.Y. Aug. 20, 2019)