

U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:22-cv-00260-RDM

KRUGLOV v. UNITED STATES CUSTOMS & BORDER
PROTECTION
Assigned to: Judge Randolph D. Moss
Cause: 05:552 Freedom of Information Act

Date Filed: 02/01/2022
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**DMITRY KRUGLOV**

represented by **DMITRY KRUGLOV**
4530 W Kennedy Blvd
Tampa, FL 33609
409-692-2929
Email: greatmeetingyou@aol.com
PRO SE

V.

Defendant**UNITED STATES CUSTOMS &
BORDER PROTECTION**

represented by **Thomas Duffey**
U.S. ATTORNEY'S OFFICE
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/01/2022		Initiating Pleading & IFP Application Received on 2/1/2022. A copy of the docket sheet has been mailed to the address of record for the pro se party. (znmw) (Entered: 02/11/2022)
02/01/2022	<u>1</u>	COMPLAINT against UNITED STATES CUSTOMS & BORDER PROTECTION filed by DMITRY KRUGLOV. (Attachments: # <u>1</u> Civil Cover Sheet)(znmw) (Entered: 02/11/2022)
02/01/2022	<u>2</u>	MOTION for Leave to Proceed in forma pauperis by DMITRY KRUGLOV. (znmw) (Entered: 02/11/2022)
02/11/2022		MINUTE ORDER: It is hereby ORDERED that plaintiff's application to proceed in forma pauperis <u>2</u> is GRANTED. It is FURTHER ORDERED that the Clerk of Court shall assign this case randomly to a judge for further proceedings.Signed by Judge Randolph D. Moss on 2/11/22. (psu2) (Entered: 02/11/2022)
02/18/2022		Case Assigned to Judge Randolph D. Moss. (zsb) (Entered: 02/24/2022)
03/03/2022	<u>3</u>	STANDING ORDER: The parties are hereby ORDERED to comply with the directives set forth in the attached Standing Order. See document for details. Signed by Judge Randolph D. Moss on 3/3/2022. (lcrdm2) (Entered: 03/03/2022)
04/01/2022	<u>5</u>	Mail Returned as Undeliverable re 02/11/2022 Minute Order on Motion for Leave to Proceed in forma pauperis. (zsb) (Entered: 05/03/2022)
04/20/2022	<u>4</u>	Mail Returned as Undeliverable re: <u>3</u> Standing Order. Sent to: DMITRY KRUGLOV; Resent at New Address: No forwarding address/Resent again on 4/21/2022 to same address of record at request of the Court. (kt) Modified on 4/21/2022 (kt). (Entered: 04/20/2022)

05/04/2022	<u>6</u>	Mail Returned as Undeliverable re: <u>3</u> Standing Order that was re-sent by request of the Court on 4/21/2022 to DMITRY KRUGLOV; Resent at New Address: No forwarding address. (kt) (Entered: 05/04/2022)
05/12/2022	<u>7</u>	SUMMONS (3) Issued as to UNITED STATES CUSTOMS & BORDER PROTECTION, U.S. Attorney and U.S. Attorney General sent to the U.S. Marshals Service (zsb) (Entered: 05/12/2022)
06/09/2022	<u>8</u>	Mail Returned as Undeliverable re: <u>3</u> Standing Order. Sent to: DMITRY KRUGLOV; Resent at New Address: No Forwarding Address. Attempted to call Plaintiff at the number listed and it disconnects. (kt) (Entered: 06/09/2022)
08/15/2022		MINUTE ORDER: In light of the Court's repeated unsuccessful attempts to contact the party via mail, the Court reminds the plaintiff as to his obligation to keep the clerk's office apprised of his current address. The Court further notes that after several attempts, the deputy clerk was able to reach plaintiff by telephone, and he provided a "temporary address." It is hereby ORDERED that (1) plaintiff shall provide the Court with his current mailing address on or before September 14, 2022; and (2) plaintiff shall file a notice indicating whether he intends to pursue the case on or before September 14, 2022. The Court further cautions that failure to comply with this order may result in dismissal for failure to prosecute. The Clerk of Court shall mail this order to plaintiff at the address noted on the docket and the "temporary" address provided to the Court. Signed by Judge Randolph D. Moss on 08/15/2022. (lcrdm2) (Entered: 08/15/2022)
08/26/2022	<u>9</u>	NEW Pro Se Consent To Receive Notices of Electronic Filing by DMITRY KRUGLOV (zjm) (Entered: 09/01/2022)
08/26/2022	<u>10</u>	NOTICE of Change of Address by DMITRY KRUGLOV (zjm) (Entered: 09/01/2022)
09/27/2022	<u>11</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/26/2022. (Answer due for ALL FEDERAL DEFENDANTS by 10/26/2022.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 09/26/2022. (zjm) (Main Document 11 replaced on 9/27/2022) (zjm). (Entered: 09/27/2022)
10/06/2022	<u>12</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. UNITED STATES CUSTOMS & BORDER PROTECTION served on 10/5/2022 (zjm) (Entered: 10/12/2022)
10/25/2022	<u>13</u>	NOTICE of Appearance by Thomas Duffey on behalf of UNITED STATES CUSTOMS & BORDER PROTECTION (Duffey, Thomas) (Entered: 10/25/2022)
10/25/2022	<u>14</u>	MOTION for Extension of Time to File Answer re <u>1</u> Complaint <i>with proposed order</i> by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 10/25/2022)
10/26/2022		MINUTE ORDER: Upon consideration of the Motion for Extension of Time to Answer or Otherwise Respond to the Complaint, Dkt. <u>14</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that Defendant shall file its answer or otherwise respond to the complaint on or before November 28, 2022. Defendant is reminded, however, that, per the Standing Order, "[a]ny party that intends to seek an extension must make a meaningful effort to ascertain the opposing party's position with respect to the extension before filing a motion; an eleventh-hour telephone or email message left for opposing counsel, for example, will not typically satisfy the meet-and-confer requirement." Dkt. 3 at 6. Further, "[a]bsent extraordinary circumstances, contested motions for extension of time shall be filed at least three business days before the relevant deadline." <i>Id.</i> (emphasis added). Counsel's after-hours effort to consult with the opposing party the night before filing an extension motion is not sufficient and will not be tolerated in the future. Signed by Judge Randolph D. Moss on 10/26/2022. (lcrdm2) (Entered: 10/26/2022)
11/28/2022	<u>15</u>	ANSWER to <u>1</u> Complaint by UNITED STATES CUSTOMS & BORDER PROTECTION.(Duffey, Thomas) (Entered: 11/28/2022)
11/29/2022		MINUTE ORDER: It is ORDERED that, on or before January 3, 2023, the parties shall confer and file a joint status report addressing (1) any documents still to be

		produced pursuant to FOIA; (2) an anticipated schedule for processing and producing any such documents; and (3) any substantive areas of disagreement between the parties. It is FURTHER ORDERED that the parties shall appear by video for an Initial Scheduling Conference on January 9, 2023, at 9:30 a.m, before Judge Randolph D. Moss. Signed by Judge Randolph D. Moss on 11/29/2022. (lcrdm2) (Entered: 11/29/2022)
12/23/2022	<u>16</u>	Consent MOTION for Extension of Time to File <i>with proposed order</i> by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 12/23/2022)
12/27/2022		MINUTE ORDER: Upon consideration of the Motion for Extension of Time to File the Initial Joint Status Report and to Extend the Date for the Initial Scheduling Conference, Dkt. <u>16</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that (1) the joint status report currently due on January 3, 2023 shall be filed on or before February 3, 2023; and (2) the initial scheduling conference currently set for January 9, 2023 is VACATED and RESCHEDULED for February 21, 2023 at 11:15 a.m., via Zoom. Signed by Judge Randolph D. Moss on 12/27/2022. (lcrdm2) (Entered: 12/27/2022)
02/03/2023	<u>17</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 02/03/2023)
02/21/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Initial Scheduling Conference held on 2/21/2023 via Zoom. For the reasons stated on the record, the parties shall file a Joint Status Report on or before 4/3/2023. (Court Reporter Jeff Hook) (zglw) (Entered: 02/21/2023)
04/03/2023	<u>18</u>	STATUS REPORT by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 04/03/2023)
04/05/2023		MINUTE ORDER: Upon consideration of Defendant's Status Report, Dkt. <u>18</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before June 5, 2023. Signed by Judge Randolph D. Moss on 4/5/2023. (lcrdm2) (Entered: 04/05/2023)
06/05/2023	<u>19</u>	STATUS REPORT by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 06/05/2023)
06/12/2023		MINUTE ORDER: In light of Defendant's Status Report, Dkt. <u>19</u> , it is hereby ORDERED that the parties shall file a further status report on or before August 8, 2023. Signed by Judge Randolph D. Moss on 6/12/2023. (lcrdm2) (Entered: 06/12/2023)
07/28/2023		MINUTE ORDER: In light of Plaintiff's Ex Parte Motion for CM/ECF User Name and Password, Dkt. 20, it is hereby ORDERED that the motion is DENIED without prejudice. Plaintiff is directed to the rules for obtaining a CM/ECF username and password, including Local Rule 5.4(b), which requires the Plaintiff to "describe[e] the party's access to the internet, confirm[] the capacity to file documents and receive filings electronically on a regular basis, and certify[] that he or she either has successfully completed the entire Clerk's Office on-line tutorial or has been permitted to file electronically in other federal courts." Signed by Judge Randolph D. Moss on 7/28/2023. (lcrdm2) (Entered: 07/28/2023)
08/08/2023	<u>21</u>	Joint STATUS REPORT by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 08/08/2023)
08/08/2023		MINUTE ORDER: In light of the parties' Joint Status Report, Dkt. <u>21</u> , it is hereby ORDERED that the parties shall file a further joint status report on or before October 8, 2023. Signed by Judge Randolph D. Moss on 8/8/2023. (lcrdm2) (Entered: 08/08/2023)
10/08/2023	<u>22</u>	STATUS REPORT by UNITED STATES CUSTOMS & BORDER PROTECTION. (znmw) (Entered: 10/10/2023)
10/10/2023		MINUTE ORDER: In light of Defendant's Status Report, Dk. <u>22</u> , it is hereby ORDERED that Plaintiff shall file a file a notice with the Court on or before October 24, 2023, indicating whether he is satisfied with the responses that he has received

		from U.S. Customs and Border Protection and, if not, describing the nature of his concerns or objections. Plaintiff is cautioned that, if he fails to respond to this order in a timely manner, the Court may dismiss the complaint without prejudice for failure to prosecute or may conclude that the dispute between the parties is now moot. It is further ORDERED that the parties file a further joint status report on or before December 11, 2023. Signed by Judge Randolph D. Moss on 10/10/23. (lcrdm2) (Entered: 10/10/2023)
10/24/2023	<u>23</u>	RESPONSE re <u>22</u> Status Report filed by DMITRY KRUGLOV. (zjm) (Entered: 10/24/2023)
10/25/2023		MINUTE ORDER: In light of Defendant's Status Report, Dkt. <u>22</u> , and Plaintiff's Response, Dkt. <u>33</u> , the Court finds a status conference would be appropriate. It is hereby ORDERED that the parties shall appear by Zoom for a status conference on Oct. 31, 2023, at 3:30 p.m. Signed by Judge Randolph D. Moss on 10/25/23. (lcrdm2) (Entered: 10/25/2023)
10/30/2023		Minute Entry for proceedings held before Judge Randolph D. Moss: Status Conference held on 10/30/2023 via Zoom. Defendant to file a motion for summary judgement on or before 12/29/2023. Plaintiff to file a reply/cross motion on or before 2/29/2024. Defendant to file reply on or before 3/15/2024. (Court Reporter Tammi Sefranek) (zglw) (Entered: 11/01/2023)
12/20/2023	<u>24</u>	MOTION to Modify <i>Summary Judgment Briefing Schedule with proposed order</i> by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 12/20/2023)
12/21/2023		MINUTE ORDER: In light of Defendant's Motion to Modify the Briefing Schedule, Dkt. <u>24</u> , it is hereby ORDERED that Plaintiff shall respond to Defendant's motion to modify on or before December 28, 2023. It is further ORDERED that the time by which Defendant must file its motion for summary judgment is STAYED pending further order of the Court. Signed by Judge Randolph D. Moss on 12/21/23. (lcrdm2) (Entered: 12/21/2023)
01/02/2024	<u>25</u>	NOTICE of Motion to Compel by DMITRY KRUGLOV (zjm) (Entered: 01/03/2024)
01/03/2024		MINUTE ORDER: Upon consideration of Defendant's Motion to Modify Summary Judgment Briefing Schedule, Dkt. <u>24</u> , it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that (1) Defendant shall file its motion for summary judgment on or before January 29, 2024; (2) Plaintiff shall file his response and cross-motion on or before March 29, 2024; and (3) Defendant shall file its reply on or before April 15, 2024. Signed by Judge Randolph D. Moss on 1/3/24. (lcrdm2) (Entered: 01/03/2024)
01/03/2024	<u>26</u>	ERRATA by DMITRY KRUGLOV re <u>25</u> Notice (Other). (zjm) (Entered: 01/04/2024)
01/16/2024	<u>27</u>	RESPONSE re <u>25</u> Notice (Other) <i>with proposed order</i> filed by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 01/16/2024)
01/24/2024		MINUTE ORDER: On January 2, 2024, Plaintiff filed a Notice, Dkt. <u>25</u> , alerting the Court that on January 23, 2024, he planned to move for an order to compel discovery. That date has now passed, and Plaintiff has not filed such a motion. The Court observes that Plaintiff's decision not to do so appears eminently reasonable given that—as Defendant explained in its response, Dkt. <u>27</u> —discovery is typically disfavored in FOIA cases, especially prior to the government's submission of affidavits or declarations during summary judgment proceedings. The Court finds it unnecessary to issue an order denying a non-existent motion, but the Court takes this opportunity to clarify that it still expects the parties to follow the schedule for summary judgment briefing set by the January 3, 2024, Minute Order. Signed by Judge Randolph D. Moss on 1/24/24. (lcrdm2) (Entered: 01/24/2024)
01/29/2024	<u>28</u>	MOTION for Summary Judgment <i>with proposed order</i> by UNITED STATES CUSTOMS & BORDER PROTECTION. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Declaration Howard, # <u>3</u> Exhibit A–G, # <u>4</u> Statement of Facts)(Duffey, Thomas) (Entered: 01/29/2024)
01/30/2024	<u>29</u>	FOX/NEAL ORDER: Plaintiff is hereby ORDERED to respond to Defendant's motion for summary judgment (Dkt. <u>28</u>) and file any cross-motion for summary judgment on

		or before March 29, 2024. See document for details. Signed by Judge Randolph D. Moss on 1/30/24. (lcrdm2) (Entered: 01/30/2024)
03/29/2024	<u>30</u>	MOTION for Extension of Time by DMITRY KRUGLOV. (zjm) (Entered: 04/02/2024)
04/02/2024		MINUTE ORDER: Upon consideration of Plaintiff's Consent Motion for Extension of Time, Dkt. <u>30</u> , it is hereby ORDERED that the motion is GRANTED. Plaintiff shall file his opposition and/or cross-motion for summary judgment on or before April 29, 2024. Defendant shall file its reply and/or opposition to the cross-motion on or before May 15, 2024. Signed by Judge Randolph D. Moss on 4/2/24. (lcrdm2) (Entered: 04/02/2024)
04/30/2024	<u>31</u>	Memorandum in opposition to re <u>28</u> Motion for Summary Judgment filed by DMITRY KRUGLOV. (zjm) (Entered: 05/03/2024)
05/06/2024	<u>32</u>	MOTION to Compel by DMITRY KRUGLOV. (zjm) (Entered: 05/09/2024)
05/13/2024	<u>33</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>28</u> MOTION for Summary Judgment <i>with proposed order</i> , <u>32</u> MOTION to Compel <i>with proposed order</i> by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 05/13/2024)
05/14/2024		MINUTE ORDER: Upon consideration of Defendant's motion for extension of time, Dkt. <u>33</u> , it is hereby ORDERED that the motion is GRANTED. Defendant shall file its reply in support of its motion for summary judgment, Dkt. 28, and its opposition to Plaintiff's motion to compel, Dkt. 32, on or before June 14, 2024. Signed by Judge Randolph D. Moss on 5/14/24. (lcrdm2) (Entered: 05/14/2024)
06/14/2024	<u>34</u>	RESPONSE re <u>32</u> MOTION to Compel filed by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 06/14/2024)
06/14/2024	<u>35</u>	ERRATA by UNITED STATES CUSTOMS & BORDER PROTECTION re <u>34</u> Response to motion. (Attachments: # <u>1</u> Exhibit A)(Duffey, Thomas) (Entered: 06/14/2024)
06/14/2024	<u>36</u>	REPLY to opposition to motion re <u>28</u> MOTION for Summary Judgment <i>with proposed order</i> filed by UNITED STATES CUSTOMS & BORDER PROTECTION. (Duffey, Thomas) (Entered: 06/14/2024)
07/01/2024		MINUTE ORDER: In this action, Plaintiff is challenging CBP's handling of FOIA request No. CBP-2021-089225. See Dkt. 1 at 5. Defendant's Motion for Summary Judgment as to that request is currently pending. Dkt. 28. On May 6, 2024, however, in the midst of the parties' summary judgment briefing, Plaintiff filed a two-page motion "for an order compelling Defendant to produce, by date certain, any and all non-exempt records requested by Plaintiff." Dkt. 32 at 1. Although Plaintiff's motion is not a picture of clarity, the Court reads the motion to be about a distinct FOIA request, No. CBP-FO-2024-039115. That is the only request named anywhere in the motion, and the motion references the October 2023 status conference during which he was instructed that such a request would need to be filed separately. <i>Id.</i> ; see also Dkt. 34 at 2. As Defendant points out, however, there are no allegations in the Complaint concerning this new FOIA request. Dkt. 34 at 2. Nor has Plaintiff sought leave to amend his Complaint to add the new FOIA request. It is, accordingly, ORDERED that Plaintiff's motion to compel production of documents relating to FOIA request No. CBP-FO-2024-039115, Dkt. <u>32</u> , is DENIED. Signed by Judge Randolph D. Moss on 7/1/24. (lcrdm2) (Entered: 07/01/2024)