

RICHARD BOGOLUB
Pro Se Plaintiff
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FILED
SEP 27 2024
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

RICHARD BOGOLUB,
Plaintiff,

) Case No:

C24-06806 AGT

v.

) COMPLAINT FOR DECLARATORY

BOARD OF GOVERNORS OF THE
FEDERAL RESERVE,

) AND INJUNCTIVE RELIEF UNDER THE

) FREEDOM OF INFORMATION ACT

) (FOIA), 5 U.S.C. § 552

Defendant.

)

)

COMPLAINT

Plaintiff, "Richard Bogolub", brings this action against the Defendant, Board of Governors of the Federal Reserve ("Federal Reserve" or "Defendant"), under the Freedom of Information Act, 5 U.S.C. (§) 552 (FOIA), seeking declaratory and injunctive relief to compel the Federal Reserve's compliance with the requirements of the Freedom of Information Act. As grounds therefor, Plaintiff alleges the following:

JURISDICTION AND VENUE

1. The Federal court has jurisdiction over this court case because this is a matter of federal question involving federal law (the Freedom of Information Act). The appropriate venue for this court case is the United States District Court Northern District of California San Francisco or Plaintiff's Complaint for Declaratory and Injunctive Relief Under the Freedom of Information Act

Oakland branches as the Plaintiff lives within Alamo California and did the Freedom of Information Act requests within Alamo California. Alamo California is within Contra Costa County.

2. The Court has jurisdiction over this action pursuant to 5 U.S.C. (§) 552(a)(4)(B) and 28 U.S.C. (§) 1331.
3. Venue is proper in this district pursuant to 5 U.S.C. (§) 552(a)(4)(B) and 28 U.S.C. (§) 1391(e).

PARTIES

4. Plaintiff, Richard Bogolub, is a resident of Alamo California that has an interest in determining if particular promissory notes were deposited by various financial institutions. Plaintiff desires information on if the institutions received value and or consideration from the promissory notes.
5. Defendant is the Federal Reserve which manages the Central Banking System of the United States. Defendant manages the Federal Reserve Discount Window and has custody and control of the documents and records that the Plaintiff requests. Defendant is located at Constitution Ave NW &, 20th St NW, Washington, DC 20551.

STATEMENT OF FACTS

6. On August 25th, 2024 Plaintiff submitted an online Freedom of Information Act request to the Federal Reserve.
7. The Case # of the FOIA request was FOIA-2024-00973.
8. The contents of the Freedom of Information Act request are seen in Exhibit A.
9. The promissory notes mentioned in the FOIA request were signed by Richard Bogolub so this FOIA request is a first party request and the Federal Reserve should not be exempt from providing documentation for privacy reasons.
10. On August 26th, 2024 the Freedom of Information Act request was denied. The contents of the denial are in Exhibit B. Not a single document requested was provided.
11. The denial letter stated that the “Board is not reasonably likely to have information responsive to my request.”

12. Richard Bogolub believes that if the Federal Reserve does not have documentation regarding his Freedom of Information Act Request the Federal Reserve loses nothing by conducting a search. Furthermore, the Defendant is not neutral in this case because the Federal Reserve serves the interest of other banks and it would look bad for banking institutions to be depositing, monetizing, securitizing, and profiting off individual's promissory notes without supplying the appropriate discharge of debt.

13. On August 27th, 2024 Plaintiff appealed the decision to deny the Freedom of Information Act request. The contents of the appeal are in Exhibit C.

14. The FOIA Appeal case number was APP-2024-00062.

15. On September 6th, 2024 the appeal of the Freedom of Information Act request was not dismissed but the request for the appeal to be expedited was dismissed. The letter denying the request for the FOIA appeal to be expedited is seen in Exhibit D.

16. On September 17th, 2024 the appeal of the Freedom of Information Act request was denied or "closed administratively." The letter whereby the appeal was denied is seen in exhibit E.

17. Plaintiff has exhausted all administrative remedies as the Defendant has failed to release the requested records and has denied the original Freedom of Information Act request and the appeal of the Freedom of Information Act request without providing one document requested.

18. As an alternative to a court order or judgment being issued the Plaintiff is willing to dismiss this court case with the Federal Reserve in exchange for FOIA documentation being provided.

19. By refusing to provide the documentation that is mentioned in the FOIA case Richard Bogolub is unable to prove that various financial institutions have deposited his promissory notes without sending him the appropriate discharge of debt. This is causing Richard Bogolub harm that can easily be remedied with a disclosure of what was and was not deposited into the Federal Reserve Discount Window or into the Federal Reserve in general.

20. Since the promissory notes have tracking numbers it should be very easy for the Federal Reserve to lookup the documents requested.

21. In the event that no records can be found after carrying on a search for the records the Federal Reserve will have not lost much by engaging in the search and Richard Bogolub will

have the satisfaction of confirming or denying that his promissory notes were monetized or securitized or not.

CAUSE OF ACTION

(Violation of FOIA, 5 U.S.C. (§) 552)

22. Plaintiff realleges paragraphs 1 through 21 as though fully set forth herein.

23. Defendant has failed to provide any of the documents or information requested in Richard Bogolub's FOIA request and is unlawfully withholding records requested by Richard Bogolub pursuant to 5 U.S.C. (§) 552.

24. Richard Bogolub is being irreparably harmed by reason of Defendant's unlawful withholding of requested records, and Richard Bogolub will continue to be irreparably harmed unless Defendant is compelled to conform its conduct to the requirements of the law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff requests that the Court grant all appropriate relief for the violations of FOIA alleged above, including:

A. An order and judgment requiring the Defendant to conduct a search for any and all records responsive to Richard Bogolub's FOIA request with case number FOIA-2024-00973 and to demonstrate that it employed search methods reasonably likely to lead to the discovery of all records responsive to Richard Bogolub's FOIA request;

B. An order and judgment requiring the Defendant to produce, by a date certain, any and all non-exempt records responsive to Richard Bogolub's FOIA request and a *Vaughn* index of any responsive records withheld under claim of exemption;

C. A signed statement made under penalty of perjury by the official(s) conducting the search for records that they have produced all records that are applicable and not exempt regarding the FOIA request.

D. An order and judgment permanently enjoining Defendant from continuing to withhold any and all non-exempt records in this case that are responsive to Richard Bogolub's FOIA requests;

E. Award any applicable costs from this FOIA lawsuit.

F. Any other relief that this Court in its discretion deems just and proper.

Richard Bogolub

Richard Bogolub

Pro Se Plaintiff

PO Box 5

Alamo, CA

94507

(925) 708-6359

richard.bogolub@gmail.com

Dated: September 27th, 2024

EXHIBIT A

Case Number: [FOIA-2024-00973](#)

This request is a first party request because I, Richard Bogolub, am the signer on the instruments mentioned. Please provide me with all records regarding the status of the following instruments including which financial institution submitted the instruments to be deposited or to be monetized or to be securitized or to be sent to the Federal Reserve Discount Window. Please also include any applicable photos.

I am requesting the information mentioned above on the instruments mentioned below:

1. Instrument number/ International Tracking Serial Number: 9589071052700964007692
2. Instrument number/ International Tracking Serial Number: 9589071052700964007746
3. Instrument number/ International Tracking Serial Number: 9589071052700964007654
4. Instrument number/ International Tracking Serial Number: 9589071052700964007647
5. Instrument number/ International Tracking Serial Number: 9589071052700964007722 (Date Range for Record Search: From 06/24/2024 To 08/24/2024)

EXHIBIT B



**BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551**

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

August 26, 2024

Mr. Richard Shelby Bogolub
P.O. Box 5
Alamo, California 94507

Re: Freedom of Information Act Request No. FOIA-2024-00973

Dear Mr. Bogolub:

This is in response to your electronic message dated August 25, 2024, and received by the Board on August 26.

You appear to have submitted a FOIA request seeking records related to individuals using the discount window on their own behalf, individual ownership of a master account, or the ability of individuals to submit their debts in exchange for Federal Reserve notes.

In response to a request that is properly submitted under the FOIA and accepted for processing, the Board will conduct a "reasonable search of such records of the Board as seem likely in the particular circumstances to contain information of the kind requested." 12 C.F.R. § 261.2(e)(1). In this case, the duty to search records is not triggered because the Board is not reasonably likely to have information responsive to your request.

Please be advised that there is no mechanism by which individuals are able to interact with the discount window on their own behalf. Additionally, master accounts are only available to financial institutions, not individuals. Further, there is no mechanism by which an individual may submit their personal debts to the Federal Reserve in exchange for Federal Reserve notes. Accordingly, there can be no records of the type you are seeking.

Because it is not reasonably likely that the Board possesses records of the kind you request, your FOIA request will not be accepted for processing. If you have questions regarding the processing of your request, you may contact Ms. Allanna Carter or me, the

Board's FOIA Public Liaison, at 202-452-3684 for assistance.

Very truly yours,

Candace Phillip

Candace Phillip
Manager, Information Disclosure Section

EXHIBIT C

Case Number: [APP-2024-00062](#)

I am appealing the decision given for 2 reasons which are stated below:

Reason 1: The decision letter referenced 12 C.F.R. § 261.2(e)(1) which reads as:

“Search means a reasonable search of such records of the Board as seem likely in the particular circumstances to contain information of the kind requested.”

The FOIA response stated that the Board is not reasonably likely to have information responsive to my request.

I believe that it is reasonably likely under the circumstances for the Federal Reserve to contain information of the kind requested because:

- A. The FOIA request referenced instrument numbers and International Tracking Serial numbers which are trackable so it should be easy to pull up with a simple search by instrument number.
- B. The Federal Reserve keeps records of what is deposited into it so there should be records of what is deposited into it.

Reason 2:

The response letter to the FOIA request mentioned some things that are incorrect as stated below:

- A. I never referenced individuals interacting with the discount window on their own behalf. These instruments were about a financial institution interacting with the discount window on their own behalf.
- B. I have never referenced a master account nor do I know what that is.
- C. I never referenced an individual (myself) submitting my personal debts to the Federal Reserve in exchange for Federal Reserve notes.

Please provide me with the documents/ documentation that I am requesting as stated in my original Freedom of Information Act request.

EXHIBIT D



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

September 6, 2024

Richard Shelby Bogolub
P.O. Box 5
Alamo, California 94507

Re: *Freedom of Information Act Request No. APP-2024-00062*

Dear Mr. Bogolub:

This is in reference to your electronic message dated August 27, 2024, and received by the Board on August 28, in which you requested expedited processing of an appeal, pursuant to 12 C.F.R. § 261.14(a), of the decision of the Manager of the Information Disclosure Section ("IDS Manager") to administratively close your request for information made pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552.

By electronic message dated August 25, 2024, and received by the Board on August 26, you submitted a request seeking:

all records regarding the status of the following instruments including which financial institution submitted the instruments to be deposited or to be monetized or to be securitized or to be sent to the Federal Reserve Discount Window. Please also include any applicable photos....

1. Instrument number/ International Tracking Serial Number:
9589071052700964007692[;]
2. Instrument number/ International Tracking Serial Number:
9589071052700964007746[;]
3. Instrument number/ International Tracking Serial Number:
9589071052700964007654[;]
4. Instrument number/ International Tracking Serial Number:
9589071052700964007647[; and]

5. Instrument number/ International Tracking Serial Number:
9589071052700964007722[.]

On August 26, 2024, the IDS Manager advised that it was not reasonably likely that the Board possessed the records you requested, and the request was administratively closed. As noted, you subsequently appealed that decision (“August 28 Appeal”) and requested expedited processing of the August 28 Appeal.

The Board’s Rules Regarding Availability of Information (“Board’s Rules”) and the FOIA require a requester to demonstrate a compelling need for expedited processing with facts sufficient to show that (1) “the lack of expedited processing could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;” or (2) the requester is “a person who is primarily engaged in disseminating information” and there is “[a]n urgency to inform the public about an actual or alleged Federal Government activity.”¹ In support of your request for expedited treatment of the August 28 Appeal, you state that “[you] would like to know if the financial instruments were indeed monetized or securitized or deposited at the Federal Reserve discount window.” You have not set forth facts demonstrating (1) that failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual, or (2) that you are a representative of the news media and there is urgency to inform the public concerning actual or alleged federal government activity. Thus, I have determined that your request does not comply with the criteria for expedited processing.²

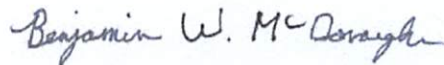
Your request for expedited processing of the August 28 Appeal, therefore, is denied without prejudice to your filing a new request providing additional information. Accordingly, the August 28 Appeal is being processed under the Board’s normal FOIA procedures. You may administratively appeal this denial of expedited processing by writing to Office of the Secretary, Board of Governors of the Federal Reserve System, Attn: FOIA Appeals, 2001 C Street NW, Washington, DC 20551; by facsimile to (202) 872-7565; or electronically to FOIA-Appeals@frb.gov or <https://foia.federalreserve.gov/app/Home.aspx>.

¹ 12 C.F.R. § 261.12(c)(1)(i)-(ii); *see also* 5 U.S.C. § 552(a)(6)(E)(v)(II).

² *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310. (D.C. Cir. 2001) (stating that “[t]he specified categories for compelling need are intended to be narrowly applied” (quoting favorably House Report No. 104-795 at 26 (1996))).

Your appeal must be postmarked or electronically transmitted within 90 days of the date of the response to your request.³

Very truly yours,



Benjamin W. McDonough
Deputy Secretary of the Board

³ As an alternative to an administrative appeal, you may also contact the Board's FOIA Public Liaison, Ms. Candace Phillip, at 202-452-3684 for further assistance. Additionally, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of the Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, MD 20740-6001; e-mail at ogis@nara.gov; or telephone at 202-741-5770 or toll free at 1-877-684-6448.

EXHIBIT E



BOARD OF GOVERNORS
OF THE
FEDERAL RESERVE SYSTEM
WASHINGTON, D. C. 20551

ADDRESS OFFICIAL CORRESPONDENCE
TO THE BOARD

September 17, 2024

Richard Shelby Bogolub
P.O. Box 5
Alamo, California 94507

Re: *Freedom of Information Act Request No. FOIA-2024-00973/
APP-2024-00062*

Dear Mr. Bogolub:

This is in response to your electronic message dated and received by the Board on August 30, 2024, in which you appeal, pursuant to 12 C.F.R. § 261.14(a), my decision to administratively close your request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552. For the reason set forth below, your appeal is not being accepted for processing and is being administratively closed.

On August 25, 2024, you submitted a FOIA request seeking:

all records regarding the status of the following instruments including which financial institution submitted the instruments to be deposited or to be monetized or to be securitized or to be sent to the Federal Reserve Discount Window. Please also include any applicable photos.

Your request included a list of five numbers labeled as "Instrument number/ International Tracking Serial Number."¹ On August 26, I sent you a letter informing you that, in response to a FOIA request, the Board searches "such records of the Board as seem

¹ The submitted numbers appear to be USPS tracking numbers. Please be advised that discount window matters are not tracked or logged using postal tracking numbers. Further, to the extent you believe that financial institutions are using the Federal Reserve's discount window in connection with an effort by these institutions to seek reimbursement of credit extended to you, please be advised that the discount window is a tool that depository institutions can utilize to borrow funds to manage their liquidity risks efficiently and avoid actions that have negative consequences for their customers. It is not a mechanism for seeking reimbursement of loans made to customers of depository institutions.

likely in the particular circumstances to contain information of the kind requested.”²
Because your request sought information related to postal parcels mailed to other organizations, I informed you that it was not reasonably likely that the Board possessed responsive records. Accordingly, the Board administratively closed your request.

On August 30, you sent a second submission to the Board, purporting to appeal the administrative closure of your request. However, my determination that the Board was not reasonably likely to have records is not considered an adverse determination under the Board’s Rules Regarding Availability of Information. Therefore, it cannot be appealed under 12 C.F.R. § 261.14(a). Accordingly, your appeal will not be processed further and is being closed administratively.

If you have any questions regarding this response to your appeal, you may contact me, the Board’s FOIA Public Liaison, at 202-452-3684 for assistance.

Very truly yours,

Candace Phillip

**Candace Phillip
Manager, Information Disclosure Section**

² 12 C.F.R. § 261.2(e)(1).