

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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EEON,

Plaintiff,

17 Civ. 6611

-against-

SEALED
OPINION

THE FEDERAL RESERVE BOARD,
THE FEDERAL RESERVE, DOE #1-20,000,

Defendants.

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A P P E A R A N C E S:

Pro Se

Eeon
18429 East Veterans Memorial Drive #1874
Bonney Lake, Washington D.C., ZIP Code exempt

Sweet, D.J.

Pro se plaintiff Eeon ("Eeon" or the "Plaintiff") has brought this *qui tam* action on behalf of Defrauded Homeowners of America ("DHOA"), Trust Interest Holders ("TIH"), and the United States (the "United States") against Defendants the Federal Reserve Board (the "Federal Reserve Board"), the Federal Reserve (the "Federal Reserve"), and Does 1-20,000 ("Does") (collectively, the "Defendants"), alleging, *inter alia*, violations of the False Claims Act (the "FCA"), 31 U.S.C. § 3729.

The Plaintiff filed this action under seal on August 30, 2017. Plaintiff at no point served the Government in accordance with the procedural requirements set out in 31 U.S.C. § 3730(b)(2). Based on the facts and conclusions set forth below, this action is *sua sponte* dismissed with prejudice.

Pursuant to 31 U.S.C. § 3730(b)(1), a private person may bring a civil [*qui tam*] action on behalf of the Government. Section 3730(b)(2) provides that, in bringing such an action,

A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to Rule 4[i] of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court

so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

31 U.S.C. § 3730(b)(2). Further, Rule 4(i) provides, in relevant part,

(1) *United States*. To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought—or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk—or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

(2) *Agency; Corporation; Officer or Employee Sued in an Official Capacity*. To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

Fed. R. Civ. P. Rule 4(i)(2).

The Plaintiff has not served the Government with the complaint or any other information pertaining to the present claims.

Case law in this Circuit establishes that adherence to the statutory filing requirements is crucial. Indeed, the failure to follow these rules "incurably frustrate[s] the statutory purposes underlying these requirements," and warrants dismissal with prejudice. See *U.S. ex rel. Pilon v. Martin Marietta Corp.*, 60 F.3d 995, 999 (2d Cir. 1995) (dismissing action with prejudice for failure to file under seal and to serve the Government); see also *Erickson ex rel. U.S. v. American Institute of Biological Sciences*, 716 F. Supp. 908, 911 (E.D.Va. 1989) ("[A] party pursuing a statutory remedy must comply with all the procedures the statute mandates").

Congress created the filing requirements "to allow the Government an adequate opportunity to fully evaluate the private enforcement suit and determine both if that suit involves matters the Government is already investigating and whether it is in the Government's interest to intervene and take over the civil action." *Pilon*, 60 F.3d at 998-99 (internal quotation marks omitted) (citing S.Rep. No. 345, 99th Cong., 2d Sess. 23-24, reprinted in 1986 U.S.C.C.A.N. 5266, 5288-89). Another

congressional objective was "to prevent defendants from having to answer complaints without knowing whether the government or relators would pursue the litigation." *Id.* at 999.

Accordingly, *qui tam* actions must be dismissed with prejudice where the party bringing the claim has not adhered to the statutory filing requirements. See *Pilon*, 60 F.3d at 1000 (finding that it was an abuse of discretion for the lower court to dismiss the *qui tam* claims without prejudice); *U.S. ex rel. Le Blanc v. ITT Industries, Inc.*, 492 F. Supp. 2d 303, 304 (S.D.N.Y. 2007) (failure to file *qui tam* complaint under seal required dismissal with prejudice as to the plaintiff). While much of the case law addresses the scenario in which the relator either fails to file under seal, or fails both to file under seal and to serve the Government, the crucial question is whether the party bringing the claim has betrayed the policy considerations underlying the requirements.

In this case, the Plaintiff's failure to serve the Government means that the Government has not been afforded "an adequate opportunity to fully evaluate the private enforcement suit" and to decide whether "to intervene and take over the civil action." See *Pilon*, 60 F.3d at 998-99. Accordingly, dismissal with prejudice is appropriate.

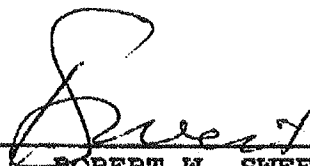
Furthermore, a *pro se* plaintiff may not bring a *qui tam* action under the FCA. *United States ex rel. Mergent Servs. v. Flaherty*, 540 F.3d 89, 90 (2008). A *qui tam* action is brought "on behalf of and in the name of the government" while the "government remains the real party in interest." *Papadopoulos v. U.S. Government*, No. 15 Civ. 2836 (BMC), 2015 WL 3605405, at *3 (E.D.N.Y. June 8, 2015). Because *pro se* litigants "can only act on their own behalf and not for the benefit of any other party of interest . . . a *qui tam* relator cannot proceed *pro se*." *Id.* (citing *Iannaccone v. Law*, 142 F.3d 553, 558 (2d Cir. 1998)).

A district court "has the inherent power to dismiss a case, *sua sponte*, if it determines that the action is frivolous or the court lacks jurisdiction over the matter." *Papadopoulos*, 2015 WL 3605405, at *4. Because a *pro se* plaintiff cannot proceed as a relator in a *qui tam* case, this Court *sua sponte* dismisses this action. *See id.*; *see also U.S. ex rel. Rafael Manual Pantoja v. Citigroup, Inc.*, No. 12 Civ. 4964, 2013 WL 444030 (E.D.N.Y. Feb. 5, 2013) (dismissing *qui tam* action *sua sponte* where *pro se* plaintiff served as the relator).

For the foregoing reasons, Plaintiff's complaint is dismissed with prejudice.

It is so ordered.

New York, NY
October 26, 2017

A handwritten signature in cursive script, appearing to read "Sweet", is written over a horizontal line.

ROBERT W. SWEET
U.S.D.J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
DEFRAUDED HOMEOWNERS OF AMERICA, et al.,

Plaintiffs,

17 Civ. 6611 (RWS)
SEALED ORDER

- against -

FEDERAL RESERVE, et al.,

Defendants.
-----X

Sweet, D.J.

Plaintiffs' motion for reconsideration shall be taken on submission on January 24, 2018. All papers shall be served in accordance with Local Civil Rule 6.1.

It is so ordered.

New York, NY
December 12, 2017



ROBERT W. SWEET
U.S.D.J.

In the United States Federal District Court in and for the State of New York

THE DEFRAUDED HOMEOWNERS OF AMERICA, etc. AL	17 CIV. 6611
v.	Proof of service
The, etc. al	

Proof of service:

1. A copy of the accompanying documents have been served upon each of the parties via United States postal mail the official process server for the United States.
2. The items were deposited in the logo dropbox as prescribed by statute.

The aforementioned is true as well is accurate and done so under penalty of the Constitution for the United States of America without recourse on this January 1, 2018 so help me God.

Eeon, not a legal person/name

A handwritten signature in black ink, consisting of several overlapping, sweeping strokes that form a cursive-like name.



NOTIFICATION TO UNITED STATES ATTY. GEN.

Notices from the Court



To whom it may concern,

The accompanying documents is associated with a Qui Tam lawsuit filed in conjunction with the suit that was filed by this agency on or about June 15, 2013 against the agents of the Federal Reserve Bank. As has been mentioned in the notice given to you regarding the suit which you failed to respond to the court in a timely fashion, you failed to properly represent the borrowers and that lawsuit that you settled for \$26 billion. As you are aware since 1933 as a result of the proclamations issued by the president 2038, 2039, 2040 and the Emergency Banking Relief Act of March 9, 1933 all property the United States is owned by the government¹ and as a result thereof all of the lawsuits brought against individuals to recover property on behalf of these institutions known as the Federal Reserve agents for the Federal Reserve Bank had been done without proper representation. The Federal Reserve and/or its agents cannot sue the government or its property and state courts it's a violation of the 10th amendment and the 11th amendment United States Constitution, because those rights are reserved and retained as specified in statute.

Senate Report 93-549, July 24, 1973, which said: "*Since March 9, 1933, the United States has been in a state of declared national emergency.*" "*These proclamations give force to 470 provisions of federal law. These hundreds of statutes delegate to the President extraordinary powers exercised by Congress, which affect the lives of American citizens in a host of all-encompassing manners. This vast range of powers taken together, confer enough authority to rule this country without reference to normal constitutional process.*"

Public Law 94-112 - September 14, 1976 "*To terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies.*"

Section 502(a):

"The provisions of this Act shall not apply to the following provisions of law, the powers and authorities conferred thereby, and actions taken thereunder: (1) Section 5(b) of the Act of October 6, 1917, as amended (12 U.S.C. 95a; 50 U.S.C. App. 5(b);"

Because of these issues it is believed that you decided that you are not going to participate in the process, waiving your right to speak on behalf of the sovereign, and/or on behalf of the people of the United States of America. The federal District Court at New York has asked that I notify you of these proceedings a second time after you were served the documents in August 2017 and failed to respond either to that court or this party in violation of the statute. You are hereby notified a second time.

¹ "The ownership of all property is in the state ... by virtue of the government..." Senate Document No. 43, 73rd Congress, 1st Session

"Under the new law ... government obligations ... will be worth 100 cents on the dollar, because it is backed by the credit of the nation. It will represent a mortgage on all the homes, and ... all the people of the nation." Congressional Record, March 9, 1933 on HR 1491 p. 83.

Since we are currently "Under the new law ... of government obligations..." We have tendered the obligations along with this reversionary interest to the United States as required by statute- the act of October 6, 1917 and as amended the act of March 9, 1933 codified in 12 USC 95; also 12 USC 411.

JANUARY 1, 2018

EEON FOUNDATION

18429 E. Veterans Memorial Dr. unit SATCOMM 8174 Bonney Lake Washington ZIP Code exempt