

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In the Matter of:	}	
	}	
	}	CIVIL ACTION
TERRY LEE HINDS,	}	FILE NUMBER: 4:17 – CV – 750JMB
<i>Pro se,</i>	}	
Plaintiff,	}	
	}	
-Vs-	}	
	}	
“UNITED STATES” GOVERNMENT,	}	
	}	
Defendants.	}	
	}	

**NOTICE OF JUDICIAL
ASSIGNMENT PURSUANT TO LOCAL RULE 2.08**
Non-Consent to Exercise of Jurisdiction by a United States Magistrate Judge

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff TERRY LEE HINDS, appearing *Pro se* (hereinafter “Plaintiff”) pursuant to Plaintiff’s right to petition the government or protest government activities or, to make a complaint to, or seek the assistance of, one’s government, hereby gives Legal Notice of Judicial Assignment pursuant to Local Rule 2.08, and states the following:

PROCEDURAL POSTURE

1). On Thursday February 16, 2017 Plaintiff filed a civil action with the Court having an Original Verified Complaint, Brief, Exhibits, and required filing papers provided by the Court. A Civil Action FILE NUMBER No. 4:17 – CV – 750 was assigned, by the deputy court clerk (MFG).

2). Unknown to the Plaintiff at that time, ***“All parties must file the Notice Regarding Magistrate Judge Jurisdiction Form consenting to or opting out of the Magistrate Judge***

Jurisdiction.” Plaintiff discovered this fact on March 6, 2017, as Plaintiff was provided no notice or form by the clerk at the time of the filing. On March 6, 2017 Plaintiff obtained a certified copy of the docket sheet thereby discovered such issue of importance of procedure or of *legalism*.

3) Pursuant to Local Rule 2.08, Assignment of Cases, and in accordance with this District’s random selection system, which ensures that judicial case assignments are made without consideration of the identity of the judicial officer, the above-referenced case, has been assigned to United States Magistrate Judge JOHN H. BODENHAUSEN.

4.) On 21st day of February, 2017, Plaintiff filed REQUEST FOR LEAVE TO AMEND SUMMONS, at which time he was informed his case was in a ***Magistrate Judge Jurisdiction***, under Presiding Judge John H. Bodenhausen.

5). Unknown to the Plaintiff at that time 28 U.S. Code § 636 - Jurisdiction, powers, and temporary assignment governed or control Plaintiff’s case management by the Court system. In accordance with the provisions of 28 U.S.C. § 636(c)(1):

(c) Notwithstanding any provision of law to the contrary—

(1) ***Upon the consent of the parties***, a full-time United States magistrate judge or a part-time United States magistrate judge who serves as a full-time judicial officer may conduct any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case, when specially designated to exercise such jurisdiction by the district court or courts he serves. ***Upon the consent of the parties, pursuant to their specific written request, any other part-time magistrate judge may exercise such jurisdiction***, if such magistrate judge meets the bar membership requirements set forth in section 631(b)(1) and the chief judge of the district court certifies that a full-time magistrate judge is not reasonably available in accordance with guidelines established by the judicial council of the circuit. When there is more than one judge of a district

court, designation under this paragraph shall be by the concurrence of a majority of all the judges of such district court, and when there is no such concurrence, then by the chief judge

6). In accordance with LOCAL RULE 2.08 (A) Assignment of Civil Actions:

Unless otherwise ordered by the Court, the Clerk will assign each civil action to a district judge or a magistrate judge by automated random selection, except that when preliminary injunctive relief is requested by motion, the Clerk will assign the action to a district judge. In the event the action is assigned to a magistrate judge, *each party must execute and file within* 21 days of its appearance either a written consent to the exercise of authority by the magistrate judge under 28 U.S.C. § 636(c), or a written election to have the action reassigned to a district judge. Each party must indicate its consent or election on a form provided by the Court, which must be submitted in the manner directed by the Court. Consent to a magistrate judge's authority does not constitute a waiver of any jurisdictional defense unrelated to the grant of authority under 28 U.S.C. § 636(c).

7). In accordance with LOCAL RULE 2.08 (A) Plaintiff should have until or **March 8, 2017** to meet or exceed said rule (execute and file within 21 days of its appearance) either a written consent or a written election to have the action reassigned to a district judge.

8). In accordance with the provisions of 28 U.S.C. § 636(c), the Plaintiff **declines** to have a United States Magistrate Judge conduct *all further proceedings* and Plaintiff request that this case be reassigned to United States District Judge to handle any pending motions, request or other legal proceedings. This Notice is a *written election* to have the action reassigned to a district judge.

9). If there is a required form to be sign, or to be issued by the Court Clerk or the Court, it is the duty of the Clerk/Court to provided such instrument at time of this filed Notice and it may be attached to this Legal Notice pursuant to Plaintiff's Non-Consent to Exercise of Jurisdiction by a United States Magistrate Judge.

10). Plaintiff's Legal Notice of Judicial Assignment pursuant to Local Rule 2.08 is to *preserve* Plaintiff's *due process rights* to a fair and impartial hearing, or from *faceless pro se lawyers* of the Court or the Clerk's Office *suppressing* Plaintiff's *free exercise* of a *constitutional right to petition* the government, its officers or the Court as to his satisfactions and/or to defeat the *nature driven prejudices* with *Pro se* complaints. Plaintiff holds federal or local rules of the Court do not delay, suspend or supersedes The Bill of Rights to the United States Constitution.

Respectfully Submitted,

TERRY LEE HINDS, *pro se Plaintiff*
438 Leicester Square Drive
Ballwin, Missouri 63021
PH (636) 675-0028
Email address: quest76@att.net

Dated this 7th day of March, 2017

CERTIFICATE OF SERVICE AND DELIVERY

I hereby certify that the foregoing was filed this 7th day of March, 2017 and served upon Defendants and its U.S. Attorney, by the Plaintiff, hand delivery and by First class postage prepaid, U.S. Certified mail # 7009-0960-0000-0249-6910 at the following address:

U.S. Attorney Richard Callahan
The United States Attorney's Office
Eastern District of Missouri
Thomas Eagleton U.S. Courthouse
111 S. 10th Street, 20th Floor, St. Louis, MO 63102

Initials _____

Signatures of

Date: March 7th, 2017

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