

**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 – 750 JMB
<i>Pro se</i> ,	}	
	}	
Plaintiff,	}	
	}	
-Vs-	}	
	}	
“UNITED STATES” GOVERNMENT,	}	
	}	
Defendants.	}	
	}	

**FIRST NOTICE OF A SHORT AND PLAIN STATEMENT OF THE CLAIM SHOWING
THE PLAINTIFF IS ENTITLED TO RELIEF UNDER THE FIRST AMENDMENT**

TO THE HONORABLE JUDGE OF SAID COURT:

1). Plaintiff *lawfully* filed on February 16, 2017 with the Court an [ORIGINAL VERIFIED COMPLAINT FOR DECLARATORY JUDGEMENT, INJUNCTIVE AND OTHER APPROPRIATE RELIEF IN THIS PETITION FOR QUINTESSENTIAL RIGHTS OF THE FIRST AMENDMENT, presented with a 16 page Brief in Support, with an Exhibit List consisting of 26 pages instituting 510 Exhibits attached thereto; a case and its controversies listed on 549 pages] (“[OVC/Petition]”).

2). FOR THE RECORD, A judge’s *sua sponte* decisionmaking, and/or with the Court acting on its own initiative, on the basis of formalities of Plaintiff’s [OVC/Petition] and/or “A document filed *pro se* is ‘to be liberally construed,’ *Estelle*, 429 U.S., at 106, 97 S.Ct. 285, and ‘a *pro se* complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers,’ *ibid.* (internal quotation marks omitted). Cf. Fed. Rule Civ. Proc.

8(f) ("All pleadings shall be so construed as to do substantial justice")" under the Federal Rules of Procedures ("Fed. R. Civ. P.") ***present or past***. See Erickson v. Pardus, 127 S.Ct. 2197 (2007).

3). FOR THE RECORD, "Plaintiff's [conscience] dictates ***free exercise principles*** do not cause a man to sacrifice his integrity, his rights, the freedom of his convictions, the honesty of his feelings, or the independence of his thoughts. These are Mankind's supreme possessions. These are not the objects of sacrifice. Plaintiff [believes] the mind is a ***sacred place*** with the human heart (emotions) being a ***sacred space*** found within us all. Within these *most sacred precincts of private & domestic life*, religious experiences are created for many people or this Plaintiff." [OVC/Petition] ¶ 3 being more particularly described in Exhibit T #2; attached to [OVC/Petition] and incorporated by reference as if fully set forth herein.

4). At present, this case and its controversies are based on the Court's ***misapplications of law*** and becomes *self-evident* when the Court issued Memorandum and Order dated 23rd day of February, 2017 (ECF No. 8) (hereinafter "[M&O No. 8]"). The Court's adjudication of Plaintiff's case and its controversies is on the merits rather than on the basis of formalities.

5). The [Court's Presiding Judge, the Honorable John M. Bodenhausen] ("[Judge]") made a *review, finding, and Order* on the "***case accuracy***" and "***systemic accuracy***" on the substantive merits. Plaintiff's [OVC/Petition] *substance and procedure* are inextricably intertwined and cannot be disaggregated, however, the [Judge] *sua sponte* decisionmaking, and/or with the Court acting on its own initiative, strikes the ***entire breath and merits*** of Plaintiff's [OVC/Petition].

6). FOR THE RECORD, Plaintiff [believes] and [conscience] dictates [M&O No. 8] and [Judge] ***misapplications of law***, *inter alia*, is the *summary execution*; of killing the body and Spirit of Plaintiff's complaint with impunity. The [OVC/Petition] is a ***sacred property*** of the Plaintiff.

7). FOR THE RECORD, under the First Amendment to the United States Constitution

Plaintiff has the *free exercise right* to *petition and protest* based on and built upon the body and spirit of Plaintiff's [OVC/Petition]. The [Judge] *deliberate indifference* manifested by *unbridled power* in Fed. R. Civ. P., Rule 8, ordered Plaintiff's *conformity with the requirement of Rule 8*, thereby creating *unjust burdens* on the Plaintiff's *free exercise principles*.

8). Plaintiff has a *constitutional right* to exist as 'I am' versus a *personal stake* as defined, designed, or driven by Rule 8, or worst *devalued, degraded or deprived* of the [free exercise of the right to be left alone, to think, to privacy and to work] *per se* as ("[Constitutionally Protected Interests]"); more particularly described in Plaintiff's Exhibit T #5; attached to [OVC/Petition] and incorporated by reference as if fully set forth herein. *Appeasement is not a constitutional value*.

9). FOR THE RECORD, as to Plaintiff's *free exercise right* to *lawfully petition* and seek *constitutional relief* pleaded SHORT AND PLAIN STATEMENTS OF THE CLAIM in an [OVC/Petition]:

FIRST CLAIM FOR RELIEF

Violation of the Free Exercise Clause in the Right of Religion & Belief, *inter alia*
Violations of the Establishment Clause of the First Amendment of the U.S. Constitution
Declaratory Judgement, Injunctive and other Appropriate Relief

4363. Plaintiff hereby re-allege and incorporate by reference each and every allegation, fact or averment in this [OVC], as though fully set forth herein.

4364. The Plaintiff wishes to engage in activities and conduct protected under the First Amendment to the U.S. Constitution and with the full protections and guarantees of the Establishment Clause, as well as enforcement of established U.S. Supreme Court [CLP].

4365. By Defendants' law, conduct and activity alleged *supra*; it is evident Defendants have violated, and are continuing to violate, Plaintiff's right of religion, religious belief, of choice & of discussion or debate thereof; conduct and activities guaranteed or protected under the Free Exercise Clause of the First Amendment to the U.S. Constitution.

4366. By Defendants' law, conduct and activity alleged *supra*; it is evident Defendants have violated, and are continuing to violate, Plaintiff's right of secular belief, of choice & of discussion or debate in his [CLP] as alleged *supra*; conduct and activities guaranteed or protected under the Free Exercise Clause of the First Amendment to the U.S. Constitution.

4367. By Defendants' law, conduct and activity alleged *supra*; it is evident [THE CODE] is law respecting an establishment of religion.

4368. By Defendants' law, conduct and activity alleged *supra*; it is evident Defendant has violated, and is continuing to violate, Plaintiff's rights, privileges or immunities as well as Establishment Clause of the First Amendment to the U.S. Constitution.

4369. The laws, customs, practices, and policies established by Defendants are the cause in fact of the constitutional violations or the redressable injury by a message of endorsement.

4370. Unless restrained by this Court, Defendants will continue to subject Plaintiff to these unconstitutional laws, customs, policies, and practices, causing Plaintiff irreparable harm by denying him fundamental constitutional rights.

4371. Plaintiff has a right to have this Court declare his free exercise rights under the First Amendment as those rights are restricted and infringed by Defendants' law, conduct and activity alleged *supra*.

4372. Plaintiff is uncertain as to his declare rights and legal remedies promulgated by Plaintiff's [Q.U.E.S.T.] that manifested a Quintessential Right as to Religion and Belief, an unenumerated right of which warrants enforcement or judgement by this court.

4373. An actual and substantial controversy exists between Plaintiff and Defendants as to their respective legal rights and duties as set forth in Count I and Plaintiff's First Claim for Relief, thereby warrants Declaratory Judgement, Injunctive and other Appropriate Relief.

10). FOR THE RECORD, “Plaintiff’s First Amendment challenges, its violations and merits rest on two premises: first, that Plaintiff is entitled to full First Amendment protection; and second, that the laws at issue and Defendants’ actions complained of, by act or word, manifests violations of “[Controlling Legal Principles] (“[CLP]”); court applied tests, requirements & case law or doctrines therefore warrants First Amendment scrutiny.” (Pl’s Br in Sup. of [OVC/Petition])

11). FOR THE RECORD, As a threshold issue, the “*loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.*” citing *Elrod v. Burns*, 427 U.S. 347, 374 (1976). *see New York Times Co. v. United States*, 403 U. S. 713, (1971). Plaintiff’s loss of First Amendment freedoms and clear deprivations of court sanctioned guidance from [CLP] *inextricably entwines the merits* of Plaintiff’s claims for relief; as he has suffered and will continue to suffer irreparable injuries or harms with no adequate legal remedy absent a court injunction.” (Pl’s Brief in Sup. of [OVC/Petition]).

12). FOR THE RECORD, “Plaintiff has a First Amendment *free exercise right* of religious beliefs; thereby [believes] in Taxology and [Taxism]; but conversely has a First Amendment Establishment right not to practice, partake or advance these established religions. Plaintiff’s [conscience] dictates: **I am** an architect of my [LLP]. I know what is to come by the principle on which it is built. Freedom is the light of all sentient beings with the right to exist as **I Am**, not as *any person*.” [OVC/Petition] ¶ 34.

13). FOR THE RECORD, The Eighth Circuit explained in *Phelps–Roper v. Nixon*, 509 F.3d 480 (8th Cir.2007): "A loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable harm;" and "it is always in the public interest to protect constitutional rights;" and finally, "[t]he balance of equities ... generally favors the constitutionally protected freedom of expression." *Id.*

14). The nature of the suit, the facts, its merits and a *germane petition* involves *constitutional claims* and *fundamental rights*, and the **Rule of Law**; thereby to *preserve, protect and defend* Plaintiff's *free exercise of unalienable rights to life, liberty and pursuit of happiness*.

15). FOR THE RECORD, A judge's *sua sponte* decisionmaking, and/or with the Court acting on its own initiative, *advancing* [To LIVE as EVIL] is wrongful in the eyes of Plaintiff, especially when an substantial burden is unjustly placed upon a *fundamental right* on the religions and religious beliefs of the Plaintiff. **Rule 8** is a *misapplications of law* with this [OVC/Petition].

16). FOR THE RECORD, Plaintiff being compelled to meet *ambiguous standards of conformity* with the *requirement of Rule 8*, has created a loss of *fundamental rights of the Plaintiff*.

17). "This action arises under the Establishment/Free Exercise Clause of the First Amendment of the United States Constitution. This lawsuit is not about taxation. It is about religion and what is central to one's sincerely held religious beliefs, its expressive activities, the nature of the relevant forums or the rule of law used, primarily aimed at protecting non-economic interests of a spiritual and religious nature as opposed to a physical or pecuniary nature." [OVC/Petition] ¶ 1. Ronald Reagan declared over 50 years ago with the *focus of evil* in the modern age: "There is a price we will not pay." "There is a point beyond which they must not advance." Wherefore premises considered, *any order* that Plaintiff shall file an *Amended Complaint* to be in *conformity with the requirement of Rule 8*, is an unconstitutional act, as the *free exercise clause* of the First Amendment *supersedes* the *requirement of Rule 8* in this case and its controversies.

Respectfully Submitted,

Date: April 10, 2017

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CERTIFICATE OF SERVICE AND DELIVERY

I hereby certify that the foregoing was filed this 10th day of April, 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 # 7009-0960-0000-0249-6859 at the following address:

U.S. Attorney or Acting U.S. Attorney Costantin
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: April 10th, 2017

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LEGAL NOTICE OF THE FOLLOWING:

Plaintiff mailed a copy to Gregory L. Mokodean not because of any assume legal right and/or reasonability or responsibility of the Plaintiff, rather for my respect for the U.S. Justice Department

Gregory L. Mokodean
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 7238
Washington, D.C. 20044
First Class U.S. Mail & Non-Certified

Signatures of

Date: April 10th, 2017

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