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U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

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

In the Matter of:

TERRY LEE HINDS,
Pro se,

Plaintiff,

-Vs-

“UNITED STATES” GOVERNMENT,

Defendants.

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} CIVIL ACTION
} FILE NUMBER: 4:17 – CV – 750 AGF
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**MEMORANDUM OF LAW AND BRIEF IN SUPPORT OF
PLAINTIFF’S FIRST MOTION TO REVIEW, ALTER, AMEND, OR VACATE ORDERS
PURSUANT TO PLAINTIFF’S FREE EXERCISE OF PURE SPEECH OF RELIGIOUS BELIEFS
AND/OR, IN THE ALTERNATIVE,
FOR RELIEF FROM ORDERS PURSUANT TO FED. R. CIV. P. RULE 60(b)(6)
“any other reason that justifies relief”**

COMES NOW, Plaintiff, TERRY LEE HINDS, (“Plaintiff”) appearing *Pro se* in support of his *civil action* for **rights, privileges, or immunities** secured by the U.S. Constitution and the Rule of Law, thereby to *secure, protect and defend* Plaintiff’s *free exercise of unalienable rights to life, liberty and pursuit of happiness*, hereby move this Court under the First Amendment to the U. S. Constitution, in the *right to petition*, PLAINTIFF’S FIRST MOTION TO REVIEW, ALTER, AMEND, OR VACATE ORDERS PURSUANT TO PLAINTIFF’S FREE EXERCISE OF PURE SPEECH OF RELIGIOUS BELIEFS, AND/OR, IN THE ALTERNATIVE, FOR RELIEF FROM AN ORDERS PURSUANT TO FED. R. CIV. P. RULE 60(b)(6) “**any other reason that justifies relief**”. In support of this motion, the Plaintiff relies on the accompanying Memorandum of Law and Brief, Declaration, Judicial Notice, and exhibits, the files and records in this case, and such further evidence and argument as the Court may permit. This motion concerns (**Doc. Nos. 8, 18 & 29**) to wit, Plaintiff seeks relief and states:

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PRELIMINARY STATEMENT

This action arises under the Establishment/Free Exercise Clause of the First Amendment of the United States Constitution. Plaintiff is seeking prospective reliefs, pursuant to his [OVC/Petition] in order to be able to run his business and conduct his personal or private affairs in a manner consistent with his religions, religious values and within his “[sincerely held religious beliefs]” (“[believes]”); that have shaped his *life, liberties and pursuant of happiness*, as well as, his little company of a spiritual enterprise from its start. The Plaintiff [believes] and [conscience] dictates, he has a constitutional right to endorse, indoctrinate, or proselytize a religion with the *free exercise* right of religious belief over the lack of such belief. Therefore, this Court must guarantee full First Amendment protection to both the practice of the establishment, endorsement or proselytizing a religion, and with the *free exercise of religious beliefs.... as one cannot exist without the other.*

STATEMENT OF FACTS

Procedural Posture, History and Controlling Law

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 & its controversies listed on 549 pages]” (“[OVC/Petition]”). Plaintiff is *engaged in peaceful expressive activity* pursuant to established *fundamental free exercise rights* of the First Amendment and the rule of law of this Nation. A message as *pure speech of religious belief.*

IN THE RECORD: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The evidence of the law is more particularly described in Exhibit B #1; attached to the [OVC/Petition] and incorporated by reference as if fully set forth herein. [OVC/Petition] ¶ 74.

IN THE RECORD, Plaintiff made clear to the Defendants and the Court: “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.

FOR THE RECORD, Plaintiff's case, its controversies and [OVC/Petition] involves, in part, Plaintiff's *free exercise right of protected speech of religious beliefs as pure speech* in [OVC/Petition] *inter alia*, built upon [Sacred Honor] affirmed, expressed and incorporated therein. Plaintiff's [OVC/Petition] is construed as to do substantial justice with *fundamental free exercise principles* guaranteed by the First Amendment and are safeguarded by this Nation's *rule of law*.

However, in the record, the Court has issued three Orders that manifested a *legal prejudice*. This was accomplished through *just-a-system of justifications* using the *equivocal thought* of “conformity” with the *religious practice* of what is deemed as “*precise language*”. The “*precise language*” written and use within a “*pleading shall be simple, concise, and direct*” which makes PLAINTIFF'S FREE EXERCISE OF PURE SPEECH OF RELIGIOUS BELIEFS insignificant and without any application within a Court of law. This religious Plaintiff formulated a legal protest and precisely assemble an [OVC/Petition]; pleading particular wrongs, constitutional evils, injuries or harms of Defendants' activities, conduct and beliefs having adverse effects on the Plaintiff and his business.

IN THE RECORD, is a long history of Plaintiff's *personal constitution* which dictates or declares sacred Honor is built upon the "[public principles established in a name of J.E.S.U.S. structured as the most *sacred precincts* of public and one's own private life, personal liberty and the pursuits of happiness]" *per se* as our ("[Sacred Honor]"); being more particularly described in Exhibits T #1 attached to [OVC/Petition] and incorporated by reference as if fully set forth herein. In addition to said facts, Plaintiff respectfully refers the Court to, and incorporate here by reference, as if set forth fully herein, the facts as alleged in the [OVC] and all pleadings, exhibits, and related documents. Plaintiff has correctly asserted that several issues in this case present mixed questions of law and fact concerning the various controversies of the said parties involved. This case, *inter alia*, involves the application or interpretation of legal principles of U.S. taxation. The Sixteenth Amendment and Article I, Section 8, Clause 1 (Taxing and Spending Clause) are the source of congressional authority to levy taxes pursuant to constitutional limitations or restrictions. This [OVC] is the evidence of Defendants' actions, forcing the Plaintiff to profess a belief in a religion.

THE ORDERS

Magistrate Judge H. Bodenhausen

The Court issued Memorandum and Order dated 23rd day of February, 2017 (**Doc. No. 8**) and Plaintiff represents to the Court the legalized matters, particularities and/or irregularities in question that the above-named Court declared as set forth in Plaintiff's Exhibit Z-#1:

In the Complaint, *pro se* Plaintiff seeks monetary damages, declaratory relief, equitable relief, and injunctive relief, naming as Defendant the United States Government. Plaintiff purports to allege numerous constitutional violations in the 547-page Complaint with 4,451 paragraphs. A review of the Complaint shows that it fails to comply with the strictures of Rule 8(a). The Court finds that Plaintiff has failed to file the Complaint in accordance with Rule 8(a) and (e) of the Federal Rules of Civil Procedure, which require a "short and plain statement of the claim(s)" (e). "Taken together, Rules 8(a) and 8(e)(1) underscore the emphasis placed on clarity and brevity by the federal pleading rules." The Court finds that filing a responsive pleading to the instant Complaint would not only be difficult but costly in terms of time and money especially in light of the numerous legal theories advanced in the case. Accordingly, finding the Complaint violates Rule 8(a) and (e) to

the extent that a great deal of judicial energy and resources would have to be devoted to restructuring the pleading and streamlining the unnecessary matter, the Court will strike the Complaint. As a matter of prudent case management, the Court directs Plaintiff to file a streamlined and reorganized Amended Complaint removing unnecessary and redundant allegations as required by Rule 8 thereby clarifying and expediting all further proceedings in the case to the advantage of the litigants, counsel, and the Court. Accordingly,

“IT IS HEREBY ORDERED that Plaintiff shall file an Amended Complaint in conformity with the requirements of Rule 8 no later than March 20, 2017.”

“IT IS FURTHER ORDERED that Plaintiff’s Request for Leave to Amend Summons as to Listing Plaintiff’s Name and Address on Summons (ECF No. 6) is DENIED AS MOOT.”

District Judge John A. Ross

The Court issued Memorandum and Order dated 10th day of March, 2017 (**Doc. No. 18**) and Plaintiff represents to the Court the legalized matters, particularities and/or irregularities in question that the above-named Court declared as set forth in Plaintiff’s Exhibit Z-#2:

On February 23, 2017, after a review of the Original Verified Complaint for Declaratory Judgment, Injunctive and Other Appropriate Relief in This Petition for Quintessential Rights of the First Amendment (“Complaint”) (Doc. No. 1), the Court found the Complaint violates Rule 8(a) and (e) of the Federal Rules of Civil Procedure and ordered Plaintiff to file an amended complaint in conformity with the requirements of Rule 8 no later than March 20, 2017.

upon further review of his 547-page Complaint, with 4,451 paragraphs, the Court finds it clearly does not comply with Rule 8, which requires a “short and plain statement of the claim(s)” and that “[e]ach averment of a pleading shall be simple, concise, and direct.”

“IT IS HEREBY ORDERED that Plaintiff shall file an amended complaint in *conformity* with the *requirements* of Rule 8 no later than Friday, May 19, 2017. Failure to do so may result in dismissal of this action.”

The Court then issued an Order, dated 11th day of April, 2017 (**Doc. No. 29**) and Plaintiff represents to the Court the legalized matters, particularities and/or irregularities in question that the above-named Court declared as set forth in Plaintiff’s Exhibit Z-#3:

Even if the Court were to liberally construe Plaintiff’s Notice as an amended complaint, the Court would nevertheless finds that the Notice does not comply with the Court’s previous Orders (see Doc. Nos. 8, 18). More specifically, to the extent he seeks to incorporate the entirety of his original complaint, Plaintiff has not complied with the Court’s order that he file an amended complaint in conformity with the requirements of Rule 8, which requires a “short and plain statement of the

claim(s)” and that “[e]ach averment of a pleading shall be simple, concise and direct.” Accordingly,

“IT IS HEREBY ORDERED that Plaintiff shall file an amended complaint in conformity with the requirements of Rule 8 no later than Friday, May 19, 2017. Failure to do so may result in dismissal of this action.”

DISCUSSION AND ARGUMENT

FOR THE RECORD, Plaintiff’s suit is not *groundless* or *meritless* within a *system of justice*. However, at present this case and its controversies are being adjudicated without the verbal vanguard of due process *striking* [OVC/Petition] without notice, *self-evident* when the Court issued Memorandum and Order dated 23rd day of February, 2017 (**Doc. No. 8**). A review of this *instant Order to strike the entire breath and merits* of [OVC/Petition] defeats an adversarial *system of justice* and does not advance a defining and distinctive feature of the United States’ legal system. The Court based its action on the *brevity* of Fed. R. Civ. P. RULE 8(a)(2) and in RULE 8(d)(1) or for the *generality* of its terms. A government official's unfettered discretion allows *arbitrary application* becoming a means of suppressing a particular point of view, as revealed in this case. In the area of free expression any statute placing *unbridled discretion* in the hands of a government official constitutes a prior restraint, as such censorship engenders identifiable risks to free or pure speech. The initial and former [Court’s Presiding Judge, the Honorable John M. Bodenhausen] (“[Judge]”) *sua sponte decisionmaking*, or the Court acting on its own initiative made a *review, finding, and Order (Doc. No. 8)* thereby imposed unconstitutional *viewpoint-based restrictions* on Plaintiff’s *free or pure speech*, as well as *viewpoint-based discrimination* on Plaintiff’s [Protected Speech]. Government laws and regulations that evince *viewpoint discrimination* generally receive the highest form of court scrutiny under the free speech clause, because viewpoint discrimination threatens many of the purposes for protecting speech. This Order engaged in *viewpoint-driven conduct & regulating speech based on its content*, against Plaintiff’s *religious beliefs*, content

expressed, published and **religiously proclaimed** by the Plaintiff in [OVC/Petition]. This unjust or *prejudicial treatment* transpired; when attempting to **redress vital grievances** with the Defendants when protesting unconstitutional conditions and activities. ***“The First Amendment, our precedent makes plain, disfavors viewpoint-based discrimination.”*** See *Rosenberger v. Rector and Visitors of Univ. of Va.*, 515 U. S. 819, 828 (1995) *quoting* *Wood v. Moss*, 572 U.S. ____ (2014).

FOR THE RECORD, the [Judge] did not provide any previous verbal warning or the ruling be preceded by notice and an opportunity for hearing, prior to issuing this **instant Order striking the entire breath and merits** of [OVC/Petition]. This Order supports or is advancing the rubric of **content discrimination**. Any *devoted judicial energy and resources to content discrimination* involving **First Amendment free exercise rights** or **establishment challenges** is subordinate to restructuring such pleadings or **streamlining unnecessary matters** involving religion or its beliefs. However, the [Judge] decrees in **(Doc. No. 8)**: *“Accordingly, finding the Complaint violates Rule 8(a) and (e) to the extent that a great deal of judicial energy and resources would have to be devoted to restructuring the pleading and streamlining the unnecessary matter, the Court will strike the Complaint.”* This government type censorship and the distortion of religious discourse of a *particular viewpoint is endorsed by the government in the case* through **viewpoint regulations**, as set forth within *Rule 8(a)(2) and Rule 8(d)(1)*. A particular viewpoint of religious beliefs viewed in an Exhibit List consisting of 26 pages instituting 510 Exhibits attached to the [OVC/Petition]. See Plaintiff’s Exhibit Z#4, Exhibit List instituting 510 Exhibits as evidence & merits of this case.

FOR THE RECORD, Plaintiff’s [OVC/Petition] is the FREE EXERCISE OF PURE SPEECH OF RELIGIOUS BELIEFS. Consequently, *“restructuring the pleading and streamlining the unnecessary matter”* concerns activity grounded in **religious belief** which cannot be interpreted as unnecessary matter in Plaintiff’s case or its controversies. In addition, government suppression of controversial viewpoints of religion, religious beliefs, or the sacred right of conscience threatens the role of free

speech in checking *abusive government practices* that might otherwise go unchallenged. Plaintiff's *religious beliefs* are not an *unnecessary matter*, a *legal conclusion* or an *assumption* of Truth. This Order *infringes* on *free, pure, and protected religious speech* of this Plaintiff. This Order manifesting a *penalty* and *stiff encroachments* on fundamental *free exercise principles* of the First Amendment, when an Order forces Plaintiff *to deliver a different message under exactly the same circumstances*. In essence, thought control to justify an ambiguous rule. The [Judge] demand for a *secular message* that *simple, concise, and direct*; conflicts with U.S. Supreme Court reasoning, decisions or its doctrines. Any such *secular message* that *simple, concise, and direct* is unjust or unreasonable, as if, a *particular thought of conformity* in Rule 8, somehow establishes or could supersede free exercise rights of the First Amendment or suppress this Nation's Rule of Law. This legal compulsion on religious beliefs is in favor of a secular message of a particular viewpoint.

IN THE RECORD, Plaintiff's *personal constitution* has determined and dictates he has a *free exercise* First Amendment Quintessential Right to [CLP] as set forth in *Ashcroft v. Free Speech Coalition*, 535 U.S. 234 (2002); "*First Amendment freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought.*"; more particularly described in Exhibit C- #90 of Plaintiff's [OVC/Petition] ¶ 172 and incorporated by reference as if fully set forth herein.

IN THE RECORD, Plaintiff's *personal constitution* has determined and dictates he has a *free exercise* First Amendment Quintessential Right to [CLP] as set forth in *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564 (2002); "[A]s a general matter, 'the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content'", more particularly described in Exhibit C- #91 of Plaintiff's [OVC/Petition] ¶ 173 and incorporated by reference as if fully set forth herein.

The [Judge] discretion or decision has disregarded what the Supreme Court has long held: “As we reaffirmed only last Term, ‘[i]t is not within the *judicial ken* to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants' interpretation of those creeds.’ *Hernandez v. Commissioner*, 490 U.S. at 490 U. S. 699. ***Repeatedly and in many different contexts, we have warned that courts must not presume to determine the place of a particular belief in a religion or the plausibility of a religious claim.***” (Emphasis added). See *Employment Div. v. Smith*, 494 U.S. 872, 888 (1990). The Court further held: “The ***compelling interest test*** effectuates the First Amendment's command that religious liberty is an independent liberty, that it occupies a preferred position, and that the Court will not permit encroachments upon this liberty, ***whether direct or indirect***, unless required by clear and compelling governmental interests “of the highest order,” *Yoder, supra*, 406 U.S. at 406 U. S. 215. (Emphasis added).” See *Employment Div. v. Smith, Id.* at 888. The Rule 8 conformity in First Amendment cases is not “of the highest order”. See Plaintiff’s Exhibit Z#5 of 2006 Edition & Exhibit Z#6 2016 Edition of Fed. R. Civ. P. Rule 8.

FOR THE RECORD, the [Judge] indifference to the law, “[Religious Freedom Restoration Act]” (“[RFRA]”) which affords the Plaintiff ***adjudicatory procedures*** or with First Amendment rights against *compelled speech* and *viewpoint discrimination* is an ***abuse of discretion***. This must be so because “*men may believe what they cannot prove. They may not be put to the proof of their religious doctrines or beliefs. Religious experiences which are as real as life to some may be incomprehensible to others.*” See *United States v Ballard*, 322 U.S. 78 supra at 86 (1944). This government’s Order also violates Plaintiff’s Fifth Amendment right to be free from arbitrary deprivation of his liberties in that it would conscript Plaintiff to develop a complaint/petition that undermines Plaintiff’s *conformity/distinctions* of ***his own sincerely held religious beliefs***. Plaintiff [believes] and [conscience] dictates, in this case, this *ambiguous conformity* within Rule 8 is and/or advances “[A Complacent Policy of Indifference to Evil]” *per se* as (“[To LIVE as EVIL]”).

Another bite of the Apple - (Doc. Nos. 18 & 29)

Pursuant to Local Rule 2.08, and Plaintiff's *anxieties* about a fair hearing, *due process of law* and the [Judge] total lack of concern with Plaintiff's *free exercise rights* and *establishment challenges*, and in addition to, burdens placed upon a *pro se* Plaintiff and the First Amendment; Plaintiff requested and received a reassignment of this case to a District Judge. (Doc. No. 16). "IT IS HEREBY ORDERED that the above styled cause is randomly reassigned from Magistrate Judge H. Bodenhausen to District Judge John A. Ross." 03/7/17. (Hereinafter "[Judge Ross]"). The Court then issued Memorandum and Order dated 10th day of March, 2017 (**Doc. No. 18**). [Judge Ross] declared upon *further review* of a "547-page Complaint, with 4,451 paragraphs, the Court finds it clearly does not comply with Rule 8", which requires a "short and plain statement of the claim(s)" and that "[e]ach averment of a pleading shall be simple, concise, and direct."

FOR THE RECORD, and for unknown reason(s) [Judge Ross] made *no reference* that Plaintiff's [OVC/Petition] had established *seven claims for relief* with *seven causes of action* involving the U.S. Constitution, *germane* U. S. Supreme Court doctrines, *establishment challenges* and *free exercise clause* violations of the First Amendment. An act of *legal prejudice* to Plaintiff. [Judge Ross] "ORDERED that Plaintiff shall file an amended complaint in *conformity* with the *requirements* of Rule 8 no later than Friday, May 19, 2017. Failure to do so may result in dismissal of this action." (**Doc. No. 18**). Furthermore, [Judge Ross] *instant Order* (**Doc. No. 29**) decrees: "Even if the Court were to liberally construe Plaintiff's Notice as an amended complaint, the Court would nevertheless finds that the Notice does not comply with the Court's previous Orders (see **Doc. No. 8, 18**)." However, Plaintiff has filed Notices (Doc. Nos. 33 & 34) seeking *conformity with the law* and *to make a conscientious effort to comply with the court's initial review order*.

FOR THE RECORD, Plaintiff maintains the [Judge] Order (**Doc. No. 8**) and [Judge Ross] Order (**Doc. No. 18**) *infringes on* Plaintiff's *individual freedom of mind*. With Orders operating

on unconstitutional 'grounds' based on the *brevity* of Fed. R. Civ. P. RULE 8(a)(2) and in RULE 8(d)(1) or for the *generality* of its terms; thus exhibiting *unfettered discretion* to *proposed speech* or *Plaintiff's religious pure speech*, requirements that are *intolerably vague*, discriminate on the basis of content, and penalize pure speech. Furthermore, and important to the Court and this Plaintiff; [Judge] and [Judge Ross] are *utilizing 2006 Edition* or perhaps *2016 Edition* of the Federal Rules of Civil Procedure. The Court should recognize the significance of *certain legal words*, such as "*averment*" used in *2006 Edition* of Fed. R. Civ. P. Rule 8(e)(1) and "*allegation*" used in the *2016 Edition* of Fed. R. Civ. P. Rule 8(d)(1). The Court Orders addressed "*averment*" only & does not address any legal positions of "*allegation*" or other *sweeping words* in pleadings.

FOR THE RECORD, the Defendants have not currently filed any motion(s) to dismiss the [OVC/Petition], raised any defenses, admissions or denials, or plead affirmative defenses, including making any claims or exercise certain rights under Fed. R. Civ. P. Rule 8.

A Complacent Policy of Indifference to Evil

The [Judge] and [Judge Ross] knew or should have known of Fed. R. Civ. P. Rule 12(f):

(f) MOTION TO STRIKE. The court *may strike from a pleading* an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

(1) on its own; or

(2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

FOR THE RECORD, Rule 12(f) provides the Court, or the [Judge] **no authority** to strike the *entire breath and merits of* [OVC/Petition]. Still [Judge] strikes [OVC/Petition] for violating "*Rule 8(a) and (e) to the extent that a great deal of judicial energy and resources would have to be devoted to restructuring the pleading and streamlining the unnecessary matter, the Court will strike the Complaint.*" The legal criteria of Rule 12(f) makes no mention of such matters. Pursuant

to the Court's existing Orders (**Doc. Nos. 8, 18 & 29**) that Plaintiff shall file an *amended complaint* in *conformity* with the *requirements* of Rule 8, is a *unjust burden* manifested on *free exercise principles* of Plaintiff's *religious belief* (Thou Shall Not Bear False Witness) to other or to God or County and has diminishes Plaintiff's *secular belief*; in the First Amendment *free exercise rights* and Rule 8(e) "CONSTRUING PLEADINGS. Pleadings must be construed so as to do justice."

STANDARD OF REVIEW

Plaintiff argues the proper judicial review is under First Amendment scrutiny. U.S. District Courts apply the strict scrutiny standard in two contexts: when a fundamental constitutional right is infringed, and those the court has deemed a fundamental right protected by the Due Process Clause of the Fifth Amendment. The second context under [RFRA] reinstated the Sherbert Test, which was set forth by *Sherbert v. Verner, & Wisconsin v. Yoder*. The [RFRA] mandates strict scrutiny be used when determining whether Free Exercise Clause violations of religious freedom occurred. To pass [RFRA] strict scrutiny, the law, regulation, policy or other government action must satisfy these tests regarding Plaintiff's *free exercise claims* including the Court evoking *conformity* with the *requirements* of Rule 8 or *any judge striking religious beliefs* in Plaintiff's [OVC/Petition] deemed as *immaterial, impertinent, or scandalous matter, or worst religious beliefs are frivolous*.

- A. It must be justified by a **compelling governmental interest**. While the Courts have never brightly defined how to determine if an interest is compelling, the concept generally refers to something necessary or crucial, as opposed to something merely preferred.
- B. It must be **narrowly tailored** to achieve that goal or interest. If the government action encompasses too much (overbroad) or fails to address essential aspects of the compelling interest, then the rule is not considered narrowly tailored.
- C. It must be the **least restrictive means** for achieving that interest, that is, there cannot be a less restrictive way to effectively achieve the compelling government interest. If the government enacts a law that restricts a fundamental personal liberty, it must employ the least restrictive measures possible to achieve its true goal. This test applies even when the government has a legitimate purpose in adopting the particular law.

AND/OR, IN THE ALTERNATIVE, FOR RELIEF FROM ORDERS PURSUANT TO FED. R. CIV. P. RULE 60(b)(6) “any other reason that justifies relief” Plaintiff states:

Plaintiff’s has *constitutional rights* to **formulate a legal protest** and *precisely assemble* an [OVC/Petition] as in the **right to petition** the government, “**showing that the pleader is entitled to relief**” under Rule 8(a)(1) and of declaratory and prospective injunctive relief. Plaintiff’s *personal constitution* has determined and dictates he has a **free exercise** First Amendment Quintessential Right to [CLP] as set forth in California Motor Transport Co. v. Trucking Unlimited, 404 U.S. 508 (1972) “*Certainly the right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right of petition.*” See Johnson v. Avery, 393 U.S. 483, 485; Ex parte Hull, 312 U.S. 546, 549; more particularly described in Exhibit C- #58 of Plaintiff’s [OVC/Petition] ¶ 140 and incorporated by reference as if fully set forth herein. Plaintiff’s avers “**any other reason that justifies relief**” pursuant to RULE 60(b)(6) of the Fed. R. Civ. P. *are being set forth as general titles of legal reason with specific facts, terms and evidence presented in the attached Brief, exhibits or Declarations of Plaintiff or Judicial Notice.*

A). misapplication of the law, by using of Fed. R. Civ. P. Rule 8 (2006 Edition versus 2016 Edition), with Rule 8 providing no independent power to strike a complaint for violations of Rule 8, or with Rule 8(d)(1) *restricting rights as it proscribes speech by express reference to its content.*

B). just-a-system for justifications: *fail to specify which paragraphs have an alleged defect in the complaint or failed to mention of seven causes of action and seven claims for relief are set forth in [OVC/Petition] an omission that advances the natural driven prejudices with Pro Se complaints.* *The Court has become Plaintiff adversity and presented arguments, of which the Defendants have not currently filed any motion(s) to dismiss the [OVC/Petition], raised any defenses, admissions or denials, or plead affirmative defenses, including making any claims or exercise certain rights*

*under Rule 8. A double standard case & Court sanction of Fed. R. Civ. P. See **Judicial Notice #1.***

C). a work of injustice: *using word for word of an old M&O of 11 years ago or allowing this case status defaced as Civil Rights without consent or a legal notice. Issuing an Order engaged in viewpoint-driven conduct & regulating speech based on its content against Plaintiff's religious beliefs; while evoking usurping powers from viewpoint regulations that evince viewpoint based discrimination and compelled speech from unbridled discretion. Furthermore, the [Judge] and [Judge Ross] actions would appear to serve for or act as the lead counsels for the Defendants.*

D). manifested injustice: *an instant Order to strike the **entire breath and merits** of [OVC/Petition] defeats an adversarial system of justice and does not advance a defining and distinctive feature of the United States' legal system or a total disregard of a case and its controversies, as an action arising under the Establishment/Free Exercise Clause of the First Amendment of the United States Constitution. Failed to mention Plaintiff's Exhibit list or Brief in Support in their Court's Memos.*

E). abuse of discretion: *"substantial rights" are affected, through a lack of due process and a sense of Justice issuing an Order striking the breath and merits of a complaint without notice or by exceeding the **limited authority** in Fed. R. Civ. P. Rule 12(f) ("The court may strike **from** a pleading" NO power to strike an **entire** pleading). The [Judge] failed to uphold his oath of Office to the U.S. Constitution causing Plaintiff to file Declarations (Doc. Nos. 13, 20, 24).*

F). reversible error: *striking the complaint & excluding evidence which a party was entitled to have admitted, as the error was evident, obvious, and clear and materially prejudiced a substantial right, meaning that this mistake affected the outcome of the case in a significant way.*

G). "WHATEVER" a source of unbridled power: *Plaintiff avers [Judge] and [Judge Ross] are dedicated to restructuring the Plaintiff's [OVC/Petition] through the **2006 Edition** of Fed. R. Civ. P. RULE 8 instead of upholding his rights, the *rule of law*, U. S. Constitution or First Amendments.*

These judges **do not want** Plaintiff to believe in his own message of protected religious speech; they want him to believe in their *secular message of conformity and faith in "precise language"* of "WHATEVER" thoughts a judge reckons is *a correct message* as a source of *unbridled power*. These two judges have manifested the evils of *government demanded self-censorship*, as well as, *another personal stake as defined, designed, driven, devalued, degraded, deprived*, or fearful to be *destroyed* by law respecting an establishment of religion in a matrix of religious dealings.

CONCLUSION

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. This motion upholds those rights and his message.

Respectfully Submitted,



Date: May 19, 2017

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CERTIFICATE OF SERVICE AND DELIVERY

I hereby certify that the foregoing was filed this 19th day of May, 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 # 7008-3230-0001-6638-2454 at the following address:

Gregory L. Mokodean
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 7238
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Initials



Signatures of



Date: May 19th, 2017

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