

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

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

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**PLAINTIFF’S MOTION TO RECONSIDER THE COURT’S RULING OF JULY 11, 2017  
to correct clear errors of law and prevent manifest injustice under Rule 59(e), in conjunction  
with obtaining relief from a proceeding & Order pursuant to Fed. R. Civ. P., Rule 60(b)(1)(4)(6)  
OR, IN THE ALTERNATIVE,  
Federal Rule of Civil Procedure Rule 54(a)(b) and Rule 46- Objecting to a Ruling or Order**

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**Comes Now**, Plaintiff TERRY LEE HINDS, appearing *Pro se* in a civil action for rights, privileges, or immunities secured by the U.S. Constitution and the Rule of Law, submits on just terms, this *Motion to Reconsider* the Court’s Ruling of **July 11, 2017** (Doc. No. 55) pursuant to Fed. R. Civ. P., Rule 59(e), or under Rule 54(a)(b) and a *Motion for Relief* under Fed. R. Civ. P., Rule 60(b)(1)(4)(6) with Plaintiff objecting to a ruling or order pursuant to Fed. R. Civ. P., Rule 46 and in support of said motions and requests states or show the Court as follows:

1). To advance the arguments, evidence and the merits of Plaintiff’s motions and requests, the Plaintiff submits a MEMORANDUM OF LAW AND BRIEF IN SUPPORT OF PLAINTIFF’S MOTION TO RECONSIDER THE COURT’S RULING OF JULY 11, 2017, with germane Exhibits presented, as set forth and attached hereto and incorporated by reference as if fully set forth herein.

2). Defendants failed to file an answer, objection or make a responsive brief to Plaintiff's Motions and Requests, as well as contests the facts or evidence in Plaintiff's Brief in support thereof (Doc. Nos. 53, 54) and is an active part of the record, being deemed as admitted and relevant to this pending motion. See attached Exhibits U#37 and U#38 of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

3.) Plaintiff moves the Court that the Defendants' "Motion to Strike Filings or, in the Alternative, for an Extension of Time" (Doc. No. 51) as improper, or is without legal foundation utilizing inapposite cases, and as matter of law, should be stricken from the record, or should have been in the alternative, denied.

4). Plaintiff moves the Court that the Defendants' *orphan brief* titled "Memorandum in Support of United States' Motion to Strike Filings or, in the Alternative, for an Extension of Time" (Doc. No. 52) should be stricken from the record, containing misleading information and was never incorporated into the Defendants' motion.

5. Plaintiff moves the Court to reconsider, rectify its ruling, or revisit non-final orders in its discretion, as well as, grant relief from a proceeding or Court order regarding:

**(A/1): *The Bad faith in Crafty Bespeaks Defenses for Extension of time, inter alia***

5.1). The Court made no decision or offered an opinion on Plaintiff's motion and request (Doc. No. 54) concerning Defendants' "Motion to Strike Filings or, in the Alternative, for an Extension of Time" ("Def. 12(f) motion") (Doc. No. 51) being improper submitted by a CARRIE COSTANTIN Acting United States Attorney who has not enter their appearance with the Court or name listed on the docket of this case.

5.2). The Court made no ruling on Plaintiff's motion and request (Doc. No. 54) concerning "*the Court issuing an Order that the Defendants' motion be stricken from the record, or in the*

*alternative, denied or such other relief as the Court deems proper.”*

5.3). The Court made no ruling on Plaintiff’s motion and request (Doc. No. 54) concerning (“Def. 12(f) motion”) being an exercise of bad faith, and for the sole purpose in obtaining an order *for Extension of time, inter alia*, to enter into the record, false ideas, misleading facts and statements not support by evidence or law.

5.4). The Court made no decision or offered an opinion on Plaintiff’s Brief in support of his Motion and opposition to (“Def. 12(f) motion”) concerning Defendants moving this Court to fault a well-settled precedent, with one’s religious beliefs when they declared: “Additionally, the June 14 Filings are incoherent and disorganized. Many of Plaintiff’s allegations are incoherent.

5.5). The Court made no decision, offered an opinion or grant requested relief on Plaintiff’s motion and brief in support and opposition to (“Def. 12(f) motion”) concerning Defendants experiencing a large host of Plaintiff’s legal concerns and rights protected under law, that Plaintiff properly seek by motion to be stricken from the record, or in the alternative, denied or such other relief as the Court deems proper.

5.6). The Court made no decision, or offered an opinion on Plaintiff’s motion or brief in support and opposition to (“Def. 12(f) motion”) concerning Defendants failure to respond to Plaintiff’s Complaint, Notices, Motions or other legal process.

5.7). The Court made a decision to granted a sixty 60 days extension for Defendants to file a responsive pleading, which constitutes an unfair prejudice to Plaintiff as Defendants first request for an extension was requested in bad faith, of which defeats Fed. R. Civ. P., Rule 12 (Defenses and Objections).

5.8). The Court made no decision, or offered an opinion on Plaintiff’s motion or brief in support and opposition to (“Def. 12(f) motion”) concerning the Defendants legal premise that Rule 8 has

a mechanism to strike a complaint, or an “amended complaint” or notice pleadings in its entirety.

5.9). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff’s Exhibit #U29, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.10). For the reasons, legal premise and law and argument set forth in (A/1): The Bad faith in Crafty Bespeaks Defenses for Extension of time, *inter alia*.

**(A/2): “As a final matter” a Standard of Moot vs. a Clear Abuse of Discretion**

5.11). The Court’s denial of *prospective relief* is a ***clear abuse of discretion*** and ***it is necessary to correct errors of law or fact and prevent manifest injustice, when Plaintiff was denied*** a full and fair opportunity to litigate his claims and thereby preventing the Plaintiff from receiving adequate redress.

5.12). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff’s Exhibit #U30, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.13). For the reasons, legal premise and law and argument set forth in (A/2): “As a final matter” a Standard of Moot vs. a Clear Abuse of Discretion.

**(A/3): This Court as the adversary, not as the arbiter for justice**

5.14). Plaintiff’s verified complaint/petition, in part, involving legal matters, issues and controversies with U.S. constitutional provisions of law, Establishment Clause challenges, Free Exercise Clause violations or rights being curtailed by the Court and Clerk Office or reduced to ***statutory levels*** of Civil Rights (42 U.S.C. §1983) with the “Nature of Suit” listed or assigned as (“440 Civil Rights: Other”) advanced by governmental actors under the ***color of law***.

5.15). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff’s

Exhibit #U31, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.16). For the reasons, legal premise and law and argument set forth in (A/3): This Court as the adversary, not as the arbiter for justice.

**(A/4): ‘Amended Complaint’ is [To LIVE as EVIL]**

5.17). An “amended complaint” manifested by Rule 8 *conformity*, burdening substantially more speech than was necessary to achieve a compelling reason or curtails speech with Fed. R. Civ. P. Rule 8(a) and 8(d) operating as unconstitutionally vague, as applied.

5.18). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff’s Exhibit #U32, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.19). For the reasons, legal premise and law and argument set forth in ‘Amended Complaint’ is [To LIVE as EVIL].

**(A/5): *Misapplication, mistake of law or a manifest error of law or fact***

5.20). An “amended complaint” practice is a misapplication, mistake of law or a manifest error of law or fact.

5.21). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff’s Exhibit #U33, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.22). For the reasons, legal premise and law and argument set forth in (A/5): Misapplication or Mistake of Law, or a manifest error of law or fact in this ruling.

**(A/6): *The Merits, a Lack of Due Process and stricken from the record***

5.23). Defendants’ motion should have been stricken from the record, or in the alternative, denied

pursuant to Plaintiff requests, motions and opposition set forth in (Doc. No. 53 and 54).

5.24). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff's Exhibit #U34, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.25). For the reasons, legal premise and law and argument set forth in (A/6): The Merits, a Lack of Due Process and stricken from the record.

**(A/7): Notice Pleadings with the "Religiosity of Facts" 1 to 7. (ECF No. 45.)**

5.26). Plaintiff's *Religiosity of Facts* (Doc. No. 45) existing as protected speech in notice pleadings established as "**Other Amendments**" as a message of pure speech for religious beliefs.

5.27). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff's Exhibit #U35, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.28). For the reasons, legal premise and law and argument set forth in (A/7): *Notice Pleadings with the "Religiosity of Facts" 1 to 7. (ECF No. 45.)*

**(D). Rule 46. Objecting to a Ruling or Order driven or controlled by Rule 54(a)(b), *inter alia*.**

5.29). Plaintiff request the [OVC/Petition] be reinstated as the ruling or *decision* of excluding evidence or an order striking this pleading is unconstitutional and should be vacated, *as manifest errors of law or fact* which will constitute reversible error.

5.30). Plaintiff request the Court review and examine the legal premise and grounds in Plaintiff's Exhibit #U28, of which is presented herein and set forth and attached hereto and incorporated by reference as if fully set forth herein.

5.31). For the reasons, legal premise and law and argument set forth in (D). Rule 46. Objecting to a Ruling or Order.

For the foregoing reasons, and premises consider, Plaintiff respectfully request that this Court reconsider, rectify its ruling, or revisit non-final orders in its discretion as well as, grant relief from a proceeding or Court order regarding to correct clear errors of law, reversible errors or manifested errors of law and fact and to prevent manifest injustice under Rule 59(e), in conjunction with obtaining relief from a proceeding & Order pursuant to Fed. R. Civ. P., Rule 60(b)(1)(4)(6) OR, IN THE ALTERNATIVE, pursuant to Federal Rule of Civil Procedure Rule 54(a)(b) - Judgement on Multiple Claims and Rule 46- Objecting to a Ruling or Order, as set forth herein or in accordance with established law, precedent set forth herein or for such other relief as the Court deems proper.

Executed this 24<sup>th</sup> day of July, 2017

*Respectfully submitted,*

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TERRY LEE HINDS, Plaintiff, *Pro se*  
438 Leicester Square Drive  
Ballwin, Missouri 63021  
PH (636) 675-0028

**CERTIFICATE OF SERVICE AND DELIVERY**

I hereby certify that the foregoing was filed this 24<sup>th</sup> day of July, 2017 and served upon Defendants and its U.S. Attorney, by First class postage prepaid, U.S. Certified mail # 7009-0960-0000-0249-6897 at the following address:

Gregory L. Mokodean  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 7238  
Washington, D.C. 20044

Initials \_\_\_\_\_

*Signatures of*

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TERRY LEE HINDS, *Pro se*, Plaintiff

Attachment(s):

MEMORANDUM OF LAW AND BRIEF IN SUPPORT OF PLAINTIFF'S MOTION TO RECONSIDER THE COURT'S RULING OF JULY 11, 2017