Exhibit U#28

Pure Speech of Religious Belief and the sacred rights of Conscience as Protected Speech

STATEMENT OF THE ISSUES PRESENTED AND ASSIGNMENT OF ERRORS

ISSUE PRESENTED # I. (D/1)

Under the ***free exercise clause*** of the First Amendment or *due process of law* does the right of *protected speech of religious beliefs or the sacred right of conscience* prevail over the abridgments, or substantial burdens manifested by a compelling government interest in crafting an "amended complaint" when a Judge's ***sua sponte decisionmaking***, or the District Court acting on its own initiative, ***strikes the entire breath and merits*** of Plaintiff's [OVC/Petition] or can be stricken from the record by [July 11, 2017 Ruling] after Plaintiff incorporated the evidence provisions thereof into notice pleadings (Doc. No. 44) *for a religious exercise,* substantially burdened by government.

- Free Exercise Clause of the First Amendment to the United States Constitution
- The *due process of law* provision of the Fifth Amendment, U.S. Constitution
- Religious Freedom Restoration Act ("RFRA") (42 U.S.C. § 2000bb et seq.)
- *Cantwell v. Connecticut*, 310 U.S. 296, 303-304 (1940)
- *Cummings v. Missouri*, 71 U.S. 277, 304, 4 Wall. 277 (1866)
- *Thomas v. Review Bd., Ind. Empl. Sec. Div.*, 450 U.S. 707, 714 (1981)
- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803)
- *Sherbert v. Verner*, 374 U.S. 398 (1963)
- *Wisconsin v. Yoder*, 406 U.S. 205 (1972)
- *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 430 (2006)
- *Employment Div. v. Smith*, 494 U.S. 872, 886–87 (1990)
- *Church of the Lukumi Babalu Aye v. City of Hialeah*, 508 U.S. 520, 546 (1993)
- *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997)
- *Anderson v. Celebrezze*, 460 U.S. 780, 806 (1983).
- *Harrell v. Donahue*, 638 F.3d 975, 984 (8th Cir. 2011)

- *United States v. Ali*, 682 F.3d 705, 709 (8th Cir. 2012) (citing
- *Weir v. Nix,* 114 F.3d 817, 820 (8th Cir. 1997)
- *Quaring v. Peterson*, 728 F.2d 1121, 1126 (8th Cir. 1984).

ASSIGNMENT OF ERROR # I. (D/1.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when Plaintiff's [OVC/Petition] was stricken from the record manifested by clear errors of law or fact?

***

ASSIGNMENT OF ERROR # I. (D/1.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the initial decision was clearly erroneous in ***striking the entire breath and merits*** of Plaintiff's [OVC/Petition] or would be stricken from the record by [July 11, 2017 Ruling] exhibiting a work of manifest injustice or advancing misapplication or mistake of law?

***

ASSIGNMENT OF ERROR # I. (D/1.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the right of *protected speech of religious beliefs or the sacred right of conscience*, advanced as a religious exercise, is substantially burdened by government or compelled to yield to abridgments or undue influences of a compelling government interest in manifesting an "amended complaint"?

***

****

ISSUE PRESENTED # II. (D/1)

Under the ***free exercise clause*** of the First Amendment and *due process of law*, does the right to protest/petition the Court based upon the pleading formalities in [OVC/Petition] (ECF. Nos. 1-3) be reinstated or should have be stricken from the record, excluding evidence, and the merits of a

case or *"to the extent the amended complaint references Plaintiff's previously-filed complaint, brief and support, and exhibits, those provisions will be stricken"* specifically when the Plaintiff gave the Defendants fair notice of what the claim is and the grounds upon which it rests concerning ***certain fundamental rights*** as guaranteed by First Amendment holding the initial decision was clearly erroneous and has worked a manifest injustice.

- Free Exercise Clause of the First Amendment to the United States Constitution
- Due Process Clause of the Fifth Amendment, U.S. Constitution
- *Cantwell v. Connecticut*, 310 U.S. 296, 303-304 (1940)
- *Employment Div. v. Smith*, 494 U.S. 872, 888 (1990)
- *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564, 573 (2002)
- *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803**)**
- Religious Freedom Restoration Act ("RFRA") (42 U.S.C. § 2000bb et seq.)

ASSIGNMENT OF ERROR # II. (D/1.1)

Did the District Court err, as a matter of law, and/or a Federal Judge abuse her discretion when the Court failed "TO REVIEW, ALTER, AMEND, OR VACATE ORDERS" pursuant to Plaintiff's motion (Doc. No. 38) and MEMORANDUM OF LAW AND BRIEF IN SUPPORT thereof (Doc. No. 39)?

****

ASSIGNMENT OF ERROR # II. (D/1.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court failed to uphold or protect Plaintiff's pure speech of religious belief and the sacred right of conscience when exercised as protected speech or the framework of religious liberty?

****

ASSIGNMENT OF ERROR # II. (D/1.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when Plaintiff stated his claims and the grounds upon which the [OVC/Petition] rests concerning vital

First Amendment establishment clause challenges and free exercise violations, while Plaintiff embracing those *fundamental rights* that are "implicit in the concept of ordered liberty" or "deeply rooted in the Nation's history or traditions"?

***

****

ISSUE PRESENTED # III. (D/1)

Under the ***free exercise clause*** of the First Amendment, due process of law, or Fed. R. Civ. P. Rule 54(a)(b) does Plaintiff's right to seek a DECLARATORY JUDGEMENT, INJUNCTIVE AND OTHER APPROPRIATE RELIEF for religious beliefs, in conjunction with other fundamental rights and privileges claimed within an [OVC/Petition] prevail when an ***order or other form of decision*** that adjudicates claims and rights, *without due process of law*, or maintains the rights and liabilities of fewer than all the parties; shall not terminate the action, as to any of the claims or parties, and the *order or other form of decision* is subject to revision at any time before the entry of final judgment adjudicating all the claims and the rights and liabilities of all the parties.

- Free Exercise Clause of the First Amendment to the United States Constitution
- Due Process Clause of the Fifth Amendment, U.S. Constitution
- *Cantwell v. Connecticut*, 310 U.S. 296, 303-304 (1940)
- *Employment Div. v. Smith*, 494 U.S. 872, 888 (1990)
- Religious Freedom Restoration Act ("RFRA") (42 U.S.C. § 2000bb et seq.)
- Fed. R. Civ. P. Rule 54(a)(b)
- Declaratory Judgment Act, 28 U.S.C. §§ 2201, 2202
- Rule 57 of the Federal Rules of Civil Procedure.
- Preliminary and Permanent injunctive relief under Federal Rule of Civil Procedure 65

ASSIGNMENT OF ERROR # III. (D/1.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abused their discretion when Plaintiff gave the Defendants fair notice of what the claim is and the grounds upon which it rests

concerning certain fundamental rights as guaranteed by First Amendment being contrary to *orders or other form of decisions* that is subject to revision at any time before the entry of final judgment adjudicating all the claims and the rights and liabilities of all the parties.?

***

ASSIGNMENT OF ERROR # III. (D/1.2)

Did the District Court erred, as a matter of law, and/or a Federal Judge abuse his discretion when *adjudicating claims and rights by striking the entire breath and merits of an* [OVC/Petition] without proper due process of law, manifested by clear errors of law or fact, or exhibiting a work of manifest injustice or by advancing misapplication or mistake of law?

***

ASSIGNMENT OF ERROR # III. (D/1.3)

Did the District Court err, as a matter of law, and/or a Federal Judge abuse her discretion when the Court refused "TO REVIEW, ALTER, AMEND, OR VACATE ORDERS" pursuant to Plaintiff's motion (Doc. No. 38) ruled as "moot" defeating Plaintiff's right to seek a DECLARATORY JUDGEMENT, INJUNCTIVE AND OTHER APPROPRIATE RELIEF by issuing an ***order or other form of decision*** that is clearly erroneous, works a manifest injustice or is advancing misapplication or mistake of law?