

Exhibit U#32

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

STATEMENT OF THE ISSUES PRESENTED AND ASSIGNMENT OF ERRORS

ISSUE PRESENTED # I. (A/4)

Under the *free exercise clause* of the First Amendment, does the right of protected speech of religious beliefs and conscience prevail over the *brevity* of Fed. R. Civ. P. RULE 8(a)(2) and in RULE 8(d)(1) or for the *generality* of its terms; as a compelling government interest for an “amended complaint” when it burdens substantially more speech than was necessary to achieve its legitimate goals or curtails protected speech operating as unconstitutionally vague, as applied.

- 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
- The Void for Vagueness Doctrine
- *Cantwell v. Connecticut*, 310 U.S. 296, 304 (1940)
- *United States v. Lanier*, 520 U.S. 259, 266 (1997)
- Fed. R. Civ. P. RULE 8(a)(2)
- Fed. R. Civ. P. RULE 8(d)(1)

ASSIGNMENT OF ERROR # I. (A/4.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court ordered an “amended complaint” based on the *brevity* of Fed. R. Civ. P. RULE 8(a)(2) and in RULE 8(d)(1) or for the *generality*?

ASSIGNMENT OF ERROR # I. (A/4.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court decided and Ordered Plaintiff to file an “amended complaint” thus burdens substantially

more speech than was necessary to achieve its legitimate goals or curtails protected speech operating as unconstitutionally vague, as applied?

ASSIGNMENT OF ERROR # I. (A/4.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court suppress Plaintiff’s free exercise rights of protected speech of religious beliefs and conscience when it demand a more secular message pursuant to conformity with Rule 8?

ISSUE PRESENTED # II. (A/4)

Under the U.S. Supreme Court precedent in *Foman v. Davis*, 371 U.S. 178, (1962) does Rule 8 conformity with free exercise clause rights of religious belief, conscience and protected speech reject the approach that pleading is a game of skill in which one misstep by a *pro se* Plaintiff may be decisive to the outcome, when the Plaintiff accepted a U.S. Supreme Court’s Doctrine of due process and the principle that the purpose of pleading is to facilitate a proper decision on the merits.

- Free Exercise Clause of the First Amendment to the United States Constitution
- *Cantwell v. Connecticut*, 310 U.S. 296, 304 (1940)
- *Foman v. Davis*, 371 U.S. 178, (1962)
- *United States v. Lanier*, 520 U.S. 259, 266 (1997)
- Religious Freedom Restoration Act (“RFRA”) (42 U.S.C. § 2000bb et seq.)

ASSIGNMENT OF ERROR # II. (A/4.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court decided that Rule 8 conformity supplants free exercise clause rights of religious belief, conscience and protected speech?

ASSIGNMENT OF ERROR # II. (A/4.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court decided that an “amended complaint” was a more compelling government interest than upholding free exercise clause rights of religious belief, conscience and protected speech of the Plaintiff?

ASSIGNMENT OF ERROR # II. (A/4.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court decided the U.S. Supreme Court precedent in *Foman v. Davis*, 371 U.S. 178, (1962) did not apply to Plaintiff’s [OVC/Petition] or pleading standards established by the U.S. Supreme Court?

ISSUE PRESENTED # III. (A/4)

Under Federal Rule of Civil Procedure, Rule 59(e), in conjunction with obtaining relief from a proceeding & Order pursuant to Fed. R. Civ. P., Rule 60(b)(1)(4)(6) does the Defendants’ complacent policy of indifference to constitutional evils prevail over Plaintiff’s *free exercise* of QUINTESSENTIAL RIGHTS OF THE FIRST AMENDMENT seeking relief through [OVC/Petition] when the District Court decided that Plaintiff’s motion (Doc. No. 38) was “moot” based on a policy or custom of an “amended complaint”.

- 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)
- *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)

- Fed. R. Civ. P., Rule 60(b)(1)(4)(6)
- Fed. R. Civ. P., Rule 59(e)

ASSIGNMENT OF ERROR # III. (A/4.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court decided the policy or custom of an “amended complaint” would be a valid compelling government interest superseding Constitutionally Protected Interests of the First Amendment?

ASSIGNMENT OF ERROR # III. (A/4.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court decided and ruled that Plaintiff’s notice pleadings (Doc. No. 44) would suffice as an “amended complaint”?

ASSIGNMENT OF ERROR # III. (A/4.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court decided the chief principle that the purpose of pleading is to facilitate a proper decision on the merits as being moot or frivolous concerning Plaintiff’s pleadings?

