Exhibit U#34

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

STATEMENT OF THE ISSUES PRESENTED AND ASSIGNMENT OF ERRORS

ISSUE PRESENTED # I. (A/6)

Under due process of law in the Fifth Amendment that *"No person shall be deprived of life, liberty, or property, without due process of law*" which embraces protected activity; preclude a Judge's ***sua sponte decisionmaking***, or would allow the District Court acting on its own initiative ***to strike the entire breath and merits*** of Plaintiff's [OVC/Petition] when Plaintiff is claiming the protection of the laws when he receives an injury, while embracing those fundamental rights that are "implicit in the concept of ordered liberty" or "deeply rooted in the Nation's history or traditions".

- 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)
- Cummings v. Missouri, 71 U.S. 277, 4 Wall. 277 (1866)

ASSIGNMENT OF ERROR # I. (A/6.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court it violated due process of law in the Fifth Amendment in favor of unbridle power of a Judge's ***sua sponte decisionmaking,*** *when* striking the entire breath and merits of Plaintiff's [OVC/Petition]?

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ASSIGNMENT OF ERROR # I. (A/6.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court when the merits of Plaintiff's case were dismissed without affording him a hearing or prior notice of an adverse action or due process of law?

ASSIGNMENT OF ERROR # I. (A/6.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court disregarded Plaintiff claim for the protection of the laws when he receives an injury, while he embraced those fundamental rights that are "implicit in the concept of ordered liberty" or "deeply rooted in the Nation's history or traditions"?

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ISSUE PRESENTED # II. (A/6)

Under due process of law in the Fifth Amendment that *"No person shall be deprived of life, liberty, or property, without due process of law*" which embraces an express legal process, filings and procedures with Plaintiff's case; which upholds or precludes a Judge's decision "that Plaintiff cannot incorporate those filings into his amended complaint" when "those filings" exist as his protected pure speech of religious beliefs or exercised as the *natural "rights of conscience are scared rights"*.

- 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)
- Cummings v. Missouri, 71 U.S. 277, 4 Wall. 277 (1866)

ASSIGNMENT OF ERROR # II. (A/6.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court denied Plaintiff due process of law when it failed strike Defendants' motion and brief (Doc. No. 53 & 54), or in the alternative, deny Defendants' motion?

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ASSIGNMENT OF ERROR # II. (A/6.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court failed to prevent a Judge's decision "that Plaintiff cannot incorporate those filings into

his amended complaint" when "those filings" exist as his protected pure speech of religious beliefs or exercised as the *natural "rights of conscience are scared rights"*?

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ASSIGNMENT OF ERROR # II. (A/6.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court took a period of over 8 weeks to make a ruling on Plaintiff's motion (Doc. No. 38)?

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ISSUE PRESENTED # III. (A/6)

Under due process of law in the Fifth Amendment that *"No person shall be deprived of life, liberty, or property, without due process of law*" which embraces an express legal process, filings and established procedure a civil action; which upholds or precludes a Judge's decision as to *"Plaintiff's previously-filed complaint, brief and support, and exhibits, those provisions will be stricken"* when such pleading, petition, filings and as legal process for relief (Doc. Nos. 1-3) were seeking DECLARATORY JUDGEMENT, INJUNCTIVE AND OTHER APPROPRIATE RELIEF for First Amendment free exercise claims and Establishment clause challenges.

- 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)
- 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. (A/6.1)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court failed to grant the Plaintiff the opportunity for seeking DECLARATORY JUDGEMENT, INJUNCTIVE AND OTHER APPROPRIATE RELIEF?

ASSIGNMENT OF ERROR # III. (A/6.2)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court failed to prevent a Judge's decision as to *"Plaintiff's previously-filed complaint, brief and support, and exhibits, those provisions will be stricken"* when such pleading, petition, filings and as legal process for relief (Doc. Nos. 1-3) concerns the elements of due process?

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ASSIGNMENT OF ERROR # III. (A/6.3)

Did the District Court err, as a matter of law, and/or Federal Judge(s) abuse their discretion when the Court failed to correct or amend Clerk of the Court, operating under the color of law concerning matter addressed by notices to the Court?