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

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

MEMORANDUM OF LAW AND BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR LEAVE TO CONSTRUE AND CORRECT THE RECORD WITH STRICKEN EXHIBITS ORIGINALLY LISTED & PRESENTED AS EVIDENCE (Doc. No. 3) OR, IN THE ALTERNATIVE,
Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge Bodenhausen's (Doc. No. 8)

COMES NOW, Plaintiff TERRY LEE HINDS, appearing *Pro se* in a civil action for rights, privileges, or immunities secured by the U.S. Constitution, the Rule of Law and pursuant to Fed. R. Civ. P., Rule 1 and Rule 8(e), hereby moves the Court for leave to construe and correct the record with, in effect, stricken exhibits that were listed & presented as evidence (Doc. No. 3). Otherwise, or in the alternative, Plaintiff moves the Court for Relief from Nondispositive Pretrial Order of Magistrate Judge Bodenhausen's (Doc. No. 8). <u>This is not a motion</u> to be deemed as a *motion for reconsideration* by the Court, however as a motion to modify or set aside any portion of a magistrate judge's non-dispositive pretrial order found to be "clearly erroneous or contrary to law" pursuant to 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. Rule 72(a), as well as, to manifest a legal ruling and order in accordance with Federal Rules of Civil Procedure and within Plaintiff's

legal and constitutional rights, and in support of said motions, states or show the Court as follows:

Plaintiff under the rule of law has a spiritual stake in First Amendment values

Plaintiff *exerting legal rights* filed with the Court on February 16, 2017 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,* as this case presents: ***"The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury."*** See Elrod v. Burns, 427 U.S. 347, 373 (1976).

I. PROCEDURAL POSTURE

1). Plaintiff filed with the Court on February 16, 2017 an "Original Verified Complaint for Declaratory Judgment, Injunctive and Other Appropriate Relief in This Petition for Quintessential Rights of the First Amendment". It was filed and entered by the Clerk of Court as (Doc. No. 1) or referred as "('Complaint') (ECF No. 1)" in Magistrate Judge Bodenhausen's Ruling (Doc. No. 8).

2). Plaintiff also filed contemporarily with the Court on this date, a 16 page Brief in Support of the original complaint/petition, that was incorporated by reference, as if fully set forth therein. It was filed and entered by the Clerk of Court as (Doc. No. 2) or referred as (ECF No. 2).

3). Plaintiff also filed contemporarily with the Court on this date, an Exhibit List consisting of 26 pages instituting 510 Exhibits attached thereto; thereby admitting germane evidence of protected speech and expression of religious beliefs and right of conscience, content that was incorporated by reference in the original complaint/petition as if fully set forth therein. It was filed and entered by the Clerk of Court as (Doc. No. 3) or referred as (ECF No. 3).

4). Plaintiff also filed contemporarily with the Court on this date, case opening notifications, consisting of a Civil Cover sheet, 3 summons issued, a Notice of Constitutional Challenge to a Statute, served pursuant to Fed. R. Civ. P. Rule 5.1 and the Court's Original Filing Form, as well as, paid the amount of $400.00 for a filing fee, receipt #4644062753.

5). Plaintiff filed with the Court on February 21, 2017 a motion and request for leave to amend summons as to listing Plaintiff's name and address on summons (Doc. No. 6) with Memorandum in support of motion (Doc. No. 7) as well as, a Notice and entry of appearance (Doc. No. 5).

6). The Court issued a Memorandum and Order, dated 23rd day of February, 2017 (ECF No. 8) ("[February 23, 2017 Ruling]"). Magistrate Judge, Honorable John M. Bodenhausen ("[Judge]") made a proposed finding of facts and legal conclusions as a judgement on the pleading, based upon: ***"A review of the Complaint shows that it fails to comply with the strictures of Rule 8(a)."*** And, furthermore:

"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.'" - Pages 1 of [February 23, 2017 Ruling]

7). The [Judge]'s ***sua sponte decisionmaking***, and/or with the Court acting on its own initiative, also manifested nondispositive pretrial order where the Court hereby Ordered (1) "that Plaintiff shall file an Amended Complaint in conformity with the requirement of Rule 8 no later than March 20, 2017" and it is further Ordered (2) "that Plaintiff Request for Leave to Amend Summons as to Listing Plaintiff's Name and Address on Summons (ECF No. 6) is DENIED AS MOOT."

8). Plaintiff properly filed with the Court on March 7, 2017, within 14 days of this pretrial order: "PLAINTIFF'S NOTICE OF OBJECTIONS AND OPPOSITION TO The Court's Memorandum and Order dated 23rd day of February, 2017 (ECF No. 8)". It was filed and entered by the Clerk of Court as (Doc. No. 14). Plaintiff preserving a right to appeal to correct clear errors of law or fact.

9). For the record, the [Judge] made no legal determination, opinion or judgement(s) or issued orders concerning Plaintiff's Notice and entry of appearance (Doc. No. 5) or with his 16 page Brief in Support of the complaint/petition (Doc. No. 2) or with Plaintiff's Exhibit List consisting of 26 pages instituting 510 Exhibits **(Doc. No. 3)** presented as evidence in support of the claims or facts.

I. Nature of the Matter before the Court

10). The [February 23, 2017 Ruling] held, in pertinent part:

"This matter is before the Court on Plaintiffs' Motion for Leave to Amend Summons (ECF No. 6) and 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') (ECF No. 1)."** Page 1 of [February 23, 2017 Ruling] - (Emphasis Added)

11). It is self-evident the legal framework of [February 23, 2017 Ruling] **elaborated only** about the **("Complaint") (ECF No. 1)** as being stricken from the record, as a judgement on the pleading. **However**, or most importantly, the other pleading (brief in support) (Doc. No. 2) and 510 exhibits with its Exhibits List (Doc. No. 3) ***were not stricken from the record.*** In effect, (Doc. Nos. 2 & 3) were entered into the record in support of Plaintiff's claims and facts asserted in his civil action.

12). Magistrates are not Article III judges, and thus are not vested with the "judicial power of the United States" Upon appellate review of magisterial findings which implicate constitutional rights, "the judicial power of the United States necessarily extends to the independent determination of all questions, both of fact and law, necessary to the (enforcement of constitutional rights)". Crowell v. Benson, 285 U.S. 22, 60, 52 S. Ct. 285, 296, 76 L. Ed. 598 (1932).

II. A complaint/petition filled with "mixed question of law and fact"

A. Magistrate Judge Bodenhausen's [February 23, 2017 Ruling] (Doc. No. 8)

A.1: 28 U.S. Code § 636(b)(1)(A) *judgment on the pleadings*

13). The [Judge] erred, as a matter of law and fact when making a judgment on the pleadings:

"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."

14). The Defendants made no motion or raised a defense that a responsive pleading would be difficult or costly in terms of time and money. The [Judge]'s universal determination is a review of "clearly erroneous" standards. The [Judge] made no independent determination of all questions of either fact or law in a case with mix questions of law and fact. A case ***concerning enforcement of constitutional rights*** with law respecting an establishment of religion for an organized religion.

A.2: Contrary to law *by using 2006 Edition of the Fed. R. Civ. P.*

15). This Court, erred, as a matter of law, when it's used the 2006 Edition of the Fed. R. Civ. P.:

"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." Page 3 of [February 23, 2017 Ruling]

16). The Court's legal conclusions concerning a review of the [OVC/Petition] and its factual findings are based on or existing under the outdated 2006 Edition of the Fed. R. Civ. P, being contrary to the current law edition of the Fed. R. Civ. P. This is self-evident because of the language used in the [February 23, 2017 Ruling**]** of page 1, in 3rd paragraph and on page 3.

A.3 Conformity of Rule 8 *vs. "enforcement of constitutional rights"*

17). This Court erred, as a matter of law when District Judges seeks conformity of Rule 8 vs. *"enforcement of constitutional rights"* in this First Amendment case and its controversies. As in this case and as the Supreme Court has mandated, "(t)he essential independence of the exercise of judicial power of the United States in the enforcement of constitutional rights requires that the Federal court should determine such an issue upon its own record and facts elicited before it." See

Northern Pipeline, 458 U.S. at 82, 102 S. Ct. at 2877, 73 L. Ed. 2d at 622, emphasis in original, *quoting* Crowell v. Benson, 285 U.S. 22, 64, 52 S. Ct. 285, 297, 76 L. Ed. 59 (1932).

18). In Plaintiff's case, where First Amendment rights are involved, the performance of a ***supreme function*** prevails against any conformity concerning Rule 8. As the U.S Supreme Court has held for 80 years: *"In cases brought to enforce constitutional rights, the judicial power of the United States necessarily extends to the independent determination of all questions, both of fact and law, necessary to the performance of that supreme function." Crowell v. Benson, 285 U.S. 22, at 60.*

19). Furthermore, the [Judge]'s *idea of conformity within Rule* 8 was based upon a legal review, and the findings of facts, being word for word, as declared in a unrelated case conducted over 10 years ago, concerning in part, a ***class action*** "asserting federal claims under the Sherman Act and four claims under RICO" . See eastern district court Case No. 4:05CV1108 ERW Filed 06/06/06.

20). Plaintiff's (Doc. No. 14) PLAINTIFF'S NOTICE OF OBJECTIONS AND OPPOSITION TO The Court's Memorandum and Order dated 23rd day of February, 2017 (ECF No. 8) was timely filed which set forth Plaintiff's opposition and objections concerning the [February 23, 2017 Ruling].

B. District Judge Ross's [March 10, 2017 Ruling] (Doc. No. 18)

B.1: <u>District Judge Ross lack of conducting a ***de novo determination***</u>

21). The Court's [March 10, 2017 Ruling], in pertinent part, held:

"It appears that Plaintiff is now seeking reconsideration of the Court's Order; however, 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.' ***Thus, no motion for reconsideration will be considered."*** - Page 1 of [March 10, 2017 Ruling] ***(Emphasis Added)***

22). Section 636(b)(1)(C) provides that "a judge of the court shall make a ***de novo determination*** of those portions of" the magistrate's report, findings, or recommendations to which objection is made, and that the judge may accept, reject, or modify, in whole or in part, the magistrate's review,

findings or recommendations; alternatively the judge may receive further evidence or recommit the matter to the magistrate. But, in this case ***"no motion for reconsideration will be considered".*** 23). The predicate for the Court's [March 10, 2017 Ruling] was its legal conclusion that Plaintiff's protected speech and expression of religious beliefs and right of conscience lack conformity with Rule 8 requirements. The Court demands from the Plaintiff a ***more secular message*** concerning Plaintiff's statements of sincerely held religious beliefs or revise his sacred right of conscience.

24). The Court's [March 10, 2017 Ruling] thereby imposed unconstitutional viewpoint-based restrictions on Plaintiff's free, pure, or protected speech. The ruling engaged in viewpoint-driven conduct & regulating speech based on its content, against Plaintiff's religious beliefs, being content expressed, published and religiously proclaimed by the Plaintiff in [OVC/Petition].

B.2: District Judge Ross manifesting a ***patently coercive predicament***

25). The Court's [March 10, 2017 Ruling], in pertinent part, held:

"The Court will grant Plaintiff's request for extension of time, up to and including May 19, 2017, to file an amended complaint. ***Plaintiff is cautioned that failure to do so may result in dismissal of this action.***" (Emphasis added)

26). Plaintiff confronted with a ***patently coercive predicament*** in that the Plaintiff could either file "Other Amendments" to manifest the appearance of an amended complaint or ***risk dismissal of his entire case.*** Plaintiff has legally asserted an "amended complaint" manifested by Rule 8 conformity, burdens substantially more speech than was necessary to achieve a compelling government interest and curtails speech with Fed. R. Civ. P. Rule 8(a) and 8(d) operating as unconstitutionally vague, as applied. The Court has refused to address this issue presented or ***a patently coercive predicament.*** These issues presented concern due process and the rule of law.

B.3: The Court *violated 28 U.S. Code § 636(b)(1)(A)*

27). *(b)(1)Notwithstanding any provision of law to the contrary—*

(A) a judge may designate a magistrate judge to hear and determine any pretrial matter pending before the court, ***except*** *a motion for injunctive relief,* ***for judgment on the pleadings****, for summary judgment, to dismiss or quash an indictment or information made by the defendant, to suppress evidence in a criminal case, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, and to involuntarily dismiss an action. A judge of the court may reconsider any pretrial matter under this subparagraph (A) where it has been shown that the magistrate judge's order is clearly erroneous or contrary to law.*

28). Judge Ross was timely informed of Plaintiff's written objections to the proposed findings in (Doc. No. 8) via "PLAINTIFF'S NOTICE OF OBJECTIONS AND OPPOSITION TO The Court's Memorandum and Order dated 23rd day of February, 2017 (ECF No. 8)". However, his objections to the Court's findings or the judgment on the pleading (complaint) were not properly addressed.

29). Furthermore, Plaintiff set forth on pages 15 and 16 of this document (Doc. No. 14) the seven causes of action and his seven claims for relief as set forth in the original complaint/petition, of which was not addressed in [March 10, 2017 Ruling] or in the [February 23, 2017 Ruling].

C. District Judge Fleissig's [July 11, 2017 Ruling] (Doc. No. 55)

C.1 <u>The Stricken Exhibits</u>

30). This District Court erred, as a matter of law and fact, by declaring in [Memorandum and Order of Judge Fleissig's Ruling of July 11, 2017], ("[July 11, 2017 Ruling]") the following:

"However, the Court notes that Plaintiff's ***originally-filed complaint, brief in support, and exhibit list (ECF Nos. 1-3) have been stricken by the Court***. **ECF No. 8.** As a result***, Plaintiff cannot incorporate those filings into his amended complaint.*** Therefore, to the extent the amended complaint references ***Plaintiff's previously-filed complaint, brief and support, and exhibits, those provisions will be stricken."*** - Page 2, last paragraph (Emphasis added).

31). However, [February 23, 2017 Ruling] unbridled concern is ***"..to restructuring the pleading and streamlining the unnecessary matter, the Court will strike the Complaint."*** <u>The record shows</u> this Court or [Judge] <u>struck only</u> the **("Complaint") (ECF No. 1)** <u>and not</u> Plaintiff's brief in support, (ECF No. 2) or the Exhibits presented and listed in (ECF No. 3) as evidence or any other documents presented in the case at that time. Therefore, Plaintiff's 510 exhibits and his Exhibit

List are contentiously or argumentatively stricken by [July 11, 2017 Ruling]. These stricken filings (Doc. Nos. 2 & 3) must be reinstated into the record, to enforce due process rights of the Plaintiff and prevent clear, reversible or prejudicial error in the matter presented.

32). Furthermore, this Court assertion violates Plaintiff's First Amendment & due process rights:

"Plaintiff cannot incorporate those filings into his amended complaint. Therefore, to the extent the amended complaint references Plaintiff's previously-filed complaint, brief and support, and exhibits, those provisions will be stricken."

Plaintiff's free exercise of protected speech, to protest unconstitutional activities of the Defendants or in the right to petition the government (the Court) for claims of First Amendment challenges and violations supersedes a legal conclusion that is clearly erroneous or an abuse of discretion.

C.2 The [July 11, 2017 Ruling] *in part, is per se an* ***evidentiary hearing***

33). The record shows [July 11, 2017 Ruling] ruled on vital matters excluding Plaintiff's evidence. Because evidence was excluded Plaintiff invokes Fed. R. of Evid., Rule 103. Rulings on Evidence: (a) Preserving a Claim of Error. A party may claim error in a ruling to admit or exclude evidence only if the error affects a substantial right of the party and: (2) if the ruling excludes evidence, a party informs the court of its substance by an offer of proof, unless the substance was apparent from the context.

34). The record shows the Plaintiff's Exhibit List entered (Doc. No. 3) that admitted 510 Exhibits as evidence at the time of filing, manifested a ***prima facie case.*** Plaintiff's *prima facie case*, then, is one which is established by sufficient evidence, and can be overthrown only by rebutting evidence adduced on the other side. The Defendants did not rebut or refute Plaintiff's evidence.

35). The Supreme Court has reaffirmed the liberal notice-pleading requirements as *"The Court has never indicated that the requirements for establishing a prima facie case apply to pleading."* Swierkiewicz v. Sorema, 534 U.S. 506, 507 (2002). "Moreover, the precise requirements of a

prima facie case can vary depending on the context and were 'never intended to be rigid, mechanized, or ritualistic.'" Furnco Constr. Corp. v. Waters, 438 U. S. 567, 577 (1978) quoting Swierkiewicz v. Sorema, at 507.

36.) The Defendants' 12(f) motion to strike (Doc. No. 51) made no mention regarding Plaintiff's Exhibit List or made a request to strike 510 exhibits from the record (Doc. No. 3).

37). Defendants' ***orphan brief*** (Doc. No. 52) acknowledges Plaintiff's incorporated Exhibits, however made no assertions or request that such exhibits should be stricken from the record.

38). Defendants' ***orphan brief*** (Doc. No. 52) cites no legal authority why Plaintiff's incorporated Exhibits should be stricken or lay claim or seek a sanctions that Plaintiff cannot incorporate such filings into the Court sanctioned amended complaint.

39), If the Court would allow the Plaintiff's Exhibits to remain stricken from the record or this Court ignore the fact the [Judge] did not strike (Doc. Nos. 2 & 3) from the record; consequently [July 11, 2017 Ruling] then becomes self-evident of, in a pertinent part, as an ***evidentiary hearing.***

40). This *de facto* ***evidentiary hearing*** affecting substantial rights is where *due process* did not exist for the Plaintiff. Plaintiff did file a request for an evidentiary hearing (Doc. No. 46) on June 15, 2017 however no response or relief from the Court at this time.

III. Leave to Construe and Correct the Record

a). Federal Rules of Civil Procedure, Rule 1 and Rule 8(e)

41). Pursuant to Fed. R. Civ. P., Rule 1, Plaintiff seeks leave to construe and correct the record with, in effect, are ***stricken exhibits*** & its Exhibit list (Doc. No. 3) manifested by [July 11, 2017 Ruling]. This *initial evidentiary material presented to the Court, favors core fundamental rights.*

42). Plaintiff relies on Rule 1. Scope and Purpose to construe and correct the record:

"These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81. They should be construed, administered, and employed by the

court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding."

43). Plaintiff avers if he is compelled to arbitrary reprint three complete sets of 510 exhibits, thereby Rule 1 becomes apparently meaningless, whereby the Court fails to secure a just, speedy, and inexpensive determination in this civil action. Plaintiff also has a duty, if we examine the Committee Notes on Rule 1, it says: "Rule 1 is amended to emphasize that just as the court should construe and administer these rules to secure the just, speedy, and inexpensive determination of every action, so the parties share the responsibility to employ the rules in the same way....".

44). Plaintiff avers if he compelled or controlled by [July 11, 2017 Ruling], he will request leave to prepare and reprint the same evidentiary materials the Clerk of the Court maintains in its possession. This evidentiary material, so detailed and voluminous currently maintained in the Clerk of the Court's Office in paper form; refused to enter it into the ECF or pacer system of document control.

45). Furthermore, Rule 1 seeks ***inexpensive determination*** in civil actions. As the Court should review this current evidentiary materials, understanding these Exhibits are for the most part in color print, and with 65 cent per page for color print, or 13 cent per page black/white, the cost to reprint the same documents, already in the Clerks' office involving thousands of dollars.

46). Pursuant to Fed. R. Civ. P., Rule 8(e) this motion and it's pleading for relief to construe and correct the record is germane here because its affects substantial rights. In effect, Rule 8(e) applies to Plaintiff's Hybrid Pleading Making a Conscientious Effort to Comply with Court's Orders Manifesting an Amended Complaint (ECF No. 44) as it is a pleading construed so as to do justice.

b. <u>28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P., Rule 72(a)</u>

47). 28 U.S.C. § 636(b)(1)(A) and Federal Rule of Civil Procedure 72(a) both provide that a district judge must modify or set aside any portion of a magistrate judge's non-dispositive pretrial order

found to be "clearly erroneous or contrary to law." 28 U.S.C. § 636(b)(1)(A); Fed.R.Civ.P. 72(a). The United States Supreme Court have stated that "a finding is `clearly erroneous' when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *United States v. U.S. Gypsum Co.*, 333 U.S. 364, 395 (1948) (explaining the clearly erroneous standard under Rule 52(a)); *Hagaman v. Comm'r of Internal Revenue*, 958 F.2d 684, 690 (6th Cir.1992) (quoting *U.S. Gypsum Co.*).

48). "The `clearly erroneous' standard applies only to the magistrate judge's factual findings; his legal conclusions are reviewed under the plenary `contrary to law' standard. . . . Therefore, [the reviewing court] must exercise independent judgment with respect to the magistrate judge's conclusions of law." *Haworth, Inc. v. Herman Miller, Inc.*, 162 F.R.D. 289, 291 (W.D. Mich.1995) (citing *Gandee v. Glaser*, 785 F. Supp. 684, 686 (S.D.Ohio 1992)).

49). Furthermore, under Fed. R. Civ. P., Rule 72. Magistrate Judges: Pretrial Order

(a) Nondispositive Matters. When a pretrial matter not dispositive of a party's claim or defense is referred to a magistrate judge to hear and decide, the magistrate judge must promptly conduct the required proceedings and, when appropriate, issue a written order stating the decision. A party may serve and file objections to the order within 14 days after being served with a copy. A party may not assign as error a defect in the order not timely objected to. The district judge in the case must consider timely objections and modify or set aside any part of the order that is clearly erroneous or is contrary to law.

50). As a matter of law, 28 U.S.C. § 636(b)(1)(A) and Fed. R. Civ. P., Rule 72(a) the Court should make a ruling and issue an order in accordance with the law and the relief Plaintiff seeks in these motions.

IV. Conclusion

For the forgoing reasons and legal premises considered, Plaintiff seeks appropriate relief through these motions and request for the Court to manifest a legal ruling and order in accordance with Federal Rules of Civil Procedure, 28 U.S.C § 636 (b)(1)(A)(C) and within Plaintiff's legal and

constitutional rights or civil liberties. Plaintiff's motions and request are advanced under the U.S. Supreme Court precedent as held in Marbury v. Madison, 5 U.S. (1 Cranch) 137, 163 (1803):

"*The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws whenever he receives an injury. One of the first duties of government is to afford that protection.*"

Respectfully submitted,

Executed this 14th day of August, 2017

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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 14th day of August, 2017 and served upon Defendants and its U.S. Attorney, by First class postage prepaid, U.S. Certified mail # 7009-0960-0000-0249-6774 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

_____

TERRY LEE HINDS, *Pro se*, Plaintiff