

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

TERRY LEE HINDS,

Plaintiff,

v.

“UNITED STATES” GOVERNMENT,

Defendant.

Case No. 4:17-CV-750-JAR

**United States’ Opposition to
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)**

Plaintiff’s most recent motion (ECF No. 64) asks the Court for the same relief as Plaintiff’s prior motion (ECF No. 56)—namely, restoration of Plaintiff’s original list of exhibits (ECF No. 3) in support of Plaintiff’s original complaint (ECF No. 1), which the Court has stricken (ECF No. 8) for failure to comply with Federal Rule of Civil Procedure 8. Thus, the United States incorporates its response (ECF No. 59) to Plaintiff’s prior motion. The Court should deny this motion for the same reasons.

Plaintiff attempts to distinguish this motion by insisting that it is not a motion for reconsideration. Instead, Plaintiff asserts that he brings this motion under 28 U.S.C. § 636(b)(1) and FRCP 72(a). Both of these provisions involve review of magistrate judge’s decisions. As such, they are inapplicable to Plaintiff’s challenges to orders (*see* ECF Nos. 18, 55) of District Court judges. As to Magistrate Judge Bodenhausen’s order (ECF No. 8), Plaintiff’s current request is untimely because Plaintiff did not file it within fourteen days of Magistrate Judge Bodenhausen’s Order. *See* FRCP 72(a). Moreover, Plaintiff already filed an objection (ECF No. 14) to that order. And the Court already

denied that objection. (*See* Mem. & Order 1-2, ECF No. 36 (denying as frivolous all “seventeen [pending] motions or other documents, none of which appear to have any basis in law or fact”).) Thus, Plaintiff is asking for reconsideration of that denial. The Court should deny Plaintiff’s request for the same reasons explained in the United States’ response to Plaintiff’s prior motion for reconsideration. Plaintiff’s motion improperly reargues a resolved issue. And, in any event, the motion fails on its merits because the issue was mooted by Plaintiff’s filing an amended complaint.

Dated: August 22, 2017

Respectfully submitted,

CARRIE COSTANTIN
Acting United States Attorney

DAVID A. HUBBERT
Acting Assistant Attorney General
Tax Division

/s/ Gregory L. Mokodean
GREGORY L. MOKODEAN
Ohio Bar No. 0086880
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 7238
Washington, DC 20044
(202) 307-6554 (tel.)
(202) 514-6770 (fax)
Gregory.L.Mokodean@usdoj.gov

Attorney for the United States

CERTIFICATE OF SERVICE

I certify that on August 22, 2017, I filed this memorandum with the Court through the CM/ECF system and caused a copy to be mailed to:

Terry Lee Hinds
438 Leicester Square Dr.
Ballwin, MO 63021

/s/ Gregory L. Mokodean
GREGORY L. MOKODEAN
Ohio Bar No. 0086880
Trial Attorney, Tax Division
U.S. Department of Justice
P.O. Box 7238
Washington, DC 20044
(202) 307-6554 (tel.)
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