

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

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

**PLAINTIFF’S INITIAL CONSTRUCTIVE NOTICE PERTAINING TO THE COURT’S
May 12th, 2017 Ruling & March 10th, 2017 Ruling & February 23rd, 2017 Ruling
[Constructive Notice vs. Actual Notice]**

TO THE HONORABLE JUDGE OF SAID COURT AND DEFENDANTS:

PLEASE TAKE NOTICE, that the undersigned, Plaintiff TERRY LEE HINDS, (“Plaintiff”) appearing *Pro se* in support of his *civil action* for ***rights, privileges, or immunities*** secured by the U.S. Constitution and the Rule of Law, thereby to *secure, protect and defend* Plaintiff’s *free exercise of unalienable rights to life, liberty and pursuit of happiness*; providing formal Notice to all interested parties, whereby submits PLAINTIFF’S INITIAL CONSTRUCTIVE NOTICE PERTAINING TO THE COURT’S May 12th 2017 Ruling & March 10th 2017 Ruling & February 23rd 2017 Ruling in opposition with Actual Notice having a basis in law and fact. In support of this Constructive Notice vs. Actual Notice, Plaintiff states or show the Court as follows:

I. CONSTRUCTIVE NOTICE & LEGAL FICTION

1). ***Constructive notice*** is the ***legal fiction*** that signifies that a person or entity should have known, as a reasonable person would have, of a legal action taken or to be taken, even if they have no

actual knowledge of it.

2). What is **LEGAL FICTION**? (Black's Law Dictionary Online Legal Dictionary 2nd Ed.)

“Believing or assuming something not true is true. Used in judicial reasoning for avoiding issues where a new situation comes up against the law, changing how the law is applied, but not changing the text of the law.” See <http://thelawdictionary.org/legal-fiction/>

District Judge Fleissig’s May 12th 2017 Ruling - (Doc. No. 36)

1.) The May 12th 2017 Ruling, a clear abuse of discretion & works a manifest injustice:

IT IS FURTHER ORDERED that Plaintiff must file his amended complaint that complies with Rule 8 of the Federal Rules of Civil Procedure by **June 15, 2017**.

IT IS FURTHER ORDERED that all of Plaintiff’s pending motions are **DENIED** as frivolous, and Plaintiff is advised that the Court will not entertain any similar motions filed by Plaintiff at this time.

2.) The May 12th 2017 Ruling, in part, also advancing this Court’s legal fiction:

“filing frivolous notices and motions”

This matter is before the Court on Plaintiff’s motion for extension of time (ECF No. 35). On February 23, 2017, the Court₁ ordered Plaintiff to file an amended complaint that complies with Rule 8 of the Federal Rules of Civil Procedure. Since then, Plaintiff has filed seventeen motions or other documents, none of which appear to have any basis in law or fact. On March 10, 2017, the Court granted his motion for extension of time to file the amended complaint, providing Plaintiff more than two months to file his amended complaint. As such the Court believes that Plaintiff has had ample time to comply with this requirement, especially in light of the numerous other filings by Plaintiff. Plaintiff needs

to focus on presenting his factual allegations to the Court in a manner that complies with the Rules, rather than filing frivolous notices and motions.

District Judge Ross' March 10th 2017 Ruling - (Doc. No. 18)

1). The March 10th 2017 Ruling, *in part, manifesting a patently coercive predicament:*

IT IS HEREBY ORDERED that Plaintiff shall file an amended complaint in conformity with the requirements of Rule 8 no later than Friday, May 19, 2017. *Failure to do so may result in dismissal of this action. (Emphasis added)*

2). The March 10th 2017 Ruling, *in part, also advancing this Court's legal fiction:*

"upon further review"

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. 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.

Magistrate Judge Bodenhausen's February 23rd 2017 Ruling - (Doc. No. 8)

1). The February 23rd 2017 Ruling, *curtailing the protected speech of religious beliefs*

IT IS HEREBY ORDERED that Plaintiff shall file an Amended Complaint in conformity with the requirements of Rule 8 no later than March 20, 2017.

2). The February 23rd 2017 Ruling, *in part, also advancing this Court's legal fiction:*

"the Court will strike the Complaint"

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. 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.

II. ACTUAL NOTICE HAVING A BASIS IN LAW OR FACT

- 1). Conveying facts to a person with the intention to apprise that person of a proceeding in which his or her interests are involved, or informing a person of some fact that he or she has a right to know and which the informer has a legal duty to communicate. This is known as actual notice.
- 2). However, the *constructive notice* pertaining to the Court's May 12th 2017 Ruling & March 10th 2017 Ruling & February 23rd 2017 has or maintains the *legal fiction* that Plaintiff's original verified complaint/petition failed to comply with Rule 8 conformity of which entails a "short and plain statement of the claim(s)" and that "[e]ach averment of a pleading shall be simple, concise, and direct."
- 3). This Court's legal practice with Federal Rule of Civil Procedure, Rule 8 conformity in this case are in practical effect, a quarantine on established constitutional or legal rights, invading the safe harbors of personal thoughts, as well as, depriving a natural person of the legal shelters found in a Nation's constitutional design or within the rule of law.
- 4). To advance the legal grounds, evidence and the merits of Plaintiff's civil action and the legal activities in this case, Plaintiff submits the FOURTH DECLARATION OF TERRY LEE HINDS

in support of this Notice and in opposition to this Court's *legal fiction*. Plaintiff actual notice of "short and plain statement of the claim(s)" and that "[e]ach averment of a pleading shall be simple, concise, and direct" was a status existing within the Plaintiff's original verified complaint/petition.

5). Plaintiff's FOURTH DECLARATION OF TERRY LEE HINDS is set forth and attached hereto and incorporated by reference as if fully set forth herein. This Declaration is an actual notice having a basis in law and fact.

6). This FOURTH DECLARATION OF TERRY LEE HINDS is evidence as Actual Notice having a basis in law and fact which is also made in support of Plaintiff's Hybrid Pleading Making a Conscientious Effort to Comply with Court's Orders Manifesting an Amended Complaint and labelled (Revelation #1 to #7) (ECF No. 44) and Plaintiff's Conscientious Effort to Comply with Court's Orders to Manifest an Amended Complaint within a Religiosity of Facts' and labelled (Religiosity of Facts 1 to 7). (ECF No. 45.).

7.) Plaintiff provides this [Constructive Notice vs. Actual Notice] with the hope he can preserve his legal rights and that this Court has the power to correct an abuse of discretion, prevent manifested injustice or allow relief from an order due to: (1) mistake, inadvertence, surprise, or excusable neglect; (2) the judgment is void, as a matter of law, (3) any other reason that justifies relief, or worst the *nature driven prejudices* with *Pro se* complaints.

8). **For the record**, this is not the form of a motion, rather [Constructive Notice vs. Actual Notice].

9). 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,

TERRY LEE HINDS, *pro se Plaintiff*
438 Leicester Square Drive
Ballwin, Missouri 63021
PH (636) 675-0028
Email address: quest76@att.net

Dated this 21st day of August, 2017

CERTIFICATE OF SERVICE AND DELIVERY

I hereby certify that the foregoing was filed this 21st day of August, 2017 and served upon Defendants and its U.S. Attorney, by First class postage prepaid, U.S. Certified mail # 7010-3090-0003-0048-5941 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*