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

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

PLAINTIFF'S LEGITIMATE NOTICE AS TO THIS LAWSUIT CAUSE OF ACTION should be listed or assigned as "28 U.S. Code 28 section 2201 - Creation of Remedy and 28 U.S. Code 28 section 2202 - Further Relief, *inter alia*,"

or, In the Alternative Declaratory Judgement, Injunctive and Other Appropriate Relief

TO THE HONORABLE JUDGE OF SAID COURT, CLERK OF COURT, PACER SYSTEM, DEFENDANTS & THE U. S PUBLIC, INCLUDING MY FAMILY MEMBERS & FRIENDS:

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 legitimate and public notice to all interested persons, whereby submits this lawsuit cause of action should be listed or assigned as "28 U.S. Code 28 section 2201 - Creation of Remedy and 28 U.S. Code 28 section 2202 - Further Relief, *inter alia*,". Moreover or, in the alternative as a Declaratory Judgement, Injunctive and Other Appropriate Relief. Plaintiff states or show the Court as follows:

I. PROCEDURAL POSTURE

Plaintiff's 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, The "spiritual stake in First Amendment values"

The U.S. Supreme Court wisdom of legal reasoning concerning the moral consciences of "We The People" as a person or a family has legally held for over 50 years:

"A person or a family may have a spiritual stake in First Amendment values sufficient to give standing to raise issues concerning the Establishment Clause and the Free Exercise Clause. Abington School District v. Schempp, 374 U. S. 203. We mention these noneconomic values to emphasize that standing may stem from them as well as from the economic injury on which petitioners rely here" A "spiritual stake in First Amendment values" provides standing to raise issues concerning the Establishment Clause and the Free Exercise Clause. See Association of Data Processing Service Organizations, Inc. v. Camp, 397 U.S. 150, 154 (1970).

Plaintiff's original Civil Cover Sheet

Plaintiff's *initial civil cover sheet* filed with the Clerk of Court's Office and with the Court was defaced, by the simple fact that "someone" within the Court or Clerk of Court's Office decided and authorized that this lawsuit "cause of action" will be assigned as 42 U.S.C. § 1983 with the

"NATURE OF SUIT" *wrongfully* existing as: **440** Civil Rights, Other. An unlawful act under the color of law.

Furthermore, a *due process violation* occurred when government employee(s) infringing upon Plaintiff's First Amendment rights to petition and protest in accordance to his constitutional beliefs or his *religious belief* was violated; when this unlawful act took place *without any form of notice*, prior to the subjective action. This government action caused Plaintiff to bear false witness to the very [OVC/Petition] he filed and presented for legal relief. In essence the government modifying Plaintiff's secular and religious beliefs, *defacto*, without a legal cause of reason because *no civil right statutes* were plead, referred to or rely upon within this lawsuit.

The Court's Complacent Policy of Indifference to Evil

Plaintiff has filed the following with the Court to rectify this unlawful and subjective action:

(Doc. No. 11) - February, 24th 2017

NOTICE TO THE NATURE OF SUIT IN OPPOSITION TO CIVIL COVER SHEET TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff TERRY LEE HINDS, appearing *Pro se* (hereinafter "Plaintiff") pursuant to Plaintiff's right to petition the government or protest government activities or, to make a complaint to, or seek the assistance of, one's government, hereby gives Notice that in the above-entitled civil action <u>is not about</u> or nature of "Civil Rights" but the nature of Constitutional rights, privileges and immunities of Plaintiff's *unalienable rights* to life, liberty and pursuit of happiness. Plaintiff protest the modification to Plaintiff's original Civil Cover Sheet and states the following: ¶3.) Plaintiff knowing his case and its controversies has nothing to do with "Civil Rights" or civil rights statutes or other civil rights matters as the nature of this civil action or suit. When Plaintiff submitted his Civil Cover Sheet JS 44 (Rev07/16) to the deputy clerk he explained to her that the

"Nature of Suit" in Section IV has no recognized or germane titles and according to Instructions for Attorneys Completing Civil Cover; that Section VI, Cause of Action, is sufficient to enable the clerk to determine the nature of the suit. Plaintiff place no "X" in any box listed of Section IV.

¶ 4.) In Section VI, Cause of Action, Plaintiff listed "Establishment/Free Exercise Clause of First Amendment" and was limited by the amount of space provided by JS 44 form. See attached documents of Plaintiff's original Civil Cover Sheet and Instruction form listed as Exhibit # U- 6.

(Doc. No. 14) - March, 7th 2017

- ¶ 8). Plaintiff's objections are based on the following reasons, including but not limited to:
- (a). This Court violated its discretion by striking the [OVC] without prior notice or an opportunity to be heard. This Order is based on a bias of the *nature driven prejudices* with *Pro se* complaints. Plaintiff issued a NOTICE TO THE NATURE OF SUIT IN OPPOSITION TO CIVIL COVER SHEET, filed on February 24th, 2017 as to this *nature driven prejudices* with *Pro se* complaints. A *nature driven prejudice* in this case was commanded by *pro se lawyer(s)* of the Clerk Office and/or the Court, *defacing* Plaintiff's [OVC] as a Civil Rights action, under code 440.

(Doc. No. 19) - March, 13th 2017

PLAINTIFF'S FIRST REQUEST FOR CONSTITUTIONAL RELIEF AND A MOTION TO CORRECT THE LEGAL STATUS OF THIS CASE DEFACED AS "CIVIL RIGHTS" AND/OR, IN THE ALTERNATIVE,

FOR COURT ORDERED SANCTIONS AGAINST *PRO SE LAWYERS* OF THE OFFICE OF THE CLERK/COURT WHO VIOLATED PLAINTIFF'S FUNDAMENTAL RIGHTS

COMES NOW, Plaintiff TERRY LEE HINDS, appearing *Pro se* in a *civil action* for rights, privileges, or immunities secured by the U.S. Constitution and the Rule of Law, hereby requests for *constitutional relief* and moves the Court to correct the legal status of this case, being its causes or "NATURE OF SUIT" *wrongfully* existing as: **440** Civil Rights, Other. Furthermore, Plaintiff requests and moves the Court for Court Ordered Sanctions against *PRO SE* Lawyer(s) of

the Office of the Clerk/Court who violated Plaintiff's Fundamental Rights as set forth herein and as described in Plaintiff's Brief in Support of said Requests and Motion, and states the following:

BACKGROUND AND FACTS

- 1). This motion is filed in connection with Case No. 4:17 –CV– 750 created on February 16, 2017.
- 2). Plaintiff, while exercising a fundamental right to petition, and to practice his protected speech,

inter alia, filed a civil action against the Defendants pursuant to an Original Verified Complaint

and petition to secure court sanctioned relief and defend or determine certain rights, privileges, or

immunities as set forth appropriately and lawfully described within the complaint (ECF No. 1).

- 3). Plaintiff discovered during his case management and looking for Judge Bodenhausen's *local*
- rules that govern the activities in his courtroom; this civil action, with the "NATURE OF SUIT"

or causes were *falsely existing* as: **440** Civil Rights, Other for reason(s) unknown to the Plaintiff.

4). Upon further investigation, Plaintiff found on the PACER's system this Case No. 4:17 – CV –

750JMB was being administered as a "Cause of Action: 42:1981" - Equal rights under the law.

5). Plaintiff, as a former Police Officer, knowing 42 U.S. Code § 1981, concerns, in part, "to make

and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws

and proceedings for the security of persons and property as is enjoyed by white citizens, and shall

be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to

no other.". 42 U.S.C. § 1981 (a) Statement of equal rights. No such facts pleaded in (ECF No. 1).

6). For the RECORD, Plaintiff is a *white person* and this case has "NOT A THING TO DO WITH"

Civil Rights or in § 1981(b) "Make and enforce contracts" defined and/or with § 1981(c) Protection

against impairment, of 42 U.S.C., including but not limited to, the "Sherman Anti-Trust Act".

7). For the RECORD, this case and its vast controversies is an ORIGINAL VERIFIED COMPLAINT

FOR DECLARATORY JUDGEMENT, INJUNCTIVE AND OTHER APPROPRIATE RELIEF IN THIS PETITION

FOR QUINTESSENTIAL RIGHTS OF THE FIRST AMENDMENT; being self-evident on its face or breath.

PLAINTIFF'S LEGITIMATE NOTICE AS TO THIS LAWSUIT – Page 5 of 13 pages

8). For the RECORD, Plaintiff immediately filed with the Court a NOTICE TO THE NATURE OF SUIT IN OPPOSITION TO CIVIL COVER SHEET (ECF No. 11) knowing his right to due process has been total removed by someone, either by a likely 'mistake' or worst the nature driven *prejudices* with *Pro se* complaints. This Notice was filed on Friday, 24th day of February, 2017. 9). "Plaintiff provides this Notice with the hope he can preserve his legal rights and that this Court has the power to correct a mistake, or worst the *nature driven prejudices* with *Pro se* complaints." See ¶ 8 of Notice (ECF No. 11). See NOTICE TO THE NATURE OF SUIT IN OPPOSITION TO CIVIL COVER SHEET; more particularly described in Exhibit U-#9 and attached hereto in Plaintiff's Brief In Support of this motion and incorporated by reference as if fully set forth herein. 10). Plaintiff, acting upon *good faith* in our System of Justice and the *integrity* of our Federal Court system, Plaintiff waited until 10 days to determine if this activities was a "mistake" or a deliberant act. On Monday, Plaintiff contacted a deputy clerk of the Court Office (Betsy) and was informed legal status was **440 Civil Rights, Other** and the Presiding Judge was notified via (ECF No. 11). 11). Plaintiff requested that she or the Clerk or the Court change the status or "NATURE OF SUIT" to reflect Plaintiff's actions, pursuant to the written instruction provided by the Court in JS 44 form and as to the Plaintiff's Cover Sheet he submitted at this time of filing this constitutional lawsuit. 12). The deputy clerk (Betsy) politely and professionally explained their Office has no power to arbitrarily change the status of a case with the nature of this suit reviewed by "PRO SE LAWYERS" of the Office of the Clerk/Court and legally determined a customary Civil Rights' Cause of Action. 13). For the RECORD, Plaintiff's Original Verified Complaint ("[OVC]") (ECF No. 1) set forth seven Causes of Action, with a *clear and concise* statement of the nature of the suit on page $1 \ \ 1$. 14). For the RECORD, "This action arises under the Establishment/Free Exercise Clause of the First Amendment of the United States Constitution." [OVC] ¶ 1. No mention of 42 U.S.C § 1981.

- 15). For the RECORD, constitutional rights are not Statutes At Large, nor codified under 42 U.S.C.
- **16).** For the RECORD, Plaintiff submitted and filed a Civil Cover Sheet declaring in Section VI CAUSE OF ACTION: "Establishment/Free Exercise Clause of First Amendment".
- 17). For the RECORD, Plaintiff was burden by the limited space provided in Section VI of JS 44.
- 18). One fundamental, constitutional guarantee that all legal proceedings will be fair and that one

will be given notice of the proceedings and an opportunity to be heard before the government acts

to take away one's life, liberty, or property. This case and its controversies requires due process.

19). For the RECORD, these *PRO SE LAWYERS* or The Office of the Clerk or the Presiding Judge,

Bodenhausen's staff never advised this Plaintiff or provided a notice of the vital change in these

proceedings or an opportunity to be heard before the government acts to take away one's life,

liberty, or property, which is a noticeable claim for relief: "Violation of the Free Exercise Clause

in the Right to life, liberty and the pursuit of happiness" as titled SEVENTH CLAIM FOR RELIEF

on page 530 of [OVC]. Plaintiff's [believes] *the act of defacing* this [OVC] violates *due process*.

20). When Plaintiff asked to speak to or with PRO SE LAWYERS he was informed that he could

have no contact with them. Plaintiff was advised the Presiding Judge has taken no action at this

time and with no other way to preserve or protect Plaintiff's legal and constitutional rights, moves

this Court to assure due process is properly in place, and uphold legal and fundamental rights of

the Plaintiff as set forth and described herein this motion and Plaintiff's Brief in Support thereof.

- 21). Plaintiff avers he has a *fundamental right* to petition the Court for infringements, deprivations
- or violations of rights, privileges, or immunities secured by the U.S. Constitution and the Rule of

Law, when seeking Court sanction or constitutional relief or any other reason(s) that justifies relief.

- **22).** Plaintiff avers he has a *fundamental right* to protected speech as set forth in his complaint.
- 23). Plaintiff avers he has a *fundamental right* to *due process of law*, that all legal proceedings

will be fair and *that one will be given notice* of the proceedings and an opportunity to be heard *before* the government acts to take away one's life, liberty, or property. So far, not so in this case.

FOR THE RECORD

This Motion and request for relief was totally ignored and not answered by Judge Ross for a time span or period of approximately 2 months, when he recused himself from the case on 5th day of May, 2017. (Doc. No. 31). A due process violation at the very least in this case and another work of manifested injustice too often witnessed by this Plaintiff.

(Doc. No. 30) - April, 28th 2017

PLAINTIFF'S NOTICE AND REQUEST FOR A DUE PROCESS HEARING DATE OR, IN THE ALTERNATIVE,
AN INSTANT RULING OR DECISION ON CONSTITUTIONAL RELIEF REQUESTED PURSUANT TO MOTIONS AND BRIEFS FILED WITH THE COURT/Doc. Nos. 19 & 20

- ¶ 4). This notice and request is pursuant to Plaintiff's First Amendment right to petition the government for court sanctioned relief, advanced by due process, with his constitutional right to protests Defendants' activities as set forth and described in Court Doc. Nos. 19 & 20.
- ¶ 7). FOR THE RECORD, one of Plaintiff's moral principles and a sincerely held religious belief, is written as God's Ninth Commandment, Thou Shall Not Bear False Witness with this law, deeply embedded within a secular belief and practices of the Court. Plaintiff's OVC/Petition has declared, under Oath, and under penalty of perjury the subject matter, controversies, germane facts, including but not limited to evidence of Plaintiff's claims and causes of action. However, the Court has insipidly allowed or erroneously endorsed this case and its controversies as "Civil Rights".
- ¶ 8). FOR THE RECORD, this Court created a burden on the Plaintiff's *religious belief* and the governmental *pro se lawyers* of the Court manifesting a self-evident and self-serving lie. This lie and unjust burden caused Plaintiff a hardship and a lack of belief in those who had trusted him.

WHEREFORE, for the foregoing reasons, and to advance The U.S. Supreme Court Doctrine of *due process of law*, Plaintiff respectfully request for a due process hearing date or, in the alternative, an *instant ruling* or decision on the constitutional relief requested, as well as, the for purpose of obtaining a ruling or order directing an act to be performed pursuant to said motions.

(Doc. No. 36) -MEMORANDUM AND ORDER - May, 12th 2017

Plaintiff was informed by the Court that certain Constitutional rights exercised, <u>his</u> religious beliefs and our U.S. legal system concept of *due process of law* under the 5th Amendment are "**frivolous**". "**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."

(Doc. No. 38) - May, 19th 2017

PLAINTIFF'S FIRST MOTION TO REVIEW, ALTER, AMEND, OR VACATE ORDERS PURSUANT TO PLAINTIFF'S FREE EXERCISE OF PURE SPEECH OF RELIGIOUS BELIEFS AND/OR, IN THE ALTERNATIVE,

FOR RELIEF FROM ORDERS PURSUANT TO FED. R. CIV. P. RULE 60(b)(6) "any other reason that justifies relief"

<u>FOR THE RECORD</u>, approximately 8 weeks later this Court in (Doc. No. 55) - July, 11th 2017: **IT IS FURTHER ORDERED** that "Plaintiff's First Motion to Review, Alter, Amend, or Vacate Orders Pursuant to Plaintiff's Free Exercise of Pure Speech of Religious Beliefs and/or, in the Alternative, For Relief from Orders Pursuant to Fed. R. Civ. P. Rule 60(b)(6)" (ECF No. 38) is **DENIED** as moot.

(Doc. No. 42) -MEMORANDUM AND ORDER - May, 26th 2017

IT IS FURTHER ORDERED that the Clerk of Court will be instructed, by Order of this Court, to continue to return to plaintiff any additional "exhibits" or "notices" filed by plaintiff that are not presented in support of an amended complaint or non-frivolous motion in this matter.

Plaintiff believes this Court's **MEMORANDUM AND ORDER of May, 26th 2017** allowing the Clerk of Court or its personal to act as a Federal Judge or carry out the duties of Judge Fleissig manifests an injustice to the Plaintiff and our legal system. Due process certain come to mind, however the Clerk of Court is also obligated to obey and shall meet the requirements set forth in 18 U.S. Code § 2076 - Clerk of United States District Court:

"Whoever, being a clerk of a district court of the United States, willfully refuses or neglects to make or forward any report, certificate, statement, or document as required by law, shall be fined under this title or imprisoned not more than one year, or both." (June 25, 1948, ch. 645, 62 Stat. 796; Pub. L. 104–294, title VI, § 601(a)(11), Oct. 11, 1996, 110 Stat. 3498.)

Furthermore, Judge Fleissig's bizarre order has superseded Federal Rule of Civil Procedure, Rule 5(d)(2)(A) governs such matters complain of herein, as well as, Rule 5(4) which states:

Rule 5. Serving and Filing Pleadings and Other Papers

(4) Acceptance by the Clerk. The clerk must not refuse to file a paper solely because it is not in the form prescribed by these rules or by a local rule or practice.

(Doc. No. 60) - July, 27th 2017

Second "Civil Cover Sheet" filed with the Clerk of Court

Pursuant to Court Order, Plaintiff filed (Doc. No. 60) a second civil cover sheet which provided:

PLAINTIFF'S FIRST NOTICE PURSUANT TO JULY 11th, 2017 RULING as to Civil Cover Sheet and Civil Nature of Suit Code Descriptions Sheet

¶ 2). Plaintiff asserts, the Court order, "that the Clerk of the Court will change the 'Cause' listed on the docket sheet to reflect that the matter is brought pursuant to § 1983", would *manifest*

an error of law or fact, for the reasons and grounds stated in Plaintiff's pending motion and brief in support thereof (Doc. Nos. 53 & 54).

- ¶ 3.) Upon Plaintiff obtaining a copy from the Clerk of the Court, reviewed this blank civil cover sheet and the civil nature of suit code descriptions sheet. Plaintiff found the Civil Cover *misleading*, as listed section IV "NATURE OF SUIT" in sub-section "Other Statutes" the code listed as "950" declares "Constitutionality of *State* Statutes"
- ¶ 4. However, the "Civil Nature of Suit Code Descriptions" on page 8 of 8 pages reveals the same above "Title"; however, on the other hand, the "Description" box declares: "Actions drawing into question the **constitutionality of a** *federal* or state *statute* filed under (Rule 5.1). Rule 5.1 implements 28 U.S.C. §2403." (Emphasis added).
- ¶ 5. Plaintiff filed the Verified Original Complaint, under Rule 5.1 as revealed on the face sheet of the complaint, as well as, filed the properly legal respond with the Court, the U.S. Attorney at that time, Richard Callahan when he was being served and also upon, the Attorney General of the United States, Mr. Jefferson B. Sessions by U.S. certified mail.
- ¶ 6). Plaintiff request the Court to issue a ruling to reflect the Nature of the Suit under CODE "950" Constitutionality of *Federal* Statutes, as Plaintiff has completed the Civil Cover Sheet to reflect such matters address in his civil action.
- ¶ 7). Plaintiff request the Court to modify its ruling to reflect, as a matter of law and fact, the "Cause" should be listed or assigned as "28 U.S. Code 28 section 2201 Creation of Remedy and 28 U.S. Code 28 section 2202 Further Relief, *inter alia*," as Plaintiff has completed the Civil Cover Sheet to reflect this description of a "cause" in his civil action.
- ¶ 8). Furthermore, Plaintiff request the Court issue an order concerning "Brief description of cause:" shall be set forth or described as "DECLARATORY JUDGEMENT, INJUNCTIVE AND

OTHER APPROPRIATE RELIEF" as the Plaintiff has completed the Civil Cover Sheet to reflect the description of the "cause" as such in his civil action.

¶ 9). See attached documents, (Civil Cover Sheet & Code Descriptions) attached hereto and incorporated by reference as if fully set forth herein.

(Doc. No. 66) - August, 18th 2017

However, the Court elected another course of action to Plaintiff requests and documentation. **IT IS FURTHER ORDERED** that, in light of Plaintiff's notice as to the civil cover sheet and civil nature of suit (ECF No. 60), the Clerk of the Court shall assign to this lawsuit a nature of suit code of 950: Constitutional-State Statute, and a cause of action code of 28:2201 Constitutionality of State Statute(s). Plaintiff is advised that the Court cannot assign more than one code to any given action.

Conclusion

If this Nation's constitutional rights can be declared as frivolous involving motions, notices and exhibits, it certainly explains how Plaintiff's protected speech of religious beliefs and right of conscience has no sacred space or place in the America or within this U.S. District Courthouse. A reminder or perhaps Plaintiff's resurrection of the life and spirit of U.S. Supreme Court Justice Louis D. Brandeis, dissenting in Olmstead v. United States, 277 U. S. 438, (1928):

"Decency, security and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperiled if it fails to observe the law scrupulously. Our Government is the

Plaintiff correctly points out that while the codes seem to implicate the constitutionality of state, rather than federal, statutes, the civil nature of suit code description for 950 includes an "[a]ction drawing into question the constitutionality of a federal or state statute."

potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."

Respectfully Submitted,

TERRY LEE HINDS, pro se Plaintiff 438 Leicester Square Drive Ballwin, Missouri 63021 PH (636) 675-0028

Dated this 25st day of August, 2017

CERTIFICATE OF SERVICE AND DELIVERY

I hereby certify that the foregoing was filed this 25st day of August, 2017 and served upon Defendants and its U.S. Attorney, by First class postage prepaid, U.S. Certified mail # 7009-0960-0000-0249-7122 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