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

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

PLAINTIFF'S REPLY TO DEFENDANTS' OPPOSITION TO PLAINTIFF'S MOTIONS AS THE DEFENDANTS ESPOUSED IN (ECF No. 67) IN REGARDS TO (Doc. No. 64) OR, IN THE ALTERNATIVE, PLAINTIFF'S SUGGESTIONS IN SUPPORT OF HIS DISTINGUISHED MOTIONS

TO THE HONORABLE JUDGE OF SAID COURT AND DEFENDANTS:

PLEASE TAKE NOTICE, The Department of Justice ("DOJ") has not demonstrated that the Plaintiff failed to assert a valid legal remedy pursuant to Fed. R. Civ. P., Rule 1 and Rule 8(e), whereby Plaintiff moves the Court for leave to construe and correct the record with, in effect, stricken exhibits that were listed & presented as evidence set forth and presented in (Doc. No. 3).

Furthermore, Plaintiff's distinguished motions are not motions for reconsideration, to rectify a ruling or for obtaining relief from a proceeding & Order pursuant to Fed. R. Civ. P., Rule 60(b)(1)(4)(6). This reply first lists Plaintiff's objections or subject titles to Defendants' response and then secondly addressing each sentence and their objections with precision, so the Court is clear on Plaintiff's legal position; that he seeks leave to construe & the correct the record regarding 510 Exhibits and its Exhibits List that were stricken by the Court's in its [July 11, 2017 Ruling].

"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."

It is true Plaintiff seeks relief through a valid legal remedy pursuant to Fed. R. Civ. P., Rule 1 and Rule 8(e). Interestingly, the Defendants' response and opposition to Plaintiff's ***"motion for leave to construe and correct the record"*** never reference or address the Fed. R. Civ. P., Rule 1 and Rule 8(e) of which this motion evokes or such a matter thereby relies upon.

Plaintiff does seeks legal relief "namely, restoration of Plaintiff's original list of exhibits (ECF No. 3)" ***and its 510 Exhibits***. Plaintiff's pure speech of religious belief and his right of conscience shall exist within the United States; especially when entering the threshold of the doors of a U.S. Courthouse or when seeking the ***touchstone*** of U.S. Justice for constitutional relief.

Plaintiff's has a ***quantifiable*** First Amendment right to petition and protest through his ***constitutional protected speech*** of religious beliefs and his right of consciences, as reckonable revealed and exercised within Plaintiff's original list of exhibits (ECF No. 3) and its 510 Exhibits.

However, Defendants' Doctrine of Deception as a cause, belief, or way of life, is again revealed when espoused as: ***"Plaintiff's most recent motion (ECF No. 64) asks the Court for the same relief as Plaintiff's prior motion (ECF No. 56)".*** The Defendants, as well as, this Court wrongfully seeks a dissolution of Plaintiff's religious beliefs with his secular legal beliefs or, more importantly his constitutional rights. This is self-evident when a ***"motion for leave to construe and correct the record"*** transmutes into a motion for the Court to reconsider, rectify its ruling, or "in conjunction with obtaining relief from a proceeding & Order pursuant to Fed. R. Civ. P., Rule 60(b)(1)(4)(6)".

It is a pretense, "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" was based upon a ***legal fiction*** relying on *false factual suppositions* in the service of other goals. The Defendants' Doctrine of Deception as a cause, belief, or way of life is revealed in February 23rd, 2017 Ruling, declaring:

"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."

This above stated demarcation was for all intents and purposes a *legal fiction* advancing the Defendants' Doctrine of Deception as a cause, belief, or way of life. A *legal fiction* is a fact assumed or created by courts which is then used in order to apply a legal rule which was not necessarily designed to be used in that way. Such in Plaintiff's case, as uttered by a Court's order.

The Bad faith in Crafty Bespeaks Defenses

"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."

"Defendants' Second Bite of the Apple", (Doc. No. 62) page 3-16 revisits those ***"same reasons"***

"While the entirety of the relief requested is less than clear, the primary aim of Plaintiff's motion appears to be restoring Plaintiff's original complaint, brief in support, and exhibit list (ECF Nos. 1-3), including references to the original complaint in later filings."

"Plaintiff's chief goal in this motion is to correct clear errors of law and prevent manifest injustice."

The DOJ, is responsible for the enforcement of the law and administration of justice in the United States and for this manner declaring this on their website: https://www.justice.gov/about

> *"The **most sacred of the duties of government** [is] to do equal and impartial justice to all its citizens."* This ***sacred duty remains the guiding principle*** for the women and men of the U.S. Department of Justice. (Emphasis added)

Correspondingly, the "United States", like the DOJ has a much ***greater duty*** according to 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."*

However, the "United States" is relying upon the ***bad faith in crafty bespeaks defenses*** and its *Doctrine of Deception*, as a cause, belief, or way of life; now seeks to incorporate its response (ECF No. 59) to Plaintiff's prior motion. This was first witnessed in the United States' Motion to Strike Filings or, in the Alternative, for an Extension of Time (ECF No. 51) which failed to incorporate its ***orphan brief*** in support of that motion. However, the DOJ now thinks it is proper, relevant or even necessary to incorporate ***unnecessary matters*** for consideration by the Court, such as (1) "restoring Plaintiff's original complaint, brief in support," or (2) "this complaint for violating Federal Rule of Civil Procedure 8" or (3) "Plaintiff's motion because it fails to assert any argument justifying reconsideration" or (4) "Plaintiff's request to restore his original complaint is moot." and/or (5) "Plaintiff has filed an amended complaint." Furthermore, the Defendants also think, Plaintiff's pending ***motion for leave to construe and correct the record***, is the same as Plaintiff's motion (ECF No. 56) "to *correct clear errors of law* and *prevent manifest injustice* under Rule 59(e), in conjunction with obtaining relief from a proceeding & Order pursuant to Fed. R. Civ. P., Rule 60(b)(1)(4)(6)". Finality, the "United States" thinks a ***legal fiction*** will govern legal rights, therefore: *"The Court should deny this motion for the **same reasons**."*. The defense mechanisms of *legalism* operates like a Black Hole destroying the light in Mankind's law & in the human spirit.

"Don't believe everything you think" especially after taking a ***second or third bite of the Apple***. "WHATEVER" defense mechanisms the "United States" have to mute the accusing voice of the ***sacred right of conscience*** or the instruments that curtails the Plaintiff's constitutional right to protected speech of his religious beliefs; shall not prevail on *judgement day*. The DOJ elected

to taste or touch this forbidden fruit of THE**IRS**. Therefore, Plaintiff incorporates (Doc. No. 62):

PLAINTIFF'S REPLY AND OPPOSITION TO DEFENDANTS' RESPONSE TO PLAINTIFF'S MOTION FOR RECONSIDERATION (EFC. No. 56)

However, it is apparent from the past rulings and the August, 18th 2017 Ruling, this Court will not read, accept or embrace any of Plaintiff's thoughts, words or legal actions concerning this lawsuit.

"MOTION FOR LEAVE TO CONSTRUE AND CORRECT THE RECORD"

"Plaintiff attempts to distinguish this motion by insisting that it is not a motion for reconsideration."

Plaintiff has learned this Court's method and its unbridled power of declaring a "notice" or other documents of the Plaintiff is effectively removed or defeated by declaring them as a ***"motion for reconsideration***" or as "frivolous" Case in point, Judge Ross March 10th Ruling (Doc. No. 18) concerned the limited matter in (Doc. No. 12). However, (Doc. No. 12) MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO (ECF No. 8) was transformed or framed as *"It appears that Plaintiff is now seeking reconsideration of the Court's Order"*. This unbridled power did avowed: "Thus, no motion for reconsideration will be considered." Thus, the protection of the law where "a judge of the court shall make a ***de novo determination***" become useless or meaningless.

The Defendants, think that a *motion for leave to construe and correct the record* is equivalent to motion for reconsideration. The "United States" government's opposition to this pending motion (Doc. No. 64) espoused by the DOJ in (ECF No. 67) which was dated, August **22,** 2017; clearly understood the legal position of this Court's August, **18th,** 2017 Ruling in (ECF No. 66). The Court held: "**IT IS HEREBY ORDERED** that Plaintiff's motion to reconsider (ECF No. 56) is **DENIED.".** Defendants' *crafty bespeaks defense* forces a pending motion (Doc. No. 64) to be artlessly DENIED, otherwise would be in conflict with Court's August, **18th,** 2017 Ruling in (ECF No. 66). Plaintiff *leave to construe and correct the record with stricken exhibits* that were

listed & presented as evidence as set forth and presented in (Doc. No. 3) is pursuant to Fed. R. Civ. . P., Rule 1 and Rule 8(e). The DOJ failed to address these two Rules that distinguish this motion.

"OR, IN THE ALTERNATIVE,"

"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."

Plaintiff averred:

"These motions seek to manifest a legal ruling and order in accordance with Federal Rules of Civil Procedure, or 28 U.S.C. § 636(b)(1)(A)(C); and within Plaintiff's legal and constitutional rights, and in support of said motions, Plaintiff states or show the Court as follows:"

Plaintiff does *"seek to manifest a legal ruling and order in accordance with Federal Rules of Civil Procedure,"* "and within Plaintiff's legal and constitutional rights" "OR, IN THE ALTERNATIVE," *"Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge Bodenhausen's (Doc. No. 8)"*. It is correct a motion under 28 U.S.C. § 636(b)(1) and FRCP 72(a) involve review of Magistrate Judge Bodenhausen's proposed finding of facts and legal conclusions as a judgement on the pleading. A review of this Pretrial Order to strike the entire breath and merits of Plaintiff's complaint/petition defeats an adversarial system of justice and does not advance a defining and distinctive feature of the United States' legal system. It is appropriate and correct at this time to have a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

***The salient facts about* "(*see* ECF Nos. 18, 55)"**

"As such, they are inapplicable to Plaintiff's challenges to orders (*see* ECF Nos. 18, 55) of District Court judges."

In the proper light of *doing justice*, to the meaning in the thoughts and words of Plaintiff's

adversary in this case, the boundaries or a restriction of a motion under 28 U.S.C. § 636(b)(1) and FRCP 72(a) should be revealed. Moreover, the Plaintiff's assertions, under the tilte **"OR, IN THE ALTERNATIVE,"** are salient facts about a "Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge Bodenhausen's (Doc. No. 8)" ("Pretrial Order") and it would be proper and even necessary to review in *favor of judicial candor*. This Court's Pretrial Order was not properly address by Judge Ross (ECF No. 18) or presiding Judge Fleissig (ECF No. 55). Additionally, Judge Ross' Memorandum and Order on March 10th 2017 Ruling (ECF No. 18) response to a single matter that was to be addressed:

"This matter is before the Court on Plaintiff's pro se Motion for Extension of Time to File a Response to the Court's Memorandum and Order dated 23rd day of February, 2017 **(Doc. No. 12**)"

However, the March 10th 2017 Ruling ***misapplied or misconstrued*** Plaintiff's motion **(Doc. No. 12)** as a motion seeking reconsideration of the Court's Order. The Court stated *"It appears that Plaintiff is now seeking reconsideration of the Court's Order"* Plaintiff's motion (Doc. No. 12) was not pursued under Fed. R. Civ. P., 59(e) rather pursuant to Rule 6(b)(1)(A) Computing and Extending Time; Time for Motion Papers and Plaintiff's constitutional right to petition & protest government activities. Plaintiff's motion (Doc. No. 12) provided reasons for extending time period beyond the time limit established in (Doc. No. 8). However, the Court granted the request for extension of time but stated "no motion for reconsideration will be considered". The fact remains 28 U.S.C. § 636(b)(1) and FRCP 72(a) are applicable at this time to Plaintiff's liberty in filing a Motion for Relief from Nondispositive Pretrial Order of Magistrate Judge Bodenhausen's (Doc. No. 8). This fact is applicable because the boundaries between liberty and law are conventions. Such a convention can be raised and transcend if one can conceive in do so. Furthermore, Plaintiff is not challenging a Court order with this pending "MOTION FOR LEAVE TO CONSTRUE AND CORRECT THE RECORD". Plaintiff is changing an event for ***judgement day***.

Plaintiff's objections in (ECF No. 14) was timely

"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)."

Plaintiff on March 7, 2017 filed his ***timely objections*** regarding a pretrial order (ECF No. 8):

PLAINTIFF'S NOTICE OF OBJECTIONS AND OPPOSITION TO
The Court's Memorandum and Order dated 23rd day of February, 2017 (ECF No. 8)

This Notice & objections regarded a Magistrate Judge February 23rd 2017 Ruling - (ECF No. 8)

The law, in pertinent part, regarding 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.

Plaintiff also filed on March 7, 2017 (Doc. No. 15):

NOTICE OF JUDICIAL
ASSIGNMENT PURSUANT TO LOCAL RULE 2.08
Non-Consent to Exercise of Jurisdiction by a United States Magistrate Judge

On March 7, 2017 the Clerk of Court, Gregory J. Linhares issued an order (Doc. No. 16):

"IT IS HEREBY ORDERED that the above styled cause is randomly reassigned from

Magistrate Judge H. Bodenhausen to District Judge John A. Ross."

Plaintiff filed on March 6, 2017, an extension of time for a particular reason (Doc. No. 12):

PLAINTIFF'S MOTION FOR EXTENSION OF TIME TO FILE A RESPONSE TO
The Court's Memorandum and Order dated 23rd day of February, 2017 (ECF No. 8)

District Judge Ross' March 10th 2017 Ruling - (Doc. No. 18) addressed this motion granting the extension of time but ruling this motion as a motion seeking reconsideration of the Court's Order.

It is important to note, Fed. R. Civ. P., Rule 72 provides no mandatory time frame or requirements

for a District Judge to rule on PLAINTIFF'S NOTICE OF OBJECTIONS AND OPPOSITION TO (ECF No. 8). The Rule 72 states "The district judge in the case must consider timely objections".

Are Constitutional rights and legal matters "frivolous"?

"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")."

It is true Plaintiff filed an objection (ECF No. 14) to Magistrate Judge Bodenhausen's February 23rd 2017 Ruling and its pretrial order (ECF No. 8). Nevertheless, or disappointingly the "United States" government, via its legal representation by lawyers of the DOJ, is advancing a Doctrine of Deception as a *cause, belief, or way of life,* when declaring: "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')."*.* First, or foremost the Court never denied (ECF No. 14) "PLAINTIFF'S **NOTICE** OF OBJECTIONS AND OPPOSITION TO" (ECF No. 8). Secondly, Plaintiff's (ECF No. 14) was never address as being frivolous or as "'seventeen [pending] motions or other documents, none of which appear to have any basis in law or fact')." A first year law student knows or understands that a **"NOTICE"** is not and cannot serve as a "motion". Furthermore, **"other documents"** are not motions, nor did the Court included **"other documents"** in its Order. The Court's Order decreed:

"**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."

As the record reveals, the DOJ assertion is nothing less than an asset for assumption or worst the advancement of Bad faith in a crafty bespeak defense that supports constitutional rights and legal matters of this case avowed as "frivolous". For the record, *due process of law* is not "frivolous"

nor are legal motions or notices that constitutes the practice of due process "frivolous".

"De novo determination" vs. reconsideration

"Thus, Plaintiff is asking for reconsideration of that denial."

Plaintiff is properly seeking, IN THE ALTERNATIVE, relief from nondispositive pretrial order of Magistrate Judge Bodenhausen's (Doc. No. 8); if the Court does not grant Plaintiff's *motion for leave to construe and correct the record.* Plaintiff is entitled by law to a ***de novo*** determination, however; understands the "district judge in the case must consider timely objections" but there is no written requirement on a district judge when "PLAINTIFF'S **NOTICE** OF OBJECTIONS AND OPPOSITION TO" (ECF No. 8) must be "consider". For the record "PLAINTIFF'S FIRST MOTION TO REVIEW, ALTER, AMEND, OR VACATE ORDERS" (Doc. No. 38) was not **"consider"** for over two month by the Court. If the measure of justice is deliberate vs. lacking in this case, Plaintiff discerns the day of judgement is measured vs. a judgement day missing the mark, not the rapture.

"the same reasons explained" by Plaintiff which are not moot

"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 has no desire to recap all "the same reasons explained" in a response that failed to address the "Issues Presented" or "assignment of errors" listed in Plaintiff's motion (Doc. No. 56). HOWEVER, the Plaintiff repeats the following that was set forth in his reply in (Doc. No. 62):

#1. Plaintiff's reply to *"the same reasons explained"* in (Doc. No. 62)

"Not only is it improper, Plaintiff's motion for reconsideration fails on its merits because, as the Court properly held (ECF No. 55), Plaintiff's request to restore his original complaint is moot."

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was pronounced as "moot" ***not*** an "original complaint is moot." The Court erred, for many reasons.

In reply to this misdirection, Plaintiff's set forth the following in (ECF. No. 54), in part, declaring:

"In Defendants' Motion to Strike 'June 14 Filings' are crafty bespeaks defenses that are without merit and should be denied because: (1) it is not made on statutory grounds; and (2) for reasons explained herein, Plaintiff's opposition to the Defendants' Motion to Strike, and; (3) the Court cannot conclude from the facts or statements in the notices of the "June 14 Filings" any redundant, immaterial, impertinent, or scandalous matter, and (4) the Court should not uphold the Defendants' *developing doctrines of deception*, because deception and its effects are upholding a principle, as cruel, as war itself. **For the record**, this Plaintiff is engaged in a ***war of words***, with this Court and the Defendants in a 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."*

Besides, in Plaintiff's MEMORANDUM OF LAW AND BRIEF IN SUPPORT OF (ECF. No. 56):

"Plaintiff's Motion (ECF No. 38) has a substantial effect or outcome on core issues and fundamental rights that are not beyond the reach of the law. The *abuse of discretion* conducted by Judges in this case is a common factor. Judge Fleissig's [July 11, 2017 Ruling] insipid decision decreed, in part:

As a final matter, Plaintiff, in his Motion to Review, Alter, Amend or Vacate Orders (ECF No. 38), sought relief from the Court's previous orders requiring him to file an amended complaint (ECF Nos. 8, 18, and 29). The Court has interpreted ECF No. 44 as an amended complaint. Therefore, the relief sought in Plaintiff's Motion to Review, Alter, Amend or Vacate Orders will ***be denied as moot***." (Emphasis added). See Pl.'s Mem. of Law & Br. in Supp. 8-9, ECF No. 57.

And

"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**." See Pl.'s Mem. of Law & Br. in Supp. 9, ECF No. 57.

The Court never decided or decreed Plaintiff original complaint is moot. Rather, Judge Fleissig's

[July 11, 2017 Ruling] wrongfully determined Plaintiff's ***pure speech*** (ECF. No. 38) was "moot".

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*

In spiritual stake in First Amendment values, PURSUANT TO PLAINTIFF'S FREE EXERCISE OF

PURE SPEECH OF RELIGIOUS BELIEFS; Plaintiff relies upon and submits evidence that is self-authenticating pursuant to Fed. R. Civ. P., Rule 902(5). The following item of evidence is self-authenticating and require no extrinsic evidence of authenticity in order to be admitted. The published government document concerns the **"FIRST AMENDMENT – RELIGION AND FREE EXPRESSION"** and it bears the seal as an official publication of the Government Printing Office, being more particularly described in Exhibits Z #1, attached hereto and incorporated by reference as if fully set forth herein. The facts in this document are "viewed in the light most favorable to the [Strouds]." See Torgerson v. City of Rochester, 643 F.3d 1031, 1042 (8th Cir. 2011) (en banc).

#2. Plaintiff's reply to "*the same reasons explained*" in (Doc. No. 62)

"Plaintiff has filed an amended complaint.
The amended complaint replaced Plaintiff's original complaint."

Again, For the Record, Plaintiff has not filed "amended complaint" rather filed a hosts of "Other Amendment" serving as Notice Pleadings". The Defendants have cited the following authority, only, in part, thus declaring in: "*Cartier v. Wells Fargo Bank, N.A.*, 547 F. App'x 800, 803 (8th Cir. 2013) ("[I]t is well-established that an amended complaint supersedes an original complaint and renders the original complaint without legal effect."); *accord Blando v. Nextel West Corp. (In re Wireless Tel. Fed. Cost Recovery Fees Litig.),* 396 F.3d 922, 928 (8th Cir. 2005)"

However, and more importantly, the Defendants failed to read or want to recognize the very next paragraph express as ***"This court, however, does recognize an exception to the amended complaint rule."*** as held and quoting In re: ATLAS VAN LINES, INC. v. Poplar Bluff Transfer Company; 209 F.3d 1064 (2000). *In re Wireless Tel. Fed. Cost Recovery Fees Litig.),* 396 F.3d 922, 928 (8th Cir. 2005) the Court precedent held and is clear about ***a party to amend its complaint***:

"However, when a district ***court orders a party to amend its complaint***, or when ***the decision to amend is otherwise involuntary***, the question of ***proper removal*** must ***be answered by examining the original rather than the amended complaint***. Atlas, 209 F.3d at 1067 (citing Humphrey v. Sequentia, Inc., 58 F.3d 1238, 1241 (8th Cir.1995))." (Emphasis added)

"We held that such a motion was involuntary because the plaintiff faced the Hobson's *choice of amending his complaint or* ***risking dismissal.*** There, we explained that the *plaintiff was confronted with a* ***patently coercive predicament*** *in that the plaintiff could either file an amended complaint or risk dismissal of her entire case*. Atlas, 209 F.3d at 1067." (Emphasis added)

Plaintiff's case, *a case of first impression in several respects* under a hindsight precedent, has this Plaintiff confronted with a ***patently coercive predicament in*** that the Plaintiff could either file "Other Amendments" to manifest an amended complaint or ***risk dismissal of his entire case***.

#3. Plaintiff's reply to *"the same reasons explained"* in (Doc. No. 62)

"Therefore, even if the Court were to consider Plaintiff's repeated argument,
it should once more deny as moot Plaintiff's request to restore his original complaint."

Plaintiff is at a lost as to this above statement. This statement has nothing to do with the elements or grounds of granting or denying a 12(f) motion to strike or for the extension of time. This Court's surreal decisions about civil rights status, or waiting 9 weeks to make a ruling to dismiss legal and constitutional rights as simply as "moot" is deciding issues outside of those the parties presented for determination. Plaintiff has evoked applicable legal standard for reconsideration, to rectify the issues presented and for relief. Plaintiff is exercising his constitutional rights to petition and protest while preserving a right to appeal at a later date, if necessary. The Defendants in their response failed to address the issues and matters to be reconsider in the **Court's Ruling of July 11, 2017** to correct clear errors of law and prevent manifest injustice under Rule 59(e), in conjunction with obtaining relief from a proceeding & Order pursuant to Fed. R. Civ. P., Rule 60(b)(1)(4)(6) OR, IN THE ALTERNATIVE, Federal Rule of Civil Procedure Rule 54(a)(b) and Rule 46- Objecting to a Ruling or Order. *Plaintiff under the rule of law has a* ***spiritual stake in First Amendment values***.

"Plaintiff's motion improperly reargues a resolved issue."

What Is It Used For?

"We are in a sense as much responsible for what we do to others with words... as we would be with weapons"

If so, "the path to our own destruction may lie less in the weapons we can conceive" and more with the destructive construction in the laws we can create.

*"It is said that God made man in his image… but man fell from grace. Still, man has retained from his humble beginnings... the innate desire to create. But how will man's creations fare? Will they attain a measure of the divine… or will they too, fall from grace?" Mankind has created a legal system and attempted to introduce a distinction between "interpretation" and "construction", but what if, our understanding of these concepts is defined… only by the intellectualism of indifference and not from Mankind's true creations of "**empathy, sacrifice, love**... these qualities are not confined to walls of flesh and blood... but are found within the deepest, best parts of man's soul no matter where that soul resides."*

Plaintiff's stricken Exhibit list and its 510 Exhibits is ***a resounding issue vs. "a resolved issue".***

"Other Amendments" vs. "amended complaint"

"And, in any event, the motion fails on its merits
because the issue was mooted by Plaintiff's filing an amended complaint."

In a confusing labyrinth of arguments mystifying what is meritorious, but not what is moot. There is no Federal statute manifesting an *"amended complaint"*. There are no Fed. R. Civ. P. or federal regulations governing an *"amended complaint"*. 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. Plaintiff addressed such matters or issue in the Statement of the Issues Presented and Assignment of Errors, being more particularly described in Exhibit U#32. Again, For the Record, Plaintiff has not filed "amended complaint" rather filed a hosts of "Other Amendment" serving as Notice Pleadings. An *"amended complaint"* practice is a misapplication, mistake of law or a manifest error of law or fact. Rule 15(a)(2) "Other Amendments" governs notice pleadings in furtherance of a compelling governmental interest using the least restrictive means of furthering that compelling governmental interest. But according to the Court, [OCV/Petition] does not exist. A complaint must exist before "Other Amendments" can take effect in application to the legal process. This is pursuant to Fed. R. Civ. P., Rule 15(a).

PLAINTIFF'S SUGGESTIONS IN SUPPORT OF HIS DISTINGUISHED MOTIONS

A. Uphold and guarantee Plaintiff's First Amendment Rights.

B. Enforce U.S. Supreme Court Precedents in rule of law and due process of law.

C. Read Magistrate Judge Bodenhausen's order (ECF No. 8) & Grant Plaintiff's motion(s).

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Respectfully Submitted,

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

Dated this 29st day of August, 2017

CERTIFICATE OF SERVICE AND DELIVERY

I hereby certify that the foregoing was filed this 29st day of August, 2017 and served upon Defendants and its U.S. Attorney, by First class postage prepaid, U.S. Certified mail # 7009-0960-0000-0249-7115 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