

**In the  
Supreme Court of the United States**

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TERRY LEE HINDS,  
Petitioner,

—v—

“UNITED STATES” GOVERNMENT,  
Respondents.

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Eighth Circuit

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**APPLICATION FOR ENFORCEMENT OF PROTECTED SPEECH & DUE PROCESS**

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OCTOBER 30, 2018

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## APPLICATION FOR ENFORCEMENT OF PROTECTED SPEECH & DUE PROCESS

To The Honorable Neil Gorsuch, Circuit Justice for the Eighth Circuit:

Pursuant to Court's Rule 22, and under the U.S. Supreme Court precedents listed below, Applicant TERRY LEE HINDS respectfully requests in this case, that the Clerk uploads the complete appendices for both the petition for writ of certiorari and petition for rehearing.

In support of this application, Applicant states:

1. The Clerk's duties are prescribed by the statute and by Supreme Court Rule 1, and by the Court's customs and practices. The Clerk's Office is responsible for maintaining the dockets and records of the Court.
2. Supreme Court Press, on behalf of the Applicant, printed, submitted, and published with the Clerk of the Court's office a proper formatted Petition for a writ of certiorari and a Petition for Rehearing. Both petitions have an appendix section presented to the Clerk's office at the time of filing. Volume I, Original Petition's Appendix. Volumes II & III for the Rehearing Petition. This is protected speech and the expression of protected conduct.
3. For reason(s) unknown to the Applicant, the Clerk's office or the Clerk of the Court elected to publish on the Supreme Court website; **only 15 pages**, of the bound appendix. This appendix, Volume I, consists of **597 pages** with an Appendix Tablet of Contents consisting of 4 pages. The Clerk did not send a notice of any deficiencies, or reject any submitted filing that does not comply with the Court's Rules. However, the Clerk elected to regulate or censor the Applicant's petition and pure speech; mutually existing as protected speech of the First Amendment; matters which touches the heart of the existing order on the www.
4. The Applicant called this Court's Clerk's Office and left two voice messages regarding this matter, however no one returned his phone calls. The result of such governmental actions

that appear to target expression constitutes the tangible danger to freedom of discussion.

5. The Applicant filed his grievance with the Clerk of the Court, Hon. Scott S. Harris, via a certified mail letter. See attached letter, dated 08/01/2018. #7009-0960-0000-0249-7047.

No response was provided by the Clerk regarding this First Amendment violation.

6. The Applicant also sent to Noel Francisco, the Solicitor General a certified mail letter regarding this self-serving governmental censorship within a forum that is presented on the www. See attached letter, dated 08/01/2018. Cert # 7009-0960-0000-0249-7054.

7. The Applicant, via Supreme Court Press, filed with this Court's Clerk's Office a Petition for Rehearing on October 22, 2018. Again, the Clerk or his Office's Clerks elected not to publish the two presented appendices (Volumes II & III) at the time of filing.

8. In this First Amendment case Applicant's supporters, or others interested in the subject matter of his petitions, might be interested in the full content of Applicant's filings. It is a place that Applicant can suggest people go to if they want to learn more about his case.

9. Also, a prior restraint and due process issue arises; when lawyers are able to upload their complete appendices through their e-filing accounts. However, *pro se* filers are not permitted to do so; the clerk only uploads opinions and orders and leaves off supporting exhibits. Applicant will make the process easier for the clerk to upload the appendices by asking Supreme Court Press to provide a CD-ROM containing E-files.

10. In the interest of justice to protect the rights of the Applicant, and the Court's precedents in such matters relied upon by this Applicant, these following grounds are submitted:

- I). This Court held in *Thornhill v. Alabama*, 310 U.S. 88, 97 (1940):

It is not merely the sporadic abuse of power  
by the censor, but the pervasive threat inherent  
in its very existence, that constitutes the danger  
to freedom of discussion.

II). *West Virginia State Board of Education v. Barnette*, 319 U.S. 624, 642 (1943).

In strong language, this Court affirmed the right to dissent:

But freedom to differ is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order. If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion, or force citizens to confess by word or act their faith therein. If there are any circumstances which permit an exception, they do not now occur to us.

App.106a, 258a, 280a, 351a, 592a

III). This Court held in *Yates v. United States*, 354 U.S. 298, 344 (1957):

The First Amendment provides the only kind of security system that can preserve a free government—one that leaves the way wide open for people to favor, discuss, advocate, or incite causes and doctrines however obnoxious and antagonistic such views may be to the rest of us.

App.264a

IV). This Court held in *Schneekloth v. Bustamonte*, 412 U.S. 218, 229 (1973):

It may be that it is the obnoxious thing in its mildest and least repulsive form; but illegitimate and unconstitutional practices get their first footing in that way, namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of person and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of courts to be watchful for the constitutional rights of the citizen and against any stealthy encroachments thereon.

App.60a-61a

V). This Court held in *Southeastern Promotions, Ltd. v. Conrad*, 420 U.S. 546, 553 (1975):

Invariably, the Court has felt obliged to condemn systems in which the exercise of such authority was not bounded by precise and clear standards. The reasoning has been, simply, that the danger of censorship and of abridgment of our precious First

Amendment freedoms is too great where officials have unbridled discretion over a forum's use. Our distaste for censorship—reflecting the natural distaste of a free people—is deep-written in our law. App.129a-130a

VI). This Court held in *Ashcroft v. Free Speech Coalition*, 535 U.S. 234, 253 (2002):

First Amendment freedoms are most in danger when the government seeks to control thought or to justify its laws for that impermissible end. The right to think is the beginning of freedom, and speech must be protected from the government because speech is the beginning of thought.

App.60a, 319a

VII). This Court held in *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564, 573 (2002):

“[A]s a general matter, ‘the First Amendment means that government has no power to restrict expression because of its message, its ideas, its subject matter, or its content.’” *Bolger v. Youngs Drug Products Corp.*, 463 U.S. 60, 65 (1983) (quoting *Police Dept. of Chicago v. Mosley*, 408 U.S. 92, 95 (1972)).

App.60a, 391a

Pure speech is accorded the highest degree of protection under the First Amendment to the U.S. Constitution. The grounds above do not give public officials the power to deny use of a forum in advance of actual expression or to restrict the subject matter presented or censor its content as witnessed or complained about in this case. These appendices give breadth to Applicant's petitions.

For these reasons and grounds, Applicant requests and seeks relief, that the Clerk uploads the complete appendices for both the petition for writ of certiorari and petition for rehearing.

Respectfully Submitted,

October 30, 2018

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Terry Lee Hinds, Applicant  
*Pro se*, Petitioner

Attachments:

Letter to The Clerk of the Court, Hon. Scott S. Harris  
Letter to Noel Francisco, the Solicitor General

## CERTIFICATE OF SERVICE AND DELIVERY

I HEREBY CERTIFY that a true and correct copy of the foregoing was filed this \_\_\_\_ day of October, 2018 and served upon the Clerk of the Court and Noel Francisco, the Solicitor General by pre-paid first-class postage.

## VERIFICATION OF APPLICATION FOR ENFORCEMENT OF PROTECTED SPEECH & DUE PROCESS

I, Terry Lee Hinds of lawful age is the Applicant in this motion. I verify that I read this verification and Application filed in this case on October \_\_\_\_, 2018, and declare under penalty of perjury under the laws of the United States of America that the foregoing facts in the Application are correct and true to the best of my knowledge, information.

Respectfully submitted,

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

Executed this day \_\_\_\_\_ of October, 2018

(1) For an acknowledgment in an individual capacity:  
State of Missouri  
County of St Louis

This record was acknowledged before me on \_\_\_\_\_ (date)  
by \_\_\_\_\_ (name(s) of individual(s)).

Signature of notarial officer  
Stamp

Title of office  
My commission expires