

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

TERRY LEE HINDS,)	
)	
Plaintiff,)	
)	
v.)	Case No. 25-cv-00047-AGF
)	
JOSEPH R. BIDEN, JR, et al.,)	
)	
Defendants.)	
_____)	

**MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE
RESPOND TO THE PLAINTIFF’S “COMPLAINT”**

Defendant United States (incorrectly named here through the listing of the officials in their “official capacity” in the caption of the “Complaint”)¹ respectfully moves the Court, pursuant to Fed. R. Civ. P. 6(b)(1)(A), for an order extending by 30 days the time within which the United States as the “Defendants” is required to answer or

¹ A suit against an official of the federal government in the officer’s official capacity is treated as a suit against the United States. *See Coleman v. Espy*, 986 F.2d 1184, 1189 (8th Cir. 1993). Thus, because Plaintiff named as Defendants Joseph R. Biden, Daniel Werfel, Janet Yellen, and Merrick B. Garland expressly “in [their] official capacity,” this suit should be treated as one against the United States. See also *Jackson v. United States*, 2021 WL 7543943, at *2 (W.D. Mo. 2021) (“A civil lawsuit seeking specific injunctive or declaratory relief against a U.S. government official is a suit[] against the sovereign. *** When the judgment sought would preclude or compel government action, the suit is considered as asserted against the sovereign entity, as opposed to the individual named. *** [And] [the doctrine of] [s]overeign immunity bars claims against federal officials in their official capacity unless a waiver is unequivocally expressed by Congress.”) (citations omitted). *Kennedy v. Comm’r*, 790 Fed.Appx. 447, 449 n.1 (3d Cir. 2019) (“A plaintiff cannot circumvent the doctrine of sovereign immunity by naming the Commissioner and an IRS employee as defendants where, as here, there is no indication that the defendants are being sued in anything other than their official capacity.”); *Atkinson v. O’Neill*, 867 F.2d 589, 590 (10th Cir. 1989) (“When an action is one against named individual defendants, but the acts complained of consist of actions taken by defendants in their official capacity as agents of the United States, the action is in fact one against the United States.”) (citing *Burgos v. Milton*, 709 F.2d 1, 2 (1st Cir. 1983); *Hawaii v. Gordon*, 373 U.S. 57, 58 (1963)).

otherwise move with respect to the Plaintiff's 1,126 paragraph "Complaint." Good cause exists for the requested extension as explained below.

STATEMENT & ARGUMENT

Plaintiff commenced this action by filing a document titled "Petition for Judicial Review, Judgment or Decree and for All Writs Necessary or Appropriate to this Case as well as Issue Writs Agreeable to Usages & Principles of Law." (ECF No. 1). That "pleading" consists of 1,226 paragraphs that purport to assert a total of 78 "causes of action" and multiple counts. In addition, Plaintiff attached to his "Complaint" hundreds of pages of "exhibits."

Although it is extremely difficult to decipher, at first blush it appears that Plaintiff seeks to challenge the constitutionality of the Internal Revenue Code under the guise of the First Amendment.² In addition, Plaintiff also invokes various statutes, including the Administrative Procedure Act, the Religious Freedom Restoration Act, and the Paperwork Reduction Act, to support his "Complaint."

The United States represents that the U.S. Attorney's Office received a summons and a copy of the "Complaint" on January 13, 2025. (*See also* ECF No. 3, Return of

² The current suit is not the first time Plaintiff has made a First Amendment constitutional challenge against the United States. As the Court may recall, in 2017, this Court directed Plaintiff to amend a prior complaint whereby Plaintiff alleged numerous constitutional violations and claims for relief because his initial complaint consisted of 547 pages with 4,451 paragraphs that violated Fed. R. Civ. P. 8(a), and it was prejudicial and unduly burdensome for the Government to have to respond to it. *Hinds v. United States*, 2017 WL 11471045, at **1–2 (E.D. Mo. 2017) (Bodenhausen, M.J.). Ultimately, the Court dismissed Plaintiff's action for lack of subject matter jurisdiction. *Hinds v. United States*, 2017 WL 6316813 (E.D. Mo. 2017) (Fleissig, J.).

Service). Accordingly, under Fed. R. Civ. P. 12(a)(2), Defendant United States' time to answer or otherwise move respect to the "Complaint" expires on March 14, 2025.

Given the bulk of the "Complaint" and the fact that once again Plaintiff has unmistakably violated Rule 8(a), more time is needed to prepare an appropriate response to Plaintiff's pleading. In addition, undersigned counsel is waiting for information from the IRS that may assist with responding to the "Complaint."

Where, as here, a request for an extension of time is made before the time-period has expired, a court needs only to find good cause to grant the requested extension. *Rachel v. Troutt*, 820 F.3d 390, 395 (10th Cir. 2016). Here, good cause exists for this enlargement of time, pursuant to Fed. R. Civ. P. 6(b)(1)(A), because:

- The time to answer or otherwise move has not expired;
- Reviewing and responding to the 249 pages, 1,226 paragraphs of the "Complaint," and trying to decipher the 783 pages of exhibits thereto necessitates more time to prepare an appropriate response; and
- Undersigned counsel is waiting on information from the IRS that may assist with preparing an appropriate response to the "Complaint."

This is the first motion for an extension of time in this matter. It is not sought for purposes of delay and will not prejudice Plaintiff. The extension will not impact any other deadlines because the Court has not yet entered a scheduling order. As noted and endorsed by multiple circuits, "district courts should normally grant extension requests, made before the deadline, in the absence of bad faith by the requesting party or prejudice to another party." *Rachel*, 820 F.3d at 394 (quoting 4B Charles Alan Wright & Arthur R. Miller,

Federal Practice and Proc. § 1165); *Ahanchian v. Xenon Pictures, Inc.*, 624 F.3d 1253 (9th Cir. 2010) (same); *Alexander v. Saul*, 5 F.4th 139, 154 (2d Cir. 2021) (same).

Accordingly, the United States respectfully requests that the Court enter an order extending the time for it to answer or otherwise respond to the “Complaint” by thirty days – to April 13, 2025.³ And given the foregoing, this motion should be granted.

Dated: March 13, 2025

Respectfully submitted:

s/ Mollie Clark Ahsan

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³ In an abundance of caution, the extension of time requested should cover the individually named defendants because they were named in their official capacities.