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U. S. DISTRICT COURT  
EASTERN DISTRICT OF MO  
ST. LOUIS

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

In the Matter of:

TERRY LEE HINDS,  
*Pro se & Suri Juris*,  
Officially a/k/a Terry Lee Hinds,

Real Party in Interest as Plaintiff/Petitioner, (“[P/P]”)

-Vs-

JOSEPH R. BIDEN, JR., *in his official capacity*  
as the President of the United States of America; &  
actions of the Government of the United States, and

DANIEL WERFEL, *in his official capacity*  
as Commissioner of Internal Revenue Service, &/or  
as Commissioner of Internal Revenue; via § 7803 &  
actions of INTERNAL REVENUE SERVICE, IRS &

JANET YELLEN, *in her official capacity*  
as Secretary of the United States Department  
of the Treasury; & actions of the UNITED STATES  
DEPARTMENT OF THE TREASURY, and

MERRICK B. GARLAND, *in his official capacity*  
as Attorney General of the United States; & actions of  
UNITED STATES DEPARTMENT OF JUSTICE

Defendants/Respondents/Interested Party. (“[D/R/I P]”)

} CIVIL ACTION

} FILE NUMBER:

} 4:25-CV-00047 AGF

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**NOTICE OF MISAPPLICATION OF LAW & THEORY IN LEGAL DOCUMENTS**

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TO THE HONORABLE JUDGE OF SAID COURT:

**COMES NOW**, [P/P] and for his Petition & Protest, states as follows:

The legal documents in question & its misapplication of law & theory as presented herein, concerns a “MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE PLAINTIFF’S ‘COMPLAINT’ ” filed on 03/13/25. [ECF No. 6] and

with its subsequent Court's "ORDER" [ECF No. 7] entered into the record 03/14/2025.

**A). As a Matter of Law: MOTION & ORDER**

As a Matter of Law, [D/R/I P]'s entry of their MOTION and subsequent ORDER, granted serves as a *prejudicial matter*, both being a misapplication of law, local rule or DOJ's policy and a *question of law* concerning *due process*. This notice is a crucial step in ensuring that [P/P]'s constitutional case is decided based on the correct legal principles vs as to the incorrect or inappropriate application of a law, rule & policy or its misplaced legal principles applied. [P/P]'s "Petition" & *legal theory* of his case vs the two assigned DOJ's lawyers positions, legal standards and interpretations (from Tax Division vs Civil Rights Division) is "profoundly different" or with the *adverse parties* profound prejudice against *due process* & very nature of [P/P]'s case in law & equity with justiciable controversies.

**B). Prejudice in Law: The Doctrine of Sovereign Immunity vs THE RULE OF LAW.**

A core *question of law* concerning *due process of law*, is whether the government's actions/inaction in depriving someone of life, liberty, or property are justified and whether the procedures used are fair, encompassing both *substantive* and *procedural due process*. This MOTION is decisively indicative of the "United States" *legal theory* & its *bias in the practice of law*; "Complaint" status sanctioned, but no right to "Petition" as a suit of equity,

**POINT #1 - Prejudice with [P/P]'s FAITH in [LAW].**

In law, "prejudice" generally refers to unfairness or harm to a party's legal rights or claims, which can manifest in various ways, as this becomes self-evident quoting in part:

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)).

On point, “United States” lawyers’ purport to assert [P/P]’s “Petition” is nothing more than a “Complaint” to proceed under. Under their *legal theory* “*unless a waiver is unequivocally expressed by Congress*” the *doctrine of sovereign immunity* bars claims against federal officials in their official capacity *of which* is misplaced and is a misapplication of law. This is self-evident as all these cases cited above or as set forth below are existing legal standards of Doctrine of Sovereign Immunity (“[DSI]”) with lawsuits as a “Complaint” case not as “Petition” cases, as a suit in equity. Petition’s cases are where people are natural sovereign. The ensuing case law/authority is False Evidence Appearing Real (“F.E.A.R.”). Its law & matters concerns *jurisprudence* of Complaints as *lawsuits* not Petitions as a *suit in equity*:

The Court held in *waving sovereign immunity matters* as *any lawsuits* lacks jurisdiction: Under the doctrine of sovereign immunity, the United States may not be subject to a judicial proceeding unless it consents to that proceeding in express and unequivocal terms. *United States v. Mitchell*, 445 U.S. 535, 538 (1980); see also *Block v. North Dakota*, 461 U.S. 273, 287 (1983). If the doctrine of sovereign immunity applies to a particular action against the government, the court lacks jurisdiction to hear the case. *Mitchell*, 445 U.S. at 538. A legal action constitutes a judicial proceeding if the “effect of the judgment would be . . . to compel [the government] to act.” *Dugan v. Rank*, 372 U.S. 609, 620 (1963); *Coleman v. Espy*, 986 F.2d 1184, 1189 (8th Cir. 1993). An order to compel a federal official, such as an FBI special agent, is an action against the United States because the relief sought would “require action by the sovereign or disturb the sovereign’s property.” *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 688–89 (1949); see, e.g., *Bosaw*, 887 F. Supp. at 1210–11 (finding that an order compelling an IRS employee to produce documents is an action against a federal officer subject to the federal government’s sovereign immunity).

Remember, the *doctrine of sovereign immunity* is a judicial driven mechanism that creates fears of sovereign despotism, “the road to serfdom” or defeats [P/P]’s FAITH in [LAW].

NOTE "Complaint" cases versus "Petition" cases is knowing the difference & reason(s) of *legal arguments* contrasted with knowing the difference & reason(s) why a boy is not a girl or a girl is not a boy. Pursuant to [P/P]'s FAITH in [LAW] as moral/legal reasoning of our "*Constitutionality sensibilities*"; understanding that our President is not our King just like our government is not our God. Nevertheless, [P/P]'s FAITH in [LAW] involves, in part, the Rule of Law vs the Rule by Law to wit, **Maxim** "The King Can Do No Wrong". A legal doctrine originating from English common law, suggesting that the sovereign cannot commit a wrongful act. The Court clarified that this maxim does not apply to the United States government. See below citations/authorities:

**Chisholm v. Georgia, 2 U.S. 419, 431 (1793)**

"Art.3. sect. 2. The Judicial Powser shall extend"

"(1) To all cases, in law and equity, arising under the Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;"

"(2) To all cases affecting Ambassadors, or other public Ministers, and Consuls;"

"(3) To all cases of Admiralty and Maritime Jurisdiction;"

"(4) To controversies to which the

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United States shall be a party;"

**Langford v. United States, 101 U.S. 341, 1 (1879)**

"As applicable to the government or any of its officers, the maxim that the King can do no wrong has no place in our system of constitutional law."

**United States v. Lee, 106 U.S. 196, 209 (1882)**

Under our system, the people who are there called subjects, are the sovereign. Their rights, whether collective or individual, are not bound to give way to a sentiment of loyalty to the person of the monarch. The citizen here knows no person, however near to those in power or however powerful himself, to whom he need yield the rights which the law secures to him when it is well administered. When he, in one of the courts of competent jurisdiction, has established his right to property,

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there is no reason why deference to any person, natural or artificial, not even the United States, should prevent him from using the means which the law gives him for the protection and enforcement of that right.

**Yick Wo v. Hopkins, 118 U.S. 356, 370 (1886)**

Sovereignty itself is, of course, not subject to law, for it is the author and source of law; but in our system, while sovereign powers are delegated to the agencies of government, sovereignty itself remains with the people, by whom and for whom all government exists and acts.

**Calif. Motor Transport v. Trucking Unlimited, 404 U.S. 508, 510-511 (1972)**

Certainly, the right to petition extends to all departments of the Government. The right of access to the courts is indeed but one aspect of the right of petition.

**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)). **Emphasis Added** (*no sovereignty power*)

See other authorities as set forth in [Decl. #7] under EXHIBITS OF [CLP] & FAITH IN [LAW] Exhibit C- #1 through Exhibit C- #96 of [P/P]'s Petition, if above citations/authority is not compelling.

**POINT #2 - "Constitutionality sensibilities" of NO ONE IS ABOVE THE LAW.**

When the legal tempo of Equity & The Sovereign begins the threshold of *prejudice* in law & in equity is at a level, point, or value above which something is true or will take place and below the legal standards which it is not or will not exist. One important *value* in American society is that everyone has equal justice under the law. Another important *level* is the "rule of law." The rule of law means that everyone must obey the law, and no one is above the law. The *point* is the "government" and its leaders, *in their official capacity* must also obey the law, therefore are subjects of it, subject to the law, or as a subject matter. [P/P]'s case, in part is "Constitutionality sensibilities" of NO ONE IS ABOVE THE LAW. "Constitutionality sensibilities" refers to the understanding and awareness of the principles and implications of the Constitution, particularly in relation to legal and political issues,

and the potential for laws and actions to be deemed unconstitutional.

• **Definition of Constitutionality:**

In constitutional law, constitutionality means acting in accordance with the applicable constitution, meaning a law, procedure, or act is in accordance with the laws or set forth in the applicable constitution.

• **Unconstitutionality:**

When laws, procedures, or actions directly violate the constitution, they are considered unconstitutional & shall be addressed by the Courts, regardless of the issues of standing or lack of subject matter jurisdiction via *sovereign immunity* claims.

• **Judicial Review:**

The judicial branch has the authority to determine the constitutionality of laws and actions, a process known as judicial review.

• **Presumption of Constitutionality:**

There's a presumption that laws are constitutional until proven otherwise, and courts should show due respect to legislative conclusions that their enactments are constitutional.

• **Constitutional Interpretation:**

Different approaches to interpreting the Constitution exist, including textualism, originalism, judicial precedent, pragmatism, moral reasoning, and others.

• **Constitutional Challenges:**

Individuals or groups can challenge the constitutionality of laws or actions through legal processes, requiring a notice of constitutional question presented or a petition pleading seeking relief to be filed and served on the appropriate attorney general.

• **Importance of Constitutional Sensibilities:**

Understanding constitutionality is crucial for citizens, policymakers, and legal professionals to ensure that laws and actions are consistent with the fundamental principles of society.

Prejudice in law, lawsuits or matters in suit of equity or matters of substance in law; is not a about sovereignty, immunity, or judicial independence, it views of Nation's cornerstones:

**Equality Before the Law:**

This principle asserts that all individuals are equal in the eyes of the law and should be treated the same way by the legal system, regardless of their wealth, social status, or other characteristics.

**Significance:**

Equality before the law is a cornerstone of democratic societies and is crucial for maintaining fairness and justice.

**Equal Justice Under Law:**

This phrase, the inscription carved above the entrance to the Supreme Court Building, signifies that the legal system should be impartial and apply laws equally to all, ensuring that everyone receives fair treatment for a just & righteous outcome.

**Significance:**

Equal justice under law is a fundamental principle of justice and fairness, ensuring that no one is above the law and that everyone is treated equally before the courts.

**C). Law at Issue, Sovereignty, Jurisdiction: False Evidence Appearing Real (“F.E.A.R.”)**

**POINT #1** - Federal Tort Claims Act law cited, & *United States Court of Federal Claims*

Department of Justice (“DOJ”) lawyers purported that:

<sup>1</sup> 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 (8<sup>th</sup> Cir. 1993). See page 1 of (“First Motion”). The perception of F.E.A.R. vs FAITH in [LAW].

This particular case cited by two DOJ lawyers as an argument or legal position is factually or legally incorrect; with their reliance thereon, as legally flawed or misplaced. The *Coleman v. Espy*’s case is where a “*district court dismissing as moot an action against officers of the Farmers Home Administration (FmHA)*”. In summary, the 8<sup>th</sup> Circuit Court held: “*that violation of a viable injunction establishes a tort action remediable through the Federal Tort Claims Act.*” Here, [P/P]’s suit in equity as “*Nature of the Case in Law and Equity with Justiciable Controversies*” (ECF. 2) has presented actual disputes, an injury in fact, and has not been resolved nor lost its practical significance because the underlying controversies have not been resolved, rendering a court’s decision necessary.

**POINT #2** – *waving sovereign immunity & constitutionally defined government action*

As the Court knows, the Federal Tort Claims Act (“FTCA”) is federal legislation enacted in 1946 that provides a legal means for compensating individuals who have

suffered personal injury, death, or property loss or damage caused by the negligent or wrongful act or omission of an employee of the federal government. Moreover, apparently DOJ lawyers at best presents a pirates code of *waving immunity*; should have known the FTCA waives government's sovereign immunity, allowing lawsuits against the United States for certain torts, but only under specific conditions. The fact is [P/P]'s "Petition" is protesting *unlawful government actions* via constitutional challenges, *inter alia*; involving ***constitutionally defined government action & ultra vires actions***; in so doing, seeking equity & relief with all claims presented. And though Congress might *waive sovereign immunity* with respect to government operations created by statute, e.g. Tucker Act, 28 U.S. Code § 1346 - United States as defendant, FTCA, Administrative Procedure Act, ("APA") 5 U.S.C. §702. Right of review; nevertheless, waiving immunity for ***constitutionally defined government action is a different matter***. Indeed, it is *tantamount* to ***amending the Constitution*** to expand Article III and is thus beyond the powers of any branch. ***Emphasis added***. Such indifference would invoke "*reversible error*" or *fundamental error* on appeal. ***Constitutionally defined government action*** refers to actions taken by a government that are authorized and limited by the Constitution, which establishes the framework and powers of that government. Such *defined government action* manifests matters in equity.

- **The Constitution as the Supreme Law. No Branch Can Expand the Constitution:** The Constitution of the United States is the supreme law of the land. This means that all laws, actions, and decisions of the government must be consistent with the Constitution and is not subject to expansion or alteration by any branch of government, and any attempt to do so would be unconstitutional.
- **Limited Government:** Constitutional governments are characterized by a principle of limited government, meaning the government's powers are defined and restricted by the constitution meaning the government's power is not absolute but is defined and constrained by the document itself.

- **Individual Rights:**  
The Constitution protects fundamental rights of individuals, such as freedom of speech, religion, and the press, *inter alia* and the right to *due process of law*.
- **Separation of Powers:**  
Constitutions often establish a separation of powers, dividing governmental authority among different branches (e.g., legislative, executive, judicial) to prevent any one branch from becoming too powerful.
- **Checks and Balances:**  
The Constitution also implements a system of checks and balances, allowing each branch of government to limit the power of the other branches.
- **Protection of Rights:**  
Constitutions often include provisions that protect the rights and freedoms of citizens, ensuring that government actions do not infringe upon these rights or privileges.
- **Judicial Review:**  
The Supreme Court has the power of judicial review, meaning it can declare laws or actions of the other branches unconstitutional. However, the Court's role is to interpret the Constitution, not to expand or alter it. Strict scrutiny is a form of judicial review that courts in the United States use to determine the constitutionality of government action that burdens a fundamental right or involves a suspect classification (including race, religion, national origin, and alienage).
- **Amendments as the Only Method of Change:**  
The Constitution can only be changed through the formal amendment process outlined in Article V. This process requires a two-thirds vote in both houses of Congress and ratification by three-fourths of the states.
- **Enumerated Powers:**  
The Constitution outlines specific powers that the federal government has, such as the power to declare war, regulate interstate commerce, and coin money, *inter alia*.
- **Reserved Powers:**  
Powers not specifically delegated to the federal government by the Constitution, nor prohibited to the states, are reserved to the states respectively, or to the people.

Equity traces its genesis to kingly power. But the new American constitutional order shattered the Crown & its law and left *equity* unanchored in the *safe harbor* of Art. III, cl. I sec, II: “The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States...” However, who or what, if anything, inherited

the role of the sovereign in federal equity? Is the sovereign the executive branch—or is it Congress— or is it the Courts? Is it “the United States” government or “the people of the United States”? Conversely, how one’s conceived the sovereign, it is just as important as how *sovereign immunity* becomes a *liability or penalties* on legal parties seeking relief or how a sovereign is entitled to special deference in a federal court of equity.

**D). Prejudicial Order:** *A lack of due process or governmental actors frustrate the fairness of proceedings is 'A Complacent Policy of Indifference to Evil. ' ("[To LIVE as EVIL]"*).

A court order can be considered *prejudicial* when it unfairly favors one party over another, or when it leads to a decision or judgment on an improper basis. An order is *prejudicial* when governmental actors (judge/DOJ officials) frustrate the "fundamental fairness" of legal proceedings. This aspect of *due process* protects fundamental rights by *limiting government interference* with certain liberties, such as the freedom of religious beliefs, religion, protest, & petition, *inter alia*. [P/P]’s FAITH in [LAW] maintains prejudicial order(s) is [To LIVE as EVIL].

**Two Main Aspects: *due process of law***

- **Procedural Due Process:** This focuses on the fairness of the procedures used by the government when it takes away someone's rights, ensuring they have notice, an opportunity to be heard, and a fair hearing.
- **Substantive Due Process:** This examines whether the government's actions themselves are justified and whether they infringe on fundamental rights, even if the procedures used were fair.

As the Court well knows, *due process* is vital for maintaining a just and fair legal system, protecting individuals from *government overreach*, and ensuring that everyone is treated equally under the law. Yet, at issue here is the due process of law, a fundamental principle of fairness, ensures that *legal proceedings* are conducted according to established rules and principles, protecting individuals from all arbitrary or unfair treatment from any

branch of the government. [P/P] has named *eight adverse parties* and legitimately presented a “Petition” as a *constitutionally protected right* of the First Amendment vs a “Complaint”. Furthermore, [P/P] filed a Notice [ECF No. 9] on 03/18/2025 expressing established rules and principles, protecting him from arbitrary or unfair treatment *by the government*. This Court is additionally aware that a [P/P]’s “point of law” concerning a specific legal issue or questions that need to be resolved by a judge was sought. A “United States” district or magistrate judge, *for the government*, is not allowed become *another adverse* of [P/P], noticeably a lawful/legal advocate of justice. Defense attorneys in this case, presented to the Court several *prejudicial matters* involving a “*non-consent motion*” as a breach of the *due process of law*. See POINT #2 of [ECF No. 9]. As a precarious *legal theory* or *baseless argument*, they purported:

“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.<sup>2</sup>”

To manifest or reinforce this *prejudicial matter* being presented under the DOJ tax lawyers’ “STATEMENT & ARGUMENT” seeking a motion’s *deadline change*, within Footnote <sup>2</sup> :

<sup>2</sup> 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.).

[P/P] freely admits that he has no knowledge or fails to understand how his lawsuit of 2017 has anything to do with or procures a special effort or formal processes to obtain an extension of time. For the record, if these attorneys would have called me or requested my

*permission* for a *deadline change*; I would certainly **grant** that position **without any** of the “STATEMENT & ARGUMENT” being presented to the Court. [P/P] does know and partly understand that legal documents and their positions presented to the Court have effects & consequences, if one’s fails to admit/deny such arguments/theories/positions. [P/P] holds & [believes] in 2017 “United States” government, all three Branches, assisted by 8<sup>th</sup> Circuit Court of Appeals & U.S. Supreme Court delay, denied, & defeat, respectively constitutional *rights, privileges, immunities & religious liberties* through the misapplication of law, via:

- **Misinterpreting a statute:** A court might misunderstand the meaning or scope of a law, leading to an incorrect application.
- **Ignoring relevant precedent:** A judge might disregard established legal principles or rulings from previous cases, even when they are directly applicable.
- **Applying the wrong law:** A court might apply a law that is not relevant to the case or situation or fail to apply the correct law.
- **Ignoring legal requirements:** A court might overlook specific legal requirements that should have governed the case resolution, such as procedural missteps or failing to adhere to deadlines.

[P/P]’s *eight adverse parties* for the past 1½ years; and now two assigned tax lawyers from “United States” government has adopted [To LIVE as EVIL] thereby to delay, denied, & defeat [P/P]’s *constitutional rights, privileges, immunities & religious liberties*. Worst, a “Petition” of an *extraordinary nature* presented & pleaded 9 justiciable categories with a total number of 108 meritorious claims for relief sought; only perhaps be dismissed for a lack of subject matter jurisdiction, *inter alia* through combined efforts of *adverse parties*.

[P/P]’s absolutely acknowledges the third branch of “United States” government, the

Courts are not subject to [Exec.Order/Directive/A.G.Policy] however, MOLLIE CLARK AHSAN & GREGORY L. MOKODEAN, as officers of the Executive Branch are not exempted within the United States. If it becomes necessary, [P/P] shall seek a court order enforcing *governmental policy*, since the Court, is obliged to uphold the law/due process.

**POINT #1** – Right to Petition & Suit in Equity as a “Vested Right” of Art. III, cl. I sec, II

In law, a "vested right" is a right, interest, or title that is absolute, fixed, and cannot be taken away or diminished without the owner's consent, often protected by law and enforceable in court, hopefully without the efforts or effects of any prejudicial order(s):

In Notice [ECF No. 9] declared, in part:

Characteristically, their motion mentions “Complaint” 12 times versus “Petition” as a nefarious suggestion. Nefarious suggests flagrant breaching of time-honored laws and traditions of conduct. [P/P]’s identified that five of these adverse parties apparently failed to realize; based upon the unfounded opinions of the two assigned DOJ attorneys that, [P/P]’s *suit in equity*, is in fact, *free exercise* of protected/pure speech:

**PETITION FOR JUDICIAL REVIEW, JUDGMENT OR DECREE  
AND FOR ALL WRITS NECESSARY OR APPROPRIATE TO THIS CASE  
AS WELL ISSUE WRITS AGREEABLE TO USAGES & PRINCIPLES OF LAW**

[P/P]’s *substantive rights of intellectual freedom, identity, autonomy, or freedoms of choice* evoked the Right to Petition by way of a Suit in Equity as a “**Vested Right**” of Art. III, cl. I sec, II. For the record, [P/P]’s “Petition” is a *sacred property interest* of conscience & protected/pure speech under the constitutionally right to protest & petition, the “United States” government and all *adverse parties*. These rights guaranteed by the First Amendment as a “Vested Right” of Art. III, cl. I sec, II.

Unfortunately, these supposed, astute DOJ attorneys, failed to comprehend that [P/P]’s “Petition”; as a *suit in equity*, made no mention of or a pleading regarding FTCA; however, realized [P/P] did name *eight adverse parties*, of which, four of them “in [their]

official capacity,” are officials that violated “*clearly established*” statutory & constitutional rights. [P/P] is of the particular belief that a first-year law student would understand or should recognize that a U.S. District Court jurisdiction is not the same as the United States Court of Federal Claims; where under applicable law, has jurisdiction that hears cases involving *monetary claims* against the United States, including contract disputes, *tax refund suits*, and more. The Tax Division of the Department of Justice defends all tax suits filed in the United States Court of Federal Claims. [P]erhaps the DOJ should have assigned lawyers from the Civil Rights Division vs Tax Division, for obvious reasons pleaded:

¶1. This is an action with actual controversies that are substantial and concrete, to settle as applied violations of statutory and constitutional provisions; by this means, to protect constitutional rights and liberties pursuant to free exercise claims<sup>1</sup> of religious belief, religion, conscience, association, petition, protest, protected speech, etc. (“[Rights]”)<sup>2</sup> " See [P/P]’s Brief in Support of Petition and in “Petition” ¶ 1, page 1.

**POINT #2 – Lawful/Legal Order(s) vs Prejudicial Order(s) of *waving sovereign immunity***

[P/P] shall seek judgements & Orders with pending proceedings re [DSI] or its wavier:

1. [DSI] "undermines" the Rule of Law and NO ONE IS ABOVE THE LAW.
2. [DSI] cannot be reconciled with the *free exercise clause* of the First Amendment.
3. [DSI] as government speech "Challenges" the Establishment/Free Exercise Clauses.
4. [DSI] defeats "Constitutionality sensibilities"
5. [DSI] interferes with “personal” jurisdiction.
6. [DSI] rests on an interference of legislative intent, i.e. [Judiciary Act].
7. [DSI] violates a “Vested Right” of Art. III, cl. I sec, II.
8. [DSI] punishes [P/P]’s practices in FAITH in [LAW] for one’s [LLP].
9. [DSI] violates procedural due process & substantive due process.
10. [DSI] "undermines" the right to protest and petition for equity relief.

**E). [P/P]'s Theories of the Case:** *to assist the court & all adverse parties or their lawyers.*

In legal contexts, a "case theory" or "theory of the case" is a concise, persuasive narrative that explains the facts of a case, the applicable law, and why a specific outcome should be reached, serving as the foundation for a lawyer's strategy and arguments.

**Constitutionality Case presented as a Petition for a suit of equity:** 4:25-CV-00047 AGF

The two theories of this *constitutionality case* in law and equity arising under the U.S. Constitution, the Laws of the United States, with *justiciable controversies* regarding *constitutional rights* and *liberties* pursuant to *free exercise claims* of religious belief, religion, conscience, association, petition, protest, protected speech, etc. (“[Rights]”)

**Two Prominent Theories:** Hybrid Case as a Framework/Hybrid Theory of Claim-Rights

[P/P]'s “Petition” in this case, *as a suit in equity*, has two theories: (1) Factual Theory, under Natural Law Theory for *free exercise of religious liberty* of FAITH in [LAW]/[LLP] & with a legal theory as: (2) a “*hybrid law theory*” & “*hybrid legal system*” under American Legal Realism/Realist Law Theory for Legal Certainty. (“[Legal Certainty]”). [P/P] as I am via “*In Order to Form a More Perfect Union between the powers in Heaven and on Earth.*”

**Factual Theory:** See Sec. IV of Petition for general facts/factual allegations/facts of faith. In legal contexts, *Natural law theory*, in jurisprudence posits, natural law incorporates the inherent right to [LLP] & to live/exist as “I am” within intrinsic universal moral principles, discoverable through reason that form the basis of just laws, and any laws contradicting these principles are not legitimate thru *forums* existing in an Intersection of Church & State. [D/R/I P] advocating [To LIVE as EVIL] with [THE CODE] for IRS’ *indoctrination* in a matrix of *religious dealings*; a CODE as Black Theology of Legalism, [Taxism][Taxology] whereby proselytizing Taxpayers into Taxp[r]ayers, as a condition of servitude, *inter alia*.

**Legal Theory:** See 13 Question Presented in Brief in Support of Petition pursuant to ¶ 49. In legal contexts, [Legal Certainty] in jurisprudence generally refers to a system that blends elements of different legal traditions, such as common law and civil law, or constitutional and religious law. [Legal Certainty] is (i) predictability of judicial decisions & review, and (ii) the ready availability of the Courts upon which prediction is based. The first is a matter of *legal certainty*, the second a matter of a legal “system”. [Legal Certainty] for the layman is not predictability of judicial decision, it is congruence between legal rules and the ways of life. Also, one’s faithfulness to the rule of law used & hybrid forums applied are central to this case for the applications of religious liberty rights, one’s personal constitution & Facts of Faith/exhibits/declarations incorporated herein by reference. (“[Testimony]”). See ¶ 543 of Petition-[P/P]'s *religious liberty* of [Protected Speech] of *justiciable controversies*.

