

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI

TERRY LEE HINDS,

Plaintiff,

v.

JOSEPH R. BIDEN, JR, et al.,

Defendants.

Case No. 4:25-cv-47-AGF

**UNITED STATES’<sup>1</sup> OPPOSITION TO PLAINTIFF’S  
MOTION FOR JUDGMENT ON THE PLEADINGS**

The Court should deny Plaintiff Terry Lee Hinds’s motion for judgment on the pleadings (ECF No. 16). Hinds’s motion suffers from at least four flaws, each of which is fatal.

First, Hinds failed to file a compliant memorandum in support of his motion. The purported memorandum Hinds did file was stricken for failure to comply with Local Rule 4.01(D). (Order at 1–3, ECF No. 19.) Because Hinds has not filed a Local Rule 4.01(D)-compliant memorandum, Hinds’s motion violates Local Rule 4.01(A), requiring the moving party to “file with each motion a memorandum in support of the motion.” The Court may deny the motion for this reason. *Indep. Cont’ors of Maverick Transp., LLC v. Great W. Cas. Co.*, 2025 WL 871635, at \*15 (E.D. Mo. 2025) (“It is within the Court’s authority to deny a motion for failure to submit an adequate memorandum in support . . .”).

---

<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. *Coleman v. Espy*, 986 F.2d 1184, 1189 (8th Cir. 1993).

Second, this Court lacks jurisdiction over this suit for the reasons explained in the United States' memorandum in support of its motion to dismiss (ECF No. 13). *See* 26 U.S.C. § 7421; 28 U.S.C. § 2201(a). In the absence of jurisdiction, the Court may not grant Hinds any relief, including the relief requested in his motion for judgment on the pleadings. *See Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) (“Without jurisdiction the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause.” (quoting *Ex parte McCardle*, 74 U.S. 506, 514 (1868))).

Third, Hinds' motion is premature. Motions for judgment on the pleadings may only be filed “[a]fter the pleadings are closed.” Fed. R. Civ. P. 12(c). The United States has not yet answered, but has instead filed a motion to dismiss, which is pending. Thus, the Court should deny Hinds' motion “because it is not ripe.” *McDannel v. City of Gladstone*, 2024 WL 4763201, at \*2 (W.D. Mo. 2024).

Fourth, the Court may not enter an unspecified “judgment” in favor of Hinds. In his motion, as with his pleadings, Hinds states no particular relief that he is seeking. The Court may not enter “judgment” in favor of Hinds where Hinds has not stated what that “judgment” would entail, much less shown that he is entitled to such relief. *See In re: Nat'l Collegiate Athletic Ass'n Athletic Grant-in-Aid Cap Antitrust Litig.*, 2016 WL 4154855, at \*2 (N.D. Cal. 2016) (denying motion for judgment on the pleadings seeking only to limit potential “types of relief”); *Bolender v. Carnival Corp.*, 2014 WL 12527190, at \*1 (S.D. Fla. 2014) (denying motion for judgment on the pleadings because it was “difficult [for that court] to imagine how it would write a judgment in favor of Defendant”).

For any one of these reasons—or all of the above—the Court should deny Hinds’ motion for judgment on the pleadings.

Dated: May 5, 2025

/s/ Gregory L. Mokodean  
GREGORY L. MOKODEAN, #1002890(DC)  
Trial Attorney, Tax Division  
U.S. Department of Justice  
P.O. Box 7238  
Washington, D.C. 20044  
Telephone: (202) 307-6554  
Fax: (202) 514-6770  
Email: Gregory.L.Mokodean@usdoj.gov

**CERTIFICATE OF SERVICE**

I hereby certify that on this 5th day of May 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users, and caused a copy to be mailed by U.S. Mail to the following:

Terry Lee Hinds  
438 Leicester Square Dr.  
Ballwin, MO 63021

/s/ Gregory L. Mokodean  
GREGORY L. MOKODEAN  
Trial Attorney, Tax Division  
U.S. Department of Justice