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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

MEMORANDUM IN SUPPORT OF [P/P]’s
MOTION TO DISMISS A RESPONSIVE PLEADING [ECF No. 13] AND
QUASH DEFENDANTS’ MOTION [ECF No. 12] FOR LEGAL DEFECTS

TO THE HONORABLE JUDGE OF SAID COURT & RELEVANT PARTIES:

COMES NOW, [P/P] for his Petition, Protest, Protected Speech (“[PPP]”) & pursuant to *procedural due process & substantive due process/rights/grounds* for [P/P]’s case of [PPP] & under FRCP Rule 7(b) and Rule 8(e) Construing Pleadings. Pleadings must

be construed so as to do justice with relief sought under Rule 1- Scope and Purpose thus employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding premised on [P/P]'s FAITH in [LAW] vs accepting the *constitutional evils & religious practices* within [To LIVE as EVIL]. Moreover, this motion is premised on the Supreme Court's decisions, doctrines/precedents for *procedural due process & substantive due process/rights/grounds*, as well as Federal Rules of Civil Procedure & the Role & duty of the Courts, to wit:

*"It is the duty of a court to see that it has jurisdiction.
The consent of parties cannot provide it." Emphasis Added.
CAPRON v. VAN NOORDEN, 6 U.S. 126 (Cranch) (1804):
Due Process & Role of Courts*

Subsequently, [P/P]'s requests and moves the Court to Dismiss the responsive pleading [ECF No. 13] and Quash Defendants' Motion [ECF No.12] for legal defects as described and set forth herein. Moreover, [P/P] asks the Court to consider these legal defects, as imperfections in the application of court rule or insufficiencies that render their responsive pleading [ECF No. 13] as moot or invalid *as no motion was presented or filed*

"...TO DISMISS PLAINTIFF'S 'PETITION' "

Thereby [ECF No. 13] is unusable or legally flawed or *even violates the legal process itself* as a *deceptive legal document* that renders it invalid, unenforceable, or otherwise deficient. Furthermore, "UNITED STATES' " motion [ECF No. 12] is without grounds or a required Memorandum in Support to guild or justified a proper judicial decision, & as such would manifest an *abuse of discretion*, if granted by the Court. Therefore, [P/P] seeks to move the Court and quash [ECF No. 12] for a legal decision without merits & for legal defeats. This is pursuant to FRCP Rule 8(e) Construing Pleadings as the Court may consider these reasons for [P/P]'s motion:

1. An abuse of discretion or An abuse of power

In legal terms, an "abuse of discretion" typically refers to a situation where a judge or administrative body makes a decision that goes beyond the bounds of their authority or makes a decision that is manifestly unreasonable, arbitrary, or capricious. This can occur when the decision is based on an error of law, clearly erroneous findings of fact, or a clear error of judgment.

Elaboration:

1. Abuse of discretion is a concept used by appellate courts to review decisions made by lower courts that involve judicial discretion.
2. A judge is said to have abused their discretion if they rely on clearly erroneous findings of fact.
3. A judge can abuse their discretion if they apply the wrong legal standard or misapply the correct legal standard.
4. A judge can also be found to have abused their discretion if they make a clear error of judgment.

In essence, an abuse of discretion occurs when a judge's decision is so unreasonable or arbitrary that it falls outside the range of permissible outcomes.

Regarding an abuse of judicial power, it refers to actions by a judge that violate their ethical obligations or exceed their legal authority. This can include using their position for particular gain (dismiss a case due to volume of facts, pages or breath of violations presented) or failing to apply the law properly or exhibiting bias.

2. "UNITED STATES' " motion [ECF No. 12] violate Congressional intent & law.

[ECF No. 12] "request the Court dismiss with prejudice all counts and claims for relief in

Plaintiff's Complaint/Petition². ” There motion is contrary to [P/P]’s Petition for relief sought and the law declared by Congress, to wit:

(c). Pursuant to Judiciary Act of 1789, SEC. 32, this court respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such petition declaration, or other pleading, or course of proceeding whatsoever.

3. “UNITED STATES’ ” motion [ECF No. 12] violate First Amendment, *inter alia*

“Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.”

- a. [F/S/I/D] is law respecting an establishment of religion. [F/S/I/D] arises from a common law doctrine from the Church of England (secular/religious powers). A legal maxims as "the king can do no wrong." It refers to "wrongs" in the narrower sense of the word, meaning torts and related edicts.
- b. [F/S/I/D] is manifested as prevailing law by the Courts, not Congress violating well established Court’s doctrine of separation of power & check & balance of power.
- c. [F/S/I/D] is manifested itself like the Chevron doctrine violating the role and duty of Article III court. [P/P] admits [F/S/I/D] can and does exist in Article I courts (U.S. Tax Court) because it involves monetary matters.
- d. [F/S/I/D] and its wavier/consent cannot exist within or exercise as a right of the government in a Federal Court of Equity.
- e. [F/S/I/D] violates or disturbs [P/P]’s constitutional rights of [PPP].
- f. [F/S/I/D] when exercise by “UNITED STATES” this law or doctrine is based on “complaint” of monetary matters. No law or precedent exist for “Petition”.

- g. [F/S/I/D] and its wavier/consent violates the supremacy clause of Article VI of the U.S. Constitution as well as “vested rights” under the Article III powers of standing and subject matter jurisdiction & federal question jurisdiction.
- h. [F/S/I/D] and its wavier/consent violates or [Burdens] [P/P]’s FAITH in [LAW].
- i. [F/S/I/D] and its wavier/consent directly violates or disregards a constitutional guarantee “*to petition the Government for a redress of grievances.*”
- j. [F/S/I/D] is a constitutional evil manifesting [To LIVE as EVIL] and confuses the real doctrine of sovereignty or as true sovereigns of the “UNITED STATES” being “We the People”.
- k. [F/S/I/D] applies to the United States of America (“USA”) and its 50 States. How can any Nation have two so called sovereignty: USA & the government of the “United States”?.
- l. [F/S/I/D] comes from common law, and if [P/P] or any person chose a “jury trial” for their suit, this man made, hand crafted & self-serving doctrine would violate the seventh amendment of the U.S. Constitution, to wit:

“In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.”

Personal Note: [P/P] thought it was in the best the “UNITED STATES” & the Courts should review the facts of faith vs not being re-examined in any Court
- m. [F/S/I/D] creates & supports an *unconstitutional condition* & a legal culture of *involuntary servitude* thus violating another Court’s doctrine or the 13th amend.
- n. [F/S/I/D] and its wavier/consent is further addressed within [ECF No. 10].
- o. [F/S/I/D] is a legal fiction so the “UNITED STATES” can act as usurper for

ultra vires act, as declared in [P/P]’s “Petition”.

- p. [F/S/I/D] and its waiver/consent cannot pass *strict scrutiny* review used to protect fundamental rights and prevent discrimination based on suspect classification (here religion). To survive strict scrutiny, the “UNITED STATES” must demonstrate:

Compelling Interest: The law must be necessary to achieve a compelling government interest, meaning it’s essential to protect a vital government purpose.

Narrowly Tailored: The law must be narrowly tailored to achieve the compelling interest, meaning it doesn’t unnecessarily restrict fundamental rights.

Least Restrictive Means: The law must be the least restrictive way to achieve the compelling interest, meaning there are no other less intrusive means to achieve the same goal.

- q. [F/S/I/D] and its waiver/consent is a clear and prejudicial error of law and fact as a clear abuse of discretion, as Defects of Justice to Work a Manifest Injustice.
- r. [F/S/I/D] and its waiver/consent is grounds for fundamental error.
- s. [F/S/I/D] and its waiver/consent is the malfeasance of fundamental error, existing as Plain Error of Law or as Reversible Error.
- t. [F/S/I/D] and its waiver/consent violates [P/P]’s FAITH in [CLP].
- u. [F/S/I/D] and its waiver/consent is in conflict with or disregard these germane U.S. Supreme Court cases/decisions/precedents, to wit:

- (1) *Chisholm v. Georgia*, 2 U.S. 419, 431 (1793) & *Mottley*, 211 U.S. 149 (1908)

- (binding precedent, Federal question juris. is a subset of subject matter jurisdiction.
- (2) *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886) / *Langford v. U.S.*, 101 U.S. 341, 1 (1879). (persuasive precedent, re: "...sovereignty itself remains with the people, by whom and for whom all government exists and acts." & "...King can do no wrong has no place...")
- (3) *CAPRON v. VAN NOORDEN*, 6 U.S. 126 (Cranch) (1804) "Here it was the duty of the Court to see that they had jurisdiction, for the consent of parties could not give it."
- (4) *Louisville & Nashville R. Co. v. Mottley*, 211 U.S. 149 (1908)
- To determine whether federal question jurisdiction is appropriate, a court should consider only the complaint, rather than any anticipated defenses or any counterclaims or cross-claims.
- (5) *Marbury v. Madison*, 5 U.S. (1 Cranch) 137 (1803)
- This landmark 1803 case established the Supreme Court's power of judicial review, meaning they can strike down laws, policy, doctrines or legal practices that conflict with the U.S. Constitution & the Bill of Rights.
- (6) *Bailey v. Alabama*, 219 U.S. 219 (1911)
- The words "involuntary servitude" has a larger meaning than slavery, and the Thirteenth Amendment prohibited all control by coercion of the personal service of one man for the benefit of another.
- (7) *Olmstead v. United States*, 277 U. S. 438, (1928)
- Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the Government

becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy.

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

“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.” 319 U. S. 642 (Emphasis added)

These matters of law and its equity, as well as legal matters, issues and rights about Rule 41(b) MOTION TO DISMISS are addressed in detail within:

[P/P]’s OPPOSITION TO [D/R/I P]’s RULE 12(b)(1) & 41(b) MOTION TO DISMISS
“with prejudice all counts & claims for relief in Plaintiff’s Complaint/‘Petition’”

CONCLUSION

[P/P] has provided to the Court, in law & in equity, his arguments & his FAITH in [LAW]. In the legal system, "court in law" and "court in equity" refer to different types of judicial proceedings and remedies. Distinction: The key difference was that courts of equity could grant relief that was not available in courts of law. Ultimately, this case is a matters of belief in a *religious dogma* [F/S/I/D] & legal procedures (legalism) vs [P/P]’s FAITH in [LAW]. This case has been assigned to tax division lawyers vs, civil liberty lawyers of the DOJ. The “United States” comprising of the Executive Branch, Congressional Branch & the Courts. The subline issue is not of one’s FAITH but rather the sublimation of law as one’s fate. The fact is “United States” chose to be a “defendant” rather than an Interested Party.

For the record:

Facts: A clear & concise statements of the relevant facts at issue. see [ECF Nos 12-13].

Legal Issues: Identification of the key legal questions at hand as a lack or total disregard of due process, procedural due process of law & substantive due process/rights/grounds for [P/P]'s case of [PPP]

Legal Analysis: A detailed explanation of the relevant laws, statutes, and case precedents, and how they apply to the facts of [F/S/I/D] (as a lack of subject matter jurisdiction) and Rule 41(b) used on [PPP] are set forth herein and with response to defendants pleadings.

Argument: A reasoned argument supporting the desired legal conclusion. The [P/P] argues that the Court considers, declared legal defects, as imperfections in the application of court rule or insufficiencies that render the judicial decision of the Court & Court Order unusable or legally flawed or *even violating the legal process itself*, or a legal document that renders it invalid, unenforceable, or otherwise deficient.

Conclusion: A clear statement of the desired outcome. Under, FRCP Rule 8(e) Construing Pleadings. Pleadings must be construed so as to do justice with relief sought under Rule 1-Scope and Purpose thus employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding premised on the Supreme Court's decisions, doctrines/precedents for *procedural due process & substantive due process/rights/grounds*.

WHEREFORE, [P/P] respectfully requests that this Court enter a judgment & Order:

Pursuant to Judiciary Act of 1789, SEC. 32, this court respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such petition declaration, or other pleading, or course of proceeding whatsoever.

[P/P]'s Motion is attached hereto and incorporated herein.

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/

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Signatures of



Dated the 20th day of May 2025

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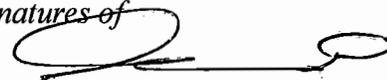
CERTIFICATE OF SERVICE AND DELIVERY

I hereby certify that the foregoing was filed on this 20th day of May 2025 with the court, with a true and correct copy, served upon [D/R/I P] through their counsel for the defense, by First Class U.S. Mail, postage prepaid, at the following address and named attorney:

GREGORY L. MOKODEAN
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Counsel for Defendants entry ECF No. 14 of Appearance on Thursday April 15, 2025

Initials 

Signatures of



Dated the 20th day of May 2025

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Note: Attorney Mollie Ahsan withdrawn from this case, stating leaving DOJ -ECF No. 17