



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.

However, (1) when the applicable law is unclear or disputed, or (2) when a party believes that the applicable law is incorrectly identified or applied or (3) when a party believes the controlling law is misidentified or misplaced, it's typically framed as a mistake of law or with the intent to induce reliance thereon, as the remedies and legal consequences differ significantly.

Thereby, through this process [P/P] requests & moves the Court for a Declaration of Controlling Law that governs this suit of equity & for reasons & [Rights] stated within:

MEMORANDUM IN SUPPORT OF [P/P]'s  
MOTION FOR DECLARATION OF CONTROLLING LAW

This declaration of controlling law is essential and necessary to support FRCP Rule 1 to secure the just, speedy, and inexpensive determination of every action and proceeding and to ***avoid or prevent*** these legal consequences:

1. Jurisdictional Defects Sought, and
2. Violations of Due Process, and
3. Inconsistencies with Prior Precedent, and
4. Errors of Law & Mistake of Law and
5. Statutory Defects, and
6. Defects in Legal Documents, and
7. Dysfunctional Law.

In essence, a defect in controlling law undermines the fairness, consistency, and reliability of the legal system. Addressing these defects is crucial for ensuring that the law serves

its intended purpose of promoting justice and protecting individual rights.

**1. Jurisdictional Defects Sought & Exercised by “UNITED STATES” for [F/S/I/D]**

This occurs when a court lacks the legal authority to hear a case, either due to the subject matter, the parties involved, or the location. It is also true that when the court has the *proper legal or lawful authority* to hear a case but refuses or denies substantive due process/rights/grounds for a Church dogma of [F/S/I/D] thus arises a jurisdictional defect. This establishment clause violation or position is addressed within, passion:

**[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”**

Note: [F/S/I/D] establishes Federal Question Jurisdiction as moot or invalid. Furthermore, [F/S/I/D] cannot be exercised within a Federal Court of equity. Moreover, when [F/S/I/D] is exercised within a U.S. District Court; it transforms the jurisdiction of this Article III Court into or being same as “Tax Court Subject Matter Jurisdiction” pursuant to “35.3.2 Jurisdictional Defects” see [https://www.irs.gov/irm/part35/irm\\_35-003-002](https://www.irs.gov/irm/part35/irm_35-003-002)

**2. Violations of Due Process.**

Federal sovereign immunity, a doctrine protecting the government from being sued without its consent, can potentially conflict with the Due Process Clause of the Fifth and Fourteenth Amendments. While sovereign immunity prevents individuals from suing the government for certain harms, it doesn't mean the government can act arbitrarily or violate fundamental rights without consequence. The Due Process Clause requires the government to provide fair and just procedures, and sovereign immunity should not be interpreted to shield actions that violate these principles.

**1. Sovereignty and Due Process:**

The government, like any sovereign entity, can't be sued without its consent. This

means that, generally, individuals cannot sue the federal government in federal court without its express consent.

The Due Process Clause, found in both the Fifth and Fourteenth Amendments, requires the government to act fairly and justly, providing individuals with adequate notice, opportunity to be heard, and other protections.

## **2. Potential Conflict:**

- **Balancing Interests:**

Sovereign immunity can sometimes create a tension with due process. If the government's actions are clearly unjust or violate fundamental rights, the question arises whether sovereign immunity should be a complete shield.

- **Remedies:**

Sovereign immunity can limit the availability of remedies for individuals harmed by the government. However, this does not mean the government can act with impunity or violate the Due Process Clause.

## **3. Limitations and Exceptions:**

- **Waivers of Immunity:**

The government can waive its sovereign immunity, either explicitly through legislation or impliedly through its actions.

- **Ex parte Young:**

This doctrine allows individuals to sue government officials in their personal capacity to enjoin violations of federal law, even if the government itself is immune.

- **Substantive and Procedural Due Process:**

The Due Process Clause encompasses both substantive (protecting fundamental right)

and procedural (requiring fair procedures) protections.

#### **4. Examples of Potential Due Process Violations:**

- **Government Actions Violating Fundamental Rights:**

If the government acts in a way that violates an individual's fundamental rights, such as freedom of speech or religion, sovereign immunity may not be a complete defense.

- **Unfair Procedures:**

If the government's procedures are not fair, such as a lack of adequate notice or an opportunity to be heard, it can be argued that due process has been violated.

#### **5. Key Considerations:**

- **Purpose of Sovereign Immunity:**

The purpose of sovereign immunity is not to allow the government to act arbitrarily or violate fundamental rights, but rather to protect the government from undue interference in its functions.

- **Judicial Review:**

Judges have a responsibility to ensure that the government's actions comply with the law, including the Due Process Clause.

- **Balance:**

There must be a balance between the principles of sovereign immunity and the need to protect individual rights.

In conclusion, while sovereign immunity protects the government from certain lawsuits, it does not shield actions that violate the Due Process Clause. Individuals can still seek redress for government actions that infringe on their fundamental rights or violate fair procedures, even if the government itself is immune from suit. The specific mechanisms

for doing so may vary depending on the type of violation and the applicable law.

### **3. Inconsistencies with Prior Precedent.**

In law, inconsistencies with prior precedent occur when a court's current decision conflicts with an earlier, established ruling. This can happen due to various reasons, including changes in societal values, new understanding of facts, or simply a belief that the prior precedent was wrongly decided. While adhering to precedent is important for consistency and predictability, courts may also overrule prior rulings when they are deemed unworkable, poorly reasoned, or when overriding them leads to a more just outcome.

Reasons for Inconsistency with Prior Precedent:

- **Changed Understanding of Facts:**

Over time, our understanding of the facts relevant to a case may evolve, leading to a reevaluation of the prior precedent.

- **Societal Values:**

Societal values and norms can change, making a previously accepted legal principle seem outdated or unjust.

- **Poorly Reasoned or Unworkable Precedent:**

A court may choose to depart from a precedent if it finds the prior ruling to be poorly reasoned, unworkable in practice, or creates inconsistent results.

- **Clash of Principles:**

Sometimes, a new case may present a conflict between established legal principles, leading a court to overrule the precedent that it believes is less important or relevant.

- **Erosion of Trust:**

A precedent that is frequently criticized or not followed by lower courts may erode

public trust in the legal system.

**When Overruling is Considered:**

- **Consistency:**

The court may overrule a precedent when it is inconsistent with other established precedents.

- **Anomalous Results:**

Courts may be more willing to revisit precedent when it leads to results that are inconsistent with the majority of other jurisdictions.

- **Workability:**

A precedent that is not workable in practice may be overruled.

- **Public Policy:**

A precedent that does not promote sound public policy or address social needs may be overruled.

- **Reliance:**

Courts are generally hesitant to overrule precedent if it would upset settled expectations.

See [P/P] response to OPPOSITION TO [D/R/I P]'s Motion, page 30, to wit:

[F/S/I/D]: Court's precedents as an *unconstitutional practice* or as an *application of law* whereby [F/S/I/D] establish ***Federal Question Jurisdiction*** as moot or invalid.

- (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. Errors of Law & Mistake of Law.**

An "error of law" in legal terms refers to a mistake made by a court when applying or interpreting the law. This can include misinterpreting a statute, misapplying a legal principle, or making a mistake about the legal effect of a fact. Unlike a mistake of fact, which involves a misunderstanding of the facts of a case, an error of law typically arises from the court's legal reasoning or application of the law.

A "mistake of law" is a mistake about the legal effect of a factual situation. A mistake of law in legal terms is an error or misunderstanding of the law that leads a person to believe they are not violating a legal prohibition when they are. A mistake of law arises when an individual incorrectly understands or interprets the legal rules governing their actions.

#### **5. Statutory Defects.**

In the legal context, "statutory defect" typically refers to a flaw or deficiency in a law or legal instrument that is identified or created by a statute. This can manifest in various ways, including unclear wording, contradictory provisions, or omissions that lead to unintended consequences or inconsistencies in how the law is applied. FRCP Rule 8 manifests "statutory defect" when the adversary party or the Court use Rule 8(a) to censor protected speech or as governmental overreach to violate establishment/free exercise claims as presented in this "Petition".

#### **6. Defects in Legal Documents.**

In legal terms, a defect in a document refers to an imperfection or insufficiency that renders it legally invalid or insufficient to fulfill its intended purpose. This could include failing to meet procedural or jurisdictional requirements or having flaws that impact on its

enforceability. Herein this case with [ECF No. 6-7] is filled with defects in legal documents from the Court and Defendants using the terminology of “Plaintiff’s Complaint” vs the term “petitioner” or a “Petition”. Where [ECF No, 12-13] suffers defects as declared in [ECF Nos. 9-10] or [P/P]’s response in opposition to Defendants’ Motion.

**Defect of Substance:**

A mistake or error in the essential part of a legal document, making it incomplete or invalid. For example, omitting a crucial terms as “Petition” or “Petitioner”. [ECF No. 13] declared in part “DISMISS PLAINTIFF’S ‘PETITION’ ” however [ECF No. 12] make no reference to this alleged legal position.

**Defect of Form:**

A mistake in the way the document is written or presented, affecting the substance of the *responsive pleading* [ECF No. 13] when in the title *caption failed to identify* the party(s) or listed the “UNITED STATES”.

**Enforceability Issues:**

Even minor defects can cast doubt on the validity of a document, potentially leading to disputes and litigation. Such is the matter with [ECF No. 13].

**7. Dysfunctional Law.**

A dysfunctional law is one that fails to adequately serve society's needs or promotes inequality rather than the general welfare. It can be characterized by features like rigid rules, slow change, denial of access to justice, or being used to oppress or reflect biases. An example would be laws that disproportionately punish individuals from marginalized communities or fail to protect vulnerable populations.

**Examples of Dysfunctional Law concerning [F/S/I/D]:**

**1. Repressive Laws or Doctrine:**

[F/S/I/D]'s law or doctrine is used by totalitarian regimes to control and oppress citizens, limiting their rights and freedoms.

**2. Biased Laws or Doctrine:**

[F/S/I/D]'s law or doctrine reflects biases and prejudices, leading to unequal treatment or outcomes for certain groups or this [P/P].

**3. Rigid Laws or Doctrine:**

[F/S/I/D]'s law or doctrine are overly rigid and inflexible, failing to adapt to changing circumstances or individual situations.

**4. Laws or Doctrine Denying Access to Justice:**

[F/S/I/D]'s law or doctrine creates barriers to accessing or obtaining certain legal relief, particularly for individuals or those facing systemic discrimination from laws respecting an establishment of religion.

**5. Laws or Doctrine Limiting Social Change:**

[F/S/I/D]'s law or doctrine impedes social progress by restricting the ability of individuals or [P/P] to advocate for their rights and liberties. [F/S/I/D]'s law is a common law maxim from the Church of England.

**6. Laws or Doctrine that Promote Inequality:**

[F/S/I/D]'s law or doctrine perpetuates existing inequalities or create new ones, such as laws that disproportionately target certain religious groups or socioeconomic classes as a result of [F/S/I/D]'s doctrine creates a rich man's war and a poor man's fight.

**7. Laws or Doctrine Reflecting Powerful Economic Interests:**

[F/S/I/D]'s law or doctrine benefits powerful economic interests at the expense of the

general public, such as deregulation of constitutional laws or rights that harm free people or [P/P] & their environment. “UNITED STATES” practice [Worthship] within Taxology.

**8. Laws or Doctrine Used for Harassment or Revenge:**

[F/S/I/D]’s law or doctrine is manipulated to harass individuals or seek revenge rather than address actual legal wrongs. [P/P] witnessed this in 2017 lawsuit.

**9. Laws or Doctrine that Fail to Protect Vulnerable Populations:**

[F/S/I/D]’s law or doctrine benefits powerful economic interests at the expense of the general public, Laws that fail to adequately protect vulnerable populations, such as constitutional persons due to their reliance on rigid rules or slow change.

**10. Laws or Doctrine that Encourage Political Activism:**

[F/S/I/D]’s law or doctrine discourages democratic political activism by diverting energy towards legal actions and court proceedings rather than lobbying or building political coalitions.

**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.

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 and concise statements of the relevant facts at issue with [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 whereby a Declaration of Controlling Law is required.

**Argument:** A reasoned argument supporting the desired legal conclusion. The [P/P] argues that the Court considers a Declaration of Controlling Law from reasons declared herein.

**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 as controlling law & 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.

Signatures of



Dated the 20<sup>th</sup> day of May 2025

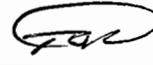
TERRY LEE HINDS,  
*Pro se & Suri Juris*,  
Officially a/k/a Terry Lee Hinds  
438 Leicester Square Drive  
Ballwin, Missouri 63021  
PH (636) 777-0397  
Email: [alphaomega44@outlook.com](mailto:alphaomega44@outlook.com)

**CERTIFICATE OF SERVICE AND DELIVERY**

I hereby certify that the foregoing was filed on this 20<sup>th</sup> 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  
DC Bar No. 1002890  
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](mailto:Gregory.L.Mokodean@usdoj.gov)  
*Counsel for Defendants entry ECF No. 14  
of Appearance on Thursday April 15, 2025*

Initials



Dated the 20<sup>th</sup> day of May 2025

Signatures of



TERRY LEE HINDS,  
*Pro se & Suri Juris*,  
Officially a/k/a Terry Lee Hinds  
438 Leicester Square Drive  
Ballwin, Missouri 63021  
PH (636) 777-0397  
Email: [alphaomega44@outlook.com](mailto:alphaomega44@outlook.com)

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