

RULE 12(b)(1) & 41(b) MOTION TO DISMISS “*with prejudice all counts & claims for relief in Plaintiff’s Complaint/“Petition”*”. Moreover, asks the Court to deny their motion in its entirety for legal defeats, of which are fatal and further moves the Court with a: (1) Motion to Vacate, Set Aside, Cancel or Correct Legal Defects in Decision with [ECF No. 6] & Court’s Order... & (2) Motion to Dismiss a Responsive Pleading and Quash Motion... and (3) Motion for Declaration of Controlling Law, under Rule 7(b) of Fed. R. Civ. P. regarding [P/P]’s [PPP] for [LLP] in an *establishment/free exercise* of FAITH in [LAW].

I. PRELIMINARY STATEMENT - FAITH in [LAW] *vs* [To LIVE as EVIL]

Two “United States” lawyers have officially elected to change a *constitutional case* into a *conventional case* of Federal Sovereign Immunity. In fact, two out of three people may constitute a major however, *in law or its equity* the proverb "two wrongs don't make a right" is a *fundamental principle* in both law and ethics, meaning that a wrongful action is not a valid justification for another wrongful action, even if the second action is seen as a response to the first. It essentially argues that wrongdoing should not be met with further wrongdoing. The principle reinforces the idea that wrongdoing should be avoided, even in response to being wronged. [P/P]’s argues their theory, motion & response to what has been alleged by them as “Plaintiff’s Complaint” vs [P/P]’s “Petition” exemplifies IRS’ *intrusions* or wrongs of converting taxpayers into taxp[r]ayers, *the genesis & gravity* of this vital case.

I have sworn upon the altar of god eternal hostility in the practice of [To LIVE as EVIL]. *Federal Sovereign Immunity Doctrine for IRS’ invasions of substantive rights/protected fundamental rights or for unwarranted intrusions as ultra vires acts vs Amendment III’s protection of privacy/property as “Vested Rights” of standing and its equity unanchored in the safe harbor of Art. III, cl. I sec, II , is secure within these two vital/guiding authorities:*

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."

This *medieval doctrine* of a common law is from the Church of England, emerging in the context of the Divine Right of Kings, where "The King Can Do No Wrong". [P/P]'s FAITH in [LAW] as a Claimed Right Owed, is an ***implicit right to privacy*** from governmental intrusions, evoking **Third Amendment** ("3rd Amend.") pursuant to Volume 5, Amendment III, Document 12 Joseph Story, Commentaries on the Constitution 3:§ 1893 to wit:

§ 1893. This provision speaks for itself. Its plain object is ***to secure the perfect enjoyment of that great right of the common law***, that a man's house shall be his own castle, ***privileged against all civil and military intrusion.*** - ***Emphasis Added.***

Furthermore, see [Decl. #1] that set forth law & claims necessary for the purposes under Fed. R. Civ. P., Rule 8, General Rules of Pleading, to meet a requirement made pursuant to law, and to the factual matters that are required or permitted to be supported, evidenced, or established for [P/P]'s *civil action/taking of property without due process of law or consent.*

II. INTRODUCTION - Substantive Issues: The merits of this case.

[P/P]'s [PPP] presented a ***suit of equity*** as *hybrid equity/constitutional case* describing the "*Nature of the Case in Law and Equity with Justiciable Controversies*" pursuant to legal matters in [ECF No.1] & [ECF No. 2] att: 1-33 ("[PPP]"). The [PPP] avers these facts of faith & faith in facts, ***which are accepted as true and viewed in the light most favorable to [P/P] in law and in equity*** for purposes of [D/R/I P]'s Motion to Dismiss, to wit:

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*** of religious belief, religion, conscience, association, petition, protest, protected speech, etc. ("[Rights]").

See [P/P]'s Brief in Support of Petition and in "Petition" ¶ 1, page 1.

[D/R/I P]'s Response: Failure to make disclosures or inadequate response (silence).

2. The challenged opinions/conduct/actions/law of the [D/R/I P], *as applied*, concerns:
(1) violations of U.S. Const./Amends. (2) unwarranted intrusions, (3) *ultra vires acts*,
(4) legal defects, (5) Crudely Crafted Burdens of Law, Belief & Practice (“[Burdens]”)
(6) invasions of legally protected interest of fundamental rights, doctrines, federal laws,
& executive policy, (7) unjust liberty deprivations, aimed at (“[unconstitutional ends]”).
See [P/P]’s Brief in Support of Petition ¶ 4, page 3-4 and in “Petition” ¶ 2, page 1.
[D/R/I P]’s Response: *Failure to make disclosures or inadequate response (silence).*
3. The federal arguments, disputes & concrete harms here, concern “**unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness**” (“[LLP]”) and with governmental actions substantially burdening an exercise of religion & the liberty of sincerely held religious beliefs, practices, or observances. (“FAITH”) or (“[believes]”).
See [P/P]’s Brief in Support of Petition ¶ 5, page 2 and in “Petition” ¶ 3, page 1.
[D/R/I P]’s Response: *Failure to make disclosures or inadequate response (silence).*
4. The substance here is claim-rights owed & differ as to things that touch the heart of an existing order. In our Federal Constitution, government compulsion as employed herein is not a lawful measure of achieving taxation via compelled speech violating [Rights]. 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 [P/P]’s Brief in Support of Petition ¶ 2, page 1 and in “Petition” ¶ 4, page 1.
[D/R/I P]’s Response: *Failure to make disclosures or inadequate response (silence).*
5. [P/P] is suffering [Burdens] & invasions of these legally protected interests, relating to one’s FAITH, [Rights], *intelligent design* & [LLP] when exercising his [Q.R.F.A.]. This

discrete injury, harm, & unreasonable loss in a concrete & personal way, is by activity of [D/R/I P] in 'A Complacent Policy of Indifference to Evil.' (“[To LIVE as EVIL]”).

See [P/P]’s Brief in Support of Petition ¶ 32, page 11 and in “Petition” ¶ 5, page 2-3.

[D/R/I P]’s Response: *Failure to make disclosures or inadequate response (silence).*

6. A reasonable observer or any person’s [LLP] in a personal stake as defined, designed, driven, devalued, degraded, deprived, or fearful of being destroyed by law respecting an establishment of religion in a matrix of religious dealings avows [To LIVE as EVIL].

See [P/P]’s Brief in Support of Petition ¶ 49, page 15 and in “Petition” ¶ 6, page 3.

[D/R/I P]’s Response: *Failure to make disclosures or inadequate response (silence).*

7. This problematic concern, condition, content, or contrast are endorsed by content-based restrictions on a subject-matter of religion/viewpoint-based discrimination on religious beliefs violating establishment/free exercise clauses & one’s [LLP][Rights][Q.R.F.A.] [LAW]. Thus, for religious liberty of FAITH in [LAW]/[LLP] [P/P] seeks as a matter of law & faith, a judgment or decree seeking equity on all claims as presented herein.

See [P/P]’s Brief in Support of Petition ¶ 50, page 15 and in “Petition” ¶ 7, page 3.

[D/R/I P]’s Answer: *Failure to make disclosures or inadequate response (silence).*

8. “UNITED STATES” elected not to produce an answer/affirmative defense pleading.

9. The “UNITED STATES” in this *constitutional case*, as a ***suit in equity*** is advancing [To LIVE as EVIL] ***against*** [P/P] *including but not limited to*, over 300 million people of the USA & millions upon millions of human souls/spirits who have lived, fought, bled & died as *profound sacrifices* for “**We the People**”. It is A QUESTION OF “FINAL OR INFINITE JUDGEMENT” “THE TRUE MARK, MEASURE AND KEY SIGNATURE OF CHARACTER” of “**One Nation Under God**”.

10. [P/P]'s Brief in Support of Petition, declared in part "Question Presented" with a total number of 13 questions presented of our *constitutional sensibilities/attitude, inter alia*.

This is a matter in law and in equity within paragraph #49

The questions presented herein are about powers of [LLP] & not what powers a Federal Government ought to have, but what powers have, in fact, been given it by the people.⁹⁴

And, in paragraph #29, [P/P] declared *one's matters of health & a pursuit of happiness*, as the architect of his [LLP], vs being converted as a taxpayer into a taxp[r]ayer, to wit:

[P/P] motivated by FAITH in a *personal constitution* of [Sacred Honor], [Mankind's Supreme Possessions], [Constitutionally Protected Interests] ("[CPI]"),⁶¹ [conscience] & [Protected Conduct] existing as legal/moral capacity. In so doing, manifested [LLP] exercised by [Rights] as *Quintessential Rights of the First Amendment*. ("[Q.R.F.A.]").

[P/P]'s *free exercise* of [Q.R.F.A.] is WHEN A UNIVERSAL "SYMBOL" OF KINGDOM, POWER AND GLORY exist within The United States of America, "**So help me God**"

III. LEGAL BACKGROUND OF THE MEMORANDUM & THE PETITION

1. Government of the "United States" or ("UNITED STATES").
2. Real Party in Interest as Plaintiff/Petitioner, ("[P/P]").

1. "UNITED STATES" presented purported legal *"assertions without evidence"* in their required response and submission of a motion as a responsive pleading [ECF No. 13] vs pleading an answer/defenses to Complaint/"Petition", ECF No. 1-3 with attachments 1-33; whereby submitting to the Court a *"doubtful" motion to dismiss with prejudice* [ECF No.12], to wit:

1.A. "UNITED STATES" filed a motion pursuant to Fed. R. Civ. P. 12(b)(1) and 41(b), *"requests that the Court dismiss with prejudice all counts and claims for relief in Plaintiff's Complaint/'Petition.'*" In law, a *"dismissal with prejudice"* operates as

an ***adjudication on the merits***. *Emphasis added.*

1.B. "UNITED STATES" *made no argument* with the facts plead in Complaint/"Petition" or "UNITED STATES" didn't dispute the facts presented, either implicitly or explicitly, thereby the Court shall accept the accuracy or validity of the facts that were provided.

1.C. "UNITED STATES" ***pretrial motion*** [ECF No.12] raised [To LIVE as EVIL] defense or *unconstitutional justification*, with an objection to [P/P]'s [Protected Speech] ***asserted under Rule 8***, thereby *seeking a dismissal with prejudice on the merits*. With no factual issues to be resolved, the court can then proceed with the *legal arguments and apply the law to the accepted facts*. The ***gravamen*** in this ***religious liberty case***, is **FAITH in [LAW] / FAITH in [LLP] / FAITH in GOD** with the "*Nature of the Case in Law and Equity with Justiciable Controversies*" [ECF No. 2] articulating *pure speech* as [Protected Speech] "***to 'Petition. the Government for a redress of grievances.***" First Amend. absolute rights & ***religious liberty*** of [LAW].

1.D. "UNITED STATES" ***common law argument*** as a legal theory or *for court doctrine dogma* as ***religious ideology*** for the relinquishment of Article III's power, duty & [P/P]'s FAITH in [LAW] is contrived within their footnote¹ (Def.Mot.p.1,cl.1,f.n.1). Their sole argument & theory whereas Hinds's "Petition" should be dismissed under ***Rule 12(b)(1) for lack of subject matter jurisdiction "because Hinds fails to establish a waiver of sovereign immunity."*** *This application of law without any substantive due process/rights/grounds becomes self-evident if accepted by the Court, such practices would prompt an appeal for plain error. Emphasis added.*

1.E. "UNITED STATES" strive for a *final dismissal* of the "Petition" under Rule 41(b)

Involuntary Dismissal; Effect as “This ‘Petition’ should also be dismissed pursuant to Rule 41(b) **for failing to comply with Rule 8.**” In legal contexts, an **“appeal to ignorance”** whether as a conclusion is drawn based on a lack of evidence (“Hinds fails to establish a waiver”) or **using the absence of proof as proof in itself**, (“for failing to comply”).

I. NATURE OF THE CASE (Def. Memo. p. 3-5)

A. Previous Suit – Plaintiff’s case was DISMISSED **without prejudice**.

Judge Fleissig issued an Order of Dismissal based on *dictum*, without a legal standard or a standard of review declared in her Memorandum. A dictum is a statement made by a judge that is not required as part of the legal reasoning to make a judgment in a case or as a judicial opinion that is not essential to the decision of the case. It's essentially a "side remark" or an observation made by the judge. Unlike a holding, which is the legal principle that forms the basis for the court's decision, a dictum is not binding as precedent. Her dictum disregarded or ignored the evidence presented in this case. See [Decl. #7].

B. Present Suit – [D/R/I P]’s *motion* seeking “*the Court dismiss with prejudice all counts and claims for relief in Plaintiff’s Complaint/‘Petition.’*” However, *declining or failing to properly enter into the record to “move the Court”* that: **“This ‘Petition’ should also be dismissed pursuant to Rule 41(b) for failing to comply with Rule 8.”** Accordingly, **no motion** exists pursuant to **Rule 8**.

1.F. “UNITED STATES” Incorporation by Reference of Matters Outside the Pleadings unitizing, in part [ECF No. 9], See Hinds I (Civil Docket No. 17-00750, ECF No. 1) & “Previous Suit” amended “complaint.” *Id.* ECF Nos. 44, 55.

1.G. “UNITED STATES” failed to submit an answer/affirmative defense pursuant to Rule 8(c); however, responded to Complaint/“Petition” via [ECF No.13] without motions concerning an objection to or matters of claims/defenses raised, on the grounds of:

1. “UNITED STATES” makes no claims and omits any defense or objection for a “waiver” *pursuant to Rule 8(c)(1) Affirmative Defenses*. In General a “waiver” of *federal sovereign immunity* under the *Court’s Doctrine of Sovereign Immunity*, is not the same as the Fed. R. Civ. P. Rule 8(c)(1). The implied *waiver of sovereign immunity*, a court doctrine vs Rule 8(c)(1) “waive” as congressional law & intent violates the *doctrines* with a *separation of powers* and *checks and balances*.
2. “UNITED STATES” makes no claims & omits any defense or objection of a lack of Article III standing or of its three essential elements, injury in fact, causation, and redressability, and
3. “UNITED STATES” makes no claims & omits any defense or objection of a lack of *personal jurisdiction* under Rule 12(b)(2), (can be waived by failing to raise it in an answer or motion to dismiss or by failing to raise it in the first motion to dismiss),
4. “UNITED STATES” makes no claims & omits any defense or objection of a “necessary party” and/or “indispensable party”, and
5. “UNITED STATES” makes no claims & omits any defense or objection of *Presidential Immunity* to Suits and Official Conduct, and
6. “UNITED STATES” makes no claims & omits any defense or objection of qualified immunity as a legal principle of federal constitutional law that grants government officials performing discretionary (optional) functions immunity from lawsuits for damages unless the plaintiff shows that the official violated "*clearly established*

statutory or constitutional rights of which a reasonable person would have known”
(*Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)), and

7. “UNITED STATES” makes no claims & omits any defense or objection of ***absolute immunity***, by protecting officials who "make reasonable but mistaken judgments about open legal questions" (*Ashcroft v. al-Kidd*, 563 U.S. 731, 743 (2011)), and
8. “UNITED STATES” makes no claims & omits any defense or objection of ***testimonial immunity*** by protecting DOJ officials or IRS officials and employees, violating [Exec.Order/Directive/A.G.Policy], and
9. “UNITED STATES” makes no claims & omits any defense or objection of a *failure to state a claim upon which relief can be granted*, and
10. “UNITED STATES” makes no claims & omits any defense or objection of a "lack of evidence" or [P/P] failed to present enough credible information to prove his case, and
11. “UNITED STATES” makes no claims & omits any defense or objection of an improper venue, under Rule 12(b)(3) Improper venue (can be waived by failing to raise it in an answer or motion to dismiss or by failing to raise it in the first motion to dismiss), and
12. “UNITED STATES” makes no claims & omits any defense or objection of *insufficient process*, and
13. “UNITED STATES” makes no claims & omits any defense or objection of *insufficient service of process*, and
14. “UNITED STATES” makes no claims & omits any defense or objection of a failure to join a party under Rule 19, and

15. "UNITED STATES" makes no claims & omits any defense or objection that [P/P]'s [PPP] exists as a frivolous lawsuit or a counterclaim for malicious prosecution, and
16. "UNITED STATES" makes no claims & omits any defense or objection that as a matter of fact, the lack of validity or existence of [P/P]'s Intersection of Church & State's Wall of Separation for the First Amendment Jurisprudence Doctrine, and
17. "UNITED STATES" makes no claims & omits any defense or objection that as a matter of law, Strict Scrutiny vs Rational Basis Review does not apply to their practices of law via existing U.S Supreme Court Decisions & Tests, and
18. "UNITED STATES" makes no claims & omits any defense or objection that as a matter of faith, [P/P]'s FAITH in [LAW] / FAITH in [LLP] / FAITH in GOD is ***subject to a Black Theory of Legalism*** or accept [To LIVE as EVIL] involving U.S Constitution & its germane Amendments, including facts of faith & faith in facts when presented to U.S.D.C. 4:17-cv-00750 AGF [OVC] & 8th Cir. Ct. App. No: 18-1299 & U.S. Sup. Ct. No. 17-1612 (2018).
19. Legal Notice: "UNITED STATES" never disputed [P/P]'s facts of faith & faith in facts within these three Article III courts. *Federal Sovereignty Immunity Doctrine* ("[F/S/I/D]") is based on ***a common law principle borrowed from the Church of England***. However, Article VI establishes that the Constitution, federal laws made pursuant to it, and treaties made under its authority, constitute the "supreme Law of the Land", and, as such, prevails over a government claim of [F/S/I/D]. [F/S/I/D] violates the *Establishment Clause* and [P/P]'s *free exercise* of FAITH in [LAW] the essential nature of this suit. See [Decl. #8] *attached hereto & incorporated herein*.

2. Real Party in Interest as Plaintiff/Petitioner, ("[P/P]")

In legal terms, the Real Party in Interest as Plaintiff/Petitioner, ("[P/P]") is the individual or legal entity who stands to benefit from a lawsuit or petition, even if someone else is formally named as the plaintiff or petitioner. While a plaintiff (in a civil case) or petitioner (in a petition) initiates the action, the real party in interest is the one whose rights are *directly at stake* and who will receive the benefits of a successful outcome. Directly at stake is *the essence of law*; [P/P]'s personal religion as "I am", is for the World to come; & in keeping with one's *personal constitution* and the U.S. Constitution/Amendments & Rule of Law for [P/P]'s [LLP]. ("[LAW]"). In essence, [P/P]'s rights, freedoms, or interests are directly affected by the actions or decisions being challenged in a Petition, & they are considered "directly at stake" and have standing to bring the case before the court.

Relationship to Plaintiff/Petitioner & Federal Rules of Civil Procedure:

The [P/P] is the formal party who initiates a case, as the real party in interest is the one whose rights are being protected or whose claims are being pursued. Federal Rule of Civil Procedure 17(a) specifically addresses the real party in interest, stating that "Every action shall be prosecuted in the name of the real party in interest".

The [P/P] filed a pleading "Petition" under Rule 7(b) as a formal statement of a party's case, (suit in equity) seeking court sanction reliefs, in law and in equity for the reasons and [Rights] *inter alia*; as no legal remedy exist due to *federal sovereign immunity doctrine*, or maybe under **FRCP**; only an equitable remedy or other reliefs exists with the "UNITED STATES" government only through a *federal court of equity* or as a U.S District Court.

Defendants' counsel *undue use of* Rule 3 & misplaced Rule 7(a)(1) for Rule 7(b) asserting:

² Hinds takes issue with our description of ECF No. 1 as a "Complaint" rather than "Petition." (ECF No. 9). However, **FRCP** Rule 3, states that a civil action is commenced by the filing of a "Complaint" and FCRP 7(a)(1) specifies that only a complaint is allowed. (Def. Meno. p.1, f.n. "Petition" ²).

A. Procedure Background:

1. [P/P] filed with the Court a “Petition” *as a suit in equity*, 01/13/2025. [ECF No. 1]. Contemporaneously, [P/P] filed a Brief in Support of Petition, *inter alia*, see [ECF No. 2] with Att: 1-33.
2. The “United States” government, represented by 2 tax lawyers of the Tax Division of the DOJ, filed 03/13/25 a MOTION FOR EXTENSION OF TIME TO ANSWER OR OTHERWISE RESPOND TO THE PLAINTIFF’S “COMPLAINT” (“[Motion on Complaint]”) or (“[Plaintiff’s “Complaint”]”) [ECF No. 6]. Signed by AHSAN.
3. The Court granted said [Motion on Complaint] on 03/14/25. [ECF No. 7].
4. [P/P] filed with the Court on 03/18/25, in response to re: [ECF No. 6] “NOTICE OF ERROR, MISTAKE OR DEFECT IN LEGAL DOCUMENT”. [ECF No. 9].
5. [P/P] filed with the Court on 04/2/25, in response to re: [ECF No. 7] a “NOTICE OF MISAPPLICATION OF LAW & THEORY IN LEGAL DOCUMENTS”, [ECF No. 10].
6. [P/P] received no response from or concerns from AHSAN or the Court regarding [ECF No. 9] or [ECF No. 10]. Note: action/inactions of *adversity thoughts* herein.
7. [P/P] filed with the Court on 04/7/25 a Notice of Compliance for establishment or a confirmed timeline, *to safeguard due process* regarding Safe Harbor Notification.

[P/P]’s [PPP] set forth the *subject matter jurisdiction & federal question jurisdiction & facts for all counts & claims for relief in Plaintiff’s Complaint/“Petition”* or as the [P/P] averred or declared as a “Petition” to wit:

I. INTRODUCTION

II. JURISDICTION AND VENUE

III. THE PARTIES

IV. GENERAL FACTS, FACTUAL ALLEGATIONS OR FACTS OF FAITH

- A). Enactments of Law &/or Application of Internal Revenue Laws (“[THE CODE]”).
- B). Declarations Filed in this Case.
- C). [P/P]’s Free Exercise of Religious Liberty.
- D). [D/R/I P]’s application of religious beliefs or activity.
- E). Governmental actions are substantially burdening the free exercise of religion.

F). [To LIVE as EVIL] is advance against any person & this [P/P].

G). A Factual Religious Revelation of Proselytizing Taxpayers into Taxp[r]ayers.

The fact is [P/P] pleaded nine justiciable categories with a total number of 108 meritorious claims for relief sought as; Claim Rights Owed, Constitutional Protections, Violations & Statutory Claims, Counts, & Causes of Action as: ([P/P]Pet.¶¶ 588-1226 p.83-248)

1. CLAIM RIGHTS OWED IN LIBERTY RIGHTS SOUGHT FOR RELIEF
7 CLAIMS FOR RELIEF
2. CLAIM RIGHTS OWED OF LEGAL RIGHTS SOUGHT FOR RELIEF
7 CLAIMS FOR RELIEF
3. CONSTITUTIONAL PROTECTIONS CLAIMS OF CIVIL LIBERTY
7 CLAIMS FOR RELIEF
4. CONSTITUTIONAL PROTECTIONS CLAIMS OF RELIGIOUS LIBERTY
7 CLAIMS FOR RELIEF
5. CONSTITUTIONAL PROTECTIONS CLAIMS OF SUBSTANTIVE LAW & REMEDIAL LAW AS [Q.R.F.A.]
7 CLAIMS FOR RELIEF
6. VIOLATIONS OF THE ADMINISTRATIVE PROCEDURE ACT ("APA")
32 CAUSES OF ACTION
7. VIOLATIONS OF FIRST AMENDMENT OF THE UNITED STATES CONSTITUTION ESTABLISHMENT CLAUSE/PROHIBITING FREE EXERCISE THEREOF
14 COUNTS
8. Violations of The Supreme Court of the United States' Doctrines, Decisions & Tests
And with [P/P]'s Controlling Legal Principles ("[CLP]")
As Constitutional Principles, Protections & Practices
14 COUNTS
9. CLAIMS OF QUINTESSENTIAL DISESTABLISHMENT RIGHT ("[QDR]")
13 CLAIMS FOR RELIEF

GENERAL FACTS, FACTUAL ALLEGATIONS OR FACTS OF FAITH

A). Enactments of Law &/or Application of Internal Revenue Laws ("[THE CODE]")

See :Averments #146 to #183

B). Declarations Filed in this Case.

See :Averments #185 to 191

C). [P/P] 's Free Exercise of Religious Liberty.

See :Averments #192 to 203 and #204 to #217 and #224 to #228 and #268 to #282

D). [D/R/I P] 's application of religious beliefs or activity.

See :Averments #285 to #383

E). Governmental actions are substantially burdening the free exercise of religion.

See :Averments #384 to 434 and #449 to #485

F). [To LIVE as EVIL] is advance against any person & this [P/P].

See :Averments #486 to #539

G). A Factual Religious Revelation of Proselytizing Taxpayers into Taxp[r]ayers.

See :Averments #540 to #542 and #544 to #556 and #559 to #575 and #577 to #586

If any averment pleaded would or should fall outside the vague standards or *opinion of other* under Rule 8(a) [P/P] asserts those averments are pure speech as a protected speech protesting the unlawful activities, illegal conduct or actions of the “United States” and the seven other adverse parties, in this case.

IV. LEGAL STANDARDS AS ANALYSIS: In the Matter of HINDS vs [D/R/I P]

1. Prejudice in Law & Fact, Misapplication of Law & Theory in ECF No. 12-13

Defendant United States (incorrectly named here through the listing of the officials in their “official capacity” in the caption¹) respectfully moves to dismiss Plaintiff’s “Petition”² (ECF No. 1) pursuant to Federal Rule of Civil Procedure (“FRCP”) Rule 41(b) and/or Rule 12(b)(1) for lack of subject jurisdiction. For the reasons set forth below, the Court should dismiss Hinds’s suit. (Def. Memo. p.1, cl.1)

I. *Counsel for Defendants purported: “official capacity” in the caption*¹

Defendant United States (*incorrectly named here* through the listing of the *officials in their “official capacity” in the caption*¹) *Emphasis Added.* (Def. Memo.p.1,cl 1)

[P/P]’s avers: *A failure to exercise "due diligence"& misplaced applications*

See [ECF No. 1-3] & [ECF No. 1] atts: 1, 20-27 & 29-33 named eight adversary parties.

[P/P]’s addressed this claim on 03/18/2025 with NOTICE OF ERROR, MISTAKE OR DEFECT IN LEGAL DOCUMENT [ECF No. 9] Point #1, page 1. No response to date.

II. *Counsel for Defendants aimed at reinventing their art of misdirection*

“A suit against an official of the federal government in the officer’s official capacity is treated as a suit against the United States, and thus the proper defendant is the United States. See *Coleman v. Espy*, 986 F.2d 1184, 1189 (8th Cir. 1993); *Hawaii v. Gordon*, 373 U.S. 57, 58 (1963)). 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.” (Def. Memo. p.1, f.n. ¹)

Even if either did, ***the naming of officials of the government as party defendants in their official capacities does not properly circumvent the doctrine of sovereign immunity*** as discussed in Part II.A.1. ***Emphasis added.*** (Def. Memo. p.1, f.n. ¹)

[P/P]’s avers: *Vested Rights of standing of Article III powers vs “United States”*

A Defendant, here the “UNITED STATES” expresses or grants the consent to sue through a waiver of sovereign immunity; circumventing the Doctrine of Substantive Due Process in favor of a procedural due process of a court doctrine of federal sovereign immunity to control subject matter jurisdiction, thereby forsaking the Doctrine of Separation of Powers or much worst, Article III, sec.2, cl.1 to wit: “The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States...”

There was no mention of ***any exception to this constitutional power and duty of subject matter jurisdiction***; but we now know that by “The Rule by Men” not of “The Rule of Law” ***we practically read this “Vested Right” of standing not as a guarantee of equal protection under the law or equality before the law or of substantive due process rights.***

The “Vested Right” of standing exist as a property interests or as an intangible

property (divine intellectual property of “one’s intelligent design”) or as the “property of conscience”. This case’s interpretation, application, validity of constitutional standing or subject matter jurisdiction is never waivable; either the court has it, or it cannot assert it.

In law, a vested right is a right that is fully and unconditionally established, meaning it's not contingent on any future event or condition. It's a property interest that cannot be taken away without the owner's consent. A vested right is a legal right that is fully acquired and can't be taken away or diminished by future actions, including legislative changes, unless the owner consents. Vested rights are enforceable in court, meaning individuals can seek legal remedies if their rights are violated. While "vested right" is a broader term often used in property law and other areas, it can also be relevant to standing. A "vested right" can be understood as a legal interest that has become firmly established and is not subject to being taken away or *diminished by subsequent laws or regulations*. When a vested right is involved, a person may have a stronger claim to stand because their legal interest is more definite and certain. [P/P]’s FAITH in [LAW] is certain & unconditionally secured by law.

However, the “UNITED STATES” *in this suit of equity*, is the Devil’s Advocate *in the lack of a waiver* as a government policy to *‘delay, denied & defeat’* constitutional rights, privileges or immunities & religious liberties sought, thereby [To LIVE as EVIL].

Devil’s Advocate of Ethical Considerations:

While the role of the "devil's advocate" is not inherently unethical, there's a risk that it can be used for manipulative purposes or *delay, denied or defeat* justice. It's crucial to maintain honesty and focus on exploring all sides of the issue rather than solely arguing for a predetermined outcome. Here, “United States” chose to be a defendant vs Interested Party.

"Equal protection under the law" means that everyone should be treated the same by the law, regardless of their characteristics. This principle ensures that people in similar circumstances are treated similarly, and that the law is applied fairly and impartially to all.

It's a fundamental aspect of a just and equitable legal system. This is a case in law/in equity.

“**Equality before the law**” means that everyone, regardless of their background or status, is subject to the same laws and legal processes. This principle is fundamental to a fair and just legal system, ensuring that no one is above the law. This is a matter of equity.

This court’s doctrine of *federal sovereign immunity* forsakes the First Amendment *Establishment clause* on behalf of an **Interest Party**, (the courts) of “UNITED STATES” as their subterfuge to protect [THE CODE] by a **respondent**, here the (DOJ) of “UNITED STATES” *manifested on behalf* of **Defendants** Joseph R. Biden, Jr, Merrick B. Garland, Daniel Werfel, Janet Yellen & the INTERNAL REVENUE SERVICE or IRS as [D/R/I P] of the “United States”. In FAITH *all powers in Heaven do not find favor in such defendants*. *That said, the government thinks it can deprive* [P/P] of FAITH in [LAW] or *"life, liberty, or property"*, or *applications of religious liberty rights without a just cause, even if proper procedures are followed, as outlined in procedural due process*. Still “vested rights” or *substantive law/rights/grounds* are *not vulnerable*. *In essence, a vested right provides a guaranteed legal protection against the loss of a specific entitlement, whether it's the right to develop the “property of conscience”, or to enforce a constitutional obligation, or to:*

**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**

Defendant “UNITED STATES” is a party *manifesting* Congress as an **“Interested Party”** *when it provides for the consent to sue through a waiver of sovereign immunity*, therefore *their consent* (through laws) transfer/transforms *subject matter jurisdiction to a court*. This is a misapplication of law and violates Mottley, 211 U.S. 149 (1908), whereby *subject matter jurisdiction*, which is the power of a court to hear a particular type of case,

cannot be conferred by the agreement or consent of the parties involved in the lawsuit.

In *Mottley*, the Supreme Court established the *well-pleaded complaint rule*, which states that *federal question jurisdiction cannot be based* solely on an *anticipated defense* or on the fact that a *federal law might be raised as a defense*. *Subject matter jurisdiction arises from the plaintiff's initial complaint, not from a defense raised by the defendant. Consent of the parties cannot confer subject matter jurisdiction. Louisville & Nashville Railroad Company v. Mottley*, 211 U.S. 149, 150 (1908). To wit, clear majority of nine justices held:

“A suit arises under the Constitution and laws of the United States, so as to give the circuit court jurisdiction on that ground, only when plaintiff's statement of his own cause is based thereon; that jurisdiction cannot be based on an alleged anticipated defense which may

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be set up and which is invalid under some law or provision of the Constitution of the United States.” (This is the **rule of law** for the past **125 years** & [P/P]’s FAITH in [LAW].

III. Counsel for Defendants purported: “neither the APA or RFRA should apply”

While naming individuals as defendants may be appropriate in a suit properly brought under the Administrative Procedure Act (“APA”) or Religious Freedoms Restoration Act (“RFRA”), **neither the APA or RFRA should apply in this case as discussed below in Part II.A.1. Emphasis Added.** (Def. Memo. p.1, n¹)

[P/P]’s avers: APA or RFRA waves “UNITED STATES’ ” sovereign immunity.

It has been said:

‘The use of deception and its effect is upholding a principle as cruel as war itself.’

Law as an art is an illusion & acceptable to many people. [D/R/I P]’s *practice of law* is an **art form of deception** based upon **beliefs & expressive** activities in a CODE as a religion:

[D/R/I P]’s *practice of law is an art form* based upon **beliefs & expressive activities** in a CODE as a religion. A relation between law/art appears to be one of devout passion. ([P/P] Brief in Support (“Plf. Br. in sup.”) page 1, ¶ 1. [ECF No. 2]

A. “UNITED STATES’ ” *Federal Sovereignty Immunity Doctrine* (“[F/S/I/D]”) or waving immunity thereby as a consent to sue

1. Congress has waived federal sovereign immunity through statutes such as the Administrative Procedure Act, 5 U.S.C. § 702. The APA, specifically § 702, waives sovereign immunity for non-monetary relief, meaning it allows individuals or [P/P] to seek judicial review of agency decisions in court that don't involve monetary compensation. [P/P] pleaded or sought **no** monetary compensation, just equity on the issues and legal decisions and actions/inactions as set forth in [PPP].
2. The Supreme Court has at times allowed suits to go forward against federal officials sued in their individual capacity. see, e.g., *United States v. Lee*, 106 U.S. 196 (1882). Those officers argued that they had no personal interest in the land and that the suit was really a suit against the United States that should be barred by sovereign immunity. The Supreme Court, however, permitted the suit employing it as “legal fiction”— to go forward against the officers, noting that “[n]o man in this country is so high that he is above the law. . . . All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it.”
3. ***Constitutionally defined government action*** & Misapplication of law. *See* [ECF No. 10]. [P/P]’s Notice of Misapplication of Law & Theory in Legal Documents.
4. In a *federal court of equity* judicial power extends to "all Cases, in Law and Equity”, whereby Defendants’ [F/S/I/D] or its wavier has no standing or legal grounds to circumvent the powers granted in Article III or the Court’s doctrines of known as "*balance of equity*", *separation of powers*, or the *checks and balances* or Separation of Church & States, whereby this ***medieval religious doctrine*** of a common law, “The King Can Do No Wrong” is the *despotic breath & body* of law for [F/S/I/D].

5. Under the **Religious Freedom Restoration Act (RFRA)**, individuals can sue the "UNITED STATES" government for violating their religious freedom. The statute provides for appropriate relief against a government, which includes federal agencies and officials acting under color of law.
6. Defendants' [F/S/I/D] in this case are employing a "legal fiction"—a statement that everyone knew was false, but which the Court pretended was true because doing so allowed the Court to reach the desired result. *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.*"

Legal fiction is a construct used in the law where a thing is taken to be true, which is not in fact true, in order to achieve an outcome. Legal fictions can be employed by the courts, Black's Law Dictionary, 804 (5th ed. 1979) or found in legislation.

7. A "Complaint" as a lawsuit vs "Petition" as a suit in equity *see* [ECF No.10].

IV. Counsel for Defendants purported: Argument without merit or specification within II. ARGUMENT (Def.Memo.p.5 through p.13)

[P/P]'s **avers**: Frivolous arguments, claims or a defense with no genuine merits or lacks any arguable basis either in law or in fact. *See Neitze v. Williams*, 490 U.S. 319, 325 (1989).

The *artful assertion* pursuant to Part II.A.1, (Def.Memo.p.5,cl.A.1) is a logical fallacy as a **misplaced argument** or **misapplication of law** serving as a *passionate practiced endeavor*:

Hinds's "Petition" should be dismissed pursuant to Rule 41(b) *for violating Rule 8*. The Court should dismiss the Petition *because it violates the pleading requirements in Rule 8*. Rule 8(a) requires, in part, that a *pleading contains a "short and plain statement" of the grounds for the court's jurisdiction and "short and plain statement" of the claim*. A complaint that fails to comply with Rules 8(a) may be dismissed pursuant to Rule 41(b).⁶ *Nevijel v. N. Coast Life Ins. Co.*, 651 F.2d 671, 675 (9th Cir. 1981). *Emphasis Added.* (Def.Memo.p.5,cl.A.1)

On Point #1. *'Petition' should be dismissed pursuant to Rule 41(b) for violating Rule 8.*"

The defense counsel is correct about Rule 8(a) requirements. However, their **argument NEVER declared Hinds's "Petition" violated specifically Rule 8[(a)]**. There sole argument on this matter "Hinds's 'Petition' should be dismissed pursuant to Rule 41(b) for violating **Rule 8.**" For the record, their *argument is frivolous*, because their claim is for ***the entire breath and scope of "Rule 8"***. See [Decl. #9] *attached hereto & incorporated herein*.

Importance of Understanding Scope and Breath: As a matter of equity in this court.

In law, ***"the entire breath and scope"*** typically refers to the full extent and reach of a legal rule, statute, or legal principle. It emphasizes the complete and comprehensive application of the law, encompassing all relevant aspects and potential interpretations. To understand the gravity of Rule 8 requirements, [P/P] refuses the discourse of ***any possible*** combinations or their theory how a violation occurred, what averments are at issue or where in [P/P]'s "Petition" would confirm in law or its equity, ***"the entire breath and scope" of "Hinds's 'Petition' should be dismissed pursuant to Rule 41(b) for violating Rule 8."***

Defense counsel misplaced assertion: Part II.A.1, (Def.Memo.p.5,cl.A.1)

Rule 8(a) requires, in part, that a pleading contains a "short and plain statement" of the grounds for the court's jurisdiction and "short and plain statement" of the claim.

[P/P] takes no issue with this settled law; other than it allows for an ***abuse of discretion***, the skewed opinions of lawyers (DOJ here) or acts as injustices, prejudices or as opened biases on *pro se* individuals. [P/P] knows this, as a fact and reality within our Courts regardless of:

⁶ "Although *pro se* pleadings are to be construed liberally, *pro se* litigants are not excused from compliance with relevant rules of the procedural and substantive law." *Schooley v. Kennedy*, 712 F.2d 372, 373 (8th Cir. 1983). (Def.Memo.p.5,f.n.)

Awkwardly, this Court misread "*pro se pleadings are to be construed liberally*" in [OVC]

For the record, [P/P] has read or reviewed several thousand cases, opinions, decisions or Court's Orders & Memorandum to try to understand how & why "law" operates, *inter alia*. [P/P] knows if he was a powerful and recognized attorneys of the DOJ or GOOGLE, Rule 8(a) for a large majority cases does not exist or is exercised. It generally with *pro se* case.

Regardless, of such legal realities [P/P] shares with the Court this single case as a **measure & test of Rule 8(a)** in any lawsuit. *U.S. and Plaintiff States v. Google LLC* [2023] existing as complex ligation (Anti-Trust) with the "UNITED STATES" complaint having **153** pages; as **343** averments of which **contains no** "short and plain statement" of the claim. [P/P] ventures to say if "UNITED STATES" complaint would consist of "*short and plain statement*" of their claim; [P/P] thinks their number of averments would exceed over 1200. Regardless, [P/P]'s Complaint/"Petition" concerns **subject matters** that touch every human & business aspect of our [LLP] with the knowledge that IRC aka [THE CODE] in 2015 had over **ten (10) million** words used with over 9000 sections of law, **with 255 sections having no legal effect within cross references**. [THE CODE] violates constitutional & statutory provisions as set forth in "Petition" & within [Decl. #1]. It is an evil manifestation of law & religion, *inter alia*, with power to control any person as a condition of servitude. This condition of involuntary servitude to [IRS] or IRS violates [P/P]'s FAITH in [LAW]. *See United States v. Google LLC, No. 20-CV-3010 (APM), 2024 WL 3647498 (D.D.C. Aug. 5, 2024).* <https://www.justice.gov/atr/case-document/file/1566706/dl?inline>

On Point #2. [P/P] seeks *non-monetary relief* through a pathway of APA & RFRA. [P/P]'s avers their claim is short on truth, facts & law *being not grounded in reality*, or that the legal framework isn't being respected. The fact is, APA & RFRA have been averred **against eight adverse parties** that are [D/R/I P], whereby federal *sovereign immunity* is

waived. For the record, by preserving an issue for appeal, making a point publicly, & creating a permanent and official record of it for future use; **NOWHERE IN THEIR MEMORANDUM IN SUPPORT OF THE MOTION TO DISMISS** *are actual &/or accurate circumstances of any example(s) pleaded in complaint/“Petition” exceeding that legal standard of “short and plain statement”*. Why is there no list, no evidence presented, affidavit(s) offer by experts or a sworn declaration of what is a violation or a failure to plea

a “short and plain statement” of the grounds for the court’s jurisdiction and “short and plain statement” of the claim

(Def.Memo.p.5,cl.A.1)

If *procedure due process* should or would avail itself in [P/P]’s *suit in equity* (fairness/justice) or if *substantive due process* law/rights/ground truly do exist, inside & outside this federal courthouse then the next pleading, response or resolution of “UNITED STATES” should be done by *civil right attorneys* of DOJ. These attorneys would be protecting my *religious liberties* of FAITH & protected speech, *inter alia*, pursuant to [Exec.Order/Directive/A.G.Policy], APA & RFRA. As GOD is my witness, I shall not be compelled by or accept [To LIVE As EVIL] to wit as pleaded within [P/P]’s “Petition”:

Jurisdiction: [P/P]’s [PPP] [ECF No. 1] in ¶12 averment is a “*short and plain statement*” of the grounds for the court’s jurisdiction:

“This Court has *original jurisdiction* pursuant to 28 U.S. Code § 1343(a)(4) - Civil rights and elective franchise to ***secure equitable or other relief*** under *any Act of Congress* providing for the *protection of civil rights*, as acknowledged within The Religious Freedom Restoration Act of 1993 (“RFRA”); The Paperwork Reduction Act, 44 U.S.C. 3501, et seq., (“PRA”) & Privacy Act of 1974 (5 U.S.C.A. 552a) (“Privacy Act”).” *Emphasis Added.*

The “UNITED STATES” did not submit an answer to admit or deny nor did they raise any affirmative defenses, only an unfound conclusion.

V. Counsel for Defendants purported: Rule 41(b) dismissal for violating Rule 8.

Hinds's "Petition" is preposterously long, consisting of 1226 paragraphs and 249 pages, exclusive of attached exhibits (he also filed a separate "Brief in Support of Petition.") (ECF Nos. 1-2). ***Hinds's "Petition" fails to coherently plead facts justifying its length (or its request for relief at all). Plus, Hinds has a history of violating Rule 8.*** This action follows his 2017 suit where *Hinds filed a 4451 paragraph, 547-page "complaint" and dozens of other lengthy filings that consistently failed to comply with Rule 8.* Hinds I at ECF No. 1. The Court itself emphasized that Hinds filed "more than seventeen other motions or documents in this matter" each of **which failed to constitute an amended complaint compliant with Rule 8.** *Id.* at ECF No. 42 at 2. *Emphasis added.* (Def.Memo.p.6, cl.1)

[P/P]'s avers: The laws of principle and practice commands me to declare, to wit Matthew 7:3-5 speaks about hypocrisy and the importance of addressing one's own flaws before addressing the flaws of others. Jesus uses the imagery of a speck and a log in the eye to illustrate this point, teaching that one should focus on removing the larger, more obvious defect from their own life before attempting to help someone else with a smaller one. ([P/P]'s FAITH in [LAW] & FAITH in [LLP] & FAITH in GOD).

[P/P]'s avers if that answer would not satisfy the Court, then read & absorb this thought:

See United States v. Google LLC, No. 20-CV-3010 (APM), 2024 WL 3647498 (D.D.C. Aug. 5, 2024). <https://www.justice.gov/atr/case-document/file/1566706/dl?inline>

Counsel for Defendants purported: [P/P]'s [OVC] using Rule 41(b) violated Rule 8.

Hinds's "Petition" fails to coherently plead facts justifying its length (or its request for relief at all). Plus, Hinds has a history of violating Rule 8. This action follows his 2017 suit where Hinds filed a 4451 paragraph, 547-page "complaint" and dozens of other lengthy filings that consistently failed to comply with Rule 8. (Def.Memo.p.6, cl.1)

[P/P]'s avers: Rule 8 vs **The** First Amendment's establishment/free exercise clause.

[P/P]'s asserts some people or lawyers in this case failed to understand there is a major difference between knowledge and wisdom. Knowledge allows for the ability to do something right, proper or correct, whereas wisdom is doing it. In fact, & In law that lawsuit of 2017 allowed [P/P] to build & complete a lawful "Intersection" in the Defendants' Court doctrine of a "Wall of Separation between Church & State." Therefore, to flawlessly

address this claim listed above [P/P] set forth NOTICE #1 & NOTICE #2 & NOTICE #3:

GENERAL FACTS, FACTUAL ALLEGATIONS OR FACTS OF FAITH

[ECF No. 1] ([P/P] Complaint/ "Petition" ("Plf. [PPP]) page 8-24 set forth as
"short and plain statement" of the claim

See [Decl. #10] *attached hereto & incorporated herein.*

VI. Counsel for Defendants purported: Misapplications of law & visible truths.

[P/P]'s avers: Ignorance + Incompetence is Indistinguishable vs "Issue Identification"
See page 5 through 13 of II. Argument

This suit of equity identifies "Nature of the Case in Law and Equity with Justiciable Controversies". ([P/P] Brief in Support of Petition [EFC No. 2] in general [ECF No.1]).

However, defendants' legal counsel has misrepresented this case as a tax case.

[P/P] refused to address his case as a tax case, or any arguments made pursuant thereto.

[P/P] takes issue with page 5 through 13 of II. Argument whereby this set the tone and

true measure of misdirection, misrepresentation, malfeasance or its materiality, to wit:

"An APA challenge is inapplicable here because Hinds alleges no agency action (final or otherwise). Moreover, the only specific agency action that Hinds seems to refer to the IRS issuance of a statutory notice of deficiency that shows he has an income tax liability for tax year 2021, ***and that he disputes it by claiming not to be a taxpayer.*** (ECF No. 1 ¶¶ 567; ECF No. 1-2)." *Emphasis Added.* ((Def.Memo.p.9, cl.1).

However, ECF No. 1 ¶¶ 567 ECF No. 1-2

567. The complexity of [THE CODE] burdens Taxpayers and Taxp[r]ayers alike or this [P/P] manifesting a controversy ripe for judicial determination; when [P/P] received an IRS' Notice CP2000, dated 7/3/2023, Tax year 2021 for the proposed amount due of \$12,080.00 ("IRS Notice").

Nevertheless, in four paragraphs down ECF No. 1 ¶ 571, to wit:

571. This lesson in *debt coercion* is more substantial and concrete; when it comes to ***reprisals on free speech, inter alia*** particularly when it declares, ***"doesn't match the information you reported on your tax return."*** [P/P] never filed a 2021 tax return, because "I am" not an IRS' Taxp[r]ayer.

Regarding ECF No. 1-2 defense counsel's defenses relies on misdirection, however, [P/P]'s Petition exemplifies and pleads IRS' intrusions or wrongs of converting taxpayers into taxp[r]ayers, the very genesis & gravity of this vital case. Whether malfeasance, misrepresentation or its materiality: Defendants' alleged "*An APA challenge is inapplicable here because Hinds alleges no agency action (final or otherwise).*" However, this APA "Issue Identification" is presented **109 times** in [ECF No. 1]. There are 32 CAUSES OF ACTION set forth as VIOLATIONS OF THE ADMINISTRATIVE PROCEDURE ACT ("APA") with relief sought in each cause of action. ([P/P] Pet. p.126-250 ¶¶758-924.)

Ignorance + Incompetence is Indistinguishable vs Issue Identification

NOT TO LIVE, EXIST OR ACCEPT [To LIVE as EVIL]

The "United States' " attorneys on behalf the eight parties involved in this suit of equity have embraced [To LIVE as EVIL] against this devoutly religious & spiritual [P/P]; as their motion & theory of the case has advanced these exact words as *prejudice actions* as a "Taxation" Case vs Religious Liberty case: to wit: "tax" 57 times & "taxes" 15 times & "taxpayer" 12 times & "taxpayers" 5 times & "taxation" 4 times & "taxpayer's" 2 times & "taxism" 1 time & "levied" 1 time & "revenue" 3 times & "income" 3 times & "payments" 1 time & "Taxp[r]ayer" 1 time & "complaint" 10 times & "plaintiff" 8 times vs "*petitioner*" *never* & "liability" 8 times & "religion" 2 times & "religious belief" 2 times & "constitutional challenge" 1 time & "constitutional claims" 1 time & "unconstitutionally" 1 time & "law" 3 times & "Statutes" 7 times & "freedoms" or "freedom" 2 times but *never liberty or religious liberty* & IRC 4 times *but never [THE CODE]* & "sovereign immunity" 35 times & "waiver or waiver" 22 times, with "waive, waives & waived" 11 times & "[To LIVE as EVIL]" *never* & "jurisdiction" 23 times &

“subject matter” 16 times & *“Life, Liberty, and the pursuit of Happiness” never*, “application” 2 times & “RFRA” 13 times & “APA” 13 times, however the word or thought of “burden” or “[Burdens]” *were never used or discussed !!!*. Why?

IV. LEGAL STANDARDS AS ANALYSIS: In the Matter of HINDS vs [D/R/I P]

2 Issue Identification, Rule Application, Fact Analysis, Conclusion (“[I/R/F/C]”)

See [Decl. #11] *attached hereto & incorporated herein.*

V. LEGAL FRAMEWORK, LEGAL IMPLICATIONS & APPLICABLE LAW

See [Decl. #12] *attached hereto & incorporated herein.*

A. STANDARD OF REVIEW

- To survive a motion to dismiss brought under Rule 12(b)(1)
- To survive a motion to dismiss brought under Rule 41(b)
- To survive a motion to dismiss brought under Rule 8

B. MATTERS OF FACT, MATTERS OF LAW & MATTERS OF FAITH

- MATTERS OF FACT – Intersection of Church & State - *‘Wall of Separation’*
- MATTERS OF LAW – Strict Scrutiny vs Rational Basis Review
- MATTERS OF FAITH – FAITH in [LAW] / FAITH in [LLP] / FAITH in GOD

C. In LAW & In EQUITY as applicable law for [Commanding Heights]¹ & Forums Used

1. FLOW CHART: In the Name of: Justice – Equality – Service – Unity – Sacrifice
2. [Commanding Heights] within an [Intersection of Wall] & its 3 hybrid forums

VI. Sovereign vs Sovereignty as God’s Ambassador with de facto sovereignty

1. The law, right, privilege or immunity to exist/live as “I Am”/“I am” for [LLP]

See [Decl. #13] *attached hereto & incorporated herein.*

VII. SUMMARY OF ARGUMENT - CONCLUSION

A. “UNITED STATES” THEORY, APPLICATION & ARGUMENT

A. Hinds’s “Petition” should be dismissed pursuant to Rule 41(b) for violating Rule 8.

Legal Notice: No motion entered into the record **“for violating Rule 8”** (*a legal defect*).

B. Hinds’s “Petition” should be dismissed under Rule 12(b)(1) for lack of subject matter jurisdiction.

Legal Notice: No motion entered into the record to dismiss a “Petition” only to **“dismiss with prejudice all counts and claims for relief in Plaintiff’s Complaint/‘Petition’.”**

(*legal or procedural defect or deficiency that undermines the legal validity of this motion*).

In summary, “UNITED STATES’” sole legal theory that subject matter jurisdiction, **with this suit** concerning the U.S. Constitution & its Amendments or federal statutes made thereof; regarding *religious liberty, establishment clause violations & free exercise claims* **have no legal effects**; in the face of **binding precedent, persuasive precedent** or **discarding overruling precedent**. Consequently, this soulless legal argument for [F/S/I/D] prevails without the consent to be sued or a waiver authorized the Rule by Men vs the Rule of Law. A **governmental overreach** policy exceeding their legal authority or constitutional bounds to live or exist or to accept [To LIVE as EVIL]. This encroachment on private/public [LLP] is self-evident, including but not limited to the facts and relief sought in the **suit of equity**.

B. [P/P]’s THEORY, APPLICATION & ARGUMENT

In summary, [P/P]’s theories of his case are presented in [Decl. #14] with arguments & legal facts presented herein are self-evident, guided by the Court’s doctrine **stare decisis** & [P/P]’s Controlling Legal Principles (“[CLP]”). *Stare Decisis*—a Latin term that means “*let the decision stand*” or “*to stand by things decided*”—is a foundational concept in the American legal system. [P/P]’s asserts these applications of law to ensure consistency and

predictability in the legal interpretations of this case. Religious Liberty Court's precedents:

- (1) *Everson v. Board of Education*, 330 U.S. 1, 16-17 (1947), (landmark case).
(**binding precedent**, re: *Establishment/Free Exercise Clauses Federal Jurisprudence*)
- (2) *West Virginia State Bd. of Educ. v. Barnette*, 319 U.S. 624, 642 (1943) (touchstone).
(**persuasive precedent**, re: *protected speech, compelled speech, pure & speech plus, etc.*)
- (3) *Cantwell v. Connecticut*, 310 U.S. 296, 303-304 (1940). (religious liberty/FAITH).
(**overruling precedent**, re: *the paradox of "precedent on precedent" for religious liberty*)

[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.*"

For the arguments "for violating Rule 8" [P/P]'s relies on Court's precedents/doctrines:

- (1) *Ashcroft v. American Civil Liberties Union*, 535 U.S. 564, 573 (2002)
- (2) *Calif. Motor Transport v. Trucking Unlimited*, 404 U.S. 508, 510-511 (1972)
- (3) Vagueness Doctrine & serves government censorship based on the speaker's viewpoint.

First Amendment vs Fed. R. Civ. P. Rule 8 & [F/S/I/D]

The First Amendment is unique within the Bill of Rights, protecting not just one but seven personal liberties: freedom of FAITH, freedom of religion, freedom of speech, freedom of the press, freedom of association, or to "peaceably to assemble" a "Petition" for the government to correct grievances, wrong doing or to protest, make or compel [P/P] to live, exist or to accept [To LIVE as EVIL] in the name of religion. "So help me God."
See [Decl. #14] *attached hereto & incorporated herein.*

Signatures of



Dated the 20th day of May 2025

TERRY LEE HINDS,
Pro se & Suri Juris,
Officially a/k/a Terry Lee Hinds
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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
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
Counsel for Defendants entry ECF No. 14 of Appearance on Thursday April 15, 2025

Initials 

Dated the 20th day of May 2025

Signatures of



TERRY LEE HINDS,
Pro se & Suri Juris,
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438 Leicester Square Drive
Ballwin, Missouri 63021
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Note: Attorney Mollie Ahsan withdrawn from this case, stating leaving DOJ -ECF No. 17

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 - 2. To survive a motion to dismiss brought under Rule 41(b)
 - 3. To survive a motion to dismiss brought under Rule 8
 - B. MATTERS OF FACT, MATTERS OF LAW & MATTERS OF FAITH**
 - 1. MATTERS OF FACT – Intersection of Church & State - ‘*Wall of Separation*’
 - 2. MATTERS OF LAW – Strict Scrutiny *vs* Rational Basis Review
 - 3. MATTERS OF FAITH – FAITH in [LAW] / FAITH in [LLP] / FAITH in GOD
 - C. In LAW & In EQUITY *as applicable law* for [Commanding Heights]¹ & Forums Used**
 - 1. FLOW CHART: In the Name of: Justice – Equality – Service – Unity – Sacrifice
 - 2. [Commanding Heights] within an [Intersection of Wall] & its 3 hybrid forums
- VI. Sovereign *vs* Sovereignty as God’s Ambassador *with de facto sovereignty***
 - 1. The law, right, privilege or immunity to exist/live as “I Am”/“I am” for [LLP]
- VII. SUMMARY OF ARGUMENT - CONCLUSION**