

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

TERRY LEE HINDS,

Plaintiff,

v.

JOSEPH R. BIDEN, JR, et al.,

Defendants.

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

**UNITED STATES’¹ OPPOSITION TO
PLAINTIFF’ ASSORTED MOTIONS AND FILINGS**

On May 21, 2025, Plaintiff Terry Lee Hinds filed ten documents. (ECF Nos. 21–30.) Three of the ten documents were filed as motions. (ECF Nos. 22, 24, 26.) The United States respectfully submits this combined opposition to those three motions. If any other of Hinds’s ten filings are deemed also to be motions, the United States opposes any such motions for the same reasons.

Hinds initiated this action by filing a 249-page “Petition.” (ECF No. 1.) The United States moved to dismiss Hinds’s Petition for failure to comply with the “short and plain statement” requirement in Rule 8 as well as for lack of subject matter jurisdiction because the United States has not waived its sovereign immunity. (ECF Nos. 12–13.) To the contrary, the suit is specifically precluded by the Anti-Injunction Act, 26 U.S.C. § 7421(a), and/or the tax

¹ A suit against an official of the federal government in the officer’s official capacity is treated as a suit against the United States. *Coleman v. Espy*, 986 F.2d 1184, 1189 (8th Cir. 1993).

exception to the Declaratory Judgment Act, 26 U.S.C. § 2201(a), because Hinds seeks to restrain the assessment and/or collection of taxes.

Hinds filed a 94-page brief in opposition to the United States' motion to dismiss. (ECF No. 15.) The Court struck his brief because it flouted the Court's page limits. (Order, ECF No. 19.) In response to the Court's order, Hinds filed ten documents: a 30-page opposition (ECF No. 28) and nine other filings, totaling 107 pages (ECF Nos. 21–27, 29–30). These ten additional filings are nearly as incomprehensible as Hinds's Petition.² They appear to reiterate the same arguments as Hinds's Petition and his opposition to the United States' motion to dismiss.³ Nothing in Hinds' ten filings requests any cognizable relief. Hinds "complied" with the Court's order by splitting the content of one 94-page brief across 137 total pages of ten filings. Thus, the separate filings are a blatant attempt to circumvent the Court's page-limits order. To enforce its

² Motions that are indecipherable may be denied. *See, e.g., Trejo v. Office of Inspector Gen.*, 2022 WL 508346, at *2 (W.D. Tex. 2022) (denying various motions that "present[ed] no rational or relevant arguments" but only arguments that were "either non-existent, non-sensical, or indecipherable"); *Johnson v. Trump/Obama Admin.*, 2020 WL 5972404, at *2 (W.D. Wis. 2020) (denying motions "that are also indecipherable" because "it [wa]s unclear what relief [the plaintiff was] seeking, much less whether th[e] court ha[d] the authority to grant the relief").

³ The overlap is demonstrated by Hinds's June 1, 2025, "[P/P]s Reply in Support of His 'Motion to Dismiss a Responsive Pleading [ECF No. 13] and Quash Defendants' Motion [ECF No. 12] for Legal Defects[']'" (ECF No. 32). Hinds filed this document shortly after the United States filed its reply brief in support of its motion to dismiss, and Hinds's "reply" appears to respond to the United States' reply. But such a sur-reply was not permitted without leave of the Court. Local Rule 4.01(C). On the other hand, the title and docketing of Hinds's filing suggest he intended it as a reply in support of his own motion (ECF No. 24). But the United States had not yet opposed that motion (*i.e.*, this memorandum). So Hinds's "reply" filing was premature. *See* Local Rule 4.01(C) (allowing a reply brief to be filed "*after* being served with a memorandum in opposition" (emphasis added)). In that case, Hinds's "reply" was, in substance, an unsanctioned second memorandum in support of his motion. It is impossible to determine which of these scenarios applies because Hinds filed "motions" responding to already-pending issues. But either way, Hinds's "reply" was impermissible.

Order, the Court should strike these filings. *See, e.g., Monsanto Co. v. E.I. Dupont de Nemours & Co.*, 2012 WL 3765053, at *2 (E.D. Mo. 2012) (striking allegations that were “an end-run around the Court’s . . . Order”). If any additional response to the motions is necessary, the United States briefly addresses each below.

I. The Court Should Deny as Moot Hinds’s Motion to Vacate.

Hinds’s Motion to Vacate, Set Aside, Cancel or Correct Legal Defects in the Decision and in the Court’s Order Premised on Substantive Rule, Law, Rights and Grounds (ECF No. 22) is in substance a motion for reconsideration of the Court’s order granting the United States’ motion for an extension of time (ECF No. 6). The United States sought thirty additional days to respond to Hinds’s Petition. The Court granted the motion, giving “Defendants . . . until **April 14, 2025** to respond to Plaintiff’s complaint.” (Order, ECF No. 7.) The United States has already filed its motion to dismiss (which is *sub judice*), so the granted extension of time is no longer live. Because there is no active extension or deadline, the Court should deny as moot Hinds’s motion for reconsideration of the order extending the deadline. *See Abdurrahman v. Dayton*, 903 F.3d 813, 817 (8th Cir. 2018) (stating issue is moot when it is “no longer ‘live’” and affirming dismissal as moot because the vote count at issue had already taken place).⁴

II. The Court Should Deny Hinds’s Motion to Dismiss and Quash for Numerous Flaws.

Hinds’s Motion to Dismiss a Responsive Pleading and Quash Defendants’ Motion for Legal Defects” (ECF No. 24) suffers from numerous flaws.

⁴ Even if the matter were not moot, there is also no basis for the Court to reconsider its prior order. “[A] motion for reconsideration serves the limited function to correct manifest errors of law or fact or to present newly discovered evidence.” *Woodward v. Credit Serv. Int’l Corp.*, 132 F.4th 1047, 1058 (8th Cir. 2025) (cleaned up). Hinds does not meet these standards. *See id.* (“Giebel’s letter request ‘identifies no *manifest* errors of law or fact’ . . .”).

First, Hinds’s request “to dismiss” and “quash” the United States’s motion to dismiss appears to be, in substance, indistinguishable from an opposition to the motion. So it is Hinds’s most obvious violation of the spirit, if not the letter, of the Court’s page-limit order.

Second, Hinds asks the Court to overturn the doctrine of sovereign immunity. But sovereign immunity, as Hinds does not dispute, is well established under binding Supreme Court precedent. *FDIC v. Meyer*, 510 U.S. 471, 475 (1994); *United States v. Dalm*, 494 U.S. 596, 608 (1990).⁵ This Court is bound to apply the doctrine, regardless of Hinds’s arguments. *See Mallory v. Norfolk S. Ry. Co.*, 600 U.S. 122, 136 (2023) (finding lower court “clearly erred” by disregarding Supreme Court precedent that “directly control[led],” notwithstanding “tension with ‘some other line of decisions’” which could be construed to have “implicitly overruled” directly controlling precedent (cleaned up)).

Third, Hinds appears to contend that, because he styled his pleading a “petition” instead of a “complaint,” he may sue without a waiver of sovereign immunity. Hinds is incorrect for two reasons. To initiate this action, he needed to file a “complaint.” *See* Fed. R. Civ. P. 2, 3, 7(a)(1). And petitions, in the very limited circumstances where one is appropriate, are not exempt from showing a waiver of sovereign immunity. *See Pieczenik v. Cambridge Antibody Tech. Grp.*, 2004

⁵ Across his various filings, Hinds repeatedly cites a summary preceding the Court’s opinion in *Langford v. United States*, 101 U.S. 341, 341 (1880) (rejecting “the maxim that the king can do no wrong”), apparently to suggest that the Supreme Court overturned the doctrine of sovereign immunity. That is not so, most obviously because *Langford* predates by more than 100 years cases such as *Meyer* and *Dalm* which show that the doctrine of sovereign immunity is alive and well. The Supreme Court has explained the distinction: “we have adopted the related doctrine of sovereign immunity” even though “the common-law fiction . . . was rejected at the birth of the Republic.” *Clinton v. Jones*, 520 U.S. 681, 697 n.24 (1997).

WL 1368233, at *1 (S.D.N.Y. 2004) (“Because the United States has not waived its sovereign immunity, Pieczenik’s motion for a petition of right is DENIED.”).

III. The Court Should Deny Hinds’s Motion for a Declaration as Incomprehensible, Ineffective, and/or Moot.

We cannot determine what relief Hinds’s Motion for Declaration of Controlling Law (ECF No. 26) is seeking. Hinds repeats statements he has made in other filings. He then asks for “a judgment & Order” that the Court will “proceed to give judgment.” We do not understand how a court could issue a judgment-that-it-will-issue-a-judgment. If Hinds is asking the Court to adjudicate this case, it is already doing so, and Hinds’s motion is redundant. If Hinds is asking for the Court to enter a judgment, he has not complied with any of the Federal Rules of Civil Procedure (such as Rules 12(c) or 56) that would permit the Court to enter a judgment. If Hinds is asking the Court to deny the United States’ motion to dismiss, the Court should deny this motion for the reasons explained above. Whatever relief Hinds is seeking, he is not entitled to it.

CONCLUSION

Hinds filed his motions in an effort to circumvent the Court’s order requiring him to comply with the Court’s page limits. Nothing in the motions suggests that there are any merits to any request for cognizable relief. The Court should strike or deny all of Hinds’s motions.

Dated: June 4, 2025

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

CERTIFICATE OF SERVICE

I hereby certify that, on this 4th day of June 2025, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all registered users, and caused a copy to be mailed by U.S. Mail to the following:

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

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