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U.S. COURT OF APPEALS  
EIGHTH CIRCUIT

No. 25-02352

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**In the United States Court of Appeals  
for the Eighth Circuit**

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TERRY LEE HINDS,

*Plaintiff/Petitioner - APPELLANT, (“[P/A]”),*

v.

DONALD TRUMP, ET AL.,

PURSUANT TO FED. R. APP. P 43(c)(2)

*Defendants, APPELLEES (“[DA]”)*

*Defendants/Respondents/Interested Party (“[D/R/I P]”) same as [D/A].*

On Appeal from the United States District Court for the  
Eastern District of Missouri  
No. 4:25-CV-00047 AGF  
Hon. Judge Audrey G. Fleissig, District Judge

**FILED**

SEP 05 2025

U.S. Court of Appeals  
Eighth Circuit

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**APPELLANT'S OPENING BRIEF AND EXCERPT OF RECORD**

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## Summary of the Case & Request for Oral Argument

### 1. Nature of the Action and Relief Sought.

The nature of this case in law and equity with justiciable controversies revolves around *free exercise claims* of a **religious liberty** with [P/A]'s FAITH in [LAW] for [LLP] *vs* [D/A]'s religious motivations of proselyting taxpayers into taxp[r]ayers through, **ultra vires acts**, *inter alia*, as an Organized Religion of **THEIRS** ("[Taxology]") with the endorsement of an Institutionalized Faith in Taxism. ("[Taxism]"). [D/A]'s [Purpose-Driven Life] & [Creed] is using law [THE CODE] respecting an establishment of a religion "CODE". R. Doc. 1, Att 20 at ¶18. [P/A]'s reliefs & remedies sought are within 108 claims, counts, claims right owed & causes of action as pleaded in R. Doc. 1 at 83-248; with 13 unanswered questions presented with matters of law & facts in a Brief in Support. R. Doc. 2 at 1033-48. **Substantial federal questions** arise within the context of [P/A]'s FAITH in [LAW].

### 2. Nature of the Final Judgment/Decisions.

This appeal is from dismissal on *jurisdictional grounds* of a First Amendment case for reliefs & remedies sought within a **suit of equity**. R. Doc. 1, at 1–249. The court incorrectly concluded it lacked jurisdiction as the Court held [P/A] failed to have lawful & legal grounds, nor *fundamental rights* within the vital framework of **substantive due process**, without having a consent/waiver to sue; under a *federal common law* of *sovereign immunity doctrine*, that per-dates U.S. Constitution or laws herein. [P/A] does not request oral argument but will participate if scheduled.

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## **APPELLANT'S OPENING BRIEF & EXCERPT OF RECORD**

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### **JURISDICTIONAL STATEMENT**

#### **1. District Court Jurisdiction.**

The district court has *original subject-matter jurisdiction* over this dismissed action pursuant to [28 U.S.C. § 1331](#), which confer authority over "*all civil actions arising under the Constitution, laws, or treaties of the United States*" to hear suits alleging the violation of rights and grounds arising under the U.S. Constitution and Federal laws. The Federal Court's structure & *subject matter jurisdiction* were established by Judiciary Act of 1789. Whereas [28 U.S.C. § 1343\(a\)\(4\)](#) specifically grants original jurisdiction to district courts for actions "*to secure equitable or other relief under any Act of Congress providing for the protection of civil rights*", such as Religious Freedom Restoration Act of 1993 ("RFRA"). The district courts have jurisdiction for actions under any actions in the nature of injunctions under the Privacy Act of 1974, [5 U.S.C. § 552a](#). [P/A] "***substantial federal questions***" were raised & was properly plead with *federal question jurisdiction*. R. Doc. 1, at 3-4.; See Pet. ¶¶ 1-249.; R. Doc. 2 at 1034-1048 ¶¶ 7, 9, 13, 14, 15, 17, 19, 29, 32, 36, 48, as 13 significant questions presented as *substantial federal questions*.

#### **2. Court of Appeals Jurisdiction.**

The Court of Appeals has jurisdiction pursuant to [28 U.S.C. section 1291](#) which grants appellate jurisdiction over final decisions, judgments, orders, and/or

determinations of the district court. Herein, the basis of appellate jurisdiction exists to decide if the trial court erred in its *failure to exercise jurisdiction* by exercising a ***federal common law***; when *sovereign immunity doctrine* limits remedies available, not the court's underlying jurisdiction. [P/A] did invoke Section 32 of the Judiciary Act of 1789 for procedural technicalities & reliefs sought.

### **3. Filing dates.**

On June 11, 2025, District Court entered a Memorandum & Order ECF No. 35. R. Doc. 35, at 1530–1541. On the same date a final Order issued ECF No. 36 dismissing the case. R. Doc. 36, at 1542. [P/A]'s Notice of Appeal was filed & served, ECF No. 38. R. Doc. 38, at 1549–1557. Notice is timely pursuant to Federal Rules of Appellate Procedure 4(a)(1)(A).

### **4. Appeal from final order.**

This appeal is from a final judgment/decisions and order dismissing the case in its entirety that disposes of all issues, claims, counts, cause of action and claimed rights-owed petitioned for in the District Court.

## **STATEMENT OF THE ISSUES PRESENTED FOR REVIEW**

### **I. The First Issue: plain or reversible error(s)**

Whether the District Court committed plain or reversible error(s) in this case involving mixed questions of law and fact; under the U. S. Constitution, its

[Rights] & laws made pursuant thereto, or with U. S. Supreme Court doctrines, cases, or tests, impacting *fundamental rights* within the framework of *substantive due process*; when [P/A] petitioned 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?

Most apposite authorities:

1. *Langford v. United States*, [101 U.S. 341, 1](#) (1879) (*stare decisis*).
2. *Everson v. Bd. of Educ.*, [330 U.S. 1](#) (1947) (Binding Precedent).
3. *Marbury v. Madison*, [5 U.S. 137](#) (1803) (landmark case with the core principle of judicial review, as herein '*squarely controlled*').
4. Constitutional provisions, Court Doctrines, tests & statutes pleaded, with a *foundational sovereign immunity* case, to wit:
  - a. United States Constitution, 1st Amendment & constitutional provisions of 3rd, 4th, 5th, 9th, 10th, 13th & 16th Amends. & Art. III, § 2.
  - b. Unconstitutional Conditions, & Structural-Error Doctrines, *etc.* & the *doctrine of substantive due process/law/rights/grounds*.
  - c. strict scrutiny review, [Fed. R. Civ. P. 52\(a\)\(c\)](#) & Rule 58(a)(d) & The Judiciary Act of 1789, RFRA, APA, PRA & Privacy Act.
  - d. *Ex parte Young*, [209 U.S. 123](#) (1908).

## II. The Second Issue: Constitutional Error(s)

Did the District Court findings of fact & conclusions of law ensured that the correct legal principles were applied to the facts; under *the rule of law* & [P/A]'s FAITH in [LAW] in a case as **protected speech & conduct**; when the *intersection*

*of church & state activities* of a religious practice and its *substantive liberty interests* of [LLP] embraces one's *freedom of conscience*, thought and *the right to hold religious beliefs* are absolute, although one's freedom to act in the **free exercise thereof** is a case-by-case basis?

Most apposite authorities:

1. *Bd. of Educ. v. Barnette*, [319 U.S. 624, 642](#) (1943). (Cornerstone case in freedom of speech, protected conduct and religion, *as applied*).
2. *Kennedy v. Bremerton Sch. Dist.*, [597 U.S. 507](#) (2022) (a road-map of establishment/free exercise cases becoming a Benchmark Case).
3. *Cantwell v. Connecticut*, [310 U.S. 296, 303–304](#) (1940) (touchstone case for *religious liberty in free exercise thereof, as applied*).
4. Federal statutes, *federal common law* & Court doctrines challenged:
  - a. [Fed. R. Civ. P. 12\(b\)\(1\)](#), *id.*, [Fed. R. Civ. P. 25\(d\)](#), FRCP Rule 8 & [THE CODE] as law respecting an establishment of religion.
  - b. Federal Sovereign Immunity Doctrine & a lack of consent/wavier.
  - c. *Separation of Church and State Doctrine* vs [Taxology] & [Taxism].

### III. The Third Issue: Jurisdictional Error

Did the District Court erred as a matter of law or fact; under RFRA, [107 Stat. 1488](#); PRA [44 U.S.C. section 3501](#), *et seq.*; APA, [5 U.S.C. section 701](#) *et seq.*; The Judiciary Act; [1 Stat. 73](#). (SEC.32.) & [5 U.S.C. § 552a](#); when a lack of consent/waiver to sue affects *subject-matter jurisdiction*, in effect ensuring governmental overreach of *ultra vires acts*, *inter alia* vs vital importance with enforcement/protection/guarantees of constitutionally protected interests?

Most apposite authorities:

1. Fundamental Rights & *unalienable rights* of [LLP] & [Rights].
2. *Procedural due process & Substantive due process*, law & rights.
3. Article III, Section 2 & other Constitutional Provisions.
4. *Ex parte Young*, [209 U.S. 123](#). (1908).

#### **IV. The Fourth Issue: Assignments of Error**

Whether the District Court erred as enumerated in the Assignments of Error set forth in ECF No. 38; presented under FRAP, Rule 3 & 4 by means of this Notice of Appeal for ***judicial substantive due process grounds***; submitting twenty-one formal questions presented into the final record of this case; when [P/A]'s preserving the record's errors of law & facts as grounds for judicial review?

Most apposite authorities:

1. 1st Amendment *jurisprudence* analysis in *religious, petition, protest & pure speech* in the *free exercise thereof*; within a hybrid forum of an "Intersection of Church & State" with [P/A]'s FAITH in [LAW].
2. United States Constitution, 4th Amendment (*the right to be secure in their person*) & 5th Amendment for [LLP] for "symbolic speech".
3. **Q**uintessential **R**ights of the **F**irst **A** Amendment ("[Q.R.F.A.]") with FAITH in [LAW] as a rubric through the "circumscribed lens" of the United States Constitution, 1st, 9th, & 10th Amendments.
4. 1st Amendment Public Forum Doctrine, its procedural & substantive *due process, law, rights & grounds* "*..in defining the forum, the focus should be on the access sought by the speaker.*" *Cornelius v. NAACP Leg. Def. Fund*, [473 U.S. 788, 789](#) (1985).

## STATEMENT OF THE CASE & FACTS

### I. Factual Background- Nature of the action

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]”). R. Doc. 1, at 2.; R. Doc. 2, at 1034.

2. The challenged opinions/conduct/actions/law of [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]”). R. Doc. 1, at 2.; R. Doc. 1 at 8-24, 28-33, 45-82.

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]”). R. Doc. 1, at 2–4; R. Doc. 1, at 1–249. & Doc. 1, at 250–1019.; & R. Doc. 1 at 25-28, 33-45.

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]”). R. Doc. 1, at 2.; R. Doc. 2, at 1034–1102.

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]”). R. Doc. 1, at 2–3; R. Doc. 2, at 1044. & Pet. ¶¶ 486–539, p. 66–79.; R. Doc. 1 at 66-71.

6. [P/P]'s religious life is a sacred temple of free moral/agency guided by a personal religion in order to form a more perfect union. [P/P] as a lead architect of one's [LLP] & “*Our Church of Greater Reality*” is built upon one's intelligent design exercised of a liberty in a tri-mixture of lawful/legal elements of Christianity/ Constitutionally/Conscience, (“[C/C/C]”). R. Doc. 2, at 1035.¶ 5.

7. [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]”). R. Doc. 2, at 1035–1036. ¶ 5.

8. Hence, [P/P] is motivated by one's FAITH in [LAW] through **Questions Utilizing Evidence Seeking Truth** (“[Q.U.E.S.T.]”) for the **Intersection of Church and State** as **one's pursuit of happiness**. R. Doc. 2, at 1035–1036. ¶ 5.

9. It is where **law and religion** are a "fusion", as an establishment, endorsement, or practice of law with the **free exercise** of one's FAITH, are the same, **as**

*one cannot exist without the other.* Meyer, along with *Pierce v. Society of Sisters* (1925), is "the two sturdiest pillars of the **substantive due process temple.**" see *i.e.* *Meyer v. Nebraska*, [262 U.S. 390](#) (1923). R. Doc. 2, at 1036. ¶ 5.

10. In Apt forums, [P/P] articulated: I am an architect of my life, liberty, and pursuit of happiness. I know what is to come by the principle on which it is built. Freedom is the light of all sentient beings with the right to exist as "I Am", and not as "any person". R. Doc. 2, at 1043. ¶ 26.

11. 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]. R. Doc. 1, at 3; R. Doc. 2, at 16 & seven Declarations. R. Doc. 1, at Att: 20–26. & R. Doc 1 at 28-33, 45-79.

12. 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. R. Doc. 2, at 1048. ¶ 49.; & R. Doc. 2 at 1039. see [U.S. Const. Article I, Section 8](#), enumerated or delegated powers & Article I, § 8, cl. 1.

13. 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. R. Doc. 1, at 3; & Doc. 2, at 1048. ¶ 50.

## **II. Petitioned for Relief as an Equitable Remedy**

1. The fact is [P/A] submitted & filed on 01/13/2025 to the District Court a 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. See ECF No. 1 & with a Brief in Support ECF No. 2., R. Docs. 1-2 at 1-249 & at 1033-1102.

### ***Types of Reliefs as declared in "Petition"***

2. The fact is [P/A] properly pleaded 9 justiciable categories with a total number of 108 meritorious claims for relief sought as:

1. Claim Rights Owed in Liberty Rights Sought for Relief – 7 Claims for Relief. R. Doc. 1, at 83–92.
2. Claim Rights Owed of Legal Rights Sought for Relief, 7 Claims for Relief R. Doc. 1, at 92–102. & ECF No. 9 Legal Notice Pt. #3, p. 4.
3. Constitutional Protections Claims of Civil Liberty, 7 Claims for Relief. R. Doc. 1, at 102–109. ECF No. 9 Legal Notice Pt. #3, p. 4.
4. Constitutional Protections Claims of Religious Liberty, 7 Claims for Relief. R. Doc. 1, at 109–117. ECF No. 9 Legal Notice Pt. #3, p. 4.
5. Constitutional Protections Claims of Substantive Law & Remedial Law as [Q.R.F.A.] - 7 Claims for Relief. R. Doc. 1, at 117–126. ECF No. 9 Legal Notice Pt. #3, p. 4.
6. Violations of the Administrative Procedure Act ("APA"), 32 Causes of Action. R. Doc. 1, at 126–176.
7. Violations of First Amendment of the United States Constitution Establishment Clause/prohibiting Free Exercise Thereof. - 14 Counts. R. Doc. 1, at 176–195. ECF No. 9 Legal Notice Pt. #3, p. 5.
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. R. Doc. 1, at 195–225.

9. Claims of Quintessential Disestablishment Right, 13 Claims for Relief.  
R. Doc. 1, at 225–248.

3. The fact is [P/A] pleaded these demands within each 9 justiciable categories:

**WHEREFORE**, [P/P] respectfully request that this Court enter a judgment &/or decree: (a). Pursuant to Federal Rules of Civil Procedure 52(a)(c), upon the proper finding of facts and conclusions of law by the Court, and/or a judgment on the partial findings under the controlling law; enter a judgement pursuant to rule 58(a)(d), and/or (b). Issue a decree that defines, outlines, or affirms rights, obligations, & responsibilities of each party or how such legal relations depend on, &/or of a certain legal status, and/or (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. R. Doc. 1 at 83-248.

4. The fact is [P/A] pleaded APA demands in this justiciable categories: Violations of the Administrative Procedure Act, -32 Causes of Action: (d). Pursuant to 5 U.S.C. section 701 et seq. & 5 U.S.C. subchapter II -ADMINISTRATIVE PROCEDURE as the APA authorizes federal courts to (1) decide all relevant questions of law; (2) interpret constitutional and statutory provisions; and (3) determine the meaning or applicability of the terms of an agency action. R. Doc. 1 at 126-176.

5. The fact is [P/A] declared demands for relief was for clarity & focus, guiding decision-making, & providing proper notice to opposing party for compliance with rules Federal Rules of Civil Procedure 8(a)(3), to wit: PRAYER FOR RELIEF

**WHEREFORE**, the [P/P] respectfully prays that this Court grant relief and judgement: (1). The Court assumes jurisdiction of this case in favor of [P/P] & against [D/R/I P], and (2). Provides a Judicial Review, Judgement or Decree and for all writs necessary or appropriate to this case as well as issue writs agreeable to usages & principles of law, and (3). A demand for the relief & judgement sought under the claims & causes of action, showing that the [P/P] is entitled to relief, and/or pursuant to 28 U.S.C. section 2202. R. Doc. 1, at 248; ECF No. 1, Pet. p.248.

### **III. District Court Proceedings**

#### **A. The Parties' Positions & Proper Parties Before the Court**

##### ***Defendants- Appellees (“[D/A]”):***

1. [D/A] filed on 03/13/2025 an instant ***non-consent*** motion, ECF No. 6 declaring, in part: Defendant United States (incorrectly named here through the listing of the officials in their “official capacity” in the caption of the “Complaint”).

2. [D/A]’s counsel also declared in the footnotes of *non-consent* motion ECF No. 6, to wit: In an abundance of caution, the extension of time requested should cover the individually named defendants because they were named in their official capacities. R. Doc. 6, at 1121–1124.

**FACT:** Defendants’ legal counsel declared representation for five of the eight parties sued; but failed & refused a ***due process right that dictates all parties declared have the legal status of all parties sued.***

3. [D/A] filed on 04/14/2025 a *pretrial motion to dismiss* ECF No. 12 declar-

ing, in part: requests that the Court dismiss with prejudice all counts and claims for relief in Plaintiff's Complaint/"Petition." R. Doc. 12 at 1155-1158.

4. [D/A] filed on 04/14/2025, ECF No. 13 declaring, in part: This "Petition" should also be dismissed pursuant to Federal Rules of Civil Procedure 41(b) for failing to comply with rule 8. R. Doc. 13 at 1159-1176.

5. [D/A] filed the following documents: ECF Nos. 14, 17, 20, 31, 33.

***Plaintiff/Petitioner- Appellant ("P/A"):***

1. [P/A] filed on 01/13/2025 a "Petition" as a ***suit of equity*** along with supporting pleadings, declarations, exhibits & other legal documents. See ECF Nos. 1-3 with attachments 1-33. R. Doc. 1-4 at 1-1120.

2. [P/A] executed summons on 01/17/2025, ECF No. 3.

3. [P/A] filed Notice of Summons mailed ECF No. 4 & served on eight parties regarding this civil action along with required copies of ECF Nos. 1-3 & with its attachments 1-33 by First Class U. S. Mail/Certified. R. Doc. 4 at 1105-1120.

4. [P/A] filed on 03/18/2025, ECF No. 9 captioned:

**Notice of Error, Mistake or Defect in Legal Document**

*(As a basis to preserve arguments of any potential errors in law and fact.)*

5. [P/A] filed on 04/2/2025, ECF No. 10 captioned:

**Notice of Misapplication of Law & Theory in Legal Documents**

*(As a basis to preserve arguments of any potential errors in law and fact.)*

6. [P/A] filed on 04/7/2025, ECF No. 11 captioned:

[P/P] HINDS' Notice of Compliance with Fed. R. Civ. P., Rule 11(c)(2).

*(As a basis to preserve arguments of any potential errors in law and fact.)*

7. [P/A] filed on 04/28/2025 ECF No. 15 captioned:

[P/P]'s Opposition to [D/R/I P] Rule 12(b)(1) & 41(b) Motion to Dismiss

*(As a basis to preserve arguments of any potential errors in law and fact.)*

8. [P/A] filed on 04/28/2025, ECF No. 16, a Motion for a Judgment on the Pleadings, as re12 was a motion to strike ¶¶ 588–1226 from ECF No.1 vs re13 was a response/answer to ECF No. 1 with a “request” to dismiss the “Petition”. ECF No. 16 is the *free exercise* of [P/A]’s protected speech & a religious practice.

*(As a basis to preserve arguments of any potential errors in law and fact.)*

9. [P/A] filed on 04/28/2025, ECF Nos. 21–30: See District Court Docket, 3 Motions with Briefs in Support, a notice to the Clerk Office & a germane Exhibit (AHSAN's Rule 11 violation) and seven declarations, including a RESPONSE in opposition re: ECF Nos.12–13. R. Docs. 21-30 at 1287-1487.

*(As a basis to preserve arguments of any potential errors in law and fact.)*

10. [P/A] filed on 06/1/2025, ECF No. 32 for his [Rights] to Petition, Protest, Protected Speech, against [D/A]’s ***system of injustice*** and this district judge who never intended to provide proper rulings on [P/A]’s motions, ECF Nos. 16, 22, 24, 26 or respond to Notices or review his arguments, ECF Nos. 9, 10, 32, 34. [P/A]’s Motions & arguments were declared moot set forth in ECF No. 35.; R. Doc. 35, at 1541. A due process violation, *inter alia*. see R. Doc. 29 at 1367-1392.

*(As a basis to preserve arguments of any potential errors in law and fact.)*

11. [P/A] filed on 06/4/2025, ECF No. 34, Eighth Circuit Court of Appeal’s legal standards, ***procedural due process & substantive due process/rights/grounds***

for this case of [PPP]. R. Doc. 38, at 1549–1557.

*(As a basis to preserve arguments of any potential errors in law and fact.)*

12. [P/A] filed on 07/8/2025, ECF No. 38 as a Notice of Appeal of a statutory right, FRAP Rule 3–4 & relief under The Judiciary Act; 1 (SEC.32.) exercised as **judicial substantive due process**, submitting 21 formal questions presented as valid assignments of errors into the final record of this case for this Circuit Court of Appeals’ reviewability &/or reversibility. R. Doc. 38 at 1549-1557.

*(As a basis to preserve arguments of any potential errors in law and fact.)*

### ***Proper Parties Before the Court***

For Facts regarding the proper parties before the Court. ECF Nos. 1, 2, 4 & Att: 27–33 including all documents filed by [P/A] in this case. Before reaching the substantive questions presented by [D/A]’s motion, ECF No. 12, the Court must address a **threshold jurisdictional matter** concerning the **proper defendants** in this action. This inquiry reflects the foundational principle that federal courts possess only limited jurisdiction, carefully circumscribed by both constitutional constraints & prudential considerations. The *sovereign immunity doctrine*— a bedrock feature of our Court doctrine’s structure of a **religious practice** from the Church of England— existing as **federal common law**, significantly impacts which governmental entities may properly appear before this Court. [P/A] has named and sued **eight legal parties**; four Officers of the government, *in their official capacity* along with listing four distinct government authorities. R. Docs. 3-4 at 1103-1120.

Defendants/Respondents/Interested Party (“[D/R/I P]”) of which has waived

*sovereign immunity* under [5 U.S.C. section 702](#). The Court must therefore determine whether these parties fall within its jurisdictional reach and, if so, *the nature and scope of any potential relief* that might be awarded against them. The Supreme Court recognized an important exception to *sovereign immunity* in *Ex parte Young*, [209 U.S. 123](#), which permits suits against state officials in their official capacities for prospective injunctive relief to prevent ongoing violations of federal law. This doctrine rests on the legal fiction that when a state/federal official acts in violation of the U.S. Constitution or federal law, the official is **"stripped of his official or representative character"** *Id.* at 160. The doctrine is carefully circumscribed, however, and applies only to officials who have **"some connection with the enforcement"** of the challenged law. *Id.* at 157. The Supreme Court has recently reaffirmed that federal courts have the power to enjoin individuals tasked with enforcing laws, not the *"laws themselves."* *Whole Woman's Health v. Jackson*, [595 U.S. 30, 44](#) (2021). The ability to sue and to enjoin perpetual unconstitutional actions by state/federal officers is the creation of ***courts of equity*** and reflects a long history of judicial review of illegal executive action, tracing back to England. Therefore, the Court should consider [P/A]'s "Petition" enjoining and/or declaring [D/R/I P] from taking specific enforcement actions that would violate federal law. See *Armstrong v. Exceptional Child Ctr., Inc.*, [575 U.S. 320, 326–27](#) (2015) (recognizing the *"ability to sue to enjoin unconstitutional actions by state and federal officers"* as ***"a judge-made remedy"*** inherent in courts' equitable powers.) (quoting *Carroll v. Safford*, 3 How. 441, 463 (1845)). This framework remains a cornerstone of constitutional litigation against federal/state officials today.

## **B. The District Court's Orders & Memorandum**

District Court Judge Fleissig issued five ORDERS in this case.

1. Judge Fleissig issued an Order ECF No. 7 on 03/14/2025 granting [D/A]'s *non-consent* motion ECF No. 6 declaring, in part, R. Doc. 7 at 1127.

“IT IS HEREBY ORDERED that Defendants’ motion for extension of time to respond to Plaintiff’s complaint is GRANTED. ECF No. 6.”

2. Judge Fleissig issued an Order ECF No. 19 on 05/5/2025 striking [P/A]'s response & memorandum ECF No. 15, R. Doc. 19 at 1281-1283, declaring, in part:

“IT IS HEREBY ORDERED that Plaintiff’s response to the motion to dismiss (ECF No. 15) is STRICKEN from the record for filing error, and the Clerk of the Court shall delete it from the record.” Leave was granted to rectify the error.

3. Judge Fleissig issued MEMORANDUM AND ORDER, ECF No. 35 on 06/11/2025 declaring, in part; “Accordingly, IT IS HEREBY ORDERED that Defendants’ motion to dismiss is GRANTED. ECF No. 12. This case is DISMISSED without prejudice for lack of subject-matter jurisdiction.”

“IT IS FURTHER ORDERED that all other pending motions are DENIED. A separate Order of Dismissal will accompany this Memorandum and Order.”

4. Judge Fleissig issued an ORDER OF DISMISSAL, ECF No. 36 on 06/11/2025 declaring, in part: “Pursuant to the Memorandum and Order issued herein on this day, IT IS HEREBY ORDERED that this case is DISMISSED without prejudice.” R. Doc. 36 at 1542.

It is important for this Court to take notice: that ECF No. 12 [D/A]'s motion

**was only to** “dismiss with prejudice all counts and claims for relief in Plaintiff’s Complaint/’Petition.’” & NOT a ***motion to dismiss the case***. Procedurally the [D/A]’s dilatory tactic motion operates under the **FRCPP, Rule12(f) Motion to Strike**. Another procedural error by the Court & [D/A]. R. Doc. 13 at 1159-1176.

### **C. The Present Appeal – Preservation & Assignment of Errors**

The record of this case makes known [P/A] *preserving* certain claimed errors; laterally with [P/A]’s “Notice of Appeal and its Judicial Process” ECF No. 38, declaring a detailed list of “Assignments of Error”. This [P/A] did not have an opportunity to object to the Court’s final judgment/ruling & its two Orders, because this vital case was closed instantly. Under [P/P]’s FAITH in [LAW] & for [LLP], pursuant to United States Constitution, 1st Amendment’s religion clauses existing as an establishment/free exercise thereof; & by means of [P/A]’s Notice of Appeal & its ***judicial substantive due process framing***; 21 questions presented into the final record of this case for the 8th Circuit Court of Appeals’ reviewability &/or reversibility. R. Doc. 38, at 1549–1557. see ECF No. 38, NOA, ¶¶ 1–21, p. 2–8.

### **SUMMARY OF THE ARGUMENT**

[P/A] challenges invalid government conduct/acts/laws of constitutional principles, erroneous statutory interpretations, misapplications of federal law, rights & of Supreme Court doctrines, including a lack of a required or *strict scrutiny* in a judicial review of the District Court’s final judgment or decision & its Order of Dismissal; when based upon the arguments, defenses & motion(s) raised by [D/A] &/or

of Court sanctioned *judicial dictum* or *vague process* vs having a “Legal Standard” & its *substantive due process* in this constitutional case of hybrid rights in *religious liberty* jurisprudence. [P/A] addressed such arguments within, to wit:

**The District Court Erred in Granting [D/A]’s Motion(s), *inter alia*.**

R. Doc. 1, at 1–1019. & R. Doc. 2, at 1033–1102.; R. Doc. 22-27.

**The Applicable Judicial Process vs its Gravity of the Errors.**

R. Doc. 10–11 at 1129–1153. & R. Doc. 29 at 1367-1393.

**The District Court Erred to Provide Remedies & Reliefs Sought.**

R. Doc. 7, at 1127.; R. Doc. 35, at 1530–1541. R. Doc. 36, at 1542.

**Recognizing Errors, Standard of Review, Preservation, Discussion**

R. Doc. 38, at 1549–1557.; R. Doc. 35-36 at 1530-1542.

**ARGUMENT**

**I. The First Issue: plain or reversible error(s)**

**A. The District Court Erred in Granting [D/A]’s Motion(s), *inter alia*.**

**1. Standard of Review with the issue of plain or reversible error(s).**

A threshold issue in any appeal is the proper standard of review. When a *suit in equity* involving *religious liberty* alongside petition, protest, & speech, the *standard of review* will encompass assessing potential burdens on religious practice under *free exercise clause*; considering *strict scrutiny* under RFRA, and examining compliance with the Establishment Clause. Here, the District Court erred in granting the [D/A]’s motion when it failed to address or consider [P/A]’s arguments &

motions in ECF Nos. 16, 22–28. Additionally, with [P/A]’s FAITH in [LAW] as practiced in ECF Nos. 1–2 & a *free exercise thereof*, as set forth in ECF Nos. 9, 10, 15, 30, 32, 34, 38 to protect [Rights]. Succinctly, further preserving, District Court errors identified as: **A.** Errors of Law, & **B.** Errors of Fact, & **C.** Abuse of Discretion, & **D.** Jurisdictional Errors, & **E.** Constitutional Errors, & **F.** Procedural Errors, & **G.** Prejudicial Errors. R. Doc. 38, at 1549–1557. & *i.e.* ECF Nos. 6, 7, 9, 10, 11, 12, 13, 15, 16, 19, 20, 22–36, manifested by R. Doc. 7, 35, 36, *inter alia*.

Concerning *constitutional questions*, three basic standards of review exist: rational basis, intermediate scrutiny, and strict scrutiny. This form of *standard of review* is sometimes also called the standard or level of scrutiny. Abuse of discretion is a standard of review used by appellate courts to review decisions of lower courts. The appellate court will typically find that the decision was an ***abuse of discretion*** if the discretionary decision was made in plain error. The Eighth Circuit reviews “*questions of law*”, such as the interpretation of legal principles or ***the application of a “legal standard”***, are “*reviewable de novo.*” The Eighth Circuit reviews the lower court’s findings or decisions on “questions of fact” are “reviewable for clear error,” with matters of discretion reviewable for “*abuse of discretion.*” Although a finding is “clearly erroneous” when there is evidence to support it, the reviewing court on the entire evidence is left with the fact that a “*definite and firm conviction that a mistake has been committed*”. In ***free speech cases***, the Eighth Circuit reconciles the clear error standard with the Supreme Court’s *independent review standard* for First Amendment issues. The Supreme Court has emphasized the importance of independent review in First Amendment cases, particularly those involving *freedom*

*of speech*. In a rare rehearing *en banc*, the full Eighth Circuit Court of Appeals clarified its appellate standard of review for *First Amendment free speech cases* in *Families Achieving Independence and Respect v. Nebraska Department of Social Services*. [111 F.3d 1408](#) (8th Cir. 1997) (en banc). [P/A] case "constitutional facts" and mixed questions of law & fact, are inextricably linked with constitutional law.

## II. The Second Issue: Constitutional Error(s)

### A. The Applicable Judicial Process vs its Gravity of the Errors.

#### 1. Standard of Review with said Constitutional Issues.

Addressing the District Court's decision in a *suit of equity case* involving a petition, protest, and protected speech that invokes *substantive due process* that raises mixed questions of law and fact; the appellate court should use the following approach to determine if there were plain or reversible errors when linking *religious liberty rights*, & other First Amendment fundamental rights.

How *religious liberty rights* can influence the standard of review:

The establishment/free exercise clauses regarding [P/A]'s *personal religion* of one's FAITH in [LAW] protects the *religious right* to *believe & practice* one's religion freely as set forth in ECF Nos.1–2. The United States Constitution, 1st Amendment states in part, "*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech*" [i.e.] *Masterpiece Cakeshop v. Colorado C.R. Comm'n*, [584 U.S. 617](#) (2018), and *303 Creative LLC v. Elenis*, [600 U.S. 570](#) (2023), and *Burwell v. Hobby*

*Lobby Stores, Inc.*, [573 U.S. 682](#) (2014). When a *government action*, as herein, the [D/A] and the district court are significantly burdening [P/A]’s exercise/establishment right; hence the appellate court should apply a standard of review that scrutinizes the justification for such action, with ***heightened strict scrutiny***. Prior to *Emp. Div. v. Smith*, [494 U.S. 872](#) (1990) (*Emp. Div. v. Smith*) the Supreme Court often applied strict scrutiny to laws that substantially burdened religious practices. This required the government to demonstrate a compelling interest and that the law was narrowly tailored to achieve that interest. In *Sherbert v. Verner*, [374 U.S. 398](#) (1963) this case established the strict scrutiny standard, holding that a government entity could not deny a governmental benefits to someone who refused to work, due to religious reasons. (sabbath observance). But, here as an IRS’ indenture service & its condition for servitude has its own *religious observance*. ([Worship] *observance*). Also, in this case the [P/A]’s *religious observance* of upholding [P/A]’s FAITH in the Oath of Office “So help me God” as a claimed right owed. The importance of [P/A]’s FAITH *holy observance*: (1) demonstrates faith & commitment, (2) fostering a sense of belonging & shared identity within secular/religious groups, (3) provides spiritual guidance and meaning, (4) shapes U.S. cultural and social norms, by influencing social customs, traditions, and even legal frameworks within a society, (5) impacts daily life & can shape how individuals view the world, make decisions, and interact with others, (6) promotes The Way, The Truth & The Life, (7) pleases his God “Jesus Christ” as the “God” of “One Nation Under God”.

In *Wisconsin v. Yoder*, [406 U.S. 205](#) (1972) the Court applied strict scrutiny to strike down a law requiring Amish children to attend school past eighth grade

violates the parents' constitutional right to direct a *religious upbringing* of their children. As a ***religious upbringing*** case then & now an associated case in this *suit of equity*; the act of observing or complying with religious/secular laws, customs, commands or rules, for ***religious upbringing & undertaking*** in a regular act of one's FAITH in [LAW] for [P/A]'s *personal constitution* is absolute. [P/A] avers this core perpetual principle of his *personal constitution*; that in the name of Justice – Equality– Service – Unity – Sacrifice (“J.E.S.U.S.”) this substantive creed: “In Order to Form a More Perfect Union between the powers in Heaven and on Earth.” Pet.'s Br. ¶ 44, p.14. Congress passed RFRA in response to *Smith*, aiming to restore the pre-Smith strict scrutiny standard for religious freedom claims in federal law. This requires the government to demonstrate a compelling interest and that the law is the least restrictive means of achieving that interest. As the record revealed, no such review was conducted with a *federal common law* of federal *sovereign immunity* or I.R.C. *i.e.* [THE CODE]. In the case of neutral laws of general applicability, *Emp. Div. v. Smith*, [494 U.S. 872](#) generally does not require strict scrutiny, but RFRA or similar state laws do. In the case of *Fulton v. City of Philadelphia*, [593 U.S. 522](#) (2021), the Court expressed dissatisfaction with the *Smith standard* in this case, but ultimately avoided overruling it, leaving the issue unresolved. The Supreme Court upheld the constitutionality of the RFRA *as applied* to federal statutes in *Gonzales v. O Centro Espirita Beneficente União do Vegetal*, [546 U.S. 418](#) (2006). The Establishment Clause prohibits the government from establishing a religion or favoring one over another. *Everson v. Bd. of Educ.*, [330 U.S. 1](#). Here a ***religious case*** of [D/A]'s [Taxology] & [Taxism] in a matrix of *religious dealings* favored over vs [P/A]'s *intelligent design* as *personal, political*

& *civil religion* with one's constitutionality of teaching **creationism**. See *Edwards v. Aguillard*, 482 U.S. 578 (1987). An appropriate establishment clause case law, *Watson v. Jones*, 80 U.S. 679 (1872) is a seminal U. S. Supreme Court case regarding the role of **secular courts adjudicating ecclesiastical disputes**. This case, [P/A]'s FAITH in [LAW] & **its practices** is *adjudicating ecclesiastical disputes*, where U.S. Constitution, *inter alia*, is the **chosen law** to practice within a "**wall of separation**".

In rhetoric, [P/A] manifested *spatiality* of an official/spiritual's **Intersection of Church & State** activities for thoughts/speech/conduct. See ECF No. 2, f.n ¶ 84. p. 47–49. As Jesus Christ practiced Hebrew law, Hinds practices FAITH in [LAW]. This landmark case of *Everson v. Bd. of Educ.*, 330 U.S. at 330 U. S. 1 solidified the **wall of separation** as a *guiding principle* in Establishment Clause jurisprudence, emphasizing a strict separation between church and state at both the federal and state levels. The Court in this case declared that the United States Constitution, 1st Amendment "**erected a wall between church and state,**" and that this wall "**must be kept high and impregnable**". Thus Court's framework of a *realistic & distinct spatiality* of an "Intersection" (public sphere) within this "**wall of separation**" was never perceived. [P/A] has not waived his argument, practice, right, or privilege in this case or [OVC] existing as a **religious liberty**. The record reveals, in part:

[P/P]'s dutiful forum is The Intersection of Church & State via Personal Constitution & U.S. Constitution for the [Commanding Heights], assuming among the powers of the earth, the separate and equal station to which the Laws of Nature &/or Nature's God who rectified religion to be a person/place/thing thru a dialogue forum as [Q.U.E.S.T.].

Pet.'s Br. ¶ 31, p.11.

The RFRA ensured [P/A]'s FAITH & its devout practices within such an **“Intersection”** vs the Supreme Court ruling in *Emp. Div. v. Smith*, 494 U.S. 872, that a person may not defy neutral laws of general applicability even as an expression of religious belief. "To permit this," wrote Justice Scalia, citing the *Reynolds v. United States*, 98 U.S. 145 (1878) decision, "would make the professed doctrines of religious belief superior to the law of the land, and in effect to permit every citizen to become a law unto himself." But, herein the U.S. Constitution as [P/A] sacred text is administered in the name of J.E.S.U.S. <https://tlc76.com/wish-to-know-more/in-the-name-pf-jesus> see: [tlc76.com](https://tlc76.com)

In *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507, as a landmark decision/case when the establishment clause requirements conflict with religious exercise and free speech clauses of the United States Constitution, 1st Amendment protects an individual engaging in a *personal religious observance* from government reprisal; the Constitution neither mandates nor permits the government to suppress such religious expression. The *Kennedy v. Bremerton Sch. Dist.*, 597 U.S. 507 case marked a significant shift in Establishment Clause jurisprudence. The Court ruled in favor of a high school football coach who prayed on the field after games, claiming that the Establishment Clause should be interpreted by "reference to historical practices and understandings" rather than strictly adhering to the Lemon test. Courts may use tests like endorsement test, & the coercion test is also used in specific contexts to evaluate government actions under this clause. The Kennedy ruling views the clauses as complementary not contradictory. It holds the government should *not suppress private religious expression* simply out of fear of an Establishment Clause violation. In short, favors accommodation over separation.

### III. The Third Issue: Jurisdictional Error

#### A. The District Court Erred to Provide Remedies & Reliefs Sought.

The standard of review in cases involving *equitable relief* in the absence of an adequate remedy at law depends on the type of issue being appealed. Questions of law are generally reviewed *de novo*, findings of fact are reviewed for clear error, and discretionary decisions are reviewed for abuse of discretion. Understanding these distinctions are essential for navigating the appellate process and assessing the likelihood of the appellate court, may affirm, modify, reverse, or remand the case back to the District Court with instructions. An enforceable right in equity in the absence of an adequate remedy at law refers to a situation where a *court of equity* can step in and provide a non-monetary remedy when monetary compensation (a "remedy at law") wouldn't be sufficient or fair to resolve a dispute. [P/A]'s grounded legal opinion that [D/A]'s arguments with *subject matter jurisdiction* or *sovereign immunity* or *waver/consent to sue* **are misplaced; when federal sovereign immunity limits the remedies available, not court's underlying jurisdiction to hear the case, nor does it abolish subject matter jurisdiction.** Under RFRA, PRA, APA, The Judiciary Act; 1 Stat. 73. (SEC.32.) & 5 U.S.C. section 552a **creates substantive rights**, with grounds of *jurisdictional provisions* that operate to *waive sovereign immunity* for claims premised on other sources of law (e.g., U.S. Constitution, Bill of Rights & [Q.R.F.A.]). [P/A] preservation of errors is in notices, arguments & motions in this case. See ECF Nos. 9, 10, 11, 16, 22–30, 32, 34, 38.

#### **IV. The Fourth Issue: Assignments of Error**

##### **A. Recognizing Errors, Standard of Review, Preservation, Discussion.**

In this case, understanding assignments of error and standards of review in appellate law with the matters of preservation & discussion is beyond page limits of this opening brief. In very short form or imprecise answer, to wit:

##### **1. Recognizing the Errors:**

- **Mixed Questions Analysis:** The court would first look at whether the District Court correctly applied the law to the facts, or if there's a disagreement on the factual findings themselves.
- **Constitutional Issues:** The court would examine whether the District Court's actions or decisions violated the United States Constitution, 1st Amendment rights to petition, protest, or protected speech, or other rights protected by *substantive due process* & Supreme Court doctrines
- **Procedural Errors:** Errors regarding the procedures followed during the case, including the handling of the petition, the nature of the protest, and the scope of judicial review sought, would also be evaluated.

##### **2. Recognizing a Standard of Review**

- **De Novo (No deference):** This standard applies to pure questions of law, such as the interpretation of a statute or constitutional provision.
- **Abuse of Discretion (High deference):** This standard applies to the district court's discretionary decisions/court's ruling was unreasonable, arbitrary, or fell outside the range of permissible conclusions. Per APA claims re: *Loper Bright Enters. v. Raimondo*, [603 U.S. 369 \(2024\)](#).
- **Clearly Erroneous (Significant deference):** This standard is used for reviewing a district court's findings of fact & appellate court will not reverse the factual findings unless it is left with "a definite and firm conviction that a mistake has been committed".

### 3. Recognizing the Preservation of Errors.

In legal terms, preservation of error refers to the process of ensuring that a party can raise an issue on appeal. [P/A]’s notices, responses, motions, arguments presented and memorandum in support, including ECF No. 38 that set forth for the record in this case twenty-one official & valid assignment of errors. R. Doc. 38 at 1549–1557.

### 4. Recognizing Discussion of Errors.

In essence, assignments of error identify the alleged mistakes, while the standard of review determines the lens through which the appellate court scrutinizes those mistakes and the level of error required for reversal. However, this case has become a *marriage of faith*, “like turning water into wine” this appeal is from dismissal on *jurisdictional grounds* that seems hopeless. Nevertheless, a positive transformation of jurisdictional significance of Congress’ intent over sovereignty matters within *United States v. Klein*, [80 U.S. 128](#) (1871). The Supreme Court held that Congress cannot use its constitutional power to regulate federal court jurisdiction to dictate the outcome of a specific case, thereby violating the separation of powers.

“For the Record” this Court has legal power to hear a specific type of case with *jurisdiction* pursuant to [28 U.S.C. section 1291](#), as a legal right and *wavier of federal sovereign immunity*. It is well established *subject matter jurisdiction* significance can *never be granted by either party* in a civil action. "The filing of a notice of appeal is an event of *jurisdictional significance* - it confers jurisdiction on the

[appellate court] and divests the [trial court] of its control over those aspects of the case involved in the appeal." *Griggs v. Provident Consumer Disc. Co.*, [459 U.S. 56, 58](#) (1982) (*per curiam*). "The right to appeal at least once without obtaining prior court approval is nearly universal. [A]lthough its origins are neither constitutional nor ancient, the right has become, in a word, **sacrosanct.**, See Harlon L. Dalton, Taking the Right to Appeal (More or Less) Seriously, 95 YALE L.J. 62, 62 (1985).

Federal Sovereign Immunity Doctrine cannot pass constitutional muster: (1) Constitution itself does not explicitly establish sovereign immunity, & (2). It originated from the English common law concept of "the king can do no wrong", which is not suitable for a democratic system with limits on government power & (3). Sovereign immunity can prevent individuals from obtaining *redress for grievances* against the government, even when constitutional rights are violated.

[D/A]'s Federal Sovereign Immunity Doctrine & a waiver/consent has rendered Congress' intent with these Federal statutes and with the courts current interpretations and applications of such statutes as moot, to wit: (1). The Religious Freedom Restoration Act of 1993 ("RFRA") Pub. L. No. 103-141, [107 Stat. 1488](#) (November 16, 1993), codified at [42 U.S.C. section 2000bb](#) through [42 U.S.C. section 2000bb-4](#). (2). Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) ("PRA"). (3). The Administrative Procedure Act ("APA"), Pub. L. 79-404, [60 Stat. 237](#), [5 U.S.C. § 701 et seq.](#); (4). The Judiciary Act; September 24, 1789, [1 Stat. 73](#). germane (SEC.32.). (5). The Privacy Act of 1974, *as amended*, [5 U.S.C. § 552a](#).

## CONCLUSION

The [P/A] respectfully submits that the District Court erred by granting the [D/A]'s motions, accepting their arguments, citations of law or theory & further erred in not providing remedies and reliefs sought. Furthermore, Judge Fleissig committed errors of law & fact as grounds for judicial review as presented within the official record of this case. For the foregoing reasons the judgment/decision below should be vacated or reversed, with this vital & constitutional case remanded for further proceedings with instructions. [P/A]'s *free exercise* of FAITH in [LAW] for one's [LLP] is within *religious liberty*; as the very foundation of this substantive creed: ***"In Order to Form a More Perfect Union between the powers in Heaven and on Earth."***

Dated: September 5, 2025

Respectfully submitted,

By: 

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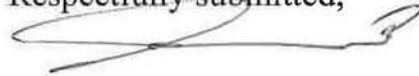
**CERTIFICATE OF COMPLIANCE**

This brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) because this brief contains **7,644** words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f).

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this brief has been prepared in a proportionally spaced typeface, 14-pt Times New Roman, using TypeLaw.com's legal text editor.

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**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing APPELLANT'S OPENING BRIEF AND EXCERPT OF RECORD & its ADDENDUM was filed on this 5th day of September 2025 with the court, with a true and correct paper 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 attorney, ROBERT J. BRANMAN U.S. Department of Justice, P.O. Box 7238 Washington, D.C. 20044.

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