

**UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

KENT E. HOVIND, an individual*,

PAUL JOHN HANSEN, as trustee for
Creation Science Evangelism (CSE),
a non-statutory trust,

Plaintiffs,

Case No. 3:20CV5484 TKW/MJF

vs.

UNITED STATES OF AMERICA, (USA) an entity,
MARGARET CATHARINE RODGERS, an individual,
THE ESTATE OF JOHN DAVID ROY ATCHISON, an individual,
MICHELLE HELDMYER, an individual,
SCOTT SCHNEIDER, an individual,
ALAN STUART RICHEY, an individual,

Defendants.

PLAINTIFFS' OBJECTIONS TO REPORT AND RECOMMENDATIONS
OF JUDGE MICHAEL J. FRANK

COMES NOW PLAINTIFFS, KENT E. HOVIND, an individual, and
PAUL JOHN HANSEN, as trustee of CREATION SCIENCE EVANGELISM
(CSE), a non-statutory trust, would show that the REPORT AND
RECOMMENDATION OF JUDGE MICHAEL J. FRANK should be denied for
the following good and sufficient reasons. To witt:

Plaintiffs' Objection to REPORT AND RECOMMENDATION of Judge Michael J. Frank

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1.

NOBLE SENTIMENTS IN RULES & LEGISLATION

Sometimes well-meaning elected-officials and legislators, very much not unlike ourselves, acting upon very noble sentiments pass rules/legislation/laws/codes that are un-Constitutional. Then when well-meaning individuals either State or Federal prepare to act upon these rules, laws or codes enacted by well-meaning legislators/elected-officials sometimes overlook the fact that they are preparing to commit a felony under Federal Statute 18USC241/242 that can even carry capital-punishment. Under the landmark Supreme Court decision "*Marbury v. Madison*, 5 U.S. 137," the US Supreme Court ruled that; "A Law repugnant to the Constitution is void." Thus no court or any individual at any level can attempt to enforce a rule, code, law, or statute that violates or deprives an individual or either his civil or Constitutional rights.

2.

JUDICIAL PROCESS

The ability of the people or an individual to address a civil or criminal concern, however well learned or not, cannot be removed by policy or rules that constitute deviation from the intent of the process of justice. When a rule, code, law, or statute, has an abnormal desire for adherence to a procedure, however important but handicaps or incapacitates the pleading of an individual to a detrimental degree then the validity or value of the rule that does so must be called into question. If this condition deprives the

individual of justice because the rules referenced incapacitate the pleadings from fully conveying or addressing the issues of the matter for consideration and being weighed, then the rule however noble or well-meaning cannot be considered to apply if Justice no longer has the capacity to be served in the matter because of this forced incapacity. Under 18USC242 this constitutes not a civil, but a criminal offence. Even for a member of the judiciary. A member of the judiciary can only support and enforce an individuals civil and Constitutional rights, and therefore cannot deprive them of those rights under “color-of-law”. Judge Hope Thai Cannon’s order to re-plead and reduce or eliminate portions of facts necessary to properly support the pleading cannot be construed as either valid or lawful under any circumstances and therefore cannot be made to require a response. To require a response would constitute the criminal act of “depriving an individual of his or her civil rights under color of law” and is not to be appealed, it is to be prosecuted. Only the pleader can identify the lawful length of a pleading, not the jurist. If a jurist was omniscient, then they could easily define how much material was required for each pleading because they already know it all. However, because no jurist is omniscient then only the pleader can define how much matter is required to communicate their concerns. Because it is the pleaders concerns being communicated.

3.

FACTS

1. Judge Michael J Frank does not take into account that the Plaintiff's began the long process of re-pleading the moment that the request was originally made by Judge Hope Thai Cannon regardless of lawfulness of Judge Cannon's request.
2. Plaintiffs' completed the PLAINTIFFS' THIRD AMENDED PETITION and filed that re-pleading on 2020-Sept-04.
3. The REPORT AND RECOMMENDATION pleading was filed on 2020-Sept-10, six (6) days (almost a week) after Plaintiffs' re-pleaded.
4. Furthermore; Judge Michael J. Frank states that under Federal Rules of Evidence 201 (b) that Judge Hope Thai Cannons order was not properly objected to.

PRAYER

WHEREFORE; As Judge Hope Thai Cannons' original order to re-plead cannot be construed as lawful in any form and this response shall be considered a formal objection to Judge Hope Thai Cannons order.

FURTHERMORE; And that the REPORT AND RECOMMENDATION pleading being filed six (6) days after plaintiff's THIRD AMENDED PETITION was already filed indicating that this report was filed in error, Plaintiff prays that the Honorable court disregard the REPORT AND RECOMMENDATION pleading and allow Plaintiffs' to proceed with suit.

RESPECTFULLY SUBMITTED:

Kent Hovind

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and

Paul John Hansen

PAUL JOHN HANSEN,
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Terms defined:

*individual – as a man possessing “unalienable Rights”, as such is enumerated in the Declaration of Independence July 4, 1776.

CERTIFICATE OF SERVICE

I hereby certify that on this 22 day of September, 2020, the above and foregoing was forwarded by certified mail, return receipt requested, and/or by fax transmission and/or hand delivery to Defendants, and to all other counsel of record by regular mail.

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