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UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION

KENT E. HOVIND, et al.,)	
Plaintiffs, v.)	Case No. 3:20-cv-5484-TKW/MJF
)	
UNITED STATES OF AMERICA, et al.,)	
Defendants. /)	

PLAINTIFF'S RESPONSE TO MAGISTRATE JUDGE MICHAEL J. FRANK
'REPORT AND RECOMMENDATION' filed 4/21/2021.

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:

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/case opinions that are unConstitutional. 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 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

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 individual's civil and Constitutional rights, and therefore cannot deprive them of

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those rights under “color- of-law”. 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, judicial opinion, 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 Michael J. Frank's requirement of a standard of pleading that “depriving an individual of his or her civil rights under color of law” is not to be appealed, it is to be prosecuted. Only the pleader can plead his case, not the jurist. If a jurist was omniscient, then they could easily plead the case for the plaintiff, or instruct precisely how such is to be done. Pleading complaint facts that are in the possession of the pleader is to be left to the pleaser's wish, as he alone is attempting to prevail in the hearts and minds of the jury. However, because no jurist is omniscient then only the pleader can communicate their facts and concerns. Because it is the pleader’s concerns being communicated, if he fails, it is of his best effort. Failing complaints, written by an expert or a novelist, are not the presiding administrator, judge, responsibility, or within his discretion, to dismiss, the jury is to determine the law and the facts of the law, as they wish.

3.

FACTS

Judge Michael J Frank is not called to determine if the damage occurred, or did not occur, or is permissible in this complaint, nor can he determine that the damage of the Plaintiffs in this case occurred in land where US congressional law has force and effect geographically/territorially, for such may be factually evidenced by the Plaintiffs, in open court, and if the Defendants have evidence so to refute, as such is allowed into the record, all fully open to cross examination, and further research as

time allows, may it be mid-trial, or post-trial. For all false claims can always be factually challenged/corrected at any time as new evidence is discovered, so justice can be maintained.

4.

**REFUTING MAGISTRATE JUDGE MICHAEL J. FRANK
RECOMMENDATION POINT BY POINT**

Notice – Foremost, there is no fact evidence existing that Kent Hovind has ever had a legal duty to act as a tax collector for 'The United States of America', as a matter of law, or contract. And if such 'fact' evidence is claimed it is required to be presented now. Where there is no law there can be no violation. When the Defendants go silent, and remain silent as to the fact that they have not, or have refused to produce evidence as to legal duty their 'silence is deemed fraud' and intentional damage, which Plaintiffs have right to their day in court as propounded. Silence and fraud as prohibited in U.S. v. Prudden, U.S. v. Tweel, Morrison v. Coddington, Carmine v. Bowen, McNally v. U.S. as quoting U.S. v Holzer. (SEE-' evidence of Law', Page 18 below.)

(1.) Judge Frank reports - Page 1 that "Plaintiff, Paul John Hansen lacks standing to bring some of the claims". Also see page 11, line 18.

(1.1) Response – Kent Hovind is a signed complainant, and Hansen is only acting as Trustee for Plaintiff - 'Creation Science Evangelism' (CSE). No where in the Amended Complaint of 18 pages does it state that Hansen is seeking any damages personally inflicted on him by any Defendant. CSE, as a ministry entity, is one of the damaged parties. Apparently Judge Frank did not inspect the subject 18 page Amended Complaint thoroughly. CSE is an entity independent of the United States of America, and it's land jurisdiction is of the People of Florida, and when the Defendants conspired to come against CSE and oppress it's ministry activity, CSE suffered tremendous damages as it was bringing in \$2.5 million annually in ministry related sales, and donations. The damages continued to the complete closure, and loss of all assets, as well as the ministries social redeeming future impact. Thus Article III

standing: (1) an injury in fact is clearly alleged in the complaint; as well as the (2) a causal connection between the injury and the alleged misconduct, is also clearly alleged; and (3) a likelihood that the injury will be redressed by a favorable decision, is absolutely plausibly achievable when it presented to an impartial jury. CSE, as operating under the will of the People, has judiciable standing as a right.

(1.2) Response - On page 11, line 18, Judge Frank states; “Hansen has not alleged a particularized or concrete injury either to himself directly or to CSE.” As to Hansen it is addressed above. As to CSE, the jury will be given evidence, as enumerated in the complaint, of the immense financial loss the defendant caused directly to CSE. CSE went from having large holdings in assets and \$2.5 million in revenue yearly to zero assets and zero revenue. Such a claim by Judge Frank is easily overcome by the complaint itself, and the evidence that will be presented during the trial, before the jury as is the right of each of the Plaintiff's. The damages are explicable facts, and are not abstract, but are concrete.

(1.3) Response - On page 12, line 2, Judge Frank states; “Hansen has not shown how the arrest of CSE employees – namely Hovind and his former wife – specifically injured Hansen or CSE.”

The complaint clearly identified Hovind as the founder of CSE, and the head of CSE, and close to all the material, and educational material is from Hovind, therefore Plaintiff's believe that the jury will agree that all criminal actions against Hovind affects CSE, and all acts against CSE effects Hovind. Adding that Hovind's wife is not a plaintiff party to this case. Being falsely accused by the most powerful government in the world, of not performing a legal duty to be a tax collector for the said powerful government can be easily determined by a jury as especially devastating to all economic, and social, disposition of the Plaintiff's before the viewing world. Thus CSE, and Hovind have inalienable judiciable standing for such damages to be presented before an impartial 'trial by jury', by the People of the land jurisdiction where these damages occurred. Judge Frank has lost his bearing as to the clear intent of the People to have 'meaningful time and meaningful access' to the captioned court, and an unhindered 'trial by jury'.

(2.) Judge Frank reports - Page 12 “that Applicable Statutes of Limitations Bar All Claims...”.

(2.1) Response – First 'Bivens-Action' limitation here is not applicable, as Judge Frank suggests. The preexisting “Bill of Rights' violations are independently invoked by Plaintiff, thus Congressional scrutiny is not a factor, for Congress does not possess authority over any such rights, in the subject case. A jury will likely affirm that Hovind, and CSE, was damaged and has the right to utilize this court for damages.

(3.) Judge Frank reports – Page 12 “B. ...statute of limitations bar all claims...”.

(3.1) Response – Federal, and STATE OF FLORIDA, statute of limitations apply to state, and federal, regulated activity. The damages perpetrated, in the complaint, are all without evidence of being within the land owned by any city, county, or state, of 'The United States of America', or in land of 'STATE OF FLORIDA'.

All activity of all the Defendants, as alleged in the complaint, are not evidenced as being “in” land owned by the United States so there is no territorial jurisdiction nexus. Plaintiff's have the right to challenge Defendants to produce evidence to prove otherwise. General jurisdiction must be proven to be inoperable by fact evidence of 'United States Legislative Authority' limited jurisdiction. Judicial **Notice** > See legislative authority land limitation – Constitution for the United States of America Article 1, Section 8, Paragraph 17). Also Plaintiffs are not evidenced as being 'persons' subject to the 'United States Legislative Authority'. And there is no evidence of a contract creating any nexus, or governance authority, over, or with, any Plaintiff. Therefore there are no latches, as time bar limitations in common law. The jury has been called upon, by the Plaintiff's, and they alone will decide the law and the facts of Plaintiff's complaint. Therefore Judge Frank's claim is unsupportable.

(4.) Judge Frank reports – On page 5, last paragraph, Judge Frank states that Plaintiff's “asserts multiple

claims against multiple defendants without specifying which of the defendants are responsible for which acts or omissions.”

(4.1) Response – Upon reading the totality of Plaintiff's Complaint the jury is asked to consider liability of each individual participant in the egregious acts against Kent Hovind, and the church ministry CSE. The jury will be given evidence that no plaintiff can produce any fact evidence that Kent Hovind, or CSE, had any duty to be employed as a tax collector for 'The United States of America', or for any of its subdivision, or any state thereof. The jury is asked to evaluate if individual plaintiff's had, first, the ability, second, the opportunity, and third, a legal duty, to assure that Kent Hovind, or CSE, had a written law duty to collect any of the said taxes. The jury can evaluate the position, resources, and education of each defendant, and then evaluate the culpability of each. Plaintiffs have the right to the jury for adjudication. The “inalienable” rights of the People to such a jury need not be enumerated, in any constitution, to exist. If any man deprives such a right to the People's jury, they are subject to federal, state, and common law adjudicated prosecution. See 'Declaration of Independence' 1776.

(5.) Judge Frank reports – On page 7, line 11, Judge Frank states that “the government obtained a federal arrest warrant for Hovind...”

(5.1) Response – All warrants that are issued from the authority of the United States are subject to “...and no warrant shall issue, but upon probable cause, supported by Oath or affirmation...” 4th Amendment, 'Bill of Right' - Constitution for The United States of America. There is no evidence of any 4th Amcollector for the United States. No court rule, judges opinion, case law, congressional wish, can violate the 13th Amendment, and more so a man right from any form of slavery, or forced servanthood. Plaintiff's have the right to seek damages for unconstitutional practices, and policies, of ALL Defendants listed.

(8.) Judge Frank reports – On page 16, line 6, Judge Frank states that “Specifically, these “official capacity” claims are also barred by sovereign immunity.”

(8.1) Response – For the same reason as argued above, no act of any man, as to violating Kent Hovind's rights, by any of the defendants, that is in violation of the enumerated constitutional prohibitions, even if operational in other situations under US written law. Any defense of “official capacity” is non-operational if such activity does not meet constitutional muster. The preeminence of the Constitution as to any law contrary to the constitution is of no effect. At the minim we have here a unconstitutionally applied written law of the United States of America. “A law repugnant to the Constitution is void.” 5 U.S. 137 (or 163) 1 Cranch 137 2 L.ED. 60 (1803) Marbury v. Madison. No man, or men, can officially, sovereignly, personally, individually, or corporately, violate the 'Constitution for the United States of America', in the land where the initial subject activity occurred with Kent Hovind, nor can the same violate and of Hovind's inalienable rights as a matter of written law or under the American Peoples common law.

(9.) Judge Frank reports – On page 15, line 5, Judge Frank states that “Sovereign immunity shields the federal government and its agencies from suit in the absence of an express waiver.”

(9.1) Response – Kent Hovind, as a man of right, at all times pertinent, having all his rights afforded to him, has the right of 'no forced servanthood', and no forced slavery'. Hovind having full ‘inalienable Rights’ as enumerated in the ‘Declaration of Independence’ of Julyendment 'Oath or affirmation' in the official record of the Hovind case No. 3:06-cr-83-MCR, to support any warrant for Hovind in 2006. All defendants had knowledge of this constitutional requirement, and all defendants conspired to ignore it. Hovind was falsely arrested without a warrant in 2006.

(6.) Judge Frank reports – on page 14, line 2, Judge Frank states that “Plaintiff did not initiate this civil action until May 2020, which is more than nine years too late as to the Bivens claims.”

(6.1) Response – Plaintiff did not become aware of the fact that no Defendant has evidence that Hovind

had a legal duty to act as a tax collector for 'The United States of America' (USA) until 2020 when by mere silence the Defendant refused to respond, to mailed written inquirers, with evidence that Hovind had a legal duty to act as a tax collector for the USA. Therefore even to this day Plaintiffs are not certain about the damage asserted. It is a common practice that when a party refuses to respond to a reasonable question, especially to such paramount issues, it can be considered a default in the favor of the questioner. It is an issue of silence which is equated as fraud, as a matter of law - U.S. v. Prudden, U.S. v. Tweel, Morrison v. Coddington, Carmine v. Bowen, McNally v. U.S., and U.S. v Holzer, see EVIDENCE OF LAW page 18 of this document, case opinion A,B,C,and D.

Also in or about 2020 the court gave evidence that there is no grand jury evidence, or 4th Amendment 'Oath or affirmation', in support of any warrants upon Hovind, in the official record, thus well within the scope of any claimed statute of limitations.

(6.2) Response – Also all officers, agents, and employees, of the United States, federal or state, are bound by oath of office. When any Defendant acts in such a way to violate CSE, or Hovind's, inalienable* right, and right to trial-by jury, they are acting without the constitution of 'The United States of America' of which they sworn allegiance to. Such defendants only hold office when in good conduct, and when in full adherence to the said constitution. When bad conduct, or intentional opposition to the constitution, such men and women are no longer under the official protection (immunity) of the law, due to their lawlessness. To prosecute Hovind, for his wish, his right, not to act as a tax collector for the United States, the Defendants all acting intentionally, corporately, therefore have no sustainable claim for immunity from civil or criminal prosecution. Such operates, as 'a matter of law, and as the People's will. To practice otherwise is a direct violation of the said constitution.

(6.3) Response – If not provided spontaneously by the court, Plaintiff Hovind will require a court administrator's written declaratory statement to the question - if Hovind had a legal duty to act as a tax collector for the United States at any time before the 2006 arrest of Hovind.

(6.2) Response – Plaintiff's complaint is positioned as 'Florida common law', therefore no statute of limitations operates unless a contract, or nexus, is evidenced to waive such process. Acts “under color of law”, in this case is synonymous with “intentional acts without law”, and when lawless no law immunity applies. Defendants intentionally remained silent as to having no law to evidence a duty to collect taxes upon Hovind. Silence and fraud as prohibited in U.S. v. Prudden, U.S. v. Tweel, Morrison v. Coddington, Carmine v. Bowen, McNally v. U.S. as quoting U.S. v Holzer. See all - 'Evidence of Law' Page 18 below.

(7.) Judge Frank reports – on page 15, line 2, Judge Frank states that “there is a second independent basis to dismiss the claims against the United States government, namely, sovereign immunity.”

(7.1) Response – Only constitutional enumerated activity, by US agents, is protected by 'sovereign immunity'. The activity alleged in this complaint is that the agents of the United States (US) acted without law, without written constitutional authority, fully without the consent of the People. The People, through any constitution, did not give authority to any agent of the US, authority to compel any man into involuntary servanthood (13th Amendment). 'The Constitution for the United States of America' 13th Amendment has specifically prohibited such activity in writing. No form of 'involuntary servanthood' can not be converted into an activity that is shielded by any claim of 'sovereign immunity' by no US court administrator, officer, or court. The United States of America is alleged as having policy and practices of requiring men like Kent Hovind to be intimidated falsely into becoming a tax 4, 1776. And having the right to 'life, liberty and the pursuit of happiness' as enumerated in the 'Declaration of Independence', and as the same, premise of natural law, is reaffirmed in President Abraham Lincoln's 'Gettysburg Address', in 1863, 87 years after July 4, 1776. Therefore no Defendants are now, as herein stated, as to violating Plaintiff's 'inalienable Rights', and Plaintiff's 'life liberty and the pursuit of happiness', and are justly due his right to this court and the requested trial-by-

jury, aided by this honorable court. Liberty allowed to be lost for the few causes a flood of liberty lost for the many.

(10.) Judge Frank reports – On page 8, line 8, Judge Frank states the “STANDARD(s)”

(10.1) Response - As to Plaintiff's Complaint, it has 'well-pleaded factual allegations', and fully attempts to clarify 'who, and how each defendant is liable', adding that full attempt at enumerating factual rights for relief, and to be made whole. If any allegation in the complaint is not constructed to communicate well, Plaintiff now asks the aiding administrator of this case to specifically identify which claims are lacking, and specifically how they are lacking. Being “pro per”, and not trained in complaint creation. Plaintiffs now ask for time, and opportunity to correct, or to make more clear, any and all claims that are deemed as lacking before submission before sending our summonses, and proceeding before the 12 jurors. Plaintiff does not consent to giving any administrator authority to adjudicate any claim so presented by the signed, and that all the 'law and the facts' of this case are to be adjudicated only by the jury of 12 men.

(11.) Judge Frank reports – On page 17, line 2, Judge Frank states that “Even if the statute of limitations did not bar the individual capacity claims against Judge Rogers, absolute judicial immunity would bar such claims.”

(11.1) Plaintiff's Response – For the following good and sufficient reasons, Kent Hovind, and CSE, wis lawfully due a “trial-by-jury” for a trying of the alleged facts, false evidence, stealth presumption, in Hovind's criminal case 3:06cr83/MCR/EMT. Due to unconstitutional activity of all of the Defendants, Hovind was prevented from entering into evidence crucial exculpatory evidence and testimony favorable to Defendant's case. The Hovind had the right to enter into evidence any facts, evidence or testimony that the Hovind deems germane to Hovind's case. None of the Defendants, as captioned

above, especially the Prosecutor nor the Judge has the authority to exercise discretion on what Hovind wanted to enter into evidence for the jury's consideration. The Jury has the right to examine all facts, testimony and evidence that Hovind deems germane/necessary for Hovind's case. Hovind has evidence that all Defendant, especially Judge Rogers has intentionally prevented, as the record evidences, that Hovind's primary evidence, from the witness, Scott Schneider, and other IRS agents, who was qualified to provide unimpeachable exculpatory evidence, and testimony, was barred from testifying thereby irreparably harming Kent Hovind, and Kent Hovind's case. The Court is evidenced as demonstrating severe prejudice thru the actions of Judge Rogers in blocking much key testimony of many IRS agents, that irreparably deprived Kent Hovind of his Constitutional rights and the outcome of the case was thereafter doomed, and irreparably compromised. The desired jury, of this present action, now has the right to determine the liability, and thus the damage caused by Defendant, Judge Rogers past actions during the trial, and all the claimed, conspiring, listed Defendants, who orchestrated sending Hovind to jail for ten years without any evidence that Hovind had any legal, or lawful, duty to collect taxes for the United States of America. The jury will determine the culpability as to each Defendant as to their knowing Hovind had no legal duty, or should have known Hovind had no legal duty, or should have empirically investigated if Hovind had a legal duty, or in the minimum allowed witness like Scott Schneider, and other IRS agents, to attest to what was relied upon, as fact evidence, if Hovind had such a legal duty as a person required to collect taxes for the United States of America, as associated with Hovind's personal 'ministry activity, or as to ministry business activity in the land where the CSE ministry served. Kent Hovind, had, and now has, right to present all evidence germane to Hovind's present claim for damages where no United States administrator is allowed to impede. None of the captioned Defendants have written law authority, or constitutional protection, to violate Kent Hovind's rights in 2006, or now in this captioned action. The stability of a free people is contingent on these foundational principles. Hovind has the inalienable right to present these claims and challenges now.

Violation of any one of the People's inalienable rights can never be diminished, peace mealed away, under the disguise of “judicial capacity, or judicial immunity”.

(12.) Judge Frank reports – On page 19, line 10, Judge Frank states that “...the estate of deceased former AUSA Atchinson and former AUSA Heldmyer also enjoy prosecutorial immunity for the individual-capacity claims.”

(12.1) Plaintiff's Response – Atchinson, and Heldmeyer were partakers in the same violation as Judge Margaret Catharine Rogers committed. They too are evidenced as maliciously mis-applying United States of America written law unconstitutionally upon Kent Hovind. And orchestrating with all captioned Defendants, the very exculpatory evidence that would have ceased all criminal prosecution against Kent Hovind, and that is that no evidence exists that Hovind was a person subject to tax collection duties under United States written law, that the ministry activity of Hovind was not governed by the United States of America written law, and that the location of all ministry activity is not evidence as being in land where the charged written laws have force and effect of law geographically as territorial jurisdiction. Atchinson, and Heldmeyer have no immunity when intentionally mis-applying United States written law to maliciously imprison and destroy Kent Hovind's life.

The jury will determine the culpability as to each Defendant as to their knowing Hovind had no legal duty, or should have known Hovind had no legal duty, or should have intensely empirically investigated if Hovind had a legal duty, or in the minimum allowed United States witness Scott Schneider, to attest to what was relied upon that supported any claim that Hovind had a legal duty, as a person required, to collect taxes for the United States of America, as associated with Hovind's ministry activity, or as to ministry business activity in the land where the CSE ministry served. Kent Hovind, had, and now has, right to present all evidence germane to Hovind's present claim for damages where no United States attorney is allowed to conspire to impede. Attorneys are officers of the court, and they

are men subject to law, and they have no right to conspire together to deprive Hovind of his rights, and Hovind has the right to a biblical, fair, and impartial, trial-by-jury.

(13.) Judge Frank reports – On page 21, line 2, Judge Frank states that “Alan Stuart Richey...claims against him being barred by the statute of limitations, Plaintiffs also failed to state a cognizable claim against him because they do not sufficiently allege that he was acting under color of federal law.”

(13.1) Plaintiffs Response – Richey being a federal licensed BAR Attorney in the courts federal jurisdiction, is an officer of the federal court. Federal courts enforce United States Congressional written law. All officers of this federal jurisdiction are acting pursuant to federal law. Therefore when Richey gave the pretense of defending Kent Hovind, and is evidence as failing to do so is conspiring with all the captioned Defendants of this present action under 'color of law', as he acted complicit as he had the opportunity to evidence that the applied written law did not apply to Hovind, his ministry activity, and had no force and effect in the land where the ministry activity occurred. He opted to not stand with true law and yield to the desires of all the conspiring captioned Defendants. Thus Hovind, and CSE, has inalienable right, enumerated, identified, constitutional right, now to utilize this court for jury determinations for damages, unhindered by any United State administrators, judges, officers, agents, or any man. The jury, not court administrators, will be called upon to determine the law and the facts of this case. And the opinions, of other cases, by other men, will not have force of law. It is trial-by jury, not trial by past case opinion, or by court rule. Richey was informed by Hovind to challenge if he was a person liable to collect taxes, as a matter of law, Ritchy intentionally yielded to Judge Rogers treats and conspired with what lead to Hovind's 10 year jail sentence, all clearly without evidence that Hovind had a legal duty. Ritchy knew that Margaret Catharine Rogers was intentionally blocking exculpatory evidence and remained complicit, thus engaged in “concerted action”, conspiring with all government actors/defendants, in the unlawful acts against Hovind's rights as a man. At every point of the 2006

case conviction Ritchy is a party to all activity of damage of all parties because he intentionally failed to defend Kent Hovind even in the simplest foundational way, the United States written laws as to duties to collect tax from employees is not evidence-able as to apply to Hovind, or CSE, ministry workers, to which Hovind was prosecuted and sentenced to jail for ten years. Therefore all the damage inflicted is in part due to Ritchy's failure to bring forth the said exculpatory evidence. The Jury, viewing all discovery, and testimony, will sort out what damage Ritchy caused. The 'agreement and concerted action' committed by Ritchy was that he had instruction, and opportunity, to cause IRS agents to fail when under direct, and cross examination, that Hovind had no legal duty to act as a tax collector, he at that point violated Hovind's rights. Plaintiff's will show the jury that Ritchy conspired with all Defendants, for whatever reason, to cause Hovind to be falsely prosecuted, and convicted. Hovind has no duty to act as a tax collector for the United States of America, as a right, and as a matter of law. Also Ritchy was given a large number of communications, over many years before Hovind's arrest, that were sent to Schneider from Hovind as to questions if he had a legal duty to withhold taxes, for 'The United States of America', from any of the church ministry workers, which Schneider failed to inform the jury, or the court of. The Defendant was not even informed until after the trial of his intentional act.

(14.) Judge Frank reports – On page 23, line 4 to 10, Judge Frank states that “Schneider...statute of limitation bars all claims...Plaintiff's fail to state a cognizable claim against Defendant...Schneider.”

(14.1) Plaintiffs Response – The jury will decide if when Schneider conspired, with all Defendants, to conceal the fact that Hovind had no legal duty to act as a tax collector for the United States of America, and that Schneider likely knew the law, or that Schneider should have known the law, and that he had opportunity to assure the law applied to Hovind as a person, and to the church ministry activity, and also the law he was charged with had force and effect of law where the church ministry activity

occurred. Also Schneider possessed a large number of communications that were sent to Schneider from Hovind as to questions if Hovind had a legal duty to withhold taxes, for 'The United States of America', from any of the church ministry workers, which Schneider failed to inform the jury of. Hovind has the right to recover damages for fraudulent, or exculpatory, acts done by Schneider, and no court rule, or case opinion, can nullify such right possessed by Hovind.

(15.) Judge Frank reports – On page 24, line 6, Judge Frank states that “Plaintiff's have failed to specify the portion of the Constitution that Schneider's omission allegedly violated”.

(15.1) Plaintiffs Response – 9th Amendment, the 'Constitution for the United States of America', “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.” Plaintiff claims that Plaintiff, Hovind has right not be be falsely charged, sentenced, and jailed for 10 years, under a law that does not touch Hovind as a person, or the activity of the church ministry that Hovind engaged in by right, and also the written law of tax collector duty is not evidence-able as to reach into the land where Hovind, or CSE, did ministry activity. Hovind was framed. The Plaintiff's need not identify rights directly from the constitution like Judge Frank has implied.

(16.) Judge Frank reports – On page 24, see bottom 1/3 of the page, Judge Frank states that “... Plaintiff's claims would be barred by Heck v. Humphrey.”

(16.1) Plaintiffs Response – Hovind, and CSE, being independent of the United States, now calls upon the People, as is the highest jurisdiction of the land where the Defendant had falsely determined Hovind had a legal duty to act as a tax collector for 'The United States of America'. Therefore no United States law, or any administrative opinion of any United States law has force and effect of law against the legitimacy of this present claim for damages by the signed.

There is no sustainable ruling judgment, order, or conviction, in criminal case 3:06cr83/MCR/EMT, as to any determinations associated with Kent Hovind having any duty to act as a tax collector for the United States for such is a constitutional impossibility. Therefore all the other charges in the criminal case 3:06cr83/MCR/EMT are collapsed and now having no effect. The originating court lacked, and now lacks, 'subject matter jurisdiction' to issue a warrant for Kent Hovind, to ask Kent Hovind for a plea to the charges, and to subject Kent Hovind subject to any trial, before any United States court jury.

(17.) Objection – The signed object to the fact that the Defendants are being represented by a United States employed attorney in violation of law. The United States can only represent where the United States has a legal interest. The individual Defendants excluding 'The United States of America' are all sued for acting without office, or agency, of the United States. Therefore the said Defendants can not be represented by the expense of the People through the United States, for such representation is not supported by written constitution, or laws, of the United States.

(18.) Notice – All parties that have falsely claim, and now falsely claim, and having failed to correct the record, as to all times pertaining to the 2006 case, that no evidence ever exists that Kent Hovind had a legal duty to act as a tax collector for the United States, as related to the criminal case 3:06cr83/MCR/EMT, are now individually subject to 18USC241, and 18USC242, and being that guns were used to make the arrest the death penalty shall be sought, 'as a matter of law', and as a matter of right, and as to biblical 'man-stealing' (Exodus 21:16).

The ongoing obligation, for the Plaintiff's to evidence that Kent Hovind had a legal duty to act as a tax collector for 'The United States of America' in the said case is paramount and will not, can not be ignored, as a matter of law. Hovind has the right to face such an accusation now.

PRAYER

WHEREFORE; As Magistrate Judge Michael J. Frank 'REPORT AND RECOMMENDATION', especially Mr. Frank being a United States of America administrator, can not legally used any rules/legislation/laws/codes/case opinions, to block Plaintiffs right for a trial-by jury for damages, especially when done without support of constitutional protections afforded to the Plaintiffs.

For the reasons listed, the 'recommendation for dismissal' cannot be construed as supported by written law, or right of the Plaintiffs, in any form, and this response shall be considered a formal objection to Magistrate Judge Michael J. Frank recommendation. -and-

a. That the Honorable court disregards the REPORT AND RECOMMENDATION pleading, and now expediently instructs the court clerk to proceed with Plaintiff's wish for issuing all of Defendants summons, for Plaintiffs service needs.

b. That for the reasons set forth above, noticed under right of man, and 'as matter of written United States law', the undersigned respectfully requires, as justice so demands, and so the People have always required:

1. That Defendants' motion to dismiss (Doc 17) be DENIED.

2. That a determination be made, if the men, and women, as are the Defendants, can be represented by taxpayer funded United States attorneys, in this instant case, as a matter of law, for this instant case.

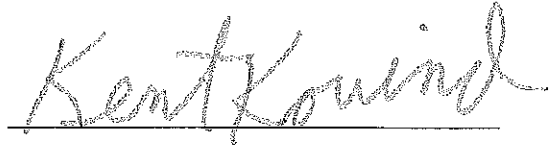
2. That order be created, that Plaintiff's claims proceed to trial-by- jury under, right of man, and supporting statutes.

3. That the clerk of court proceeds to trial-by jury.

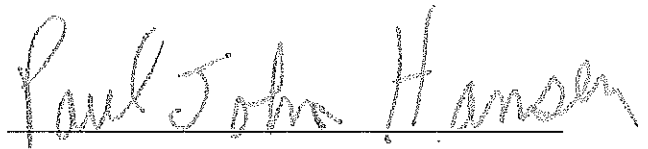
4. Plaintiff's now ask this court to notice Plaintiffs, in writing, as to specific lacking essential points, claims for relief, or clarity to the same, or any unnecessary ambiguity as to any claims, so that Plaintiff can present accurately, and all Defendant can defend accurately, and all jurors can make determinations within the scope of the complaint, and Defendant's defenses to those same individual

claims. Plaintiff asks 30 days leave of court to correct such when noticed in writing as to the above needs in this paragraph.

RESPECTFULLY SUBMITTED:



KENT E HOVIND,
488 Pearl Lane,
Repton, Alabama 36475
Telephone (251) 362-4635



PAUL JOHN HANSEN,
as Trustee of CSE,
P.O. Box 314,
Repton, Alabama 36475
Telephone (251) 362-8231

TERMS DEFINED:

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

EVIDENCE OF LAW:

- a. U.S. v. Prudden, 424 F.2d. 1021; U.S. v. Tweel, 550 F. 2d. 297, 299, 300 (1977): **Silence** can only be equated with fraud when there is a legal and moral duty to speak or when an inquiry left unanswered would be **intentionally misleading**. We cannot condone this shocking conduct... If that is the case we hope our message is clear. This sort of deception will not be tolerated and if this is routine it should be corrected immediately.
- b. Morrison v. Coddington, 662 P. 2d. 155, 135 Ariz. 480 (1983): Fraud and deceit may arise from silence where there is a duty to speak the truth, as well as from speaking an **untruth**. In regard to courts of record: “If the court is not in the exercise of its general jurisdiction, but of some special statutory jurisdiction, it is as to such proceeding an inferior court, and not aided by presumption in favor of jurisdiction.”
- c. “Silence is a species of conduct, and constitutes an implied representation of the existence of facts in question. When silence is of such character and under such circumstances that it would become a fraud, it will operate as an Estoppel.” Carmine v. Bowen, 64 U.S. 932....

d. "Fraud in its elementary common law sense of deceit... includes the deliberate **concealment** of material information in a setting of fiduciary obligation. A public official is a fiduciary toward the public,... and if he deliberately **conceals** material information from them he is guilty of fraud." McNally v. U.S., 483 U.S. 350, 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307.

CERTIFICATE OF SERVICE

I hereby certify that on this **21 day of May, 2021**, the above and foregoing was forwarded by certified mail, return receipt requested, by first class mailing where marked, and/or by fax transmission and/or hand delivery to Defendants, and to all other counsel of record by regular mail. (Except by first class mailing for past cert. were returned/rejected.)

MARGARET CATHARINE RODGERS, an individual,
US COURTHOUSE 1 N PALAFOX ST,
PENSACOLA FL 32502-5665

MICHELLE HELDMYER, an individual,
(FIRST CLASS mailed also for the past cert. mailing was rejected.)
2409 Vance Ter Port,
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SCOTT M. SCHNEIDER, an individual,
Scott M. Schneider Account Supervisory Special Agent,
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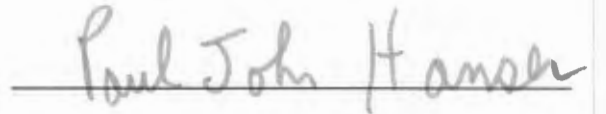
ALAN STUART RICHEY, an individual,
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UNITED STATES OF AMERICA, (USA) an entity,
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-and also mailed to-
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((Remaining silent may be a personal, intentional, accumulative, damage, he who confesses receives biblical grace.

A wise man once said - "Do unto others as you would have them do unto you."))