

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

FILED  
U.S. DISTRICT COURT

LESTER JON RUSTON,

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2007 JAN 29 P 12:49

Plaintiff,

§

vs.

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Case No. 2:06-CV-526-DB

DISTRICT OF UTAH

BY: \_\_\_\_\_  
DEPUTY CLERK

THE CHURCH OF JESUS CHRIST OF LATTER-DAY  
SAINTS; GORDON B. HINCKLEY; VICTOR JAMES  
RUSTON; MARGARET ELIZABETH RUSTON;  
JERRY HENDERSON; ALLISON RUSTON-SMITH;  
SMITH; MEL CHADWICK; KENT ROBERTSON;  
IAN JAMES RUSTON; BRAD OATES; AND  
LARRY K. HERCULES,

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Defendants,

**PLAINTIFF'S TRAVERSE TO DEFENDANTS  
REPLY BRIEF IN SUPPORT OF THE CHURCH  
DEFENDANTS MOTION TO DISMISS AND  
MEMORANDUM IN OPPOSITION TO DEFENDANTS  
(PLAINTIFF'S) MOTION TO AMEND COMPLAINT**

Plaintiff, Lester Jon Ruston, does file this, his Traverse to Defendant's December 20th, 2006 Reply Brief in Support of the Church Defendant's Motion to Dismiss and Memorandum in Opposition to Defendant's (?) Motion to Amend Complaint.

Defendant's continue to talk about an "ecclesiastical leader", yet fail to mention the federal crimes of interstate stalking, 18 U.S.C. § 2261(a), conspiracy to commit kidnapping, 18 U.S.C. § 1201, conspiracy to violate the civil and constitutional rights of the Plaintiff, 18 U.S.C. §'s 241, 242 and 247 with State actors, Dallas and Collin County, Texas, under color of law, and R.I.C.O. Racketeering 18 U.S.C. § 1961-1964.

Plaintiff will remind this Honorable Court that another "alleged" "ecclesiastical leader" named Brigham Young caused the United States Army to be dispatched to Utah when he declared himself "governor" of Utah, without an election. Plaintiff is unsure whether the Defendant, Gordon B. Hinckley has elected himself "Congress" or not, a matter easily determined by Rule 33 Written Interrogatories.

**ARGUMENT**

Plaintiff is a civil detainee, and is not subject to the Prison Litigation Reform Act. He is held, illegally, on fraudulent charging instruments caused by the insanity of Defendants Allison Ruston-Smith, Margaret Elizabeth Ruston, Ian

James Ruston, and the U.S. Attorney of Dallas Texas, Northern District, Dallas Division. All are conspiring to violate Plaintiff's civil and constitutional rights to this filing and are engaged in R.I.C.O. Racketeering, 18 U.S.C. § 1961-1964, as clearly plead in this matter. The Court has already ruled Plaintiff can proceed I.F.P. on this matter. If the Defendant's would actually study law and live in the World of "reality", they could easily determine that Plaintiff is held under 18 U.S.C. 4243, has not had a hearing to be released, as court ordered, due to alleged continued "witness tampering" by Defendants, in violation of 18 U.S.C. § 4243(c), and therefore **is not subject to the PLRA**, as held in Perkins v. Hedricks, 340 F.3d 582, 583 (8th Cir. 2003). Defendants are attempting another "entrapment" conviction, as held by the Supreme Court in Jacobson v. U.S., 503 U.S. 540 (1992), their modus operandi, as clearly plead,

Defendants admit that they have **not** "verified Plaintiff's status", because "justice", "due diligence" and the "U.S. Constitution" are nuisances that interfere in their "enterprise" of fraud and R.I.C.O. Racketeering.

Dismissal is disfavored and has been ruled an abuse of discretion when any claim for relief has been clearly plead, as held in Lowery v. Texas A&M University System, 117 F.3d 242, 247 (5th Cir. 1997). There is nothing "frivilous" about this filing or complaint, and Defendants should be sanctioned for making this slanderous and libelous statement of public record.

Defendant's have quoted the "First Amendment" on page 4 of their filing. The Defendant's don't acknowledge the "First Amendment" to the U.S. Constitution, which has caused this complaint. Further, they have purposely lied to this court, falsely stating complaint is with regard to "Church Defendants are of attempts to convert Plaintiff's family to the LDS Church". Plaintiff's family **was converted to this "cult"**, and brainwashed into engaging in R.I.C.O. Racketeering Enterprises and to a conspiracy to violate Plaintiff's 1st, 4th, 5th, 6th, 8th and 14th Amendment Rights under the U.S. Constitution, which is ongoing to this filing. Defendants are "facially" attempting to overthrow the Constitution and U.S. Government and "force"

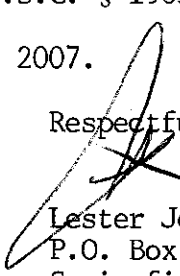
Plaintiff and anyone else they "target" to worship Joseph Smith, their alleged "God". Smith was a con man, just like all Defendants, who was a criminal, and suffered "swift destruction", as clearly stated in a Book called "The Bible", which is the word of Plaintiff's "God", who is the God of Abraham, Isaac, Moses and Robert the Bruce, King of Scotland, a direct descendent of Plaintiff. Defendants cannot accept this **reality**, and have resorted to criminal insanity, and should be given psychiatric and psychological examinations, pursuant to Rule 35, as they are all a threat to themselves and to others, and have caused harm to themselves and to others which has resulted in the loss of human life. In particular Ian James Ruston is dangerous, and is a mentally ill person in possession of firearms, and has made terroristic threats of violence against Plaintiff to telephone number 972-336-2184, a voice mail/pager, leased from Vinncomm of Garland, Texas, easily proven by Rule 33 and Rule 34 Fed.R.Civ.P.

#### CONCLUSION

For the reasons set forth, Plaintiff does move the Court to sustain all of Plaintiff's objections to Defendant's false filings to this Court, and to allow Plaintiff to proceed on complaint, allow his Amended Complaint to be filed, and to appoint counsel to assist in affecting service on the Defendants, in the interest of "justice", pursuant to 42 U.S.C. § 1983 and 1985.

Dated on this 25th day of January, 2007.

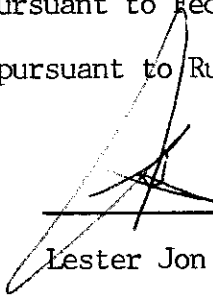
Respectfully Submitted,



Lester Jon Ruston #26834-177  
P.O. Box 4000  
Springfield, Missouri 65801

CERTIFICATE OF SERVICE

A true and correct copy of the foregoing instrument was provided to the clerk of the court on this 26th day of January, 2007, by placing such in the inmate mail box with first class postage affixed, pursuant to Fed.R.Civ.P. One copy was provided to Defendants at address listed below, pursuant to Rule 5 Fed.R.Civ.P.

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Lester Jon Ruston a.k.a. "The Bruce"

Matthew K. Richards  
Justin W. Starr  
Kirton & McConkie  
60 East South Temple, #1800  
P.O. Box 45120  
Salt Lake City, Utah 84111