

February 10, 2011

RE: Jerry Moore v. John Hoff, et al, (27-CV-09-17778) Defendant's Letter Invoking Servicemembers Civil Relief Act, 50 App. USCA 521

To The Honorable Denise Reilly,

Per your request, here is my letter "setting forth facts stating the manner in which current military duty requirements materially affect the service member's ability to appear and stating a date when the service member will be available to appear."

Your Honor, as set forth in the MEMORANDUM FOR RECORD dated 9 February 2011, I am in the military service and have been issued ADOS orders (active duty support) and also placed on Readiness Management status while still drilling monthly, the practical impact of which is almost all of my available free time is being devoted to my pressing military duties, leaving me (as I stated in my *Defendant's Preliminary Answer To Plaintiff's Motions In Limine*, etc) "unable to sufficiently prepare to defend [myself] in this lawsuit."

In regard to "stating a date when the service member will be available to appear," currently I can state that 90 days hence I should be available to appear, since most of the deploying units going to Afghanistan, Kuwait and Iraq will be far enough into their deployment activities that work associated with their deployment will be lessened as far as my particular duties are concerned. I must state the possibility that though I am not scheduled to deploy overseas, there is always the possibility that orders could come down ordering me to deploy. As Your Honor puts it so well, perhaps we can "cross that bridge if we come to it."

Though the MEMORANDUM FOR RECORD only addresses a period of time up until February 23 (February 16, and then the possibility of an additional week) it must be stressed that all of the active duty time has come unexpectedly and, furthermore, this job is being tasked a week at a time due to budget considerations. Initially I was told one week, now it is two, and the MEMORANDUM FOR RECORD is the first solid hint it may be three. But I can look at the tasks in front of me and tell myself, "Well, this data upload really looks more like it will take six weeks even though they are scheduling me a week at a time, and this is just one of the many extra activities associated with the pending deployments, there will be more."

HOWEVER, the law in question states any stay shall be for a period of "not less than 90 days."

Without getting into too much detail about my work, it primarily consists of two activities:

First, loading massive amounts of paper documents to a database so that certain information will be available to leadership throughout the entire 34th Infantry Division. I cannot and will not discuss the nature of the information I am uploading other than to say the need for it to be accessible via a database instead of paper.

documents is vital to the army, and that is why I have been pulled off "one weekend a month" status and put on ADOS orders.

Second, administrative tasks pertaining to getting soldiers ready for deployment. This is the work I am doing on three-day weekends at Camp Ripley. I am leaving for Camp Ripley tonight after working today at my unit. My day at the unit will start late and extend into the evening due to this "legal experiment" lawsuit, and then I will have to drive up to Camp Ripley to be ready to start in the morning, sleeping in a spartan, barracks-like dormitory.

The work I am doing needs to be done by the army. I am a cog in a big, lethal machine that defends our democracy against violent men with non-democratic dogmas, hence the purpose of the Servicemembers Civil Relief Act. For the time being, I need to be doing my job for our nation's defense rather than engaged in extensive trial preparations as part of Plaintiff's self-admitted novel legal experiment to "expand or modify the law, or clarify it." I might add that I have made considerable progress seeking out a *pro bono* attorney who will represent me but as of the moment I write this letter (at 7 a.m.) he is not yet representing me. He may represent me before the day is finished.

Sincerely,

SPC John W. Hoff, Defendant, *pro se, in forma pauperis*