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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Dr. ORLY TAITZ, ESQ, PRO SE
Plaintiff,

v.

MICHAEL ASTRUE, Commissioner of the
Social Security Administration,

Respondent

§ Freedom of information violation
§ 5USC §552
§ CASE # 1:11-cv-00402
§ Assigned to Chief Judge
§ Hon. Royce C. Lamberth
§ Designation: FOIA/Privacy Act
§ **PLAINTIFF'S MOTION TO**
§ **COMPEL SUBPOENA**

§ no oral argument requested

Plaintiff Dr. Orly Taitz, ESQ moves this court for an order compelling compliance with a subpoena, forwarded to Ms. Loretta Fuddy, director of Health in the state of Hawaii, which would aid in resolution of the case at hand.

Plaintiff asks the court to rule on this motion based on the memorandum of points and authorities attached herein and oral argument, if the court deems oral argument to be necessary.

MEMORANDUM OF POINTS AND AUTHORITIES

The case at hand revolves around a 5USC§552 FOIA request for the original SS-5 application for CT SSN 042-68-xxxx, that Mr. Barack Obama is fraudulently using. According to his selective service certificate Mr. Obama is using this social security number,(Exhibit 1) however Social security administration states, that this number was never issued(Exhibit 2). Typically, individuals, who do not have valid

birth certificates resort to using invalid social security numbers, therefore the birth certificate is at issue. After nearly three years of stonewalling and under the pressure of sagging approval rating and rising doubt about his legitimacy to the U.S. presidency, Mr. Obama released, what he claims to be, his original long form birth certificate. Multiple experts provided affidavits, stating that the document released by Mr. Obama and posted on White House.gov represents a forgery. (Exhibits 3, 4, 5). Plaintiff filed multiple requests for access to the original birth certificate, which is supposed to be on file with the department of health in Hawaii. Plaintiff received a response from the registrar of the department of health in Hawaii, Mr. Alvin Onaka, stating that he and Ms. Loretta Fuddy, Director of Health, will not provide access to the original, due to considerations of privacy. Plaintiff filed an appeal, stating, that there cannot be a consideration of privacy, as Mr. Obama already released the document in question, and it is available to the public at large on the web site WhiteHouse.gov. There is no genuine issue of privacy, as all the information in the document in question is public, but there is an issue of forgery, as multiple expert testimonies show the document to be forged. Plaintiff did not get any response to her request for administrative appeal.

Plaintiff filed a rule 45 subpoena with the director of Health of the state of Hawaii, seeking access to the original document. Plaintiff received a response from the office of the Attorney General of Hawaii. June 13, 2011 response from the office of Attorney General of Hawaii (Exhibit 6), representing the director of Health, stated, that according to rule HRS §338-18 inspection of public health statistics records is allowed only in a number instances, among them §338-18(b)(9) "A person whose right to inspect or obtain a certified copy of the record is established by an order of a court of competent jurisdiction."

As such Plaintiff is respectfully requesting an order of this court to compel compliance with Rule 45 subpoena and permit inspection of public health statistics records of the original long form birth certificate, issued in 1961 to Mr. Obama. Privacy is no longer an issue, as Mr. Obama already released the document in question, it appears the Director of Health is simply looking for a court order, in order for her to be in compliance and not to be liable for technical violation of the rule.

US District court is a competent jurisdiction. Federal court under Rule 45, along with all applicable privilege rules, provide sufficient "tools" with which this court can adequately protect both the litigant's right to receive evidence and the government's interest in protecting its processes and resources. See Exxon shipping, 482 F 3d at 416, 417 (holding that "an agency's Touhy regulations do not relieve the district courts of the responsibility to analyze privilege or undue burden assertions under Rule 45" and concluding that that the federal discovery rules give district courts adequate tools to balance all competing interests); Connaught Laboratories, 7 F. Supp.2d at 480(recognizing "the district court's ability to balance the government's concerns with the private litigant's interest in obtaining evidence by applying the limitations and protections contained in the federal rules of Civil Procedure. As such this court is a competent jurisdiction to grant the subpoena in question.

Respectfully submitted

/s/ Dr. Orly Taitz, ESQ

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Service of process

I certify that a true and correct copy of the above pleadings were served on the defendant on 07.07. 2011 via mail and will be served by the court via ECF

Jill T. Nagamine

Deputy Attorney General

State of Hawaii

Health and Human Services Division'

465 South King Street Room 200

Honolulu HI 96813

/s/ Lila Dubert

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Motion to compel Rule 45 subpoena to grant the Plaintiff access to the original 1961 long form birth certificate of Mr. Barack Obama, stored at the Health Department, State of Hawaii is Granted, so ORDERED

Chief Judge US District Court District of Columbia

Royce C. Lamberth