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USCA Case #11-5304

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JUN - 4 2012

DR. ORLY TAITZ ESQ

United States Court of Appeals  
District of Columbia Circuit

Case # 11-5304

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PRO SE IN THE DISTRICT OF COLUMBIA

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IN THE COURT OF APPEALS

DISTRICT OF COLUMBIA

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ORLY TAITZ

APPELLANT

V

MICHAEL ASTRUE, COMMISSIONER OF

SOCIAL SECURITY ADMINISTRATION

APPELLEE

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19-4D

## **PETITION FOR REHEARING EN BANC**

**Comes now Appellant Dr. Orly Taitz, ESQ, (Hereinafter Taitz") and petitions this court for a rehearing en banc, due to flagrant error of fact and law and abuse of judicial discretion by the panel.**

### **History of the case**

1. This case is an appeal of a denial for information requested under FOIA 5USC §552
2. Taitz submitted to the Social Security Administration (Hereinafter "SSA") request for information under the Freedom of Information Act.
3. This request contained information that Barack Hussein Obama, President of the United States, (Hereinafter "Obama") is using a stolen Social Security number xxx-xx-4425, which was issued in the state of Connecticut to another individual, resident of Connecticut, who was born in 1890.
4. Taitz provided the SSA affidavits from a licensed investigator Susan Daniels and retired senior deportation officer John Sampson, (Exhibit 2) which attested to the fact that the SSN in question started with digits 042, which were assigned to the state of Connecticut. Obama was never a resident of Connecticut and there is no

possible reason for him to have a Connecticut CCN. Additionally, Taitz provided SSA with information that in national databases such number is associated with two dates of birth: 1890 and 1961, which is an additional indication that Obama is illegally using a SSN, which was issued to a resident of CT, who was born in 1890, whose death was not reported to the SSA, and whose SSN was illegally assumed by Obama around 1980-1981. Taitz requested a redacted SS-5 application to the aforementioned SSN. Taitz advised SSA that they are endangering the national security by withholding the information in question. SSA refused to provide the redacted application.

5. Taitz appealed. The case was assigned to judge Royce C. Lamberth in the US District Court in the District of Columbia.

6. Taitz provided judge Lamberth with all of the above information as well as a sworn affidavit from Deportation officer Sampson, which stated that in case of suspected theft of a Social Security number it is common for the law enforcement to request and receive from the SSA the original application to the number in question, which would show some of the information in relation to the identity of the lawful holder of the SSN in question. Such information would include gender, date of birth, zip code, race. For example, if it shows that the lawful holder was a

white woman, who resided in Dunbarry-Stamfort Connecticut area and was born in 1890, but this number was appropriate by Obama, who is an African American man, born in 1961 and resided in Hawaii, that would not reveal the actual identity of the lawful holder of the number in question, but would provide the ultimate proof in order for Congress to start the impeachment hearing of Obama and for the law enforcement around the country to start criminal prosecution of Obama.

7. Judge Lamberth refused to release the redacted SSN, claiming that it would infringe on Obama's privacy

8. Taitz provided Lamberth with yet another affidavit from a adobe illustrator expert Felicito Papa, showing that Obama posted his full unredacted SSN on line in 2010 , when he posted his tax returns in 2010 on line and forgot to "flatten" the PDF file, so the full SSN was visible to the public, was downloaded by millions of people until Obama realized his mistake and took down the file and reposted it as a "flattened" redacted file. Due to the oversight by Obama, himself, he made his full unredacted SSN visible and readily available to the whole nation. he no longer has privacy in the number in question.

9. Taitz provided Lamberth with a sworn affidavit by one Linda Jordan, who swore in that she personally ran the SSN in question through the E-Verify, official Social

Security verification systems, and it showed that the number used by Obama and posted in his official tax returns, while in the White House, did not match the name Barack Obama.

10. Taitz argued that at this point there was no privacy attached. Moreover, a thief does not have privacy rights in keeping private stolen identification papers. Actions by Appellee Astrue, U.S. attorneys defending him and judge Lamberth himself are so outrageous, that they represent criminal complicity and collusion with Obama to defraud the whole nation. Commissioner Astrue, U.S. attorneys defending him and Judge Lamberth himself are committing high treason against the United States of America, by allowing a criminal with a stolen Social Security number to continue usurping the position of the President and Commander in Chief.

On January 26, 2012 at an administrative court hearing in Atlanta Georgia a licensed investigator Susan Daniels as well as a senior deportation officer John Sampson testified that Obama is using a Connecticut Social security number, which was assigned to a different individual, resident of the state of Connecticut, born in 1890 (sealed certified transcript was attached). On March 1, 2012 Sheriff of Maricopa County, Arizona, sheriff Joe Arpaio held a press conference, where he

announced results of his 6 months of investigation, where he confirmed that Obama is using forged identification documents, among them a forged computer generated birth certificate and a forged selective service certificate. due to an enormous level of corruption and censorship there was very little reporting on Arpaio's press conference and so far attorney General of the US, Attorney General Holder is not taking any action.

11. Appellee in his Motion for Summary Affirmance simply tried to whitewash the Social Security fraud, omit any reference to the subject of FOIA, Barack Obama, and continued the same debunked theory of privacy, even though as it was shown, the privacy no longer exist, as Obama himself released the number in question and a thief does not have a right in privacy in stolen identification numbers.

12. On 05.25.2012 judges Rogers, Griffith and Cavanaugh came up with the decision that the redacted Social Security application should not be released for two reasons:

- a. it would be an unwarranted invasion of privacy
- b. appellant did not demonstrate any valid public interest in disclosure

## ARGUMENT

### **A THIEF DOES NOT HAVE AN EXPECTATION OF PRIVACY IN STOLEN ITEMS**

The court ruled that the disclosure would constitute an unwarranted invasion of personal privacy.

The court did not explain, whose privacy? All of the evidence showed that Barack Hussein Obama is using a stolen Social Security number, which was assigned to a resident of Connecticut, who was born in 1890. The court did not provide any rule or precedent, where a person has an expectation of privacy in a stolen Social Security number or any other stolen property.

Additionally, according to sworn affidavits of Senior Deportation officer Sampson and licensed investigator Daniels, the individual, who was assigned this number, was born in 1890, he would have been 122 years old. Considering that this number was made public by Obama and became a matter of public domain, if such an individual would have been alive, he would have come forward by now. It is safe to presume that the owner of this number is deceased, his death was not reported to the Social Security administration and it was assumed by Obama.

This court did not explain, whose privacy it protects. The court did not show why a person, who assumed a number belonging to another, has any expectation of privacy in a stolen property.

If for example, one of the three judges on the panel were to encounter a forger and a thief, who were to forge a deed to their house and were to demand that they leave the house, would judges Rogers, Griffith and Cavanaugh simply give their house to a forger and a thief? Or would they demand the original deed on file with the city or county recorder? If a clerk in the recorder's office is corrupt and colluded with the thief, would these judges simply leave their homes or would they fight for what they worked for many years? Would they go to the court and demand a Writ of Mandamus, directing the agency to release the original deed?

Similarly we have an individual, who took over the White House, the People's house. Generations of Americans fought for the legitimacy and sovereignty of this house. Three judges have in front of them evidence, that this house is being usurped using a stolen Social Security number and a forged birth certificate.

Information at hand is no longer private as Obama personally posted it on WhiteHouse.gov and millions of people downloaded it. Additionally, in Farrar et al

v Obama et al **OSAH-SECSTATE CE-1215136-60-MALIHI** in the Administrative court of the state of Georgia presiding judge, Michael Malihi allowed the full Social Security number xxx-xx-4425 to be presented in the open court during the examination by attorney Taitz and testimony of multiple witnesses. All of the major networks had their cameras in the courtroom. CBS, NBC, ABC, CNN, FOX and others recoded all of the testimony and transmitted it. At this point it is a matter of common knowledge that according to multiple experts and witnesses Obama is using a Social Security number that was not attached to him. This matter is no longer a private matter. It is in public domain and a matter of public interest.

**"NO PUBLIC INTEREST" IN KNOWING WHETHER A CRIMINAL WITH A STOLEN SOCIAL SECURITY NUMBER IS USURPING THE POSITION OF THE US PRESIDENT AND COMMANDER IN CHIEF REPRESENTS AN INSULT TO INTELLIGENCE OF EVERY AMERICAN CITIZEN.**

A ruling by Circuit judges Rogers, Griffith and Cavanaugh is a slap in the face of each and every American citizen.

1. If we were talking about someone, who has a corner bakery or someone, who is a janitor somewhere, the judges would be justified in saying that there is no public interest, however we are talking about an individual, Barack Hussein Obama, (hereinafter "Obama") who is using a stolen Social Security number, while usurping the position of the US President and commander in Chief, with his finger on the red button, controlling all of our nuclear arsenal. How can these three judges claim that the 'Appellant did not demonstrate any valid public interest in disclosure'. If not the legitimacy of the US President, what other issue would justify public interest? How can any judge, how can any human being with any measure of brain activity state that there is no public interest in knowing whether there is usurpation of the US Presidency? This statement completely defies any common sense and any logic. In **United States v. Nixon**, 418 U.S. 683 (1974) the United States found that President Nixon did not have an expectation of privacy and had to release the Watergate tapes, which were actually:

a. his

b. private

Now in *Taitz v Astrue* we are dealing with

a. a stolen property, Obama using a stolen CT Social Security number xxx-xx-4425, which was never assigned to him, a thief does not have any expectation of privacy in stolen property

b. information at hand is no longer private as Obama personally posted it on WhiteHouse.gov and millions of people downloaded it. Additionally, in Farrar et al v Obama et al **OSAH-SECSTATE CE-1215136-60-MALIHI** in the Administrative court of the state of Georgia presided judge, Michael Malihi allowed the full Social Security number to be presented in the open court during the examination by Taitz and testimony of multiple witnesses. All of the major networks had their cameras in the courtroom. CBS, NBC, ABC, CNN, FOX and others recorded all of the testimony and transmitted it. At this point it is a matter of common knowledge that according to multiple experts and witnesses Obama is using a Social Security number that was not attached to him. This matter is no longer a private matter. It is in public domain and a matter of public interest. According to multiple polls as many as 50% of Americans are questioning Obama's legitimacy. Even if nobody would be questioning Obama's legitimacy, this issue would still be the matter of public domain and public interest, as the US Presidency is at stake. The decision is completely void of any reason or common sense. There is a serious suspicion of an undue influence on the court by the

current administration, as there is no other explanation and justification for the decision.

Moreover, if this decision stands, this court will be complicit in violation of 18 USC§1028 Fraud and related activity with identification documents as well as Social Security act 208

**18 USC § 1028 - Fraud and related activity in connection with identification documents, authentication features, and information**

a) Whoever, in a circumstance described in subsection (c) of this section—

(1) knowingly and without lawful authority produces an identification document, authentication feature, or a false identification document;

(2) knowingly transfers an identification document, authentication feature, or a false identification document knowing that such document or feature was stolen or produced without lawful authority;

(3) knowingly possesses with intent to use unlawfully or transfer unlawfully five or more identification documents (other than those issued lawfully for the use of the possessor), authentication features, or false identification documents;

(4) knowingly possesses an identification document (other than one issued lawfully for the use of the possessor), authentication feature, or a false

identification document, with the intent such document or feature be used to defraud the United States;

(5) knowingly produces, transfers, or possesses a document-making implement or authentication feature with the intent such document-making implement or authentication feature will be used in the production of a false identification document or another document-making implement or authentication feature which will be so used;

(6) knowingly possesses an identification document or authentication feature that is or appears to be an identification document or authentication feature of the United States or a sponsoring entity of an event designated as a special event of national significance which is stolen or produced without lawful authority knowing that such document or feature was stolen or produced without such authority;

shall be punished as provided in subsection (b) of this section.

### **SS Act 208**

(7) for the purpose of causing an increase in any payment authorized under this title (or any other program financed in whole or in part from Federal funds), or for the purpose of causing a payment under this title (or any such other program) to be made when no payment is authorized thereunder, or for the purpose of obtaining

(for himself or any other person) any payment or any other benefit to which he (or such other person) is not entitled, or for the purpose of obtaining anything of value from any person, **or for any other purpose—**

(A) willfully, knowingly, and with intent to deceive, uses a social security account number, assigned by the Commissioner of Social Security (in the exercise of the Commissioner's authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner of Social Security by him or by any other person; or

**(B) with intent to deceive, falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to him or to another person, when in fact such number is not the social security account number assigned by the Commissioner of Social Security to him or to such other person; or**

**shall be guilty of a felony** and upon conviction thereof shall be fined under title 18, United States Code, or imprisoned for not more than five years, or both.

**U.S. v. SALAZAR-MONTERO 520 F.Supp.2d 1079 (2007)**

**18 USC § 911 - Citizen of the United States**

Whoever falsely and willfully represents himself to be a citizen of the United States shall be fined under this title or imprisoned not more than three years, or both. **United States v. Lepowitch - 318 U.S. 702 (1943)** “the purpose of the statute was ‘to maintain the general good repute and dignity of the [government] service itself,’” **US. V Ramirez, 635 F.3d 249 (6<sup>th</sup> Cir. 2011)**

During Watergate over 30 corrupt high ranked governmental officials were indicted and convicted and went to prison. ObamaForgeryGate is much bigger than Watergate, as a number of corrupt high ranked governmental officials, corrupt US attorneys and corrupt judges are complicit in the biggest case of elections fraud, forgery and high treason in the history of the United States of America.

Judges of the panel made a clear error of law and fact and abused their judicial discretion. Their ruling did not provide for any law or precedent, which would state that one has an expectation of privacy in using a Social Security number that he stole from another individual. The judges of the panel did not provide any explanation or reasoning for their decision, stating that there is no public interest in knowing whether we have an individual, who is using a stolen Social Security number as a basis for his legitimacy in the position of the President of the United States. This decision actually makes judges Rogers, Griffith and Kavanaugh

criminally complicit in the biggest case of Social Security fraud, elections fraud, forgery and treason. It is important that the full court en banc reverses this decision.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'Orly Taitz', written over a horizontal line.

/s/ Dr. Orly Taitz, ESQ

05.31.2012

I, Yulia Yun, am not a party to this case and attest that a true and correct copy of above pleadings was served on the Appellee by first class mail by serving his attorney, assistant US attorney Helen Gilbert.

A handwritten signature in black ink, appearing to read 'Yulia Yun', with a long, sweeping horizontal stroke extending to the right.

Yulia Yun

05.31.2012