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**IN THE US DISTRICT COURT**

**FOR THE DISTRICT OF MARYLAND**

Dr. Orly Taitz, ESQ

) Civil Action 13-cv-1878

Plaintiff

)Hon. Ellen Lipton Hollander

v

) Presiding

Carolyn Colvin,

)

in her official capacity as Acting Director

)

of Social Security Administration

)

**Motion for reconsideration under Rule 60 b(1), 60 b(3) 60 b(5) and 59 (a-e)**

**RULE 60. RELIEF FROM A JUDGMENT OR ORDER**

(a) Corrections Based on Clerical Mistakes; Oversights and Omissions. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has

been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

#### Rule 59. New Trial; Altering or Amending a Judgment

(a) In General.

(1) *Grounds for New Trial*. The court may, on motion, grant a new trial on all or some of the issues—and to any party—as follows:



(A) after a jury trial, for any reason for which a new trial has heretofore been granted in an action at law in federal court; or

(B) after a nonjury trial, for any reason for which a rehearing has heretofore been granted in a suit in equity in federal court.

(2) *Further Action After a Nonjury Trial.* After a nonjury trial, the court may, on motion for a new trial, open the judgment if one has been entered, take additional testimony, amend findings of fact and conclusions of law or make new ones, and direct the entry of a new judgment.

(b) Time to File a Motion for a New Trial. A motion for a new trial must be filed no later than 28 days after the entry of judgment.

(c) Time to Serve Affidavits. When a motion for a new trial is based on affidavits, they must be filed with the motion. The opposing party has 14 days after being served to file opposing affidavits. The court may permit reply affidavits.

(d) New Trial on the Court's Initiative or for Reasons Not in the Motion. No later than 28 days after the entry of judgment, the court, on its own, may order a new trial for any reason that would justify granting one on a party's motion. After giving the parties notice and an opportunity to be heard, the court may grant a timely motion for a new trial for a reason not stated in the motion. In either event, the court must specify the reasons in its order.

(e) Motion to Alter or Amend a Judgment. A motion to alter or amend a judgment must be filed no later than 28 days after the entry of the judgment.

### **STATEMENT OF FACTS**

On 05.13.2014 this court denied the Defendant's Motion to Dismiss, but granted Defendant's Motion for Summary Judgment. This court denied Plaintiff's motion for Summary Judgment, Plaintiff's request for Vaughn index and Plaintiff's motion requesting this court under 18 USC §3332 to forward to the Federal Grand Jury for the District of Maryland evidence of offenses against the criminal laws of the US, which was submitted to this court, namely offenses that were committed by Senior FOIA Officer Dawn Wiggins, Defendant, acting SSA Commissioner Carolyn Colvin and citizen of Indonesia Barry Soetoro, aka Barry Soebarkah, aka Barack Hussein Obama, currently occupying the position of the President of the United States. The gist of the case revolves around the refusal by the Social Security Administration to produce the SS-5, Social Security application for SSN xxx-xx-4425, Social Security application, for Harrison (Harry ) Bounel, which the SSA found on November 16, 2012 and refused to produce claiming privacy concerns. In 2013, when Plaintiff demanded the aforementioned SS-5, advising the SSA that the subject was born over 120 years ago and SSA is obligated to release the SS-5 under the 120 year rule, the SSA claimed that they cannot find the record. Importance of this case is in the fact that the Social Security number of this



individual born in 1890 and presumed to be deceased, was fraudulently assumed in 1980s by the citizen of Indonesia Barry Soetoro, aka Barry Soebarkah, aka Barack Hussein Obama, who is also using multiple other bogus IDs and who is currently occupying the position of the US President, which consequently represent the most serious threat to the US National security since the beginning of this nation.

The Motion for Summary Judgment was granted to the defendant, Acting Commissioner of the Social Security Carolyn Colvin after conflicting responses were provided by the same FOIA officer Dawn Wiggins. On November 16, 2012 Wiggins refused to release the SS-5, Social Security application of Harry (Harrison) Bounel, claiming consideration of privacy. In 2013 Plaintiff, Dr. Orly Taitz, submitted a FOIA request seeking SS-5 for the same Harry (Harrison) Bounel, advising the SSA that Bounel was born in 1890 and according to 120 year rule, his SS-5 is considered a record of an extremely aged individual and as such SSA is obligated to release the record and cannot claim an excuse of privacy. SSA did not respond and Taitz filed a legal action with this court. After the law suit was filed SSA responded by claiming that they cannot find records for Harry Bounel and sought a Summary Judgment in their favor due to alleged lack of records. Plaintiff Taitz responded by submitting this court a copy of the letter from the same FOIA officer Wiggins, where Wiggins previously refused to grant records due to privacy concerns. Taitz argued that if SSA did not have any records, they

would have responded that there are no records at all to begin with, they would not have claimed privacy as an excuse in November 16, 2012 response. The court granted Defendant's motion for summary judgment.

## **ARGUMENT**

### **The court erred in granting the Motion for Summary Judgment**

#### **Rule 56**

a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense — or the part of each claim or defense — on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court should state on the record the reasons for granting or denying the motion.

The court erred in deciding that there is no genuine dispute to any material fact.

1. There is a genuine dispute on whether the SS-5 for Harry Bounel exists and the defendant's own letter from November 16, 2012 shows that it exists.
2. The court erred in accepting the defendant's allegation that there is a policy where the SSA would state that the records cannot be released due to privacy when the records do not exist at all. No evidence such policy exists, this made up policy contradicts real official policies, contradicts the facts, alleged policy was manufactured in order to cover up fraud.



3. The court erred in accepting as true fraudulent statements regarding the release of documents.
4. The court erred deciding that there are no records for Vaughn index
5. The court erred in deciding that it has no jurisdiction to forward the evidence to Federal Grand Jury under 18 USC §3332
6. The court erred in deciding to accept as true the allegations by the defense without taking into consideration the mountain of evidence provided by plaintiff.
7. The court erred in giving credence to the third amended declaration of Dawn Wiggins which conflicts with her prior declarations and letters.

The court erred in not considering September 19, 2013 FOIA request which went unanswered.

**This court made an error of fact and law and the decision needs to be overturned for the following reasons:**

**RULING ON MOTION FOR SUMMARY JUDGMENT SHOULD BE REVERSED AS IT WAS BASED ON FLAGRANTLY FRAUDULENT STATEMENTS BY THE DEFENSE Rule 60 b(3)**

1. Fraud -count 1 the court erred in relying on a flagrantly fraudulent statement by the defense:

Defense writes: "... SSA may only disclose information if SSA records indicate the individual is deceased or the requester provides proof of death or consent" Motion EX C ¶9" ECF 32 p11.

"SSA may only release personal information with written consent of the social security number holder or if FOIA requires disclosure. *See* Wiggins Declaration ¶ 9; *see also* 5 U.S.C. § 552a(b); 20 C.F.R. §§ 401.100, 402.15, 402.45. As mentioned in Plaintiff's Complaint, SSA also will release personal information if the social security number holder is deceased and SSA has acceptable proof of death.<sup>4</sup> *See* 20 C.F.R. § 401.190" ECF 7

This is a flagrantly fraudulent statement, as per 120 year rule SSA has to release records of individuals, who are 120 or older, even if they are not deceased and there is no proof of death or consent. Subject of the current search, Harry Bounel, was born in 1890 and SSA had no right to refuse release due to privacy, which SSA wrongfully claimed on November 16, 2012. Further, evidence of fraud is a rebuttal to the presumption of truthfulness and good faith, which is usually awarded to the agency.

"Further, the census provided by Plaintiff is practically illegible and does not provide affirmative proof of death. Consequently, even if SSA had located records



for Mr. Bounel, SSA would not disclose information about Mr. Bounel to Plaintiff unless SSA's records reflect he is deceased". ECF 12 p8

This statement by the defense contradicts the very finding by this court which states :

"Social Security Administration, Freedom of Information Act website, *available at* [http:// http://socialsecurity.gov/foia/request.html#a0=0](http://socialsecurity.gov/foia/request.html#a0=0). Proof of death is not required in one circumstance, however. Under the 120-year rule, SSA presumes dead anyone born more than 120 years prior to the date of the FOIA request. Thus, SSA *will* release information about the subject of a FOIA request, without proof of death, if the individual was born more than 120 years ago. *Id.*" *ECF 36 Order by Hon Ellen Hollander*

So, Defendant admitted in her own pleadings that she used a fraudulent policy and denied records based on this fraudulent policy, claiming that records will not be provided without the proof of death, even though the 120 year rule obligates her to release records of individuals born 120 year ago or earlier even without the proof of death.

Defendant, Acting Commissioner of SSA Carolyn Colvin admitted that she acted in a manner which is opposite to the rule cited by Judge Hollander, she states that she will not release the document without the proof of death, while Judge Hollander specifically states that the documents of individuals born 120 years prior

to the submission of FOIA request have to be released under the 120 year rule even without the proof of death.

Due to fraud in assertion of policy by the defense, ruling on MSJ should be reversed

## 2. Fraud -count 2

This court explains in its order, why did SSA write on November 16, 2012 that it would not release records of Bounel due to privacy if allegedly SSA does not have records at all. Hon. Ellen Hollander writes: "In other words SSA has a policy regarding FOIA requests for SS-5s when the requester provides only a name and SSN: Regardless of whether SSA is withholding records under a FOIA exemption or is simply unable to locate any matching records, SSA will send the same letter to the requester, notifying him or her the requested information would constitute an invasion of personal privacy". 05.16.2014 Memorandum order on a Motion for Summary Judgment. ECF 36

This assertion by the defense represents flagrant fraud, defense never provided any proof, any citation from the specific statute or rule, which supports such assertion, and it cannot be anything but flagrant fraud because if such policy were to exist, it would contradict existing real policies. Furthermore, this assertion is not even claimed in the declaration of the employee, Dawn Wiggins, which is the basis for MSJ, she claimed on November 16, 2012 that the release of Bounel's records



would violate privacy of an individual because the person who is the holder of the SSN is listed as alive in SSA records:

“SSA has consistently withheld information about the SSN Plaintiff asserts belongs to Mr. Bounel under FOIA exemption 6 and the Privacy Act. In addition, SSA has previously advised Plaintiff that SSA cannot disclose information about the SSN she assert belongs to Mr. Bounel because the individual holding the SSN is living”. ECF 12-2 Declaration of Dawn Wiggins of September 13, 2013.

Since SSA does not have Bounel’s death certificate in their death records, SSA has him listed as alive, as living and refusing to release his records under the privacy rule.

Senior FOIA officer Wiggins, who is a licensed attorney, never stated in her sworn declaration that SSA has a policy to lie to the public, to defraud the public and tell the public that they would not release someone’s records due to privacy if they do not have records for this person at all. This alleged policy to lie to the public does not exist in any rules and regulations and was not claimed in a sworn declaration.

120 year rule requires SSA to release the records of individuals born over 120 years ago. If SSA employees were to follow this made up rule, they would be in violation of real policies, it would clash with the existing real (not fabricated) rules, such as 120 year rule. Fraud is a basis for reversal of the ruling on MSJ and also

is a rebuttal for presumption of truthfulness that is typically extended by the courts to the agency.

**SEARCH FOR RECORDS WAS FLAGRANTLY DEFICIENT AND DID NOT COMPLY WITH GUIDELINES SET BY THIS VERY COURT IN ITS 12.13.2013 MEMORANDUM OPINION AND AS SUCH THE MOTION TO GRANT SUMMARY JUDGMENT SHOULD BE RECONSIDERED AND REVERSED**

On 12.13.2013 this very court wrote: “Here, defendant has offered the Declaration of Dawn S. Wiggins, who avers, ECF 12-2 ¶ 6: “SSA conducted a search of the Numident for a record that matched the information provided by Plaintiff but could not locate a record for Mr. Bounel.” Wiggins did not explain the manner in which the search was conducted, whether multiple searches were conducted using different combinations of the information provided by plaintiff (to ensure that a minor discrepancy in the information submitted by plaintiff did not sabotage the search), or any other details related to the thoroughness of her search.”

“Plaintiff’s claim that Mr. Bounel was born in 1890 is based on a United States Census record which, according to plaintiff, states that Mr. Bounel was 50 years old in 1940. *See* ECF 13-7. I note parenthetically that an individual who was 50 years old in 1940 could have been born in either 1889 or 1890. *id*



Instead of running the Numident for 1989-1990, the defense admitted that it ran the numident for different years: 1990-1994.

“Because Plaintiff did not provide a full date of birth, SSA performed a date range for any Numident records with dates of birth between January 1, 1890 and January 1, 1894.” Defense never explained why did they search in 1890-1894 when they were told By Judge Hollander to look between 1889-1890?

At any rate, by their own admission they used the wrong range, not the range of dates that they should have used based on 12.13.2013 order by Hon Ellen Hollander.

We still do not know what specific piece of information submitted with the 04.26.2013 FOIA request was different from the existing records for Harry Bounel and which triggered a change of response from “records will not be released due to privacy” as stated on November 16, 2012 (Exhibit 1 herein) to “We were unable to find any information for Mr Bounel **based on information you provided us. Mr. Bounel may have given different information on the application for a number**“, as stated in July 29 2013 response. ECF 7-3 (ex-Parte) filed 08.14.2013. (Exhibit 2 herein) As such this court should reverse its decision and order the defense to release SS-5 to xxx-xx-4425 and advise the court which specific piece of additional information triggered the change in the response by the defense.

**THE FACT THAT THE RECORD DID NOT EXIST ON July 29, 2013 DOES NOT MEAN THAT IT DID NOT EXIST ON NOVEMBER 16, 2012, WHEN IT WAS ORIGINALLY FOUND.**

Even if you were to believe that SSA did a reasonable search on July 29, 2013, when Wiggins wrote her response, it does not mean that there was no record on November 16, 2012, when the record was found but denied due to the consideration of privacy. There is a high likelihood that the record was either destroyed or falsified after it was found and existed on November 16, 2012, as Merlin Information systems previously found the records of Harrison (Harry) Bounel with SSN xxx-xx-4425 and SSN Locator Plus has found that xxx-xx-4425 was issued to someone born in 1890 and later used by someone born in 1961.

Defendant only claimed that the record was not found when the second search was done, it never claimed that the records did not exist earlier. Due to the fact that the record existed on November 16, 2012 and was wrongfully withheld, this court should order SSA to provide the original paper SS-5, which SSA has and admitted that it never even searched for the original records.

**THE RESPONSE FROM THE SSA DID NOT PROVIDE ANY REFERENCE TO ANY POLICY, ANY RULE OR EXECUTIVE ORDER.**



In the motion for Summary Judgment in response to the Second Amended Complaint (Hereinafter, "SAC"), defendants decided to make up a new policy, claiming that they originally claimed that they cannot release the records due to privacy, since their policy is such that they do not release records if the number does not match the name, even if the records do not exist at all.

Yet again, SSA did not provide the court with any reference to any statute or known policy which would substantiate their second story, their second excuse.

This court made an error in assuming that there is a law stating that the SSA should respond by claiming privacy when the records do not exist at all, as SSA never provided any reference to any such specific law. The court cannot consider fiction as law: it is an error of both fact and law. No such law exists, no such law was made available to the public, as such the first letter of November 16, 2012 stating that the records of Harry Bounel cannot be released due to the consideration of privacy, means that the records exist, and as such the original SS-5 has to be released under the 120 year rule.

**2. RESPONSE BY THE SSA PROVES THAT SS-5 FOR HARRY BOUNEL WITH SSA XXX-XX-4425 EXISTS, BUT ONLY MINOR DISCREANCY IN THE SECONDARY DATA CAUSED SSA TO CLAIM THAT THE DOCUMENTS DO NOT EXIST.**

As stated previously in order to cover up fraudulent use of xxx-xx-4425, SSA made up an excuse, which does not exist in any known rules and regulations, claiming that when the documents do not exist or when the name of the subject does not match the Social Security number provided, they give the same response – claiming that the SS-5 cannot be provided due to privacy in order not to reveal private information of someone else. However this response does not make any sense.

Social Security numbers contain 9 digits, meaning that there are nearly a billion numbers, actually one number short of a billion to be exact. For Social Security to claim that responding that there are no records for Harry Bounel with SSN xxx-xx-4425, would somehow reveal someone else's number is an insult to intelligence of every American. This court claimed that this alleged (but not authenticated policy) exists in order for criminals not to guess someone's Social Security number by submitting multiple requests. Considering that there are nearly a billion numbers, a person would have to submit a billion requests in order to guess someone's number by simple elimination. This makes absolutely no sense and no proof of such policy was ever provided.

Even if one were to believe this, still conflicting responses by the SSA would lead to a logical conclusion that there are records for Harry Bounel, but some



discrepancy in secondary information led SSA to claim in the second response that documents do not exist.

Supplemental Declaration of Dawn Wiggins ECF 12-2 filed 09/16/ 13 states

“3. On or about October 15, 2012, SSA received an internet FOIA request for the Social Security number (SSN) records of Harry Bounel, also known as, Harrison Bounel. Outside of name and gender, the only identifiable information provided to SSA with the October 15, 2012 FOIA request was an SSN. Plaintiff was not the requester in the October 15, 2012 FOIA request

4. SSA conducted a search of its Privacy Act system of records entitled the Master Files of Social Security Number Holders and SSN Applications (also known as the “Numident”), system No 60-0058 (published at 75F.R. 82121 (Dec, 2010) for the SSN records requested in the October 15, 2012 FIA request. However, because the October 15, 2012 FOIA request only provided Mr. Bounel’s name and an SSN, any information provided to the requester about SSA’s search would result in validation of the SSN. Consequently, on November 16 2012, when SSA responded to the October 15, 2012 FOIA request, SSA advised the requester that the Privacy Act of 1974 and FOIA exemption 6 restricts disclosure of the requested information. .

5. Plaintiff’s April 26, 2013 FOIA request provided several pieces of information that Plaintiff asserts are true about Mr. Bounel, including: (1) his name, (2) where

he immigrated from (3) his year of birth, (4) when he arrived in the united states, (5) where and when he received a SSN, and (6) his SSN. SSA conducted a search of the Numident for a record that matched the information provided but could not locate a record for Mr. Bounel. Because Plaintiff provided multiple pieces of identifying information with her FOIA request, SSA determined it could disclose to Plaintiff that no records were located because such disclosure would result not result in validation of the SSN provided by Plaintiff for Mr. Bounel.”

So, let's imagine that the defense is telling the truth and aforementioned policy exists, in this case we have two options:

- a. SSN xxx-xx-4425 was not assigned to Bounel,
- b. SSN xxx-xx-4425 was assigned to Bounel, but SSA is acting with malice and using a minor discrepancy in secondary data provided in the second request in order to justify refusal to provide the SS-5 of Bounel in order to aid and abet Barack Obama in committing Social Security fraud, identity theft and usurpation of the US presidency

So, let us examine option A. According to Merlyn Information Systems 2 individuals used SSN xxx-xx-4425: Harry Bounel and Barack Obama. So let's assume that even though E-Verify and SSNVS state that the number was never assigned to Barack Obama, let's assume it belonged to Obama.



October 15, 2012 request sought SS-5, Social Security application for Harry Bounel with SSN xxx-xx-4425. Second, April 26, 2013 request sought Social Security application for Harry Bounel with SSN xxx-xx-4425, but provided 4 additional pieces of secondary information : (1) that Harry immigrated from Russia, (2) that he arrived in the U.S. in 1912, (3) that he was born in 1890 and (4) that the SSN was issued in Connecticut in and around March 28, 1977. SSA stated that **the first request would result in validation of the SSN** and for that reason they stated that they **cannot provide it due to privacy** and the **second request will no longer validate SSN**, meaning it will no longer reveal the identity of the SSN holder and for that reason the second time around they stated that **the records do not exist**. So, let's take the first piece of additional information, the fact that Harry came from Russia. How does the fact that Harry arrived from Russia would change anything in validation of another individual? If the SSN was issued to Obama or anyone else for that matter, to John Doe or Joe Shmo, the fact that Harry Bounel arrived from somewhere in Russia and not Timbuktu or Katmandu or anywhere else on the face of this planet would not change a thing and should trigger the same response from the Senior FOIA officer Dawn Wiggins. Based on the policy SSA claims to have the response from Wiggins from November 16, 2012 and her response from July 29, 2013 would be identical, and they were not.

Next, let's take the second secondary piece of information, the fact that Harry Bounel immigrated to the US in 1912. How does the fact that Harry arrived from Russia in 1912 change anything in identification of Obama and validation of the SSN, if indeed it was assigned to Obama? If indeed, SSN xxx-xx-4425 was issued to Obama and not Bounel, then the fact that Harry Bounel immigrated in 1912 and not 1913 or any other time would not make any difference in the response from the SSA from November 16, 2013 and July 29, 2013.

Same goes for the other pieces of information, such as date of birth and the date and place where the SSN was issued.

b. Now, let's examine option B, namely that SSN xxx-xx-4425 was indeed issued to Harry Bounel. Now, in the second scenario, the difference between the two responses makes sense in that a minor discrepancy between the records would lead the SSA claim that the record does not exist. For example, the date of immigration of 1912. If SSA has a different date of immigration, then they can respond that they have no record and it would explain the difference between the November 16, 2012 letter and July 29, 2013 letter from Wiggins. Similarly, in the FOIA request Taitz wrote that the SSN was issued in and around March 28, 1977. If the date of issuance of the SSN was different, then SSA will provide a different response. So, even if one were to believe the reasoning by the SSA, the difference between November 16, 2012 and July, 28, 2013 (ECF 7-2 filed by defense ex parte



08/14/13) leads to only one logical conclusion, namely that the SSN xxx-xx-4425 was indeed issued to Harry Bounel but minor discrepancy in one or more of the four additional pieces of secondary information caused SSN to provide different responses on November 16, 2012 and August 28, 2013.

So, not only the court needs to reconsider it's decision and order release of the SS- for SSN xxx-xx-4425, the court has to demand from the SSA a specific explanation, what secondary information caused SSA to change its response from "documents cannot be provided due to privacy" and the second response that "the documents do not exist".

**3. SSA'S OWN REPLY FROM 03.02. 14 SHOWS THAT THERE IS A GENUINE UNRESOLVED QUESTION OF FACT, WHICH CALLS FOR A DISCOVERY AND THE CASE CANNOT BE DISMISSED WITH A MOTION FOR SUMMARY JUDGMENT**

In 03.02.14 reply SSA states: "...the declaration further explains that the Numident is a numerically ordered electronic database containing records of each person who has applied for the SSN, **there is one Numident record for each SSN ever issued**" ECF 32 p9. However the complaint provides competent evidence showing that there are two individuals using the same SSN xxx-xx-4425. Affidavit of Susan Daniels and affidavit of Albert Hendershot provide authenticated excerpts from the national databases, which show that there are two individuals using the same SSN

xxx-xx-4425. It is important that Daniels and Hendershot used different databases, which provided the same results. Daniels used “SSN Verifier Plus”, which showed that SSN xxx-xx-4425 was used by an individual born in 1890 and an individual born in 1961. Hendershot used Merlyn Information Systems, which showed that SSN xxx-xx-4425 was used by Harry Bounel and by Barack Obama. This situation can happen when there is Social Security fraud and identity theft and when the numident, Social Security electronic record was changed. In this case databases would show two individuals using the same number.

Further defense stated: ” **The FOIA requires agencies to conduct a search that is reasonably calculated to uncover all relevant documents**” *Weisberg v United Dep’t of justice*, 705 F 2d 1344,1351 (DCCir 1983). ECF 32 p8.

So when the SSA and the Department of Justice, representing them, saw that there is evidence of a change in the Numident, electronic record, which allowed Obama to use the SSN of Bounel, SSA had a duty, **based on their own admission**, to examine the original paper record to establish, who was the original rightful owner of the SSN xxx-xx-4425. They never did that. So, by her own admission defendant did not fulfill FOIA requirement to conduct a search that is reasonably calculated to uncover all relevant documents. SSA did not even search for the original paper record.



SSA does not state that they did not find the original application of Bounel, they are admitting that they never even looked, even though obligated to do so and even though they had ample evidence of identity theft and falsification of the electronic record.

Further, SSA admitted in their own reply that SSA requires them to search paper records. “the FOIA defines

search” as “to review manually or by automatic means, agency records for the purpose of locating those records which are responsive to the request” 5 U.S.C. §552(a)(3)(D). **The FOIA does require an agency to search paper records.**

**Id**” The defense states that “FOIA does not require agencies to conduct unreasonably burdensome searches of records” ECF 32, p8. So, was this request “unreasonably burdensome?”. Some FOIA requests seek thousands of records, some seek hundreds of records, but Taitz did not seek thousands or hundreds or even dozens of records: she sought only one and only single record: original paper application for SSN xxx-xx-4425, which was filed with the records for the state of Connecticut right after the application xxx-xx-4424 for Thomas Woods. It would have taken Commissioner Colvin only 5 minutes to pull this record. How could Commissioner of Social Security Carolyn Colvin claim that it would be “unreasonably burdensome” for her to pull one single record, when she has in front of her evidence that this particular number for Harry Bounel was later fraudulently

used by Barack Obama and is used to commit the most serious fraud in the US history and the usurpation of the U.S. Presidency? **Not only this was not “unreasonably burdensome” for her to pull this one and only original paper application, this is criminal and treasonous for her not to do so.** This court flagrantly erred and misinterpreted the facts. Clear evidence showed that there was falsification of the computer records and the **paper records were never even searched.** As such, this court should order the SSA to pull the paper record for xxx-xx-4425.

**4. THE COURT ERRED IN GIVING THE COMMISSIONER OF SSA COLVIN PRESUMPTION OF TRUTHFULNESS, WHILE COMPLETELY IGNORING ALL THE EXTENSIVE EVIDENCE OF FRAUD PRESENTED IN THIS CASE, WHICH PROVIDED A REBUTTAL TO THE PRESUMPTION**

Presumption of truth given to the defendant, Commissioner Carolyn Colvin, was rebutted by the evidence provided by the plaintiff and as such Motion for Summary Judgment was granted in error and has to be reversed:

1. The court erred in ignoring sworn affidavit from Investigator Albert Hendershot showing that according to Merlin Information systems database only two individuals in the nation used the same Connecticut Social Security number: Harry Bounel and Barack Obama



2. Dead people, who were born over 120 years ago do not steal Social Security numbers of young individuals. Young individuals, who are in this country illegally or ones who are running various schemes and Social Security fraud, are using Social Security numbers of individuals who were born years ago and who are presumed to be dead. For this reason it is likely that the Social Security of Bounel was illegally adopted by Obama and a criminally complicit employee of the Social Security administration made the change in the computer database. For that reason the computer database cannot be used and there is a need to proceed to discovery and examine the original application to the Connecticut Social security number xxx-xx-4425, which was filed out by Bounel.
3. It is likely that Bounel who lived in New York 1935-1940 according to census, moved to the nearby Connecticut. There is no evidence of Obama ever residing in Connecticut. As a matter of fact, Obama biography shows that he never resided in Connecticut and in 1977, when the application for the SSN xxx-xx-4425 was submitted and the number was issued, Obama resided in Hawaii, was a 16 year old high school student in Honolulu, Hawaii, nowhere near Connecticut. This is yet another piece of information pointing to the fact that Obama illegally assumed Bounel's Social Security number

and the court erred in not taking this into consideration and granting a motion for Summary Judgment .

4. The court erred in not taking into consideration the fact that Obama posted his tax returns and failed SSNVS, Second amended Complaint (SAC ECF 20-5) . SSNVS is an official agency of the US government verifying Social Security fraud, which identifies illegal aliens and others using stolen Social Security numbers. Obama himself posted the Social Security number he is using on WhiteHouse.gov. Even though subsequently he realized the mistake and redacted the number, it became common knowledge. The fact that SSNVS showed that the number in question was never assigned to Obama, shows that indeed among two individuals, who used the SSN xxx-xx-4425, Bounel was the rightful owner and Obama fraudulently assumed his number and the computer record, Numident cannot be used, the original SS-5, SSN application card has to be retrieved from the vault and examined, as all the evidence shows that the card was filled up for Harry Bounel, born in 1890 and the computer record, Numident, was subsequently changed. It shows that the court erred in issuing a summary judgment and discovery has to proceed. If Honorable Ellen Hollander does not reverse her order, she will become complicit to the cover up of the Social Security fraud, identity theft and treason due to the usurpation of the US Presidency by a foreign national,



citizen of Indonesia using a stolen Connecticut Social Security number of Harry Bounel and fabricated IDs.

5. The court erred in not taking into consideration the fact that Obama posted his tax returns and failed E-Verify. Plaintiff submitted Exhibit 2, Second Amended Complaint (ECF 20-4), sworn affidavit of researcher Linda Jordan, showing that Barack Obama failed E-Verify and is using a Social Security number xxx-xx-4425, which was not assigned to him. E-Verify is an official agency of the US government verifying Social Security numbers and exposing SSN fraud, which identifies illegal aliens and others using stolen Social Security numbers. Obama himself posted the Social Security number he is using on WhiteHouse.gov. Even though subsequently he realized the mistake and redacted the number, it became common knowledge. The fact that SSNVS showed that the number in question was never assigned to Obama, shows that indeed among two individuals, who used the SSN xxx-xx-4425, Bounel was the rightful owner and Obama fraudulently assumed his number and the computer record, Numident cannot be used, the original SS-5, SSN application card has to be retrieved from the vault and examined, as all the evidence shows that the card was filled up for Harry Bounel, born in 1890 and the computer record, Numident, was subsequently changed. It shows that the court erred in issuing a summary judgment and discovery has

to proceed. If Honorable Ellen Hollander does not reverse her order, she will become complicit in the cover up of the Social Security fraud, identity theft and treason due to the usurpation of the US Presidency by a foreign national, citizen of Indonesia using a stolen Connecticut Social Security number of Harry Bounel and fabricated IDs.

6. The Court erred in not considering a sworn affidavit of investigator Albert Hendershot, ECF 20-6, who attested to the fact that in Merlin information system both Harry Bounel and Barack Obama are listed as using the same SSN xxx-xx-4425. He testified that the latest change in the database of Harry Bounel was by Michelle Obama in and around November 2009 and she is listed as a relative of Harry Bounel, which suggests an effort of cover up which took place in 2009, when it became known from the investigation by Neil Sankey and Susan Daniels that Obama used a SSN xxx-xx-4425, which according to a number of databases was issued to an individual born in 1890. Harry Bounel was this individual.
7. The court erred in refusing to consider the sworn affidavit of former intelligence officer Captain Pamela Barnett, who authenticated a FOIA response received by her from the state department, which stated that Barack Obama's legal last name in his mother's passport records was "Soebarkah", (ECF 20-8), which shows a pattern of fraud in multiple IDs for Obama and



shows that indeed it is more likely that SSN xxx-xx-4425 was issued to Harry Bounel and later was illegally used by Obama.

8. The court erred in not considering a sworn affidavit of a licensed investigator Susan Daniels, who attested that in national databases Obama's name is linked to a number of Social Security numbers, among them the Social Security number of a deceased Lucille Ballantyne. (Ballantyne's son, Harry C. Ballantyne worked as a chief SSA actuary, had access to records and is suspected of being an individual who was involved in the falsification of records). Additionally, Investigator Daniels provided a page from "SSN Verifier Plus" official database, which shows that xxx-xx-4425 was issued in Connecticut and is associated in this national database with the date of birth 1890 and 1961. Clearly someone born in 1890 did not steal the Social Security number of someone born in 1961 (ECF 20-7).
9. Hon Judge Hollander erred in ignoring the sworn affidavit of John Sampson, Senior Deportation officer, who attested that there is no legitimate reason for Obama to have a Connecticut Social Security number, as Obama was never a resident of Connecticut and never had any connection to Connecticut. Taking into consideration that in multiple national databases it shows that two people used SSN xxx-xx-4425: Harry Bounel and Barack Obama, this is an additional piece of evidence that shows that Judge Hollander was wrong is

assuming that the government is telling the truth in the second letter, claiming that they can no longer find records of Harry Bounel, all of the above evidence is a rebuttal to this presumption and shows that the case should go to trial, to be heard on the merits and this court should order release of the SS-5, application t the SSN xxx-xx-4425. SAC ECF 20-8

10. This court erred in completely ignoring a sworn affidavit of Stephen Jeffrey Coffman, high ranking government official, former chief investigator of the Special Investigations unit of the U.S. Coast Guard, who attested under the penalty of perjury that Barack Obama's Selective Service Certificate is a forgery and it contains a fabricated USPS cancellation 1980 stamp SAC ECF 20-9. This evidence shows a pattern of use of fabricated IDs by Barack Obama and the court had to consider this as a rebuttal in the case at hand, as there is a high likelihood or actually certainty that Barack Obama is using a fabricated Social Security card, which was originally issued to Harry Bounel and high ranking SSA officials and US Attorney representing them are committing treason and are complicit in the Social Security fraud and identity theft. Refusal to reconsider the decision at hand will make Hon Ellen Hollander complicit.
11. The court erred in not considering the affidavit of Timothy Adams, assistant clerk for the City and County of Honolulu, attesting to the fact that there is no



birth certificate for Obama in any hospital in Honolulu, which is yet additional piece of evidence of massive fraud of IDs for Obama which adds to the likelihood that indeed Obama is using the SSN of Bounel. ECF 20-11

12. The court erred in not considering transcript from the session of the Republic of Kenya, where minister of Health James Orenga stated that Obama was born in Kenya, which is yet another piece of evidence showing fraud in Obama's IDs, which adds strength to the rebuttal of the statement by the defense. ECF 20-12

13. The court erred in not considering exhibit 20-13 to SAC, autobiography, which Obama submitted to his publisher Acton & Dystal, where he stated that he was "born in Kenya and raised in Indonesia". This biography was posted on the official website of the publisher for 16 years, from 1991 till 2007, when Obama decided to run for the U.S. President and suddenly needed to become "natural born citizen". This is yet another piece of evidence, showing massive fraud in IDs, which points to the fact that Barack Obama indeed fraudulently issued SSN of Harry Bounel and the court should order the release of the SS-5 for xxx-xx-4425 and examination of this SS-5 by experts.

14. The court erred in not considering the sworn affidavits of Felichito Papa and Douglas Vogt, who attested to multiple signs of forgery in the alleged copy of

the alleged birth certificate of Barack Obama, which show the pattern of fraud and forgery in multiple IDs of Obama. (ECF 20-14, 20-15)

15. This court erred in not considering an article and affidavit by typewriting and typesetting expert with 50 years of experience, Paul Irely, where he vividly showed that Barack Obama's alleged copy of the alleged birth certificate is a laughable forgery with letters and numbers of multiple different fonts. This evidence related to fraud in multiple fraudulent IDs for Obama and high likelihood of Obama indeed using the stolen SSN of Harry Bounel and the need for this court to reconsider its decision on Summary Judgment and order discovery. ECF 20-16.

16. The court erred in not considering the sworn declaration of Charles Combs, typesetting expert with 34 years of experience, who attested to the fact that alleged copy of the alleged birth certificate for Obama is a forgery and it shows a pattern of fraud and forgery in Obama's IDs and a need to go to discovery and examine the original SS-5 for SSN xxx-xx-4425. ECF 20-17.

17. The court erred in not considering a sworn affidavit of Sheriff Joe Arpaio of Maricopa county Arizona stating

“Upon close examination of the evidence, it is my belief that forgery and fraud was



likely committed in key identity documents including President Obama's long form birth certificate, his Selective Service Registration card, and his Social Security number." ECF 20-18

8. This court erred in not taking into consideration Barack Obama's school registration from Jakarta, Indonesia, which showed that his legal last name is Barry Soetoro and his citizenship is Indonesian, which showed the motive for him to use stolen SSN of Harry Bounel, which means that discovery is necessary to ascertain whether the SS-5 for SSN xxx-xx-4425 was indeed assigned to Harry Bounel and the defendant is committing fraud and treason by claiming that the document cannot be found. ECF 20-19
9. This court erred in not taking into consideration exhibit ECF 20-20, which shows forgery and falsification of the NARA immigration records for August 1961, when Obama and his mother Stanley Ann Dunham allegedly arrived in the US, which shows a high likelihood of a similar falsification of the Social Security records.
10. This court erred in not taking into consideration Exhibit ECF 20-21, which shows that the Chairman of the Democratic Party of Hawaii Brian Schatz and Secretary Lynn Matusow falsified the Official Certification of Nomination and removed the wording " Legally qualified to serve under the provisions of the U.S. constitution" in order to "qualify" unqualified Obama. Similarly

there is a high likelihood of egregious falsification of the Social Security records and fraud by the defendant and FOIA officer Dawn Wiggins, in order to cover up falsification of the SS-5 of Harry Bounel in order to provide aid and comfort to Obama.

11. This court erred in not taking into consideration fraud committed by Obama in his registration as an attorney in Illinois and hiding two of his prior identities under the last names of Soetoro and Soebarkah. This is an additional evidence of a motive and a need to commit Social Security fraud and identity theft and use a stolen Social Security of Bounel. ECF 20-23
12. This court erred in not considering fraud committed by Obama in his account of his college records in his claims that he studied for two years in Columbia University while ECF 20-24 showed that he attended Columbia just for nine months. This is yet another piece of evidence showing massive fraud.
13. This court erred in ignoring exhibit ECF-25, which shows more fraud in Obama's official biography, where he states that he moved to Indonesia in 1967, while his school pictures show that Barack Obama resided in Hawaii until 1969 and a completely different young man, Barry Soetoro, resided in Indonesia from between 1967 and 1969. There is a high likelihood that Barry Soetoro returned to the US in 1971.



14. This court erred in ignoring glaring inconsistencies in a report of death of Loretta Fuddy, director of Health of Hawaii, the only person in the nation, who allegedly saw and verified Obama's long form birth certificate and a high likelihood of murder of Loretta Fuddy in order to tie loose ends.

15. The court erred in failing to consider the motive for either destroying evidence or falsifying evidence.

If the plaintiff challenges the nature and extent of an agency's search for responsive documents, the agency "must demonstrate beyond material doubt that the search was reasonable." *Kowalczyk*, 73 F.3d at 388. All of the evidence provided by the plaintiff provided material doubt and search of the Numident only is not sufficient, this court is obligated to order the defendant **to provide the paper record, the original application for SSN xxx-xx-4425, as all the evidence shows that the electronic record was changed and only the original paper record can resolve the material doubt.** Based on all of the above this court erred in giving a presumption of truthfulness to the third sworn affidavit proffered by the agency, where the agency stated that it could not locate records for Bounel and refusing to give the same presumption of truthfulness to all the other government records and sworn affidavits of government officials listed above and submitted with the Second Amended Complaint and other documents. Even if this court were to believe that the mountain of evidence provided by the plaintiff was not sufficient in

order to grant a Motion for Summary Judgment in favor of the plaintiff, it was clearly sufficient for a rebuttal and showing that there is a genuine question of triable fact whether the SS-5 for xxx-xx-4425 was issued to Barack Obama or was issued to Harry Bounel and the number later was fraudulently assumed by Obama and the claim of lack of record is a flagrantly fraudulent statement made to the court by the defendant and her representative Dawn Wiggins, who is criminally complicit in the cover up of fraud, forgery, Social Security fraud, identity theft and treason.

**5. THIS COURT ERRED IN RULING THAT THERE IS NO TRIABLE QUESTION OF FACT OR LAW BASED ON ONE UNSUPPORTED STATEMENT OF AN OFFICIAL, WHICH REPRESENTS A DOUBLE LAYER OF HEARSAY, PRESENTED AFTER THREE CHANGES OF THE STATEMENT, WHILE DISREGARDING OTHER CONFLICTING STATEMENTS BY THIS OFFICIAL AND ALL THE CONFLICTING RECORDS PROVIDED BY THE PLAINTIFF.**

Plaintiff provided this court with ample evidence, including November 2012 letter from SSA, showing that SSA has SS-5, original application for SSN for Harry Bounel, which is xxx-xx-4425, as reflected in the Merlin Information Systems database ECF 20-6.



Against evidence provided by the plaintiff, defense provided only two conflicted statements by one employee of the SSA, Dawn Wiggins, who based her statement on the Numident, which is not even a document, but a list of Social Security numbers and corresponding information, which were manually entered into the computer database. Computer entry is notorious for errors at the very least, could have been changed, as multiple high ranking employees were appointed by Barack Obama and had a motive to either change or destroy records to aid and abet Obama. As a matter of fact, in this very court, in this very case, the clerk of the US District Court for the state of Maryland deleted pleadings and documents from the record and the plaintiff had to lodge a complaint and demand the records to be re-entered and this court had to order the documents posted back on the record. Additionally the clerk of the court wrongfully refused to docket reply to the opposition. ( ECF 34.) Though Hon Judge Hollander tried to be diplomatic towards her own employees in stating that Plaintiff could not see documents in docket entry ECF 7 and the court contacted the clerk's office and the problem was resolved, in reality not just the plaintiff could not see the records, the whole nation could not see the records in this very case, in this very court, because the records ECF 7 were simply deleted by someone in the clerk's office and later reposted after the complaint by the plaintiff. This has been a common occurrence in multiple courts in cases dealing with Obama and the plaintiff had to go through a



total nightmare for five years now in trying to preserve the records, particularly for historic posterity as sooner or later this fraud will be prosecuted, just as the Watergate was. There had to be an administrative hearing by this court and investigation to ascertain the name of the employee who deleted the records in this very case and the name of the government official who told the clerk to do so. So far the matter of falsification of records in this very court has not been investigated and has not been resolved, identity of individuals involved has not been provided.

So, Hon Judge Hollander knows firsthand that the clerks and other government employees at times either make errors in entering records in computer database or falsifying records. If the records of this case could disappear in this very court, how can Honorable Judge Hollander even suggest that this cannot happen at SSA, when all the voluminous evidence in the case shows fraud and falsification of the original SSA records of Harry Bounel in order to create a bogus record for the citizen of Indonesia Barry Soetoro, aka Barry Soebarkah, aka Barack Hussein Obama. At the very minimum the third modified declaration by SSA FOIA officer Dawn Wiggins represents a double layer hearsay and the plaintiff provided a valid rebuttal, which shows that this statement is either flagrantly fraudulent or Wiggins is relying on falsified records or some type of minor discrepancy. This warrants reconsideration and denial of the Summary Judgment in favor of the defendant and



discovery and the order by this court to produce SS-5 for xxx-xx-4425 to ascertain if indeed it was assigned to Harry Bounel and the SSA is covering up this fact.

By refusing to reconsider and produce SS- for xxx-xx-4425 which, according to Merlin information systems, was assigned to Harry (Harrison) Bounel, this court will under the color of authority, under 18US §242 deprive the whole nation, all 320 million of U.S. citizens of their civil rights to live in a nation governed by law and Constitution with Constitutionally eligible president, as evidence provided in this case shows that Barack Obama has fraudulently assumed Social Security number xxx-xx-4425 of Harry Bounel. Due to the refusal of this court to order the defense production of the original application, in spite of evidence of falsification of records, the court is depriving US Citizens of their right to a constitutional government and they are under the usurpation.

**6. THE COURT ERRED IN NOT CONSIDERING 09.17.2013 FOIA REQUEST FOR SS-5 FOR HARRY BOUNEL**

As stated :

1. On November 16 2012 SSA refused request for records of Harry Bounel due to alleged privacy concerns of the subject
2. On 08. SSA refused to produced records claiming that additional secondary information led the SSA to conclude that they have no records

3. 08.08.2013 request was sent appealing refusal to produce records due to minor discrepancy and on 08.08.2013 plaintiff sought for SS-5 of Harry Bounel without any secondary information. This request went unanswered and in the pleadings the SSA claimed that the defendant did not respond due to the fact that it was an appeal and the case was already in court.
4. On 09.17.2013 Taitz submitted the fourth FOIA request for SS-5 of Harry Bounel. This time it was a request for records of Harry Bounel without any secondary information. Additionally it was not fashioned as an appeal, but rather as a new FOIA request. ECF 35-4 p4 out of 5. At this time SSA ran out of excuses and did not respond at all.
5. This court should order SSA to respond to the FOIA request from 09.17.2013 and produce SS-5 of Harry Bounel without any secondary information which might contain a discrepancy.

**6. THE COURT ERRED IN GRANTING THE SUMMARY JUDGMENT AND MAKING A PRESUMPTION THAT THE DEFENDANTS, EMPLOYEES OF THE FEDERAL GOVERNMENT ARE TELLING THE TRUTH, WHILE REFUSING TO TAKE INTO CONSIDERATION MOUNTING EVIDENCE OF MASSIVE CORRUPTION, FALSIFICATION OF RECORDS AND FRAUD IN MULTIPLE AGENCIES OF THE**



**FEDERAL GOVERNMENT, PARTICULARLY NOW, DURING OBAMA ADMINISTRATION.**

Fast and Furious investigation revealed that Department of Justice engaged in gun trafficking to drug cartels in Mexico, while knowing that the cartels are linked to dangerous terrorist organizations. Attorney General Eric Holder was found to be in contempt of the US Congress and currently the US Congress is suing Attorney General Holder and seeking a court order from Federal Judge Amy Berman to order Holder to release "Fast and Furious" documents.

Recent VA scandal revealed that employees of the Veteran's Affairs and VA hospitals routinely falsified records of requests for treatment and as a result as many as 40 veterans died due to lack of treatment.

IRS scandal revealed that high ranking IRS officials engaged in persecution of Tea Party members and refused to grant legitimate nonprofit status for years. At the same time the manager of the non-profit organizations department, Lois Lerner, who led this effort to delay the nonprofit status to conservatives, granted a non-profit status to a questionable charity, which was headed by Obama's Kenyan half-brother, Malik Obama, she provided a non-profit status for him within three weeks and authorized his application reportedly by going in on Sunday and back dating the application from this "charity", which was operated from a POBox.

One will be hard pressed to find a single agency in Obama administration, which was not engulfed in scandals involving fraud and falsification of records. So, not only the evidence in this case, but the surrounding scandals show mounting evidence of fraud and falsification of official government records by different officials of Obama administration. This is yet another consideration in that the court erred in giving the presumption of truth to the double hearsay proffered by FOIA officer Wiggins, who changed her response and declaration three times. This presumption was erroneously given without considering the evidence in rebuttal.

**7. THE COURT ERRED IN REFUSING TO FORWARD THE EVIDENCE OF SOCIAL SECURITY FRAUD AND IDENTITY THEFT AND USE OF SSN OF BOUNEL BY OBAMA TO THE FEDERAL GRAND JURY under 18 USC §3332**

So, we are seeing a pattern of fraud and falsification of records by high ranking officials in multiple agencies of the US government. We have seen in this case ample evidence of the cover up by the SSA officials of the fact that Barack Obama is fraudulently using a Social Security number which according to SSNVS and E-Verify was never assigned to him and which according to Merlin Information systems and <http://www.axciom.com/> identity solutions database was assigned to Harry (Harrison Bounel), as well as his use of other fabricated IDs, such as Selective Service certificate and birth certificate (Exhibits 1-23 Second Amended



Complaint ECF 1-23) . Plaintiff requested this court to forward this evidence to the Federal Grand jury under USC 18§332, which states: **(a)** It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury **BY THE COURT** “emphasis added.

In her memorandum opinion Hon Ellen Hollander questioned whether she has jurisdiction and stated that she will not forward this evidence to the grand jury, even if she has the power and jurisdiction to do so under 18 USC 3332, because we have able prosecutors and they can do it.

First, 18 USC 3332 in itself provides jurisdiction to the federal judge to forward to the Federal Grand Jury: **(a)** It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury **BY THE COURT** “emphasis added. SSA headquarters are located in the US District of Maryland and Hon Ellen Hollander clearly has jurisdiction to forward to the Federal Grand Jury evidence of offenses against the criminal laws that were committed in the District of Maryland pursuant to 18§3332. Similarly, she can forward the aforementioned evidence to the US attorney who is representing the

defendants in this case or the US attorney Rosenstein the evidence of aforementioned crimes to be forwarded to the grand jury.

Further, in her 03.10.2014 reply to the opposition Taitz provided a precedent for such referral: *In the Matter of In re GRAND JURY APPLICATION*. No. 85 Crv. 2235 (VLB) US DC for the SD of NY.

Hon Judge Hollander missed the most important point: our prosecutors, from US Attorney to Attorney General might be able, but they are not willing to uphold their oath of office to protect and defend the US Constitution, they are criminally complicit in the cover up. Plaintiff Taitz provided all the information to the Attorney General Eric Holder, as well as the U.S. Attorneys' office. Attorney General and US attorneys are all Obama's appointees and are refusing to take action and are de facto committing treason against the United States of America and are covering up the usurpation of the US Presidency by a citizen of Indonesia, who is using a stolen Social Security number, which was traced to Harry Bounel and using all fabricated IDs. In this situation the right of Hon Ellen Hollander to forward this information to the grand Jury rises to the level of duty, as not doing so, will make her complicit in the cover up of all the ample evidence of Obama's use of fabricated IDs, invalid Social Security number and usurpation of the US Presidency by a citizen of Indonesia using fabricated IDs. In this situation, not proceeding to discovery and not ordering the SS-5, original application to the



Social Security and not allowing expert investigation of the matter would be tantamount to treason and complicity to the most egregious identity theft and Social Security fraud in the US history.

We know that during Watergate over thirty officials of Nixon administration including Attorney General John Mitchell went to prison for crimes which included fraud and obstruction of justice. So, what is the difference between Watergate and Obamagate? The main difference is that during Watergate and ObamaForgeryGate or ObamaIDgate, or ObamaSSNgate top echelons in the US Department of Justice and Judiciary followed their oath of office to protect and defend the US Constitution and were not complicit in the cover up. Attorney General Elliott Richardson appointed a special prosecutor Archibold Cox and later Leon Jaworski . Judge Joseph Sirica ordered release of the White House tapes. Today, Attorney General Eric Holder refused to take any actions on the matter and has been complicit in the cover up. US attorneys under Eric Holder refused to address the issue. Three White House counsel resigned. As stated, due to complicity of the Department of Justice under Eric Holder, federal prosecutors will not forward the evidence to the Federal Grand Jury, as such it becomes a duty of this court to follow the footsteps of Judge Joseph Sirica, who presided over Watergate and reconsider the decision on the Motion for Summary Judgment and order the SSA release of the SS-5 for SSN xxx-xx-4425, which according to

Merlin information systems and all of the evidence provided in the case was assigned to Harry (Harrison) Bounel in and around 1977 and were illegally appropriated by Obama from around 1986 and forward to the Federal Grand Jury per 18USC §2333 for criminal investigation all the evidence provided to this court by the plaintiff. Barack Obama cannot claim privacy, as one does not have an expectation of privacy in stolen IDs, and he, himself, revealed that he is using this stolen Connecticut Social Security number xxx-xx-4425, when he posted his tax returns at 11am on 04.15.2010 and did not properly redact the documents. At that point he entered this information in public domain. The only thing that is missing is action by the court in ordering the release of the SS-5 to xxx-xx-4425, which belonged to Harry Bounel, but later fraudulently assumed by Obama.

Further, this court can grant the plaintiff Ex relator status. Ex relator status does not mean that the plaintiff had a personal injury, but rather that the court allows the plaintiff to step in the shoes of the government official, in this case US Attorney, A classic example of Ex Relator status is Qui Tam. Qui tam cases exist specifically because the court allows whistleblowers to step into the shoes of government officials. For example 342 F.3d 634: United States of America, Ex Rel., Plaintiff-appellee, Sean Bledsoe, Plaintiff/Relator-appellant, v. Community Health Systems, Inc.; Sparta Hospital Corporation D/b/a White County Community Hospital, Defendants-appellees. In this case a whistleblower stepped into the shoes of the



government in the case dealing with fraud by medical facilities against the government. *U.S. ex rel. Kelly v. Boeing Co.*, United States Court of Appeals, Ninth Circuit. September 07, 1993 9 F.3d 743 1993 WL 460501. In US Ex Relator Kelly stepped into the shoes of the US Attorney suing a contractor. U.S. ex rel. Thompson v. Columbia/HCA Healthcare Corp. United States District Court, S.D. Texas, Corpus Christi Division. August 18, 1998 20 F.Supp.2d 1017 1998 WL 657714 Physician brought qui tam action pursuant to False Claims Act (FCA) against healthcare provider and affiliated entities to recover for submitting Medicare claims in violation of Medicare anti-kickback statute and self-referral statutes, or Stark laws.

In the case at hand Plaintiff is similarly seeking either for the court to forward the evidence to the grand jury or order the US Attorney in the case at hand to forward the evidence to the grand jury or grant the Plaintiff Ex Relator status to step into the shoes of the US Attorney in representing the US government, US Department of Justice and the Social Security administration in presenting to the grand jury for prosecution evidence that a foreign national Barry Soebarkah, aka Barry Soetoro, aka Barry (Barack) Hussein Obama is usurping the US presidency while using a stolen Connecticut Social Security number and fabricated IDs and that there are a number of high ranking government officials, prosecutors and judges who are

committing treason and are being criminally complicit in the cover up of fraud, forgery, Social Security fraud, identity theft and treason.

**8. THE COURT ERRED IN ITS ASSERTION THAT THE REQUEST FOR VAUGHN INDEX IS MOOT, IT SHOULD BE RECONSIDERED AND THE COURT SHOULD ORDER RELEASE OF THE SS-5 FOR SSN XXX-XX-4425, WHICH ACCORDING TO MERLIN WAS ISSUED TO HARRY BOUNEL AND LATER FRAUDULENTLY ASSUMED BY BARACK OBAMA.**

The court erred in denying the motion seeking a release of the Vaughn index as moot. The court erroneously concluded that there are no records pertaining to this case, however by defense own admission November 16, 2012 letter by FOIA officer Wiggins refers to SS-5 to SSN xxx-xx-4425 of Harry Bounel and refuses to release the records due to privacy. All the evidence, provided by the plaintiff and discussed previously, is consistent with this letter and shows that SS-5 for xxx-xx-4425 exists and is being withheld due to the fact that it was later fraudulently assumed by Barack Obama and a number of employees of the SSA are criminally complicit in this fraud, forgery and identity theft. The only inconsistent evidence in this case is a July 28, 2013 letter, where the same FOIA officer Wiggins suddenly could no longer find the records for Bounel and claimed that the SSN xxx-xx-4425 belonged to another individual, ostensibly Barack Obama. At the very minimum



we have here a triable issue of fact, as to whom the SS-5 to SSN xxx-xx-4425 belongs to and it was and still is a duty of this court to order the SSA to preserve the original SS-5 to SSN xxx-xx-4425 for this case from destruction/spoliation and for all future criminal investigations and prosecution and subsequently order expert examination of this original SS-5 application to establish with the 100 percent certainty who was the original owner of this Social Security number. Refusal to order preservation of records by this court might ultimately make this court complicit in destruction/spoliation of the records, which are of paramount importance for the US National Security and legitimacy of the US Presidency.

### **RELIEF REQUESTED**

**Based on all of the above,**

- 1. The court should reconsider the order to grant Motion for Summary judgment and deny aforementioned order for summary judgment.**
- 2. The court should order discovery and order production by the defendant of the SS-5, original Social Security application to the number xxx-xx-4425, which according to Merlin Information systems and all the evidence in the case was assigned to Harry (Harrison) Bounel and later fraudulently assumed by Barack Obama,**
- 3. This court should demand from the Social Security administration an explanation, which specific additional data provided in the second request for**

**SS-5 for Harry Bounel xxx-xx-4425 caused SSA to change its response from claiming that the “records cannot be provided due to privacy” to “records cannot be found at all”**

**4. This court should find that SSA did not respond to 09.17.2013 FOIA request and order SSA to respond and provide the SS-5 for Harry Bounel pursuant to 09.17.2013 FOIA request.**

**5. This court should order SSA to prepare Vaugh index of all the records n the case, specifically the SS-5 for xxx-xx-4425**

**6. This court should under 18USC §3332 forward to the Federal Grand Jury all the evidence of offenses against the criminal laws of the United States which were provided by the Plaintiff to Honorable Judge Hollander and which were committed by the defendant Acting Commissioner of Social Security Carolyn Colvin, FOIA officer Dawn Wiggins and citizen of Indonesia Barry Soetoro, aka Barry Soebarkah, aka Barack Hussein Obama currently occupying the position of the President of the United States.**

Respectfully submitted



Dr. Orly Taitz, ESQ

Cc Congressman Goodlatte- Chair of the House committee on the Judiciary

Cc Congressman Issa-Chair of the oversight committee

cc Congressman Gowdy –Chair of the Select Committee on Benghazi



Inspector General of the SSA

Inspector General Department of Justice

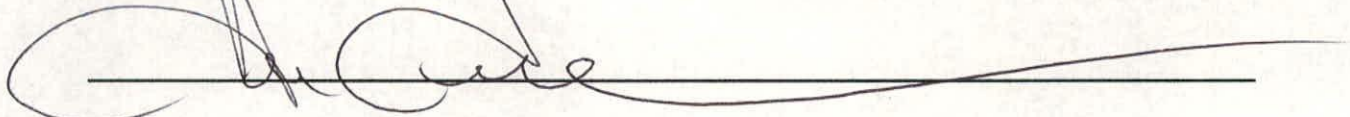
Federal Bureau of Investigations, US Department of Justice

Inter American Commission for Human Rights

International Criminal Court

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I, Lila Dubert, have personal knowledge of the facts below, I served the defense with the attached pleadings by first class mail on 06.04.2014

A handwritten signature in black ink is written over a solid horizontal line. The signature is cursive and appears to read 'Lila Dubert'. The line extends across the width of the signature.

Signed

Lila Dubert