Dr. Orly Taitz, ESQ.
29839 Santa Margarita Parkway, Ste. 100
Rancho Santa Margarita, CA 92688
Ph 949-683-5411 F949-766-7603
Orly.Taitz@gmail.com
CA Bar License 223433
In propria Persona in MS

FIRST JUDICIAL DISTRICT

STATE OF MISSISSIPPI

DR. ORLY TAITZ, ESQ) CASE # 251-12-107

V) SPECIAL JUDGE
DEMOCRATIC PARTY OF MISSISSIPPI,) HONORABLE
SECRETARY OF STATE OF MISSISSIPPI) R. KENNETH COLEMAN

OPPOSITION TO MOTION TO DISMISS BY THE DEFENDANT

DEMOCRATIC PARTY OF MISSISSIPPI

MOTION FOR SANCTIONS AGAINST THE DEFENDANT

MOTION FOR LEAVE OF COURT TO FILE A FIRST AMENDED COMPLAINT AND ADD RICO CAUSE OF ACTION AGAINST THE DEFENDANT DEMOCRATIC PARTY OF MISSISSIPPI AND SEVERAL

OTHER PARTIES FOR ELECTIONS FRAUD, SOCIAL SECURITY FRAUD, UTTERING OF FORGED IDENTIFICATION PAPERS AS BASIS OF CONSTITUTIONAL ELEGIBILITY OF CANDIDATE BARACK HUSSEIN OABAMA

Comes now Plaintiff Dr. Orly Taitz, ESQ, hereinafter "Taitz" and pleads the following

OPPOSITION TO MOTION TO DISMISS

1. In the first section of the motion Defendant Democratic Party of Mississippi boldly asserts "The President was born in the state of Hawaii and thus is a natural born citizen of the United States". Well, just saying so does not make it so. The whole point of the law suit is that this allegation is totally unsupported. Defendants believe that if a lie is told enough times, it will miraculously turn into truth. Candidate Barack Obama (hereinafter “Obama”) never provided any court or any election official any admissible competent evidence showing him to be born in this country. Assertion that Obama was born in Hawaii stems from his own claim and from his posting of what he claims to be a copy of his long form birth certificate on line, on the Internet. Nobody ever saw an original document; Obama never submitted any valid certified copy to any court or

election committee. Previously Taitz, Plaintiff herein, submitted a transcript of the administrative proceedings in Atlanta Georgia, where seven witnesses provided admissible, competent testimony, showing that the alleged copy of Obama's birth certificate is a computer generated forgery. They also testified that the Social Security number used by Obama, is fraudulently obtained and represents a number issued in 1977 to another individual, an elderly resident of the State of Connecticut, who was born in 1890. On March 1, 2012, Sheriff Joe Arpaio of Maricopa county, Arizona, held a press conference, where he announced results of a six month investigation, where he confirmed the findings provided by Taitz. Taitz provides herein exhibit 1, an actual Video tape of the January 26, 2012 administrative hearing in Atlanta Georgia and March 1, 2012 press conference by Sheriff Arpaio in Phoenix, Arizona as well as an Affidavit of authenticity.

Additionally, defendant defines the eligibility for the US Presidency to be based only on one's birth in the country without regard to the citizenship one inherited based on the citizenship of his parents. Petitioner asserts that this is an incorrect interpretation of the Article 2 section 1 of the US constitution.

What is the eligibility requirement for the U.S. President?

It is defined in the US Constitution Article 2, section 1, clause 5, which states "No person except a natural born Citizen, or a citizen of the United States, at

the time of the adoption of the Constitution, shall be eligible to the office of the President".

So, based on the Constitution we have two options:

1. a U.S. citizen at the time the Constitution was adopted or

2. natural born U.S. citizen.

Of course, the first provision was written into the Constitution in order to grandfather in the first Presidents, who obviously were born before the creation of the United States of America and were required to be only "citizens" at the time the Constitution was adopted.

The second part relates to all other Presidents, who were born after the adoption of the Constitution. This means that the defendant needs to be a "natural born citizen". The Constitution does not provide a definition of what a natural born citizen is. Such definition needs to be drawn from multiple extraneous sources, available at the time of the adoption of the Constitution. Just as in a recent case of U.S. v Heller 554 U.S.570(2008), where the courts had to deduct the meaning of the Second Amendment right to bear arms from the framers intent; the case at hand requires such reconstruction of the framers' intent. To this extent, this is a case of first impression, as no court ever ruled directly on the point of the meaning of "natural born citizen', as it applies to the U.S. President. The closest the courts

came to the determination of natural born, is in a precedent of Minor v Happersett 88 U.S. 163 (1875)

MINOR V HAPPERSETT

Minor states:"The Constitution does not in words say who shall be natural-born citizens. Resort must be had elsewhere to ascertain that. At common law, with the nomenclature of which the framers of the Constitution were familiar, it was never doubted that all children born in a country of parents who were its citizens became themselves, upon their birth, citizens also. These were natives or natural-born citizens, as distinguished from aliens or foreigners. Some authorities go further and include as citizens children born within the jurisdiction without reference to the citizenship of their parents. As to this class there have been doubts, but never as to the first. For the purposes of this case, it is not necessary to solve these doubts….." *id.* It is common knowledge and described at length in Defendant Obama's Memoirs, such as Dreams from my Father, that Obama's father was a foreigner. Obama Senior was a foreign exchange student who resided in the U.S. for a couple of years while he got his education and he returned to his native Kenya. At the time of Obama's birth, his father, who came from Mombasa, Zanzibar region of Kenya, was a British "protected person". Obama automatically inherited his father's British citizenship upon the British Nationality act of 1948. Upon the declaration of the

Independence of Kenya on December 11, 1963, Barack Obama automatically received his Kenyan citizenship on December 12, 1963. As Obama was around five years old his mother remarried one Lolo Soetoro, Indonesian national. According to Obama's memoirs (Dreams from my Father) and official biography, it is common knowledge that the family immigrated to Indonesia around 1967. Obama's school records from Indonesia show him using last name Soetoro and nationality Indonesian. So, from birth until today, Obama had citizenship of three other countries, he is a son of a foreign national and a step son of another foreign national, therefore not eligible to be considered a natural born U.S. citizen according to the precedent of Minor v Happersett.

Wong Kim Ark

The only case law, that seems to contradict Minor, is a precedent of U.S. v Wong Kim Ark 169 U.S. 649 (1898). Wong Kim Ark is a case, relating to the citizenship of a young man, born to two Chinese permanent residents. Kim Ark moved back to China and sought to return back to the U.S. as a U.S. citizen. Wong Kim Ark defined U.S. citizenship based on jus solis, based on the place of birth and subject to the jurisdiction of the U.S.

WONG KIM ARK IS NOT A CONTROLLING PRECEDENT

Kim Ark is not a controlling precedent for a number of reasons.

a. Kim Ark dealt only with citizenship in general. It never dealt with the definition of natural born citizenship.

b. Kim Ark never dealt with the issue of the U.S. Presidency and heightened requirements of the natural born status as it relates to the President and Commander-in-Chief.

c. In Kim Ark both parents of the Defendant were permanent U.S. residents, who intended to reside in the U.S. Obama's father was never a permanent resident, at the time of Obama's birth he was in the U.S. on a student visa only, intending to return to Kenya.

d. Kim Ark was not an unanimous decision. Chief Justice Melville Fuller and Associate Justice John Harlan dissented, pointing out that since the Declaration of the Independence, U.S. parted from the British Common Law doctrine of jus solis and followed the international doctrine of jus sanguinis, with offspring inheriting the nationality and allegiance of their fathers.

e. British common law doctrine of jus solis relates to allegiance to the crown, to the sovereign, which of course was abandoned in the U.S. since the adoption of the Constitution.

f. The majority opinion in Kim Ark was drafted by the associate justice Horace Gray, appointee of President Chester Arthur. It was rumored, that Gray's commission and subsequent decision in Kim Ark was done to sanitize Arthur's own lack of eligibility. William Arthur, Chester Arthur's father was an Irish citizen and there is no clear evidence, that he became a U.S. citizen prior to Chester Arthur's birth. Reportedly Chester Arthur burned his identification papers and his eligibility is covered in mystery. Chester Arthur is the only other U.S. President, whose eligibility is questioned. Just because Arthur burned his documents, does not give Obama green light to disrespect the court and the nation and show a contempt to the judiciary and refuse to produce any verifiable documents, any evidence of his natural born status.

Due to all of the above Plaintiffs believe that Kim Ark does not represent a binding authority.

INTENT OF THE FRAMERS

At the time of the adoption of the U.S. Constitution a treatise, most commonly used by the framers, was the Law of Nations by a well known Swiss diplomat and jurist Emer de Vattel. Written in 1758, it was well known to the framers and often used as a template for the U.S. Constitution. Book 1, Chapter 19, part 212 of the Law of Nations says: "The natives, or natural born citizens, are those born in the country, of parents who are citizens". It states "parents" in plural, not at least one parent in singular. Moreover, at the time of the adoption of the Constitution, the controlling citizenship was one of a father and Obama's father was never a U.S. citizen. The framers knew the meaning of natural born and that might be the reason, why there is no definition in the Constitution. Based on Vattel and Minor Obama does not qualify as a natural born, due to his foreign citizenship and foreign allegiance at birth.

One of the framers of the Constitution, first Chief Justice of the Supreme Court, John Jay, wrote in his well known July 25, 1787 letter to George Washington: 'Permit me to hint, whether it would be wise and reasonable to provide a strong check to admission of foreigners into the administration of the National government; and to declare expressly that the Commander-in-Chief of the American Army shall not be given to, nor devolve on any but a natural born citizen."(the Federalist Papers Alexander Hamilton, James Madison and John Jay.

Bantam Dell 2003) Clearly Jay's construction of natural born clause was- one without allegiance to foreign nations, which disqualifies Obama.

Lastly, during the Congressional debate on the 14th amendment John A. Bingham, framer of the 14th Amendment defined the natural born citizen as follows "every human being born within the jurisdiction of the United States not owing allegiance to any foreign sovereignty". As at the time of Obama's birth, his father owed allegiance to a foreign nation, Obama does not qualify as natural born citizen according to Bingham's construction.

Based on the above precedent of Minor and definitions provided by the framers of the Constitution natural born citizen, is one born in the country to parents, who don't owe allegiance to foreign sovereignties. Since at the time of Obama's birth his father owed allegiance to the British crown, Obama does not qualify as a natural born citizen.

Due to the above section one of the motion is an unsupported assertion with no value.

2. Section two of the Motion states that this legal action should be dismissed because the petitioner is a resident of California and not a qualified elector in Mississippi. This argument is entirely without merit, as Taitz is suing based on

code 23-15-951 and 23-15-961, which does not state anywhere that the Plaintiff has to be a qualified elector in Mississippi.

MISSISSIPPI CODE OF 1972

As Amended

SEC. 23-15-961. Exclusive procedures for contesting qualifications of candidate for primary election; exceptions.

(1) Any person desiring to contest the qualifications of another person as a candidate for nomination in a political party primary election shall file a petition specifically setting forth the grounds of the challenge (emphasis added)

If a statute is not ambiguous, the court should apply the plain meaning of the statute. Ultimately, however, this Court's goal is to discern the legislative intent. Mississippi Power Co. v. Jones, 369 So.2d 1381, 1388 (Miss.1979). The wisdom of this statute is precisely in the point that a party, who might be residing in another state might have knowledge of facts leading to disqualification of the candidate. This statute provides for maximum transparency and maximum protection for the people of Mississippi and the nation as a whole from elections fraud and usurpation of the Presidency. Elections represent the most sacred right of American citizens, the most important form of protected speech. Elections won by

fraud and using forged identification papers rob every citizen of Mississippi and of every state of their right of meaningful free speech, which is reflected in presidential elections. That is why above statute allows every petitioner, be it an elector in Mississippi or other state to come forward and provide evidence. Citizens of the state of Mississippi simply happen to be more fortunate in that their code gives them even more protection in that according to 23-15-951 a petition sent to the Executive Committee of a party can be adjudicated by a Circuit Court judge. Citizens of other states are not as fortunate. Taitz provides the court with Exhibit 2, a videotape of the hearing on Obama's eligibility before the Ballot Law Commission of the state of New Hampshire, where the chairman of the commission stated that they do not have the power to investigate, subpoena and verify eligibility of the candidate. Chairman of the New Hampshire Ballot Law commission specifically inquired if any judge in any state established lack eligibility of the candidate. State of Mississippi specifically gives the Circuit judge a right and a duty to hear the evidence presented and to establish the eligibility and remove from the ballot a candidate, deemed not to be eligible.

23-15-961

(5) Upon the filing of the petition and bond, the circuit clerk shall immediately, by registered letter or by telegraph or by telephone, or personally, notify the Chief Justice of the Supreme Court, or in his absence, or disability, some other judge of

the Supreme Court, who shall forthwith designate and notify from the list provided in Section 23-15-951 a circuit judge or chancellor of a district other than that which embraces the district, subdistrict, county or any of the counties, involved in the contest or complaint, to proceed to the county in which the contest or complaint has been filed to hear and determine the contest or complaint. It shall be the official duty of the circuit judge or chancellor to proceed to the discharge of the designated duty at the earliest possible date to be fixed by the judge or chancellor and of which the contestant and contestee shall have reasonable notice. The contestant and contestee are to be served in a reasonable manner as the judge or chancellor may direct, in response to which notice the contestee shall promptly file his answer, and also his cross-complaint if he has a cross-complaint. The hearing before the circuit court shall be de novo. The matter shall be tried to the circuit judge, without a jury. After hearing the evidence, the circuit judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to have his name placed upon the ballot in question. The circuit judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings."

So, there is a statutory right of any individual, who filed a contest of eligibility of a candidate and who was aggrieved by a negative response or lack of action by the

political party, to file a legal action with the Circuit court and seek a redress according to the statute.

3. Section 3 of the motion claims that Plaintiff is not different from any other citizen. Plaintiff begs to differ. Taitz has a colorable interest in the above captioned proceedings, in that she is in a unique position of being deemed by the media the leader of the "birther" movement or as media christened her, "The Queen of the Birthers". As a leader of the dissident political movement against Barack Obama, who is currently usurping the U.S. Presidency and seeking four more years of usurpation, she was subjected to indescribable barrage of harassment, intimidation, attacks on her, her husband, her three children, tampering with her car and defamation and slander. By seeking to redress this elections fraud, she is also seeking a relief of persecutions against her as the leader of the dissident movement.

While other states do not grant ordinary citizens a right for such redress of grievances, the state of Mississippi provides it and Taitz properly filed the grievance.

4. Section four asserts that the definition of natural born citizen means only born in the country regardless of the citizenship of the parents. Taitz already covered this point in section1. Defendant mentioned only one case, where court came to such conclusion, Ankeny v Governor of Indiana, however it is noteworthy, that this

case came from the state court in Indiana, it is not a controlling authority in any other state and the plaintiffs in this case were two blue color workers, who did not have an attorney, never presented any legal argument in their case and the court simply provided a one sided opinion.

Defense also listed a number of cases, which were filed after the 2008 election, where all of the cases were dismissed based on a technicality, on standing, where the courts did not want to upset the results of the national election.

Not one of these cases was ever decided on the merits.

Not one single judge around the country saw a valid birth certificate for Obama.

Not one single judge in the country stated: I examined Obama's identification papers and he has a valid birth certificate, not one single judge stated that he has a valid Social Security number. None of these documents were ever presented in any court of law. On the contrary, all of the admissible competent evidence shows Obama's identification papers to be forged.

Additionally, defense wants the court to look at some garbage posted by Obama on line, on the Internet, and deem it to be a true and correct certified copy of Obama's birth certificate, even though it is deemed to be a forgery by Sheriff Arpaio, deportation officer Sampson and other experts.

Even if no expert were to find this "document" to be a forgery, it is still not a valid document, something posted on line is not an admissible, competent evidence.

The arrogance and disrespect of the rule of law, disrespect of this court by Obama, by the Executive Committee of the Democratic party of Mississippi and their attorney is simply breathtaking. Clearly, they know that something posted on line, on the Internet, does not represent a document, does not represent competent, admissible evidence, as it is not authenticated.

5. Defendant claims that the Democratic party and the Secretary of State do not have a statutory duty to determine candidate's qualifications.

a. In regards to the Democratic party section 23-15-961 requires a political party to review the petition and within 10 days to rule on the petition. Even though the statute does not state specific words "determine qualifications" any person with an average IQ, with an average intelligence or even minimum intelligence can understand that when a party is statutory obligated to rule on the petition contesting qualifications of a candidate for primary election, that means that the party is obligated to rule, whether the candidate is eligible, whether the candidate has proper constitutional qualifications to serve in the office.

MISSISSIPPI CODE OF 1972

As Amended

SEC. 23-15-961. Exclusive procedures for contesting qualifications of candidate for primary election; exceptions.

(1) Any person desiring to contest the qualifications of another person as a candidate for nomination in a political party primary election shall file a petition specifically setting forth the grounds of the challenge within ten (10) days after the qualifying deadline for the office in question. Such petition shall be filed with the executive committee with whom the candidate in question qualified.

(2) Within ten (10) days of receipt of the petition described above, the appropriate executive committee shall meet and rule upon the petition. At least two (2) days before the hearing to consider the petition, the appropriate executive committee shall give notice to both the petitioner and the contested candidate of the time and place of the hearing on the petition. Each party shall be given an opportunity to be heard at such meeting and present evidence in support of his position.

(3) If the appropriate executive committee fails to rule upon the petition within the time required above, such inaction shall be interpreted as a denial of the request for relief contained in the petition.

(4) Any party aggrieved by the action or inaction of the appropriate executive committee may file a petition for judicial review to the circuit court of the county in which the executive committee whose decision is being reviewed sits. Such petition must be filed no later than fifteen (15) days after the date the petition was originally filed with the appropriate executive committee. Such person filing for

judicial review shall give a cost bond in the sum of Three Hundred Dollars ($300.00) with two (2) or more sufficient sureties conditioned to pay all costs in case his petition be dismissed, and an additional bond may be required, by the court, if necessary, at any subsequent stage of the proceedings.

(5) Upon the filing of the petition and bond, the circuit clerk shall immediately, by registered letter or by telegraph or by telephone, or personally, notify the Chief Justice of the Supreme Court, or in his

b. In regards to the Secretary of State, Mr. Begley seems to be under impression that he represents the Secretary of State. In case Mr. Begley was not informed, he does not represent the Secretary of State of Mississippi and he has no standing to argue on behalf of the Secretary of State. Secretary of State is represented by the Attorney General of the State of Mississippi. Taitz already responded to the motion filed by the Attorney General and it would be redundant and unnecessary for her to argue this point again.

Suffice to state that the Secretary of State took an oath of office to uphold the Constitution of the United States and of the State of Mississippi and therefore the Secretary of State cannot place on the ballot and certify a candidate, who does not have constitutional qualifications.

Additionally, at this point Taitz is not asking the Democratic Party or the Secretary of State to do anything. She is asking the court to weigh the evidence and ascertain qualifications based on Statute 23-15-961 "The matter shall be tried to the circuit judge, without a jury. After hearing the evidence, the circuit judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to have his name placed upon the ballot in question. The circuit judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings."

6. In section 6 defense attempts to bring as evidence a California case Keyes v Bowen, Cal. App 4th 647, 117 Cal Rptr.3.d 207(Cal. App 3 Dist2010).

a. Petitioner Taitz was the lead attorney in this case, as it was filed in the Superior court, she can attest that Keyes is vastly different from the case at hand, as it was filed after the election and standing after the election is different. Additionally, in Keyes parties were hampered by the fact that the co-counsel on the case, attorney Gary Kreep, left the state around the time when the case was supposed to be filed, and the clients wanted to wait for Kreep to come back. Kreep came back two weeks later and rescheduled the case for three months later, at which time the Superior court dismissed the case in part due to laches. After this incident Taitz no longer worked with Kreep and the case at hand was filed timely before the election.

b. While California is not a controlling authority in Mississippi, since the defense is so inclined on bringing forward California cases, Taitz brings forward Cleaver v Jordan. In 1968, the California Supreme Court voted 6-1 that a presidential candidate who is not eligible to be president should not be placed on the ballot. Cleaver v Jordan, Calif. Supreme Court minutes, Sep. 26, 1968, case no. 7838, not reported. In Cleaver, a Presidential candidate from Peace and Freedom Party, Eldridge Cleaver, was removed from the ballot by the Secretary of State of California, Frank Jordan, when Jordan acted in according with his oath of office to uphold the US Constitution, specifically Article 2, section 1, as Cleaver was 34 years old and not eligible. Cleaver appealed to the Supreme Court of California. Supreme court of California affirmed the decision of the Secretary of State of California. Cleaver appealed to the Supreme Court of the United States, where the Supreme Court declined to take the case certiorari. Therefore the only comparable precedent from California support the position of the Plaintiff.

7. Seventh section of the motion states the most preposterous assertion that the state courts do not have jurisdiction over qualification for Candidates for President.

Clearly Obama and the Democratic party would love this to be the case, as Obama clearly has no qualifications, he got in the office by fraud and the

federal courts are now in his hands, while the state courts retained some independence.

This notion is totally contradictory to the clear language of the statute. 23-15-961 clearly states "The matter shall be tried to the circuit judge, without a jury. After hearing the evidence, the circuit judge shall determine whether the candidate whose qualifications have been challenged is legally qualified to have his name placed upon the ballot in question. The circuit judge may, upon disqualification of any such candidate, order that such candidate shall bear the court costs of the proceedings." If a statute is not ambiguous, the court should apply the plain meaning of the statute. Ultimately, however, this Court's goal is to discern the legislative intent. Mississippi Power Co. v. Jones, 369 So.2d 1381, 1388 (Miss.1979). Te statute does not exclude the Presidential candidate and the plain meaning of the statute and the legislative intent is crystal clear: for the Circuit judge to determine the qualifications of the candidate.

Moreover 23-15-961 subsection 7 states "(7) The procedure set forth above shall **be the sole and only manner** in which the qualifications of a candidate seeking public office as a party nominee may be challenged prior to the time of his nomination or election." Section 7 makes the intent of the legislature a clear writing on the wall, which even a blind person can read. The sole and only manner

to ascertain the qualifications of the candidate, is by the circuit judge and not by legislature or electors.

This intent of the legislature is reasonable as a Circuit Judge has a subpoena power to seek evidence, he can ascertain authenticity of the evidence presented and rule on the merits. Electors and legislators are not judges and do not have the training and qualifications to evaluate the evidence. Additionally, Taitz received letters from multiple legislators, who stated that they cannot get involved in the case due to a notion of separation of powers. Attached as an exhibit 3 is a January 13, 2010 letter received by Taitz from Senator McCain, who challenged Obama in the general election in 2008. McCain wrote "Dear Orly, I want to take an opportunity to thank you for your letter of January 8, 2010 regarding a judicial matter. Unfortunately, your situation appears to involve litigation or may require litigation under the judicial system. Members of Congress are precluded from inquiring into matters pending before the courts by provision of the Constitution that mandate a separation of powers between the Judicial, Executive and Legislative branches. I feel that any involvement in your present situation may be viewed as interference in the judicial process. Orly, I am sorry that I cannot be of assistance at this time". Taitz received similar letters from other Congressmen and Senators, who stated that this is a legal matter and separation of powers precludes them from being able to get involved.

8. The eighths section of the motion is similar to one already discussed in response to the motion by the Secretary of State. It is a pinnacle of bad faith and arrogance for the Democratic party to simply ignore the petition, which was sent to them three times, drag their feet and not respond and later blame the petitioner. As the Executive committee kept stating that they did not receive the pleadings or could not find the pleadings, Taitz gave them maximum time to respond and filed her complaint with the Circuit court timely.

Additionally, filing is determined by mail box rule and not by docketing. There appears to be a 8-9 day delay between filing documents as they are mailed in California and arrival of the documents and docketing in Mississippi. As an example Taitz points to exhibit 4- certified mail receipts and tracking. Just recently, on March 5, 2012 she sent by Priority certified mail pleadings to both New Albany and Jackson, MS. The package arrived in New Albany on the fifth day and in Jackson sorting facility on the eighth's day, on March 13, 2012. It shows 8-9 days delay between filing the documents by mail in California and those documents being received in the Circuit Court in Jackson, MS. Additionally , there is only one mail room for the Circuit court, County Court and Sheriff's department, which delays the receipt by the clerk of the Circuit court and docketing even further. This Court has long viewed statutes of repose with disfavor, and, in the event of any ambiguity, we place upon such statutes a

reasonable construction which will favor the preservation of the action. Gentry v. Wallace, 606 So.2d 1117, 1122 (Miss.1992). Therefore the preservation of the action should favor the Plaintiff and take into account delay in receipt of shipment from California. Moreover,

Under Rule 6(b), the court is given wide discretion to enlarge the various time periods both before and after the actual termination of the allotted time, certain enumerated cases being expected. *Accord*, e. g., *Rogers v. Rogers*, 290 So.2d 631 (Miss.), *cert*. denied 419

U.S. 837 [95 S. Ct. 65, 42 L.Ed.2d 64] (1974); *Grand Lodge Colored K.P. v. Yelvington*, 111 Miss. 352, 71 So. 576 (1916). Petitioner is asking the court to take into consideration the time it took to deliver the pleadings and enlarge the time under Rule 6(b) of MRCP.

OPPOSITION TO MOTION FOR SANCTIONS

Motion for sanctions is completely frivolous

Taitz was fully vindicated by the recent findings of Sheriff Joe Arpaio of Maricopa county Arizona, who during March 1, 2012 press conference confirmed Taitz findings in that Obama's alleged copy of his long form birth certificate is a forgery, so there was nothing frivolous in Taitz filing.

Defendants bring forward one case, where a judge Clay D. Land in Middle district of Georgia simply tried to intimidate Taitz and tried to send a message to other attorneys not to dare to challenge Obama.

While Judge Land did not succeed in intimidating Taitz and she was recently vindicated, some serious questions remain about actions by judge Land.

With her complaint in Cook v Good, 8:09-01382-RAJ-EAJon behalf of Major Cook, later joined by other high ranking officers, Taitz presented evidence showing Obama not having a valid Social Security number. This evidence was contained in the report by a licensed investigator and former elite Scotland Yard anti-organized crime and anti communist proliferation officer Neil Sankey. Exhibit 6.

Judge Land sealed the report, whereby the report is not available to the public at large. There is a serious question, as to why Judge Land sealed that report.

According to Barack Obama's memoirs from age 10 to age 19 he resided in Hawaii. At the age of 15 he found his first job in Hawaii. He worked for Baskin Robbins. According to Obama's official history he should have had a Hawaiian Social Security number, meaning that the first 3 digits of the Social Security number were supposed to be the digits, the number assigned to Hawaii. According to Sankey report, as well as Daniels Report (Exhibit 5, 6) Obama never had a

Social Security number from the state of Hawaii. For most of his life in his official documents he used a Connecticut Social Security number 042-68-4425, which was issued in 1977 to an elderly resident of Connecticut born in 1890. What's more, according to Sankey and Daniels, national databases, such as Lexis Nexis, Choice Point and others show Obama's name connected to other Social Security numbers from other states, obviously not assigned to him legally.

In the national databases one can see a pattern of Obama's name linked to Social Security numbers of deceased individuals, numbers that were never assigned and numbers borrowed from other individuals.

It is extremely troubling that Clay D. Land, a federal judge, attempted to burry this information and attempted to attack Taitz with sanctions.

Why those Social Security numbers are important?

a. According to national databases the Number below was used by Obama in New Jersey. This number belonged to one Lucille Ballantyne. What is significant about Ballantyne, is that she was the mother of Harry Ballantyne, chief actuary of the Social Security Administration, who had access of all the Social Security indices and databases. Taitz actually found Ballantyne and discussed the matter with him. Ballantyne's first reaction and statement was: "they (deceased) have no rights, dead people have no rights".

Any individual, who finds out that someone is using the Social Security number of his dead parent, would be outraged. Ballantyne's response showed that he knew what was going on and was not troubled by it. This shows that our Social Security databases might be seriously compromised.

Obama, Barack

83775 Bates Rd (all of the addresses on Bates Rd are 1-3 digits)

Jackson, NJ 08527

Reported: 02/2008-08/2008

County: Ocean

Name: Lucille I. Ballantyne

SSN: 485-40-5154

Last Residence: 50140 Lamoni, Decatur, Iowa, United States of America

Born: 22 Dec 1912

Died: 13 Sep 1998

State (Year) SSN issued: Iowa (1954)

b. Several addresses show him using numbers that were never assigned

Obama, Barack

435 Dallas Ave

Lancaster, TX 75146

Reported: 04/2008-09/2008

County: Tarrant

675-54-6554 (Georgia not yet issued)

c. Records from Alpharetta GA show him using a Social Security number of one Mark O Ndesandjo

Obama, Barack

1603 Rucker Rd

Alpharetta GA 30004-1435

Reported: 08/2008-08/2008

County: Fulton

MARK O NDESANDJO

Born Nov 1965

15925 FREEMANVILLE RD

ALPHARETTA, GA 30004

Why is this information important?

Here we are connecting the dots. Barack Obama's father had eight children by four different women.

Mark Obama Ndesandjo is Obama's half brother, who at the time of the record resided in the communist China, being married to a citizen of the communist China.

Mark Ndesandjo is the son of Obama's step mother Ruth Niedsand. Official biography of Niedsand only show that she met Obama's father in Boston, where he studied, she married him and moved with him to Kenya.

Official biographies rarely mention the fact that that Niedsand and her family came from Vilnus, Lithuania, which was a Communist republic at a time.

Even after the divorce from Obama, Niedsand continued residing in Kenya, which is ruled by Prime Minister Raela Odinga.

In flagrant violation of Logan act Barack Obama himself travelled to Kenya to assist Odinga get elected.

Raela Odinga is not only a radical Muslim, known for instigation of violence against Christians in Kenya, which led to Christians being burned alive in churches, he is also a graduate of the University of Karl Marx, which was known at a time for its' heavy recruitment of foreign students by Stasy and other agencies of communist East Germany.

Niedsand's other son, David, was reported deceased as a result of a car accident.

Another national database, www. inteligator.com/advanced shows Barack Obama with the origin in Equatorial Guinea (exhibit 7). Taitz uncovered articles showing one by name Roman Obama studying in the early 80s in the University of Patrice Lumumba in Moscow and having the same origin of Equatorial Guinea. Taitz also found inconsistency of University records of Obama, whereby Obama claims that he attended Columbia university for two years, while college clearing house show him attending Columbia only for nine months. There is no conclusive evidence, showing Obama's location at a time, when he claimed to be at Columbia University, but according to their records he wasn't there.

d. What is even more troubling, it the address in Columbus GA, in Judge Land's own backyard. Taitz received reports, stating that the number below is connected to Judge Land, however being a private citizen and not a governmental authority Taitz cannot confirm it and she redacted the name that was reported to her.

505 Farr C

Columbus, GA 31907-6275

420-67-2965

reported 01/2008-08/2008

County Muscogee

Obama, Barack

505 Farr C

Columbus, GA 31907-6275

Reported: 01/2008-08/2008

County: Muscogee

423-29-2961

Issued: 1988-1989 in Alabama

Name: redacted

Birth Date: 24 Mar 1960

Address: 1313 Tulakes Dr, Columbus, GA, 31904-2554 (1993)

[7003 Whitesville Rd, Columbus, GA, 31904-3005]

[1814 Stark Ave, Columbus, GA, 31906-1448 (1987)]

So, what do those Social security numbers mean? During the 2008 campaign Obama raised an unprecedented 700 million dollars and opted out of FEC matching program, which shielded him from the FEC scrutiny. When one is using multiple bogus Social security numbers, he can easily get millions of dollars of illegal foreign donations or donations over the allowed limits under the radar of FEC, IRS and SSA.

Additionally, Obama's professional background is one of a community organizer. What does that mean? As a community organizer Obama headed Annenberg challenge with former domestic terrorist William Ayers on his board. Annenberg challenge received some 160 million in donations officially and possibly as much as 500 million due to stock swaps according to University of Santa Barbara Professor Steven Diamond. This community program was supposed to run some extracurricular program in a few Chicago schools in order to raise students performance. After six years and between 160 million and 500 million there was zero achievement and the students performance was as dismal as one in surrounding schools. The question was, what happened to all of the money collected? When one has multiple bogus Social Security numbers, there are multiple possibilities.

So in case of federal judge Clay D. Land, who sanctioned Taitz stating that it was frivolous to challenge Obama, not only Taitz proved that her actions were legitimate, as all of her allegations were recently confirmed by Sheriff Arpaio, she showed here that there is a serious question in regards to motivation and legitimacy of actions by judge Clay d. Land.

MOTION FOR SANCTIONS AGAINST THE DEFENDANT

DEMOCRATIC PARTY OF MISSISSIPPI

1.Democratic party of Mississippi received from Taitz a complaint and sworn affidavits, showing that Obama is using a forged birth certificate, a stolen Connecticut Social Security number and a name that is not legally his.

2. Democratic party defrauded the people of the state of Mississippi by not taking any action and not removing Obama's name from the list of the candidates it submitted to the Secretary of State

3. Democratic party of Mississippi filed a frivolous motion to dismiss a legitimate action file by the petitioner and is harassing the petitioner and attempting to intimidate the petitioner with motions for sanctions against the petitioner

4. Court should sanction the respondent and its' attorney for a frivolous motion and a pattern of fraud, harassment and intimidation of the petitioner

MOTION FOR LEAVE OF COURT TO FILE AN AMENDED COMPLAINT

1. As the action at hand was not resolved and adjudicated before the primary election and Obama's name was on the ballot in the primary election, the petitioner is seeking a leave of court to file an amended complaint

2. Petitioner is seeking to amend the complaint to the extent that it is seeking an injunction from counting any votes in the state of Mississippi for Barack Obama, as those votes were procured by fraud committed by the candidate and the Executive committee of the Democratic party of Mississippi.

3. Petitioner is seeking an injunction preventing the Secretary of State from placing on the ballot in General election the name of Barack Obama, as he is not eligible for office

4. Petitioner is seeking to add an additional cause of action for civil Racketeer Influenced and corrupt Organizations RICO with following predicated felonies acts:

a. elections fraud

b. forgery of the identification papers in connection with elections fraud

c. uttering of forged documents

d. obstruction of justice

e. Social Security fraud

F. wire fraud

g. common law fraud

i. identity theft

h. treason against the state of Mississippi

j. treason against the United States of America

Petitioner is seeking to join the following parties as additional defendants

a. Obama for America- as a Racketeer Influenced Organization, which was created with the goal of placing in the position of the U.S. President and commander in Chief at Barack Hussein Obama, a foreign national with allegiance to foreign powers, which was done using forged identification papers.

b. Barack Hussein Obama, II aka Barack (Barry) Soetoro, aka Barack (Barry) Soebarkah

c. Democrat party of Misssissippi, as a party, which aided and abetted Obama

d. Loretta Fuddy-director of Health, state of Hawaii

e. Alvin Onaka, registrar of the department of Health, state of Hawaii

f. Jill Nagamine, deputy attorney General of Hawaii, in charge of the department of Health

g. Nanci Pelosi-former chairwoman of the Democratic party National convention 208, who certified the "Certificate of Candidate" for Barack Obama, whereby such certificate was altered and the words "eligible according to the Constitution of the United States" was removed from the certification of the candidate. Such altered certification was sent to 49 out of 50 states, including the state of Mississippi with the goal of defrauding the people of the states and defrauding the election officials of those states

h. Eric Holder-attorney General of the United States. Taitz provided Holder the information regarding forgery and fraud in Obama's identification papers. Holder was criminally complicit in refusing to act upon the evidence

i. Robert Bauer and Kathy Ruemmler- White House counsel, who were complicit in the cover up of the forged identification documents of Obama

j. Michel Astrue- Commissioner of Social Security was complicit in cover up of Obama's use of a fraudulently obtained Social security number

k. Judith Corley personal attorney for Obama

CONCLUSION

Based on all of the above

Defendant's motion to dismiss and for sanctions should be denied.

Petitioners motion for leave of court to file an amended complaint and for sanctions should be granted.

Respectfully,

/s/ Dr. Orly Taitz ESQ.

03.13.2012

Affidavit

I, Orly Taitz, am an attorney and an officer of the court in the state of California, 9th Circuit Court of Appeals, Third Circuit Court of Appeals, admitted pro hac vice in multiple states and admitted before the Supreme Court of the U.S.

I attest that to the best of my knowledge and informed belief

1. Letter from Senator John McCain is a true and correct copy of the letter received by me.
2. Affidavit by Licensed Investigator Susan Daniels is a true and correct copy of aforementioned affidavit received by me.

3. Affidavit by licensed Invesigator Neil Sankey is a true and correct copy of the aforementioned affidavit received by me.
4. Video footage of the trial of Farrar v Obama is a true and correct video footage of the aforementioned trial, where I served as an attorney for the Plaintiffs.
5. Video footage of the my testimony to the Ballot law Commission of New Hampshire is the true and correct video tape copy of aforementioned proceedings.
6. Video footage of press conference before Sheriff Joe Arpaio is the true and correct video copy of aforementioned press conference.
7. Background report on Barack Obama is a true and correct report given to me by former deportation officer and currently a private investigator John Sampson.

I declare this under penalty of perjury

/s/ Orly Taitz

CERTIFICATION

I, Rita Momtazian, certify that I am not a party to above captioned action, I am over 18 years old and I served the defendants with above pleadings on 03.13.2012 by first class mail

/s/ Rita Momtazian