INTRODUCTION

The case at hand is the case of the elections fraud and use of forged IDs by Candidate for the U.S. President Barack Obama. Plaintiffs allege that due to the fact that Obama is a citizen of Indonesia, according to his school records in Indonesia and is using forged IDs, he never legally qualified for the position of the U.S. President, as never qualified for the requirement of the Article 2, section 1 of the U.S. constitution to be a natural born U.S. citizen. Natural born citizen clause is extremely important, as it is the issue of allegiance.

On July 25, 1787 John Jay, first Chief Justice of the Supreme Court wrote to George Washington, "*Permit me to hint, whether it would be wise and seasonable to provide a strong check to the admission of Foreigners into the administration of our 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.*"

Aside from lack of any valid U.S. identification papers, Obama ran under a last name which is not legally his, as in his Mother's passport he was listed under the last name Soebarkah, Obama being his middle name. Plaintiffs provided with the complaint 21 exhibits, which show sworn affidavits from a sheriff with 50 years of experience in FBI and a county sheriff, senior deportation officer with nearly 30

years of experience, multiple experts, all of who are asserting that Obama is using forged IDs and a fraudulently obtained Connecticut Social security number. While a number of challenges were brought in the last 4 years, the case was not heard on the merits yet, not one single judge in the country saw any original documents for Barack Obama, and the copies posted by Obama on line were found to be forgeries. As of now we have not seen one single judge with strength of character to hold Obama accountable and compel him to comply with subpoenas. One case came close. Under signed attorney presented a related case on behalf of a number of plaintiffs, among them a citizen of Georgia and one of plaintiffs herein, Thomas MacLeran. In that case Farrar et al v Obama OSAH-SECSTATE-CE-1215 t 36-60-MALIHI Presiding judge ruled that plaintiffs have standing and ruled that subpoenas issued by attorney Taitz were valid and candidate Obama had to comply and appear and provide requested document. Obama and his attorney boycotted the hearing and the presiding judge shockingly ruled that evidence was not sufficiently persuasive.

Most challenges to Obama were dismissed in the last four years, as the courts stated that the cases filed after the 2008 election were filed too late. As the 2012 election started and plaintiffs brought challenges during the primary a couple of judges ruled that until Obama is nominated by his party during the nominating

convention in September, he is not a candidate yet. After the convention new excuses were wielded forward.

On December 17, a number of voting members of this electoral college spoke up during the signing of the certificate of vote about their doubts of Obama 's legitimacy and legitimacy of his identification papers.

DEFENDANT OBAMA WAS IN DEFAULT AND CANNOT BE A MOVANT IN THE MOTION TO DISMISS

Barack Obama, hereinafter “Obama” was sued as a candidate for office, not as a President, not as a federal employee. He was supposed to file an answer within 21 days on January 25, at the latest. He did not file an answer or any other responsive pleading and on January 30th Plaintiffs filed a notice for default and default judgment.

Current Motion to dismiss was on February 14th, 2 weeks after Defendant defaulted and therefore is not valid in relation to defendant Obama.

As there was no adjudication on the request for a Default Judgment, Plaintiffs filed a Petition for a Writ of Mandamus for a Default Judgment with the 9th Circuit Court of Appeals and for STAY of all other proceedings pending adjudication of the request for Default Judgment.

Additionally, Plaintiffs filed with this court a motion for STAY of further proceeding pending adjudication of notice of Default and request for Default Judgment. Motion to dismiss should be denied in relation to candidate Obama, as it was filed by the U.S. Attorneys' office, which had no jurisdiction or mandate to represent a private individual, candidate for office Obama. US Attorneys' office could represent only governmental employees acting in furtherance of their official duties. Obama as a candidate for office was not a federal employee and his actions in using allegedly forged and fraudulently obtained Identification papers was not done in furtherance of the federal office.

3. MOTION TO DISMISS SHOULD BE DENIED AS THE U.S. ATTORNEYS' OFFICE WHICH FILED THE MOTION TO DISMISS ON BEHALF OF FEDERAL DEFENDANTS, ACCORDING TO THE DEFENDANTS DID NOT ADVISE THEM THAT THEY ARE BEING REPRESENTED BY THE US ATTORNEYS' OFFICE, THEY DID NOT CONSENT TO REPRESENTATION AND ACCORDING TO A NUMBER OF THOSE EMPLOYEES THEY DID NOT WANT THE CASE DISMISSED. THE ATTORNEYS ACTED AGAINST THE WISHES OF THE CLIENTS, WHOM THEY ALLEGEDLY REPRESENTED.

Plaintiffs are presenting a letter from Presidential elector Don Ascoli, Exhibit 1, attesting to the fact that the U.s. attorneys' office never advised him that he is being

represented by the U.S. Attorneys' office in this case and that he did not wish this case to be dismissed, he as well s other Presidential electors wanted the evidence adjudicated by this court. Plaintiffs are also submitting as Exhibit 2 a letter from U.s. senator John McCain, which shows that Senator McCain was absolutely clueless about this case and about pleadings filed by the U.S. attorneys' office on his behalf. Plaintiffs and their supporters received multiple letters from members of Congress stating that they believe that the matter of Obama's eligibility should be decided by the courts and they do not want to intervene in the domain of the courts. this position of the US senators and Congressmen is diametrically opposite to what the Department of Justice/US Attorneys claim it to be. as such, it is clear that the U.S. attorneys are not representing the defendants they claim to represent and are acting opposite to the wishes of their clients.

PLAINTIFFS HAVE STANDING BASED ON A PRECEDENT FULANI V HOGSETT

In 1990 in a case Fulani v Hogsett 917 F 2d 1028 (7th cir., 1990)

Seventh Circuit Court of Appeals granted standing challenging presidential candidates to a minor party candidate Lenora Fulani, her vice presidential

candidate and her party presidential electors. In Fulani the Seventh Circuit Court of Appeals found that even a minor party candidate, who had only 1% of the vote had standing to challenge major party candidates, such as Republican and Democratic party candidates. This precedent ruling gives standing to the plaintiffs in the case at hand. What's more, candidate Keith Judd received 41% in the Democratic party primary in the state of West Virginia, therefore he is more than a minor candidate. James Grinols is an elector for Mitt Romney, (Exhibit 3 Certification of a Presidential elector of James Grinols) who got some 49% in the General election, wherefore Grinols has even stronger claims and standing. Grinols was an elector in the state of MN, not California, however in the case at hand the Plaintiffs from different state filed one legal action, as it arose from the same nucleus of facts, Obama's lack of eligibility for office and his use of forged and fraudulently obtained IDs as basis of eligibility. Based on Fulani candidates do not have to be major candidates. Additionally, defense claims that a standing as an official write in candidate, such as standing of Plaintiff MacLeran, is insufficient, however just recently, in 2010 Lisa Murkowski won an election of a senator from Alaska as a write in candidate. Moreover, in a corresponding case Miller v Campbell 3:10-cv-0252-RRB Presiding U.S. District Judge STAYED certification of this Federal election pending resolution of all the Constitutional issues. Similarly a case *Hollander v. McCain*, 2008 WL2853250 (D.N.H. 2008) will not be a precedent, as in

Hollander the court is talking about an elector from an obscure third party, Grinols is an elector for Mitt Romney, a major candidate. Lastly, Hollander is one of the decisions, that are completely unconstitutional and represent replacement of the U.S. Constitution with "Obama-excution", a number of decisions similar to Judge Robertson's "twitting and massaging on the blogs" "legal standard", which were made up in the last four years. Hollander decision de facto does away with the whole institution of Electoral College, which no judge has a right to do, even a judge with the larger than life ego.

THIS COURT HAS JURISDICTION TO ASCERTAIN LEGITIMACY OF A CANDIDATE FOR THE US PRESIDENT BASED ON A PRECEDENT OF CLEAVER V JORDAN

Defendants erred in their assertion that only U.S. Congress can decide legitimacy of a candidate and that this is an issue that is not justiciable.

Not only it is justiciable, but there is a precedent on point right here in the state of California. In 1968 a candidate for the U.S. President Eldridge Cleaver submitted his declaration of the candidate for the U.S. President *from the Peace and Freedom party*. Secretary of state of California at a time, Frank Jordan, indeed fulfilled his duty as a Secretary of State and made sure that candidates are constitutionaly eligible. He checked Cleaver's IDs, found out that he was only 34 years old and removed him from the

ballot. Cleaver filed a legal challenge with the Superior Court of California, which in turn did not kick the can, did not pass the buck, but reviewed the case on the merits and denied Cleaver's challenge. Cleaver appealed to the Supreme Court of California, *Cleaver v Jordan*, Calif. Supreme Court minutes, Sep. 26, 1968, case no. 7838, , which ruled against Cleaver. Cleaver filed a petition for a Writ of Certiorari, Supreme Court refused to hear Certiorari and the decision of the Supreme Court of CA stood. So, clearly the courts used to rule on Presidential eligibility.

On the other hand, from the time Obama started running for office there was a complete dereliction of duties of the elected officials and judges. Multiple courts were coming up with the most bizarre excuses in order to cover up Obama's forged IDs. For example, Judge Robertson in USDC for the District of Columbia in Hollister v Soetoro 1:08-cv-02254-JR ruled that because Obama's eligibility was "twittered and massaged on the blogs" during the election, he was eligible. Lawlessness of the last four years approached the levels of an Orwellian Animal Farm, when rules were erased overnight and replaced with the new rules. U.S. constitution it seems became the victim of such massive erasing and the new "standard of proof " of twitting and massaging on the blogs replaced it. However as late as 1968 in Cleaver and as late as 1990 in Fulani candidates for office and

electors had standing and U.S. courts had jurisdiction to rule on eligibility challenges against the Presidential candidates.

3. IMPEACHMENT BY CONGRESS AND DECLARATORY RELIEF BY THE COURT ARE NOT MUTUALLY EXCLUSIVE PROCESSES, THESE ARE PARALLEL INDEPENDENT PROCESSES WITH PARALLEL INDEPENDENT JURISDICTION, PRECEDENT CASE OF FEDERAL JUDGE WALTER NIXON, CONVICTION AND IMPRISONMENT AND LATER IMPEACHMENT

In its ruling on the TRO motion this court opined that the impeachment is a prerogative of the U.S. Congress. This was echoed in the Motion to Dismiss in the notion of separation of powers. However the plaintiffs are not asking the court to impeach the defendants.

First, this court had an opportunity to issue an injunction before the confirmation of Obama's electoral votes by the U.S. Congress and before the right to impeach even arose. Second, this court has jurisdiction and duty to exercise its' jurisdiction to issue a declaratory opinion.

U.S. Congress has power to impeach the U.S. President and the appointees of the U.S. President, however this does not take away from the Federal court system the power to issue declaratory relief. While impeachment of the U.S. President is rare,

there are multiple cases of impeachment of high ranking presidential appointees with parallel judiciary proceedings. For example, the U.S. Congress can impeach and remove from the bench a Federal Judge. A number of judges were indeed removed from the bench with parallel judiciary proceedings against those judges going on in multiple courts.

Walter Nixon, Chief Judge of the U.S. District Court of the Southern District of Mississippi was tried and convicted for lying to the Grand Jury in a case where he, as a Federal judge intervened in a state criminal case of a son of his business partner, he later lied about it to the FBI and to the Grand jury, was convicted of lying and was sent to prison. While in prison Nixon still retained his title and commission of a Federal Judge and was still collecting his salary of a Federal Judge, even though he obviously could not fulfill his functions of a judge from prison. Later on the Judiciary Committee prepared articles of impeachment against him, the U.S. Congress finally impeached and removed Judge Nixon from the bench. So, the fact that he was not yet impeached by the Congress did not prevent the trial judge from convicting Nixon and sending him to prison. The fact that only Congress can remove a Federal judge from the bench does not take away from the trial court an ability to rule against him. Similarly, in the case at hand, the fact that impeachment is the prerogative of the Congress, does not take away from this court the jurisdiction and the duty to assume its jurisdiction and rule on the

merits in this case. Specifically, this court has jurisdiction to conduct discovery and the duty to rule on the merits, whether Obama indeed committed fraud when he ran in the primary, whether he won the primary election against Plaintiff Keith Judd by fraud and using forged and stolen IDs as a basis of his US citizenship and eligibility to run as a candidate for the U.S. President. Furthermore, this court has jurisdiction to rule whether Obama committed fraud and used forged IDs in the general election and the Plaintiffs and specifically Plaintiff James Grinols lost his right to be sited as a member of the 2012 electoral college representing candidate Mitt Romney due to fraud and use of forged and stolen IDs by Obama.

Similarly US V Nixon 418 **U.S.** 683 (1974), and Clinton v Jones 520 U.S. 681 (1997), show that even sitting Presidents can be sued, declaratory relief and damages can be obtained, injunctions can be issues, such as an injunction preventing President Clinton from practicing law based on perjury in Paula Jones case.

As such, a Federal Judge can make declaratory, equitable and monetary rulings not only against an individual, who was sued as a candidate, but also against one, who is currently a President, however it has to be a legal action which relates to his actions prior to him becoming a President or after becoming the President if actions were not in furtherance of his official duties.

Constitutional eligibility of a President is separate from impeachment and cannot be left to determination by the Congress, as Congress has no duty to evaluate Constitutional eligibility and has no duty to respond to complaints by aggrieved parties

Just a couple of days ago during the Voting Rights Act hearing Justice Antonin Scalia attacked the motives behind reauthorizing the supposed touchstone of racial equality for being motivated by Congressional cynicism about race. Here's Scalia's statement from the transcript of the oral argument:

"Well, maybe it was making that judgment, Mr. Verrilli. But that's — that's a problem that I have. **This Court doesn't like to get involved in — in racial questions such as this one. It's something that can be left — left to Congress.** The problem here, however, is suggested by the comment I made earlier, that the initial enactment of this legislation in a — in a time when the need for it was so much more abundantly clear was — in the Senate, there — it was double-digits against it. And that was only a 5-year term.

Then, it is reenacted 5 years later, again for a 5-year term. Double-digits against it in the Senate. Then it was reenacted for 7 years. Single digits against it. Then enacted for 25 years, 8 Senate votes against it. A**nd this last enactment, not a single vote in the Senate against it. And the House is pretty much the same. Now, I don't think that's attributable to the fact that it is so much clearer now that we need this. I think it is attributable, very likely attributable, to a phenomenon that is called perpetuation of racial entitlement. It's been written about. Whenever a society adopts racial entitlements, it is very difficult to get out of them through the normal political processes.**

I don't think there is anything to be gained by any Senator to vote against continuation of this act. And I am fairly confident it will be reenacted in perpetuity unless — unless a court can say it does not comport with the Constitution. You have to show, when you are treating different States differently, that there's a good reason for it.

That's the — that's the concern that those of us who — who have some questions about this statute have. **It's — it's a concern that this is not the kind of a question you can leave to Congress. There are certain districts in the House that are black districts by law just about now. And even the Virginia Senators, they have no interest in voting against this. The State government is not their government, and they are going to lose — they are going to lose votes if they do not reenact the Voting Rights Act. Even the name of it is wonderful: The Voting Rights Act. Who is going to vote against that in the future?"**

This quote summarizes one of the most serious objections and impediments to the notion that this whole issue of Obama's use of forged IDs should be left to the Congress to decide. Taitz, plaintiffs' attorney herein filed a petition with the U.S. Congress to immediately investigate Obama's use of forged and stolen IDs. Now there are 45,000 signatures on this petition and the number of signatures is going up by about 2,000 every day. However, the responses from the members of Congress show that they are completely clueless, many members of the U.S. Congress are not attorneys, do not understand the issues involved, do not understand that a computer image posted by Obama on line is not a document, it is just an image and proper authentication in light of evidence of forgery is examinations of the original, that without examination of the original document nothing was ever authenticated. Additionally, as Justice Scalia noted, members of the U.S. Congress have no obligation to examine the constitutionality of an act or constitutional eligibility of an elected official, their main objection is to get reelected and they do not want to lose minority votes.

Similarly, in case at hand the U.S. Congress has no obligation to act, it can use an excuse of legislative discretion or legislative immunity. On the other hand, a judge has a duty to act. Case at hand was brought by candidates who faced Obama in either primary or general election, by electors, who were deprived of their Suffrage right,s of their equal protection rights and their rights for honest service, all of whom have standing. As such, this court cannot relinquish its' duty to adjudicate this case. The Congress may or may not act, it may or may not impeach Obama for different reasons, many of them self serving. The court on the other hand has a duty to adjudicate and issue a declaratory relief and damages if warranted.

OBAMA ELECTION CAN BE DECLARED VOID BASED ON A PRECEDENT OF VOIDING THE ELECTION OF SENATOR JAMES SCHIELD 1849

James Schield took his seat on March 6, 1849, but on March 15, 1849, the Senate declared his election void on the ground that he had not been a citizen of the United States the required number of years. similarly, election of Senator Albert Gallatin was voided due to lack of eligibility.

PRECEDENT OF SENATOR JAMES HARLAN

On January 5, 1857 Committee on the Judiciary of the Thirty fourth Congress, Third Session came with the finding that the seat occupied by Senator James

Harlan of Iowa should be declared vacant due to an invalid election. Senator Harlan chose to resign rather than be removed by the full Congress.

BASED ON PRECEDENT OF SENATOR LORIMER OF IL OBAMA ELECTION CAN BE VOIDED BASED ON ELECTORAL MISCONDUCT AND FRAUD.

In 1913 election of another Illinois senator, William Lorimer, was voided by the U.S. Senate due to electoral misconduct, fraud and bribery.

Similarly, based on the precedent of Lorimer election of Obama has to be voided due to fraud and use of forged and fraudulently obtained IDs.

ELECTION OF SENATOR ALBERT GALLATIN WAS VOIDED IN 1793, CONSTITUTES PRECEDENT TO GRINOLS.

Senator Albert Gallatin was an immigrant from Switzerland and later became the longest serving secretary of the U.S. treasury, whose statue graces the entrance to the Secretary of Treasury, however Gallatin's election to the U.S. Senate was voided in 1793 due to lack of eligibility. Gallatin did not fulfill the citizenship requirement.

Similarly, election of Obama has to be voided due to lack of citizenship requirement and lack of compliance with .

as stated based on Article 2, section 1, clause 5 U.S. President has to be a natural born U.S. Citizen. All the evidence in the case shows that Obama claimed U.S. citizenship based on fraud and based on use of a forged birth certificate and a fraudulently obtained/stolen Social security number. As such, this court has to adjudicate this matter and issue a declaratory relief, whether a party can run for the U.s. President using forged and stolen IDs as a basis of his citizenship.

d/stolen IDs.

BASED ON THE PRECEDENT OF THE ELECTION OF SENATOR TRUMAN H. NEWBERRY IT IS THE JURISDICTION OF THIS COURT TO ISSUE A DECLARATORY RELIEF AND IT IS NOT THE JURISDICTION OF THE U.S. CONGRESS TO RULE ON THE PART OF THIS CASE DEALING WITH FRAUD COMMITTED BY OBAMA IN THE PRIMARY AND THE PRIMARY ELECTION CHALLENGE BY JUDD.

Senator Newberry was elected as a Republican to the United States Senate and served from March 4, 1919, until his resignation on November 18, 1922. In 1921, Newberry was tried and convicted under the Federal Corrupt Practices Act of election "irregularities" The conviction was reversed by the Supreme Court in

Newberry v. United States, 256 U.S. 232 (1921) . It is a decision by the United States Supreme Court which held that the United States Constitution did not grant the United States Congress the authority to regulate political party primaries or nomination processes.

As such, based on Newberry precedent this court has to hear this case, as all of the Plaintiffs in this case were candidates and voters in the primary election and have standing.

More importantly Plaintiff Keith Judd ran directly against candidate Obama in 2012 Primary in the state of West Virginia and got 41% of the vote of the Democratic Party voters, while Obama got 59%.

This court has no right or justification to avoid asserting the jurisdiction and dump this whole case on the U.S. Congress, as based on the decision of the Supreme Court of the United States in Newberry, United States Congress does **not** have authority to regulate the primaries or nomination process.

While clearly this court would prefer not to deal with this case, which is a political hot potato, it has a duty to assert its jurisdiction.

Supreme Court Justice John Marshal wrote

"*We have no more right to decline the exercise of jurisdiction which is*

given, than to usurp that which is not given. The one or the other would be

treason to the [C]onstitution.”-Chief Justice John Marshall Cohens v. Virginia, 19 U.S. (6 Wheat.) 264, 404 (1821).

This is the case of National importance, Congress does not have jurisdiction and therefore it is the jurisdiction of this court to decide whether fraud was committed in the primary election by the candidate Obama.

10. THIS CASE IS AKIN TO ROE V**.** WADE**, 410 U.S. 113 (1973) AS A CASE "CAPABLE OF REPETION AND EVADING REVIEW AND THEREFOR HAS TO BE HEARD BY THIS COURT.**

Under the traditional interpretation of standing Jane Roe's appeal in Roe v Wade was "moot" because she had already given birth to her child and thus would not be affected by the ruling; she also lacked "standing" to assert the rights of other pregnant women. As she did not present an "actual case or controversy", any opinion issued by the Supreme Court would constitute an advisory opinion.

The Court concluded that the case came within an established exception to the rule; one that allowed consideration of an issue that was "capable of repetition, yet evading review". This phrase had been coined in 1911 by Justice Joseph McKenna. Blackmun's opinion quoted McKenna, and noted that pregnancy would normally conclude more quickly than an appellate process: "If that termination makes a case

moot, pregnancy litigation seldom will survive much beyond the trial stage, and appellate review will be effectively denied."

As was seen with the elections of Obama there were repeated ruling by courts which deemed this case to be filed to early or too late.

Under signed counsel has represented former U.N. ambassador Keyes in Keyes v Bowen 34-2008-80000096 CU-WM-GDS in the Superior Court of California in Sacramento (against Secretary of State of CA Bowen). Presiding Superior court Judge Michael Kenney found that the case, which was filed right after the election, was moot, as filed too late, on the other hand CA Court of Appeal found it to be filed too early, as it was filed before the electoral college meeting in 2008 and before the certification of the electoral votes by the U.S. Congress in 2009.

9th Circuit Court of Appeals ruled that the case of Keyes v Obama NO. 10-55084 D.C. No. 8:09-CV-00082-DOC Central District of California Santa Ana brought on behalf of the former U.S. ambassador Alan Keyes by the under signed counsel was moot when the candidate was sworn in. Ruling in Keyes v Obama means:

a. This court has jurisdiction, as jurisdiction is ascertained at the time the case is filed. This case was filed in December 2012 before Obama was sworn

in on January21, 2013. The case was brought two and a half months before the swearing in ceremony, as such this court has jurisdiction.

b. Even if this court were to be filed two months after it was actually filed, the court still would have jurisdiction to issue declaratory relief, as this is the case that "is capable of repetition but evades review".

The issues presented in this case are numerous and are capable of repetition and evading review:

1. Can an individual present flagrant computer forgery claiming it to be a copy of a valid birth certificate and use it as a basis of the US citizenship and Natural Born status to become a US President?

2. Can an individual use a stolen Social Security number as a basis of the U S. citizenship and basis for his claims of eligibility of presidency?

3. Can n individual use a forgery claiming it to be a valid SS Registration for the purpose of satisfying 5USC 3328?

4. Can an individual with foreign citizenship from birth become a U.S. President?

5. Can an individual with foreign citizenship during the swearing ceremony be sworn in as a US. President?

This court has a duty to assume jurisdiction and hear these issues, which are capable of repetition, but evading review.

11. BASED ON 5USC 3328 OBAMA IS NOT ELIGIBLE TO WORK ANYWHERE IN THE EXECUTIVE BRANCH, INCLUDING THE U.S. PRESIDENCY

Obama does not have a valid Selective Service certificate. Based on the affidavit of Sheriff Arpaio and investigator Zullo, a sworn affidavit from the Chief Investigator of the Special Investigations Unit of the U.S. Coast Guard (ret) and former special agent of the DHS Jeffrey Stephan Coffman Obama's alleged Selective Service registration is a forgery.

According to 5 USC § 3328 every man born after 1959 has to register with the Selective Service and cannot work in the executive branch if he did not register with the selective service.

(a) An individual—

(1)who was born after December 31, 1959, and is or was required to register under section 3 of the Military Selective Service Act (50 App. U.S.C. 453); and

(2)who is not so registered or knowingly and willfully did not so register before the requirement terminated or became inapplicable to the individual,

shall be ineligible for appointment to a position in an executive agency.

As Obama claims to be born in 1961 (without a valid birth certificate we don't even know when he was born) he had a duty to register with the Selective Service. A forgery does not represent a registration, as such Obama is not eligible to be working in the executive branch of the U.S. government. He is not eligible to be a President in the White House or a janitor in the White House and it is a duty of this court to exercise its' jurisdiction to conduct discovery and examination of the original Selective Service certificate and rule Obama not constitutionally eligible to serve in the executive branch.

CONCLUSION

1. Motion to dismiss should be denied as untimely in relation to defendant Obama as it was untimely, was it was filed on February 14th, three weeks after the default by Obama who was sued as a candidate and was supposed to respond by January 25th.

2. Motion to dismiss should be denied in relation to candidate Obama, as it was filed by the U.S. Attorneys' office, which had no jurisdiction or mandate to

represent a private individual, candidate for office Obama. US Attorneys' office could represent only governmental employees acting in furtherance of their official duties. Obama as a candidate for office was not a federal employee and his actions in using allegedly forged and fraudulently obtained Identification papers was not done in furtherance of the federal office.

3. Motion to dismiss should be denied as the U.S. Attorneys' office which filed the Motion to dismiss on behalf of federal defendants, according to the defendants did not advise them that they are being represented by the US Attorneys' office, they did not consent to representation and according to a number of those employees they did not want the case dismissed. The attorneys acted against the wishes of the clients, whom they allegedly represented.

4. Motion to dismiss should be denied since the plaintiffs as candidates for office and Presidential electors have standing based on the precedent of Fulani v Hogsett917 F 2d 1028 (7th cir., 1990)

5. Motion to dismiss should be denied as this court has jurisdiction to issue a declaratory relief of lack of eligibility of a candidate for the U.S. President based on a precedent *Cleaver v Jordan*, Calif. Supreme Court minutes, Sep. 26, 1968, case no. 7838,

6. Motion to dismiss should be denied as this court has jurisdiction and can rule on constitutional eligibility of a Presidential candidate, which is separate from any congressional impeachment hearings, if any. U.S. v Nixon, U.S. v Judge Walter Nixon, Clinton v Jones serve as precedents showing that eligibility or culpability of individuals subject to impeachment can be done independent from impeachment.

7. Election of Obama can be voided based on precedents of voiding elections of Senator Schield, Senator Gallatin, senator Harlan due to lack of constitutional eligibility.

8. Election of Obama can be voided based on precedents of voiding elections of Senator Larimar due to elections fraud and possible bribery.(the issue of bribery of key officials to be ascertained during the discovery).

9. Based on the precedent of the election of Senator Truman H. Newberry it is the jurisdiction of this court to issue a Declaratory relief and it is not the jurisdiction of the U.S. Congress to rule on the part of this case dealing with fraud committed by

10. This case is akin to Roe v**.** Wade**,** 410 U.S. 113 (1973) as a case "capable of repetition and evading review and therefore has to be heard by this court.

11. BASED ON 5USC 3328 OBAMA IS NOT ELIGIBLE TO WORK ANYWHERE IN THE EXECUTIVE BRANCH, INCLUDING THE U.S. PRESIDENCY

/s/ Dr. Orly Taitz, ESQ

Counsel for the plaintiffs

02.08.2013