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Counselor for the Plaintiffs

US District Court

For the Eastern District of California

James Grinols, Robert Odden, in their capacity)Case # 12-cv-02997

as Presidential Electors)

Edward C. Noonan, Thomas Gregory MacLeran,)

Keith Judd in their capacity as)

candidates for the U.S. President)

Orly Taitz in her capacity as candidate for office)

in the state of CA; Edward Noonan and Orly Taitz

in their capacity as registered voters in CA)

v Electoral College, President of the Senate,)

Governor of California, Secretary of State)

of California, U.S. Congress ,)

aka Barack (Barry) Soetoro,)

aka Barack Hussein Soebarkah,)

aka alias Barack Hussein Obama,)
aka alias Barack A. Obama,)
aka alias Harrison (Harry) J. Bounel)
aka alias S. A. Dunham)
in his capacity)
as an individual and candidate for)
the U.S. President)
and John Does and Jane Does 1-300

**OPPOSITION TO MOTION TO DISMISS BY THE FEDERAL
DEFENDANTS AND BY AN INDIVIDUAL, CANDIDATE FOR OFFICE
OBAMA, WHO IS ALREADY IN DEFAULT FOR FAILURE TO FILE
REPONSIVE PLEADINGS WITHIN 21 DAYS, AS REQUIRED**

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1. DEFENDANT OBAMA CANNOT SUBMIT A MOTION TO DISMISS AS HE ALREADY DEFAULTED.
2. DEPARTMENT OF JUSTICE/US ATTORNEYS' OFFICE HAS NO RIGHT TO REPRESENT CANDIDATE OBAMA, WHO WAS SUED AS AN INDIVIDUAL, AS A CANDIDATE FOR OFFICE AND NOT AS A FEDERAL EMPLOYEE PERFORMING GOVERNMENTAL FUNCTIONS

3. ACCORDING TO THE DEFENDANTS MEMBERS OF CONGRESS AND MEMBERS OF THE ELECTORAL COLLEGE THEY ARE NOT REPRESENTED BY THE US ATTORNEYS' OFFICE

4. PRECEDENT OF FULANI V HOGSET GIVES STANDING TO PLAINTIFFS.

5. PRECEDENT OF CLEAVER V JORDAN GIVES JURISDICTION TO THIS COURT TO ASCERTAIN LEGITIMACY OF PRESIDENTIAL CANDIDATES

6. IMPEACHMENT BY CONGRESS AND DECLARATORY RELIEF BY THE COURT ARE NOT MUTUALLY EXCLUSIVE PROCESSES, THESE ARE PARALLEL INDEPENDENT PROCESSES WITH PARALLEL INDEPENDENT JURISDICTION

7. 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

8. ELECTION OF OBAMA CAN BE VOIDED BASED ON PRECEDENTS OF VOIDING ELECTIONS OF SENATOR SCHIELD AND SENATOR GALLATIN DUE TO LACK OF CONSTITUTIONAL ELIGIBILITY.

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 OBAMA IN THE PRIMARY AND THE PRIMARY ELECTION CHALLENGE BY JUDD.

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