

Dr. Orly Taitz, ESQ

29839 Santa Margarita Parkway, STE 100

Rancho Santa Margarita CA 92688

Tel: (949) 683-5411; Fax (949) 766-7603

E-Mail: dr_taitz@yahoo.com, orly.taitz@gmail.com

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

Dr. ORLY TAITZ, ESQ, PRO SE

§ 11-402

v.

§Hon Judge Lamberth presiding

§

Michael Astrue,

§

**MOTION TO STRIKE UNTIMELY RESPONSE TO MOTION FOR
RECONSIDERATION**

**REPLY UNDER PROTEST TO AN UNTIMELY OPPOSITION TO MOTION FOR
RECONSIDERATION**

Plaintiff filed a motion for reconsideration. Any opposition by the defense was due on June 27.2013. It was not received.

On June 28, 2013 Plaintiff filed a notice of default/ failure to respond by the defendant to the motion for reconsideration and sought a ruling in favor of the Plaintiff to her motion for reconsideration as unopposed. This 06.28.2013 notice was docketed on 07.02.2013.

After the USDC docketed notice of failure to respond defendant filed a request for a leave of court to allow submission of a late response.

Plaintiff opposes such request for a leave of court.

This is a matter of National security and relates to the unauthorized use of a Social Security number of an individual who is believed to be deceased by a high ranking official of the U.S. government. The Department of Justice has unlimited resources of tax payer dollars and could furnish a timely response to such an important action.

Moreover, the only argument the defense bring forward, is a misguided notion claiming that the Plaintiff is late. If this court were to rule based on the fact that the party is late, than this court should not consider the late response from the defense.

In case the court grants the defendants motion for a leave of court to file a late opposition to the motion for reconsideration, Taitz is submitting following reply under protest:

1. Plaintiff notes that defendant did not oppose the Request for Judicial Notice of the SSA "120 year rule", whereby the SS-5, Social Security numbers of "extremely aged individuals" of 120 years old or older have to be released without consent or proof of death of such individual. As such Plaintiff moves this court to issue aforementioned Judicial notice as unopposed.
2. Plaintiff notes that defense did not oppose and therefore conceded to the findings in the request for the Judicial notice in regards to the results of 1940 census relating to Harrison (Harry) J. Bounel. As such Plaintiff Taitz moves this court to grant the request for judicial notice of the results of the 1940 census showing Harrison (Harry) J. Bounel, age 50, born in 1890, immigrant from Russia, residing in 1940 at 912 Daly Ave. in Bronx, New York. Being born in 1890 Harrison J. Bounel is an "extremely aged individual", whose SS-5, Social Security application, has to be released by the Social Security Administration under 5USC 552. The court is requested to issue a Judicial notice that Harrison J. Bounel was born in 1890, that he is an extremely aged individual" according to Social Security administration "120 year rule" and his SS-5, Social Security number application has to be released without consent or proof of death and is not subject to privacy exemption.
3. Plaintiff is moving this court to issue as unopposed a Judicial notice of the report by the Merlins Information systems showing that two individuals used Connecticut Social Security xxx-xx-4425: Harrison J. Bounel and Barack Hussein Obama.
4. Plaintiff notes that defense did not oppose and therefore conceded to the request for Judicial Notice of the 2009 tax returns, public record published by Barack Hussein Obama, himself, on the official

White House web site whitehouse.gov which showed him using Connecticut Social Security number xxx-xx-4425.

5. Plaintiff notes that defense did not oppose and Plaintiff seeks a judicial notice, as unopposed of the SSNVS (Social Security Number Verification System) showing that xxx-xx-4425 Connecticut Social Security Number was not issued to Barack Obama

6. Plaintiff notes that defense did not oppose the E-Verify report showing that xxx-xx-4425 Connecticut Social Security number does not match the name Barack Obama in E-Verify systems

7. Plaintiff notes that the defense did not oppose and Plaintiff seeks to grant as unopposed the Motion for Reconsideration under rule 60B(6). Under rule 60B(6) Motion for reconsideration can be sought and granted at any time: a year after the final ruling, two years or a 100 years after the ruling. Such motion can be granted any time the court finds that it serves justice. It definitely serves justice to release a record that the SSA was obligated to release to begin with, as SSA had Bounel's date of birth and 120 year rule information and wrongfully withheld this information and defrauded this court, as well as the Court of Appeals by flagrantly lying and claiming that the record is not subject to release due to privacy reasons.

8. The only opposition the defense submitted, was an opposition to request for reconsideration under Rule 60B(2).

a. This opposition is of no consequence as they did not oppose to the release under 60B(6). As the document can be released under either 60B(2) or 60B(6), it makes no difference under which rule the court grants it, as such an opposition only to rule 60B(2) in absence of opposition to rule 60B(6) is completely moot and an exercise in futility

b. As stated, Defendant states that the motion is late under rule 60B(2) and if the court decides to deny motions based on being late, this court will have to deny the opposition claiming that the motion is late, as the opposition in itself is late

c. Defense is mistaken about the motion being late under 60B(2). The original decision by this court was appealed to the court of Appeals. The court of Appeals did not issue it's mandate until August of 2012, so the plaintiff has a year since the mandate, until August of 2013, therefore she is not late filing her motion for reconsideration.

d. Defense is wrong in their claim that Plaintiff did not use reasonable efforts to find proper information for reconsideration, stating that the 120 year rule was published in 2011. Plaintiff had no idea that it was published in 2011 and had no warning that such publication is forthcoming. There was never a 120 year rule and she had no reason to believe that such rule will be instituted. On the other hand, the defense knew that such rule existed since 2010, they knew that Harrison J. Bounel was subject to such rule and they lied and defrauded two courts until 2012 claiming that the SS-5 cannot be released due to considerations of privacy. This is an egregious obstruction of Justice by the defendant and Defendant's attorneys'. Not only the SS-5 has to be released, but the defense and the attorneys for the defense

have to be severely sanctioned for fraud on the court, perjury by the Senior FOIA officer Dawn Wiggins and obstruction of Justice. Further, just the release of the information in regards to the 120 year rule was not sufficient for motion for reconsideration. Only after the census results were made public in 2011, after those results were analyzed by researches, after Merlins Information systems provided results and after Investigator and Debt Collector Albert Hendershot provided Taitz all the information in 2013, did she have all the necessary information which justified granting motion for reconsideration. So Taitz acted expeditiously and timely

CONCLUSION

Based on all of the above all of the Motions for Judicial notice and the Motion for Reconsideration should be granted.

/s/ Dr. Orly Taitz, ESQ

Cc Congressman Goodlatte, Chair of the Judiciary Committee US House of Representatives

Cc Congressman Issa, Chair of the Oversight Committee U.S. House of Representatives

PROPOSED ORDER

UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF COLUMBIA

Dr. ORLY TAITZ, ESQ, PRO SE

§ 11-402

v.

§Hon Judge Lamberth presiding

§

Michael Astrue,

§

PROPOSED ORDER TO MOTION FOR RECONSIDERATION AND MOTIONS FOR JUDICIAL NOTICE

Plaintiff filed a motion for reconsideration on 06.13.2013. Any opposition by the defense was due on June 27.2013. It was not received. On June 28.2013 Plaintiff filed a notice of default/ failure to respond by the defendant to the motion for reconsideration and sought a ruling in favor of the Plaintiff to her motion for reconsideration as unopposed. This 06.28.2013 notice was docketed on 07.02.2013.

After the USDC docketed notice of failure to respond defendant filed a request for a leave of court to allow submission of a late response. Plaintiff opposed such request for a leave of court.

This is a matter of National security and relates to the unauthorized use of a Social Security number of an individual who is believed to be deceased by a high ranking official of the U.S. government. The Department of Justice has unlimited resources of tax payer dollars and could furnish a timely response to such an important action.

Moreover, the only argument the defense brought forward, is a misguided notion claiming that the Plaintiff is late. If this court were to rule based on the fact that the party is late, than this court should not consider the late response from the defense.

If the court were to grant the defendant's motion for a leave of court to file a late opposition to the motion for reconsideration, Plaintiff submitted the following reply under protest:

1. Plaintiff noted that defendant did not oppose the Request for Judicial Notice of the SSA "120 year rule", whereby the SS-5, Social Security numbers of "extremely aged individuals" of 120 years old or older have to be released without consent or proof of death of such individual. As such Plaintiff moved this court to issue aforementioned Judicial notice as unopposed.

2. Plaintiff noted that defense did not oppose and therefore conceded to the findings in the request for the Judicial notice in regards to the results of 1940 census relating to Harrison (Harry) J. Bounel. As such Plaintiff Taitz moved this court to grant the request for judicial notice of the results of the 1940 census showing Harrison (Harry) J. Bounel, age 50, born in 1890, immigrant from Russia, residing in 1940 at 912 Daly Ave. in Bronx, New York. Being born in 1890 Harrison J. Bounel is an "extremely aged individual", whose SS-5, Social Security application, has to be released by the Social Security Administration under 5USC 552. The court was requested to issue a Judicial notice that Harrison J. Bounel was born in 1890, that he is an extremely aged individual" according to Social Security administration "120 year rule" and his SS-5, Social Security number application has to be released without consent or proof of death and is not subject to privacy exemption.

3. Plaintiff moved this court to issue as unopposed a Judicial notice of the report by the Merlins Information systems showing that two individuals used Connecticut Social Security xxx-xx-4425: Harrison J. Bounel and Barack Hussein Obama.

4. Plaintiff noted that defense did not oppose and therefore conceded to the request for Judicial Notice of the 2009 tax returns, public record published by Barack Hussein Obama, himself, on the official White House web site whitehouse.gov which showed him using Connecticut Social Security number xxx-xx-4425.

5. Plaintiff notes that defense did not oppose and Plaintiff seeks a judicial notice, as unopposed of the SSNVS (Social Security Number Verification System) showing that xxx-xx-4425 Connecticut Social Security Number was not issued to Barack Obama

6. Plaintiff notes that defense did not oppose the E-Verify report showing that xxx-xx-4425 Connecticut Social Security number does not match the name Barack Obama in E-Verify systems

7. Plaintiff noted that the defense did not oppose and Plaintiff sought to grant as unopposed the Motion for Reconsideration under rule 60B(6). Under rule 60B(6) Motion for reconsideration can be sought and granted at any time: a year after the final ruling, two years or a 100 years after the ruling. Such motion can be granted any time the court finds that it serves justice. It definitely serves justice to release a record that the SSA was obligated to release to begin with, as SSA had Bounel's date of birth and 120 year rule information and wrongfully withheld this information and defrauded this court, as well as the Court of Appeals by flagrantly lying and claiming that the record is not subject to release due to privacy reasons.

8. The only opposition the defense submitted, was an opposition to request for reconsideration under Rule 60B(2).

a. this opposition is of no consequence as defense did not oppose to the release under 60B(6). As the document can be released under either 60B(2) or 60B(6), it makes no difference under which rule the court grants it, as such an opposition only to rule 60B(2) in absence of opposition to rule 60B(6) is completely moot and an exercise in futility.

b. As stated, Defendant asserted that the motion is late under rule 60B(2) and if the court decides to deny motions based on being late, this court will have to deny the opposition claiming that the motion is late, as the opposition in itself is late.

c. Defense is mistaken about the motion being late under 60B(2). The original decision by this court was appealed to the Court of Appeals. The court of Appeals did not issue it's mandate until August of 2012, so the plaintiff has a year since the mandate, until August of 2013, therefore she is not late filing her motion for reconsideration.

d. Defense is wrong in their claim that Plaintiff did not use reasonable efforts to find proper information for reconsideration, stating that the 120 year rule was published in 2011. Plaintiff had no idea that it was published in 2011 and had no warning that such publication is forthcoming. There was never a 120 year rule and she had no reason to believe that such rule will be instituted. On the other hand, the defense knew that such rule existed since 2010, they knew that Harrison J. Bounel was subject to such rule and they lied and defrauded two courts until 2012 claiming that the SS-5 cannot be released due to considerations of privacy. This is an egregious obstruction of Justice by the Defendant and Defendant's attorneys'. Not only the SS-5 has to be released, but the defense and the attorneys for the defense have to be severely sanctioned for fraud on the court, perjury by the Senior FOIA officer Dawn Wiggins and obstruction of Justice. Further, just the release of the information in regards to the 120 year rule was not sufficient for motion for reconsideration. Only after the census results were made public in 2011, after those results were analyzed by researches, after Merlins Information systems provided results and after Investigator and Debt Collector Albert Hendershot provided Taitz all the information in 2013, did she have all the necessary information which justified granting motion for reconsideration. So Taitz acted expeditiously and timely.

Based on foregoing aforementioned Motions for Judicial Notice as well as Motion for Reconsideration are **GRANTED**. Based on the FOIA request Defendant to provide the Plaintiff within 5 working days the SS-5, Social Security Number Application for Connecticut Social security number xxx-xx-4425 of Harrison J, Bounel, born in 1890 under the 120 year rule, as a SS-5 for extremely aged individual. Defendant to compensate the Plaintiff under 5USC 552 for court fees and a reasonable cost for time spent litigating this case.

Royce C. Lamberth, Chief Judge