

IN THE NINTH CIRCUIT COURT OF APPEALS

CASE# 13-16359

**JAMES GRINOLS, EDWARD NOONAN, THOMAS MACCLERAN,
ROBERT ODDEN, KEITH JUDD, ORLY TAITZ**

APPELLANTS

V

**ELECTORAL COLLEGE, U.S. CONGRESS, GOVERNOR OF
CALIFORNIA, SECRETARY OF STATE OF CALIFORNIA, BARACK
OBAMA**

APPELLEES

APPELLANTS' OPENING BRIEF

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STATEMENT OF THE CASE

The case at hand contains two parts. One of the parts is a complaint in relation to estimated one and a half million invalid voter registrations in the state of California found during 2012 elections.

Second part of the complaint relates to fraud committed by Barack Hussein Obama, as a candidate for office during 2012 election, in placing his name on the ballot and asserting his eligibility and U.S. citizenship based on fabricated IDs and a stolen Social security number which failed E-Verify and SSNVS and while holding Indonesian citizenship. Plaintiffs herein are electors, candidates for office and voters who are seeking both the injunctive and declaratory relief. Defendants are Secretary of State of California Debra Bowen, Governor Jerry Brown, in their official capacity of state officials signing the certificate of vote, certificate of ascertainment and therefore certifying the election; members of the Electoral College and U.S. Congress, as parties certifying the certificate of vote.

Lower court dismissed the federal case, claiming that it does not have jurisdiction to rule on eligibility for office of a Presidential candidate, even though recently the same Eastern District of California ruled that it had jurisdiction to rule on presidential eligibility in a case *Peace and Freedom Party and Peta Lindsey v*

Secretary of State Debra Bowen Court of Appeals # 13-15085 and lower court # 2:12-cv-00853. Further, after the court found that it has no jurisdiction to rule on a

federal question, it declined to rule on a state question and advised the plaintiffs to resolve the remaining matters in the state court.

JURISDICTION

Case at hand originates from the U.S. District Court for the Eastern District of California, which is part of the Ninth Circuit court of Appeals and the court has jurisdiction under 28 USC 1331, 1295.

STATEMENT OF ISSUES

1. Did the court err and abuse its' judicial discretion in allowing Department of Justice/U.S. Attorneys to file any pleadings in the case, including motion to dismiss, on behalf of the U.S. Congress and Electoral College, when the court had in front of it sworn affidavits showing that the U.S. Attorneys claiming to represent these parties, never contacted the parties they claimed to represent, never forwarded the pleadings and evidence to their alleged clients and flagrantly defrauded the U.S. Congress and members of the Electoral college?
2. Did the court err and abuse its' judicial discretion in not granting default judgment against Barack Obama, who was sued as an individual, a candidate for office, not as a president, and who failed to submit any responsive pleadings?
3. Did the court err and abuse its' judicial discretion in refusing to consider precedents of *Peta Lindsey v Bowen*, *Clever v Jordan* and others and ruling that the court has no jurisdiction to rule on the issue of legitimacy of the

candidate for the U.S. President claiming it to be a political issue, while in all the precedents the courts ruled on eligibility on the merits?

4. Did the court err and abuse its' judicial discretion in ignoring the direct on point ruling of the Ninth Circuit in *Keyes v Obama* in ruling that the case is moot, while based on the *Keyes* precedent, a case challenging eligibility filed before confirmation by the Electoral College vote, before confirmation by the Congress and before swearing in is not moot?
5. Did the court err and abuse its' judicial discretion in deciding that only one plaintiff, Presidential candidate Keith Judd, has standing to challenge Obama's legitimacy to presidency and other parties do not have standing?
6. Did the court err and abuse its' judicial discretion in declining to rule on the issue of a million and a half invalid voter registrations in California, even though those registrations were at issue in a Federal election for U.S. President and U.S. Senator, even though several plaintiffs were California voters and
7. Plaintiff Taitz was a Republican candidate for U.S. Senator in 2012 primary election and the margin of victory by her opponent was much smaller than the number of invalid voter registrations?

8. Did the Court Err and abuse its' judicial discretion in ruling during January 3, 2013 hearing that just because other courts before refused to hear the case on the merits, neither should this court, that lack of actions by other courts justifies refusal to address any evidence of Obama's use of a stolen Social Security number and fabricated IDs?
9. Did this court erred in finding the case to be moot because it erroneously found that December 12 2012 happened after December 17, 2012, after January 4 2013 and after January 20, 2013?
10. Did the court err and abuse its' judicial discretion in refusing to allow the Plaintiffs to correct a technical error in filing and file part two of the First Amended complaint, even though the case was the case of National elections and integrity of elections in California and integrity of U.S. Presidency were at stake?
11. Did the court err in ignoring the fact that Barack Obama does not exist as a legal entity and the person occupying the White House is listed under last name Soetoro and Soebarkah in his IDs?
12. Did the court err and abuse its' judicial discretion in ignoring the evidence showing that Obama was never eligible to work in executive branch of the

13.U.S. government due to the fact that he did not have a genuine registration for Selective Service and according to top law enforcement officials used a fabricated Selective Service registration with a fabricated cancellation USPS stamp attached to it?

Statement of facts.

Plaintiffs Grinols and Odden were Presidential electors duly elected by their parties, Republican and Libertarian parties respectively, for 2012 Presidential election. Keith Judd was a Democratic party candidate in 2012 Presidential election, who came second to Barack Obama in 2012 West Virginia primary. Judd received 40% of the vote. Plaintiff Noonan was a Candidate for the U.S. President from the American Independent party, who won the American Independent party primary in CA. Taitz was a Republican candidate for the U.S. Senate on the ballot in Republican primary, got 140,000 votes in the primary. Plaintiffs uncovered and filed as exhibits with the U.S. District court sworn affidavits from experts showing approximately one and a half million invalid voter registrations in the state of California which influenced 2012 primary and general elections.

Further, plaintiffs provided the court with sworn affidavits from top law enforcement officials and experts, as well as governmental records showing that Barack Obama ran for the office of the U.S. President while not being eligible,

committing fraud, as Obama used a stolen Connecticut Social Security number, fabricated Selective Service registration, computer generated forgery for birth certificate, he is hiding his Indonesian citizenship and there are no valid documents showing Obama to be a natural born U.S. citizen as required for the U.S.

Presidency under Article 2, Section 1, Clause 5 of the U.S. Constitution. There is not a single valid document showing Obama to be a U.S. citizen at all: natural born or naturalized. A couple of copies made public by Obama, were deemed to be flagrant forgeries by top law enforcement officials and experts. Authorities are refusing to allow law enforcement officials, experts and public to review any original, wet ink IDs for Obama and there is no evidence such original, genuine documents exist or ever existed. On December 12, 2012 Plaintiffs, who are citizens of several states in the nation, gathered in the U.S. District Court for the Eastern District of California and filed a complaint against Barack Obama, as a candidate for office, who was **not** confirmed by the Electoral College, who was **not** confirmed by the U.S. Congress yet and who was **not** sworn in by the Chief Justice of the U.S. Supreme Court.

Plaintiffs sought an adjudication on the merits and a Declaratory relief from the court declaring that Barack Hussein Obama is not eligible for the U.S. Presidency, due to the fact that he does not qualify as a Natural Born U.S. citizen and due to the fact that he committed elections fraud and asserted his eligibility for office and

his U.S. citizenship based on a stolen Connecticut Social security number xxx-xx-4425, which was assigned to one Harry Bounel, born in 1890 and later illegally assumed by Obama, based on his use of a computer generated, fabricated birth certificate, fabricated Selective Service certification with a fabricated cancelation U.S. Postal stamp affixed to it, due to his hiding of his Indonesian citizenship and due to other evidence of fraud. (Complaint ER-1) Plaintiffs sought a second relief as well, in the form of an injunction, enjoining the Secretary of State of California and Governor of California from signing the Certificate of Ascertainment for Barack Obama and from forwarding the Certificate of Ascertainment and Certificate of Vote to the Electoral college, as well enjoining the Electoral College from signing the Certificate of Electoral Vote and enjoining the U.S. Congress from certifying the election due to fraud committed by Obama and due to his assertion of the U.S. Presidency and legitimacy based on fabricated/altered/forged/stolen IDs, as well as seeking to enjoin Obama from taking the oath of office of the U.S. President.

U.S Attorneys claimed to represent all of the federal defendants including the U.S. Congress and the Electoral college and on behalf of all of "their clients" opposed the injunctive relief and sought the dismissal. Attorney General of California sought dismissal on part of the state defendants. Plaintiffs provided the court with sworn affidavits showing that the U.S. Attorneys on the case never

provided the members of the Electoral College and the U.S. Congress with any pleadings or exhibits and defrauded the court and the Electoral College and the U.S. Congress by filing pleadings on behalf of the clients without any knowledge and consent of those clients. Plaintiffs sought to strike those pleadings. The court simply ignored all of the above facts. Further, the court chose to ignore all of the precedents of Peace and Freedom Party, *Peta Lindsey v Bowen USDC Eastern District of CA 2:12-cv-00853*, *Cleaver v Jordan Calif. Supreme Court minutes, Sep. 26, 1968, case no. 7838*, *Fulani v Hogsett 917 F 2d 1028 (1990)*.and claimed that the court has no jurisdiction to hear the case of eligibility of a candidate for the U.S. Presidency claiming it to be a political question to be decided only by the Congress, even though in precedent cases the court decided on eligibility of candidates for President and did not find it as a non justiciable political question. The court refused to grant a default judgment against defendant Obama, even though Obama was served properly and repeatedly and he refused to respond. During the TRO hearing the court refused to consider any evidence brought by the plaintiffs because other courts ruled against the plaintiffs in other challenges against Obama. The court decided to decline to rule on the issue of a million and a half invalid voter registrations in California, claiming that that it is purely a state issue and told the plaintiffs to go to the state court, even though those votes were at issue during the federal election for the U.S. President and several plaintiffs were

Presidential candidates and election for the U.S. Senator and one of the plaintiffs
was a candidate for the U.S. senator.

STANDARD OF REVIEW

This Court reviews de novo an order dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1030 (9th Cir. 2008). In conducting this review, this Court applies the same standards as the district court. *Id.* “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face” *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034, 1040 (9th Cir. 2011) (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009))

SUMMARY OF THE ARGUMENT

1. Lower court erred finding the court cannot rule on legitimacy of a candidate for presidency due to the fact that the candidate committed fraud and used a stolen Social Security number and fabricated IDs, as the court erroneously believed that legitimacy of a candidate to office is a political question that can be ruled upon only by Congress. The Court erred and abused his judiciary authority by refusing to consider the precedents, where multiple courts ruled on legitimacy of candidates for U.S. President. Among those

precedents are *Peace and Freedom Party and Peta Lindsey v Bowen*,
Fullani v Hogsett, *Cleaver v Jordan*

2. The court erred in mixing up and bundling impeachment and removal from office of a President in office and declaratory relief related to fraud committed before taking office and in order to get into office
3. The court erred on January 3, 2013 in refusing to issue a Temporary Restraining order preventing U.S. Congress in upcoming confirming Obama's electoral votes and preventing Obama from taking an oath of office on
4. January 20, 2013. The court erred, as by its' own admission in its' 05.23.2013 order at least one of the plaintiffs, Democrat-Candidate for President Keith Judd, had standing, the case was not moot on 01.03.2013 as the Congress did not confirmed Obama yet and Obama did not take an oath of office yet and political question doctrine did not kick in yet as on January 3, 2013 Obama was not the President yet and he was not the President-elect, as he was not confirmed by the U.S. Congress yet.
4. Lower court erred and abused its judicial discretion in ruling on behalf of the U.S. Congress and Electoral college, when the court had evidence in front of it that

the U.S. attorneys defrauded the court and claimed to represent these defendants without actually notifying the defendants and without any consent by the defendants. As the U.S. Attorneys acted without knowledge and without consent of the parties they claimed to represent, all of their pleadings had to be stricken from the record, administrative hearing had to be conducted on the issue of fraud in representation and U.S. Attorneys should have been sanctioned for defrauding the court and defrauding the U.S. Congress and Electoral College.

5. The court erred in declining to hear the issue of one and a half million invalid voter registrations in California. The court erred in telling the plaintiffs to go to the state court, as this was elections fraud committed during a federal election for U.S. President and for the U.S. Senator and one of the plaintiffs was a candidate on the ballot for the U.S. Senate.

6. The court erred in refusing to allow the plaintiffs to correct a technical error in submitted First Amended complaint, as the courts strive to adjudicate on the merits. Not allowing to correct a technical error prevented resolution on the merits and was not in the interest of justice.

7. The court erred and abused its' judicial discretion in ignoring the direct on point ruling of the Ninth Circuit in Keyes v Obama 10-55084 9th Circuit Court of Appeals in ruling that the case is moot, while based on the Keyes precedent, a case

challenging eligibility filed before confirmation by the Electoral College vote, before confirmation by the Congress and before swearing in is not moot.

8. The court erred and abused its' judicial discretion in deciding that only one plaintiff, Presidential candidate Keith Judd, has standing to challenge Obama's legitimacy to presidency and other parties do not have standing. The Court erred and abused its' judicial discretion in ruling during January 3, 2013 hearing that just because other courts before refused to hear the case on the merits, neither should this court, that lack of actions by other courts justifies refusal to address any evidence of Obama's use of a stolen Social Security number and fabricated IDs.

9. This court erred in finding the case to be moot because it erroneously found that December 12 2012 happened after December 17, 2012, after January 4 2013 and after January 20, 2013.

10. The court erred in ignoring the fact that Barack Obama does not exist as a legal entity and the person occupying the White House is listed under last name Soetoro and Soebarkah in his IDs.

11. The court erred and abused its' judicial discretion in ruling that Speech and Debate clause prevented it from issuing Declaratory and Injunctive relief against Obama, even though Speech and Debate clause was passed and exists only for protection of members of Congress from prosecution and liability for their actions,

not for protection of a person, who is about to be confirmed based on fraud and forgery committed by this person.

12. The court erred and abused its' judicial discretion in ignoring the evidence showing that Obama was never eligible to work in executive branch of the U.S. government due to the fact that he did not have a genuine registration for Selective Service and according to top law enforcement officials used a fabricated Selective Service registration with a fabricated cancellation USPS stamp attached to it.

ARGUMENT

1. LOWER COURT ERRED IN COMPLETELY IGNORING THE PRECEDENTS WHERE COURTS RULED O THE MERITS ON LEGITIMACY OF CANDIDATES FOR PRESIDENT

Lower court refused to consider precedents that showed that eligibility for President is not a non-judicial question and previously courts ruled on the merits of legitimacy for President of candidates in *Peace and Freedom Party and Peta Lindsey v Secretary of State Debra Bowen* Court of Appeals # 13-15085, *Fulani v Hogsett*. 917 F 2d 1028 (1990), *Cleaver v Jordan* Calif. Supreme Court minutes, Sep. 26, 1968, case no. 7838.

Eldridge Cleaver was a candidate for President from Peace and Freedom Party, he was thrown off the ballot by former Secretary of State of California Frank Jordan, specifically because Cleaver was not constitutionally eligible. Cleaver appealed to

the Superior Court of California, which ruled on the merits and found Cleaver not to be eligible due to the fact that he was not 35 years old, Cleaver appealed to the Supreme Court of California, which confirmed the decision of the Superior Court and subsequently Supreme Court of the United States refused to hear the case certiorari.

In *Fulani*, a candidate for President Lenor Fulani, her vice presidential running mate and an elector challenged both Republican candidate for President George Bush and Democratic Party Candidate Michael Dukakis in their legitimacy to be on the ballot in Indiana. US District Court found that all plaintiffs had standing and decided on the merits.

Most egregious and outrageous was the fact that during the same election, in 2012, Secretary of State of California Democrat Debra Bowen threw off the ballot candidate for President Peta Lindsey claiming that Lindsey was not Constitutionally eligible, Attorney General of California, Democrat Kamela Harris argued in the same Eastern District of California Federal court that Lindsey should have been removed from the ballot, since the issue of eligibility of the candidate is a judicial issue to be decided by the court, while at the same very time the same Attorney General argued that this issue cannot be heard on the merits in relation to Obama, as this is non -justiciable issue, that it cannot be heard by the court and can only be heard by the Congress. In *Lindsey (The Peace and Freedom Party v*

Bowen 12-cv-00853 USDC EDCA) the court ruled that the Secretary of State had to “protect the integrity of the election process,” “to ensure that the primary election was conducted legally, fairly and efficiently,” *id* and had a right to throw Peta Lindsey of the ballot in 2012 Presidential election because Lindsey was not constitutionally eligible, as she was not 35 years old and did not meet the constitutional requirement to be the U.S. President.

This controversy was addressed with Judge England, specifically during 04.22.2013 hearing, plaintiffs provided the court with precedents showing that in all three of these precedent cases the matter of eligibility of the candidates was adjudicated on the merits and was found by the courts to be justiciable, that one of those cases, Lindsey, was heard just a couple of months earlier in the courtroom next door by judge Burrell, at which time Judge England chose to simply ignore the issue and all precedents, read from a prepared statement and dismiss the case, claiming the issue not to be justiciable.

Further, it is a flagrantly unethical behavior on the part of the state defendants and their attorney, Office of the Attorney General of California, to argue absolutely opposite positions in regards to two candidates who are similarly situated. This represents a violation of Fifth and Fourteenth Amendment civil right of equal protection under the law by defendants, their attorneys and the presiding judge. Plaintiffs hope that the 9th Circuit Court

of Appeals will not engage in such flagrant violation of equal protection rights of candidates, will reverse the decision by Judge England and will refer the case back to the lower court to be presided upon by a different judge.

2. LOWER COURT ERRED AND ABUSED ITS JUDICIAL DISCRETION IN RULING ON BEHALF OF THE U.S. CONGRESS AND ELECTORAL COLLEGE, WHEN THE COURT HAD EVIDENCE IN FRONT OF IT THAT THE U.S. ATTORNEYS DEFRAUDED THE COURT AND CLAIMED TO REPRESENT THESE DEFENDANTS WITHOUT ACTUALLY NOTIFYING THE DEFENDANTS AND WITHOUT ANY CONSENT BY THE DEFENDANTS

Probably the most egregious violation in this case is the fact that the U.S. Attorneys Ed Olsen and Ben Wagner stated to the court that they represent the Electoral College and the U.S. Congress, that on behalf of the Electoral College and the U.S. Congress they opposed the Injunctive relief seeking to stay confirmation of Obama in light of his lack of constitutional eligibility and in light of his use of a stolen Social Security number and fabricated IDs, while in fact these U.S. Attorneys never notified the members of the U.S. Congress and never got any indication whether members of the U.S. Congress and the Electoral College wish to oppose the TRO or whether they were willing to postpone the confirmation of Obama pending resolution of the court hearings and pending adjudication of

whether Obama is eligible. U.S. Attorneys in this case , Benjamin Wagner and Ed Olsen, took it upon themselves to defraud the U.S. Congress, Electoral College and the Federal court and became complicit in the cover up of Obama's fabricated IDs. Plaintiffs provided Judge England with sworn affidavits showing that U.S. attorneys acted in an unethical and criminal manner in hiding this information. (ER 165-203) Further, when subpoenaed to testify in Court at 04.22.2013 hearing, members of Congress did not even know that they are represented by Olsen and Wagner and did not forward the subpoenas to their alleged Attorneys assistant U.S. Attorney Ed Olsen and U.S. Attorney Benjamin Wagner, but rather forwarded the subpoenas to the counsel of the House of Representatives. (ER 165-203). On 03.21.2013 Plaintiffs filed a motion to recuse alleged counsel for the U.S. Congress and Electoral College due to the fact that the counsel did not represent aforementioned alleged clients(Docket #102, ER- 165). On 04.15.2013 plaintiffs filed a motion to strike pleadings by the aforementioned counsel, where Plaintiffs among other things argued that U.S. Attorney Wagner and Assistant U.S. Attorney Ed Olsen did not represent members of the U.S. Congress and Electoral College and have hidden pleadings, motions and evidence from these alleged clients. (Docket #120 ER-165). Plaintiffs issued subpoenas (Docket documents 85-95, 106, 108 ER-181-195). Judge England further covered up this matter by refusing to allow any testimony by members of the U.S. Congress and Electoral college in

relation to the fact that they were defrauded. He further dismissed the case and denied aforementioned motions as moot without ever addressing the most serious issue of flagrant criminality by the Department of Justice, by the U.S. Attorneys office. If any private attorney were to defraud the court and were to claim to represent clients without their consent and while hiding all evidence from them, such attorney would have been severely sanctioned or disbarred, however Judge England not only did not sanction the U.S. Attorneys, he became de facto complicit in this cover up by refusing to address the issue of fraud by the attorneys.

Further, Speech and Debate clause would not apply in relation to the issue of subpoenas served on the members of Congress, as Speech and Debate Clause protect members of Congress from being prosecuted in relation to something that is part of their speech and Debate. Article I, Section 6, Clause 1, of the U.S. Constitution states in part, "for any Speech or Debate in either House, [senators and representatives] shall not be questioned in any other place." The purpose of the clause is to prevent the arrest and prosecution of unpopular legislators based on their political views. The U.S. Supreme Court has gradually defined and redefined the Speech or Debate Clause in several cases over the years. The first case concerning the Speech and Debate Clause was *Kilbourn v. Thompson*, 103 U.S. (13 Otto) 168, 26 L. Ed. 377 (1880). The Court has interpreted the Speech or Debate Clause to mean that members of Congress and their aides are immune from

prosecution for their "legislative acts." It does not protect the U.S. Attorneys who chose to hide from the U.S. Congress all evidence of Obama's use of fabricated IDs. It does not protect a Federal judge who is de facto aiding and abetting those U.S. Attorneys in covering up the most serious fraud in the history of this nation.

The moment Judge England got evidence that the U.S. attorneys went behind the back of the U.S. Congress and Electoral College, he had a duty to have an administrative hearing relating to representation, seek a special counsel for the defendants, he had to make sure that the interest of Justice is served in this case of National importance. He did not do that.

3. THE COURT ERRED IN EQUATING REQUEST OF DECLARATORY RELIEF TO IMPEACHMENT BY CONGRESS.

The court intentionally bundled, lumped up a request for a declaratory relief with impeachment in order to artificially create a "political question", however these two are distinctly different actions and those actions do not preempt each other.

Impeachment only relates to removal from office, it is not a declaratory relief and does not prevent the court from issuing a declaratory relief. While impeachment is the prerogative of the U.S. Congress, Declaratory relief dealing with legitimacy of a candidate for presidency based on article 2, Section 1 of the U.S. Constitution is not only a prerogative of the Article 3 court, but also a duty of Article 3 court.

"Judgments in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the United States; **but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment according to law.**" Article I, Section 3, clause 7

For example Judge Walter Nixon, Chief Judge of the Southern District of Mississippi, was convicted of public corruption and in lying to the FBI and was sent to prison, however he continued receiving his salary of a federal judge while in prison until the U.S. Congress impeached him and removed him from office. So, this clearly shows that an impeachment and removal from office of a federal official or a judge is separate from any other proceedings: criminal or civil related to the same offenses.

President Clinton underwent two separate trials as well. Clinton was impeached in the House of Representatives, but he was not removed from office during Senate trial. At the same time Clinton was sued and underwent separate

trial by the Arkansas bar and was disbarred. Similarly, during his presidency he was found liable in Paula Jones case. *Clinton v Jones* 520 U.S. 681 (1997), *Jones v. Clinton*, 36 F.Supp.2d 1118 (E.D.Ark. 12 Apr 1999)

President Nixon avoided impeachment by resignation and subsequent pardon by Gerald Ford *United States v. Nixon*, 418 U.S. 683 (1974), however he was tried and convicted by the California bar court and ultimately disbarred. These examples show that impeachment proceedings do not preempt other courts and judges from trying presidents and high ranking federal officials and judges in civil, criminal and administrative courts. As such, there was no impediment in lower court from issuing a declaratory relief, specifically since the lower court found standing for Presidential candidate Keith Judd, who came second to Obama in West Virginia Democratic party primary and would be declared a winner in that election and possibly the winner of the overall Democratic party primary as the party was actively preventing other candidates from running against Obama in the Democratic party primaries.

Further, impeachment proceedings deal only with actions by Presidents while in office and in furtherance of their functions as presidents, as evidenced by three articles of impeachment of Presidents Johnson, Nixon and Clinton. The case at hand deals with actions of Obama before getting into office.

4. THE COURT ERRED IN FINDING THE CASE TO BE MOOT BECAUSE IT ERRONEOUSLY FOUND THAT DECEMBER 12 2012 HAPPENED AFTER DECEMBER 17, 2012, AFTER JANUARY 4 2013 AND AFTER JANUARY 20, 2013

One of the most bewildering and unintelligible parts of the decision is a claim of mootness by Judge England. Judge England wrote in his opinion on the issue of mootness: "However, **since plaintiffs filed their complaint in December of 2012**, all of the events that Plaintiffs sought to enjoin have already taken place". ..." the electoral college already convened and cast their votes for President; (3) the electoral College already delivered their sealed votes to the President of the Senate; (4) congress already counted the electoral votes at a joint session of Congress on **January 4, 2013**; (5) Congress already declared President Obama the winner earning 332 electoral votes to Governor Romney's 206 electoral votes; and (6) President Obama was inaugurated and began his second term as President of the United States on **January 20, 2013** (ECF Nos 71, 73) (emphasis' added) (05.23.2013 Order to dismiss line 9,) ER-371.

This statement is just a total nonsense based on the chronology of the dates.

The case was filed on December 12, 2012. This was **before the December 17, 2012** meeting of the Electoral College, before the Electoral College had an

opportunity to vote on the Certificate of Ascertainment and Certificate of vote, this was before the **January 5, 2013** meeting of the U.S. Congress and before **January 20, 2013** inauguration of Obama. The case was filed timely and was not moot when it was filed. Judge England simply refused to act, refused to address any and all issues of fact and law and was looking for excuses to cover up Obama's use of fabricated IDs and a stolen Social Security number. Plaintiffs do not even need to go into any further discussion, *res Ipsa loquitur*, the facts speak for themselves: December 12, 2012 clearly comes before December 17, 2012, before January 4, 2013 and before January 20, 2013.

Moreover, this case is similar to a number of other cases where courts were simply making up facts and rules to accommodate Obama. In a number of courts judges made up a new rule stating that Obama could not be sued during the primary elections due to the fact that he was not a candidate of a party yet. Now, when the case was filed after the primary, the court simply made up mootness by claiming that December 12, 2012 was after December 17, 2012 and after January 4, 2013 and after January 20, 2013. Further, the same Eastern District of California ruled in March 2013, **nearly a year after the primary election**, in *Peace and Freedom Party et al v Bowen* in regards to eligibility of Presidential candidate Peta Lindsey to be the candidate for U.S. President and ruled that she could not due to the fact that she is not Constitutionally eligible, not being 35 years old as required

according to Article 2, Section 1, Clause 5 of the U.S. Constitution. The court did not state that since the primary election happened a year ago and general election happened half a year ago, it cannot rule as the issue is moot. As long as the case was filed timely, the issue is not moot and the parties are entitled to declaratory relief.

Further, declaratory relief is not moot, as such declaratory relief, showing Obama committing fraud, can be forwarded to the U.S. Congress with a request for a Redress of Grievance under the First Amendment to the U.S. Constitution, specifically a grievance to impeach Obama and remove him from office. Plaintiffs have contacted members of the U.S. Congress and were told that Congress needs a judicial determination before they can act and remove Obama from office.

So, this as far as elections are concerned, this issue is not moot and will not be moot until January 20, 2017, when 45th U.S. President will be sworn in. Further, as with any case of fraud, declaratory relief, showing that Obama committed fraud, would give plaintiffs, particularly Plaintiff Judd, an opportunity to file a civil action for fraud and seek damages. If not for fraud committed by Obama, if not for use of fabricated IDs by Obama, Judd, who with 40% of the vote, was the second place finisher in WV primary, would be declared a winner. A win in primary elections provides recognition, job opportunities and financial opportunities.

Similarly, but for fraud committed by Obama, plaintiff James Grinols would be assured a position of the Presidential elector, who had a historic opportunity to sign the certificate of vote for his pledged candidate.

Further, the case at hand is akin to *Roe v Wade*, 410 U.S. 113 (1973). Under the traditional interpretation of the rules of mootness, Jane Roe's appeal 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, a practice forbidden by Article III of the United States Constitution. In *Roe* SCOTUS 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" *id Roe v Wade*.

Here, Obama is not out of public life yet. If not stopped, he will stay in the office of the U.S. President and Commander in Chief for three and a half more years and

can cause an enormous damage to the U.S. economy and National Security. Any executive order and bill signed by Obama are being challenged and will continue to be challenged based on eligibility and legitimacy to hold the position of the U.S. President. Legal actions seeking Declaratory review, whether actions by Obama and bills signed by him are legitimate in light of fraud committed during the election, are cases "capable of repetition yet evading review".

Further, the issue of one and a half invalid voter registrations in California is an issue "capable of repetition, yet evading review". Noonan and Taitz are California voters and candidates for office. Noonan ran for President, Taitz ran for Senate. Invalid voter registrations will affect elections in 2014, 2016 and for years to come. Citizens of the state of California are and will be deprived of their suffrage rights to vote and run for office in fair and lawful elections. Further, citizens and voters in California are deprived of Fourteenth Amendment equal protection rights, as their votes and votes for them are not being counted, are being nullified by invalid votes.

The court erred in ignoring the plaintiffs argument that even if Obama cannot run for the U.S. President, he can run for another office, such as Senator or governor or any other office. All of the plaintiffs are politically active individuals and might confront each other in other elections.

Former U.S. President John Quincy Adams ran for House of Representatives 9 times after he served as the U.S. President and won his elections and served in the House of Representatives since 1830-1846 until his death. He, also, ran for Governor of Massachussets in 1833 and lost the election.

Tenth U.S. President, John Tyler, served in Confederate House of Representatives after he served as a U.S. President.

Former President Andrew Johnson ran for the U.S. House of Representatives and lost and later ran for the U.S. Senate and won and served in the U.S. Senator after serving as the U.S. President.

So, Obama's legitimacy for any office is still in play, is still an unresolved issue, his use of fabricated IDs as a basis of his identity is an unresolved issue, he may face his opponents in future elections, not necessarily Presidential elections, the issue is capable of repetition yet evading review.

This argument was presented to the court during April 22, 2013 hearing, however the court chose to ignore it as an inconvenient truth. Moreover, the court treated 04.22.2013 hearing as a formality and at the end of the hearing simply read a previously prepared decision, which was pretty much constituted the 05.23.2013 filed order to dismiss.

Barack Obama is only 52 years old, he is still young and energetic and so are the plaintiffs in this case And they all can face each other in future elections. As a matter of fact, the counsel for plaintiffs represented former U. N Ambassador Alan Keyes, who faced Barack Obama twice: in the race for the U.S. Senate in Illinois in 2004 and four year later in the race for the U.S. Presidency. Any time Obama will run for an office or will seek a position working anywhere, current situation and current controversy will re-emerge, as Obama is a citizen of Indonesia, who is using all fabricated IDs and a stolen Social Security number and the issue of fraud being committed by Obama was never heard on the merits, mostly because of a perverted view of political correctness. Many judges and officials were often harassed and intimidated with claims of racism if they were to rule on the merits against Obama. There is a suspicion that many judges were intimidated, knowing that NSA, DHS and other governmental agencies are used to gather information on law abiding citizens, including judges. So, fraud committed by Obama was not ruled upon and as long as Obama is alive, he can potentially run for office or apply for a position and the issue is not moot, but rather because the courts believed to be operating based on fear of possible consequences for the courts or some other considerations outside the controversy of this case.

4. THE COURT ERRED IN NOT GRANTING THE INJUNCTIVE

RELIEF DURING JANUARY 4, 2013 HEARING

During January 4, 2013 hearing the court refused to consider any evidence, the court refused to allow expert testimony to confirm and authenticate the affidavits that were submitted as exhibits with the complaint. Further, excerpt from the transcript shows that the case at hand was brought timely, before Obama was confirmed by the Congress and before he was sworn in.

In order to succeed in a TRO, the court had to decide whether the case is likely to succeed on the merits. The court decided to deny the TRO not because the evidence was insufficient, but because the court refused to consider the evidence. Further, following excerpt shows that the court was seeking to attack the plaintiffs and their attorney, to intimidate them. For example, when Plaintiffs stated that Plaintiff Grinols represented Romney, who came close second, the court responded by stating: "which part of second don't you understand?". Counsel for the Plaintiffs responded that it meant that if the candidate who came first is removed for fraud, then the candidate who came second wins the election, the remarks were rude and showed that the judge harbored animus and bias towards the plaintiffs and was seeking to cover up fraud committed by Obama by any means possible.

Further, all three reasons that were cited by the court, to dismiss the complaint did not apply to January 3, 2013 hearing:

- a. The court admitted in his final ruling that at least one plaintiff, Keith Judd, had standing
- b. At the time of the TRO hearing the case was not moot, as the hearing was before January 4 , 2013 joint session of the U.S. Congress which ultimately confirmed Obama without the benefit of knowledge of his fabricated IDs and a stolen Social Security number
- c. Political Question doctrine was not applicable to January 3, 2013 hearing. Even if one were to believe that the political question doctrine is in any way connected to this case, it did not apply on January 3, 2013, as the court itself stated that the political question doctrine relates to decisions of the U.S. Congress in relation to the sitting President and President –elect. On January 3, 2013 Obama was neither. One does not become President elect until confirmed by the U.S. Congress, one does not become the President until sworn in. As such there was no justification in denying the TRO.
- d. Further, even if arguendo the court was prevented from granting the TRO due to speech and Debate clause, and it wasn't, it still could grant a **TRO preventing Obama from taking an oath of office until the issue of his use of fabricated and stolen IDs is adjudicated.**

" MS. TAITZ: However, he has in front of him evidence that a records, he's a citizen of Indonesia. His last name there is Soetoro. In another place, it's Soebarkah. Allowing a citizen of another country to usurp the position of the U.S.

President using flagrantly forged IDs, using the Social Security number that was never assigned to him, last name was not his, that's treason against the Constitution. That's very serious.

And what is the function of an elector? He's not a robot. He is there, Mr. Grinols is representing Mr. Romney who was second, very close second.

THE COURT: What part of second don't you understand?

MS. TAITZ: Well, if the first one is not eligible, the second becomes the first. I understand, your Honor. I'm trying to understand how a court would state that there is no standing for somebody who came close second and is saying the one who came first committed forgery and fraud.

THE COURT: Even if all 55 electoral votes from California were not counted, there would still be over 270 votes.

MS. TAITZ: And that is why we're suing not only the -- that's why we're suing the whole Electoral College. Your Honor, if you look at the pleadings, it's the whole Electoral College. It is also we are suing the U.S. Congress, and we are suing Mr. Obama in his ability to take an oath of office.

Why would you, your Honor, allow somebody who has forged IDs, who has a stolen Social Security number, and a name that's not legally his to take an oath of office of a U.S. President? Why are you refusing to look at the evidence?

THE COURT: Why do you keep filing these lawsuits when they keep getting rejected repeatedly?

MS. TAITZ: Because just like you, not one judge has seen any evidence, has seen any original documents. Have you seen the original birth certificate? No. Do you have an answer why E-Verify and SSNVS is stating that Mr. Obama is using a Social Security number that was never assigned to him?

How can you, with clear conscience, allow somebody to take an oath of office as a U.S. President without getting an answer why is he using a Social Security number that was never assigned to him according to E-Verify? Why would you allow somebody who in his mother's passport records is under a different last name to take oath of office?

Did you look at those cases, your Honor? Do you know that all of the cases that we have brought in four years until this election were denied not because one single judge has ruled that Mr. Obama is eligible. Not one single judge has ruled that he has any valid documents. No. All of the

cases until this election were dismissed as the judges were saying as he was already elected, the window of opportunity closed. It's too late now. But you can bring it during the election period.

We brought it during the election period during the primary. What did we get? Was it heard on the merits? No. The judges denied the case stating it's too early to bring this case in the state of Georgia and in the state of Florida. The judges who ruled for Barack Obama was my case. Another case, Voeltz, which was brought by another voter, Michael Voeltz. The courts have ruled that they are dismissing the cases not because Barack Obama is eligible, he has one single valid piece of paper, but because it's too early. He was not nominated yet.

THE COURT: Now it's too late.

MS. TAITZ: No, it's not too late.

THE COURT: Don't overtalk me. Now, here's the situation. The election's been held. The electors of California have voted. The votes have been sent to Washington, D.C. They are going to open them tomorrow with the Vice President. And for the Judicial Branch of government to get involved with the political Legislative Branch of government is totally inappropriate at this point in time because, number two, you have not shown that there's jurisdiction to even bring this case in the first place. So you've got two major issues.

And, more importantly, this is a motion for a temporary restraining order. Temporary restraining orders are designed to maintain the status quo. That's what the purpose is. To do anything other than to allow the electors to count the ballots would upset the status quo. President Obama has been the President for four years now. And to take the election of 2012 and turn it upside down at this point in time would not maintain the status quo. So you have a completely upside down, late argument and theory that you're proceeding under at this point in time, let alone the fact that you have no jurisdiction over anyone that you've brought suit against.

MS. TAITZ: Your Honor, may I respond?

THE COURT: Briefly.

MS. TAITZ: First of all, I do have standing, and there is a change in status quo because today Mr. Obama, I'm not suing him as the President. What happened in 2008

happened in 2008, and we did not have all the evidence then. I'm suing him as a candidate. And until the U.S. Congress is certifying, is counting the votes, adding the votes, providing objection or not providing objection, he is not a President-elect. Today he's a candidate, and I'm trying to preserve the status quo of him being a candidate for President, not President-elect. That's one. Two -- this is one benchmark.

The second benchmark is going to happen on January the 20th. There will be another change of status quo from President-elect. He will change his position, his standing, his status from President-elect. He will become the President. And what I'm asking --

THE COURT: No. Right now, he is the President.

MS. TAITZ: Based on what?

THE COURT: He is currently the President. Had there been an election where Mr. Romney had won, he would be the President-elect. He didn't win, and so, therefore, President Obama's term continues.

MS. TAITZ: Your Honor.

THE COURT: Your argument, it doesn't make any sense whatsoever.

MS. TAITZ: Your Honor, it makes sense in relation to the 2012 election. If you look at the --

THE COURT: Let me ask you a question. Who is residing at 1600 Pennsylvania Avenue at this time?

MS. TAITZ: Somebody who won election 2008.

THE COURT: No. Who is residing there? President Obama. Therefore, he's the President. He is not the President-elect as you would like to characterize that.

MS. TAITZ: Okay. Let me frame it differently. On January the 20th, if he were not to be certified by Congress, he would be a private individual. On the other hand, if he

is sworn in, why do we even have a confirmation? Why do we have a swearing in? If he's President and he continues being President, your Honor, why do we have him taking an oath of office?

The reason he is taking an oath of office is in order to become the President for four more years. And I'm saying, and the courts were saying, well, we could not bring the case back in 2009 because he was already elected. Wait until the new election. Then we were told by the courts in the primary that it's too early until he's nominated by the Convention. He is not even a candidate. We were told he's not a president. He's not even a candidate for president until he

was nominated by the presidential election in September. So we waited longer.

And now you want to tell me that you're going back and suddenly he -- so why was it stopped? Why were we told that he is not even a candidate for presidency?

This statement goes against what judge after judge stated for this whole year. Your Honor, that's why we have those benchmarks. That's why we have this system of checks

and balances." Grinols 01.03.2013 transcript p17-24.ER-257-299

Based on this excerpt it is clear that Judge England was saying that because Obama got in the office of in 2008 , it meant that 2012 election and all the system of checks and balances that existed in 2012 should not have been used. Based on the assertion by Judge England, if one commits fraud in one election, the courts should not consider fraud in the next election. Judge England was claiming that the fact that Obama was sitting in the White House as a result of the 2008 election, this somehow was a status quo, which meant that 2012 election was of no consequence.

Not only judge England believes that just because Obama was sitting in the White House as a result of the 2008 election, it was a status quo and judicial determination and congressional confirmation were unnecessary and of no importance, **he was depriving the U.S. Congress of ability to make an informed decision, as he was refusing to address the evidence before him and provide a determination to the U.S. Congress based on this evidence.**

Further, it is clear that not only Judge England simply refused to consider any evidence, he was seeking to intimidate, demean the plaintiffs and their attorney. His statements: "which part of second don't you understand" and "your argument, it doesn't make sense whatsoever" were designed as a verbal attack and were picked up by Obama lackeys in our lap-dog main stream media, which is today akin to the regime propaganda machine of the Third Reich. In reality the statements by Judge England made no sense whatsoever. It is absolutely shocking that a Federal judge would state something that ridiculous, that because Barack Obama lives at 1600 Pennsylvania Ave as a result of 2008 election, he is the President in 2012, rather than a candidate until confirmed by the U.S. Congress, and President -Elect until sworn in by the Chief Justice of the Supreme Court, this is the status quo and a federal judge should not look at any evidence of fraud, forgery, identity theft, Social Security fraud prior to the confirmation by the U.S. Congress, that just the fact that Obama lives at 1600 Pennsylvania Ave is good enough for the judge. Clearly, this is the reasoning that Communist -puppets judges used in the Soviet Union to keep Stalin in power for years, this is the argument that NAZI-Collaborator judges used to keep Hitler in power for 12 years and suspend the German Constitution, however plaintiffs believe that in the United States of America there are still some remnants of law, Constitution and checks

and balances to protect against criminality and tyranny and there is still some common sense in the judiciary of the Ninth circuit.

Based on the above not only the decision to deny injunctive relief should be reversed, but also this court should forward above information to the Attorney General of the U.S. with the demand to appoint a Special Prosecutor similar to Archibold Cox and Leon Jaworski, who were appointed during Watergate, also to investigate actions of the U.S. Attorneys, who opposed the injunction on behalf of the U.S. Congress and Electoral College, while going behind the backs of the U.S. Congress and Electoral College, not notifying them and acting without any consent of their alleged clients. Further, the court flagrantly violated Due Process Clause of the Fifth and Fourteenth Amendment of the U.S. constitution, as the Plaintiffs were denied due process, the hearing was a sham and the court flagrantly stated during the hearing that just because Obama was residing at the 1600 Pennsylvania ave as a result of 2008 election, he is the President in 2012, even before confirmation by the U.S. Congress and before taking the oath of office and that the court should not consider any evidence. Such actions by the U.S. Attorneys and the Federal court constitute Deprivation of Civil Rights under Color of Authority under 18 USC §242, a felony, and Plaintiffs request the Ninth Circuit to forward to the Federal Grand Jury all of the above information for criminal investigation under 18§332(a), as well as 18 USC 1028. Additionally, since the

court refused to consider any evidence and deprived the Plaintiffs of their civil rights for any meaningful redress of their grievances under the First Amendment to the Constitution, the Plaintiffs made this court aware of the felonies committed by Obama under 18 USC 1028, namely Fraud in use of a stolen Social Security number and fabricated IDs and the plaintiffs request this court to forward to the Federal Grand Jury and Special Prosecutor all the evidence provided in this case under 18 USC 3332(a) for criminal investigation of Obama due to fraud committed in 2012 election and his assertion of the U.S. citizenship and eligibility for the position of the U.S. President based on fraud and use of a stolen Social Security number a fabricated IDs as a base of his identity.

5. THE COURT ERRED IN NOT ALLOWING THE PLAINTIFFS TO FILE THE SECOND HALF OF THE FIRST AMENDED COMPLAINT, WHICH SHOWED BIAS AND ABUSE OF JUDICIAL DISCRETION

Due to limitations of the web site of the USDC for the Eastern District of CA only files of certain size can be uploaded, so First Amended Complaint was divided into part 1 and part 2 and uploaded in two parts. Due to technical glitch part 2 did not get uploaded. Plaintiffs requested a leave Of court to correct the error, the court denied. This showed an unprecedented bias and abuse of judiciary discretion by Judge England. This is a case of National importance, we have a criminal with all fabricated IDs and a stolen Social Security number usurping the White House, this

is a case that has to be heard on the merits and immediately. Judge England ignored any and all considerations and refused to allow to file part 2 of the complaint. It is clear that he wanted to aid and abet Obama to continue the usurpation of the U.S. Presidency and give Obama all the brakes humanly possible, even at the expense of not allowing to file a part of the complaint. It is simply unheard of for a judge not to give a party an opportunity to correct a technical glitch and not give a party an opportunity to file a full Amended complaint.

This is an additional reason why decision by Judge England to dismiss the complaint should be reversed.

6. THE COURT ERRED IN RULING DURING JANUARY 3, 2013 TRO HEARING THAT JUST BECAUSE OTHER COURTS BEFORE REFUSED TO HEAR THE CASE ON THE MERITS, NEITHER SHOULD THIS COURT, THAT LACK OF ACTIONS BY OTHER COURTS JUSTIFIES REFUSAL TO ADDRESS ANY EVIDENCE OF OBAMA'S USE OF A STOLEN SOCIAL SECURITY NUMBER AND FABRICATED IDS

Plaintiffs filed a TRO seeking to stay the certification of Obama's electoral votes due to elections fraud by Obama and his use of fabricated and stolen IDs as a basis of his claim of eligibility and the U.S. citizenship.

During January 3, 2013 hearing the court stated: " I should look at this, if there's a likelihood of success on the merits of the case for the restraining order, it is very unlikely that there is a success on the merits at this time. If nothing else, one need only look at the other 13 to 14 cases in which this type of action has been brought to find that it's highly unlikely." line 17-23, p23 transcript of the January 3, 2013 TRO hearing

The court further refused to consider any and all arguments and refused to allow experts to testify, even though the court previously stated that it would allow witnesses to testify and plaintiffs paid for for an expert to fly to California from Florida to testify before the court that Obama's IDs represent a computer generated forgery:

MS. TAITZ: Okay. Your Honor, I would like to start by saying that there were multiple cases that were brought by Thurgood Marshall in court after court after court, and judge after judge after judge denied equal rights. And you know what? If he would have been intimidated by judges telling him, well, you know, another judge next door dismissed your case. You have no value. We have segregation. There is no value in your case. If he would have been intimidated by that, well, you know, this case -- this country would still have segregation.

Do you know that Susan B. Anthony not only was sanctioned, she was found guilty? She was thrown in prison for asking for equal rights for women. Was she intimidated by that? Was she intimidated by one judge who was corrupt and who sanctioned her because he thought that it is frivolous to seek equal rights for women? She did not get intimidated. She continued because she did the right thing. What we're doing here is the right thing. It's stopping treason, stopping a violation of equal protection, Fourteenth Amendment equal protection. We are looking for one honest judge who will look at the case on the merits, who will issue an order to compel production of documents. You were talking about the State of Hawaii. The State of Hawaii has never provided any documents.

In terms of standing, electors have particularized standing. If you look at what the defendants provided, they have provided mostly cases that were brought by regular

voters. Electors are different. They have particularized standing. They are nominated by the party. They were elected by the party. They were certified. There is a small group of them, 538 electors. Mr. Grinols is somebody who is part of this very small group, and he does have standing as part of this group to vote in election. He was denied this right because of fraud, because of forgery, because of massive corruption that we're seeing among top officials in our government.

At this point, I would like to call a witness, a former intelligence officer of the U.S. Military, Ms. Pamela Barnett.

THE COURT: Denied.

MS. TAITZ: May I ask for what reason?

THE COURT: Because I told you that I am in control, and I gave you 20 minutes of argument. That's it. There will be no witnesses called.

Go ahead.

MS. TAITZ: Your Honor, I have here one more witness. As a matter of fact, in the order that was given, I specifically inquired of your deputy if you will allow witnesses to testify. And I received a written answer that I will have 20 minutes for both oral argument and witness testimony. I have paid quite a lot. I'm doing this pro bono. It's a pro bono civil rights case. And I paid for a witness to fly from the state of Florida knowing that I got written confirmation from your deputy that witnesses will be allowed as long as it is within 20 minutes. So I'm asking your Honor to allow me. I have here a witness, Mr. Paul Irey, who flew all the way from the state of Florida. Money was spent for him to appear and testify.

THE COURT: What is your offer of proof?

MS. TAITZ: He's here. He worked for the National Security Agency. He has 57 years of experience. He is here to prove beyond any doubt, any shadow of the doubt, that the birth certificate used by Mr. Obama is a clear forgery.

MR. OLSEN: Your Honor, if I could briefly be heard on that.

THE COURT: Yes.

MR. OLSEN: The Court's order couldn't be clearer. It says nothing of the sort. It says -- this is the order the Court issued yesterday -- each side will be limited to 20 minutes of oral argument.

MS. TAITZ: Your Honor.

THE COURT: That is exactly why I issued the order last evening, to make certain that there would be no

misunderstandings or confusion about my order. It's oral argument. Your request is denied.

Furthermore, even if I were to go with an offer of proof, you're saying this person is an expert. I have no idea who this person is, don't know anything about them, and they would have to be tested and subject to cross-examination and voir dire by opposing counsel. And that might be appropriate at a trial. This is for a hearing on a temporary restraining order. Twenty minutes. You can use your time talking about the witness or you can move on. It's up to you.

MS. TAITZ: Your Honor, your deputy, Stephanie Deutsch, has sent an email to me and Mr. Olsen --

THE COURT: I issued an order last night. Can I have the docket number, Madam Clerk, on that?

THE CLERK: Yes, your Honor.

MS. TAITZ: Your Honor, it was issued after your deputy stated that witnesses will be allowed.

THE COURT: Who is in charge of the courtroom? I am in charge. I'm the judge of this court. I determine how things are going to be run in this court. And I issued an order last evening indicating that there would be 20 minutes of oral argument.

MS. TAITZ: Your Honor, before you issued this order, she wrote an email to me and Mr. Olsen stating: I'm going to check with the judge to see if witnesses will be allowed. I specifically asked. And she responded, her email stated that you will get 20 minutes for oral argument and witnesses. A total of 20 minutes.

This man flew all the way from Florida. And as a matter of fact, Mr. Olsen himself sent an email to me after we received the email from your deputy stating who are your witnesses? Please advise me the names of your witnesses.

THE COURT: I will quote from document number 47 filed on January 2nd, 2013, in this case. "At the hearing on the request for temporary restraining order in the above-captioned case on January 3, 2012, at 2:00 p.m. in courtroom 7, each side will be limited to 20 minutes of oral argument in compliance of Federal Rule of Civil Procedure 78, Local Rule 230, and all relevant case law. It is so ordered." Dated January 2, 2013, and signed by me. That is the order that the Court will follow.

MS. TAITZ: Your Honor, by the time you issued this order at 5:05, the witness was already in flight from Florida relying on the fact that your deputy, Stephanie Deutsch, sent an email stating that witnesses will be allowed. And we were

relying on the information we received by your deputy." *id* 01.03.2013 transcript
..." **THE COURT: Before you do that, I am looking at the
email.** The email states: "Good morning again, and thank you for your
question. The Court will permit each side 20
minutes total to present their arguments, which includes any and all
witnesses." And that was signed by Stephanie Deutsch." *id* p33 Transcript of
01.03.2013 hearing.

Based on the above the court erred in its' refusal to grant the TRO and injunctive relief. Plaintiffs could not obtain the injunctive relief not because they did not file timely, as they filed before the electoral college meeting, not because they did not have the evidence and witnesses and not because this was not in public interest. The court simply did not want to hear the case of National importance.

Furthermore, there is a suspicion that pressure was applied on the presiding judge, as prior to 01.03.2013 hearing Stephanie Deutsch, deputy of Judge England sent an e-mail of clarification advising the parties that witnesses will be allowed at the TRO hearing, next day the court refused to allow witnesses to testify.

**7. THE COURT ERRED IN NOT CONSIDERING THE FACT THAT
THERE IS NO LEGAL ENTITY "BARACK OBAMA" AND IN HIS IDS
THE CURRENT OCCUPANT OF THE WHITE HOUSE IS LISTED
UNDER THE LAST NAME SOETORO OR SOEBARKAH**

Complaint and Exhibits (ER-14-142) include Obama's registration to Assissi elementary school in Jakarta, Indonesia, where he is listed as Barry Soetoro. Additionally, complaint exhibits included passport records of Stanley Ann Dunham, Barack Obama's mother, which showed that Obama was listed in his mother's passport under the last name Soebarkah, in line with Indonesian tradition of blending names Barack and his step father's last name Soetoro. How could the court make any determination in regards to Obama without ascertaining and adjudicating whether "Barack Obama" even exist as a legal entity, as a legal name? The court could not make such conclusion. In its' Order to Dismiss (ER-353-378) the court ruled that "Barack Obama " is the President and the court cannot rule on his legitimacy, knowing that the case was brought before Obama was sworn in for his second term, before he became a president and knowing that the name he is using is not his legal name. This was an error of fact and law.

8. THE COURT ERRED IN NOT GRANTING THE DEFAULT JUDGMENT AGAINST BARACK OBAMA

The court erred in not granting the default judgment against Barack Obama. Obama was served twice and failed to answer. On 01.30.2013 Plaintiffs filed a motion for Default.(Doc 64, ER 204-228) Judge England denied the motion due to the fact that Obama was served through the Department of Justice and not at his residence at 1600 Pennsylvania Ave. (Doc 92, ER 229-232). On 03.12. 2013

Plaintiffs filed a motion for reconsideration (Doc 93, ER 233-256). Plaintiffs attached a sworn declaration of professional process server Daniel Williams, who attested that he attempted to serve Obama at the White House and was told by the Secret Service that Obama refuses to be served at the White House and he has to serve Obama at the Justice Department. (Doc 92-1) Plaintiffs provided a declaration of Mary McKiernan who stated the same, that the Secret Service refuses to allow service of process at the White House and directs parties to serve Obama at the Department of Justice.

Further Plaintiffs provided the court with order and transcript from hearings in *Keyes v Obama*, where USDC Judge David O Carter demanded service of process through the Department of Justice.(Doc 92-3,4,5).

The court cancelled the motion hearing and simply ignored all the evidence and motion and, after he dismissed the case for other reasons, denied all outstanding motions as moot. Judge England clearly erred and abused his judicial discretion in refusing to take into consideration:

- a. That in prior case a federal judge demanded serving Obama through the Department of Justice, even when Obama was sued as an individual.

- b. That all U.S. citizens are prevented from serving Obama at the White House due to the fact that Obama directs the Secret Service not to accept the pleadings and tell the process servers to go to the Justice Department.

This is yet another part of the case that call for referral to the Special Prosecutor and Federal Grand Jury, as it is yet another example of flagrant violation of civil rights of the Plaintiffs and U.S. Citizens as a whole, which is done by collusion of Obama and the court. This is the situation, where Obama directs Secret Service to refuse to accept service of process at the White House and go to the Justice Department and the Judge is refusing to grant the Default judgment because Obama was served at the Justice Department and not at the White House. This goes beyond deprivation of rights, it is an abuse of plaintiffs and citizens at large, as due to this collusion of Obama and Federal Judge, Obama can commit any crime, can violate and rights and would not bother to respond, as he has a Federal Judge that will cover his back by demanding to serve Obama in way in which Obama refuses to be served. This creates a dangerous precedent, where any President or any government official can commit any crime, any violation of rights, any fraud and any forgery and citizens will be deprived of their First Amendment right for redress of Grievances.

This court has to reverse the decision by Judge England and grant a default judgment and order post default discovery.

9. THE COURT ERRED IN MISINTERPERTING THE SPEECH AND DEBATE CLAUSE

The speech and debate clause exists in order to protect the U.S. Congress and its' members from prosecution for something stated during the speech and debate in the U.S. Congress. Speech and Debate clause states:

The Senators and Representatives shall . . . in all Cases except Treason, Felony, and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

Lower court twisted the Speech and Debate clause and put it on its head in order to protect Obama, U.S. Attorneys and possibly the court itself from the U.S. Congress by dismissing the case based on the speech and debate clause ER353-376).

Did the plaintiffs ask the court to question members of the U.S. Congress about something they stated in their Speech and Debate? No.

It is the opposite, Barack Obama, U.S. Attorneys Wagner and Olsen and Judge England deprived the U.S. Congress of ability to hold a meaningful speech and debate on the most important issue they can ever debate:

legitimacy of an individual, who ran for the U.S. Presidency and allegedly "won" the election while committing fraud and using all fabricated IDs as a proof of his U.S. citizenship, his natural born status and his legitimacy for office. U.S. Attorneys Wagner and Olsen kept the pleadings and evidence hidden from the U.S. Congress, and when Plaintiffs brought to the attention of Judge England the fact that members of the U.S. Congress and members of the Electoral college were defrauded by the Department of Justice, by the U.S. Attorneys who claimed to represent them, Judge England covered it up by refusing to address the issue of fraud in regards to representation. Members of the U.S. Congress even sought their own counsel to reply to subpoenas served by the plaintiffs, as they had no knowledge that the US attorneys are representing them in the case at hand. While the court states that it invokes Speech and Debate Clause for separation of powers, in fact of the matter is, that in the case at hand the Executive branch and the judiciary branch of the government DEPRIVED the U.S. Congress of its' power to provide informed decision in regards to confirmation of Obama as a winner of 2012 Presidential election, as U.S. attorneys kept the pleadings hidden from their alleged clients, members of Congress and the court was complicit in refusing to allow members of Co0ngress to testify before the court in regards to lack of any notification from the U.S. Attorneys' office.

Precedents brought forward by the court in its' Order to dismiss (ER 353-377) are all cases where members of the U.S. Congress were sued either in civil court or criminal court or requested to testify in regards to something they stated or ruled during Speech and Debate or other congressional function. *Kilbour v Khompson*, 103 U.S. 168, 204 (1881) relates to a legal action by an individual who was held in custody for refusal to testify before a committee. *Gravel*, 408. U.S. 606 and 625 relates to something congressman Gravel stated in relation to the proceedings and was sued for defamation.

In his order Judge England did not quote any case where Speech and Debate clause was used to shield a Candidate for office, U.S. Attorneys and the judge who have hidden evidence of serious crimes from the U.S. Congress on the issue of national importance. If anything, this case is akin to Committee on Oversight and Government Reform, United States House of Representatives, Eric Holder, Jr., in his official capacity as Attorney General of the United States, USDC 1:12-cv-1332, which is currently before the USDC for the District of Columbia and where the House Oversight committee is suing attorney General Eric Holder for hiding evidence from the U.S. Congress, this is akin to *U.S. v Nixon*, where former President Richard Nixon was hiding evidence from the U.S. Congress, which ended with resignation of Nixon and prison term for thirty high ranking officials of the U.S. government

including Attorney General of the U.S. John Mitchell. The court erred and abused its' judicial discretion in dismissing the case based on Speech and Debate clause.

10. THE COURT ERRED AND ABUSED ITS' JUDICIAL DISCRETION IN REFUSING TO TAKE INTO CONSIDERATION THE FACT THAT OBAMA WAS NOT ELIGIBLE TO WORK ANYWHERE IN THE EXECUTIVE BRANCH OF THE U.S. GOVERNMENT NOT ONLY BECAUSE HE IS USING A STOLEN SOCIAL SECURITY NUMBER, BUT ALSO BECAUSE HE IS USING AFABRICATED SELECTIVE SERVICE CERTIFICATE

Obama was never eligible to work in the executive branch of the U.S. government. Based on those affidavits Obama's alleged application for the selective service 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. In Complaint and exhibits (ER 14-143) plaintiffs presented sworn affidavits of the Chief Investigator for the Special Investigations Unit of the U.S. Coast Guard and former Special Agent for the Department of Homeland Security Jeffrey Stephan Coffman (ret), Sheriff of Maricopa County Arizona, former FBI Chief in Mexico City Joseph Arpaio, and lead investigator with Maricopa County Sheriff's Department in charge of investigation of Obama's forged IDs Mike Zullo, all of which attest that Obama's Selective Service Certification is a forgery. Most egregious and at the same time most laughable part of this forgery is a forged U.S. Postal stamp, which contains a two digit year "80" instead of a four digit year "1980", which is always used in the U.S. stamp. Aforementioned affidavits state that a forger used a 2008 stamp, cut it in half, inversed it and came up with "80" which was affixed on alleged Obama's Selective Service Certificate.

Forgery does not represent a valid registration. Without a valid registration for selective service Obama is not legitimate, not eligible to be working in the Executive branch, he is not eligible to be a President in the White House or a Janitor in the White House. This is an additional reason for this

court to issue declaratory relief deeming Obama not eligible for the position of the U.S. President.

ALL OF THE PARTIES HAD STANDING

- a. The court found that Plaintiff Keith Judd had standing
- b. The court simply declined to hear the issue of one and a half million invalid voter registrations in California not because California plaintiffs, Registered voter and winner of California American Independent party Presidential Primary Edward Noonan and voter and Republican party candidate on the ballot in the Republican primary for the U.S. Senate Orly Taitz, did not have standing, but because the court felt that this issue should be heard in the state court. As argued above this was an issue of elections fraud and violation of the Fifth/Fourteenth the amendment violation of equal rights as their votes as registered voters and votes for them as candidates, were diluted and neutralized by bogus votes.
- c. In *Judicial Watch v Bradley King* 12-cv-800 USDC for the Southern District of Indiana(Westlaw 2012 6114897) denied a 12b(6) motion to dismiss and ruled “fraud undermines their confidence in the legitimacy of the elections held in the state of Indiana and thereby burdens their right to vote. While the defendants argue that this allegation, and thus their injury, is purely speculative, and this insufficient to meet the standard required for standing, (defendants’ brief #12), the court disagrees. There can be no question that the plaintiff who alleges that his

right to vote has been burdened by state action has standing to bring suit to redress that injury. There is also no question that the right of suffrage can be denied by a debasement or dilution of the weight of a citizen's vote just as by wholly prohibiting the free exercise of the franchise" id. Here the voters, candidates and Presidential electors had their suffrage rights to vote and be elected affected by invalid voter registrations and by fraud committed by Obama, who ran for office assuming his eligibility for office based on fabricated IDs. Suffrage rights of Presidential electors Grinols and Odden were affected, were debased by fraud committed by Obama.

CONCLUSION

Lower court erred and abused its judicial discretion in dismissing this case.

the decision by the lower court should be reversed. the case should be reinstated, Default judgment against Barack Obama issued, Declaratory Relief issued.

In light of the fact that the U.S. Attorneys Wagner and Olsen defrauded the U.S. Congress, members of the Electoral College, Federal court and American people in claiming to represent the U.S Congress and Electoral College in seeking a dismissal on their behalf without any knowledge of these alleged clients, an in light of the fact that U.S. District Court Judge Morrison C.

England covered up fraud committed by the U.S. Attorneys, Ninth Circuit Court of Appeals should request that Attorney General of the U.S. appoint a Special Prosecutor to investigate this de facto RICO, Fraud and conspiracy to defraud the U.S. Congress and Electoral College. Additionally this court should forward to the Federal Grand Jury under 18USC §3332(a) evidence of U.S. Attorneys and Federal Judge colluding to defraud the U.S. Congress and Electoral College and hide from the U.S. Congress evidence of impending usurpation of the U.S. Presidency by a citizen of Indonesia Barry Soetoro, aka Barry (Barack) Soebarkah, aka Barack Obama, who is using a stolen Connecticut Social security number of Harrison J. Bounel and who is using fabricated identification papers. Not referring this information to the special Prosecutor and not forwarding this information to the Federal grand Jury will make the Ninth Circuit Court of Appeals complicit in the conspiracy by two branches of the U.S Government: executive and Judiciary, defraud the third branch, Legislative branch, the U.S. Congress.

This court should seek a Special Prosecutor to be appointed by the Attorney General of the United States to investigate violation of the Fifth and Fourteenth Amendment of the U.S. Constitution Equal Protection rights by the office of the Secretary of State of California, office of the Attorney General of California and the U.S. District Court for the Eastern District of

California, who during the same presidential election have thrown off the ballot one Presidential candidate, Peta Lindsey, due to lack of eligibility, while at the same time refused to disqualify another candidate, Barack Obama and argued that the court cannot adjudicate the issue of eligibility of a Presidential candidate.

This court should forward to the Federal Grand Jury for criminal investigation and prosecution under 18 USC §242 and 18§3332(a) aforementioned criminal violations of the Fifth and Fourteenth amendments, failure to do so will make this court complicit in the aforementioned violations.

/s/ Orly Taitz

Counsel for Plaintiffs

10.29.2013

CERTIFICATE OF INTERESTED PARTIES

There are no interested parties

/s/ Taitz

CERTIFICATE OF COMPLIANCE

This brief complies with the rules of court, contains 13,720 words and does not exceed 14,000 words.

/s/ Taitz