

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Gerald Lee Neely Plaintiff,

v.

Barack Hussein Obama

Case:2:08-cv-15243

Judge: Borman, Paul D

MJ: Morgan, Virginia M

Filed: 12-22-2008 At 12:43 PM

CMP: NEELY V. OBAMA (NH)

Defendant(s).

COMPLAINT

Barack Hussein Obama cannot take the
oath of office to defend the Constitution
of the United States. President elect
Obama is therefore disqualified to be the
President of the United States of America.

Please See 3 page Attachment

Top Page - Federal Court Case, Location, Plaintiff & Defendant, Charge

Pg 1 & 2 - States my Case.

Note: 3 additional pages to explain 1. The head of the
Agency you are suing.

Important: My Case must be decided before 1/20/09

OVER

Dear Judge:

The Federal rules say that when you sue the U.S. Government, you need to serve summonses on three separate parties. The first is "The head of the agency you are suing". A Federal Court's clerk wrote the telephone number for me to call if I had any questions. When I called the Clerk's office and asked who was the head of the agency of President-Elect of the United States this was her answer, "You are the one suing Obama; do your own homework!"

So I called the Federal Information Center, they referred me to the United States Congress representative who told me to call the Department of Justice. They informed me to call the Civil Rights Division. No one there could answer my question so I called the Federal Election Commission, then The United States Attorney in Detroit. I'm still shooting blanks. I thought about calling the Democratic Congressional Campaign Committee but then decided to do more homework.

So in my search to resolve my dilemma I discovered that the "Office of the President-Elect of the United States" is a disputed title. The term "Office of the President-Elect of the United States" does not actually appear in the statutory texts governing presidential transition procedures.

In 2008, after President-Elect Barack Obama gave a speech in front of a placard emblazoned with "Office of the President Elect" and used the same term on his website, controversy over the legality of such an institution arose. Critics have argued that there is nothing in the Constitution establishing such an office, while others have cited the Presidential Transition Act of 1963 and subsequent amendment in 2000 as a legal basis for the office.

Columnist Michelle Malkin wrote on November 7th, "What the hell is the 'Office of the President-Elect?'" Still, I persevered and found that the mailing address of President Elect Obama is PO BOX 8102, Chicago, Illinois 60682 and the telephone number is (866) 675-2008. When I called I got a recording that said, "Obama for America" and continued by hawking Obama merchandise, seeking vendors and welcoming my donation.

After some careful thought, my best judgment is to send his summons to his residential address with his appropriate title: President-Elect Barack Hussein Obama, 5046 South Greenwood Avenue, Chicago, Illinois 60615-2806

Your Honor, my lawsuit is not frivolous and is not meant to needlessly harass President-Elect Barack Obama, nor is it meant to divide our nation. I only trust and pray that in your judicial wisdom and insight you will understand my true intent. It is not for self-gain or notoriety. If I read correctly, I must sue for a minimum of 75,000 dollars. Any monetary benefits that I might receive would be awarded to St. Jude Children's Research Hospital to find cures to save children with pediatric cancer.

This January I will celebrate 51 years of marriage and in this joyful season, I have a wife distraught and full of anxiety over my mission. The same month I will celebrate my 77th birthday but in this "Season of Brotherly Love", which could be my last, I am distressed with the heavy solitary burden of attempting to deny the first African American his place in history. What is my purpose, where is my gratification, my reward for inviting into my life the hatred of fellow Americans and of world citizens

We both know, when I sue a defendant, he/she has 20 days to respond to the summons but when I sue the government the defendant has 60 days. Time has run out for me but I would like it on record that I disputed the right of Barack Obama to take the oath of office on the grounds he will not defend the constitution.

It is my prayer you will be guided down the righteous path of truth when you make your decision and that you will take the necessary time to meditate on the consequences of a judgment against me. Harry F. Atwood, a lawyer and authority on the Constitution, wrote: "The greatest heritage that has fallen to any single people in history is our Federal Constitution. Its making was the greatest human achievement since Creation, and it marked the greatest event in the history of the world, save only the birth of Christ."

Obviously, only a miracle would allow my case to be decided before January 20, 2009. If the oath Obama must take for the Presidency will omit the part about "preserving, protecting and defending the Constitution of the United States" and the part that says "with the help of Almighty God," just say, "any gods" and he cannot swear on the Judeo-Christian Bible. Let him swear on any book, a comic book, the Koran or any book of his choice except the Bible. My Christian God does not believe in "Infanticide", then I will drop my lawsuit against him.

If he is allowed to perjure himself on January 20th, I will have four years to impeach him for lying under oath and this time I will sue him for 750 million dollars, the amount he raised to purchase the Presidency and buy the white House. The award will be donated to military victims of the Iraq war. The families of 4000 dead soldiers and to the living war heroes with missing body parts. The memories of millions of men and women who fought and died for our country will be partially vindicated when the Commander-in-Chief is required to make, in comparison to theirs, this small sacrifice.

I am a Patriot. After 9/11, when both parties, Democrats and Republicans, stood together and sang, "God Bless America" I was so over whelmed by the sight and sound of a unified America, that as a musician/artist, I was compelled to write the song, "And Then They Sang, God Bless America", a story about the twin towers, "Two candles in the sky lit for countless souls who died".

3 of 3

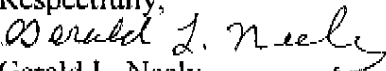
I received a letter from the White House dated April 1, 2002, signed by President George W. Bush. The first paragraph said, "Thank you for writing about the acts of war committed against the United States on September 11 and for sending your thoughtful remembrance. In the face of this evil, our country remains strong and united, a beacon of freedom and opportunity to the rest of the world." The letter ended with, "May God bless you and may God bless America."

This is vastly different from the words of Barack Obama's mentor of 20 years, Rev. Jeremiah Wright, who declared, when we were attacked on 9/11, that instead of blessing our country, we ought to say, "God *damn* America".

The historical documents of the United States have no record of an African American President or of a President- Elect who could not take the required oath of office because he voted to deny U.S. citizens their Constitutional right of "life". Let this be the first time!

Please read the two pages I have written stating my case.

Respectfully,


Gerald L. Neely

U.S. Federal Court Ruling on taking the oath of Presidency.

Federal Court case: Neely vs Obama **filed:** December 18, 2008

Location: 901 Theodore Levin United States Courthouse, 231 West Lafayette Boulevard
Detroit, MI 48226

Plaintiff: Gerald Lee Neely **Address:** 5330 Detroit, Dearborn Heights, MI 48125
Phone: (313) 278-8198 **Cell:** (313)268-1239 **e-mail:** Gerald.neely@yahoo.com

Defendant: President-elect Barack Hussein Obama **Address:** 5046 South Greenwood
Avenue, Chicago, Illinois 60615-2806 **Phone:** unknown

Charge: Barack Husscin Obama cannot take the oath of office to defend the Constitution
of the United States. President elect Obama is therefore disqualified to be the President of
the United States of America.

U.S. Federal Court ruling on taking the oath of Presidency. (1 of 2)

The Federal courts are guardians of the Constitution. Their rulings protect the rights and liberties of American citizens. James A. Moss, author of "Your Rights Under the Constitution" says, "Any American citizen, however humble, who feels that some law has been passed or some act committed which is in violation of his rights under the Constitution, may have the matter decided by a Federal Court, and if the decision is unfavorable to him, he may appeal to the Supreme Court of the United States, which is rightly called 'The balance wheel of the Constitution'".

Citizenship is defined in Article XIV of the Constitution. "All persons *born* or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside."

When parents try to destroy their unborn child in the womb and fail the survivor/infant citizen is protected by the Constitution of the United States.

It also says, "**No state shall deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws**"

Barack Hussein Obama voted three times as an Illinois State senator against the "Born Alive Infant Protection Act" which would have forced hospitals to protect the lives of babies who survive an abortion, rather than leaving them in a pail or on a shelf to die, as had been done on many occasions. **Barack's vote is a denial of the infant citizen's fundamental right to "life".**

According to our Constitution's definition of citizenship, the "Born Alive Infant Protection Act," was unnecessary. Article XIV, states children/citizens are already protected by the Constitution of the United States and the State of Illinois is subsequently guilty of violating their constitutional rights by not giving them equal protection of the law.

Obama insists that enemy terrorists of the United States should be free from torture and interrogation. Under Barack's rules the enemy is to be humanely treated. A terrorist is obliged only to give his/her name, then the terrorist must be fed, clothed, housed, receive medical attention and provided with certain legal rights that, in most cases, will lead to his/her freedom. Obama's kindness permits terrorists to achieve their original goal, to die as martyrs and cause the deaths of as many innocent American men, women and children as possible. ***Adversely, Barack denies New Born citizens, who survive the war in the womb and cannot speak for themselves, any of these amenities.***

For this reason, I am speaking on behalf of all New Born citizens – past, present and future - who cannot speak for themselves and I also speak for myself, fearful that I may suffer their fate, death. My concern is also for the safety of my children, their children and their children if a President takes office supporting "Infanticide".

(U.S. Federal Court Ruling on taking the oath of Presidency.)

Killing new born citizens serves as an example or justification for subsequent situations. It sets a precedent for those in authority to "Legalize Murder" at any age or for any reason, such as racial inferiority, mental or physical handicaps, religious or political views that are not in agreement with those in authority.

This is not an unreasonable supposition. Three Supreme Court decisions, two in the U.S. and one in Germany, are responsible for the enslavement of the black race, the attempted genocide of the Jewish race and the murder of 50 million unborn children in the United States and don't forget, Joseph Stalin murdered 40 million God fearing Russians because Karl Marx said, "*religion is the opium of the masses.*"

We have responsibilities as citizens. Reading from, "Your Rights Under the Constitution," it says, "Let each and everyone of us make an effort to understand the Constitution, *especially as regards human and property rights*, and let us make it our business to watch and guard this great document – this priceless heritage. *It is our greatest treasure.*"

Millions of service men and women have sacrificed their time, lives and body parts to serve our country. They took an oath to protect and defend the Constitution of the United States. We were asked to raise our right hand and repeat the following words: "I _____, do solemnly swear (or affirm) that I will support and defend the *Constitution of the United States* against all enemies, foreign and domestic."

I am a Korean Veteran. My family, as do all military families, deserve a president who can take the same oath that was required of us.... to protect the Constitution, the very soul of the American Political Creed.

Barack Obama denied Article XIV of the Constitution – the right to life, liberty and the pursuit of happiness – to New Born citizens. He cannot take the oath to qualify for the office of President of the United States and Commander in Chief of U.S. Armed Forces.

Therefore, I, Gerald Lee Neely, a citizen, veteran and guardian of the Constitution of the United States, disqualify Barack Hussein Obama to take the office of President of the United States on the grounds he violated our Constitutional Rights by voting to refuse the right of "life" to its citizens.

Lined area for text entry, currently blank.

Ronald L. Neely

Signature of Plaintiff

5330 Detroit

Street Address

Dearborn Hts, MI 48125

City, State, ZIP

(313) 278-8198

Telephone Number

12/16/08

Date

CIVIL COVER SHEET County in which action arose _____

44 (Rev. 12/07)

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS
Gerald Lee Neely

(b) County of Residence of First Listed Plaintiff Wayne
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
Gerald L. Neely Res. (313) 278-8198
Cell (313) 268-1239

DEFENDANTS
Barack Hussein Obama

County of Residence of First Listed Defendant Cook

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II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

2 U.S. Government Defendant

3 Federal Question (U.S. Government Not a Party)

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

(For Diversity Cases Only)

Citizen of This State	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input checked="" type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACTS	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTIES	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	PERSONAL PROPERTY	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 650 Auline Regs	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 660 Occupational Safety/Health	LABOR	<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	PRISONER PETITIONS	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 720 Labor/Mgmt. Relations & Disclosure Act	<input type="checkbox"/> 510 Selective Service
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 730 Labor/Mgmt. Reporting, & Disclosure Act	<input type="checkbox"/> 730 Labor/Mgmt. Reporting, & Disclosure Act	<input type="checkbox"/> 550 Securities/Commodities/Exchange
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 442 Employment	Habeas Corpus:	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 575 Customer Challenge 12 USC 3410
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 530 General	<input type="checkbox"/> 790 (Other Labor Litigation	<input type="checkbox"/> 790 (Other Labor Litigation	<input type="checkbox"/> 590 Other Statutory Actions
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 791 Impl. Ret. Inc. Security Act	<input type="checkbox"/> 791 Impl. Ret. Inc. Security Act	<input type="checkbox"/> 591 Agricultural Acts
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 540 Mandamus & Other	IMMIGRATION	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 592 Economic Stabilization /
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 593 Environmental Matters
<input type="checkbox"/> 240 Torts to Land	<input checked="" type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 555 Prison Conditions	<input type="checkbox"/> 463 Habeas Corpus Alien Detainee	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 594 Energy Allocation Act
<input type="checkbox"/> 245 Tort Product Liability			<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 595 Freedom of Information Act
<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 865 RSI (405(e))	<input type="checkbox"/> 600 Appeal of Fee Determina Under Equal Access to Justice
				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 650 Constitutionality of State Statutes
				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding

2 Removed from State Court

3 Remanded from Appellate Court

4 Reinstated or Reopened

5 Transferred from another district (specify)

6 Multidistrict Litigation

7 Appeal to Dist. Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
Article III of the Constitution

Brief description of cause:
President elect Barack H. Obama violated our Constitutional Right

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$ Obama cannot take either of

JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ **DOCKET NUMBER** _____

DATE 12/16/08

SIGNATURE OF ATTORNEY OF RECORD
Gerald L. Neely

FOR OFFICE USE ONLY

RECEIPT # _____ **AMOUNT** _____ **APPLYING IFP** _____ **JUDGE** _____ **MAG. JUDGE** _____

