

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

GORDON ALLEN STAMPER
Plaintiff

-vs-

UNITED STATES OF AMERICA
R.BARCLAY SURRICK

BARACK HUSSEIN OBAMA

JOHN MCCAIN
Defendants

1:08CV2593
CASE NO. _____

JUDGE GWIN

JUDGE _____

MAG. JUDGE BAUGHMAN

COMPLAINT¹

**PETITION FOR A REDRESS OF GRIEVANCES AND WRIT OF MANDAMUS
DIRECTED TO THE AGENCIES OF THE UNITED STATES TO INSURE OUR
UNITED STATES CONSTITUTION, ESPECIALLY
ARTICLE II SECTION 1 IS UPHOLD, PRESERVED, AND PROTECTED
TO THE FULLEST EXTENT OF THE LAW**

1. COMES NOW, Gordon Allen Stamper, Pro Se, an adult citizen of the United States, a resident of the state of Ohio, and Plaintiff in the above matter (hereinafter "Plaintiff"), and respectfully requests this Honorable Court to take special note that pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See Hanies v. Kerner 92 Sct 594, also See Power 914 F2d 2333 (11th Cir 1990), also See

¹ There is legal sufficiency to show Plaintiff is entitled to relief under his Complaint. A Complaint should not be dismissed for failure to state a claim unless it appears beyond a doubt that the Plaintiff can prove no set of facts in support of his claim which would enable him to relief. See Conley v. Gibson, 355 U.S. 41, 45-46 (1957) also Neitzke v. Williams, 109 S. Ct. 1827, 1832 (1989). Rule 12(b)(6) does not countenance

Hulsey v. Ownes 63 F3d 354 (5th Cir 1995), also See In Re: HALL v. BELLMON 935 F.2d 1106 (10th Cir. (1991). In Puckett v. Cox it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer (456 F2d 233 (1972) Sixth Circuit USCA). Justice Black in Conley v. Gibson, 355 U.S. 41 at 48 (1957) “The Federal Rules rejects the approach that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.” According to Rule 8(f) FRCP and the State Court rule which hold that all pleadings shall be construed to do substantial justice. Therefore, as to continue, Plaintiff’s address is 179 Richmond Road, Richmond Heights, Ohio 44143. R. Barclay Surrick (hereinafter Defendant Surrick), Defendant Surrick’s address is: James A. Bryne Federal Courthouse, 601 Market Street, Room 8614, Philadelphia, PA 19106-1797. Barack Obama (hereinafter Defendant Obama), Defendant Obama’s address is: 713 Hart Senate Office Building, Washington, DC 20510, and John McCain (hereinafter Defendant McCain), Defendant McCain’s address is: 241 Russell Senate Office Building, Washington, DC 20510.

2. This Court has jurisdiction pursuant to 28 U.S.C. § 1361 (federal question), 28 U.S.C. § 1331 (action in the nature of a mandamus to compel an officer or an employee of the United States or any agency thereof to perform a duty owed to the Plaintiff), and, as well as, under the United States Constitution, Bill of Rights, First Amendment (petition the government for a redress of grievances).

dismissals based on a judge’s disbelief of a complaint’s factual allegations. In applying the Conley standard, the Court will “accept the truth of the well-pleaded factual allegations of the Complaint.”

3. Defendant Surrick under the United States Constitution, Article III, Section 1 has been granted, in part, "the judicial power of the United States". and has under Section 2, been granted, in part, such power which, "shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States..." Defendant Surrick, in addition, has taken the following oaths or affirmations before performing the duties of his office: (1.) "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as _____ under the Constitution and laws of the United States. So help me God" (28 U.S.C. § 453), and (2) "I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God" (5 U.S.C. § 3331). Defendant Surrick has failed to uphold the United States Constitution, especially Article II, Section 1, to the fullest extent of the law, and has thus faltered in his sworn duty to support and defend, *the Constitution and laws of the United States*. He has in no better words than this Plaintiff can describe, *thrown out the baby with the water*. The injury of concern is not to just one individual, many individuals, or to persons specifically and/or directly, but the injury of concern is to the United States Constitution, and that a *particular Article*, drafted by our Forefathers, paid for in blood, is being discarded as dirty, polluted, disposable and unnecessary words, which are no longer a benefit to

anyone. Should this be the case, Plaintiff's *injury would be immeasurable*.

particularized, actual, and neither conjectural nor hypothetical.

4. Defendant Obama is currently running for United States President under the Democratic ticket and has not yet proven he is eligible, or qualified to be chosen, for the Office of United States President under the United States Constitution, Article II, Section 1, which clearly demands with no exceptions, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of the Constitution, *shall be eligible* to the office of President... (Emphasis added)."
5. Defendant McCain is currently running for United States President under the Republican ticket and has not yet proven he is eligible, or qualified to be chosen, for the Office of United States President under the United States Constitution, Article II, Section 1, which clearly demands with no exceptions, "No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of the Constitution, *shall be eligible* to the office of President... (Emphasis added)."
6. Neither Defendant Obama, nor Defendant McCain, nor any other Candidate for U.S. President is "entitled" to be President of the United States without establishing his eligibility to first run for office. The word "eligible" is defined in *Black's Law Dictionary* as, "fit and proper to be chosen and qualified to be elected." Further, without proper, sufficient, and certifiable confirmation of such eligibility, the Constitution's demands would be reduced to nothing more than mere words on paper. Therefore, this Honorable Court must issue a Writ of Mandamus to such proper governmental office(s) as it deems necessary, to make certain the Constitution remains unbroken and in tact. Without such proof, even if either McCain or Obama

were voted into the Office of President, the election would be null and void, because a popular vote cannot change the Constitution, but rather all changes must be made by Amendment per U.S.C. Article V. In other words, it is impossible for the people to elect any person to the office of President of the United States, if that person is not eligible. Further, should any Candidate be elected, but found ineligible, it will be apparent that other "eligible" candidates have been cheated, along with the People of the United States, and that this Honorable Court must issue a Writ of Mandamus causing the National Election to be officially re-enacted without any such further repeated improprieties.

7. History shows that the requirements of being (1) a natural born citizen, and (2) a current citizen of the United States, is of paramount importance, and the pin on which our Country was first established. The Declaration of Independence was our Founding Fathers' pledge of life, liberty, and sacred honor. It was given, as a most solemn guarantee, that they, themselves, their wives, their sons, and their daughters would never again live under any high office of leadership except that leader be none other than a fellow countryman, and one *naturally born* right here in the United States of America.
8. Further, as to be detailed under later paragraphs, Defendant Obama has falsified his Application at the time of filing for his Bar Admission to the State of Illinois. Such actions and behavior speaks louder than Mr. Obama's words, and the Illinois Supreme Court opines, that not to "immediately disclose to the Character and Fitness Committee circumstances and events occurring after the date of submission of the application which may have any substantive bearing on Applicant's character and

fitness.” (In re Michelle Chandler, 641 N.E. 2d 478 (Ill. 1994). Even now, after public knowledge of Defendant Obama’s use of more than one name, no action has been taken to correct the falsified application. It should be noted that such materially false statements in connection with admission to the bar have led from censure to disbarment. (Id. at 479). This could be considered the beginning pattern of fraud, deceit, and disregard for ethical standards that Defendant Obama has demonstrated in an attempt to hide his past from discovery. This particular matter is one important reason that should have given any Judge reason for further investigation regarding the meeting of the Constitutional qualifications for office of President of these United States. Now comes how Plaintiff became aware of such details.

9. Plaintiff, seeking to extend his right of life, liberty, and the pursuit of happiness, did in fear seeing his right of protection under the United States Constitution being mocked, broken, and undefended, attempted to intervene twice in Case No. 2:08-cv-04083, before Defendant Surrick’s court as a matter of right pursuant to Rule 24(a) of the Federal Rules of Civil Procedure. Thus, Plaintiff caused Exhibit “A” (attached) to be both sent via Fax and First Class U.S. Mail on October 20, 2008, as well as Exhibit “B” (attached) to be both sent via Fax and First Class U.S. Mail on October 24, 2008.
10. Plaintiff, by intervening in Case No. 2:08-cv-04083, was seeking assurances that the United States Constitution was being defended “to the fullest extent of the law.” However, on October 24, 2008 the Defendant Surrick did issue his “Memorandum & Order” filed as Document 28 in the above referenced Case (marked as Exhibit “C” attached) granting the Motions to Dismiss and ordered (Document 29 Exhibit “D” attached) as follows, “AND NOW, this 27th day of October, 2008, having dismissed

Plaintiff's First Amended Complaint for Declaratory and Injunctive Relief, it is ORDERED that all pending motions are DISMISSED as moot." Thus, my right and attempt to intervene was ordered "DISMISSED as moot" before ever being either recognized or considered. Thus, the Defendant Surrick's Order in Case No. 2:08-cv-04083 has effectively eliminated Plaintiff's rights and made no other adequate remedy available.

11. Plaintiff is in partial agreement with Defendant Surrick in that the issue of *lack of standing* applied to Philip J. Berg, the Plaintiff in Case No. 2:08-cv-04083, and that as a result of such *lack of standing*, the Court *did not* have jurisdiction to hear the case. Again, Plaintiff is in agreement with Defendant Surrick, but for different reasons that are to soon follow. However, given the evidence and questionable behavior of Barack Hussein Obama, as outlined and presented to the Court, and to soon be repeated here, Defendant Surrick had a greater responsibility which he had sworn under an oath to defend and protect, and that was the very UNITED STATES CONSTITUTION, itself. Defendant Surrick was in receipt of other extenuating evidence that created an obligation for him to further carry out steps to defend the Constitution. Following paragraphs will elaborate these duties, but first a regard to the issue of *lack of standing* must be additionally addressed.

12. Philip J. Berg did not, and does not have standing, as partially or inadvertently attempted, to file incriminating charges against Barack Hussein Obama IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA, or in any other Court in these United States of America. Neither can Philip J. Berg, insist, then or now, under the color of a "FIRST SET OF

ADMISSIONS” (see Documents 25 1-5 marked as Exhibit “E” attached), that Barack Hussein Obama must self-incriminate himself by demanding certain interrogatories be admitted to the Court, such as, “Admit you have obtained \$200 Million dollars in campaign funds by fraudulent means” (Admissions, Request No.44), or “Admit you represented on your State Bar application in Illinois you have never used any other name other than Barack Hussein Obama” (Admissions, Request No.51), or “Admit you went by the name Barry Soetoro in Indonesia” (Admissions, Request No. 52). It should be expected that Defendant Barack Hussein Obama will, or would not ever, give any such self-incriminating evidence. Thus, a Writ of Mandamus must be given to the United States Attorney General, in order that a Grand Jury be assembled, and that if such evidence be found and considered sufficient, that the Government should then have a right standing before a Court, and that such Court’s jurisdiction would only then be found in order and without question.

13. Defendant Obama must be investigated if Article II, Section 1 of the United States Constitution is to be upheld, supported, and defended. It is already a proven fact that he will *not voluntarily* provide proof of his eligibility. Neither this Honorable Court, nor any other official and impartial body, can point to the proof of Defendant Obama’s certain qualifications. Again, it is simple truth that $1 + 1 = 2$, but instead of Defendant Obama simply showing that he is “eligible” to run for office, he has preferred to duck the issue rather than hand over the goods. Defendant Obama’s actions have all been planned to hide, rather than to reveal the truth. He has insisted that all records be “sealed” and kept in darkness. Why? Not only has he personally practiced this deceit, but he has allowed others to assist him in his lies, and has even

hired attorneys, sparing no expense, to throw up smoke and mirrors to prevent any serious investigation of the facts. Surely our Forefathers did not anticipate the need for civil or criminal filings to force such proof of eligibility. Suspicious activity must raise suspicion and the need for the Court to raise its eyebrows, as well.

14. First, Defendant Obama has falsified his application, in an attempt to trick the government, and the people, into believing he has never used other names, and to draw attention away from the loss of his United States citizenship. The Roman Catholic Church would have no reason to falsify its records in this matter. Records which have become public knowledge and that show Barack Hussein Obama was in fact AKA Barry Soetoro, a citizen of Indonesia, enrolled in the Franciscan Assisi Primary School in Jakarta, Indonesia with serial number 203, sat in class 1B, and was registered as a Muslim. This is all a result of Defendant's mother marrying a certain Lolo Soetoro, moving to Indonesia, expatriating both herself and her son, having thus caused by "self-declaration on legal, public, educational records that Defendant Obama was the step-son of Lolo Soetoro, a citizen of Indonesia, and that Defendant Obama's name was changed to Barry Soetoro, now a citizen of Indonesia" see Document 16 filed in Case No 02:08-cv-0403 attached and marked as Exhibit "F").
15. Secondly, in an attempt to ward off growing public concern of his not being a *natural born citizen*, Defendant Obama did publish a falsified *registration of birth* on the Internet. Unlike the rich man with a real series 1934 \$100,000 bill in his pocket and no need for a counterfeit, Defendant Obama having been caught without a real document, was forced to save face and the need to create his own. This resulted in the unethical presentation of his poorly published, doctored, and falsified *registration*

of birth as a means to halt the growing commotion and stem any real investigation that might uncover the truth. Defendant Obama's deception has been expertly exposed by Dr. T. B. Bradley, Psy. D., a Forensic Psychologist, who works for the Criminal Justice System and the Courts. This report and examination of the false *registration of birth* is marked as *Exhibit A*, found attached to Document 16 as filed in Case No. 2:08-cv-04083 (attached as Plaintiff's Exhibit "F").

16. These indisputable facts, questions of misbehavior, and presented evidence have escaped Defendant Surrick, and revealed his own misinterpretation and personal understanding of his responsibility for defending the United States Constitution. He may not have been obligated to bring criminal charges from the evidence presented, nor may he be held accountable from the actions, or lack of actions, of those named in the case, but minimally, Defendant Surrick's sworn duty required he dispense at least a small flow of ink, especially when considering the amount of blood spilled to purchase our freedom, which he could have used to pen a request demanding proof-positive that both candidates are in fact eligible to run for office of the President of the United States. Defendant Surrick's lack of action will no doubt multiply the severity of the problem, as time for action is rushing quickly to an end, and may have already passed us by. This neglect will no doubt prove to have increased the injury.
17. Now as to Defendant McCain, even if not shown to be as deceitful, is still not without obligation. Defendant McCain has been at a minimum lackadaisical by not voluntarily showing his proof of eligibility. Therefore, it is requested that this Honorable Court issue a Writ of Mandamus to whichever official office it deems

necessary to insure Defendant McCain has indeed been qualified to run for office of the President of the United States.

18. Conclusion.

Plaintiff is 61 years old, and is writing this Complaint on November 1, 2008 just three days before our National Election. He has seen bitter divisions grow between the two major parties. Plaintiff's prayer is to the Father of our Lord Jesus Christ that He would bless the citizens of these United States and cause us to continue to uphold the Law, remain as *We the People*, and abide by U.S.C., Art. II, § 1. May our Constitution remain in tact and not disintegrate to the pleasure of our enemies. Let us pledge our liberty, our lives, and our honor to continue to support and defend our Constitution. In the timeless words of President John F. Kennedy let us continue to, "Ask not what your country can do for you, ask what you can do for your country."

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the Court grant Writ of Mandamus as requested and directed to those official offices and employees of government that this Honorable Court deems necessary to insure that Article II, Section 1. remains protected to the fullest extent of the law, along with any other broken laws. That Defendant Obama and Defendant McCain be required, within 3 days, to present to this Court proof of their eligibility to run for President of the United States. And such other relief as the Court may deem proper and equitable.

By Gordon A. Stamper Date 11/3/08

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