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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
SANTA ANA (SOUTHERN) DIVISION

Alan Keyes, Ph.D., Willey S. Drake, and  
Markham Robinson,  
Plaintiffs,

**Civil Action No.:**  
**SACV09-00082-DOC (Anx)**

v.

Barack H. Obama, et al.,  
Defendants.

**MOTION FOR ENTRY OF FINAL JUDGMENT BY DEFAULT**

This court has jurisdiction over Count I of the Plaintiffs' complaint filed January 20, 2009, (for Declaratory Judgment regarding Barack H. Obama's status as a natural born citizen and resultant constitutional qualification to serve as President), pursuant to the Freedom of Information Act 5 U.S.C. §552(a)(4)(B) and 42 U.S.C. §§1983, 1988 (Civil Rights Action), and venue is proper in the Central District of California, Santa Ana Division, is the District and Division in which Plaintiff Wiley S. Drake Lives (Buena Park, Orange County, California).

This matter is justiciable under FOIA, 5 U.S.C. §§ 552a(b), 552a(b)(2) (1988). Under FOIA, an agency such as the Executive Office of the President and the White House (Title 3, C.F.R.) must disclose the information sought by the requester unless the agency can invoke one of nine exemptions specified in that Act. See 5 U.S.C. § 552(b) (1988). Some of these exemptions protecting personal privacy apply to "medical and personnel records." 5 U.S.C. § 552(b)(6) (1988). However, it has been for many years recognized that the medical and personnel records of the *de facto or de jure* President of the United States (such as Barack Hussein Obama today) and

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3 even for candidates for the Presidency of the United States are matters of public  
4 interest and concern. The issue in this case is whether the public interest in a limited  
5 number of personnel records on Barack Hussein Obama is sufficient to compel  
6 disclosure of one particular document whose existence has been acknowledged and  
7 confirmed many times but which, for whatever as yet undisclosed reasons, neither  
8 the private Candidate Barack Hussein Obama or the *de facto* President Barack  
9 Hussein Obama has been willing to disclose, namely: the “vault” or “long form”  
10 Hawaii birth certificate (and all related hospital or medical documents) which  
11 Plaintiffs contain will finally confirm or denounce Barack Hussein Obama’s Article  
12 II qualifications to serve and “faithfully execute” the office of President of the  
13 United States, showing whether Mr. Obama was indeed born on US soil to **two US**  
14 **citizen parents.**

15 The public had before the election and still has today a compelling interest in  
16 the disclosure of this one single bit of critical documentation (and all related) records  
17 and proof. The public's interest is undergirded by two lines of decisions from the U.  
18 S. Supreme Court. The first line concerns the public's right to the performance of an  
19 agency manager, such as an including the President as “manager” of the entire  
20 executive branch, under FOIA. The second line of decisions concerns the vital role in  
21 our democratic society played by disclosing facts and track records of candidates for  
22 public office.

23 Against this enormous public interest in favor of disclosing the records on  
24 Barack Hussein Obama, the present Defendant Barack Hussein Obama by his default  
25 has raised absolutely nothing (nor have the U.S. Attorneys who attempt to appear as  
26 non-parties [neither as representing Obama, nor any intervening party, nor as “amici  
27 curiae” on their own behalf] with their highly irregular “Statement of Interest,” the  
28 statutory or rule-based justification for which does not appear on the face of this

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3 bizarre filing). The Defendant's substantive default is complete even after repeated  
4 notification and service.

5 Since the FOIA exemptions that permit an agency to withhold information are  
6 narrowly construed, the Court has no statutory basis to rule for anything except full  
7 production of the limited number of constitutionally significant documents from the  
8 *de facto* **Chief Executive Officer of the United States**. It is a matter of public  
9 record that Barack Hussein Obama both as the Presidential Candidate and the *de*  
10 *facto* **has never denied the relevance of his birth certificate** but in fact repeatedly  
11 produced **a computer image of an unsigned, unofficial document** directly and  
12 through the Democratic National Committee, while **refusing to consent to release**  
13 **of the official document on file in the Health Department in Hawaii**.

14 Accordingly even if Barack Hussein Obama were deemed to have appeared  
15 and answered or objected to service by and through the U.S. Attorney's office, which  
16 he plainly did not do, Barack Hussein Obama would be equitably and quite possible  
17 judicially estopped by his conduct in prior litigation from raising any FOIA objection  
18 to all elements of his personnel and medical records under FOIA. As shown in  
19 Exhibit B, in prior proceedings another United States Attorney in the State of  
20 California, to wit Lawrence G. Brown and Yoshinori H. T. Himel, agreed to the  
21 production of documents informally rather than by subpoena (Exhibit B).

22 In sum, even in the absence of default, Barack Hussein Obama has no viable  
23 defense to the claims raised by the Plaintiffs in this suit.

24 The odd truth is that Barack Hussein Obama has not resisted the substance of  
25 repeated requests for proof of his citizenship in and of themselves. He has neither  
26 claimed a privacy interest in his original "Long Form" "Vault" birth certificate from  
27 Hawaii. Rather, Defendant Obama has merely (but routinely) resisted any criticism  
28 of the form or sufficiency of his responses, and has refused to cure any doubts

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3 regarding the same, without regard to public confidence or respect for the public  
4 interest and the intangible right of the people to honest fiduciary services on the part  
5 of their governmental officials. Cf. 18 U.S.C. §1346.

6 The public has a significant, almost unparalleled, interest under FOIA in the  
7 release of these records, which shed determinative light on the Constitutional  
8 qualifications of the President. Because the public interest under FOIA in the release  
9 of Obama's records was so significant, and because Obama has never claimed a  
10 privacy interest in his personnel or medical records prior to becoming President, this  
11 court should follow and implement the Supreme Court's landmark decision in *United*  
12 *States Dep't of Justice v. Reporters Comm. for Freedom of the Press*, 489 U.S. 749  
13 (1989). This case established guidelines for determining when records should be  
14 released under FOIA. Federal agencies (such as the Executive Office of the President  
15 and White House) should release records: (1) when they are "practically obscure," so  
16 that a party would have reason to invoke FOIA to obtain them, and (2) when the  
17 nature of the records serves the public interest.

18 The only public interests cognizable under FOIA is shedding light on an  
19 executive officer's competence or agency's performance and its statutory duties.  
20 Additionally, the purpose of FOIA as well as the plain language of the Act create a  
21 strong presumption in favor of disclosure and place the burden on an agency to  
22 justify withholding any requested documents. *Id.* at 764-80; *see also United States*  
23 *Dep't of State v. Ray*, 112 S. Ct. 541, 547 (1991).

24 Even if this Court were to consider that some of Obama's personnel and  
25 medical records were exempt, FOIA requires an agency to release segregable,  
26 nonexempt portions of a partially exempt record. *Environmental Protection Agency*  
27 *v. Mink*, 410 U.S. 73, 91 (1973); *see* 5 U.S.C. § 552(b) (1988) (final sentence  
28 explicitly requires disclosure of any "reasonably segregable" nonexempt

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3 information). The records requested by the Plaintiffs' Complaint herein satisfy both  
4 of the Supreme Court's guidelines favoring disclosure under FOIA.

5 As to the obscurity guideline, the names and titles of witnesses and attending  
6 physicians who supervised or assisted Barack Hussein Obama's birth and the  
7 existence of any clouds on his constitutional qualifications to serve as President  
8 which might be held against him were "practically obscure," so that the Plaintiffs  
9 could have obtained these records only through a FOIA request. In fact, it appears  
10 that the President has access to his birth records, and **simply seeks to control the**  
11 **form, format, and timing of his presentation of evidence**, without regard to  
12 possible significant differences which might exist between an original (type-or-  
13 handwritten from 1961) and a computer-generated abstract such as that which  
14 Defendant has proffered repeatedly through the Democratic National Committee and  
15 White House.

16 Accordingly, the Supreme Court's *Reporters Committee* holding strongly  
17 suggests that FOIA imposed a duty on the Presidential Candidate and now de facto  
18 President to release the specifically requested form of the records on Obama. As to  
19 the public interest guideline, releasing these records would enable the public to learn  
20 how and whether Barack Hussein Obama was constitutionally qualified to assume  
21 and exercise statutory duties as President. Any action which is taken to maximize  
22 government transparency and enhance the confidence in the legitimacy of  
23 government is the public interest and the purpose for FOIA. Thus the records  
24 released sought by the Plaintiffs in the case at bar meet the public interest guideline  
25 articulated in *Reporters Committee* and should be disclosed under FOIA. To  
26 withhold these records in violation of the guidelines set forth in *Reporters*  
27 *Committee*, Barack Hussein would have to justify his repeated action of  
28 stonewalling, and **Plaintiffs submit that his default in this case is just part of an**

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3 **almost institutionalized pattern of stonewalling and refusing to answer**  
4 **complaints (see, e.g., Exhibit A: Arizona Complaint and Default).** Consequently,  
5 FOIA mandates that Barack Hussein Obama release the records requested below, and  
6 the Plaintiffs' request complies with the federal law in all respects: many citizens'  
7 requests have been made, and all have been ignored without lawful justification.  
8 The three plaintiffs in the present suit are uniquely situated in that they were either  
9 candidates or electors in the Presidential and Vice-Presidential elections of 2008, and  
10 they accordingly have unique standing and suffered unique damage as a result of the  
11 Defendant's failure to disclose the information requested:

12 **ITEMIZED LIST OF DOCUMENTS REQUESTED UNDER FOIA**

13 By the Defendant's default, he has waived all right to claim exemptions from  
14 Plaintiffs' repeated requests for documents, which were made in this and the prior  
15 California Superior Court (Sacramento) case (Exhibit B):

- 16 a. All United States Passport records relating to Barack Hussein Obama  
17 including but not limited to any and all reports and findings of the Inspector General  
18 of the Department of Justice and/or the State Department investigation regarding  
19 allegations of unauthorized employee access to and tampering with Barack Hussein  
20 Obama's passport records on at least three separate occasions in 2008, including but  
21 not limited to any information relating to about birth certificates or other indicia of  
22 citizenship used to prove Obama's American citizenship status on his original  
23 American passport application and the date when Obama made that original  
24 application for an American passport;
- 25 b. All DOJ (including FBI) records concerning Barack Hussein Obama:
- 26 c. Obama's authenticated original vault birth certificate, proving his age, date of  
27 birth and place of birth (this may be produced "in camera" so long as independent  
28 expert analyses of the ink, paper, and other indicia of authenticity are permitted);

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d. All such other transcriptions of testimony, letters, affidavits, depositions, declarations, and any other documents, recordings, photographs, computer records, and other evidence (“documentation” or “proof” hereafter) in the Defendant Barack Hussein Obama’s actual or constructive possession concerning proof of Defendant’s actual birthplace location and details regarding any and all Federal government information or investigations of any agency into Defendant;

e. Documentation and proof relating to all aspects of Defendant’s residence and school registration in Indonesia, including but not limited to any and all documentation and proof relating to the alias or name “Barry Soetoro” and whether or not “Barry Soetoro” was a citizen of Indonesia;

f. Proof (as defined and described above) including but not limited to all documentation on fixed or electronic media relating to or touching upon the question of whether Defendant Barack Hussein Obama legally changed his name from his adopted Indonesian name, Barry Soetoro, to Barack Hussein Obama and when his name was legally changed;

g. Proof (as above) including but not limited to all documentation on fixed or electronic media relating to or touching upon the question whether Defendant Barack Hussein Obama became a repatriated American citizen after returning to the United States from Indonesia at age 10 including but not limited to the date of that repatriation;

h. Proof (as above) relating to the question of whether Defendant became a naturalized US citizen and the date of that naturalization;

i. All documents and proof of every kind (as above) constituting, relating to, or touching upon Defendant’s college, university, and law school records and transcripts of enrollment and attendance, including but not limited to the unredacted name (i.e. Obama, Soetoro, Dunham) and country of citizenship that Defendant used

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for registration as a college student and relating to or touching upon the question of whether Defendant registered as an American or foreign student;

j. Documentation or proof relating to the question of whether Barack Hussein Obama (or any alias used by the Defendant) ever identified or held himself out to be a foreign exchange student under the name of Barry Soetoro from 1979 to 1981 and during any other time periods;

k. Defendant’s Illinois State Bar application, membership records, and all other documents or proof relating to Defendant’s status as a licensed attorney;

l. Defendant’s medical records and those of his mother from January 1, 1961, through the present day.

m. Any and all documents and other proof, in whatever media recorded (fixed, electronic, analog or digital), including but not limited to the passport that Defendant Barack Hussein Obama used in 1981, relating to or touching upon any of Defendant’s travel abroad prior to 2000, including but not limited to his self-reported travel in 1981 to Pakistan;

n. Any and all documents and other proof, including the passport that Defendant Obama used in 2006, relating to or touching upon any of Defendant’s travel abroad since 2000, including but not limited to his self-reported trip in 2006 to Kenya;

o. Any and all documents and other proof in whatever media recorded relating to the question of whether a group called “Friends of Senator Barack Obama” or any similar name contributed to Kenyan political candidate Raila Odinga in 2006;

p. Affidavits, statements, depositions, and all reports and other documents and proof relating to or touching upon the information gathered from or provided to any and all fact or expert witnesses concerning the forgery of Obama’s birth certificate as posted on various pro-Obama websites, including <http://www.dailykos.com/>,



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<http://my.barackobama.com/>, <http://www.fightthesmears.com/>,  
<http://www.politifact.org/>, and <http://www.factcheck.org/>;

q. Any and all information in Defendant's actual or constructive possession relating to or touch upon any of a list of some 140-odd addresses found on LEXIS-NEXIS and elsewhere as a matter of public record under the name of Barack Obama (and similar spellings) that were attached to some 35-odd social security numbers, including but not limited to one particular social security number that was used while Defendant was a law student at Harvard which was attached to his address in Sommerville, MA, having been issued to a (now deceased) person born in Connecticut 119 years ago;

r. All documents or other proof relating to Selective Service System registration ("SSS Form 1") associated with or completed by or in the name of the Defendant Barack Hussein Obama, regarding whether he ever registered for the Selective Service System

s. Any and all other documents relating to or proof concerning any and all conflicting citizenship or residence records and/or reports regarding Defendant Barack Hussein Obama's travels to Kenya and Indonesia,

t. All documents and proof, including but not limited to documents showing the names and contact information for investigators or other witnesses, including but not limited to clerks and custodians of records, relating to or touching upon the investigations allegedly performed and findings on the information forwarded to the FBI about Defendant Barack Hussein Obama by the office of US Senator Lamar Alexander from Tennessee,

u. All documents and proof (in electronic or stable media, digital or analog recordings, and all photocopies or photographs), including but not limited to names and contact information for investigators and other witnesses, including custodians

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of records, as well as results and findings of investigations performed regarding additional alleged inconsistencies touching upon or relating to the Certificate of Live Birth (COLB) which Defendant Barack Hussein Obama filed online including, but not limited to:

v. Any and all documents or other proof relating to methods used by the US government to confirm the authenticity of the COLB and reasons for accepting this abbreviated, computer-generated, laser printed document as authentic proof of Obama’s birthplace and age instead of requiring an authenticated original vault birth certificate to prove a US President’s Constitutional eligibility;

w. Any and all documents or other proof relating to governmental or non-governmental tests or investigations or inquiries conducted the authenticity confirmation for Obama’s COLB and processes used to compare its findings with those of the forensic document examiner experts who determined this COLB to be a forgery;

**42 U.S.C. §1983 and 42 U.S.C. §1988(a)**

Plaintiffs submit and contend that the people have a civil right or series of rights, actionable in equity under 42 U.S.C. §1983, to demand that their elected officials prove their constitutional qualifications to hold office by clear-and-convincing evidence, and to petition for redress of grievances concerning well-founded doubts concerning their elected officials’ competence or eligibility for the offices which they seek or have obtained.

Plaintiffs contend that there is Constitutional crisis as a result of their continuing uncertainty (and that of many others) concerning the constitutional qualifications of the commander in chief: to put it simply, if the people have no right under the Constitution to secure simple and enforceable rights, such as the right to have a natural born citizen as Commander-in-Chief, then it is obvious that the letter

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3 of the constitution is all but null and void. This constitutional crisis, in turn, has  
4 major national security ramifications arising from the question of whether a  
5 constitutionally unqualified President can issue valid orders as a matter of  
6 International and Domestic law. The spirit underlying this lawsuit is a continuing  
7 sense of frustrated urgency to uncover the truth so that the public can be fully  
8 informed about actual or alleged federal government activities to validate or cover up  
9 the President's real biography and historic background. These issues obviously  
10 affect possible questions about the government's integrity as a whole, because if a  
11 deception has occurred, it will be quite impossible ever to conclude, in this  
12 conspiracy, that "Obama acted alone."

13 Plaintiffs further contend that the absence of a public means to challenge  
14 eligibility and qualifications to hold office, even after elections, constitute an injury  
15 to the substantive due process rights of the American public if the truth is not  
16 uncovered as soon as possible. The Obama administration is moving at warp speed  
17 to accomplish its goals, but if Obama is ineligible to be a US president, everything  
18 that is being "accomplished" will be illegal. Consequently, time is of the essence in  
19 uncovering the truth and the fact that final confirmation of "the truth" by clear and  
20 convincing evidence remains just out of reach nearly six full months after the  
21 inauguration is no cause to characterize or find this inquiry "moot."

22 Within the meaning of 42 U.S.C. §1988(a), to the extent that this is a case  
23 where the laws of the United States are not suitable to protect and vindicate the civil  
24 rights of the people of the United States to demand and require their governmental  
25 officials to prove their constitutional qualifications, and to the extent that there are no  
26 laws or insufficient law suitable to carry these rights into effect or otherwise adapted  
27 to the object of proving elected officials' qualifications, then this Court is  
28 empowered by 42 U.S.C. §1988(a) to extend the common and statutory law of the

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3 United States in a manner consistent with the Constitution to provide for the trial (or  
4 after default, summary disposition without trial) and disposition of this cause and, if  
5 crimes are found, to ensure the infliction of punishment on the guilty parties.

6 By his default, Barack Hussein Obama has waived any objection or answer he  
7 might otherwise have had to the utilization of 42 U.S.C. §1988(a) to extend the  
8 common and statutory laws of the United States in a manner so as to require proof of  
9 his constitutional eligibility. Within the meaning of Rule 55(b)(2)(A), (C), and (D)  
10 of the Federal Rules of Civil Procedure relating to entry of Final Judgment by  
11 Default, this Court has the power to conduct hearings or make referrals to determine  
12 the exact contours of such extension of common and statutory laws consistent with  
13 the constitution in order to (A) conduct an accounting of Barack Hussein Obama's  
14 conduct as a candidate for President of the United States, (C) establish the truth of  
15 Defendant's qualification or lack of qualification to serve as President by clear-and-  
16 convincing evidence, and (D) to investigate all other matters related to Count I of  
17 Plaintiffs' Complaint and Defendant's default thereon.

18 Plaintiffs suggest that, in the post-default environment, and prior to or after  
19 entry of final judgment, this Court has the power to order Barack Hussein Obama to  
20 appear and show cause why Default Judgment should not be upheld (or entered)  
21 against him, as well as to order the "interested" U.S. Attorneys' to justify and prove  
22 their standing to appear in this case, either in a representative or "active party"  
23 capacity (e.g. as interveners, *Amici Curiae*, or as representatives of identified  
24 interveners or Friends of the Court etc.). Plaintiffs propose a 60 day period during  
25 which mandatory post-default discovery and/or mediation should be allowed to take  
26 place, limited only by the scope of any proposed or actually entered default judgment  
27 which may be rendered in this case.  
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Plaintiffs reemphasize that they seek relief against Barack Hussein Obama only in regard to his conduct occurring or issues accruing prior to his inauguration on January 20, 2009. Plaintiffs' FOIA and 1983 actions concern only conduct and actions conducted under color of law by Obama as a private individual running for President of the United States, i.e., his "personnel" file, insofar as this reflects on his qualifications to hold and authority to "faithfully execute" the office of President of the United States.

**PRAAYER FOR RELIEF**

For all of the above-and-foregoing reasons, Plaintiffs pray that this court will enter final judgment by default against Defendant Barack Hussein Obama pursuant both to 5 U.S.C §552 and 42 U.S.C. §§1983, 1988(a).

This Court should issue an order to Barack Hussein Obama to show cause why the full measure of relief requested by the Plaintiffs in this case should not be granted, and should in particular order a 60 day period of post-default discovery and mediation so that the contours of the final judgment under 42 U.S.C. §1988(a), including the extension or modification of common and statutory law to protect the civil rights of the people of the United States to demand clear-and-convincing evidence of the constitutional qualifications, eligibility, and competence of their elected (as well as their non-elected) officials, representatives, and executive agents.

Respectfully submitted,

Sunday, July 12, 2009

By: \_\_\_\_\_  
Dr. Orly Taitz, Esq. (SBN 223433)  
Attorney for the Plaintiffs  
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**PROOF OF SERVICE**

I the undersigned Charles Edward Lincoln, being over the age of 18 and not a party to this case, so hereby declare under penalty of perjury that on this Sunday July 12, 2009, I provided facsimile copies to all of the following non-party attorneys whose names were affixed to the "STATEMENT OF INTEREST" who have appeared in this case in accordance with the local rules of the Central District of California, to wit:

- THOMAS P. O'BRIEN
- LEON W. WEIDMAN
- ROGER E. WEST
- DAVID A. DeJUTE
- FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS 12<sup>th</sup> day of July, 2009

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Charles Edward Lincoln

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Exhibit A:  
Parallel Default  
By  
Barack Hussein Obama  
In Arizona District Court  
Proceedings



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Exhibit B:  
Judicial Estoppel  
In prior Litigation by  
Alan Keys involving  
U.S. Attorneys for the  
Eastern District of California