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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Captain Pamela Barnett, et al., Plaintiffs, v. Barack Hussein Obama, Michelle L.R. Obama, Hillary Rodham Clinton, Secretary of State, Robert M. Gates, Secretary of Defense, Joseph R. Biden, Vice-President and President of the Senate, Defendants.	§	Civil Action No. **SACV09-00082-DOC-AN** DATE: TIME: Amended Notice and Motion for Reconsideration of Order to Dismiss under Rule 59E and Rule 60

PLEASE TAKE NOTICE THAT on December 7,at 10:am. or as soon thereafter as counsel may be heard in the Courtroom 9D of the above-entitled Court, the Honorable Judge Carter presiding, plaintiffs (aside from plaintiffs Markham Robinson and Willey Drake represented by Gary Kreep) will move the Court to reconsider and vacate its Order entered on 10.29.09 , dismissing the complaint. This Motion is made on the grounds that:

1. Newly discovered facts regarding the Court's law clerk, Siddharth Velamoor, indicating a potential conflict of interest;

2. Such other pertinent facts as marshaled below indicating error of fact and law.

Meet and Confer. The undersigned attorney has contacted the US attorneys office three times and was not able to schedule the meet and confer conference. The undersigned believes that future attempts will be futile. Basis: Local Rule 7-18 authorizes this Motion. This Motion is based on all of the papers filed in support of the Underlying Motion, the following memorandum of Points and Authorities and the Motion herein and attachments if any.

DATED:

Dr. Orley Taitz, Esq.

By /s/ [Signature]

Attorney for Plaintiffs

MEMORANDUM OF POINTS AND AUTHORITIES

A newly discovered fact, material to this action, that was the reason for most errors in the order, is the fact that on October 1, 2009 Your Honor hired as your law clerk an attorney Siddharth Velamoor, who previously worked for Perkins Coie, a law firm representing the defendant in this case, Mr. Obama. As a matter of fact Perkins Coie was one of the firms opposing the plaintiffs in a prior legal action filed by the **plaintiffs in this very case**, *Keyes et al v Bowen et al* **specifically for not vetting Mr. Obama** as a presidential candidate, as Ms. Bowen didn't request any vital records and never checked any vital records of Mr. Obama, as she and all the other secretaries of states took his Declaration of a Candidate **on it's face value**.

As it is a common knowledge that law clerks do most of the research and write most of the opinions for the judges, **the order to dismiss this case was de facto written or largely influenced by an attorney who until recently worked for a**

firm representing the defendant in this case, and who currently is working as a clerk for the presiding judge, as such most of the order is tainted by bias. This is a clear prejudice against the plaintiffs. The Ninth Circuit rule on conflicts of this nature is quite clear: "However, a reasonable person might be concerned whether a law clerk's advice to a judge would be biased in favor of the position taken by a firm, if the law clerk had worked there before his clerkship, was on a leave of absence, and planned to work there after his clerkship. *Milgard Tempering, Inc. v. Selas Corp. of Am.*, 902 F.2d 703, 714 (9th Cir. 1990). "Depending on how an individual judge manages her chambers, a law clerk's role in her decision making may be quite significant. Even if the judge has no reason to recuse herself based upon her own circumstances, a law clerk's relationships might cause the impartiality of decisions from that judge's chambers in which the clerk participates reasonably to be questioned." *Hamid v. Price Waterhouse*, 51 F.3d 1411, 1416 (9th Cir. 1995).

While Mr. Velamoor will surely claim that he didn't work on Obama case before, his employment with Perkins Coie should've disqualified him, and indeed the order reads as if it is written by the defense counsel, highly biased against the plaintiffs, 99 percent of the order either misstates the facts and arguments in the plaintiffs's pleadings or oral argument, it misstates the law and is full of personal attacks, de facto accusing decorated members of the military of being cowards; and this order is particularly used as a tool in what seems to be a concerted effort by this Court and

judge Clay D Land in GA to use the power of federal judiciary to publicly lynch the undersigned counsel, to use innuendo, ex parte defamatory and slanderous statements to assassinate her character, to destroy her as a human being and endanger her law license, only because she is not only the only attorney brave enough to bring **most** of eligibility legal actions, to bring actions from plaintiffs **with real standing**, the only one to get any hearings, but she is also the only one to bring forward evidence from licensed investigators showing Mr. Obama committing multiple felonies, for which he should be serving lengthy prison term.

Canon 2 of the Code of Conduct for Law Clerks requires a law clerk to avoid impropriety and the appearance of impropriety; it states: A law clerk should not engage in any activities that would put into question the propriety of the law clerk's conduct in carrying out the duties of the office. A law clerk should not allow family, social, or other relationships to influence official conduct or judgment. A law clerk should not lend the prestige of the office to advance the private interests of others; nor should the law clerk convey or permit others to convey the impression that they are in a special position to influence the law clerk. See: *First Interstate Bank v. Murphy, Weir, and Butler*, 210 F.3d 983, 987 (9th Cir. 2000). The court erred in hiring Mr. Velamoor, or not recusing him or not recusing this court from hearing this case in the alternative.

The plaintiffs request the court to strike from the order unsupported and prejudicial verbiage. Please see in the attachment Declaration of the undersigned attorney. The court has stated in the pleadings that the undersigned attorney has encouraged her supporters to contact the court in an attempt to influence his decision in the October 5 hearing. This is not true. The plaintiffs request this stricken from the final order.

During October 5 hearing your honor has stated that the undersigned attorney encouraged the supporters to attempt to influence the court's decision. This never happened. When the undersigned attorney requested to respond, the court stated: "no, no, it's done. You've put it out there. Now it's your responsibility". The undersigned attorney has done nothing of a kind and believes that this information might've come from some ex parte communications with the presiding judge coming from parties connected to the defense, which is prejudicial, inflammatory and defamatory. The undersigned requests it stricken from the order.

The court has included in the order mention of yet another ex-parte communication with the judge, where two parties claimed that the undersigned counsel has asked them to perjure themselves. Please see the declaration, this was a slanderous, defamatory, prejudicial allegation, and the undersigned had no opportunity to respond.

The undersigned believes that the letters came from Larry Sinclair and Lucas Smith. Larry Sinclair was asked to authenticate an affidavit he submitted to the Chicago police regarding the homicide of Mr. Donald Young. In the affidavit submitted to the Chicago police and in his book recently published, Mr. Sinclair has stated that Mr. Donald Young has contacted him repeatedly and stated that he had a lengthy homosexual relationship with Mr. Barack Obama and that Mr. Young was found dead, with multiple gun shot wounds, at the onset of 2008 Democratic primary elections. Any allegations of the undersigned attorney asking the witness to perjure himself are not only completely defamatory and prejudicial, but are void of any sense or reason, as Mr. Sinclair's affidavit regarding Mr. Young's homicide can be found filed with the Chicago PD and in his book.

Lucas Smith was asked to authenticate Mr. Barack Obama's birth certificate from Kenya, which he previously tried to sell on e-bay and which he authenticated under penalty of perjury both on video camera and in writing. As such any allegations of suborning perjury are totally defamatory and void of any sense or reason, since Mr. Smith made this information public long before ever meeting the undersigned counsel. Therefore any and all allegations of misconduct by the undersigned are totally without merit, prejudicial and defamatory and need to be stricken from the order.

The undersigned is the only attorney, who has the bravery of character to pursue not only the issue of Mr. Obama's illegitimacy to presidency, but also information provided by two licensed investigators, showing that according to reputable databases **Mr. Obama has used 39 different social security numbers including the social security numbers of the deceased individuals**. This information is an indication of multiple felonies committed by the sitting president, and the undersigned believes that she was targeted and defamatory statements were used in order to keep her silent, to endanger her license and prevent her from proceeding on the above issues. The undersigned is deeply concerned about the fact that the court chose to include in the order slanderous ex-parte communications, while completely ignoring the above evidence against the defendant, which show a tremendous likelihood of success on a RICO claim.

The court has commented on the plaintiffs' inability to file a full pledged RICO complaint, calling it inexcusable. The court apparently forgot the fact that the plaintiffs have asked for discovery in order to obtain sufficient information for complete RICO complaint. **The court has denied all requests for discovery, therefore making it impossible for the plaintiffs to submit fully pleaded RICO cause of action.** The plaintiffs request discovery in order to submit a properly plead RICO complaint or in the alternative a leave of court to file a second amended complaint on RICO cause of action.

The court has misstated the main argument of the case. The court states that the court has no jurisdiction to remove **duly** elected president. That is a complete misinterpretation of the plaintiffs' argument, probably done by the biased clerk. In reality the whole argument and plea, is for the court to decide, **whether the person residing in the White House is duly elected**. If he got there by virtue of massive fraud, he had no right to be there and people who voted for him had no right to vote for him. The plaintiffs asked for the judicial determination, for the declaratory relief. If the court finds that fraud was committed, then not only Mr. Obama should be criminally prosecuted, but he will also be liable to about 20 percent of the population of this country who voted for him and particularly to the ones that contributed to his campaign. Just as when one forges a deed to a house, the rightful owner is justified in going to court for as long as it takes to achieve justice and remove the forger and the thief from his house. No judge will be justified in intimidating or sanctioning the owner of the house for going to court to seek resolution on the merits. Similarly, **"we the people" are the rightful owners of the White House** and we have the right to go to the authorities and the courts to seek the **resolution on the merits** for as long as it takes and **to remove one who got there by virtue of fraud**. It is ludicrous to believe that any judge has any justification to attack us, to sanction us for what is clearly our constitutional right. Saying that no citizen in the country has standing and no court has standing is error of law. This court has erred in not taking into account

the October 5th oral argument by the undersigned attorney in that California Choice of law rules require District of Columbia Law be applied to DC defendants. **Constitution is a contract between "we the people" and the government**. **Natural Born citizen clause is an integral part of this contract**. California supreme court adopted the rule laid out in §187 of the restatement of the Conflict of Laws.. Under §188, the law of the state with the most significant relationship to the transaction at issue is applied. California has adopted the rule of §188. *Edwards v. United States Fidelity and Guar. Co*., 848 F. Supp. 1460 (ND Cal. 1994); *Stonewall Surplus lines Ins. Co v Johnson Controls.* Inc., 14 Cal. App. 4th 637, 17 Cal. Rptr.2d 713(1993).

This is a case with diversity of parties and the court can make a determination of a choice of law. As such Your Honor can and has to choose DC law, which includes Quo Warranto provision. The interest of judicial economy and National Defense as well as the interest of National security particularly in light of latest slaughter of 13 soldiers at Fort Hood by Nidal Malik Hasan dictate for **Your Honor to make a determination of election of DC law and proceeding in Quo Waranto under DC statute 16-3503.**

The court erred in not taking Judicial notice of **18 USC §1346; Intangible Rights Fraud-as individual damages are not required in Public Sector Mail and Wire Political corruption**. Mr. Obama's use of multiple social security numbers,

including the social security numbers of the deceased individuals, his obfuscation of all the vital records and use of computer images of records that cannot be considered genuine according to the experts **constitute individual predicate acts under Civil R.I.C.O. 18 U.S.C.§§1961,1962(a)-(d), and 1964(c)., which gives standing to every member of the public at large. Denial of standing was an error of law.**

The court has made an erroneous and prejudicial statement regarding the service of process by the plaintiffs. It was a clear error of fact and of law. Mr. Obama has been served four times and evaded service of process. As the original action **was filed by the undersigned counsel on the Inauguration Day (prior to swearing, as Mr. Obama took a proper oath only the next day, on January 21st) by the undersigned counsel against Mr. Obama as an individual for his actions as an individual prior to the election**, the undersigned counsel has properly served Mr. Obama as an individual under rule 4e and properly demanded from the court a default judgment and post default discovery. As the court refused to grant the default judgment, the undersigned properly demanded certification for the interlocutory appeal. As Mr. Obama did not respond to the service of process and couldn't send a US attorney to represent him, a game was played and US attorney has showed up at July 13 hearing de-facto representing Mr. Obama and arguing on his behalf, while claiming that Mr. Obama was not served and that the US attorney represents United States of America-party of interest. If the issue wouldn't be so serious for the

National Security of the country, the whole charade would've been laughable. After all US attorneys were supposed to represent "we the people' and were supposed to join the plaintiffs, protecting them from massive fraud, not cover up for the defendant. Assistant US attorney, Mr. DeJute demanded that the undersigned counsel serve Mr. Obama through the US attorney's office, thereby giving Mr. Obama an opportunity to get legal defense at the taxpayers' expense. **The undersigned attorney properly protested, stating that Mr. Obama was properly served as an individual in regards to fraud that he committed as an individual prior to the election and therefore he is not entitled to be represented by the US attorneys at tax payers expense.** Your honor did not state that the undersigned was wrong in her assessment, but rather stated in presence of 50 observers, that if the undersigned does not serve Mr. Obama **the way the government wants**, the US attorney will appeal and the **case will be sitting in the 9th Circuit Court of Appeals for a year,** that if the undersigned counsel agrees to serve Mr. Obama the way the government wants, Your Honor promises that the case will be heard on the merits and will not be dismissed on technicality. The undersigned counsel has protested and raised concerns that, based on prior cases, she is afraid that the US Attorney's office will try to dismiss on technicality such as standing or jurisdiction, and the case will not be heard on the merits. Again in front of 50 spectators Your Honor assured that **this court has jurisdiction** and it is important for this case to be decided not on default

judgment, **but on the merits, that it is important for the military to know if the Commander in Chief is legitimate, it is important for the whole country. If he is legitimate he can stay in the White House, if he is not legitimate, he needs to be removed from there.** Under duress and tremendous pressure from Your Honor the undersigned counsel has agreed to serve US attorney with the complaint. Her worst fears materialized, as not only Your Honor has dismissed the case claiming lack of jurisdiction, but the whole issue was completely misrepresented and the undersigned counsel was denigrated. In the above mater the court erred both in the fact and the law. Mr. Obama should've lost this case on the default judgment, post judgment discovery was supposed to be ordered and all the vital records of Mr. Obama could've been unsealed back in July –August, and this whole nightmare for the whole Nation should've been over 3 months ago. As it stands now, the undersigned counsel, her clients, all of the spectators present in the courtroom and the whole Nation justifiably feel defrauded not only by Mr. Obama, but also by this court.

The court erred in not including in the order and not considering an affidavit of Sandra Ramsey Lines, submitted by the plaintiffs as part of the attachment in Dossier #1 and Dossier #6, as Ms Lines, one of the most renown forensic document expert stated in her affidavit that Mr. Obama's short form Certification of Live Birth cannot be considered genuine without analyzing the original currently sealed in the Health Department in Hawaii. Court also erred in omitting from the final order

affidavits of licensed investigators Neil Sankey and Susan Daniels. Court erred in refusing to lift the stay of discovery and granting a motion to dismiss, whereby the court de facto aided and abetted obstruction of Justice by Mr. Obama.

The court has misrepresented the allegations in the pleadings. On page 2 line 10 The court states that the complaint pleadings talk about Mr. Obama's citizenship status and his birth in Kenya. This is a misstatement of law and complete misstatement of the pleadings and Oral argument. The undersigned has submitted for Judicial notice **The Law of Nations by Emer De Vattel, specifically arguing that regardless of where Mr. Obama was born, he was never qualified for presidency, and he admitted it, as he admitted that he had British Citizenship at birth based on the citizenship of his father.** Later he acquired Kenyan and Indonesian citizenship, therefore he did not qualify as a Natural Born Citizen, as from birth and until now he had allegiance to other Nations. Natural born citizen is one born in the country to **parents (both of them)** who are Citizens of the country. This definition was widely used by the framers of the Constitution and was quoted by Chief Justice John Jay and the framer of the 14th amendment John A Bingham.

The court erred in its statement that the court "is precluded from robbing the D.C. court of jurisdiction as to any quo warranto writ against president Obama because the **D.C. Code grants exclusive jurisdiction** to the District court of Columbia". This an error of law, since the DC code states that the Quo Warranto

may be brought in D.C., it does not state that it is an exclusive jurisdiction, it does not state that another district court cannot try DC residents including the President under DC statutes and there is no notion in the DC court that proceeding in another court under Quo Warranto will somehow rob the D.C. court. The DC code provides "A quo warranto **may be** issued from the United States District Court for the District of Columbia in the name of the United States against a person who within the district usurps, intrudes into, or unlawfully holds or exercises, a franchise conferred by the United States or a public office of the United States, civil or military". DC code §§16-3501-16-3503(emphases added). The word **may** does not mean exclusive jurisdiction, and as such the **undersigned counsel was absolutely correct in her assertion that this court has proper jurisdiction to proceed under quo warranto and she prays that Your Honor proceeds immediately and expeditiously with denying the defendants motion to dismiss Quo Warranto cause of action and grants the plaintiffs lift of stay of discovery so they can complete the discovery by the January 26 trial date**.

The court has made an error of fact and completely misstated the FOIA complaint. Pp26-27. For lack of better words it simply put the FOIA complaint on its head. The undersigned counsel did not state that the FOIA requests need to be send to the defendants, who are individuals, but simply said that in the period of nearly a year she has sent requests for information and request to take proper action to

numerous agencies around the country, requesting information **about the defendants, and since Mr. Obama has sealed all of his vital records by the executive order on the first day of office, further FOIA requests would be futile.** The undersigned counsel has submitted voluminous dossiers 1-6 as attachments and showed the court that she undertook a Herculean effort to obtain proper information from the Department of Justice, State department, FBI, CIA, Secret Service, Social Security Administration, Selective Service to name a few. She visited governmental offices all over the country, including CA, Washington DC, KY, TN, WA, TX and others. Simply put there is a wall of silence and lack of response from all of the agencies and therefore a judicial determination and an order of discovery from the trial judge is needed. **As there is an error of fact in the order, the undersigned counsel requests to deny the defendants motion to dismiss, and to lift the stay of discovery, so the plaintiffs can complete the proper discovery and proceed on FOIA cause of action at the scheduled trial date of January 26.**

The court has made an error of law in regards to the **declaratory relief** cause of action. From p.16 to p.25 the court proceeds with a voluminous argument on jurisdiction to remove the president and at the end of the argument makes a huge leap and lumps declaratory relief together with the injunctive relief in one denial. Even if one were to assume arguendo that the court has **no power to remove** Mr. Obama from office, it **has absolutely nothing to do** with the **Declaratory Relief**. In

the declaratory relief the plaintiffs are simply looking **for the judicial determination of the meaning of the Natural Born Citizen and factual determination, whether Mr. Obama possess proper vital records and citizenship status to qualify as a Natural Born Citizen.** This is an issue of first impression, it is ripe and it is of the paramount importance for the country as a whole and particularly for the military that needs to take orders from Mr. Obama as the Commander in Chief. Judicial determination in the form of the declaratory relief is the exclusive domain of the judiciary, it is an Article 3 issue. The Congress has absolutely no power to issue declaratory relief, it has no power to interpret the Constitution, and regardless of the mechanism by which Mr Obama will be later removed from office: Quo Warranto or impeachment, the judicial determination, the declaratory relief has to be done now and it has to be done here. **As such the undersigned counsel prays that your Honor deny the defendants motion to dismiss Declaratory Relief cause of action and grant the lift of discovery so that the undersigned counsel can complete her discovery on the Declaratory Relief cause of action by the January 26 date, set for the jury trial.**

Lastly the court erred in fact of law and fact on the issue of the political doctrine, justiciability and separation of powers. The defense would like to turn this issue into the political doctrine, however it **is not an issue of politics**, it **is an issue of fraud committed prior to taking office**. The plaintiffs were not seeking to enjoin

any particular decisions of the executive branch, but rather fraud committed by one in order to become the Chief Executive. As the undersigned read to the court a letter written by Senator Sessions of Alabama, **the Congress is relying on the courts to resolve the** issue of eligibility. The Congress and Senate do not have any power to ascertain whether Mr. Obama is eligible according to the Constitution. They are relying on you, Your Honor, to make a Judicial Determination, provide declaratory relief and they can take action upon your determination. In undying words of Chief Judge John Marshall, not exercising jurisdiction, when it is available, is treason to the Constitution. Therefore there is not only a potential for justiciability, but **obligation to take action based on justiciability.** In which way can jurisdiction and justiciability be asserted? Clearly these are uncharted waters, however if this Nation would've been afraid to enter uncharted water, it would've never sent a man to the Moon. If we could send a man to the Moon, we can figure out the issues of the separation of powers, justiciability and jurisdiction. In the humble opinion of the undersigned proper cause of action provided several avenues: (a) declaratory relief on Mr. Obama's Natural born status; (b) forwarding the findings to Congress for their decision on impeachment; (c) forwarding the finding to a special prosecutor; (d) forwarding the findings of fraud, social security fraud, identity theft-if found, to the Department of Justice and Social Security administration for further handling and ultimate enforcement (e). all of the above. After many years of test taking in

medicine and law, the undersigned believes that **all of the above** is the most comprehensive, all encompassing answer.

WHEREFORE, for all of the foregoing reasons Plaintiffs respectfully request their motion for reconsideration granted and the defendants motion to dismiss denied, or in the alternative the plaintiffs seek the leave of court to file a second amended complaint against Mr. Obama specifically on Declaratory Relief, R.I.C.O, Quo Warranto, 1983, Common Law Fraud and Breach of Contract (Constitution of the United States Of America, Article 2, Section 1 being subject matter of the material breach).

Respectfully submitted,

NOVEMBER 9, 2009

/s/ DR ORLY TAITZ ESQ

By:_____

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PROOF OF SERVICE

I the undersigned Orly Taitz, being over the age of 18 and not a party to this case, so hereby declare under penalty of perjury that on this, November 16, 2009, I provided electronic copies of the Plaintiffs' above-and-foregoing Notice of Filing 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:

ROGER E. WEST roger.west4@usdoj.gov (designated as lead counsel for President Barack Hussein Obama on August 7, 2009)

DAVID A. DeJUTE

FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS 16 day of November, 2009

/s/Orly Taitz

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