

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PASCO COUNTY, STATE OF FLORIDA
Civil Division**

Jerry Collette,
Plaintiff,

Case Number: **512012CA 2041WS**

vs.

Barak [sic] Obama,
The Members of the State Executive
Committee of the Florida Democratic
Party, and
DOES 1 through 1000, inclusive,
Defendants.

Complaint

Summary of Complaint

The plaintiff is challenging the eligibility of Barak Obama to be listed on Florida ballots as a candidate for President of the United States. This challenge is based upon three alternative theories related to his not being a *natural born* citizen, as required by Article II, Section I, Clause 5 of the U.S. Constitution, namely:

1. That he was foreign born;
2. That, if he was born in the United States, he subsequently alienated and/or expatriated any status of United States citizenship he may have acquired at birth, without ever repatriating to the status of *natural born* citizen; and
3. No matter where he was born, he is not a *natural born* citizen because he was born of foreign paternity.

The plaintiff brings this complaint as two causes of action:

1. Violation of one of the plaintiff's rights derived from the United States Constitution;
2. Negligence per se, for violation of that right.

Parties, Jurisdiction, and Venue

The plaintiff alleges as follows:

1. Plaintiff **Jerry Collette** is an individual, citizen, taxpayer, and voter, and brings

suit in each of his respective capacities.

2. Plaintiff has standing and this court has jurisdiction under Fla. Const. art. I, § 21 (2011).
3. Defendant **Barak** [sic] **Obama** is an individual, and is sued in that capacity.
4. The defendant **Members of the State Executive Committee of the Florida Democratic Party** are each individuals and part of the governing body of the Florida Democratic Party, and are sued in both capacities.
5. The plaintiff does not know the true names and capacities of the defendants sued as DOES 1 through 1000, inclusive, and will amend this complaint to allege their true names and capacities when ascertained.
6. The plaintiff is informed and believes that each of the defendants were the principal, agent, servant, employee, partner, and/or representative of each other and that each of the defendants acted within the course and scope of such relationship in committing the alleged acts and omissions.
7. At least one of the defendant Members of the State Executive Committee of the Florida Democratic Party resides in Pasco County.
8. Accordingly, under Fla. Stat. § 47.021 (2011), Pasco County is a proper venue for this case.

General Facts

9. Article II, Section I, Clause 5 of the U.S. Constitution sets forth the requirements (the “Eligibility Requirements”) for a person to be eligible to hold the office of President of the United States.
10. As set forth below, an actual, present, and justiciable controversy exists between the parties in that:
 - a. The defendants to believe that:
 - i. Defendant Obama meets the Eligibility Requirements;
 - ii. He may disregard them; and/or
 - iii. They do not apply to him;
 - b. Whereas the plaintiff believes that:
 - i. The Eligibility Requirements do apply to defendant Obama;
 - ii. He does not meet them; and
 - iii. He may not disregard them.
11. Among the Eligibility Requirements is the requirement that a President of the United States must be a *natural born* citizen.
12. As set forth below, the plaintiff is informed and believes that defendant Obama is not a *natural born* citizen.
13. Plaintiff is informed and believes, accordingly, that defendant Obama does not meet the Eligibility Requirements.
14. Nonetheless, the defendants have worked and are continuing to work to have the name of defendant Obama appear on ballots in Florida as a Democratic Party candidate for President of the United States.
15. The President of the United States is not directly elected by the people, but, instead, is elected by the members of the Electoral College (“Electors”).

16. Within reasonable and constitutional limits, each of the several states, including Florida, has broad authority and control over its election process, including, but not limited to, how its Electors are chosen.
17. In Florida, voters currently choose Electors by nominally voting, in the general election, for paired teams of Presidential and Vice Presidential candidates.
18. Neither the U.S. Constitution, nor any federal statute enacted thereunder, provide for a procedure to assure that Presidents of the United States and candidates for said office meet the Eligibility Requirements.
19. Therefore, according to the Tenth Amendment of the U.S. Constitution, the states and the people retain the right to make such assurances.
20. Florida does no background checks on Democratic Party Presidential or Vice Presidential candidates to confirm whether or not they meet the Eligibility Requirements.
21. Nonetheless, nothing prevents this court from adjudicating the issues presented and granting the relief requested in this case.
22. Plaintiff has standing to bring the causes of action and request the relief set forth below.

First Challenge to Eligibility - Foreign Birth

23. Plaintiff is informed and believes that defendant Obama was foreign born.
24. Defendant Obama's father was never a citizen of the United States.
25. Defendant Obama's mother, at the time of defendant Obama's birth, was unable to convey U.S. citizenship to a foreign born offspring, because she had not then yet reached the age of nineteen.
26. Accordingly, defendant Obama is not a *natural born* citizen of the United States.
27. Accordingly, defendant Obama does not meet the Eligibility Requirements.

History of Public Disclosure on The Issue of Obama's Birthplace

28. On or about June 12, 2008, defendant Obama publicly released, via third parties, an alleged copy of his Hawaii "Certificate of Live Birth," also known as a short form birth certificate.
29. Plaintiff is informed and believes that said Certificate of Live Birth is not genuine.
30. At the time of defendant Obama's birth, Hawaii birth certificates could be obtained for people who were not actually born in Hawaii.
31. On or about October 16, 2008, defendant Obama's paternal grandmother, Sarah Hussein Obama, publicly stated that she was present at defendant Obama's birth in Kenya.
32. No other person has made a public statement about being present at defendant Obama's birth.
33. On or about April 27, 2011, defendant Obama had posted, on the Internet, an alleged copy of his Hawaii long form birth certificate.
34. Plaintiff is informed and believes that said long form birth certificate is not genuine.

35. No hospital records of defendant Obama's birth, original or copies, have ever been released to the public.
36. Defendant Obama has repeatedly promised that he would have "the most transparent administration in U.S. history."
37. However, defendant Obama, and his supporters and agents, have spent sums of money and made repeated efforts to keep the public from seeing the original governmental and hospital documentary and microfiche records of his alleged birth in Hawaii.
38. Plaintiff stipulates that the issue of defendant Obama's birth records has been brought before many courts.
39. Nonetheless, despite repeated attempts by other plaintiffs, no **original** governmental or hospital documentary or microfiche records of the alleged birth, in Hawaii, of defendant Obama, which would easily resolve the issue of defendant Obama's birthplace, have yet been made public.
40. On or about August 21, 2010, in his weekly address to the nation, defendant Obama stated: "The only people who don't want to disclose the truth are people with something to hide," or words to that effect. Plaintiff stipulates to the truth of said statement.

Second Challenge to Eligibility - Alienation of Citizenship

41. Plaintiff is informed and believes that, even if defendant Obama acquired citizenship of the United States at the time of his birth, he thereafter became a citizen of Indonesia.
42. Accordingly, because dual citizenship is not allowed for citizens of the United States, defendant Obama, by becoming a foreign subject, alienated or expatriated any citizenship of the United States that he may have previously had.
43. Plaintiff stipulates that defendant Obama has, since becoming a foreign citizen, attempted to resume being a citizen of the United States.
44. Plaintiff is informed and believes that defendant Obama has never properly repatriated his lost citizenship of the United States.
45. Alternatively, plaintiff is informed and believes that, even if defendant Obama has properly repatriated his lost citizenship of the United States, his repatriated status is one of *native born*, not *natural born*.
46. Accordingly, defendant Obama, if he ever was, is no longer a *natural born* citizen of the United States.
47. Accordingly, defendant Obama does not meet the Eligibility Requirements.

Issues Tangential, But Related, to Obama's Citizenship

Tangential, but related, nonetheless, to the issue of defendant Obama's citizenship, plaintiff alleges:

48. Plaintiff is informed and believes that a social security number that defendant

Obama has regularly used since about 1980, 042-68-4425, was never lawfully issued to defendant Obama.

49. Plaintiff is informed and believes that said social security number, 042-68-4425, was issued in Connecticut, a state in which defendant Obama has never resided, to a person born in or about 1890.
50. Said social security number, 042-68-4425, does not pass E-Verify as a valid number for defendant Obama.
51. Plaintiff stipulates that the use of a valid social security number is not one of the Eligibility Requirements.
52. Nonetheless, the use of a false social security number is indicative of potential identity and/or immigration fraud.
53. A clarification of the validity of defendant Obama's social security number may shed light on his true birthplace, immigration, and/or citizenship status.
54. Plaintiff is informed and believes that defendant Obama either did not properly register with the Selective Service System or registered with false information.
55. Plaintiff is informed and believes that, while various versions of documentation of an alleged Selective Service registration of defendant Obama have been and are currently posted on the Internet, none of them are genuine copies of valid original documents, and any that are genuine copies are genuine copies of fraudulent and/or invalid original documents.
56. Plaintiff stipulates that the filing of of a valid Selective Service registration is not one of the Eligibility Requirements.
57. Nonetheless, not registering with the Selective Service System or filing a false Selective Service registration is indicative of potential identity and/or immigration fraud.
58. A clarification of the validity of defendant Obama's Selective Service registration may shed light on his true birthplace, immigration, and/or citizenship status.
59. Plaintiff is informed and believes that defendant Obama filed applications for school admission and/or scholarships claiming a foreign birthplace and/or citizenship.
60. Plaintiff stipulates that, even if defendant Obama did claim such foreign birthplaces or citizenship, such claims would not, in and of themselves, make him fail to meet the Eligibility Requirements.
61. Nonetheless, a previous claim of a foreign birthplace and/or citizenship would be indicative of potential identity and/or immigration fraud.
62. A clarification of the citizenship and birthplace claims on defendant Obama's applications for school admission and scholarships may shed light on his true birthplace, immigration, and/or citizenship status.
63. Accordingly the tangential issues alleged in this section are relevant and material to this litigation.

Third Challenge to Eligibility - Foreign Paternity

64. Defendant Obama has stated publicly that, at the time of defendant Obama's birth, his father was a British subject, and not a citizen of the United States. Plaintiff stipulates that such public statement by defendant Obama is true.
65. Accordingly, under the British Nationality Act of 1948, defendant Obama

was born a British subject, a status which, plaintiff is informed and believes, defendant Obama has never officially disavowed.

66. Plaintiff asserts that, even if defendant Obama is a *native* born citizen, he does not meet the Eligibility Requirement of a *natural* born citizen.
67. The plaintiff requests that this court take judicial notice of all official records, legal opinions, and official interpretations of immigration law and regulations of the United States Citizenship and Immigration Services which discuss both *natural born* and *native born* citizenship.

First Cause of Action - Violation of Rights Under the U.S. Constitution

68. This is an action for declaratory judgment, injunctive relief, and money damages.
69. Plaintiff realleges paragraphs 1 through 67.
70. The Eligibility Requirements, by implication, give plaintiff a constitutional right to not be governed by officials who fail to meet them.
71. Failure of defendant Obama to meet the Eligibility Requirements, while holding the office of President of the United States, deprives plaintiff of his right to not be governed by office holders who do not meet the Eligibility Requirements.
72. The reelection of defendant Obama to the office of President of the United States, for another term, while he fails to meet the Eligibility Requirements, would further deprive plaintiff of his right to not be governed by office holders who do not meet the Eligibility Requirements.
73. The plaintiff is entitled to relief from violations of such right, past, current, and anticipated.
74. No specific causes of action or remedies exist for violations of the right at issue.
75. Accordingly, the existence of remedies for the violations is implied from the importance of the right violated.

Second Cause of Action - Negligence Per Se By Violation of the U.S. Constitution

76. This is an action for declaratory judgment, injunctive relief, and money damages.
77. Plaintiff realleges paragraphs 69 through 72.
78. The defendants owed a duty to the plaintiff to ascertain that defendant Obama meets the Eligibility Requirements.
79. The defendants owed and owe a duty to the plaintiff to not advance the candidacy of defendant Obama for President of the United States when he does not meet the Eligibility Requirements.
80. The plaintiff is informed and believes that the defendants failed to ascertain that defendant Obama meets the Eligibility Requirements.
81. The plaintiff is informed and believes that, alternatively, the defendants did ascertain that defendant Obama does not meet the Eligibility Requirements and blatantly disregarded that fact.
82. Nonetheless, the defendants put the name of defendant Obama on the 2008 Florida primary and general election ballots for President of the United States and allowed him to take that office in 2009.
83. Furthermore, the defendants are actively working to put the name of defendant Obama on the Florida ballot for President of the United States for the 2012 general election and to have him take that office in 2013 for a second term, with

the clear implication that he does meet the Eligibility Requirements.

84. The plaintiff is informed and believes that the failure of the defendants to ascertain that defendant Obama meets the Eligibility Requirements, and/or their blatant disregard he does not, has caused the plaintiff to suffer the damages of the kind that the Eligibility Requirements were designed to prevent, i.e., a President holding office who is ineligible, and that the reelection of defendant Obama could cause such suffering to continue for another four years.
85. The plaintiff is informed and believes that the actions of the defendants were and are violative of the Eligibility Requirements.
86. The plaintiff is in the class of persons that the Eligibility Requirements were designed to protect.
87. The plaintiff is informed and believes that the actions of the defendants which were and are violative of the Eligibility Requirements are the cause of injuries to the plaintiff.
88. The plaintiff is entitled to relief from such injuries, past, current, and anticipated.

Prayer for Relief

Wherefore, the plaintiff prays that this court order relief in his favor as follows:

1. A declaratory judgment setting forth the respective rights of the parties, under the applicable relevant facts, as the court shall find;
2. The defendants be enjoined from having the name of defendant Obama, as a candidate for United States President:
 - a. Printed on ballots in Florida; or
 - b. Listed or counted as a write in candidate in Florida;
3. Money damages in an amount to be determined; and
4. Such other relief as this court deems just and proper.

Respectfully Submitted

March 22, 2012

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Defendants.

Notice of Errata

To the court and all defendants:

Please note and correct the first name of defendant **Barack Obama** from "Barak" to "**Barack**" on all the initial docs in this case, i.e., summons, complaint, cover sheet, and related proofs of service. Please pardon the plaintiff and the 20+ other people who missed that error before filing.

Respectfully Submitted

March 26, 2012

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