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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Dr. Orly Taitz, in <i>pro se</i>)	Hon. Royce C. Lamberth
)	
Plaintiff,)	
)	Case No. 11-cv-00402
v.)	
)	<u>Motion for Reconsideration</u>
Michael Astrue, Commissioner of the)	
Social Security Administration,)	
)	[Request for Oral argument
)	to be held within 20 days]
)	
Respondent.)	
_____)	Filed: September 8, 2011

Dr. Orly Taitz, Esq. (Hereinafter “Taitz”) submits this motion for reconsideration and respectfully requests emergency hearing and oral argument on the merits within 20 days, based on newly discovered information and based on an assertion of clear error and manifest injustice, pursuant to Federal Rule of Civil Procedure 59(e). This motion is based on the instant Memorandum of points and authorities, exhibits herein, and any matters present at oral argument.

MEMORANDUM OF POINTS AND AUTHORITIES

While generally disfavored, a motion for reconsideration under Federal Rule of Civil Procedure section 59(e) may be granted in circumstances where a party presents new evidence not reasonably available prior to the judgment, or where it is shown that the prior ruling was clearly erroneous or manifestly unjust. *See e.g., Lake Hill Motors, Inc. v. Jim Bennett Yacht Sales, Inc.* (7th Cir. 2000).

In support of the instant motion, Taitz presents both newly discovered evidence and argues clear error and manifest injustice of this Honorable Court's August 30, 2011 Memorandum Opinion granting the Defendant's Summary Judgment Motion. Taitz presents the following for this Honorable Court's consideration:

• ***Newly Discovered Information and Evidence Warrants Reconsideration and Denial of Defendant's Summary Judgment Motion.***

a. Plaintiff Presents New Evidence Regarding Waiver of Privacy by Prior Public Release of Social Security Number...

After Taitz submitted her opposition to motion for summary judgment, she appeared on a number of radio shows. During one of the shows, talk show host, Mr. Doug Hagmann, who is also a private investigator, related to Taitz that when Mr. Obama originally posted his tax returns on WhiteHouse.gov, he left his full Social Security number on one of the pages, and it was the same Connecticut social security number which is listed in the sworn affidavits of investigators Sankey, Daniels and Sampson which were previously submitted to this court.

Based on this information Taitz did her due diligence and further investigated the matter. She e-mailed thousands of interested citizens in an effort to ascertain if they have records of the initial posting on WhiteHouse.gov of Obama's tax returns with his full social security number. She received reports, that on April 15, 2010 the *Huffington Post* published an article about Obama's tax returns being released and posted on White House.gov, they provided the link to the newly released reports.

Originally, as the tax returns were posted an employee who posted them did not "flatten" the file. What it meant is that if any person were to open this file in Adobe illustrator computer application, this person could see layers of alterations made to the file. It showed on page 43 of Obama's 2009 return a full unredacted social security number, that started with 042. (See attached.Exhibit 1(a) and exhibit 1(b))

The moment this information was posted on the White House official web site it became public knowledge. It was not done by any illegal activity of the Plaintiff, it was done by Barack Obama himself or one of his employees, who was authorized by Obama to post this tax return on the web. Taitz did not force Obama to post his full unredacted SSN on line. This number became public record.

As set forth in Plaintiff's earlier Opposition, every State had certain digits assigned to it as the first 3 digits of SSN. The first three digits in the number on the tax return in question was assigned to Connecticut. Of course, Obama was never a resident of Connecticut. Even without confirmation from the Social Security administration, it raises a concern well beyond "bare suspicion" of wrongdoing which, together with the substantial public interest in this matter, justifies release of SS-5 application to this number, or at least a redacted SS-5.

Adobe Ilustrator expert, Mr. Chito Papa, provided Taitz a sworn affidavit, (Exhibit 1, hereto) stating that indeed the initial file, posted by Obama, was not

flattened and showed that Barack Obama is using a Connecticut Social Security number as set forth in his tax returns. *Id.* Later this file was flattened and reposted however thousands of U.S. citizens got the initial document.

The number that was posted was xxx-xx-4425. This is the same Connecticut SSN that according to licensed investigators Susan Daniels, Neil Sankey and retired deportation officer John Sampson, Obama was using, and the same number, which according to e-verify was never assigned to Obama. (Exhibit 2 hereto, the “Affidavit of Linda Jordan” discussed below).

This startling recently discovered evidence is consistent with prior evidence showing that White House employees originally did not flatten the computer file they posted on April 27, 2011 which showed clear evidence of forgery in the computer image of Obama's alleged 1961 typewritten long form birth certificate. (Exhibit 4, hereto.)

That file showed how someone (yet to be identified) cut and pasted the signature of Obama's mother Stanley Ann D. Soetoro from another document, and how part of the name was deleted and “Obama” was added using modern computer graphics which did not even exist in 1961.

How could a White House employee leave such incriminating evidence visible to the public at large and not once, but twice? Maybe, it is a case of simple negligence of an employee, maybe, because there is so much fraud and forgery in most of Obama's records, that such signs of forgery were bound to appear at some point and become available to the public at large. Maybe, this employee of the White House was warning the public.

It is not “bare suspicion” under the present circumstances to charge that when one does not have a valid birth certificate, one needs to resort to use of a forged birth certificate and a stolen social security number of an elderly individual from a State where one has never resided, an individual whose death was not

recorded. All of the above provides evidence that indeed the most egregious fraud was committed upon each and every U.S. citizen and on the United States of America as a whole.

Evidence of such fraud shows that there is a significant public interest in confirmation of those facts. As Taitz provided this court with a tax return, which was personally signed by Barack Obama, showing him using a social security number from a state, where he never resided there is a high probability that SS-5 for the number listed on Obama's publicly released tax returns was assigned to another individual and there is justification for release of the redacted SS-5.

It is evidence certainly beyond the slender reed of "bare suspicion" that a person using this Social Security number is doing so illegally as he never resided in the state which issued this number. FOIA exemption 6 to 5 U.S. 552 **only relates to individuals, who are using the numbers legally, to individuals, who were legally awarded this number.** As it is highly likely this number was never legally awarded to Obama, Exemption 6 does not apply and SS-5 needs to be revealed.

b. ... and also regarding the selective service website information:

This court misunderstood and misinterpreted the evidence provided in regards to the selective service official website www.sss.gov.

This court erroneously believed, that a person can check only his own registration. That is not the case. www.sss.gov is a public website. In order to clarify the matter Taitz provides her declaration (Exhibit 2(a), (b) and (c). Affidavit of Taitz and printout from official web site of Selective Service).

Taitz provides a printout of online verification, Exhibit 2(a).

It states:

“This service allows you to look up a man's selective Service number, as well as the date he registered. Enter a last name, social security number, and date of birth for the registered man, and click on 'submit'.”

It clearly allows anyone to verify the service of any individual.

In her affidavit (Exhibit 2c) Taitz states under oath and penalty of perjury the following:

1. she studied sworn affidavits of investigators Sankey, Daniels and deportation officer Sampson, all of which show Obama using SSN xxx-xx-4425

2. She went to the official website www.sss.gov.

3. In the area for verification of service, she entered Obama's name, his date of birth 08.04.1961 and Connecticut social security number xxx-xx-4425, which Obama has been using for most of his life according to Daniels, Sampson and Sankey.

4. She received confirmation from www.sss.gov, an official website, which is run by the U.S. government, that indeed Barack Obama is using above Connecticut SSN Exhibit 2(b).

As Obama never resided in CT, this evidence shows fraud in Obama's Social Security records, which justifies reconsideration and granting Plaintiff's request for SS-5 application, or at least a redacted application.

c. ... and a request from a citizen for information on this matter:

A third piece of new evidence, received by Taitz, is a sworn affidavit of witness Linda Jordan, showing, that according to Ms. Jordan's affidavit, she was greatly concerned by the reports of licensed investigators Sankey, Daniels and Sampson, which were provided to your Honor in this case and in Taitz v Obama 10-cv-151RCL. Ms. Jordan **repeatedly** requested the social Security administration and other authorities to provide the public with information

regarding whether Mr. Obama, is indeed fraudulently using a Social Security number which was never assigned to him.

Ms. Jordan **never received any response** from the Social Security administration. Ms. Jordan decided to investigate further. When any other individual but the President is concerned he has an employer or another individual above him in the chain of command. Such employer would do e-verify or SSVS verification, showing his employee's citizenship status and validity of the Social Security card, provided by this employee.

When President of the United States is concerned he does not have a specific individual who is higher than him in the chain of command. The U.S. President does not have one specific employer, who is supposed to do e-verify or SSVS check, to see that he has proper credentials. Citizens of the United States collectively employ him and pay his salary through their taxes. As such Ms. Jordan went to e-verify and submitted a request for verification.

Ms. Jordan entered Mr. Obama's name and Connecticut Social Security number that was submitted by investigators Sankey, Daniels and Sampson and which she verified through the official US government selective service website www.sss.gov. as one being used by Barack Obama since 1980.

According to the official government site e-verify, the number Mr. Obama uses on his own tax returns and according to the official U.S. government selective service web site was never assigned to him. E-verify shows, that there is no match between Obama's name and the social security number he is using. (Exhibit 3, hereto, the Affidavit of Linda Jordan and official e-verify response, showing no match between Obama's name and Connecticut Social Security number that Obama is using).

Ms. Jordan did this e-verify not by misrepresentation but in the good faith belief that every U.S. citizen is an effective "employer" of the U.S. President and

after she undertook all efforts to get cooperation from the Social Security administration, and after she encountered unprecedented corruption within the SSA, she personally performed e-verify. This simple e-verify was supposed to be done by the employees of the SSA. Why didn't they do it? Using lexicon of this Honorable Court, they "were toying with this court and the whole nation or they showed their stupidity."

d. ...and that a number of members of Obama's family improperly and illegally used social security numbers:

On August 29, 2011 *Mail on Line, The Australian, The Washington Times*, and many other papers and radio shows around the world reported on an arrest of Barack Obama's uncle Omar Obama, who was in U.S. Illegally, and was ordered deported from the United States.

Even though Omar Obama was in the country illegally he had a Social Security number that he used for employment. An interview of his employer, Mr. Patel, an owner of a convenience store in MA revealed that Mr. Patel checked Omar Obama's papers and they showed to be valid. How does an illegal alien, ordered for deportation, have a valid social security number valid for employment?

Similarly, public reports revealed that Obama's aunt Zeituni Obama had a social security number from the state of Indiana, even though she was never a resident of Indiana. For years Ms. Obama received financial assistant for housing and social security benefits, while being an illegal alien and using a Social Security number from a state, where she never resided.

This new information shows a pattern of Social security fraud committed by multiple members of Obama's family. It, also, shows misconduct and recklessness of employees of Social Security Administration at best or criminal complicity at worst in allowing illegal use of Social Security numbers. This is an additional factor, that shows, that release of SS-5 for the number in question is warranted, as

it shows illegal conduct by a number of members of Obama's family, who are recipients of the SSNs, which warrants release of SS-5 not only for Connecticut number that Obama is using, but also of SS-5's for the social security numbers of his illegal alien relatives Omar Obama and Zeituni Obama. There is a tremendous public interest in understanding why so many illegal SSNs are being used, and to ascertain the root of the problem and abate social security fraud.

Fundamentally, the public interest in knowing whether we have a legitimate president or a criminal with a fraudulently obtained social security number **greatly exceeds Obama's interest in keeping private a Social Security number he has already disclosed and may be using illegally.**

•Clear Error of the Prior Ruling Warrants Reconsideration and Denial of Defendant's Summary Judgment Motion.

a. This Honorable Court erred in its interpretation of 5 U.S.C. § 552 in assuming it applies to a "Living Person" when no such showing was made.

Taitz respectfully submits that Exception 6 of 5 U.S.C. § 552 was read and interpreted incorrectly by this court and there was an error of fact and law in interpretation of this statute.

Defendant Commissioner of the Social Security Administration and his Information officer Dawn Wiggins never stated that SSN xxx-xx-4425 belongs to an individual who is alive today and that the individual who is currently using this number is the same individual who legally obtained this number. Defendant never provided any evidence that would show that the number in question was assigned to an individual who is alive today and that the individual and who is currently using this number, got this number legally.

In light of the new evidence above which suggests more than a “bare suspicion” that the “Connecticut” Social Security Number used by Obama on his tax returns cannot be his, it is the case that the Defendant cannot have met its burden to establish that Exemption 6 applies in this case, Defendant's motion for summary judgment should be denied.

b. The Court erred in its assertion that there is no public interest in Barack Obama's use of a social security number from a state where he never resided.

This court ruled that there is no public interest in Social Security number used by Barack Obama. While this might be true if there were no evidence pointing to social Security fraud, Taitz provided sworn affidavits from licensed investigators showing that Obama is using a social security number from a state where he never resided. U.S. citizens are following with great interest this case and following the actions of the federal government and specifically Commissioner of the Social Security Michael Astrue, who not only did not do any due diligence to check validity of this number, but also engaged in general campaign of obfuscation of records by all three branches of federal government.

Taitz provides as an exhibit a magazine article about this case, which shows over 1,000 comments posted by the readers within hours of the August 30th order. (See Exhibit 7 WND article and letters from readers sent to Taitz). This exhibit is not brought for the truth of the matter, but to show the tremendous public interest.

This should be weighed heavily against the purported “privacy interest” especially where as here, the Social Security number in question has already been released by its bearer.

c. The court erred in ignoring the affidavits from licensed investigators Sankey and Daniels and retired deportation officer Sampson.

Taitz provided this court with a sworn affidavit of licensed investigators Susan Daniels, Neil Sankey and a retired deportation officer with the department of Homeland Security John Sampson. All of them used reputable national databases and found that for most of his life Obama has been using a Social Security number from a state, where he never resided. This in itself is evidence of fraud by an individual in the highest office in the land and threat to national security. This evidence is of extreme importance and should have been considered by the Court in rendering its opinion.

A reasonable person presented with affidavits of licensed investigators, affidavit of a senior deportation officer and a printout from an official Selective Service site would pose and have a reasonable suspicion, that impropriety indeed occurred and would at least request production of SS-5 in question for in camera inspection, to see whether such SS-5 even exists, and who was the legal holder of this number. U.S. citizens expect transparency in the courts and believe rightly that nobody is above the law.

For example, just four days prior to this court issuing its order on motion for summary judgment U.S. public was apprised of another similar case. U.S. v Moro-Lopez 3:2011-cv-00034 USDC District of Alaska. In this case a police officer in Alaska was arrested, received a prison term and a heavy fine for using a stolen Social Security number and other fraudulently obtained papers. Exhibit 8 (AP article and judgment in US v Moro-Lopez).

In Iqbal v Ashcroft, 56 US 129 S. Ct. 1937 (2009), a landmark case, where Javad Iqbal was imprisoned and later deported to Pakistan for doing the same thing Barack Obama is likely doing, fraudulently using a Social Security number, which was not legally assigned to him. Taitz submits that public interest and implication to breach of the U.S. national security in Taitz v. Astrue is much greater, than US

v. Moro-Lopez and Iqbal v. Ashcroft, whereby disregard by the court of the sworn affidavits of Sankey, Daniels and Sampson, was an error, that needs to be reversed.

d. The Court erred in ignoring evidence of forgery in Obama's birth certificate.

Taitz provided this court with affidavits of three experts, Chito Papa, Paul Irej and Doug Vogt (Exhibit4, 5, 6) showing that alleged certified copy of Obama original long form birth certificate is a computer generated composite forgery and not a certified copy of a type written document from 1961. This represents important indirect circumstantial evidence of a motive for Social Security fraud. Individuals who have a valid birth certificate have no problem obtaining a valid Social security number in the State where they were born and resided. Individuals, who do not have a valid birth certificate, are forced to become inventive and resort to use of a forged birth certificate. The Court erred in ignoring this important evidence.

•The “Manifest Injustice” of the Prior Ruling Warrants Reconsideration and Denial of Defendant's Summary Judgment Motion.

The unwillingness of the U.S. Government and Federal Courts to seriously address the issue of Obama's use of social security number likely not assigned to him and his use of computer generated forgery instead of a birth certificate represents a more egregious violation of human rights than one for which the United States was already condemned by the Inter-American Commission for Human Rights. A United States Citizens' right to vote for a legitimate representative constitute an unalienable constitutional right and human right. Not too long ago, in 2003 in a report numbered #98/03 Case 11.204, the Inter-American commission for human rights condemned United States of America for

violating human rights of citizens of Washington DC who do not have representation in Congress:

“The Commission is therefore of the view that those provisions of the system’s human rights instruments that guarantee political rights, including Article XX of the American Declaration, must be interpreted and applied so as to give meaningful effect to exercise of representative democracy in this Hemisphere. The Commission also considers that insights regarding the specific content of Article XX of the Declaration can properly be drawn from Article 23 of the American Convention and the Commission’s previous interpretation of that provision, which parallels in several fundamental respects Article XX of the Declaration. Article 23 provides as follows:

1. Every citizen shall enjoy the following rights and opportunities:

a. to take part in the conduct of public affairs, directly or through freely chosen representatives;

b. to vote and to be elected in genuine periodic elections, which shall be by universal and equal suffrage and by secret ballot that guarantees the free expression of the will of the voters; and

c. to have access, under general conditions of equality, to the public service of his country.

•The law may regulate the exercise of the rights and opportunities referred to in the preceding paragraph only on the basis of age, nationality, residence, language, education, civil and mental capacity, or sentencing by a competent court in criminal proceedings.

Currently the United States Federal Government through the Commissioner of Social Security Administration, (as well as the Director of Health Department of the State of Hawaii, the Department of Justice and Federal Court System) are engaged in an even more egregious violation of human rights. To wit, today 311 million of American citizens are denied their basic human right to vote for an eligible president, they are denied any meaningful access to federal court system and system of justice to ascertain, whether an individual, occupying the position of

the U.S. president, is doing so legitimately or by fraud: through the use of a stolen Social Security number and the use of a computer generated composite instead of a valid long form birth certificate.

As the Plaintiff begun to bring forward evidence of likely fraud committed by an individual in the nations highest elected office, she got only a response of stonewalling, coverup, defamation, persecution, financial sanctions and ridicule. In the interest of justice, Plaintiff requests this Court reconsider its August 30, 2011 decision and deny Defendant's Motion for Summary Judgment and grant Taitz' request for SS-5 for the Connecticut number used on Obama's released tax returns. (Unredacted exhibits are submitted under seal as an exhibit 8)

4. Conclusion.

WHEREFORE the court is respectfully asked to:

1. Reconsider its prior ruling and deny Defendant's motion for summary judgment;
2. Grant Plaintiff's request for the SS-5 original application for Connecticut social Security number xxx-xx-4425, currently being used by Barack Hussein Obama;
3. If the court refuses to order release of unredacted SS-5 for xxx-xx-4425, to grant the plaintiff a redacted SS-5 for the above number.
4. If the court refuses to order production of SS-5, the court is requested to *sua sponte* order SSA to produce SSVS or E-verify report, to confirm or deny prior reports, received by the public, showing that Connecticut Social Security number xxx-xx-4425 , which Mr. Barack Hussein Obama is using on his tax

returns and his selective service indeed does not match with the name of the **LEGAL** holder of this social security number in the official records of SSA.

Respectfully submitted,

/s/ Dr. Orly Taitz, Esq.

AFFIDAVIT OF ORLY TAITZ

1. I, Orly Taitz, am over 18 years old, I am an attorney, licensed in the state of California and admitted in all courts of California, 9th Circuit Court of Appeals, 3rd Circuit Court of Appeals and Supreme Court of the United States. I have personal knowledge of the facts described below and I can competently testify at trial to the following:

2. I received information from licensed investigators Sankey and Daniels as well as recently retired senior deportation officer John Sampson, that for most of his life Barack Obama used and is currently using a Connecticut social security number 042-68-4425.

3. The first three digits of the number 042 were assigned by the Social Security administration to the state of Connecticut.

4. Based on information and belief, Obama was never a resident of Connecticut.

5. Concerned that we have an individual fraudulently using a stolen social security number from a state, where he never resided, I decided to verify this information through official sources of the U.S. government.

6. I went on the official website for the U.S. government www.sss.gov. This website provides verification of the Selective Service registration with the U.S. military.

7. One cannot occupy an executive position with the U.S. government without such registration with the Selective Service.

8. For verification one is supposed to enter the name, birthdate and social security number of the individual. If all three parameters match to the identification information on file, it will show "Matched record".

9. I personally entered name "Obama", birthdate 08.04.1961 and social security number 042-68-4425, given to me by investigators Sankey, Daniels and Sampson.

10. I got a response "Matched record" . selective service number 61 -1125539-1. Date of registration 9.4.1980.

11. From birth and until date of registration Obama was not a resident of Connecticut.

12. I also received a sworn affidavit from expert Chito Papa, showing, that Barack Obama is using the same Connecticut social security number 042-68-4425 on his 2009 tax returns, which were posted on the official web site WhiteHouse.gov. This tax return was later reposted with the file flattened and the social security number electronically whitened, however the original file with the visible social security number was downloaded by Mr. Papa and multiple other individuals. A true and correct copy of such affidavit is attached herein.

13. I also received a sworn affidavit from Ms. Linda Jordan. A true and correct copy of such affidavit is attached herein.

12. As an attorney and officer of the court I declare under penalty of perjury, that above is true and correct statement of the facts. As an officer of the court I am requesting an immediate hearing on this matter, as it shows that we have an unprecedented breach of the U.S. National security, we have an individual with a fraudulently obtained Social Security number from a state, where he never resided, occupying the position of the President of the United States and Commander-in-chief.

/s/ Dr. Orly Taitz, Esq.

CERTIFICATE OF SERVICE

I, Lila Dubert, certify, that I am over 18 years old, I am not a party to above action and I served the defendant in the above captioned action with attached pleadings by first class mail, postage prepaid through his attorney

Assistant U.S. attorney Patrick Nemerof

555 4th str. NW

Washington DC, 20530

Signed

Dated 09.07.2011

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Chairman

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