

Cases 09-56827 and 10-55084

*Submitted on behalf of **all 40** Plaintiffs in Barnett et al v Obama et al 10-55084 Attorney Taitz represents **all** plaintiffs in 10-55084 Barnett, Keyes et al v Obama et al*

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

Pamela Barnett, Alan Keyes et al.,

Plaintiffs-Appellants,

vs.

Barack Obama, et al.,

Defendant-Appellee.

Emergency Petition for Writ of Mandamus

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STATEMENT OF RELIEF SOUGHT AND ISSUES PRESENTED

Appellants are seeking a Writ of Mandamus from this Honorable court directing Loretta Fuddy, Director of Health of the State of Hawaii to allow Orly Taitz, attorney for the Appellants/Plaintiffs and her forensic document experts, to examine original 1961 long form birth certificate for Barack Hussein Obama, II, Appellee/Defendant and for US in lieu of the alleged certified copy of such birth certificate, which was released by the Appellee and his attorney, Robert Bauer, a few days before the oral argument in this case and in this court, in order to influence this and other courts around the country, and in light to the fact, that

multiple expert affidavits attest to the fact, that the alleged certified copy is a computer generated forgery.

Appellants are also seeking a Writ of Mandamus to Magistrate Judge of the U.S. District Court for the District of HI, Judge Richard Puglisi, to reopen the hearing on the Motion to Compel inspection of the above mentioned long form birth certificate of Barack Hussein Obama, II in Taitz v Astrue 1:11-cv-00519-SOM-RLP. (Exhibit 13)

Such Mandamus will not represent any harm or undue hardship on the Appellee, as the appellee already consented to the release of the document in but is of paramount importance and crucial for the Appellants and for the whole nation in light of the fact, that the Appellee, Barack Obama, is currently occupying the position of the U.S. President and within a day or two will be placed on the ballot as a candidate in the Primary election for President for 2012. Integrity of the US elections is about to be undermined yet again and civil rights and human rights of the U.S. citizens to vote for an eligible and legitimate candidate for the U.S. President, as well as civil rights of the Appellants, are about to be taken away yet again without this Honorable court granting such Writ of Mandamus.

Jurisdiction

Petition at hand is based on 28 US Code §1651

§ 1651. Writs

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law. (emphasis added)

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction

PERSONAL JURISDICTION

There is personal jurisdiction by this court over the third party witness, Loretta Fuddy, Director of Health of the State of Hawai'i, located in the 9th Circuit. Such third party witness is a custodian of record requested and has a ministerial duty of allowing inspection of the original document **in light of the alleged certified copy released by the Appellee in order to influence this court**, while this alleged copy is suspected to be a forgery based on expert affidavits. Final determination can only be made after the inspection of the original document in question. Hawai'i Unified Information Practices Act, codified as 92F HRS as well as Hawaii Title 8, §91-10 (2) clearly warrant such Writ and Compliance with the Writ. "Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; **provided that upon request parties shall be given an opportunity to compare the copy with the original.**" HRS §91-10(2). (emphasis added). Appellee and his attorney, Robert Bauer, released an alleged certified

copy of his original birth certificate with an intend to influence this court and other courts around the country. One federal judge, Royce Lamberth, in the USDC DC has recently issued an order, where he pronounced, that Obama was born in Hawai'i based on such alleged certified copy posted on the Internet. Appellants will be greatly prejudiced, if they will not be given an opportunity to inspect the original in light of the alleged certified copy, released on April 27, 2011 in order to improperly influence this court and other courts.

Appellants, also, request a Writ of Mandamus to order Richard Puglisi, Magistrate Judge of the U.S. District Court of Hawai'i, within the 9th Circuit as well, to reopen a motion hearing in a related case of Taitz v Astrue 11-cv-00519 SOM RLP on a motion to compel inspection of the same document by the same third party witness Loretta Fuddy, Director of Health.

ARGUMENT

Petition at hand is based on 28 US Code §1651

§ 1651. Writs

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Case at hand deals with Barack Hussein Obama's (hereinafter Obama) legitimacy for the U.S. presidency in light of his lack of constitutional eligibility, lack of a valid Social Security number and lack of a valid (not forged) original U.S. long form birth certificate. Shortly prior to May 2, 2011 Oral argument in this case, Appellee Obama and his private counsel, and White House Counsel at a time, Robert Bauer, released to the public what they claimed to be a certified copy of Obama's original birth certificate.

Even before inauguration of Obama Dr. Orly Taitz, attorney for the Appellants/Plaintiffs filed multiple challenges to Obama's legitimacy to the U.S. Presidency, whereby a number of the Plaintiffs in case at hand, were, also, Plaintiffs in prior actions. On December 3, 2008, before the electoral college meeting certifying the U.S. Presidency, she filed Lightfoot v Bowen S168690 (exhibit 10) in the Supreme Court of California. Lightfoot v Bowen Application for Emergency Stay and/or Injunction as to the Electoral College Meeting and Alternatively as to California Electors No08524 Supreme Court of the United States. On December 12, 2008, 3 days before the electoral college meeting, she filed above Application for Stay of Certification of the Election of Barack Obama in the Supreme Court of the United States. Keyes v Bowen, Obama et al 34-2008-80000096-CU-WM-GDS was filed in the Superior Court of California in Sacramento on November 11, 2009. In those cases a number of the same

plaintiffs/Appellants, who are challenging Obama in this case at hand, were challenging Obama's certification as a candidate on the ballot by the Secretary of state of California Deborah Bowen.

At the time Obama was represented by his personal attorney, Robert Bauer of Perkins Coie. Later Bauer became the White House counsel.

On April 27, 2011, only a few days before the oral argument in this court, Obama and his attorney, White House counsel, Robert Bauer, appeared on national TV and announced that Obama is eligible for the U.S. Presidency by virtue of his long form birth certificate, allegedly released by the Health Department of Hawaii. (Exhibit 12 Opposition in Taitz v Ruemmler 11-cv-421 RCL, attachment transcript of April 27, 2011 press conference by White House counsel Robert Bauer). Obama and his attorney presented the public what they claimed to be a true and correct certified copy of the above birth certificate. It was done with a clear goal of influencing this court and other courts, as well as public, in believing that the piece of paper posted by Mr. Obama on line is indeed a true and correct copy of the original birth certificate for Mr. Obama. That created a real danger, that judges of this court and other courts will be influenced by the above computer image without ever examining the original and will pronounce Obama Presidency

to be legitimate based on a computer image of an unauthenticated piece of paper instead of the original document.

Recently, Judge Royce Lamberth of the USDC District of Columbia issued an order in a relating case Taitz v Ruemmler 11-cv-421 RCL USDC DC (Exhibit 11, 12), where he indeed stated “The President released his long form birth certificate on April 27, 2011, and posted a copy on the White House Web site. The certificate confirms the President’s birth in Honolulu Hawaii. See Michel D. Sheer, “With Document, Obama seeks to end “Birther issue”, The new York Times, Apr 28, 2011, at A1”(Exhibit 12 order by Judge Lamberth). There is a real danger, that such unsubstantiated finding by a federal judge in a related case will be a precedent for this court, which is still deliberating on the case at hand.

Taitz received multiple affidavits from experts, attesting to the fact, that what was released by the Defendant/Appellee in this case and his attorney, Robert Bauer, represent a computer generated forgery and not a true and correct copy of the original birth certificate.(Exhibits 4, 5, 6).

We reached unprecedented levels of lawlessness and corruption in the U.S. Federal judiciary, where in relation to a document of National Importance, birth certificate of the U.S. President, which represents a basis to his legitimacy to the position of the U.S. President, Federal judges call a piece of paper posted on the

Internet, “a document” and give an aura of legitimacy and an illusion of verification and authentication to a news paper article, which was written based on an Internet image, while the original document was never seen by the public and Appellants/Plaintiffs in a contested case. Plaintiffs are greatly concerned that without a Writ of Mandamus from this court to the Director of Health of Hawaii, custodian of the original birth certificate, as well as to the lower court in HI, this court will be similarly influenced by the shenanigans of the Defendant and his attorneys. Additionally, Obama placed his name on the ballot in the first Presidential primary for the 2012 season in the state of New Hampshire, and without authentication of the birth certificate in question, this nation is in danger of four more years of illegitimate and illegal presidency, based on a stolen Social Security number and a computer image of a birth certificate, which is claimed to be a forgery by multiple experts. This creates exigency of national proportion.

Shortly after the May 2, 2011 oral argument in this case, Taitz, attorney for the Plaintiffs, received affidavits from multiple experts, showing alleged certified copy of Mr. Obama's birth certificate, to be a crude computer generated forgery, and not a true and correct copy of the original 1961 type written long form birth certificate, allegedly issued to Mr. Obama in August of 1961.(Exhibits 4, 5, 6).

Without any delay or latches on May 4, 2011, only 2 days after the oral argument before Your Honors, Taitz submitted a request addressed to the Director of Health of the State of Hawaii Loretta Fuddy and registrar Alvin T. Onaka, requesting access and examination of the original birth certificate on file in lieu of the alleged certified copy, which was released by the Appellee/Defendant shortly before the hearing with an intent to influence this court . (Exhibit 1, 2, 3)

Registrar Onaka provided a response on his behalf and on behalf of director Fuddy, refusing to allow examination of the original birth certificate on file using an excuse of privacy, while privacy was clearly no longer an issue, as the Appellee already released an alleged certified copy of the document . (Exhibit 3)

Taitz requested an administrative appeal hearing, arguing that the denial was in error, as Mr. Obama has already waived his right to privacy by making the document in question public. It is so public, that Mr. Obama is profiteering from this document by posting the alleged certified copy on mugs and T-shirts and selling them, arrogantly flaunting this alleged forgery in front of the whole nation and de facto telling us, that all our judges and courts are so corrupt, that one can release any piece of unauthenticated paper and the courts will not follow the most basic rules of evidence and most basic best evidence rule and will not order

inspection of the original document. Health Department of Hawaii did not respond to the request for administrative appeal hearing.

Taitz, also, served Fuddy, director of Health with a Federal Subpoena from a related case Taitz v Astrue 11-cv-402 RCL. A hearing on the motion to compel the subpoena was scheduled to be heard on November 21, 2011 by the Magistrate judge Richard Puglisi in the US District court of Hawai'i, however, since the motion to compel was related to the original case filed before Judge Lamberth in the US District court in the District of Columbia and due to the fact that on October 17, 2011, Judge Lamberth dismissed both Taitz v Astrue 11-cv-402 RCL and Taitz v Ruemmler 11-cv-421 RCL, as apparently Judge Lamberth considered a New York Times article to be a sufficient document authentication, Judge Puglisi cancelled the hearing on the motion to compel as well.

As of today, in spite of enormous efforts by Taitz, the original birth certificate in question was not produced.

In parallel Taitz received information from three licensed investigators: Neil Sankey, Susan Daniels and Senior Deportation officer of the Department of Homeland security John Sampson, showing that according to National databases Barack Obama is using a Connecticut Social Security number xxx-xx-4425, issued in the state of Connecticut in and around March 28, 1977, even though at a time

Mr. Obama did not reside in Connecticut and there is no record of him even visiting Connecticut at the time when the lawful holder of this number applied for his Social Security number in the state of Connecticut. This is significant, as a person, who does not have a valid birth certificate has to resort to use of stolen and fraudulently obtained social security numbers of deceased individuals.

Taitz verified this number on official U.S. government website for the Selective Service www.sss.gov, by entering above number, name Barack Obama and his date of birth, and getting a positive response, showing that CT SSN xxx-xx-4425 was indeed used by Obama in his Selective Service Certification. (Exhibit 9).

Taitz received an affidavit of an adobe illustrator Chito Papa, showing that when Barack Obama posted his tax returns on line, he originally did not flatten the file and his full unredacted Social Security number became evident to the public. The number was xxx-xx-4425(Exhibit 7).

Taitz received an affidavit from witness Linda Jordan, who used E-Verify official web site, which showed that there is no match between Obama's name and E-Verify according to the official records of SSA. (Exhibit 8).

Taitz received an e-mail from retired colonel of the U.S. military, Col. Gregory Holister, showing that he verified the records of selective service and SSNVS

(Social Security Number Verification systems) and the number in question, used by Obama in his Selective service Certificate, was never issued to him according to SSNVS.

As of now, overwhelming evidence shows Obama using a forged birth certificate and a fraudulently obtained Social Security number.

Evidence rules of the state of Hawaii are similar to Federal rules of Evidence. State of Hawaii Title 8, statute 91-10(2) states "Documentary evidence may be received in the form of copies of excerpts, **if the original is not readily available**, provided that upon request parties shall be given an opportunity to compare with the original." Original is readily available and is kept in the department of Health of Hawai'i.

Federal Rule of Evidence 1002 states that "[t]o prove the content of a writing, recording or photograph, **the original** writing, recording, or photograph is required, except as otherwise provided in these rules or by Act of Congress." With regard to duplicates and public or official records, the rules state in pertinent part as follows:

A "duplicate" is a counterpart produced by the same impression as the original,... or by mechanical or electronic re-recording,... or by other equivalent techniques which accurately reproduce the original. Federal Rule of Evidence 1001(4).

A duplicate is admissible to the same extent as an original unless **(1) a genuine question is raised as to the authenticity of the original or (2) in the circumstances it would be unfair to admit the duplicate in lieu of the original.**

Federal Rule of Evidence 1003. (emphasis added)

In violation of its own rules of evidence, as well as federal rules of evidence and best evidence rule, Loretta Fuddy, Director of Health of the State of Hawaii is refusing to allow Taitz and her forensic document experts inspection of the original birth certificate in lieu of the alleged certified copy released by the Appellee and his private attorney and former White House Counsel, Robert Bauer, with an intend to influence the courts.

Affidavits of Irely, Vogt and Papa (Exhibits 4, 5, 6) raise a genuine question regarding authenticity of alleged certified copy of Obama's birth certificate.

This is a case of National importance, not only because of Obama's presidential run in 2008, which is a subject of the case at hand, but also, due to the fact, that Obama placed his name on the ballot as a presidential candidate for 2012. New Hampshire primary registration ended on October 28, 2011. According to the

office of the Secretary of State of New Hampshire, the ballots will be printed within days.

It is essential and exigent for this court to issue an emergency Writ of Mandamus ordering Loretta Fuddy, Director of Health of the state of Hawaii, to allow Taitz, attorney for the Appellants, and her document experts, inspection of the original type written long form birth certificate of Barack Hussein Obama, in order to perform authentication of the alleged certified copy, released by the Appellee in anticipation of May 2, 2011 hearing before this court.

Such relief will not prejudice the Ms. Fuddy or Mr. Obama, as Mr. Obama has already released the alleged certified copy and inspection of the original cannot be prejudicial.

There is no hardship on the defendant or department of Health, as defendant is not required to do anything and Department of Health routinely allow inspection of records.

If requested Writ of Mandamus is not granted, Appellants will be greatly prejudiced, as their case is intimately connected to the Birth certificate in question. Appellees released the alleged certified copy as proof of existence of the document in question on file and as basis for their position that the appeal needs to be

dismissed. Without access to the original appellants cannot disprove allegations by the Appellees.

There is tremendous importance for public at large to know whether the President is legitimate for the position occupied, as the well being of the nation and national security is at stake.

Due to all of the above, Appellants respectfully pray for the court to grant their emergency petition for the Writ of Mandamus for Loretta Fuddy, Director of Health of the State of Hawaii to allow Dr. Orly Taitz, attorney for the Appellants to inspect original 1961 type written birth certificate, as well as microfilm roll, containing such birth certificate image.

I Appellants are also seeking a Writ of Mandamus to be issued for the US District Court Magistrate Judge Richard Puglisi, to reopen the hearing on the motion to compel compliance with the subpoena to inspect the original birth certificate in question.

Respectfully submitted

/s/ Dr. Orly Taitz, ESQ

Attorney for 40 Plaintiffs in Barnett, Keyes et al v Obama et al 10-55084

Certificate of Service

**Applicant attests and certifies that a true and correct copy of the above
was served on 11.08.2011 on:**

Assistant US ATTORNEYS

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(SERVED ELECTRONICALLY VIA ECF)

/s/ Dr. Orly Taitz, ESQ

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