

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

CSB #223433

29839 Santa Margarita Pkwy

Ste 100

Rancho Santa Margarita CA 92688

ph 949-683-5411

fax 949-766-7603

orly.taitz@gmail.com

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 in lieu of the alleged certified copy of such birth certificate, introduced by reference by the Appellee during the oral argument on May 2, 2011 and in light of the fact, that multiple expert affidavits attest to the fact, that the alleged certified copy is a computer generated forgery. This court has jurisdiction

for such Writ of Mandemus, as Appellants are merely asking for authentication of a certified copy of a document, which was introduced by reference during oral argument before this court. This court has jurisdiction to issue all writs necessary or appropriate in aid of its jurisdiction and agreeable to the usages and principles of law pursuant to 28 U.S. C. §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.

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

Such Mandemus will not represent any harm or undue hardship on the Appellee, 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 US 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. Civil rights and human rights of the U.S. citizens to vote for an eligible and legitimate candidate for 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 Mandemus. Due to the fact, that according to experts, alleged certified copy is a forgery, and due to the fact, that officials, who released this alleged certified copy, suspected to be uttering a

forgery, obstructing justice and refusing to allow access to the original, and due to concerns of further tampering or destruction of the document in question, appellants respectfully request immediate transportation of the 1961 log of Birth records of the state of Hawaii, containing the document in question, as well as 1961 microfiche film containing a copy of such scanned record, to secure and fire resistant facility offsite, such as Schofield Barracks or Hickam AFB until further inspection and expert examination of above documents can be performed.

Memorandum of Points and Authorities

This Petition for a Writ of Mandamus is based on 28 U.S.C §1651.

Case at hand was filed by some 40 Plaintiffs: 2008 Presidential candidate on the ballot former UN Ambassador Dr. Alan Keyes, 10 State Representatives and 40 members of the US military challenging eligibility and legitimacy of Mr. Barack Obama for the position of the U.S. President due to his Constitutional ineligibility under Article 2, section 1 of the U.S. Constitution and due to his lack of any verifiable identification records, such as original birth certificate and valid Social Security number. During the May 2, 2011 hearing Assistant U.S. Attorney David Dejute, attorney for the Defendant Barack Hussein Obama, argued, that a few days prior to the hearing Mr. Obama had produced his long form birth certificate to the public by posting it on the official web site of the White House, WhiteHouse.gov.

He argued that due to release of the alleged certified copy of such birth certificate, the appeal at hand is moot, is fait accompli.

Only 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.

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 introduced by reference during the May 2, 2011 hearing by the Appellee.

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 due to privacy considerations. (exhibit 1)

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. Taitz forwarded to Onaka and Fuddy a copy of the letter from Obama, where he consented to release of his long form birth certificate, as well as a letter from Fuddy to Obama, where she is confirming, that the requested document will be released (Exhibits 2, 3). Above mentioned long form birth certificate is so public, that Mr. Obama is profiteering from it by posting the alleged certified copy on mugs and T-shirts and selling them.

The Hawaii Health Department did not respond to the request for administrative appeal hearing and never allowed inspection of the original.

Attached affidavits of experts Douglas Vogt, Paul Irely and Felichito Papa state, that the alleged certified copy is a forgery (Exhibits 4, 5, 6).

At the same time 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 commercial 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. However 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 whose death was not reported to the Social Security administration or non-existent social Security numbers.

Taitz verified this number on the official U.S. government website for the Selective Service www.sss.gov, by entering the above number, name Barack Obama and his date of birth, August 4, 1961, and getting a positive response, showing that CT SSN xxx-xx-4425 was indeed used by Obama in his Selective Service Registration.

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 also the aforementioned xxx-xx-4425.

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

Taitz received an e-mail from a 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), which showed, that Obama is

indeed using aforementioned CT SSN xxx-xx-4425, while according to SSNVS, such number was never issued to Barack Obama (Exhibit 9).

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.**"

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." The Federal Rules of Evidence do indeed provide otherwise. 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 introduced by reference by the Appellee during the May 2, 2011 oral argument in above mentioned case.

Affidavits of Irely, Vogt and Papa 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 Mr. Obama's presidential run in 2008, which is a subject of the case at hand, but also, due to the fact, that Mr. 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, presented during the May 2, 2011 hearing.

Such relief will not prejudice 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 Hawaii department of Health, as defendant is not required to do anything and Department of Health routinely allow inspection of records.

If the 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 introduced 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 the 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 the fact, that according to experts, alleged certified copy is a forgery and due to the fact, that officials, who released this alleged certified copy, suspected to be a forgery, are obstructing justice and refusing to allow access to the original, and due to concerns of further tampering or destruction of the document in question, appellants respectfully request immediate transportation of the 1961 log of Birth records containing the document in question, as well as 1961 microfiche film containing a copy of such scanned record, to an offsite, secure and fire resistant facility until further inspection and expert examination can be performed.

Due to all of the above, Appellants respectfully pray for this Honorable court to grant their emergency petition for the Writ of Mandemus for Loretta Fuddy, Director of Health of the State of Hawaii to allow Dr. Orly Taitz, attorney for the Appellants and her forensic document experts to inspect original 1961 type written birth certificate, as well as microfilm roll, containing such birth certificate image. Appellants are also respectfully asking for an emergency Writ of Mandemus to immediately move above documents to an offsite secure location, such as

Schofield Barracks or Hickam AFB, in order to preserve above documents for further examination and authentication.

Respectfully submitted

/s/ Dr. Orly Taitz, ESQ

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

Affidavit of Orly Taitz

I, Orly Taitz, am an attorney, licensed in the state of California and admitted to this Honorable court, as well as the Third Circuit Court of Appeals and Supreme Court of the United States. I declare, that I have personal knowledge of the facts listed below and declare under penalty of perjury that:

1. Exhibit 1 is a true and correct copy of the letter by Dr. Alvin Onaka, registrar of the Health Department of the State of HI, which was received by me in response to my request for inspection of long form birth certificate of Mr. Obama.

2. Exhibit 2 is a copy of a letter from Barack Obama to Director of Health Loretta Fuddy posted on whiteHouse.gov.
3. Exhibit 3 is a true and correct copy of a letter from Loretta Fuddy to Barack Obama posted on WhiteHouse.gov
4. Exhibit 4 is a true and correct copy of the affidavit of Adobe Illustrator software expert, Felichito Papa, received by me.
5. Exhibit 5 is a true and correct copy of an affidavit of scanning and printing machines expert, Douglas Vogt, received by me.
6. Exhibit 6 is a true and correct copy of an affidavit of Paul Irely, typesetting expert, received by me.
7. Exhibit 7 is a true and correct copy of Felichito Papa, adobe Illustrator expert, received by me.
8. Exhibit 8 is a true and correct copy of an affidavit of witness Linda Jordan received by me.
9. Affiant further says not.

/s/ Dr. Orly Taitz, ESQ

Certificate of Service

I, Orly Taitz, attest and certifies that a true and correct copy of the above was served on 11.03.2011 on the defendants via ECF.

/s/ Dr. Orly Taitz, ESQ

Assistant US ATTORNEYS

DAVID DEJUTE

ROGER WEST

(SERVED ELECTRONICALLY VIA ECF)

/s/ Dr. Orly Taitz, ESQ

Attorney for all 40 plaintiffs in case 10-55084.

US Commission

on

Civil

Rights

624

Ninth

Street,

NW

Washington, DC 20425 C

Public Integrity Section

Department of Justice

950 Pennsylvania Ave, NW

Washington DC 20530-0001

Office of the United Nations High Commissioner for Human Rights (OHCHR)

Special Rapporteur on the Situation of Human Rights Defenders

The Honorable Mrs. Margaret Sekaggya

Palais des Nations

CH-1211 Geneva 10, Switzerland

International Criminal bar Hague

BPI-ICB-CAPI

Head Office

Neuhuyskade 94

2596 XM The Hague

The Netherlands

Tel : 0031 (70) 3268070

0031 (70) 3268070

Fax : 0031 (70) 3353531

Email: info@bpi-icb.org

Website: www.bpi-icb.org

Regional Office - Americas / Bureau régional - Amériques / Oficina regional - Américas

137, rue St-Pierre

Montréal, Québec, Canada, H2Y 3T5

Tel : 001 (514) 289-8757

001 (514) 289-8757

Fax : 001 (514) 289-8590

Email: admin@bpi-icb.org

Website: www.bpi-icb.org

Laura Vericat Figarola

BPI-ICB-CAPI

Secretaria Barcelona

laura_bpi@icab.es

Address: Avenida Diagonal 529 1º2ª

08029 Barcelona, España

tel/fax 0034 93 405 14 24

United Nations Commission for

Civil Rights Defenders

Orsolya Toth (Ms)

Human Rights Officer

Civil and Political Rights Section

Special Procedures Division

Office of the High Commissioner for Human Rights

tel: + 41 22 917 91 51

email: ototh@ohchr.org

Signed

/s/ Orly Taitz

Dr Orly Taitz, ESQ

29839 Santa Margarita Pkwy, ste 100

Rancho Santa Margarita CA 92688