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In propria Persona in MS

FIRST JUDICIAL DISTRICT

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)	PETITION FOR INJUNCTIVE
DR. ORLY TAITZ, ESQ)	RELIEF
V)	PETITION FOR
DEMOCRAT PARTY OF MISSISSIPPI,)	DECLARATORY RELIEF
SECRETARY OF STATE OF MISSISSIPPI)	CASE # 251-12-107civ

OPPOSITION TO MOTION TO DISMISS

**MOTION FOR SUMMARY JUDGMENT IN FAVOR OF THE
PETITIONER AGAINST RESPONDENT SECRETARY OF STATE**

**MOTION TO RECUSE OFFICE OF THE ATTORNEY GENERAL FROM
REPRESENTATION OF THE SECRETARY OF STATE**

Petitioner herein moves this honorable court to Deny Respondent's motion to dismiss, as frivolous, irrelevant, impertinent, non-responsive to the complaint, grant Petitioner's motion to recuse the Attorney General from Representing Secretary of State of Mississippi due to conflict of interest and grant the Petitioner's motion for summary judgment against the Respondent Secretary of State of Mississippi, as both causes of action by the petitioner were unopposed.

SUMMARY OF THE FACTS

HISTORY OF THE CASE

Petitioner filed a petition for Declaratory relief and for injunctive relief seeking a declaration by this court that candidate Barack Hussein Obama (Hereinafter "Obama") is not eligible for the US Presidency and an injunction, preventing the secretary of State of Mississippi from placing on the ballot the name of Obama for a number of reasons:

- a. Barack Obama is using a computer generated forgery instead of a valid birth certificate as basis for his natural born citizen status
- b. Barack Obama is using a stolen Connecticut Social Security number, which was issued in 1977 to a resident of the state of Connecticut, who was born in 1890.

c. Barack Obama's legal name as listed in his school registration in Indonesia is Soetoro, which is his step father's last name. In his mother's passport records he is listed under the last name Soebarkah, which appears to be blending of Barack and Soetoro according to South-East Asian tradition.

Obama cannot be on the ballot, as Obama is not his legal last name and there is no evidence of him being a natural born US citizen.

d. On March 1, 2012, sheriff of Maricopa county Joe Arpaio held a press conference, where he announced results of six month investigation, where he confirmed results obtained by Taitz and her experts. Arpaio announced Obama's alleged copy of his birth certificate to be a computer generated forgery. Additionally, Arpaio confirmed 2009 report by Taitz that Obama's selective service certificate is forged as well. One has to have a valid registration with the selective service in order to serve in the federal government. Arpaio also reported that US entry Immigration information for August 1-August 7 1961 are missing, which serves as additional circumstantial evidence of a cover up of evidence of the international travel of Stanley Ann Dunham, Obama's mother.

e. Evidence shows that Barack Obama is residing in the White House and attempting to get on the ballot yet again by virtue of fraud and use of forged

documents. He is being aided and abetted by a number of corrupt bureaucrats and judges.

- f. Actual witness testimony in relation to Barack Obama's eligibility January 26, 2012 trial in Atlanta Georgia and March 1, 2012 press conference by sheriff Arpaio is included in links below.

January 26, 2012 Georgia trial of Barack Obama-lack of eligibility

Part 3

http://www.youtube.com/watch?v=XvIHMZmlwAg&feature=BFa&list=PL54FAA29E29AD9139&lf=plpp_video

Part 4

http://www.youtube.com/watch?v=n-Czlp5vWQ&feature=BFa&list=PL54FAA29E29AD9139&lf=plpp_video

Part 5

<http://www.youtube.com/watch?v=k-o2M4Pszv4&feature=related>

Part 6

http://www.youtube.com/watch?v=W2OrGv7zKTM&feature=BFa&list=PL54FAA29E29AD9139&lf=plpp_video

Part 7

<http://www.youtube.com/watch?v=FBKDI6T4V7w&feature=related>

Orly Taitz providing evidence to Sheriff Arpaio

http://www.youtube.com/watch?v=79rKCT1EbpE&list=PL54FAA29E29AD9139&index=3&feature=plpp_video

all the parts to Sheriff Joe Arpaio's expose of evidence.

Pt 1

http://www.youtube.com/watch?feature=player_embedded&v=QOqkFar5QMI

Pt 2

<http://www.youtube.com/watch?v=blh0lmX9jo4&feature=youtu.be>

Pt 3

<http://www.youtube.com/watch?v=pu3XpWh4HRM&feature=youtu.be>

Pt 4

http://www.youtube.com/watch?v=C-5_AWIYJUs&feature=youtu.be

Pt 5

<http://www.youtube.com/watch?v=diYEOBERyZg&feature=youtu.be>

Pt 6

http://www.youtube.com/watch?v=O_EGEIqY6S0&feature=youtu.be

<http://nation.foxnews.com/sheriff-joe-arpai/2012/03/01/sheriff-joe-arpai-obama-birth-certificate-forgery>

[Approv](#)

On March 1, 2012 Attorney General of Mississippi filed a motion to dismiss current action.

ARGUMENT

Motion to dismiss does not oppose the cause of action for Declaratory Relief.

Indeed, a Circuit Judge has jurisdiction to review evidence and issue Declaratory judgment as to whether a candidate running for office is eligible or not and whether he is committing elections fraud. As the respondent Secretary of State did not oppose the motion for Declaratory relief, the Petitioner moves the court to grant the motion for declaratory relief against respondent Secretary of State.

Motion to dismiss does not oppose the cause of action for Injunction. Circuit court judge is indeed free to issue an injunction to placing a candidate on the ballot, when the candidate is not eligible. As the Respondent Secretary of state does not oppose the cause of action for Injunction, it should be granted.

Respondent made up a cause of action, which the Petitioner never filed, specifically a cause of action for a Writ of Mandamus and argued that it should be denied and the Petition needs to be dismissed.

A respondent cannot make up a cause of action, which is not a part of the complaint and argue that the complaint should be dismissed because this made up cause of action fails.

Regardless of whether this made up cause of action for a Writ of Mandamus stands or fails, this is not a cause of action, which was filed by the Petitioner.

Though the Petitioner is not obligated to disprove or oppose a cause of action, which is not a part of her complaint, in abundance of caution Petitioner will address it.

The essence of this Motion to Dismiss is that the Secretary of State has no duty to verify and investigate the eligibility of the candidates, there is no specific provision in MS law that states that a candidate, who is known to be a fraud and who is using a forged birth certificate and other forged identification papers, needs to be

removed from the ballot. As such, as the Secretary of State does not have to do it, any fraud, any criminal can be on the ballot in MS.

1. The fallacy of this premise is precisely in that the Petitioner did not file a Writ of Mandamus and is not asking the Secretary of State to do anything. She is asking the court to review the evidence and come up with the Declaratory finding, as to whether the candidate is eligible and if he is indeed using forged identification papers, to issue an injunction preventing him from being on the ballot.
2. Injunctions are common. This injunction is not any different from other injunctions that are issued by Circuit Court judges. We see injunctions preventing abusive spouses from being in contact with their families. We see injunctions preventing drunk drivers from holding driving licenses and endangering the public. If a judge finds a doctor using a forged medical diploma, he would issue an injunction, preventing such “doctor” from practicing medicine and potentially hurting patients. If an architect is using a forged diploma, a Circuit judge might issue an injunction, preventing such “architect” from holding a license and potentially hurting people. When a fraud and a usurper is using a stolen Social Security number and a forged birth certificate in order to get into the position of the US president, he can cause an enormous damage to the country as a whole. We really don’t know,

who is this man and where does his allegiance lie. Here are but a few possible repercussions on the U.S. national security and U.S. economy of usurpation:

- a. Recently Barack Obama proposed a unilateral disarmament of the United States, whereby up to 80% of the U.S. nuclear arsenal would be destroyed. This means that current U.S. arsenal of some 1550 nuclear war heads will be reduced to some 300 -400 warheads, significantly less, than Russia's arsenal and even less than the arsenal of the red China.
- b. Obama imposed a moratorium on offshore oil drilling, which killed some 80,000 jobs in the gulf of Mexico. When an **injunction to moratorium** was issued by a federal judge Martin Feldman in LA, Obama went around the Federal Judge and continued with the de facto moratorium. At the same time he traveled to Brazil, where his biggest benefactor, George Soros, is heavily invested in off shore drilling through Petrobras, and announced that the U.S. will be the biggest buyer of Brazilian oil. These and other schemes led to doubling of oil prices in the US and American citizens are currently paying some \$5 per gallon.
- c. Obama incurred over 6 trillion dollars of national debt, which nearly equals to the National debt incurred by 43 Presidents before him.

3. These and many other examples highlight an enormous danger to the U.S. national security and economy, when a usurper with unknown allegiance is allowed to occupy the White House by virtue of fraud and forgery.
4. Further, the motion by the office of the AG is so utterly ridiculous that one can easily highlight this absurd by using a following hypothetical.

Attorney General Hood is saying that the fact that Obama is using a forged birth certificate and a stolen Social Security number as a basis of his legitimacy is o'k and a Circuit Judge cannot issue a Declaratory relief and injunction because there is no specific law that states that the Secretary of State should remove from the ballot a person, who is a fraud and a criminal and who is using forged and stolen identification papers as the basis of his eligibility to run for office. Well, recently it was published that a citizen of New Mexico created forged IDs for his dog and got a voter registration card for his dog. He did it in protest against the pervasive corruption that we have today in our judiciary, law enforcement, elections and top positions of power.

Using this scenario Attorney General of Mississippi, Democrat Jim Hood, would allow a dog to run for President in the state of Mississippi, too. As long of course, as the dog in question happens to be a Democrat. Hood would argue that there is no specific law, no specific duty for the Secretary of State to question the eligibility of a dog to run for the US president. He would argue that the Secretary

of State has no specific duty to remove a dog from the ballot. This partisan insane approach is bordering on complete stupidity or treason against the state of Mississippi and the United States of America.

Not everything is spelled out in statutes. For example, the statutes do not write that Attorney General and the Secretary of State should be paid a salary and how much should they be paid. However, it is understood that they need to be paid some salary for their work in order to feed their families. It is also understood that the Attorney General and the Secretary of State should possess a minimal IQ and minimal common sense while doing their work in order not to place on the ballot the name of a person, who is using a forgery instead of a birth certificate, a stolen Social Security number and a name that is not legally his as a basis of his eligibility for the U.S. Presidency.

**SECRETARY OF STATE FAILED HIS DUTY REGARDING
PRESIDENTIAL PRIMARY BALLOT**

Respondent quotes Code Section 23-15-1089 as the basis for his allegation that the Secretary of State fulfilled his duty in relation to Obama's candidacy.

On the contrary, this statute only strengthens and supports the Petitioner's position.

The statute states" The Secretary of State shall place the name of the candidate upon the presidential preference primary ballot when the Secretary of State **shall have determined** that such a **candidacy** is generally recognized throughout the Unites States or Mississippi as a candidate for the nomination of **President of the United States"** (emphasis added)

Let's look at the construction of the statute.

1. First, it does not state that the Secretary of State shall have assumed or guessed or figured by the tarot cards, it says "**shall have determined**" .

While Petitioner was not born in this country and English is not her first or second language, she never the less believes that there is a big difference between the words assumed or determined. Dictionary on line by Farlex states:

determined - having been learned or found or determined especially by investigation

[undetermined](#) - not yet having been ascertained or determined; "of undetermined species"

determined - [dictated](#), [set](#), [settled](#) - established or decided beyond dispute or doubt

So, the Secretary of State needs to **determine- to establish something beyond dispute or doubt.**

2. What does Mr. Hosemann, the Secretary of State of Mississippi, need to establish, decide beyond dispute or doubt? He needs to establish:

- a. that Obama is a candidate for the US Presidency
- b. that he is a generally recognized candidate

3. how does one establish beyond dispute or doubt that a person is a candidate for the US Presidency?

What does it mean to be a **candidate**? For example, in order to be a candidate for licensure of a doctor, one needs to have a valid diploma from a medical school and a valid certificate of passing medical boards? When he has those documents, he can be considered a candidate for obtaining a license to practice medicine in Mississippi.

What are the requirements, prerequisites to be a candidate for the US. Presidency?

According to the Article 2 Section 1 of the U.S. Constitution a candidate has to be :

- a. Natural born citizen

b. 35 years old

c. resided in the country for 14 years

4. How does one **establish beyond dispute or doubt** that a person is a natural born citizen and at least 35 years old?

In her complaint Taitz provided an argument that according to the intent of the framers of the Constitution and Minor v Happersett 88 US 162(1875), natural born means born in the country to two citizen parents. Some believe that it means only born in the country regardless of the citizenship of the parents.

Even if you assume for the purpose of this discussion the most minimal requirement of only being born in the country, there is still a **need to establish beyond dispute or doubt that one was born in the country**

5. How does one **establish beyond dispute or doubt** that one is born in the country? By examining candidate's primary identification papers, such as the original long form birth certificate, valid SS-5, valid hospital birth certificate.

Taitz has provided with her complaint court transcripts with competent witness testimony which was admitted in court records, showing Obama's birth certificate and Social Security number to be a forgery. She is providing this court with the original signed court transcript with an embossed seal.

6. Can the Secretary of State establish beyond dispute or doubt, that a person with a forged birth certificate is a valid candidate for the White House?

No. For the "Big House"-most probably, but not for the White House.

7. As the first prong of establishing that one is a candidate for the U.S.

Presidency fails due to lack of valid identification records, the other prong of being recognized throughout Mississippi or US is irrelevant.

Additional argument can be made that common sense would tell one that

“candidate generally recognized throughout the U.S. ” means recognized as a

legitimate candidate. After the January 26 eligibility hearing in Georgia and

March 1 press conference by sheriff Arpaio in Arizona Obama is **no longer**

known as a legitimate candidate. He is known as a fraud, as a criminal, who is

using forged documents. Attached links and press releases attest to that. Both

January 26 hearing and March 1 press conference were videotaped by all major

networks. So, for that reason alone, respondents argument fails, as Obama is no

longer known and a legitimate candidate, but as a fraud, who is kept in office

and on the ballot by corrupt governmental officials, AGs, and judges, who

were either intimidated, blackmailed or bribed to be complicit in the biggest

case of elections fraud, forgery and treason, ever to take place in this country.

There are no precedents, which would be relevant to this case, as normally people do not reach such level of criminality and arrogance, as to assume the top position of power, while using forged documents.

There is a belief that president Chester Arthur might have burnt his identification papers, however it was found that Arthur was born in this country. President Chester Arthur's handicap was only in that possibly his father was not a U.S. citizen yet at the time Arthur was born. In Obama's case not only his father was never a U.S. citizen and Obama was a foreign national with foreign allegiance at birth, but he is also using forged identification papers as proof of his U.S. birth.

Respondent brings forward the case Keyes v Bowen, 189Cal. App.4th 647(Cal.App. 3 Dist.2010). Keyes is vastly different from the case at hand. If Respondent were to look at the caption of the case, as it was filed in the Superior court of CA, Respondent would see that Taitz was actually the lead counsel on the case. The difference between Keyes and the case at hand, is that Keyes was filed after the election. Keyes challenged the elected President. Due to the fact that the co-counsel in Keyes, Garry Kreep, left the state prior to the electoral college meeting, the hearing on Keyes was postponed to March of 2009, which was after not only the election, but also after the swearing of the

President. Requirements in a challenge of the sitting President are different from requirements for challenging a candidate in the primary election, who is seeking to be on the ballot. Additionally, a decision of a California court of Appeals in Sacramento, who happens to be to the left of Lenin, is not binding on the Circuit Court in the state of Mississippi.

Additionaly, standing in this case is statutory. Section 23-15-961 allows any party to challenge a candidate on the ballot by first lodging a complaint with the party. The same statute provides a party, aggrieved by a negative action or inaction of the party, to file an action challenge with the Circuit court. As the standing is provided by the statute, the argument of lack of standing is without merit.

Respondent's claims regarding lack of summons are erroneous

a. This assertion of improper service is absolutely wrong. Exhibit 1, Electronic docket shows that the summons were issued on February 28th and sent to the Petitioner. Apparently it takes some time for the mail to reach a recipient, when the mail travels from MS to Orange County, CA. Summons issued on February 28th, were received by the petitioner only 7 days later on March 5th. Copy of the summons is attached herein. The Respondent simply jumped the gun and did not wait a reasonable amount of time to get the summons.

b. Respondent was indeed served with the complaint and the respondent responded, therefore the issue of service is moot

c. Petitioner did not delay the service of process, but rather was trying to ascertain, where the trial will be held. The case was filed in the First Circuit in Hinds county and originally was assigned to Judge Gowan. Judge Gowan forwarded the case to the Supreme Court. Chief justice Dickenson assigned the Honorable judge Coleman from Union county to preside over the case. This decision was made on February 21st. Shortly thereafter Taitz tried to ascertain, where the case will be held.

She called the Supreme Court at 601-359-3694 and the First Circuit at Hinds County at 601-968-6628 and talked to the clerk Zach Wallace.

She also called 601-968-6656 Anna Livingston, staff attorney for judge Gowan, who originally had the case. Nobody knew, where the case would be held. Finally Ms. Livingston advised Taitz to wait for Your Honor to contact her and advise where the case will be held. Staff attorney Livingston stated, that she believed the case will be held in the Union county, but she was not sure. Taitz waited for a few days in order to find out the location of the case and advise to respondents in the summons. As she did not hear from anyone, she wrote to the Circuit Court in Hinds county, asking to issue the summons in Hinds county. Summons were issued

within one week since the case was assigned by Justice Dickenson. Taitz did everything she possibly could to ascertain the location of the case and advise the respondents.

Similarly, there were no laches in filing the case. Democrat party of Mississippi was not responding and several times claimed that they never received the challenge. Taitz waited till the 24th of January and waited additional 15 days after the deadline of the 24th, as she was supposed to, in order to give the Democrat party time to respond. She filed the complaint timely and the filing is controlled by the **mailbox rule**. February 14th is the date of docketing of the complaint, not the date of filing. As shown with the summons, it takes a week for the mail to reach Mississippi after being mailed from California, which explains later docketing date. Additionally, Taitz talked to the manager of the mail room, Tabitha Ward, and found out, that the same mail room is sorting the mail for the Circuit court, County court and the sheriff's department, which causes an additional delay.

**MOTION TO RECUSE THE OFFICE OF THE SECRETARY OF STATE
OF MISSISSIPPI**

Petitioner herein is seeking to recuse the office of the Attorney General of Mississippi from representing the Secretary of State of Mississippi in above litigation for following reason:

Petitioner filed with the Attorney General a Criminal complaint (Exhibit 2), advising the attorney general of the recent finding by the Sheriff of Maricopa county that the alleged birth certificate by Barack Obama is a computer generated forgery. This evidence necessitates criminal prosecution of the person of interest in this case, Barack Hussein Obama for fraud and use of forged documents in order to get into the position of the US President. Additionally this evidence necessitates criminal prosecution of the members of the Executive Committee of the Democrat party of Mississippi for aiding and abetting elections fraud and forgery. Office of the Attorney General of Mississippi would be in conflict of interest prosecuting parties and being involved in defense of the same parties at the same time. As such, office of the Attorney General of Mississippi needs to be recused from representing the Secretary of State.

Additionally, Secretary of state here is not being sued for something done by the Secretary of State. Secretary of State will simply need to comply with the injunction by this court and not place on the ballot a candidate, who is not eligible. Petitioner is willing to waive any costs and fees that she is entitle to receive from the Secretary of State. As such, the secretary of state does not stand to suffer any losses and there is no need for the Attorney General to represent the Secretary of state and compromise the office of the Attorney General and compromise this case with the conflict of interest. Petitioner believes that the Secretary of State will be

well represented by its' internal counsel or if the court chooses so, by an independent counsel.

**MOTION FOR SUMMARY JUDGMENT IN FAVOR OF THE
PETITIONER AGAINST THE RESPONDENT SECRETARY OF STATE**

1. Petitioner incorporates all of the above paragraphs as if fully pled herein.
2. Respondent filed a motion to dismiss, which shows, that the respondent was indeed served with the complaint.
3. Respondent did not object in any form or shape to the cause of action for Declaratory Relief, as such Petitioner moves this court to deem the cause of action for Declaratory relief to be unopposed by the Respondent Secretary of State of Mississippi and grant the judgment in favor of the petitioner.
4. Respondent did not oppose the cause of action for injunction, therefore the Petitioner moves the court to grant her motion for Injunctive relief against the Respondent Secretary of state as unopposed by the Respondent.
5. Respondent filed a motion to dismiss Petition for a Writ of Mandamus. Petitioner never filed a petition for a Writ of Mandamus and moves the court to deny the petition as frivolous, irrelevant, impertinent and moot, as Petitioner never petitioned for a Writ of mandamus. Even if the court were to grant the motion to

deny the Petition for a Writ of Mandamus, the court still has to grant the Petitioner's motion for Summary judgment against respondent Secretary of State for Declaratory Relief and Injunction, as those causes of actions were not opposed.

CONCLUSION

Due to all of the above this Honorable court should

1. Deny Respondent's motion to dismiss
2. Recuse Attorney General of Mississippi from representing the Secretary of State of Mississippi
3. Grant Petitioner's motion for summary judgment in favor of the Petitioner

Respectfully submitted,

/ s/ Dr. Orly Taitz, ESQ

Proof of Service

I, Rita Momtazian, am not a party to above action, I am over 18 years old and I declare that I served the respondent's by certified mail with the above pleadings on March 6, 2012 at the following addresses:

Attorney General of Mississippi

Counsel for Respondent Secretary of State

Taitz v Secretary of State and Democrat Party of MS Motion for Summary judgment for the Petitioner

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Signed

Rita Momtazian

Dated

03.06.2012