

Dr. Orly Taitz, ESQ

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Pro se plaintiff

**IN THE US DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

DR. ORLY TAITZ, ESQ, PLAINTIFF

) CASE # SACV-12-1092 DMG (JC)

V

) ASSIGNED TO

KATHLEEN SEBELIUS

) TRIAL SCHEDULED ON

IN HER CAPACITY OF SECRETARY OF

) VIOLATION OF 14TH AMENDMENT

HEALTH AND HUMAN SERVICES,

) EQUAL PROTECTION RIGHTS,

BARACK HUSSEIN OBAMA,

) ESTABLISHMENT CLAUSE

**IN HIS CAPACITY OF THE SIGNOR OF THE
HR3590 PPACA,**

) ARTICLE 2, SEC 1 OF COSTITUTION

) INJUNCTIVE RELIEF, STAY

NANCY PELOSI, IN HER CAPACITY

) DECLARATORY RELIEF

OF THE CHAIRWOMAN OF THE 2008

) RICO, PREDECATE CRIMES:

DEMOCRATIC NATIONAL CONVENTION

) FRAUD, AIDING AND ABETTING

AND SIGNOR OF THE CERTIFICATE

) FORGERY AND UTTERING OF FORGED

OF NOMINATION FOR CANDIDATE) DOCUMENTS TO COMMIT ELECTIONS
FOR PRESIDENT OBAMA,) FRAUD
BRIAN SCHATZ, LYNN MATUSOW) 7TH AMENDMENT JURY DEMANDED
IN THEIR CAPACITY AS 2008
CHAIRMAN AND SECRETARY
OF THE DEMOCRATIC PARTY
OF HAWAII AND SIGNORS OF THE,
CERTIFICATE OF CANDIDATE FOR
PRESIDENT FOR BARACK OBAMA;
ALVIN ONAKA, IN HIS CAPACITY
AS THE REGISTRAR OF THE
HEALTH DEPARTMENT OF HAWAII,
MICHAEL ASTRUE, IN HIS CAPACITY AS THE
COMMISSIONER OF SSA, ERIC HOLDER IN HIS
CAPACITY AS ATTORNEY GENERAL OF THE USA,
WILLIAM A. CHATFIELD, IN HIS CAPACITY AS THE
IMMEDIATE PAST DIRECTOR OF THE SELECTIVE
SERVICE, ALICE TRAVIS GERMOND IN HER CAPACITY
AS A SECRETARY OF THE 2008 DEMOCRATIC
NOMINATING CONVENTION
OBAMA FOR AMERICA
JOHN DOES AND JANE DOES 1-10,

DEFENDANTS.

NOTICE OF MOTION AND MOTION

MOTION FOR JUDGE GEE TO RECUSE HERSELF AND HAVE THE CASE REASSIGNED TO A JUDGE, WHO WAS NOT APPOINTED BY BARACK OBAMA AND WHO IS LOCATED IN THE SOUTHERN DIVISION OF THE CENTRAL DISTRICT OF CA

To all parties in the case, you are notified that on Friday, August 10, 2012, 9:30 am, at Courtroom 7, U.S. District Court for the Central District of California, Western Division, 312 North Spring street, Los Angeles, CA 90012 Plaintiff will argue her motion for Honorable Judge Dolly Gee to recuse herself as a Presiding Judge in the case of Taitz v Sebelius et al.

ARGUMENT

Under 28 U.S.C. §455(a), a justice, judge, or magistrate of the United States is required to recuse himself 'in any proceeding in which his impartiality might reasonably be questioned'. In addition, 28 U.S.C. 544 (b) (1) states that the judge should recuse himself: "Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding". Furthermore U.S.C. 455 (b)(5)(iii) provides that the judge should recuse if: "Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding".

The case at hand contains a complaint against The US President Barack Obama (hereinafter “Obama”) and asserts that Obama was never eligible to sign the Healthcare Bill HR 3590 PPACA, due to fraud and due to his use of forged identification papers. Judge Gee is an appointee of Defendant Obama. If Obama was not eligible to be the US President it means that the appointment of Judge Gee on federal bench is invalid as well. This represents a clear conflict of interest and a potential interest of Judge Gee in the outcome of the case. In Health Services Acquisition Corp. v. Liljeberg, 796 F.2d 796, 800 (5th Cir. 1986), the Fifth Circuit ruled that “[t]he goal of the disqualification statute is to promote public confidence in the judicial system by avoiding even the appearance of partiality.” Judge Gee, being an appointee of the Defendant, is reasonably expected to have personal bias and direct interest in the outcome of the case. Based on 28 U.S.C. 455 (a), 28 U.S.C. 455 (b)(1), and 28 U.S.C. 455 (b)(5)(iii) it is imperative for Judge Gee to recuse herself from this case, as her decision in favor of defendant Obama will be tainted .

Additionally, Taitz filed this case in the Southern Division of the Central District of California. The case was assigned to a judge in a different district. There is no legitimate reason to assign the case to a different division and make the Plaintiff drive for 3 hours (an hour and a half each direction) or 4 hours in case of

heavy traffic, when the case can be heard in the Southern Division in Santa Ana, where it was filed and where there are plenty of federal judges, who can hear this Complaint.

CONCLUSION

Based on conflict of interest of Judge Gee being an Obama appointee and the case challenging legitimacy of Obama due to his use of forged identification papers, Plaintiff respectfully requests judge Gee to recuse herself as a judge in this case and have the case reassigned to a judge, who was not appointed by Obama and does not have an inherent conflict of interest, and who is located in the Southern Division of the Central District of California.

Respectfully submitted,

Dr. Orly Taitz, ESQ

07.05.2012

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ORDER

Motion for Honorable Judge Gee to recuse herself is GRANTED

Signed_____

Honorable Dolly Gee, Federal District Judge

Dated_____

