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9 **US DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA**
11

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13 Pamela Barnett, Alan Keyes, et al) Case No.: 09-0082
14)
15 Plaintiffs,)
16 vs.) Rule 60 motion
17)
18 Barack Obama, et al)
19 Defendants)
20)
21)
22)
23

24 **REPLY TO OPPOSITION**

25 **Plaintiffs are replying to the opposition to the motion for reconsideration for**
26 **the Leave of Court to file a Second Amended Complaint as follows:**
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28

I. Defendants are shamelessly misrepresenting the statute and defrauding the court, for which their attorneys should be sanctioned

Rule 60 b states as follows:

RULE 60. RELIEF FROM A JUDGMENT OR ORDER

(a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

(c) TIMING AND EFFECT OF THE MOTION.

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

Plaintiffs specifically argued that Rule 60 motion should be granted under Rule 60 b(2) and (6)

Plaintiffs conveniently twisted the pleading and claimed that the motion is filed under rule 60b(2) and therefore it is untimely. However time limitation is only under rule 60 b1,2 and 3. There is no time limitation on Rule 60b(6).

Motion clearly includes 60 b(6). "any other reason that justifies relief". There is no time limitation on 60b(6). It can be filed 10 years after judgment and a 100 years after judgment.

At issue is the most serious crime ever to be committed against the United States of America, specifically usurpation of the U.S. Presidency by a foreign national,

1 citizen if Indonesia and possibly still a citizen of Kenya and Great Britain, Barack
2 Hussein Obama, who was able to get into the position of the U.S. Senator from
3 Illionis, U.S. President and currently a candidate for the 2012 election by virtue of
4 fraud, use of forged and fraudulently obtained IDs and a Racketeering scheme,
5 which involves corrupt high ranking officials of the U.S. government and the
6 government of the State of Hawaii.

7 It serves justice for the court to review the evidence provided and grant the leave of
8 court to file the Second Amended Complaint.

9 **There is no other cause that would serve Justice more than ending the**
10 **usurpation of the U.S. Presidency and annexation and usurpation of the civil**
11 **rights of every American citizen due to the usurpation of the U.S. Presidency.**

12 Defendants attorneys, who are assistant attorneys of the U.S. attorneys' office
13 clearly saw that Rule60b(6) was stated, they knew that under 60b(6) a Motion for
14 Reconsideration can be filed at any time, they simply provided a bogus argument
15 and defrauded the court by claiming that the motion is not timely and they should
16 be sanctioned for it.

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18 **II. Defendants claim of "Res Judicata"- is a fraudulent statement**

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20 "Res Judicata" is applicable, when the case is heard on the merits and adjudicated
21 on the merits. The issue of Obama's use of a forged birth certificate, forged
22 Selective Service certificate, stolen Connecticut Social Security number xxx-xx-
23 4425, a name not legally his and the usurpation of the U.S. Presidency while being
24 a foreign citizen, was never adjudicated on the merits. Racketeering conspiracy of
25 several corrupt federal and state officials who are criminally complicit and are
26 aiding and abetting Obama and committing treason against the United States of
27 America, was never adjudicated on the merits.

1 Neither Judge Carter nor any other judge in this nation ever received any valid
2 identification papers from Obama, which would refute evidence showing him
3 using all forged IDs. Obama failed to respond to any subpoenas and failed to
4 appear in court and failed to present his identification papers, even after a judge in
5 a similar case Farrar v Obama OSAH-SECSTATE-CE-1215136-60-MALIHI
6 ruled in favor of the plaintiffs and denied Obama's motion to quash subpoenas
7 issued by attorney Taitz. Unfortunately, even though Obama arrogantly made a
8 mockery of the proceedings by the elections commissions and in one
9 aforementioned case in GA, never responded to subpoenas, never provided any
10 valid identification papers; the plaintiffs and the nation as a whole are yet to see
11 one single judge hold Obama and his accomplices accountable. 311 million
12 American citizens are denied Equal Protection and Equal Consideration, which is
13 gratuitously given to Obama.

14 This court dismissed this case not on the merits, but on a technicality, on standing,
15 ruling that after the election the candidates do not have standing to bring a
16 challenge to legitimacy of the president.

17 9th Circuit court ruled on standing as well.

18 **REFUSAL TO GRANT A LEAVE OF COURT TO FILE A SECOND**
19 **AMENDED COMPLAINT WILL REPRESENT A VIOLATION OF**
20 **PLAINTIFF'S DUE PROCESS RIGHTS AND EQUAL PROTECTION**
21 **RIGHTS UNDER A COLOR OF AUTHORITY**

22 Under the 14th Amendment citizens similarly situated have to be treated equally
23 and cannot be discriminated.

24 Under the 5th and 14th amendment citizens have to be given sufficient due
25 process.

26 Recently this court, Hon. Judge Carter granted Delegates to the Republican
27 National Convention an opportunity to file a Second Amended complaint, stating
28 that the First Amended complaint was not sufficiently pled. Delegates to the

1 Republican National Convention v Republican National Committee 12-00927

2 Judge David O. Carter presiding.

3 In the case at hand Plaintiffs argued that they had an extremely hard time
4 conducting discovery due to complete lack of cooperation from the Department
5 of Justice and other governmental agencies, as the case dealt with the forgery in
6 the identification papers of the sitting president. On 08.01.2009 Plaintiffs filed a

7 **SPECIAL MOTION FOR LEAVE TO CONDUCT PRE-RULE 26(f) DISCOVERY TO**

8 **DEFENDANT HILLARY RODHAM CLINTON and CERTAIN NON-PARTY**

9 **WITNESSES TO PERPETUATE TESTIMONY, PRESERVE EVIDENCE, and to**

10 **SPECIAL MOTION FOR LEAVE TO CONDUCT PRE-RULE 26(f) and**

11 **TRANSMIT LETTERS ROGATORY PURSUANT to 28 U.S.C. §§1781(a)(2)-(b)(2). This**

12 court denied it and Plaintiffs could not get all the necessary evidence at that time.

13 Currently new evidence became available which was submitted to this court with this motion.

14 Newly submitted evidence includes a sworn affidavit from Sheriff Joseph Arpaio attesting to
15 forgery in Obama's Birth certificate, Selective Service Certificate and Social Security Number.

16 This court allowed to file a Second Amended Complaint to Plaintiffs -Delegates to the

17 Republican Convention, whose complaint, if granted, would have benefited Barack Obama,

18 as it would be a disruption of the Republican convention. On the other hand as of yet,

19 Republicans were denied equal protection. Plaintiffs in this case were denied any discovery

20 whatsoever, the case was dismissed on standing, and now the defendants are seeking Res

21 Judicata in order to use this court as a tool, in order to bury forever the most serious

22 Racketeering act and the most serious crime, ever to be committed against the United States of

23 America.

1 As Your Honor is an appointee of the Democrat President Clinton, the public and the plaintiffs
2 are deeply concerned that the due process and equal protection rights of the Plaintiffs are
3 egregiously violated under the color of authority in order to promote narrow Democratic Party
4 interests.

5 This is particularly important in light of the fact that the three judge panel of the 9th Circuit
6 Court of Appeals by some type of a coincidence consisted of all three appointees of the same
7 Democrat -President Clinton.
8

9 This court did not give the same consideration, did not grant the same due process and equal
10 protection to Plaintiffs who challenged Obama, as it gave to the plaintiffs, whose action would
11 indirectly benefit Obama.
12

13 Plaintiffs argue that this is a matter of National Security and outmost National importance.

14 Plaintiffs attach herein a letter from the California Attorneys' Bar. This letter was written in
15 response to a complaint filed by attorney Orly Taitz in regards to actions of another attorney,
16 Scott J. Tepper, who sought a judicial notice of a copy of alleged birth certificate of Obama,
17 posted by Obama on WhiteHouse.gov. Taitz argued that Tepper had evidence of forgery of
18 Obama's birth certificate and sought judicial notice, trying to use the court as a tool to
19 legitimize and sanitize forgery. (just like defendants are trying to use this court to claim that
20 RICO-Racketeering scheme involving Obama's forged identification papers was adjudicated
21 on the merits, knowing that it was never adjudicated on the merits and Res Judicata does not
22 apply). California Bar responded that this (referring to Obama's forged birth certificate) is a
23 matter of National Security and needs to be heard by the court. Exhibit 1.
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26 Recently Alabama Supreme Court heard a similar case. McInnish v Chapman

27 87140552 Alabama Supreme court. Unfortunately, the case was filed by a pro se
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1 plaintiff, who mistakenly skipped the lower court and went straight to a higher
2 court to appeal the decision by the Secretary of State of Alabama Beth Chapman
3 to allow Obama on the ballot in light of his forged identification papers. While
4 the Supreme Court of AL had to dismiss the case due to lack of jurisdiction,
5 Supreme Court Justice Tom Parker wrote:
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8 *"McInnish has attached certain documentation to his mandamus petition, which,*
9 *if presented to the appropriate forum as part of a proper evidentiary*
10 *presentation, would raise serious questions about the authenticity of both the*
11 *"short form" and the "long form" birth certificates of President Barack Hussein*
12 *Obama that have been made public." Id McInnish v Chapman 87140552*
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14 Alabama Supreme court. This confirms the assertion by the plaintiffs in the case
15 at hand that this is a case of great importance to National security, as it shows
16 that an individual occupying the position of the President and Commander in
17 Chief is using identification papers, which "raise serious questions of
18 authenticity..."
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21 As such granting a leave of court to file a Second Amended complaint in one
22 case and deny it in another similar case, represents a clear violation of Equal
23 Protection rights of the Plaintiffs.
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26 III. Defendants conveniently omitted the whole argument of different standing
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1 When the first amended complaint was dismissed, it was dismissed based on the
2 standing of plaintiffs challenging the sitting President after the election. 9 th
3 circuit confirmed on the same ground.
4

5 However, the court never reviewed the standing of one of the Plaintiffs, Alan
6 Keyes, who was the runner up in the senatorial election. Justice was never
7 served on the issue of Obama stealing that election and getting in the position of
8 the U.S. Senator from Illinois based on fraud and use of forged IDs and while
9 being a foreign national. The interest of Justice demands this court to grant the
10 leave of court to file a Second Amended Complaint on RICO, a Racketeering
11 scheme that allowed this fraud to take place. Additionally the court never
12 considered the issue of Obama's possible run for the reelection. Currently
13 Obama is running for the reelection. Even if one considers that no citizen can
14 challenge a sitting president, there is no impediment to considering legitimacy of
15 a candidate and a RICO, a racketeering scheme, which allows fraud during the
16 presidential run.
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22 Additionally the court can raise Rule 60 b motion at any time sua sponte. "The
23 purport of each rule will
24 expose whether the rule touches on issues of power or waiver. Rule 60(b) concerns
25 the maintenance and integrity of the courts and the efficient disposition of cases.¹¹²
26 It codifies a court's equitable authority to give relief to judgments when appropriate
27 and reinforces the proscription of fraudulent behavior.¹¹³ Judges must be equipped
28 with the tools to maintain the integrity of the courts, and Rule 60(b) is such a
29 tool. Therefore, judges should be able to raise Rule 60(b) motions *sua sponte*."Henry Brownstein
30 Public interest Law Journal 166 Vol 15.

FED. R. CIV. P. 60(b): This rule does not limit the power of a court to entertain an independent action to relieve a party from a judgment order, or proceeding, or to grant relief to a defendant

1 not actually personally notified as provided in Title 28 U.S.C., § 1655, or to set
aside a judgment for fraud upon the court." *Link*, 370 U.S. at 632.

2 **III RULE 60 (B) MOTION SHOULD BE REVIEWED IN FAVOR OF**
3 **RESOLVING THE MATTER ON THE MERITS AND FAILURE TO**
4 **GRANT A 60(B) MOTION MAY BE VIEWED AS AN ABUSE OF**
5 **JUDICIAL DISCRETION.**

6 It is ironic that while originally Obama did not respond to the complaint, this court
7 pressured the Plaintiff's attorney to serve the U.S. attorneys' office with the
8 complaint, so it will be heard on the merits. The merits of the case and particularly
9 RICO were never heard. In *SALAZAR v. CHAVEZ* 20200722-CA in the Court of Appeals of
10 Utah, the court stated: Because "[a] district court has broad discretion to rule on a
11 motion to set aside a default judgment under rule 60(b) of the Utah Rules of Civil
12 Procedure[,] . we review a district court's denial of a 60(b) motion [for] an abuse of discretion." *Menzies v. Galetka*, 2006
13 UT 81, ¶ 54, 150 P.3d 480 (citations omitted). Additionally, because rule 60(b) is equitable in nature, "a district court should
14 exercise its discretion in favor of granting relief so that controversies can be decided
15 on the merits." *Id.* Last, "a district court's ruling on a motion to set aside a
16 default judgment must be based on adequate findings of fact and on the law." *Id.* ¶ 55
17 (internal quotation marks omitted). Factual findings are reviewed for clear error and
18 conclusions of law are reviewed for correctness. See *id.*

19 There is no more important consideration of the interest of justice, than for this
20 court to allow the Second Amended Complaint to be filed so the issue of the RICO
21 scheme leading to the usurpation of the U.S. Presidency. As this court noted
22 previously: "the nation needs to know, the military needs to know".

23 **CONCLUSION**

24 Under Rule 60 (b) 6 "in the interest of Justice" and due to evidence showing
25 Racketeering conspiracy perpetrated with the goal of the usurpation of the U.S.
26 Presidency and massive elections fraud of the U.S. citizens during 2004
27 Senatorial contest in Illinois between plaintiff Keyes and Defendant Obama and
28 due to evidence of elections fraud committed by candidate Obama during current
ongoing Presidential election campaign
Motion for leave of Court to file a Second Amended complaint by Plaintiff
Keyes on the cause of action for RICO should be granted.

1 Respectfully submitted,

2 /s/ Dr. Orly Taitz, ESq

3 counsel for Plaintiffs

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5 08.27.2012

6
7 cc Congressman Darell Issa
8 Chairman
9 House oversight committee
10 2347 Rayburn House Office Building
11 Washington DC, 20515

12
13 cc Congressman Lamar Smith
14 Chairman of the House Committee
15 On the Judiciary
16 2409 Rayburn House Office Building
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18 Public Integrity Section
19 Department of Justice
20 950 Pennsylvania Ave, NW
21 Washington DC 20530-0001

22
23 Inspector General
24 U.S. Department of Justice
25 Investigations Division
26 950 Pennsylvania Avenue, N.W.
27 Room 4706
28 Washington, DC 20530

1 due to evidence of elections fraud committed by candidate Obama during current
2 ongoing Presidential election campaign

3 Motion for leave of Court to file a Second Amended complaint by Plaintiff

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5 Keyes on the cause of action for RICO

6 is GRANTED. Plaintiffs are given 30 days to file a Second Amended Complaint
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9 Signed

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11 _____
12 Honorable Davis O. Carter, U.s. District Judge

13 Dated
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