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3 As should be apparent from the nature and content of the document attached as
4 Exhibit A, if authenticated, and shown to be genuine, the contents of this document
5 will significantly narrow and shorten the discovery and pre-trial litigation period
6 necessary in this case, and might lead to an early resolution by settlement or transfer
7 of these proceedings to the United States House of Representatives and Senate
8 according the procedures outlined in the Constitution. A firestorm of comment in
9 the electronic media has accompanied the notice of the filing of this image and
10 Magistrate Judge Nakazato's August 6, 2009, dismissal. It is suspected that this
11 firestorm was, in part, a motivation for Judge Nakazato's unauthorized action (of
12 reviewing an order *sua sponte* without an order of transfer or reference of any kind
13 from the presiding district judge, or else the consent and agreement of the parties).

14 It is also apparent (and hearsay evidence available to Plaintiffs' counsel
15 aggravates her concerns) that political pressure may be brought to bear to destroy all
16 relevant evidence, whether such evidence exists within or outside the borders of the
17 United States of America. The events of the past three weeks have aggravated
18 rather than quieted the Plaintiffs' fears. It seems, quite honestly, that this complaint
19 questioning Obama's eligibility and legitimacy, and all related litigation initiated by
20 the undersigned counsel for Plaintiffs', is the target of a concerted governmental
21 effort to deny Plaintiffs full and meaningful access to the courts as described in
22 *Christopher v. Harbury*, 536 U.S. 403; 122 S. Ct. 2179; 153 L. Ed. 2d 413 (2002).

23 28 U.S.C. §1781(a)(2) and/or 28 U.S.C. §1782(b)(2) constitute the statutory
24 authorizations outlining the procedures by which to transmit letters rogatory and
25 other requests to the proper authorities abroad in Kenya, Indonesia, and the United
26 Kingdom of Great Britain and Ireland.

27 For two classes of evidence at issue here, namely all requests for relevant
28 passport materials and other documents existing within the United States of America,

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as well as all requests to be made through diplomatic channels to foreign tribunals, Defendant HILLARY RODHAM CLINTON is the Secretary of State of the United States of America, and accordingly, Secretary Clinton is the first and primary proper target of letters rogatory to be submitted pursuant to 28 U.S.C. §1781(a)(2).

For all evidence relating to the eligibility and competence of Barack Hussein Obama to serve as commander in chief of the United States Armed Forces, Secretary of Defense ROBERT M. GATES.

In light of the national importance of the matters herein raised, Plaintiffs request that Judge David O. Carter instruct the Clerk of Court and Courtroom Deputies of his chambers to set by special order an EXPEDITED SPECIAL HEARING of this cause prior to ordinary Motion date of September 14, 2009.

FIRST, Plaintiffs pray that this court authorize Plaintiffs to issue two special subpoenas for deposition *duces tecum* to Secretary of State HILLARY RODHAM CLINTON and Secretary of Defense ROBERT M. GATES, who should be be cited to appear within 21 days of pursuant to (or in the letter and spirit of) Rule 27 of the Federal Rules of Civil Procedure (even though this action has been filed and served, many months will pass before the Rule 26(f) Conference can be held to plan for discovery among the parties).

The purpose of Rule 27, even though designed for pre-filing discovery, is fulfilled and relevant here, in that some (above-noted) hearsay evidence exists that an individual involved in the examination of passport files at the United States Department of State relating to and involving certain 2008 Presidential candidates may have been killed in relation to such inquiry. Last year it was announced by former secretary of State Candoleeza Rice that there was tampering with the passport records of three major presidential candidates and the question of tampering was investigated by the inspector general.

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Lt. Quarles Harris, Jr., was one of the suspects in passport tampering scandal. Washington post has announced that he was cooperating with the FBI and shortly thereafter he was found dead, shot in the head, sitting in his parked car. This case remains open and unresolved. Under such circumstances, “perpetuation of evidence” becomes a more and more significant and time-sensitive issue.

Furthermore, because of the constitutional role of the President as Commander-in-Chief of the United States Armed Forces, Plaintiffs submit that ROBERT M. GATES’ records relating to the November 2008 election and January 2009 inauguration of the President and the capacity and eligibility of Barack Hussein Obama to serve as Commander-in-Chief of the Armed Forces should also be summoned to appear for deposition *duces tecum*. It is difficult to envision any question of greater national security importance than the citizenship and potentially divided loyalties and inherent honesty of the Commander-in-Chief.

SECOND, Plaintiffs pray that this court will send a request for letters rogatory pursuant to 28 U.S.C. §1781(a)(2) to Defendant HILLARY RODHAM CLINTON and other relevant officers in the United States Department of State to issue and transmit letters rogatory through proper diplomatic channels to the following foreign offices of public record and vital statistics:

For the Republic of Kenya:

KENYA
The Principal Civil Registrar
Dept. of Civil Registration
Office of the President
PO Box 49179
Nairobi, Kenya

Tel: 227461

And/or

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Office of the Principal Registrar
Deputy Registrar
Births, Deaths, and Marriages for the
Coast Province of Kenya
(or its modern successor, equivalent jurisdiction) in and for
MOMBASA, KENYA
(formerly British East Africa)

and/or

KENYA HIGH COMMISSION
45 PORTLAND PLACE
LONDON W1B 1AS mailto:info_uk@kenyahighcommission.net
TEL NO. 020 7636 2371

E-MAIL: INFO.UK@KENYAHIGHCOMMISSION.NET
INFO.UK@KENYAHIGHCOMMISSION.NET
[HTTP://WWW.KENYAHIGHCOMMISSION.NET/
SEARCHCERTAPPFORMS.HTML](http://WWW.KENYAHIGHCOMMISSION.NET/SEARCHCERTAPPFORMS.HTML)

And/or

www.direct.gov.uk
General Register Office
http://www.gro.gov.uk/gro/content/certificates/contact_us.asp
Certificate Services Section
[http://www.direct.gov.uk/en/TravelAndTransport/Passports/
WhoiseligibleforaBritishpassport/DG_174145](http://www.direct.gov.uk/en/TravelAndTransport/Passports/WhoiseligibleforaBritishpassport/DG_174145)
General Register Office
PO Box 2
SOUTHPORT
PR8 2JD
Tel: +44 (0) 845 603 7788 (8am to 8pm Monday to Friday. Saturday 9am to 4pm).

THIRD and in the alternative, Plaintiffs pray that this court issue and transmit letters rogatory and requests directly to each of the above-and-foregoing listed foreign offices or agencies (or to the relevant tribunals with appropriate jurisdiction in the relevant countries) without the intervention or assistance of Defendant

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HILLARY RODHAM CLINTON and/or other officers of the Department of State and/or the Department of Justice of the United States of America.

It is urgent that this request be prosecuted prior to the normal onset of discovery in this case, again, according to the general letter and spirit of Rule 27 of the Federal Rules of Civil Procedure regarding the perpetuation of testimony. There has never been a constitutional challenge to the identity and eligibility of a sitting President of the United States and so there are no direct precedents regarding this matter, but it is fairly safe to say that the potential consequences and fallout from this present filing being made public will be severe and significant, even though the undersigned counsel makes absolutely no pre-judgment or prediction regarding the actual authenticity of the document of which only a color copy taken by a camera at an odd angle, which is attached herein as Exhibit A.

PRAYER FOR RELIEF

For all of the above-and-foregoing reasons, Plaintiffs pray that this court will grant leave to the Plaintiffs to conduct the aforementioned special discovery immediately and prior to the normal Rule 26(f) Conference, pursuant to Rule 27 and all or some subset of the procedures authorized in 28 U.S.C. §§1781(a)(2)-1781(b)(2). Although the urgency of this request cannot be overstated, 21 days is the normal time for service of such a request as this under Rule 27 of the Federal Rules (and 24 days required for Notice of Motion under the Local Rules of the Central District of California, so that the regular setting would be Monday, September 14, 2009), but the undersigned counsel reminds the Court that she was out of the United States from August 2, 2009, to August 23, 2009, but is available for a hearing in this matter as soon as August 24, 2009 and any day thereafter.

An expedited hearing and granting of this motion is respectfully requested.

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Wednesday, August 19, 2009

Respectfully submitted,

By: _____
Dr. Orly Taitz, Esq. (SBN 223433)
Attorney for the Plaintiffs
26302 La Paz, Suite 211
Mission Viejo, California 92691

Telephone (949) 683-5411
E-Mail: dr_taitz@yahoo.com

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PROOF OF SERVICE

I the undersigned Charles Edward Lincoln, being over the age of 18 and not a party to this case, so hereby declare under penalty of perjury that on this Wednesday August 18, 2009, I provided facsimile copies of the Plaintiffs’ above-and-foregoing

**FIRST AMENDED SPECIAL MOTION FOR ISSUANCE OF LETTERS
ROGATORY AND FOR LEAVE TO
CONDUCT PRE-RULE 26(f) DISCOVERY
TO DEFENDANT HILLARY RODHAM CLINTON, ROBERT M. GATES,
and
CERTAIN NON-PARTY WITNESSES including the Ambassadors of the
United Kingdom of Great Britain & Ireland, the Republic of Indonesia, and the
Republic of Kenya,
TO PERPETUATE TESTIMONY, PRESERVE EVIDENCE, and TRANSMIT
LETTERS ROGATORY PURSUANT to 28 U.S.C. §§1781(a)(2)-(b)(2)**

to all of the following non-party attorneys whose names were affixed to the “STATEMENT OF INTEREST” who have appeared in this case in accordance with the local rules of the Central District of California, to wit:

- THOMAS P. O’BRIEN
- LEON W. WEIDMAN
- ROGER E. WEST roger.west4@usdoj.gov (designated as lead counsel for President Barack Hussein Obama on August 7, 2009)
- DAVID A. DeJUTE
- FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS WEDNESDAY the 18th day of August, 2009

Charles Edward Lincoln, III
charles.lincoln@rocketmail.com
Tel: (512) 923-1889

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Exhibit A:
Unauthenticated Color Photocopy of
Certified Copy of
Registration of Birth from the
Coast Province of Kenya
District of Mombasa
District Registry Office
Office of the Principal Registrar
Republic of Kenya, issued on the
17th day of February, 1964