

1
2
3 Plaintiffs submit that the Defendants have raised new matter in their
4 reply which require an answer. Namely, the Defendants submit cast in a highly
5 prejudicial light to the Plaintiffs' cause, namely the orders of the Honorable Clay
6 D. Land from the Middle District of Georgia.

7 It is true that Judge Land ruled in favor of defense in a case seeking stay of
8 deployment of active duty military pending verification of Mr. Obama's
9 legitimacy for the position of the President and Commander in Chief. What is
10 most important in that case, is that for the first time after over a 100 legal
11 actions filed all over the Nation challenging Mr. Obama's legitimacy for
12 presidency, a judge in this case found **standing**, as judge Land got straight to
13 the substance of the Plaintiffs' case, assuming standing of the members of the
14 military to challenge the legitimacy of the Commander in Chief, but deciding to
15 exercise discretionary abstention on the issue of deployment. Most of the
16 plaintiffs in this case before His Honor, judge Carter, are members of the
17 military, and as such, based on the precedent set in *Rhodes* case, they have
18 **standing** to challenge legitimacy of Mr. Obama, therefore contradicting the
19 defendants' main argument in the motion to dismiss, their claim that none of
20 the plaintiffs have standing. The fact that Judge Land decided to abstain on the
21 issue of deployment is irrelevant in this case, as it goes to the final disposition of
22 the case, and whether the judiciary should abstain from reviewing a certain
23 procedure within the military.

24 Furthermore, the Defendants assert that the Plaintiffs have not addressed
25 the question of "redressability", and this matter needs to be clarified in light of
26 the Plaintiffs' substantive due process contentions regarding the intersection of
27 the First and Ninth Amendments as sources of the right of discrete and insular
28 but politically powerless minorities to invoke strict scrutiny of obvious

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

deviations from and therefore to enforce precisely and exactly the letter of the Constitution on the model of *Flast v. Cohen* and this charge requires a surreply.

Finally, the Defendants continue to misrepresent the Plaintiffs' contentions regarding standing and how standing as a barrier to self-governing enforcement of the Constitution through Petition to Article III Courts (as advocated by the Defendants, in any case) would itself constitute a violation of Plaintiffs' constitutional right to due process of law in the enforcement of the plain letter of the Constitution.

WHEREFORE, Plaintiffs' pray, pursuant to L.R. 7-10, that they be allowed to file a surreply to Defendants' response in this case, and even to do so as late as Thursday, October 1, 2009, especially since they are precluded from filing their Second Amended Complaint prior to the hearing on Defendants' Motion to Dismiss by this Court's Minute Order entered Thursday, September 24, 2009.

Respectfully submitted,
Saturday, September 26, 2009

By: _____
Dr. Orly Taitz, Esq., Attorney-at-Law
(California Bar 223433)
Attorney for the Plaintiffs
29839 S. Margarita Pkwy
Rancho Santa Margarita CA 92688
ph. 949-683-5411
Fax: 949-766-7036
E-Mail: dr_taitz@yahoo.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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, Saturday, September 26, 2009, I provided facsimile or electronic copies of the Plaintiffs' above-and-foregoing Plaintiffs' L.R. 7-10 Motion for Leave to File Surreply to the following attorneys for the Defendants 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 **David.Dejute@usdoj.gov**

GARY KREEP **usjf@usjf.net**

FACSIMILE (213) 894-7819

DONE AND EXECUTED ON THIS Saturday the 26th day of September, 2009.

Charles Edward Lincoln, III
Tierra Limpia/Deo Vindice
c/o Peyton Yates Freiman
603 Elmwood Place, Suite #6
Austin, Texas 78705

charles.lincoln@rocketmail.com
Tel: (512) 923-1889