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UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

Captain Pamela Barnett, et al.,
Plaintiffs,

v.

Barack Hussein Obama,
Michelle L.R. Obama,
Hillary Rodham Clinton, Secretary of State,
Robert M. Gates, Secretary of Defense,
Joseph R. Biden, Vice-President and
President of the Senate,
Defendants.



Civil Action:

SACV09-00082-DOC-AN

**REQUEST FOR JUDICIAL
NOTICE OF AP NEWSWIRE
& TO AUTHENTICATE**

Request for Judicial Notice of 2004 AP Newswire
And Motion to Authorize Limited Discovery to Authenticate Newstrail
Re: Scheme to Defraud

Come now the Plaintiffs with this Request for Judicial Notice of 2004 AP Newswire, embodied and included in the Kenyan publication attached as Exhibit A. Although the contents of this document are self explanatory, this document is classic hearsay: an unsworn out of court statement to be submitted for the truth of the matters stated therein. Moreover, it is unauthenticated, but is allegedly derived from a well-known and highly respected news wire service, namely the Associated Press. If it were possible to authenticate the source for this information, and/or to trace, locate, and depose the authors and informants, and also to track the subsequent changes in the “story” as told over the newswires over the following four years, the Plaintiffs submit that they would obtain additional and important, and very solid, grounds for outlining the contours of a Complaint for Civil Racketeering (18 U.S.C.

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3 §1964(c)) concerning the 2008 Presidential elections, involving a massive scheme to
4 defraud using the postal (document delivery) and electronic wire services for the
5 purpose of depriving the American People of their intangible right to honest services.

6 In this Court's order of September 16, 2009 (Document 66), the Court denied
7 any discovery pending a resolution of the Defendants' Motion to Dismiss. On
8 October 7, 2009, the Plaintiffs sought ex-parte relief from discovery (Document 82),
9 which the Court denied summarily on October 8 (Document 83). However, in
10 Document 66 the Court specifically qualified its denial of leave to initiate discovery:

11 *All discovery herein shall be stayed pending resolution of*
12 *Defendants' Motion to Dismiss, except for any discovery as to*
13 *which Plaintiffs can demonstrate, to the satisfaction of*
14 *Magistrate Judge Nakazato, is necessary for the purpose of*
opposing the Motion to Dismiss.

15 The Court having yet to rule on the Defendant's (Document 56) Motion to
16 Dismiss, and having expressed significant questions concerning the arguments of all
17 parties concerning the Plaintiffs' standing under their First Amended Complaint, the
18 Plaintiffs wish to complete the preparation of their Second Amended Complaint in
19 which they will allege that the denial of the intangible right to honest services gives
20 all Plaintiffs, indeed all citizens of the United States, whether natural-born or
21 otherwise, unquestionable standing: namely, the right to sue under Civil R.I.C.O.,
22 without any showing of individualized, special, or unique injuries. The denial of the
23 intangible right to honest services, such as the fraudulent theft of election by mail
24 and wire fraud, has millions of victims, but in the basic sense of denial of the
25 intangible right to honest services, none were "more" deprived of "the blessings of
26 liberty" and the right to be governed honestly under the Constitution than any others.

27 Plaintiffs submit that they need to conduct limited discovery for the purpose of
28 preparing this Second Amended Complaint (to flesh out more fully the extent of the

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fraud and accordingly solidify with evidence allegations necessary to establish Civil R.I.C.O. standing). They accordingly ask the Court, in addition to taking judicial notice of the A.P. Wire bulletin attached as Exhibit A, to allow the following discovery to take place, addressed to a non-party, non-governmental source:

A deposition *duces tecum* on 15 days notice (rather than 30) of the custodian of records and archives at “the world’s oldest and largest newsgathering organization:”

The Associated Press

Headquarters: 450 W. 33rd Street, New York, NY 10001.

There can be no doubt that the information to be retrieved is relevant to framing the Plaintiffs’ proposed Second Amended Complaint. There can be no objection that this deposition will impose too great a burden on the Defendants because it is not addressed to them. There can be no objection that the examination of the history of reporting concerning the history of reportage concerning the national origins, birthplace, citizenship, and life history of the President of the United States world’s oldest and largest newsgathering organization will impose any undue burdens on the Defendants, or on the Associated Press as a deponent.

WHEREFORE, Plaintiffs request first that this Honorable Court take Judicial Notice of the AP Newswire, and use this information to draw all such reasonable inferences as can and should reasonably be drawn from this. If the proposed deposition is allowed, it will be possible to produce original copies of the wire from 2004 and/or identify the sources for this document, which is today widely available on the internet, but has yet to be officially authenticated. The relevance to this case is weighty, the benefits far exceed the costs, and the Defendants can hardly complain that it will in any sense be unfair to them.

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The foreshortened period of 15 days is reasonably requested in light of the deadlines for submitting dispositive motions in the present case according to the Court’s reaffirmed scheduling order.

CONFERENCE OMITTED: in light of the Defendants’ response to Plaintiffs’ last request to allow limited discovery in this case, the court will recall the splendidly laconic if highly bellicose “NUTS” offered up as an appetizer by U.S. Attorney Roger West on October 7, 2009, there seemed no point to bother conferring with opposing counsel in this case again.

Respectfully submitted,

Sunday, October 25, 2009

/s/ ORLY TAITZ, ESQ.

By: _____
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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, Sunday, October 25, 2009, I provided facsimile or electronic copies of the Plaintiffs' above-and-foregoing

Request for Judicial Notice of 2004 AP Newswire

And Motion to Authorize Limited Discovery to Authenticate Newstrail

Re: Scheme to Defraud

was served on all attorneys of record 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 Sunday the 25th day of October, 2009.

/s/Charles Edward Lincoln, III

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

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Exhibit A:
Copy of
2004 Story on
State Senator Barack
Obama from
AP Newswire