

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

UNITED STATES OF AMERICA, *EX RELATOR*,
MONTGOMERY BLAIR SIBLEY, *ET AL.*,

CASE NO.: 12-cv-00001 (JDB)

PETITIONER/PLAINTIFF,

**SIBLEY'S MOTION TO THE COURT TO
INFORM THE GRAND JURY**

VS.

BARACK HUSSEIN OBAMA, II, *ET AL.*,

RESPONDENTS/DEFENDANTS.

Petitioner/Plaintiff, Montgomery Blair Sibley ("Sibley"), pursuant to 18 U.S.C. §3332(a)¹, 18 U.S.C. §4² and the Code of Conduct for the United States Judges requests that the Court bring the "alleged offenses" of Barack Hussein Obama, II contained in Sibley's contemporaneously filed "First Amended Certified Petition for Writs Quo Warranto and Mandamus and Complaint for Declaratory Relief and Damages" to the attention of the grand jury.

Moreover, as an express duty to report to this Court a felony is imposed on Sibley by 18 U.S.C. §4, "Misprision of Felony", an implied duty is likewise created in this Court to report the

¹ "It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. **Such alleged offenses may be brought to the attention of the grand jury by the court or** by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation." (Emphasis added).

² "Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."

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same to the Grand Jury. Otherwise, this Court would be usurping the separation of powers to *ex cathedra* no bill a criminal indictment or a presentment – which the Fifth Amendment clearly rests solely in the jurisdiction of the Grand Jury.

Additionally, Sibley demands, pursuant to Federal Rules of Evidence, Rule 201, that this Court take judicial notice of the proceedings in a Georgia administrative law matter.³ In particular, the following information:

A. A Georgia administrative law judge heard evidence January 27, 2012, in a trio of suits challenging Obama's eligibility to be on the ballot in Georgia.⁴ Significantly, neither Obama nor his attorney appeared at the hearings, evidencing a contempt for that court.⁵

B. At that hearing, the judge took testimony under oath from, among others, two document examiners, who entered expert opinions that the certificates of live birth released by Obama appear to be forgeries.⁶

C. News reports indicate that a ruling is expected on February 5, 2012.⁷

Last, this Court has a solemn duty to “preserve the integrity of this Court” and to “notify the

³ *Evans v. N.Y. Botanical Garden*, No. 02-CV-3591, 2002 U.S. Dist. LEXIS 16434, 2002 WL 31002814, at *4 (S.D.N.Y. Sept. 4, 2002)(“A court may take judicial notice of the records of state administrative procedures, as these are public records, without converting a motion to dismiss to one for summary judgment.”).

⁴ <http://www.scribd.com/doc/76380472/Georgia-Primary-Ballot-Challenge-Obama-Motion-for-Separate-Hearing-Van-Irion>

⁵ <http://www.newsmax.com/US/Obama-birthers-birth-certificate/2012/01/26/id/425660>

⁶ <http://www.thenationalpatriot.com/?p=4138>


⁷ <http://video.foxnews.com/v/1417172992001/obama-birther-court-hearing-in-georgia/>

proper authorities” in accordance with the Federal Judicial Code of Conduct when it concludes that a crime has been, or may have been, committed. *See: Code of Conduct for the United States Judges, Compendium*, §1.1(c) (2009).

Here, with actual knowledge of the evidence contained in the “First Amended Certified Petition for Writs Quo Warranto and Mandamus and Complaint for Declaratory Relief and Damages” and the information this Court is now obligated to take judicial notice of, this Court cannot deny that it now has notice of Obama’s alleged criminal conduct and thus it has a duty to report that perceived criminal misconduct to the Grand Jury. Otherwise, it will appear that this Court is rendering aid to a person who has committed a felony, an act which, at least, reflects adversely upon the judiciary.

WHEREFORE, Sibley requests that this Court bring the alleged offenses of Barack Hussein Obama, II contained in Sibley’s contemporaneously filed “First Amended Certified Petition for Writs Quo Warranto and Mandamus and Complaint for Declaratory Relief and Damages” to the attention of the grand jury.

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By:  _____
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