

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

LARRY KLAYMAN, *et al.*,

Plaintiffs,

v.

BARACK OBAMA, President of the United
States, *et al.*,

Defendants.

Case Nos: 1:13-cv-851-RJL
1:13-cv-881-RJL
1:14-cv-092-RJL

Assigned to Judge Richard J. Leon

PLAINTIFFS' REPLY IN SUPPORT OF MOTION TO LIFT STAY PENDING APPEAL

Plaintiffs hereby respectfully file this reply in support of their motion to remove the stay that was placed on the above-styled lawsuits following the granting of a preliminary injunction against Defendants on December 16, 2013 in Case No. 1:13-cv-851.

It has been over sixteen (16) months since this Court entered the preliminary injunctions against the Defendants and placed the stay on the injunction pending an appeal. During that time, the federal government has continued its unconstitutional practices and violated the rights of hundreds of millions of Americans. "It has long been established that the loss of constitutional freedoms, 'for even minimal periods of time, unquestionably constitutes irreparable injury.' " *Mills v. District of Columbia*, 571 F.3d 1304, 1312 (D.C. Cir. 2009) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)); *see also Seretse-Khama v. Ashcroft*, 215 F. Supp. 2d 37, 53 (D.D.C. 2002) (deprivation of constitutional protection "is an undeniably substantial and irreparable harm").

The U.S. Court of Appeals for the District of Columbia Circuit ("D.C. Circuit") has not acted fast enough to protect the rights of all these Americans and unconstitutional actions by the U.S. Government are still continuing without redress. Plaintiffs in this case sought and received

a preliminary injunction, which by design is intended to put an immediate stop to any unconstitutional activity. However, this injunction proves ineffective as long as this injunction is stayed pending appeal. The longer the D.C. Circuit delays in issuing its opinion, the longer Plaintiffs' and all Americans' constitutional rights are being violated.

Plaintiffs have further asked this Court to interview witness Dennis Montgomery in camera, who can advise the Court on the seriousness of the constitutional violations that are ongoing. Mr. Montgomery can speak about his knowledge of how hundreds of federal officials and judges, including Chief Justice John Roberts and Justice Ruth Bader Ginsberg, have had their personal and private data harvested and violated by government intelligence agencies.

It is therefore crucial for this Court to lift the stay so that the parties can begin discovery and determine the full extent of Defendants' constitutional violations, as well as to put a stop to this "almost Orwellian" tyranny. In another case in which Plaintiff Larry Klayman has appeared as counsel, the Court refused to issue of stay of other constitutional violations by this administration. *See Texas v. United States*, No. 14-cv-254 (T.X.S.D. February 16, 2015). The Honorable Andrew S. Hanen's preliminary injunction put a halt to these illegal acts granting amnesty to over 5 million illegal aliens. This Court, which is also courageous and which has protected the constitutional rights of Plaintiffs and all Americans, must respectfully also take a strong stand, particularly given the huge delay, caused in large part by the obstructionist tactics of the Obama Justice Department, which has prevented the D.C. Circuit from timely reaching the merits of the administration's appeal of this Court's preliminary injunction order of December 16, 2013. If the judicial system does not stand in the breach to protect the rights of Americans, then the citizenry is left defenseless and revolution, as occurred in 1776, is at hand. Plaintiffs do not advocate this, but revolution is inevitable if our judges do not timely enforce the Constitution. By lifting the stay now, the Obama Justice Department will have to move for a

stay before the D.C. Circuit. If nothing else, at least this will cause the D.C. Circuit to now reach the merits of Your Honor's preliminary injunction.

WHEREFORE, for the foregoing reasons, Plaintiffs respectfully request that the stay of the preliminary injunction entered on December 13, 2013 be lifted and for these lawsuits to move forward.

Dated: April 29, 2015

Respectfully submitted,

/s/ Larry Klayman

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 29th day of April, 2015, a true and correct copy of the foregoing (Civil Action Nos. 13-cv-851, 13-cv-881, and 14-cv-92) was submitted electronically to the District Court for the District of Columbia and served via CM/ECF upon the following:

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