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Southern District of West Virginia

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Date: October 1, 2012

To: UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WET VIRGINIA
110 N. Heber Street, Room 119
Beckley, West Virginia, 25801



OBAMA CARE IS DEAD - THE NEXT CIVIL WAR

On June 28, 2012, the Supreme Court effectively killed Obama Care, ruling that Congress cannot Command Citizens to purchase Health Insurance under the Commerce Clause Power; and that, Congress cannot hold a "Gun to the Head" to force States to accept the Medicaid Expansion.

However, the Court held that the unconstitutional Command to purchase Health Insurance could be forced on Citizens by "cracking the whip" penalty under the Taxing Power. But the Court killed the Taxing Power issue holding:

"The Affordable Care Act does not require that the penalty for failing to comply with the individual mandate be treated as a tax for purposes of the Anti-Injunction Act. The Anti-Injunction Act therefore does not apply to this suit, and we may proceed to the merits." Federation of Independent Business v. Sebelius, 567 U.S. (2012), slip op. at page 15.

The Anti-Injunction Act, 26 U.S.C. § 7421(a) provides that "no suit for the purpose of restraining the assessment of any tax shall be maintained in any court by any person, whether or not such person is the person against whom such tax is assessed." Under the Anti-Injunction Act, the challenge could be raised, only after the tax was paid, by suing for a refund. On this the Government argued that the Affordable Care Act, 26 U.S.C. § 5000A(g), labeled the tax as a penalty for citizens that did not obey the Command to purchase Health Insurance.

IT CAN'T BE BOTH WAYS

If the Obama Care penalty is a tax, then no court has jurisdiction to entertain the suit under the Anti-Injunction Act, 26 U.S.C. § 7421(a).

If the Obama Care penalty is as it says, a penalty, then Congress lacks Taxing Power to impose the penalty on Citizens who do not purchase Health Insurance.

The Supreme Court specifically held that the **"Affordable Care Act does not require that the penalty for failing to comply with the individual mandate be treated as a tax for purposes of the Anti-Injunction Act. The Anti-Injunction Act therefore does not apply to this suit, and we may proceed to the merits."** Id. slip op. at page 15. Therefore, the penalty is a penalty.

But then the Supreme Court held that the **"Federal Government does have the power to impose a tax on those without health insurance."** Id. slip op. at page 44. Now the penalty is a tax? It cannot be both ways.

When a State or Local Police Officer issues a Driver a Ticket for failure to have Liability Insurance, the fine is not a tax; it is a penalty. But when Congress relied on the Commerce Clause Power to issue the Command to buy Health Insurance, the Command itself is unconstitutional, and the provision, 26 U.S.C. § 5000A must be severed. Without any Commerce Clause Power, there is no Command to do anything.

There is no way Obama Care can be enforced, and therefore, **Obama Care is Dead.**

FIRST AMENDMENT OPINION,

Keith Judd

KEITH JUDD FOR PRESIDENT OF USA 2012



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(714) 642-4321	(785) 268-1000	(970) 522-1990	(540) 465-5137	(360) 532-4000	(541) 672-3321
(316) 429-2773	(330) 264-1129	(316) 442-4200	(330) 454-5611	(757) 539-3437	(425) 455-2222
(937) 382-2574	(800) 559-2383	(765) 362-1200	(800) 864-8340	(614) 439-3531	(205) 345-0505
(219) 925-2611	(707) 464-2141	(937) 372-4444	(765) 552-3355	(562) 435-1161	(830) 996-3000
(518) 374-4141	(212) 416-2000	(205) 232-2720	(504) 447-4055	(334) 347-9533	(540) 949-8213
(812) 275-3355	(510) 757-2525	(316) 342-4800	(419) 586-2371	(541) 889-5387	(800) 351-6007
(718) 981-1234	(785) 462-3963	(916) 885-5656	(213) 229-5300	(209) 582-0471	(509) 248-1251
(785) 243-2424	(205) 234-4281	(800) 362-6712	(812) 424-7211	(760) 337-3400	(360) 676-2600
(334) 792-3141	(316) 225-4151	(719) 544-3520	(205) 766-3434	(360) 736-3311	(334) 433-1551
(970) 249-3444	(805) 395-7500	(916) 756-0800	(206) 448-8000	(703) 854-3400	(330) 821-1200
(316) 363-5180	(316) 775-2218	(719) 846-3311	(209) 441-6111	(205) 549-2000	(540) 667-3200
(812) 384-3501	(334) 222-2402	(312) 750-4000	(614) 773-2111	(253) 872-6600	(800) 561-3611
(909) 849-4586	(316) 788-2835	(719) 254-3351	(541) 276-2211	(760) 745-6611	(360) 372-3711
(316) 767-5123	(785) 738-3537	(615) 442-4404	(206) 464-2111	(205) 221-2840	(205) 532-4000
(315) 470-0011	(800) 362-6712	(918) 367-0583	(503) 399-6611	(800) 683-1929	(509) 663-5161
(213) 658-6464	(518) 270-0011	(716) 232-7100	(513) 721-2700	(510) 783-6111	(707) 442-1711
(607) 432-1000	(205) 236-1551	(316) 367-0583	(334) 644-1101	(541) 296-2141	(503) 262-1311
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(812) 332-4401	(716) 282-2311	(316) 251-3300	(805) 738-2313	(703) 878-8000	(419) 281-0581
(316) 223-1460	(617) 450-2000	(716) 698-1000	(202) 857-7880	(707) 425-4646	(408) 637-5566
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(703) 854-3400	(316) 431-4100	(205) 734-2131	(800) 588-6397	(334) 566-4270	(509) 765-4561
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(970) 879-1502	(716) 232-7100	(716) 945-1644	(717) 787-3874	(202) 307-2767	(432) 333-2740
(605) 773-3215	(812) 372-7811	(219) 294-1661	(800) 249-8683	(219) 461-8222	(419) 562-3333

(212) 664-3888	△	(213) 456-4900	(212) 452-3808	△	(212) 246-7080
(561) 395-8300	(330) 885-4545	(512) 463-1312	(813) 442-7760	(518) 454-5420	(319) 293-6031
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(909) 987-6397	(937) 878-3993	(208) 334-2210	(315) 792-5000	(402) 475-4200	(215) 855-8440
(508) 793-9100	(800) 575-6397	(816) 385-3121	(409) 756-6671	(212) 685-1500	(607) 734-5151
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(508) 764-4325	(212) 737-3399	(305) 294-6641	(814) 724-6370	(716) 343-8000	(315) 782-1000
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(213) 237-5000	(209) 674-2424	(919) 823-3106	(212) 973-2800	(717) 291-8622	(308) 345-4500
(614) 634-1321	(904) 252-1511	(800) 683-3321	(717) 742-9671	(607) 798-1234	(208) 526-0111
(954) 356-4000	(505) 425-6796	(781) 321-8000	(212) 992-5800	(214) 977-8222	(302) 577-3838
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(618) 242-0117	(217) 465-6424	(717) 326-1551	(407) 470-5000	(503) 325-3211	(516) 843-2020
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(970) 824-7031	(217) 774-2161	(719) 632-5511	(608) 742-2111	(715) 735-6811	(414) 343-2181
(260) 664-8564	(702) 767-3510	(212) 714-7848	(800) 356-4262	(305) 653-3341	(305) 350-2111
(320) 364-5877	(540) 574-6200	(717) 829-7100	(715) 423-7200	(541) 269-1222	(615) 259-8800
(814) 684-4000	(309) 316-1111	(800) 636-3000	(313) 994-6989	(800) 678-6400	(207) 282-1555
(303) 820-1010	(800) 274-7355	(540) 573-5000	(515) 284-8000	(715) 384-3131	(505) 746-3524
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(614) 345-4053	(804) 385-5400	(701) 328-2210	(904) 763-3134	(414) 634-3322	(941) 262-3161
(540) 885-7281	(603) 271-3655	(800) 829-8000	(616) 964-7161	(904) 427-1000	(414) 224-2000
(608) 266-1221	(412) 439-7500	(815) 673-3771	(712) 362-2622	(212) 837-7000	(505) 763-3431
(814) 723-8200	(703) 368-3101	(703) 257-4600	(207) 780-9000	(423) 482-1021	(901) 885-0744
(307) 777-7841	(815) 842-1153	(614) 466-3376	(901) 642-1162	(941) 763-3134	(207) 724-3311
(618) 932-2146	(609) 292-4925	(540) 981-3100	(212) 210-2100	(616) 746-4831	(715) 365-6397
(970) 867-5651	(412) 222-2200	(217) 824-2233	(517) 895-8551	(603) 524-3800	(319) 337-3181
(402) 471-3297	(703) 633-6700	(405) 521-3921	(515) 472-4129	(319) 372-6421	(513) 222-6400
(202) 513-2107	(505) 827-6000	(505) 378-6000	(360) 753-5601	(304) 558-2601	(608) 266-1221
(815) 987-1200	(618) 544-2101	(970) 668-3998	(712) 546-7031	(616) 775-6565	(319) 524-8300

(212) 679-7409	(15)	(212) 206-6492	(201) 583-5000	(16)	(201) 585-2622
(903) 572-1705	(472) 542-2631	(254) 862-2868	(217) 782-2035	(803) 648-2311	(815) 223-3200
(203) 333-0161	(618) 463-2500	(203) 625-4400	(510) 462-4160	(504) 568-5707	(915) 546-6100
(800) 365-0820	(860) 584-0501	(800) 598-5597	(803) 524-3183	(406) 657-1200	(864) 224-4321
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(630) 844-5844	(318) 487-6397	(800) 742-6397	(803) 329-4000	(209) 784-5000	(907) 283-7551
(903) 885-8663	(847) 427-4300	(319) 263-2331	(406) 222-2000	(573) 751-4144	(325) 236-6877
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(254) 965-3124	(505) 541-5400	(830) 379-5402	(803) 317-6397	(617) 557-1000	(864) 427-1234
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(319) 653-2191	(318) 783-3450	(956) 686-4343	(916) 622-1255	(612) 939-3130	(800) 362-0727
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(618) 438-5611	(800) 876-6397	(860) 225-4601	(612) 297-5529	(510) 734-8600	(406) 447-4000
(203) 846-5281	(515) 832-4350	(800) 990-5765	(218) 241-5544	(618) 993-2626	(325) 673-4271
(319) 291-1400	(203) 789-5200	(515) 672-2581	(803) 533-5500	(803) 785-4293	(320) 235-1150
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(213) 954-2465	9	(202) 546-3000	(202) 222-7375	10	(312) 951-3840
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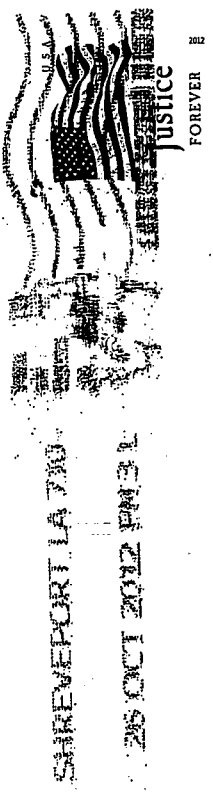
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COMMITTED NAME: KEITH JUDD
REG. NO. & QTRS.: 11593-051, A-1
FEDERAL CORRECTIONAL INSTITUTION
P.O. BOX 7000
TEXARKANA, TX 75505-7000



LEGAL MAIL

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
110 N. Heber Street, Room 119
Beckley, West Virginia, 25801

25801455244

