


UNITED STATES DISTRICT COURT  
for the CENTRAL DISTRICT OF CALIFORNIA  
Santa Ana Division

2009 JAN 20 PM 3:26  
 CLERK U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIF.  
 SANTA ANA  
 BY: 

FILED

Alan Keyes, PhD., Wiley S. Drake, and )  
 Markham Robinson, )  
 )  
 Plaintiffs )  
 )  
 v. )  
 )  
 Barack H. Obama, Barack Hussein Obama, II, )  
 a/k/a Barack H. Obama, II a/k/a Barry Obama, )  
 a/k/a Barry Soetoro; Condoleeza Rice, in her )  
 capacity as Secretary of State; Robert Mueller, )  
 in his capacity as Director of the Federal )  
 Bureau of Investigation; and Michael W. )  
 Hager, in his capacity as Acting Director, )  
 Office of Personnel Management; 2 Doc )  
 1-10 )  
 Defendants. )

Civil Action No.  
 SACV09-82 DOC (ANX)

**COMPLAINT FOR DECLARATORY ACTION, INJUNCTION, AND COMMON  
LAW WRIT OF ALTERNATIVE MANDAMUS**

Plaintiffs, Alan Keyes, PhD., a resident of the State of Maryland, and Wiley S. Drake, and Markham Robinson, each a resident of the State of California, sue Defendants, Barack H. Obama, Barack Hussein Obama, II, a/k/a Barack H. Obama, II, a/k/a Barry Soetoro, a/k/a Barry Obama; Condoleeza Rice, in her capacity as Secretary of State; Robert Mueller, in his capacity as Director of the Federal Bureau of Investigation; and Michael W. Hager, in his capacity as Acting Director, Office of Personnel Management; and allege:

**I. Parties**

1. Alan Keyes, PhD., Plaintiff herein, is the Presidential candidate of the American Independent Party, in the 2008 election, on the California State Ballot.
2. Dr. Wiley S. Drake, Sr., Plaintiff herein, is the Vice Presidential candidate

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of the American Independent Party in the 2008 election, on the California State Ballot.

3. Markham Robinson, Plaintiff herein, is a Certified California Elector of the American Independent Party, Vice Chairman of the America's Independent Party, and Chairman of the American Independent Party.

4. Defendant Barack H. Obama, II, a/k/a Barack Hussein Obama, II, a/k/a Barry Soetoro, a/k/a Barry Obama, (hereafter 'Obama') appeared on the California ballot as a presidential candidate in the presidential election of November, 2008.

5. Defendant Condoleeza Rice is the appointed and acting Secretary of State of the United States, and as such is charged with and has the care, custody and control of passports and passport records for the United States of America, and is charged with enforcement of immigration. 8 USC 1104 provides in part:

“Sec. 1104. Powers and duties of Secretary of State

(a) Powers and duties

The Secretary of State shall be charged with the administration and the enforcement of the provisions of this chapter and all other immigration and nationality laws relating to (1) the powers, duties, and functions of diplomatic and consular officers of the United States, except those powers, duties, and functions conferred upon the consular officers relating to the granting or refusal of visas; (2) the powers, duties, and functions of the Administrator; and (3) the determination of nationality of a person not in the United States. He shall establish such regulations; prescribe such forms of reports, entries and other papers; issue such instructions; and perform such other acts as he deems necessary for carrying out such provisions. He is authorized to confer or impose upon any employee of the United States, with the consent of the head of the department or independent establishment under whose jurisdiction the employee is serving, any of the powers, functions, or duties conferred or imposed by this chapter or regulations issued thereunder upon officers or employees of the Department of State or of the American Foreign Service.

(b) Designation and duties of Administrator

The Secretary of State shall designate an Administrator who shall be a citizen of the United States, qualified by experience. The Administrator shall maintain close liaison with the appropriate committees of Congress in order that they may be advised regarding the administration of this chapter by consular officers. The Administrator shall be charged with any and all responsibility and authority in the administration of this chapter which are conferred on the Secretary of State as may be delegated to the Administrator by the Secretary of State or which may be prescribed by the Secretary of State, and shall perform such other duties as the Secretary of State may prescribe.

(c) Passport Office, Visa Office, and other offices; directors

Within the Department of State there shall be a Passport Office, a Visa Office, and such other offices as the Secretary of State may deem to be appropriate, each office to be headed by a director. The Directors of the Passport Office and the Visa Office shall be experienced in the administration of the nationality and immigration laws.”

6. Defendant Robert Mueller is the appointed and acting Director of the Federal Bureau of Investigation is charged with law enforcement and investigations, among other things, in the areas of elections, governmental corruption, and terrorist acts against the United States of America, and has broad investigative powers in order to perform its duties. 28 USC 535 provides:

“Sec. 535. Investigation of crimes involving Government officers and employees; limitations

“(a) The Attorney General and the Federal Bureau of Investigation may investigate any violation of Federal criminal law involving Government officers and employees--

- (1) notwithstanding any other provision of law; and
- (2) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

“(b) Any information, allegation, matter, or complaint witnessed,

discovered, or received in a department or agency of the executive branch of the Government relating to violations of Federal criminal law involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate, unless--

(1) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

(c) This section does not limit--

(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

(2) the primary authority of the Postmaster General to investigate postal offenses.”

7. Defendant Michael W. Hager, in his capacity as Acting Director, Office of Personnel Management is charged with enforcement of the Executive Order referenced below.

## **II. Jurisdiction and Venue**

8. This court has subject matter jurisdiction over this claim pursuant to 28 U.S.C. §1331.

9. Venue is proper under 28 U.S.C. §1391 because a substantial part of the events or omissions giving rise to the claim occurred in the Central District of California.

## **III. Legal Basis**

10. January 16, 2009, President George W. Bush enacted an Executive Order providing for, in part, “Reinvestigating Individuals in Positions of Public Trust.” The Order in its entirety is attached hereto for reference as Exhibit “A.”

11. The Order provides in pertinent part that, “It is necessary to reinvestigate individuals in positions of public trust in order to ensure that they remain suitable for continued employment.”

12. The Order further provides in pertinent part:

“Sec. 5. Reinvestigation of Individuals in Positions of Public Trust. Individuals in positions of public trust shall be subject to reinvestigation under standards (including but not limited to the frequency of such reinvestigation) as determined by the Director of the Office of Personnel Management, to ensure their suitability for continued employment.

“Sec. 6. Responsibilities. (a) An agency shall report to the Office of Personnel Management the nature and results of the background investigation and fitness determination (or later changes to that determination) made on an individual, to the extent consistent with law.

“(b) The Director of the Office of Personnel Management is delegated authority to implement this order, including the authority to issue regulations and guidance governing suitability, or guidance related to fitness, as the Director determines appropriate.”

13. Article II, Section I of the United States Constitution, states, in pertinent part, as follows:

"No Person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the Office of President;"

14. Title 18 Section 1001, United States Code provides in part:

“Sec. 1001. Statements or entries generally

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully--

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in

section 2331), imprisoned not more than 8 years, or both. If the matter relates to an offense under chapter 109A, 109B, 110, or 117, or section 1591, then the term of imprisonment imposed under this section shall be not more than 8 years.”

15. 3 United States Code (U.S.C.) Section 8 provides, “The electors shall vote for President and Vice President, respectively, in the manner directed by the Constitution.”

16. Constitution Article VI of the Constitution of the United States, at paragraph 2 establishes: “The Constitution . . . shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby . . .”, preserving the inviolability of Constitution codified in Magna Carta (1215) Sect. 61. The Constitution grants all powers necessary to enforce its inviolability.

17. The right of petition for redress of grievances, securing the Constitution, guarantees each person standing to preserve the inviolability of the Constitution, as preserved in the U.S. Constitution Amendment I, in the Bill of Rights (1689), and as codified in Magna Carta (1215) Sect. 61.

#### **IV. FACTS**

18. Plaintiff Markham Robinson is a Certified California Elector of the American Independent Party, Vice Chairman of the America’s Independent Party, and Chairman of the American Independent Party, and has standing to maintain this action based upon the electoral statute quoted above, in that this federal statute confers upon each elector an affirmative duty to discover whether the candidate for President for which the elector is seeking election is a natural born citizen. Otherwise, the elector would not know if his vote was being cast in the “manner directed by the Constitution.”

19. Plaintiffs Alan Keyes, and Wiley S. Drake have standing to pursue this action as the Presidential and Vice Presidential candidates, respectively, of the American Independent Party, in the 2008 election, on the California State Ballot. Furthermore, each plaintiff has standing to uphold the inviolability of the Constitution.

20. Defendant Obama was been elected to the United States Office of the President, and confirmed by electors, without his citizenship being verified or proven.

21. To assume office, Obama must meet the qualifications specified for the Office of the President of the United States as set forth in the Constitution, which includes that he must be a "natural born" citizen, having sole allegiance to the United States as required to become Commander in Chief.

22. Documents, papers, statutes, and regulations in the public domain, visible to the public at large, as set forth and described herein, have cast doubt on the eligibility of Obama to serve as or be elected as or to qualify as a candidate for the office of President of the United States.

23. Defendant Obama has failed to demonstrate that he is a "natural born" citizen, and there is evidence leading a reasonable person to believe that it cannot be presumed that he is a natural born citizen, as shall be set forth hereafter.

24. There are other legal challenges before the Federal Courts regarding aspects of lost or dual citizenship concerning Obama. Those challenges, in and of themselves, demonstrate Plaintiffs' argument that reasonable doubt exists as to the eligibility of the Democratic Party's nominee for President.

25. The Defendants, and all of them, are charged with the care of records, or law enforcement as set forth above.

26. To date, Obama has both failed and refused to provide any documents to the Plaintiffs, the Secretary of State of California, or to the American people, for that matter, any documentation of his eligibility to serve as president of the United States, despite the many reasonable indications that he may lack such eligibility.

27. In his books, which are published and publicly available ('Dreams from My Father' and 'The Audacity of Hope') Obama has admitted that his father was a citizen of Kenya at the time of his birth. Obama thus had allegiance to Britain at birth.

28. In his books, Obama has admitted the age of his mother at the time of his birth to be 18.

29. In the event that Obama was not born in the United States, according to law at the time of his birth, he is not necessarily a citizen of the United States.

30. In his public comments in San Francisco to a group of voters in 2008, Obama stated that he had traveled to Pakistan in 1981.

31. In 1981 it was not legal for a United States citizen, presenting a United States passport to travel to Pakistan.

32. As a result of this admission, it is reasonable to believe that Obama presented a passport from another country, possibly Indonesia, and therefore, he is arguably not a United States citizen.

33. Plaintiffs reasonably believe that Obama traveled to Pakistan on an Indonesian passport as a result of his having been adopted by his step father, Lolo Soetoro, an Indonesian citizen, and taken the name of 'Barry Soetoro' in or around 1967.

34. Records show<sup>1</sup> that Lolo Soetoro registered one 'Barry Soetoro' in

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<sup>1</sup> In the divorce decree of Obama's parents, Lolo Soetoro was declared an Indonesian citizen, and his adoption of Obama was acknowledged by recognizing 1 child below age 18 and 1 child above

elementary school in Indonesia, declaring his citizenship to be “Indonesian” and religion to be “Muslim”, and Obama admits his sojourn there in his writings. See Exhibit ‘B’ attached.

35. No evidence of any legal name change from ‘Barry Soetoro’ to ‘Barack Obama’ can be located through ordinary public records searches, and so adequate records must be produced and examined to determine whether or not Obama has violated the 18 USC 1001 by providing a false name or an alias in his bid for President of the United States.

36. From 1945, Indonesia has not allowed dual citizenship and, therefore, Ms. Dunham-Obama-Soetoro, Obama’s mother, actively acquired Indonesian citizenship in behalf of her minor son, which would, in itself, give him divided loyalties, a foreign allegiance, and make him ineligible to become President of the United States.

37. Additionally, the United States did not allow dual citizenship with Indonesia at that time, as Indonesia did not allow dual citizenship, and it was prohibited by the Hague Convention of 1930, as interfering with the internal affairs of another sovereign country.

38. Consequently, upon return to the United States in and around 1971-1972, Obama would have been required to go through the then current immigration procedures to regain his U.S. citizenship. There is no record of him ever doing that. Even if he had done so, he would be considered a naturalized citizen, and not a natural born citizen.

39. A Hawaiian ‘Certification of Live Birth’ for one Barack Hussein Obama, II, has been posted on the Internet, in an attempt to quiet the concerns of the public, but

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18. See, Stanley Ann Soetoro v. Lolo Soetoro, 1st Circuit Court State Hawaii, Family Court FC.D.No.117619 Divorce Decree Dated Aug. 28, 1980.

the document fails to satisfy the burden of proof generated by and sustained by Obama, in that:

a. The original certified long form (“vault”) birth certificate as attested to by multiple witnesses has not been produced, and there has been no mandate from any authority to compel such production; and

b. The document posted on the internet is a scanned document, which could easily be changed or edited, using modern computer technology; and

c. The posted Certification of Live Birth has a different border than that shown on similar certificates produced around the same time by the office of vital records for the state of Hawaii; and

d. Assuming the document to be genuine, there is no prejudice to Obama in production of the original; and

e. The law in Hawaii in 1961, and for all births prior to 1972, (see Chapter 338-178, Hawaii Statutes) provided that a birth could be recorded in Hawaii even if the birth did not occur in Hawaii; and

f. Therefore, a long form (“vault”) birth certificate, showing the hospital where the birth took place, the name of a delivering physician, the witnesses attesting to the certificate, and other pertinent verifying information, and not an abstract certificate is required to demonstrate the birth of Obama in Hawaii; and

g. Even Hawaii, for purposes of proof of Hawaiian birth requires a longer form birth certificate to show Hawaiian blood for its homeland program. See <http://hawaii.gov/dhhl/applicants/appforms/applyhhl>.<sup>2</sup>

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<sup>2</sup> From the Department of Hawaiian Homelands web site: “In order to process your application, DHHL utilizes information that is found only on the original *Certificate* of Live Birth, which is either black or

h. The United States Department of State requires a long form birth certificate as primary evidence of citizenship for issuance of a passport, among other documents which could be presented, none of which is a short form birth certificate form of identification.

See [http://travel.state.gov/passport/get/first/first\\_830.html#DS11Instruc](http://travel.state.gov/passport/get/first/first_830.html#DS11Instruc).<sup>3</sup>

40. Plaintiffs have been put on notice that there is further evidence available, of which this court could take judicial notice, that places the citizenship and eligibility of Obama in serious question, the facts for such evidence being as follows:

a. On August 21, 2008, Mr. Phillip J. Berg, former Deputy Attorney General of the State of Pennsylvania, filed a legal action against Mr. Obama and the Democratic National Committee.

b. With his action, and in the subsequent appeal to the Supreme Court of the United States, Mr. Berg provided documents to the effect that Mr. Obama was born in what is now Kenya (the British East African Protectorate of Zanzibar at the time) and that his paternal grandmother was present at his birth. Mr. Obama claims that he was born in Hawaii.

c. According to statements made by his half-sister, Maya Soetoro Ng, he was born in Kapiolani Hospital in Hawaii.

d. According to his biography posted on Wikipedia, Senator Obama was born in Queens Hospital in Hawaii.

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green. This is a more complete record of your birth than the *Certification of Live Birth* (a computer-generated printout). Submitting the original *Certificate of Live Birth* will save you time and money since the computer-generated *Certification* requires additional verification by DHHL.” [Emphasis in original]  
<sup>3</sup> “A **certified birth certificate** has a registrar’s raised, embossed, impressed or multicolored seal, registrar’s signature, and the date the certificate was filed with the registrar’s office, which must be within 1 year of your birth. Please note, some short (abstract) versions of birth certificates may **not** be acceptable for passport purposes.” [Emphasis in original]

e. In the context of this and other cases filed, Mr. Obama has refused to provide his original birth certificate, even though, in his book, *Dreams from My Father*, page 26, he states, "... I found the article folded between my birth certificate and old immunization records..." which shows that he clearly has his birth certificate, or that he lied in his book.

d. Particularly telling is the fact that not one single person has come forward, not a doctor, not a nurse, not a hospital administrator, nor anyone else, to state that he or she was present during this birth, except for Obama's paternal grandmother, who affirmed that she "was present when he was born in Kenya."

e. Additionally, when Mr. Berg served subpoenas on the hospitals mentioned above, Obama refused to sign a consent form that would allow the hospitals to release any of his information.

f. Instead, Obama has hired three law firms to defend himself, and has challenged the action by Mr. Berg on a technicality, claiming that an ordinary citizen does not have standing to bring the suit.

#### **IV. RELIEF SOUGHT**

41. Based upon the above, and in light of the fact that the President of the United States is its chief law enforcement officer, Defendant Obama has the legal, ethical and Constitutional duty to produce records sufficient to demonstrate he is Constitutionally eligible to hold the office of and act as President of the United States.

42. In the absence of such proof, the electoral college having elected Defendant Obama to President elect, the President elect, must be determined to have failed to qualify a valid President, whereby the Vice President becomes the Acting

President under U.S. Constitution Amendment 20.

43. Plaintiffs seek the affirmative act of production of documents as against Defendant Obama, to verify that he constitutionally qualifies for the office of President of the United States, and in failure thereof, a direct mandate to the public officials herein named to demand the production of such records from the public and private officials who maintain them; and such other relief as this Court may deem proper.

44. It is the duty of the Defendants Rice and Mueller to use the assets of the people of the United States placed in their control as public guardians to produce or compel production by the holders of such documents, the following:

a. Original long form (“vault”) Birth Certificate, or, *Certificate* of Live Birth for Barack Hussein Obama, II, a/k/a Barack H. Obama, a.k.a Barry Soetoro, and each and every birth Certificate and subsequent version or any birth Certificate for that person so known at this time, regardless of the name shown thereon or given at birth; and

b. Any and all emigration and immigration documents, reaffirmation of allegiance to the United States, naturalization, port of entry documents regarding the travels to and from the United States showing the citizenship status and visa status of Barack Hussein Obama, II, Barack H. Obama, or Barry Soetoro, on his own behalf or as a minor child of one or both parents, Stanley Ann Dunham, a/k/a Stanley Ann Soetoro, Stanley Ann D. Soetoro, S. Ann Dunham Soetoro, and/or Lolo Soetoro, or any permutation on those names; and

c. Any and all passport applications, whether United State or otherwise, and/or college records and/or transcripts that would show the application for admission, the application for financial aid, and the citizenship of one Barack Hussein Obama, II,

a/k/a Barack H. Obama, a/k/a Barry Obama, and/or Barry Soetoro, or any permutation on those names; and

d. Any other such documentation which will cast light upon the truth of the matter.

45. It is the duty of Defendant Hager to comply with the Executive Order cited above.

46. Failing to officially and publicly validate the status of the citizenship claims of Obama will jeopardize the security of the United States, will perpetuate an unconstitutional election to stand in the place of a possibly legal election, cast a pall of doubt on the election process and taint the election results themselves.

47. Plaintiffs Keyes and Drake have been irreparably harmed by being unable to compete in a fair and unbiased election.

48. Plaintiff Robinson has been harmed in that he was not be able to perform his duties as an Elector in voting for the candidate that is eligible to become the President of the United States under the law.

49. Plaintiff Keyes has additionally suffered substantial harm due to the following circumstances:

a. In 2006 Plaintiff Keyes was a runner-up in a US senate race from the state of Illinois to Defendant Obama.

b. If indeed Obama is not a citizen of the United States, then a) he is not a legal naturalized citizen and b) cannot be a United States senator.

c. In this case Plaintiff Keyes would be sworn as a United States senator as a runner up in the prior election. This logically means that Plaintiff Keyes will suffer

immediate specific damage without this question being resolved.

**First Cause of Action – Declaratory Relief**

50. Plaintiffs reallege paragraphs 1 through 45 and pray this Court will declare whether under Article II, Section 1, and Amendment 20 Section 3 of the U.S. Constitution, Defendant Barack H. Obama is a natural born citizen and that Plaintiffs' attorneys are entitled to a reasonable fee; and

51. Grant a judgment including costs of this proceeding and fees as are applicable by law; and such further relief as the Court deems just and proper.

**Second Cause of Action - Injunction**

52. Plaintiffs reallege paragraphs 1 through 49 and pray this Court will determine that the inauguration set for January 20, 2009 should be stayed pending the outcome of this, and similar litigation, determining that the Plaintiff has a substantial likelihood of success on the merits, that under Article II, Section 1 and Amendment 20 Section 3 of the U.S. Constitution, Defendant Barack H. Obama is not a natural born citizen and has not qualified, and that Plaintiffs' attorneys are entitled to a reasonable fee; and

53. Grant a judgment including costs of this proceeding and fees as are applicable by law; and such further relief as the Court deems just and proper.

**Third Cause of Action – Common Law Writ of Mandamus**

54. Plaintiffs reallege paragraphs 1 through 49 and pray this Court will find grounds to issue a common law alternative writ of mandamus and thereby direct Defendants Rice, Hager, and Mueller to produce, or compel production of the documents as set forth in paragraph 44 hereof; and

55. Determine that Plaintiffs' attorneys are entitled to a reasonable fee; and
56. Grant a judgment including costs of this proceeding and fees as are applicable by law; and such further relief as the Court deems just and proper.

Respectfully submitted on January 20, 2009.

01/19/09

Date:



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Mission Viejo Ca 92691  
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Facsimile: (949) 586-2082

Attorney for Plaintiff



## THE WHITE HOUSE

For Immediate Release  
January 16, 2009

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 1104(a)(1), 3301, and 7301 of title 5, United States Code, and in order to simplify and streamline the system of Federal Government personnel investigative and adjudicative processes to make them more efficient and effective, it is hereby ordered as follows:

**Section 1. Policy.** (a) When agencies determine the fitness of individuals to perform work as employees in the excepted service or as contractor employees, prior favorable fitness or suitability determinations should be granted reciprocal recognition, to the extent practicable.

(b) It is necessary to reinvestigate individuals in positions of public trust in order to ensure that they remain suitable for continued employment.

**Sec. 2. Definitions.** For the purposes of this order:

(a) "Agency" means an executive agency as defined in section 105 of title 5, United States Code, but does not include the Government Accountability Office.

(b) "Contractor employee" means an individual who performs work for or on behalf of any agency under a contract and who, in order to perform the work specified under the contract, will require access to space, information, information technology systems, staff, or other assets of the Federal Government. Such contracts, include, but are not limited to:

(i) personal services contracts;

(ii) contracts between any non-Federal entity and any agency; and

(iii) sub-contracts between any non-Federal entity and another non-Federal entity to perform work related to the primary contract with the agency.

(c) "Excepted service" has the meaning provided in section 2103 of title 5, United States Code, but does not include those positions in any element of the intelligence community as defined in the National Security Act of 1947, as amended, to the extent they are not otherwise subject to Office of Personnel Management appointing authorities.

(d) "Fitness" is the level of character and conduct determined necessary for an individual to perform work for or on behalf of a Federal agency as an employee in the excepted service (other

than a position subject to suitability) or as a contractor employee.

(e) "Fitness determination" means a decision by an agency that an individual has or does not have the required level of character and conduct necessary to perform work for or on behalf of a Federal agency as an employee in the excepted service (other than a position subject to suitability) or as a contractor employee. A favorable fitness determination is not a decision to appoint or contract with an individual.

(f) "Position of Public Trust" has the meaning provided in 5 CFR Part 731.

(g) "Suitability" has the meaning and coverage provided in 5 CFR Part 731.

Sec. 3. Agency Authority to Set Fitness Criteria and Determine Equivalency. The authority to establish criteria for making fitness determinations remains within the discretion of the agency head. Agency heads also have the discretion to determine whether their criteria are equivalent to suitability standards established by the Office of Personnel Management. Agency heads shall take into account Office of Personnel Management guidance when exercising this discretion.

Sec. 4. Reciprocal Recognition of Fitness and Suitability Determinations. (a) Except as provided by subsection (b) of this section, agencies making fitness determinations shall grant reciprocal recognition to a prior favorable fitness or suitability determination when:

(i) the gaining agency uses criteria for making fitness determinations equivalent to suitability standards established by the Office of Personnel Management;

(ii) the prior favorable fitness or suitability determination was based on criteria equivalent to suitability standards established by the Office of Personnel Management; and

(iii) the individual has had no break in employment since the favorable determination was made.

(b) Exceptions to Reciprocal Recognition. A gaining agency is not required to grant reciprocal recognition to a prior favorable fitness or suitability determination when:

(i) the new position requires a higher level of investigation than previously conducted for that individual;

(ii) an agency obtains new information that calls into question the individual's fitness based on character or conduct; or

(iii) the individual's investigative record shows conduct that is incompatible with the core duties of the new position.

Sec. 5. Reinvestigation of Individuals in Positions of Public Trust. Individuals in positions of public trust shall be subject to reinvestigation under standards (including but not limited to the frequency of such reinvestigation) as determined by the Director of the Office of Personnel Management, to ensure their suitability for continued employment.

Sec. 6. Responsibilities. (a) An agency shall report to the Office of Personnel Management the nature and results of the background investigation and fitness determination (or later changes to that determination) made on an individual, to the extent consistent with law.

(b) The Director of the Office of Personnel Management is delegated authority to implement this order, including the authority to issue regulations and guidance governing suitability, or guidance related to fitness, as the Director determines appropriate.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order shall not suspend, impede, or otherwise affect Executive Order 10450 of April 27, 1953, as amended, or Executive Order 13467 of June 30, 2008;

(d) This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees or agents, or any other person.

Sec. 8. Effective Date and Applicability. This order is effective upon issuance and is applicable to individuals newly appointed to excepted service positions or hired as contractor employees beginning 90 days from the effective date of this order.

GEORGE W. BUSH

THE WHITE HOUSE,

January 16, 2009.

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# CIVIL LAW CASE PROFILE

## ATTORNEY/FIRM INFORMATION:

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):

Attorney Name and State Bar Number: 223433

Firm Name: DR. ORLY TAITZ, ESQ

Firm Address: 26302 LA PAZ STE 211

City, State, Zip: MISSION VIEJO, CA 92691

TELEPHONE NO.:

FAX NO.: 949-586-2082

BAR NO.: 223433

E-MAIL ADDRESS: dr\_taitz@yahoo.com

ATTORNEY FOR (Name): Plaintiff

## COURT INFORMATION:

COUNTY OF: [Enter only the County Name, i.e., Los Angeles]

NAME OF COURT: UNITED STATES DISTRICT COURT

STREET ADDRESS: 411 WEST FOURTH STREET

MAILING ADDRESS:

CITY AND ZIP CODE: SANTA ANA CA 92701

BRANCH NAME: CENTRAL DISTRICT OF CALIFORNIA

## CASE INFORMATION:

CITATION NO.:

CASE NO.:

Enter Plaintiff/Defendant names as they are to appear on all forms **other than Summons and Complaint**:

Plaintiff/Petitioner: ALAN KEYES, PHD; WILEY S. DRAKE; AND MARKHAM ROBINSON

Attorney for Petitioner:  
(Name & Address) DR ORLY TAITZ, ESQ  
26302 LA PAZ STE 211  
MISSION VIEJO CA 92691

Telephone No. 949-683-5411 FAX #: 949-586-2082

Check this box if Plaintiff is an organization

Defendant/Respondent: BARACK HUSSEIN OBAMA, AKA BARRY OBAMA, AKA BARRY SOETORO; CONDOLEEZA RICE, IN HER CAPACITY AS SE

Attorney for Respondent:  
(Name & Address)

Telephone No. FAX #:

Check this box if Defendant is an organization

Short Title: KEYES, DRAKE, ROBINSON V OBAMA, RICE, MUELLER, HAGER

For Summons and Complaint, Enter Full Case Name:

Plaintiff(s): ALAN KEYES, WILEY S. DRAKE, MARKHAM ROBINSON

Defendant(s): BARACK HUSSEIN OBAMA, AKA BARRY OBAMA, AKA BARRY SOETORO; CONDOLEEZA RICE IN HER CAPACITY AS SECRETARY OF STATE; ROBERT MUELLER, IN HIS CAPACITY AS DIRECTOR OF FEDERAL BUREAU OF INVESTIGATION; MICHAEL W. HAGER

Does 1 to 100

**CIVIL LAW  
CASE PROFILE**  
(Page 2)

**OPPOSING COUNSEL INFORMATION:**

Case Attorney:

Firm:

Address:

City/State/Zip:

Telephone:

Fax No.:

**MISC. NOTES:**

PLAINTIFF/PETITIONER: Ambassador Dr. Alan Keyes; Wiley S. Drake; and Markham Robinson  
DEFENDANT/RESPONDENT: Bowen, Obama, Biden et al

CASE NUMBER:

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS**

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (*name*):

b. Address where served:

c. Date of delivery:

d. Time of delivery:

e. (1)  Witness fees were paid.  
Amount: ..... \$ \_\_\_\_\_

(2)  Copying fees were paid.  
Amount: ..... \$ \_\_\_\_\_

f. Fee for service: ..... \$ \_\_\_\_\_

2. I received this subpoena for service on (*date*):

3. Person serving:

a.  Not a registered California process server.

b.  California sheriff or marshal.

c.  Registered California process server.

d.  Employee or independent contractor of a registered California process server.

e.  Exempt from registration under Business and Professions Code section 22350(b).

f.  Registered professional photocopier.

g.  Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(For California sheriff or marshal use only)  
I certify that the foregoing is true and correct.

Date:

\_\_\_\_\_  
(SIGNATURE)

\_\_\_\_\_  
(SIGNATURE)