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Federal judge allows Obama eligibility case to go forward

By Linda Bentley | September 9, 2009

SANTA ANA, Calif. – On Sept. 8, U.S. District Court Judge David O. Carter ordered a scheduling conference for Oct. 5, 2009, allowing the Obama eligibility case filed by Dr. Orly Taitz, Esq. on behalf Captain Pamela Barnett, Alan Keyes and others to proceed.

Carter wrote, “The responsibility for the progress of litigation in the federal courts falls not only upon attorneys in the action, but upon the court as well. Accordingly, the court issues this order.”

Taitz filed a declaration of Lucas Daniel Smith with an exhibit on Friday.

Smith, a 29-year-old American citizen from Iowa, signed an affidavit, under penalty of perjury, stating he “traveled to Kenya and Mombasa, in particular, with the intent to obtain the original birth certificate of Barack Hussein Obama,” as he was told previously it was on file in the hospital and under seal, due to the fact the Kenyan Prime Minister is Obama’s cousin.

Smith states he visited Coast General Hospital in Mombasa, Kenya on Feb. 19, 2009, accompanied by a citizen of the Democratic Republic of Congo, and said he had to pay a cash “consideration” to a Kenyan military officer on duty to look the other way while he obtained the copy of the birth certificate.

COAST PROVINCE GENERAL HOSPITAL
 Mombasa, British Protectorate of Kenya
CERTIFICATE OF BIRTH


Certificate No. 32018

Child brought to hospital by BARACK HUSSEIN OBAMA II / Sex M

was born to

<u>STANLEY ANN OBAMA</u>	<u>DUNHAM</u>	<u>11/29/1942</u>
<small>Full Name of Mother</small>	<small>Maternal Surname</small>	<small>Date of Birth</small>
<u>BARACK HUSSEIN OBAMA</u>		<u>1936</u>
<small>Full Name of Father</small>		<small>Date of Birth</small>

on the 4th day of AUGUST, 1961 at 7:24 PM

<u>7 pounds 1 ounce</u>	<u>18 inches</u>	<u>6 inches</u>
<small>Weight of Child at Birth</small>	<small>Length</small>	<small>Width Between Shoulders</small>
<u>HONOLULU, HAWAII, UNITED STATES</u>	<u>WICHITA, KANSAS, UNITED STATES</u>	
<small>Residence of Mother</small>	<small>Birth Place of Mother</small>	
<u>KANYABHANG VILLAGE, NYANZA</u>	<u>STUDENT</u>	<u>STUDENT</u>
<small>Birth Place of Father</small>	<small>Occupation of Father</small>	<small>Occupation of Mother</small>
<u>JAMES O. W. ANO'AWA</u>		<u>8/8/1961</u>
<small>Name of Attending Doctor</small>	<small>Signature of Attending Doctor</small>	<small>Date</small>
	<u>JOHN KWAME ODONGO</u>	
	<small>Signature of Registrar</small>	<u>8-7-1961</u>
	<small>Signature</small>	<small>Date</small>

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M17

According to Smith, the copy was signed by the hospital administrator and contains the embossed seal. As an exhibit, Smith provided the "true and correct photocopy of the birth certificate obtained."

Meanwhile, defendants filed a motion to dismiss stating, "Plaintiffs ask this Court to entertain a challenge to the 2008 election of President Barack Obama by requiring the President to disprove, in this Court, their innuendo alleging that he is not a 'natural born citizen' within the meaning of the United States Constitution. Plaintiffs cannot use this Court to investigate and decide the President's fitness for office or their related claims ...

"Plaintiffs also seek to litigate in this court a variety of vaguely-defined claims purportedly related to a hodgepodge of constitutional provisions, civil and criminal statutes, and the Freedom of Information Act. These claims are equally flawed ..."

Jeff Schwilk, founder, San Diego Minutemen, attended the Sept. 8 hearing and reported back, "Judge David Carter refused to hear Obama's request for dismissal today, instead setting a hearing date for Oct. 5. He indicated there was almost no chance that this case would be dismissed. Assuming Judge Carter denies Obama's motion for dismissal, he will likely then order expedited discovery which will force Obama to release his birth certificate in a timely manner.

According to Schwilk, Carter, a former U.S. Marine, repeated several times that this case is very serious and must be resolved quickly so that the troops know their Commander in Chief is eligible to hold that position and issue lawful orders to our military in this time of war.

"Plaintiffs' Attorney Dr. Orly Taitz did a great job, winning some huge victories today," said Schwilk, adding, "She was fearless!"

Carter requested all counsel familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California in order "to secure the just, speedy and inexpensive determination of every action."

Carter admonished counsel that a continuance of a scheduling conference is rarely granted and a continuance will only be granted only for good cause.
