

HBS

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PHILIP J. BERG, ESQUIRE :

Plaintiff :

vs. :

CIVIL ACTION NO. :

08cv4083

BARACK HUSSEIN OBAMA, a/k/a :

BARRY SOETORO, a/k/a :

BARRY OBAMA, a/k/a :

JURY TRIAL DEMANDED

BARACK DUNHAM, a/k/a :

BARRY DUNHAM, THE :

DEMOCRATIC NATIONAL :

COMMITTEE, THE FEDERAL :

ELECTION COMMISSION AND :

DOES 1-50 INCLUSIVE :

Defendants :

**PLAINTIFF’S MOTION FOR TEMPORARY RESTRAINING
ORDER AND FOR EXPEDITED DISCOVERY**

NOW COMES the Plaintiff, Philip J. Berg, Esquire [hereinafter “Plaintiff”] and respectfully requests this Honorable Court to grant A Temporary Restraining Order and for Expedited Discovery on the following grounds:

1. In order to be eligible and qualified to run for Office of the President you must be a “natural born” citizen. United States Constitution, Article II, Section I.

2. Barack H. Obama claims he was born in Hawaii however, his grandmother in Kenya, brother and sister claim they were present during Obama’s birth in Kenya.

3. Obama's mother was not old enough to have met the residence requirements to have Obama registered as a "natural born" citizen, if in fact Obama was born in Kenya.

4. If in fact Obama was born in Kenya, the laws on the books at the time of his birth stated if a child is born abroad and one parent was a U.S. Citizen, which would have been his mother, Stanley Ann Dunham, Defendant's mother would have had to live ten (10) years in the U.S., five (5) of which were after the age of fourteen (14). At the time of Defendant's birth, his mother was only eighteen (18) and therefore did not meet the residency requirements under the law to give her son (the Defendant) U.S. Citizenship. The laws in effect at the time of Defendant's birth prevented U.S. Citizenship at birth of children born abroad to a U.S. Citizen parent and a non-citizen parent, if the citizen parent was under the age of nineteen (19) at the time of the birth of the child. Defendant's mother did not qualify under the law on the books to register Defendant as a "natural born" citizen. Section 301(a) (7) of the Immigration and Nationality Act of June 27, 1952, 66 Stat. 163, 235, 8 U.S.C. §1401(b), Matter of S-F- and G-, 2 I & N Dec. 182. Obama would have only been Naturalized and a Naturalized citizen is not qualified and/or eligible to run for Office of the President. U.S. Constitution, Article II, Section I, Clause 4.

5. Even if Obama's birth could have been registered as "natural born" in the United States, Obama lost his United States Citizenship when his mother, Stanley Ann Dunham married Lolo Soetoro, a citizen of Indonesia and relocated with Obama to Indonesia, where Obama spent four (4) years. The first requirement is that naturalization must be achieved through "application." **This means that naturalization affected through workings of law is not effective to produce loss of citizenship.** Such type of naturalization

occurs, for example, when a person acquires a foreign nationality by marriage to a national of that country. Nationality Act of 1940, Section 317(b).

6. As stated above, The Nationality Act of 1940 provided for the loss of citizenship when the person became naturalized upon the naturalization of his or her parent having custody of such person. Obama's mother expatriated her U.S. Citizenship when she married Lolo Soetoro, a citizen of Indonesia and relocated her and her son (Defendant) to Indonesia.

7. Obama's mother failed to take the oath in order to regain her U.S. Citizenship. Therefore, Obama would not have been able to regain his U.S. Citizenship until he turned eighteen (18) years after he took the oath of allegiance before a diplomatic or consular officer of the United States, or in the U.S. before the Attorney General or the judge or clerk of court. Plaintiff is informed, believes and thereon alleges Defendant failed to regain his citizenship by taking the oath of allegiance. Since the oath of allegiance would have been entered in the records of the appropriate embassy, legation, consulate, court or the Attorney General, if Plaintiff is incorrect, then Defendant should be able to produce in Court a certified copy of the proceedings, including a copy of the oath administered.

8. Defendant and his Campaign office have been asked for Defendant's Certificate of Birth in order to prove he is a "natural born" citizen as required by the U.S. Constitution.

9. After many attempts of the public to obtain Defendant's Certificate of Birth, a Hawaiian Certificate of Live Birth (COLB) was placed on Defendant's campaign website. However, as posted all over the internet three (3) independent Document Forensic Experts performed extensive Forensic testing on the Certificate of Live Birth posted on Defendant's campaign website. The Forensic Expert findings were the

Certificate of Live Birth (COLB) was in fact a forgery. It was further discovered the original Certificate of Live Birth which had been altered and forged was issued to Maya Kasandra Soetoro, born in 1970. Maya Kasandra Soetoro is Defendant's half sister who was born in Indonesia and her birth was later registered in Hawaii. The altered and forged COLB is still on Defendant's website located at <http://my.barackobama.com/page/invite/birthcert>

10. Further discovery and investigation led to Defendant's State Bar Registration and Public Disciplinary Record. On the Illinois State Bar Registration and Public Disciplinary Record it specifically asks for "Full former name(s). Defendant put "None", when in fact he went by the name Barry Soetoro and Barry Obama. It is further believed Defendant has used the name Barry Dunham. Defendant lied on the State government form that he signed under the penalty of perjury.

11. The Democratic National Committee (DNC) is supposed to represent and protect the interests of working Americans, which includes securing a Democratic Nominee on the Presidential Election ballot who represents the Democratic vision and who is qualified and eligible to run for Office of the President under the qualifications of the United States Constitution. The DNC has failed to inquire into Obama's eligibility status.

WHEREFORE, Plaintiff respectfully prays that this Court:

A. Grant Plaintiff's Motion for a Temporary Restraining Order prohibiting Barack H. Obama from running for the Office of President of the United States;

B. Grant Plaintiff's Motion for a Temporary Restraining Order enjoining Defendant, The Democratic Committee from nominating Defendant Barack H. Obama as the Democratic Nominee; and

C. Grant Plaintiff such other and further relief as the Court deems just and proper.

Plaintiff's Memorandum of Law in support hereof is filed concurrently.

Respectfully submitted,

s/ Philip J. Berg

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