

No.: _____

IN THE SUPREME COURT
OF THE UNITED STATES

In Re:

United States of America, *Ex Relator*, Montgomery Blair Sibley, and
Montgomery Blair Sibley, Individually,

Petitioner.

Petition for Writ of Certiorari to the
United States Court of Appeals for the
District of Columbia Circuit

**Petitioner's Motion to Expedite Consideration of
Petition for a Writ of Certiorari and to Set
Expedited Schedule for Briefing and Argument**

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Petitioner, United States of America, *ex relator*, Montgomery Blair Sibley, and Montgomery Blair Sibley, individually, respectfully requests that this Court expedite its consideration of the petition for a writ of certiorari in this case. Pursuant to Supreme Court Rule 25.5, Petitioner further requests that, if the Court grants the petition, it expedite the schedule for briefing and oral argument.

I. Background

On January 3, 2012, Petitioner filed a “Certified Petition for Writs Quo Warranto and Mandamus and Complaint for Damages” against, among others, Barack Hussein Obama, II (“Obama”). Proceeding both individually and *ex relator* as specifically authorized by the Congressionally-enacted D.C. Code, Title 16, §3503, Petitioner sought a Writ of Quo Warranto ousting Obama as President of the United States and/or preventing him from holding the franchise of being on the ballot for that office in 2012 insomuch as: (i) he is not a “natural born Citizen” of the United States as required by Article II, §1, of the U.S. Constitution and (ii) there is probable cause to believe Obama’s claim that he was born within the United States is based solely upon forged government documents.

As to the first issue, there is no dispute that Obama’s Father was not a citizen of the United States thus precluding Obama – under the 18th Century definition of the legal-term-of-art of “natural born Citizen” – from being eligible to be President.

As to the location of his birth, Obama has publically released two different “Certificate of Live Birth” (“COLB”) putatively from the State of Hawaii in an attempt to demonstrate that he was born in the United States. Three separate and independent

expert document examiners have examined copies of each of the COLBs and found significant indications of fraud raising the very real specter that Obama was not even born in the United States. Copies of the reports of the three expert document examiners were filed of record in the District Court.

On January 9, 2012, Petitioner filed a motion requesting the District Court to expedite resolution of his *quo warranto* petition. To date, the District Court has not ruled on that motion to expedite.

On January 31, 2012, Petitioner filed a demand pursuant to Federal Rules of Evidence, Rule 201, that the District Court take judicial notice of the proceedings in a Georgia administrative law matter challenging Obama's eligibility to be on the ballot in Georgia. At the Georgia hearing, the court took testimony under oath from, among others, two document examiners, Felicito Papa and Douglas Vogt, who entered expert opinions that the COLBs released by Obama are forgeries.

After waiting forty (40) days in the proverbial judicial desert and as the District Court had failed to rule on either the *quo warranto* petition or motion to expedite, Petitioner filed in the United States Court of Appeals for the District of Columbia Circuit a Petition for Writ of Mandamus or, alternatively, for Writ Procedendum Ad Justiciam seeking an order commanding the District Court to forthwith determine whether or not an order to show cause should issue to Obama compelling him to show why he should not be ousted from the office of President of the United States and/or stripped of the franchise to appear on the ballot for that office in 2012.

Without permitting the requested oral argument, the Circuit Court entered its

order on March 6, 2012, stating in pertinent part: “Ordered that the petition be denied. The district court’s delay in ruling on the petition for writ of quo warranto is not so egregious or unreasonable as to warrant the extraordinary remedy of mandamus.” A copy of that decision is attached hereto.

On March 8, 2012, Petitioner filed a Petition for Re-Hearing *En Banc* or, Alternatively, Panel Rehearing which, as of the printing of the instant Petition, has not been ruled upon. In the event that an order is entered by the Circuit Court on the Petition for Rehearing, Petitioner will immediately file a Supplemental Appendix with that Order.

II. An Important Issue and a Need for Speedy Consideration Is at Stake

It states the obvious to say that this is a case of the utmost national importance and urgency involving the Constitution’s most fundamental rights as exercised in the Nation’s most important election. It is imperative that the United States Supreme Court hear Petitioner’s claim as soon as practicable. This Court’s expedited consideration of the petition for writ of certiorari is warranted in order to ensure that Petitioner’s constitutional right to seek the Presidency is not irretrievably vanquished this election cycle and, more importantly, to restore stability to the 2012 presidential election and allow an ordered finality to that election in accordance with constitutional law. Time is plainly of the essence: If this matter is not resolved prior to the Democratic Convention, not only Petitioner but the Nation as a whole will suffer irreparable injury. The importance of a prompt resolution of the federal constitutional questions presented by this case cannot be overstated.

Should this Court grant the petition for certiorari on an expedited basis, an expedited briefing schedule is necessary for the same reasons that warrant expedited consideration of the certiorari petition. Particularly given the importance of the issues presented, it is in the best interests of the parties, as well as the Nation, that this Court have as much time as possible to consider the relative merits of the parties' positions and to issue its decision sufficiently in advance of the Democratic Convention scheduled for September 3, 2012.

This Court has previously granted expedited treatment of cases involving substantial questions of national importance. *See, e.g., Dames & Moore v. Regan*, 453 U.S. 654 (1981); *United States v. Nixon*, 418 U.S. 683 (1974); *Youngstown Co. v. Sawyer*, 343 U.S. 579 (1952); *Ex parte Quirin*, 317 U.S. 1 (1942). The importance of this case is at least equal to, if not greater than, those landmark decisions. The Presidency, the constitutional rights of Petitioner, and the stability of our democratic process will be in dire jeopardy if this Court does not act soon.

Accordingly, Petitioner respectfully requests that Respondent should be directed to file his response to the petition on an expedited basis. Likewise, if certiorari is granted, Petitioner respectfully requests that opening briefs of both parties, together with any amicus curiae briefs and any reply briefs should be set to be filed on an expedited basis.

For purposes of this motion, Petitioner waives the 10-day period provided for in this Court's Rule 15.5 between the filing of a brief in opposition and the distribution of the petition and other materials to the Court. Should certiorari be granted, Petitioner

is ready to prepare his merits brief on whatever schedule the Court deems appropriate in order to have the matter calendared, argued and decided this Term.

III. Conclusion

WHEREFORE, Petitioner respectfully requests that this Court expedite consideration of the Petition for a Writ of Certiorari and set an expedited schedule for briefing and argument.

Certificate of Service

I hereby certify that on this the March ___, 2012, a true copy of the Petitioner's Motion to Expedite Consideration of Petition for Writ of Certiorari in this matter was caused to be served on the following by U.S. First Class Mail, postage Pre-paid: Eric J. Soskin, United States Department of Justice, Civil Division, Federal Programs Branch, 20 Massachusetts Ave., NW, Room 5134, Washington, D.C. 20001 (email: eric.soskin@usdoj.gov), Tel: (202) 353-0533/Fax: (202) 616-8202.

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By: _____
Montgomery Blair Sibley

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12-5040

September Term 2011

1:12-cv-00001-JDB

Filed On: March 6, 2012

In re: Montgomery Blair Sibley,

Petitioner

BEFORE: Sentelle, Chief Judge, and Henderson and Brown, Circuit Judges

ORDER

Upon consideration of the petition for writ of mandamus or, in the alternative, for a writ “procedendum ad iudicium,” it is

ORDERED that the petition be denied. The district court’s delay in ruling on the petition for writ of quo warranto is not so egregious or unreasonable as to warrant the extraordinary remedy of mandamus. See Gulfstream Aerospace Corp. v. Mayacamas Corp., 485 U.S. 271, 289 (1988); cf. Telecomms. Research & Action Ctr. v. FCC, 750 F.2d 70, 79 (D.C. Cir. 1984). We are confident that the district court will act upon the petition as promptly as its docket permits.

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to transmit a copy of this order to the district court.

Per Curiam