UNITED STATES COURT OF
APPEALS FOR THE D.C. CIRCUIT

U.S., ex rel, Robert C. Laity, Pro se,
-Plaintiff-Relator-Appellant

v.

U.S. Senator Kamala Devi Harris,
-Appellee

MOTION IN OPPOSITION TO APPELLEE'S MOTION FOR SUMMARY AFFIRMANCE

Case # 20-7109; 1:20-cv-02511-EGS

December 1. 2020

The Appellant **OPPOSES** Appellee's **Motion for Summary Affirmance.** The appellant **Moves** this court to deny the appellee's motion. Granting her motion would be a grave disservice to the United States of America and to the appellant individually. Appellant has a pending motion before this court for expeditious consideration. Inattention to this matter and failure to address it would inflict irreparable harm on both the Appellant and the nation.

This cause of action in this case is **not** "Meritless" as the appellee would have this court believe. Of course a perpetrator of usurpation of our highest offices would claim that the charges are meritless. The appellee is not going to admit that she is a usurper and fraud.

The court below dismissed this case, with prejudice. This with no consideration of the merits. An amicus curiae brief was proffered in the case that the Judge below ignored. The dismissal was for alleged lack of standing and failure to state a claim for which remedy could be granted. It was not dismissed on

the merits.

In any event, the Judge below erred in dismissing the case with prejudice. That action should not have been effected unless it can be shown that the appellant acted in bad faith or contumacious behavior was evident. Dismissals for such reasons should be without prejudice. *University of Pittsburgh v. Varian Med. Systems, Case # 2008-1441-1454, U.S. Federal Circuit* , (2009) (Gajarsa). The standard of review for dismissals on such grounds is *de novo.* Appeal is authorized as a matter of right under 28USC, Sec. 1291 because the November 10, 2020 Minute Order is a final order of the court below.

The appellee is not a Natural Born Citizen of the United States. Her ascendance to the vice-presidency and prospectively the Presidency is unconstitutional. Usurpation of the Presidency and Vice Presidency, by fraud, during time of war constitutes espionage under 10USC, 903.103. Appellee's groundless assertion, citing *Taxpayers Watchdog, Inc. v. Stanley,* that my claim is "meritless" has not been proven. The onus in a Quo Warrantor is on the appellee to prove that she meets Article II Criteria and 12th Amendment criteria to enter into the Office of the Vice-Presidency and/or Presidency of the United States. The very nature of an "Information in the nature of quo warranto at common law" requires the appellee to prove that she is eligible to be vice-president and/or president. **She**

is not!

There are more cases then *Minor v Happersett,* that support the immutable fact that a Natural Born Citizen **is** "one born in the United States to parents who are citizens of the U.S. themselves". The decision in that case was unanimous. The entire cadre of Justices agreed that those born in the US to parents who are both citizens are Natural Born Citizens. The amicus brief filed for U.S. Allegiance Institute set out a very scholarly treatise on just what a "Natural Born Citizen" is. There are at least (6) U.S. Supreme Court precedents supporting the appellant's stance. They include those mentioned in the amicus brief below. Such cases as *The Venus; Wong Kim Ark; Shanks v. Du Pont, inter alia.*

Senators like Harris are required merely to be "citizens" to be in office. The criteria for being President and/or Vice President is that one be a "Natural Born Citizen". The terms of art are **not tantamount.**

Appellant states that Kamala Harris is not eligible to be Vice-President and/or President. She says that she is. Therein lies a legal controversy that this court is authorized to hear. It is a Case at controversy.

For an ineligible candidate to unconstitutionally enter into the Presidency or Vice-Presidency *ultra veres* is an imminent danger to Robert Laity individually. I am a (69) year old veteran who has lived in freedom for that period of time. The sudden

loss of that freedom and liberty by the unlawful usurpation of our highest office by a constitutionally barred person **must not be ignored.** The adjudication of this matter is a moral imperative.

It is a matter of public knowledge that Kamala Harris and Joseph Biden's plans for the United States involve such things as the introduction of Socialism, eroding gun rights, eroding religious freedom, blacklisting and punishing supporters of President Trump, support of anarchy and other very serious anti-American activity. Barack Obama is a usurper. He too is not a Natural Born Citizen. Biden was the phony VP to a phony President and has now picked another ineligible candidate to be his own phony Vice-President. This is a pattern of usurpations that cannot be allowed to continue. This amounts to subterfuge and treason.

"Article III makes no mention of Standing. Neither do the writings of the framers. The definition of standing in *Luzon* was pulled out of thin air. There is no support in *Luzon* for any historical or originalist foundation for standing. The current standing requirement of "showing a particularized injury have little to do with constitutional law. It is emphatically the duty of the Judicial department to say what the law is regardless of the concreteness or particularity of a plaintiff's injuries'- Rethinking Article II Standing requirements by Max Kennerly, Esq.

The appellant has a legally protected interest in living under a constitution that is

enforced. The continued acquiescence by the powers that be to allow repeated usurpations of our nation's highest offices with impunity has hurt me and has disenfranchised my right to vote for constitutional candidates.

"Subjective and Intangible Interests" [such as living in a free nation, free from constitutional infringements perpetrated by usurpers of our highest offices] "are sufficient to permit" [the appellant] "to attack actions that threatened or harmed those interests". *Traficante v. Metropolitan Life Insurance Co. 409 US 205.*

"Injuries required for standing need not be actualized. A party facing prospective injury has standing to sue where the threatened injury is real, imminent and direct"-*Davis v. Federal Elections Commission, 554 US 724, 734 (2008).*

"Qui tacit consentire videtur ubi loqui debuit ac potuit.

Based on the foregoing the appellee's Motion for Summary Affirmance should be **DENIED.**

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U.S. COURT OF APPEALS
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Laity v. Harris

20-7109

CERTIFICATE OF SERVICE

I certify that I have provided (2) copies of the attached **Motion in Opposition to Appellee's Motion for Summary Affirmance,** by U.S. Mail, this day to:

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