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**CASE NO. 10 – 16645**

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**IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

**UNITED STATES OF AMERICA, ET. AL.**

Plaintiff – Appellee,

v.

**STATE OF ARIZONA and JANICE K.  
BREWER, Governor of the State of  
Arizona, in her official capacity,**

Defendants – Appellant.

**R E C E I V E D**  
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**AMICUS CURIAE BRIEF IN SUPPORT  
OF THE STATE OF ARIZONA REVERSAL**

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**Ray Elbert Parker pro se**  
Post Office Box 320636  
Alexandria, Virginia 22320  
(703) 328 - 2366

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IN THE  
UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA ET. AL.

Appellant,

v.

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STATE OF ARIZONA ET. AL.

Appellee.

**AMICUS CURIAE BRIEF IN SUPPORT  
OF THE STATE OF ARIZONA FOR REVERSAL**

Petitioner, **RAY ELBERT PARKER**, hereby files his *amicus curiae* Brief in support of the State of Arizona and in the interest of truth, justice and judicial expediency sets forth the *single issue* presented to this court as a judicial precedent in the first instance. Everything else in the case should be considered only a variation on this theme! The issue before this court is as follows:

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**THE PARAMOUNT ISSUE BEFORE THIS COURT IS WHETHER  
THE PRESIDENT OF THE UNITED STATES HAS BEEN AND IS  
COMMITTING AN *IMPEACHABLE ACT* PURSUANT TO THE  
ARTICLES I AND II OF THE UNITED STATES CONSTITUTION**

The *onus* in this case does not rest on the shoulders of public officials for the State of Arizona, who exercise their duty, obligation and public responsibility under *state rights* to deal with the *invasion* and *conquering* of America by *illegal* aliens. The out of control *anarchy* threatening our nation's borders and citizens directly affect Texas, Arizona, New Mexico and California, the four states that may only be left with a choice between *annexation* into Mexico or *succession* from the United States "thanks" to Obamaism.

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The war of southern aggression that is *changing* the demographics, culture and well-being of traditional America has become contagious for every town, county, city and state in this nation. This is taking place as a direct result of the *flawed* liberalism of alleged Trotskyites Barack *Hussein Mohammad* Obama, House Speaker Nancy Pelosi and Senator Harry Reid, as well as the legal malfeasance exhibited by Attorney General Eric Holder's Department of "Just Us," the blind Dumbocrat [sic] Party loyalist and allegedly, the *unpatriotic* media that applies its Pavlovian *conditioning* and Madison Avenue subliminal perception tools of wattage to their applied saturation power to coerce the entire citizenry into a frame of reference designed to grant *amnesty* and *free* entitlements to the 12 million or more illegal aliens already in this country. The real *flaw* in America's elections is to allow the media to continue their ongoing *financial profiteering* and the prostitution of our national elections.

The talking heads of the media abuse their status of self-serving ego massage by continuing to perpetuate their opinionated liberalized *spin* to reverse or rewrite American history and Sunday School teaching with a calculated *selective journalism* that defies logic by substituting *think control* to persuade those who hear, but don't listen, to support their self-serving hypothesis that evidences a *betrayal* of America by setting forth the premise that every man, woman and child who illegally enter this country by willful violation of our immigration laws *are not* criminals, but rather should be treated as *awardees* with citizenship and all of the lifetime entitlements and benefits of native born Americans as their *reward* for breaking our laws. **America Control (AC)** over immigration and America's borders is in the Constitution of the United States, not the Department of Justice Civil Rights Division of **D. C.** control!

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The *onus* for the appeal now before this honorable court is on the puppeteer President, Barack *Hussein Mohammad* Obama, who controls the puppet strings on his Attorney General, Eric Holder, to *defend their failure* to uphold the United States Constitution mandate requiring the federal government protection of America's borders; and specifically, President Barack *Hussein Mohammad* Obama's disingenuous behavior as the *betrayal* of the *oath of affirmation* and his alleged conscionable *borderline* (no pun intended) *treason* in direct violation of his oath of office and the Constitution of the United States.

The remedy for appellee on appeal to this honorable court is judicial relief from the United States Department of Justice *McCarthyist* style of litigation that's solely for political purposes, masturbatory civil rights and the quest for mobbish compurgation by voices such as

the Reverend Al Sharpton, who substitute *volume* for logic.

The decision of the lower court that condoned this diabolical scheme of malicious prosecution by one's own government must be *reversed*. A scheme that victimizes the *innocent* while an alleged *illegitimate* President Barack Hussein Mohammad Obama wears the crown of *deism* in the Oval Office to provide credibility to his ornate rhetoric that comes out of the back of an Arabian camel.

Article I, § 8 of the Constitution of the United States reads:

“ . . . The Congress shall have the power . . . to provide for the ‘common defense’ and ‘general welfare’ of the United States. To provide for calling of the Militia to *execute the laws of the Nation, suppress insurrection and repel invasions.*”

(Emphasis added)

The federal agencies and the federal officials such as the United States Attorney General, Eric Holder, Homeland Security, President Obama and Vice President Joe Biden are, *by law*, responsible for immigration *enforcement*, not its legislation for political gain, civil rights expediency, or to enlarge a political party's source of votes to guarantee reelection to carry out a Brave New World agenda of *involuntary socialism* as

a substitute for democracy.

The statutory *Immigration and Nationality Act ( "INA" )*, 8 U.S. C. §§  
1101 et seq., empowers various federal agencies (including appellant Department of  
Justice) to *administer* and *enforce* the statutory immigration laws promulgated by the  
Congress of the United States.

Arizonian's, and all of the other 49 states, have no other alternative other than  
dealing with a President and a "*do nothin'*" Congress that's allegedly involved in a  
*betrayal of America* in violation of their *oath of Office*; and a *Sheik of Araby* President  
that speaks with a *forked tongue* echoing from the bully-pit to one and all with stoic  
arrogance the federal government's policy on their monopoly of America's *illegal*  
immigration problem: "*We won't and you can't.*"

Article II, § 2 of the Constitution of the United States places the *responsibility* for  
the protection of America's borders *squarely* on the shoulders of the *President of the*  
*United States*, the *Vice President* and all other civil officers of the United States

(including the appellant Department of Justice), who by their *ongoing failure year-after-year* to perform a duty *they are required to perform* under constitutional and statutory Law, are allegedly allowing President Barack *Hussein Mohammad* Obama to arrogantly thumb his nose at America, ignore state rights and jeopardize national security in direct violation of the *oath of office* and the well-being of the people of America.

This honorable court has the *jurisdiction, precedent* and the legal *authority for judicial review* to determine whether President Barack *Hussein Mohammad* Obama is allegedly *guilty* of deliberately and willfully violating the *Oath of Affirmation* set forth in Article II, § 1 of the Constitution of the United States, an oath he vowed to honor at the January 20, 2009 inauguration. *Marbury v. Madison*, 5 U. S. 1 Cranch)137, 21 L. Ed. 60 (1803); *United States v. Richard M. Nixon, President of the United States*, 94 S. Ct. 3090, 418 U. S. 683 (1974).

Petitioner submits that President Barack *Hussein Mohammad* Obama's *ongoing* willful *failure* to enforce the nation's immigration laws is an alleged *impeachable offense*



in violation of Article II, § 4 of the Constitution of the United States; further, the filing of law suits by the Obama administration against states and public servants taking responsible action under *state rights* and the federal immigration laws to protect its citizenry from crime and crime lords and to resist the tactics, stratagem and boycotting by self-serving *organized* opportunist, *outlaw* sanctuary cities, non-profit *profiteers* and misguided religious groups and others, who place their own self-serving agenda above *patriotism* as well as *dividing* America with their *racial* and *ethnic* radicalism.

This court can make a *reasonable inference* based on the *ongoing* law suits by President Obama's United States Department of Justice against states and public officials (e.g., Arizona, Virginia) to *prevent* the enforcement of the immigration laws or alternatively, to encourage illegal aliens and others to be incorrigible, irascible, cantankerous, disobedient and to engage themselves in flouting law enforcement and the law itself to justify a *reversal* of the lower court's judgment.

The acts and actions of this administration evidence a *prima facie* case of a Presidential and Department of Justice *mind-set* sufficient enough to identify them as willing accessories to the Mexican governments self-serving migration movement to establish the *United States of Mexico* with a war of northern aggression supported by American politicians and interests groups who are aiding, abetting and contributing to criminal activity, disrespect for law and order and dependency on callous leadership that justifies a *reversal* of the lower court decision.

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The reality of the situation is that if America can't protect its borders, it can't protect its nation! The Arizona case should make America and the court aware of "*the threat of the invasion and the conquering of America without firing a shot*" as well as the sell-out of America by our elected politicians who strut while sitting down in *Star Spangled* attire.

WHEREFORE, the petitioner moves this honorable court to *reverse* the decision of the lower court in its *entirety* and to find constitutional violations against the

appellants for malicious prosecution and an *impeachable offense. United States v.*

*Richard M. Nixon, supra.*

Respectfully submitted,

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/s/ *Ray Elbert Parker*  
RAY ELBERT PARKER pro se

Post Office Box 320636  
Alexandria, Virginia 22320  
(703) 328 – 2366

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CERTIFICATE OF COMPLIANCE PURSUANT TO  
F. R. A. P. 32 ((a) (7) AND CIRCUIT COURT RULE 32 – 1

I, RAY ELBERT PARKER, hereby certify that pursuant to Federal Rules of

Appellate Procedure 32 (a) (7) (C) and the Ninth Circuit Rule 32 – 1, the attached Brief  
of *amicus curiae* is proportionally spaced, has a typeface of 12 points, or more and  
contains 1,432 words or alternatively 121 lines of text.

/s/ Ray Elbert Parker  
RAY ELLBERT PARKER pro se

## CERTIFICATE OF SERVICE

I, RAY ELBERT PARKER, hereby certify *under oath* that a true copy of the *amicus curiae* Brief has this 5<sup>th</sup> day of October, 2010, been mailed, postage prepaid,

to the following: John J. Bouma, Esq., on behalf of Robert A. Henry, Esq.; Joseph G.

Adams, Esq., *SNELL & WILLMER, L. L. P.*, One Arizona Center, 400 East Van Buren,

Phoenix, Arizona 85004 – 2202; and Joseph A. Kanefield, Esq., Office of the Governor

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Janice K. Brewer, 1700 West Washington, 9<sup>th</sup> Floor, Phoenix, Arizona 85007, counsel

for defendants/appellants.

And Tony West, Esq., Assistant United States Attorney General on behalf of

Dennis R. Burke, Esq.; Arthur R. Goldberg, Esq.; Varn Chilakman, Esq., and Joshua

Wilkenfeld, Esq., UNITED STATES DEPARTMENT OF JUSTICE, Civil Division, 20

Massachusetts Avenue, NW, Washington, D. C. 20530 , counsel for plaintiff – appellee.

/s/ Ray Elbert Parker

RAY ELBERT PARKER

Post Office Box 320636

Alexandria, Virginia 22320

(703) 328 – 22366

