

1 Paul Andrew Mitchell, B.A., M.S.
 2 Private Attorney General, 18 U.S.C. 1964(a)
 3 c/o Forwarding Agent
 4 501 West Broadway #A-332
 5 San Diego 92101
 6 CALIFORNIA, USA

7
 8 Fax: (619) 232-2011 (use cover sheet)

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FILED
 SEP 18 2008

MICHAEL E. KUNZ, Clerk
 By _____ **Dep. Clerk**

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 16 UNITED STATES DISTRICT COURT
 17 EASTERN DISTRICT OF PENNSYLVANIA
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19
 20 PHILIP J. BERG, ESQUIRE [sic],) Case No. 2:08-CV-04083 (RBS)
 21)
 22 Plaintiff)
 23)
 24 v.)
 25)
 26 BARACK HUSSEIN OBAMA et al.,)
 27)
 28 Defendants.)
 29 -----)
 30)
 31 United States) **APPLICATION FOR LEAVE**
 32 ex relatione) **TO INTERVENE AND FOR**
 33 Paul Andrew Mitchell,) **A WRIT IN THE NATURE**
 34) **OF A PROHIBITION:**
 35 Applicant.) All Writs Statute,
 36 _____) 28 U.S.C. 1651(a).

37 COMES NOW the **United States** ("Applicant") *ex relatione* Paul Andrew
 38 Mitchell, B.A., M.S., Citizen of ONE OF the **United States of America**,
 39 Private Attorney General, Criminal Investigator and Federal Witness
 40 (hereinafter "Relator") to apply formally for leave to intervene in
 41 the instant case, to petition this honorable Court for a Writ in the
 42 nature of a Prohibition if leave is granted, and to provide timely
 43 written Notice to all interested Party(s) of same.

44

1 In particular, Relator has had frequent occasion to cite the
2 correct holding in Pannill v. Roanoke, in which a Federal court held
3 that federal citizens aka "citizens of the United States" were not
4 even contemplated when the organic Constitution was first drafted, and
5 then ratified on June 21, 1788 A.D. Cf. "Federal citizenship" in
6 Black's Law Dictionary, Sixth Edition. Relator was born on June 21.

7 Please take careful note of the lower-case "c" in "citizen".

8 Applicant hereby notoriously objects to the Seventh and Eighth
9 Editions of Black's Law Dictionary, because there is no definition of
10 "United States" in *either* Edition! Applicant assures the entire world
11 that it still exists, all allegations to the contrary notwithstanding.

12 For similar reasons, it also appears to Applicant now that Named
13 Defendant Barack Hussein Obama is likewise not eligible to serve in
14 the Office of President of the United States of America, because he
15 also was not a natural born Citizen of the United States at the moment
16 of his birth. Relator is eligible to serve in that Office, however!

17 "United States" in the latter context means "States united".

18 In the event that this honorable Court should grant timely leave
19 to Applicant United States to intervene *ex rel.* in the instant case,
20 the United States *ex rel.* hereby notifies all interested Party(s) of
21 its intent to seek a prompt Writ in the nature of a Prohibition,
22 forever barring both Messrs. Barack Hussein Obama and John Sidney
23 McCain III from ever serving in the Office of President of the United
24 States of America, for reasons summarized succinctly above.

25 See 28 U.S.C. 1651(a) *in pari materia* with 28 U.S.C. 132, to wit:

- 26 (a) The Supreme Court and all courts established by Act of
27 Congress may issue all writs necessary or appropriate in
28 aid of their respective jurisdictions and agreeable to the
29 usages and principles of law. [emphasis added]

30

1 **INCORPORATION OF RELATED LITIGATION**

2 Due chiefly to the far-reaching legal and historical implications
3 of the instant case, Applicant has reason to expect that this case
4 will be appealed, sooner or later, to the Supreme Court of the United
5 States, regardless of any interlocutory or final judgment(s) which
6 this honorable United States District Court may issue on the merits.

7 Because the questions of Law in the case of Bush v. Palm Beach
8 Canvassing Board are substantially identical, Applicant wishes hereby
9 to incorporate by reference the pleading filed by Relator on behalf of
10 the People of the United States of America in the latter case.

11 For the convenience of all, their APPLICATION FOR LEAVE TO
12 INTERVENE BY RIGHT in Bush v. Palm Beach Canvassing Board is archived
13 here on the Internet, for the benefit of those People:

14 <http://www.supremelaw.org/cc/palmbeach/index.htm>

15 Applicant hereby requests mandatory judicial notice by this Court
16 of the latter APPLICATION FOR LEAVE TO INTERVENE BY RIGHT, pursuant to
17 Rule 201(d) of the Federal Rules of Evidence and also pursuant to the
18 Full Faith and Credit Clause in the U.S. Constitution, and
19 incorporates same by reference as if set forth fully here.
20

21 To minimize unnecessary paperwork and postage expenses, Relator
22 now offers to provide any interested Party(s) with a verified hard
23 copy of said APPLICATION FOR LEAVE TO INTERVENE and all Exhibits
24 incorporated therein, upon receipt of a written request for same and a
25 blank U.S. Postal Money in the amount of ten (\$10.00) United States
26 Dollars. The latter fee is required to cover printing, postage and
27 handling, and to encourage all to access *instead* the electronic copies
28 archived in the *Supreme Law Library* on the Internet. (See URL above.)

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REMEDIES REQUESTED

All premises having been duly considered, the United States now appearing *ex rel.* Paul Andrew Mitchell, Private Attorney General, hereby petitions this honorable Court for formal leave to intervene in the instant case for the purpose of formally requesting a Writ in the nature of a Prohibition forever barring Messrs. Barack Hussein Obama and John Sidney McCain III from ever occupying the Office of President of the United States of America.

VERIFICATION

I, Paul Andrew Mitchell, *Sui Juris*, hereby verify, under penalty of perjury, under the laws of the **United States of America**, without the "**United States**" (Federal government), that the above statement of facts and laws is true and correct, according to the best of My current information, knowledge, and belief, so help me God, pursuant to 28 U.S.C. 1746(1). See Supremacy Clause (*Constitution, Laws and Treaties* are all the supreme Law of the Land).

Dated: September 15, 2008 A.D.

Signed:



Printed: Paul Andrew Mitchell, Private Attorney General

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1 **PROOF OF SERVICE**

2 I, Paul Andrew Mitchell, *Sui Juris*, hereby certify, under penalty of
3 perjury, under the laws of the **United States of America**, without the
4 "**United States**" (Federal government), that I am at least 18 years of
5 age, a Citizen of ONE OF the **United States of America** and that I
6 personally served the following document(s):

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SEP 18 2008

7 **APPLICATION FOR LEAVE TO INTERVENE AND**
8 **FOR A WRIT IN THE NATURE OF A PROHIBITION:**

MICHAEL E. KUNZ, Clerk
Dep. Clerk

9 All Writs Statute, 28 U.S.C. 1651(a)

10 by placing one true and correct copy of said document(s) in first
11 class United States Mail, with postage prepaid and properly addressed
12 to the following:
13

14 ✓ **Clerk of the Court** (3x)
15 Attn: R. Barclay Surrick
16 U.S. Courthouse
17 601 Market Street
18 Philadelphia 19106-1797
19 PENNSYLVANIA, USA

Federal Election Commission (1x)
999 "E" Street, N.W.
Washington 20463
DISTRICT OF COLUMBIA, USA

22 **Barack Hussein Obama** (1x)
23 United States Senate
24 713 Hart Senate Office Building
25 Washington 20510
26 DISTRICT OF COLUMBIA

John Sidney McCain III (1x)
United States Senate
241 Russell Senate Office Building
Washington 20510
DISTRICT OF COLUMBIA, USA

28 **Democratic National Committee** (1x)
29 430 S. Capitol Street, S.E.
30 Washington 20003
31 DISTRICT OF COLUMBIA, USA

Republican National Committee (1x)
310 First Street
Washington 20003
DISTRICT OF COLUMBIA, USA

33 **Philip J. Berg, Esquire** [sic] (1x)
34 555 Andorra Glen Court, Suite 12
35 Lafayette Hill 19444-2531
36 PENNSYLVANIA, USA

Clerk of Court (1x)
Supreme Court of the United States
One First Street, N.E.
Washington 20543-0001
DISTRICT OF COLUMBIA, USA

39 Dated: September 15, 2008 A.D.

41 Signed:



44 Printed: Paul Andrew Mitchell, Private Attorney General

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