

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

COMMONWEALTH OF VIRGINIA
EX REL. KENNETH T. CUCCINELLI, II,
In his official capacity as the
Attorney General for Virginia

Plaintiff,

v.

Civil Action No. 3: 10 cv 188

KATHLEEN SEBELIUS, SECRETARY,
DEPARTMENT OF HEALTH AND
HUMAN SERVICES
In her official capacity as Secretary

Defendant.

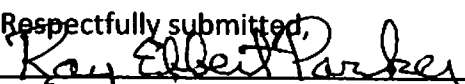
MOTION TO FILE SUPPLEMENT MOTION FOR AMICUS CURIAE PARTY

The amicus curiae petitioner, Ray Elbert Parker pro se, the undersigned named below, hereby files his Supplement Motion and Memorandum pursuant to 28 U. S. C. § 1404(a); Rules 6(c), 11 (a) (b) and 12 (b) (1) (3) of the Federal Rules of Civil Procedure; and Rules 3 (a) (b) (c), 7 and 83.1 of the Local Rules of this Court, as amended, as a friend of the court to assist in bringing justice to the proper forum that's dispositive of this case or alternatively, to prevent flawed litigation harmful to one or both parties to this cause of action as well as to the citizenry of Virginia and America and to minimize an unreasonable burden on the federal circuit courts.

The amicus curiae participant respectfully moves this honorable court for an order to dismiss the above cause of action, *without prejudice* to either party, accompanied by instructions in the order for the parties to initiate a *timely new* action in *The United States District Court for the District of Columbia Circuit*, the proper forum for actions brought against federal agencies, officers and public officials in the federal sector.

In support of this motion, the petitioner proffers to the court the accompanying Memorandum in support of his legal premise and his previous Motion and Memorandum filed in this case on the **3<sup>rd</sup> day of June, 2010**, which is incorporated herein pursuant to Rule 10 (c) of the Federal Rules of Civil Procedure, as if fully stated again.

**WHEREFORE**, the petitioner pro se respectfully moves this Honorable Court to dismiss the above cause of action without prejudice for *lack of jurisdiction* as set forth in the accompanying Memorandum and without this court reviewing and deciding any of the plaintiff's issues or defendant's oppositions pending before this court.

Respectfully submitted,  
/s/   
RAY ELBERT PARKER PRO SE

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

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UNITED STATES DISTRICT COURT  
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**COMMONWEALTH OF VIRGINIA** )  
**EX REL. KENNETH T. CUCCINELLI, II** )  
 In his official capacity as Attorney )  
 General of the Commonwealth of Virginia )

Plaintiff, )

v. )

**Civil Action No. 3: 10 cv 188**

**KATHLEEN SEBELIUS, SECRETARY,** )  
**DEPARMEN OF HEALTH AND** )  
**HUMAN SERVICES** )  
 In her official capacity. )

Defendant. )

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**CERTIFICATE OF SERVICE**

Petitioner, **RAY ELBERT PARKER PRO SE**, hereby certifies *under oath* that a true copy of the above pleadings together with the certificate of service has this **16th day of June, 2010**, been served by **certified mail with return requested**, postage prepaid, upon ***The Honorable Kenneth T. Cuccinelli, Attorney General for the Commonwealth of Virginia***, Office of the Attorney General, 900 East Main Street, Richmond, Virginia 23219; and ***The Honorable Eric Holder, Attorney General for the United States of America***, United States Department of

Justice, 950 Pennsylvania Avenue, NW, Suite 400, Washington, D.C. 20530.

And by first class mail, postage prepaid, upon *plaintiff's* team of lawyers as follows:

**Charles E. James, Jr., Esq.; Stephen R. McCulloug, Esq.; Earle Duncan Getchell, Jr., Esq.;** and **Wesly Glenn Russell, Jr., Esq.,** Office of the Attorney General for the Commonwealth of Virginia, 900 Main Street,, Richmond, Virginia 23219.

And by first class mail, postage prepaid, upon *defendant's* team of lawyers as follows:

**Jonathan H. Hambrick, Esq.,** United States Attorney, Office of the United States Attorney, 600 Main Street, Suite 1800, Richmond, Virginia 23219; and **Jennifer R. Rivera, Esq.,** (admitted *pro hac vice*), Director; **Sheila M. Lieber, Esq.** (admitted *pro hac vice*), Deputy Director; **Joel McElvan, Esq.,** (admitted *pro hac vice*); and **Erika L. Myers, Esq.,** (admitted *pro hac vice*), Assistant United States Attorneys, United States Department of Justice, Civil Division Federal Programs Branch, 20 Massachusetts Avenue, NW, Room 7332, Washington, D. C. 20001.

And courtesy copies by first class mail, postage prepaid, to the following: **The**

**Honorable Mark R. Warner, United States Senator (D. VA.),** 459 – A Russell Senate Office Building, Washington, D. C. 20510; **The Honorable Jim Webb, United States Senator (D. Va.),**

248 Russell Senate Office Building, Washington, D. C. 20510; **The Honorable Robert F.**

**McDonnell, Governor of the Commonwealth of Virginia,** Office of the Governor, Patrick Henry Building, 3<sup>rd</sup> Floor, 1111 East Broad Street, Richmond, Virginia 23219; and **The Honorable Ira**

**William "Bill" McCollum,** Attorney General for the State of Florida, Office of the Attorney General, The Capitol Plaza – 01, Tallahassee, Florida 32399 – 1050.

Respectfully submitted,  
/s/ Ray Elbert Parker  
RAY ELBERT PARKER PRO SE

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