

# Plaintiff Requests En Banc Hearing in Harris Eligibility Case

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February 13, 2021

by Sharon Rondeau

(Feb. 13, 2021) — On Friday the plaintiff in a case challenging Kamala Harris’s eligibility to serve as vice president filed a petition for rehearing by the full U.S. Court of Appeals for the D.C. Circuit, asserting that a three-judge panel rejecting his initial appeal rendered its decision in contravention of U.S. Supreme Court and the appellate court’s own precedents.

UNITED STATES COURT  
OF APPEALS -D.C. CIRCUIT

U.S., ex rel, Robert C. Laity, pro se,  
-Petitioner

v.

Purported Vice-President of the  
United States Kamala Devi Harris,  
-Defendant

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

PETITION FOR REHEARING EN BANC

Dated: February 12, 2021

The petitioner hereby petitions this court for **REHEARING EN BANC** of the panel decision dated February 5, 2021 in the above-captioned matter pursuant to F.R.App.P. rule 35 (b). The panel decision conflicts with a decision of the United States Supreme Court or of this court and consideration by the full court is therefore necessary to secure and maintain uniformity of the court’s decisions; or

“...consideration by the full court is therefore necessary to secure and maintain uniformity of the court’s decisions,” Robert C. Laity asserted in his opening paragraph.

“Petitioner would most likely prevail on the merits of this case should the facts and the law that require a vice-president or president of the United States be a natural born citizen of the United States is adjudicated,” Laity wrote. “Petitioner has been shut out on an assertion of lack of standing. Dismissal with prejudice is not warranted.”

In its February 5 opinion, the three judges not only wrote that the outcome of the case was a foregone conclusion, but also ordered Laity to submit, within 30 days, a rationale for why he should not be sanctioned for allegedly having filed a “frivolous” lawsuit. On February 8, Laity responded to the court with, “There is not a scintilla of frivolity in taking action to ensure that the integrity of our nation’s highest offices are protected against foreign intrusion...That this court suggested *sua sponte* that my appeal is ‘frivolous’ (that there is no serious purpose or value) in trying to ensure that our highest offices are not breached gives me great cause for concern.”

### Harris-Appellant-replyDownload

On Friday Laity additionally asserted that the panel's opinion that he lacks "standing" to challenge Harris's eligibility is misguided. "I have demonstrated that since 2008 there has been a pattern of usurpations of our Presidency and Vice-Presidency as well as bi-partisan attempts to usurp the Presidency," he wrote, referring to previous challenges he filed alleging non-natural-born-citizenship on the part of Barack Hussein Obama II, Texas Sen. Ted Cruz, Illinois Sen. Tammy Duckworth, the late Sen. John McCain, former Louisiana Gov. Bobby Jindal, and Florida Sen. Marco Rubio. "This is an untenable invasion upon the sovereignty of the United States Government. An American is duty bound by their citizenship to act to preserve the integrity of our highest offices and to defend the republic."

### Harris-En-Banc-Download

Harris's parents were visitors to the United States on student visas at the time their eldest daughter was born in Oakland, CA on October 20, 1964. Government documents released by a researcher last year appear to indicate that Harris's mother, nee Shyamala Gopalan of India, never became a U.S. citizen. Her father, Donald J. Harris of Jamaica, states in his Stanford University professor emeritus biography that he naturalized as a U.S. citizen but without stating the year. However, at the time, neither parent had resided in the United States for the required five years to apply for citizenship.

Laity and many others believe that the Framers envisioned the term "natural born Citizen" invoked in Article II, Section 1, clause 5 of the Constitution to mean an individual with unquestionably undivided allegiance to the new nation through his birthplace not only within the country, but also to parents who were already its citizens. The Framers made an exception for themselves to qualify for the presidency through the "grandfather clause," which states, "...or a Citizen of the United States, at the time of the Adoption of this Constitution."

In 1804, the 12th Amendment was ratified, amending provisions of the Electoral College which elects the president and vice president as well as stipulating that all vice-presidential candidates must meet the qualifications of the president.

"The act of a usurper to take a salary from the U.S. Government to which he/she is not entitled is fraud under the False Claims Act," Laity wrote on page 3 of his petition. "The FCA grants standing to those who bring such fraud to the attention of the Government. in Qui Tam. The defendant has been sworn into an office to which she is constitutionally barred from occupying. Article II and the 12th Amendment bars non "Natural Born Citizen" from being President and/or Vice-President."

Federal courts possess the "sole authority" to issue a "Quo Warranto" action against any federal office-holder "in the District" accused of occupying a position without proper authority, Laity contended. "The usurpation of the vice-presidency by the defendant has opened the floodgates to a tyrannical regime," he further asserted.

“The plaintiff has a particularized 14th Amendment ‘Liberty’ interest in ensuring that the President of the United States and the Vice-President of the United States be a bona-fide, constitutionally eligible occupant of said public office pursuant to Article II and the 12th Amendment,” Laity wrote on page 7. “The plaintiff is himself threatened actually with loss of liberty. Since 2008 when Barack Obama usurped the Presidency by fraud and again in 2012 the plaintiff has experienced a steady, palpable and evolving diminishment of his civil rights. In the election between Barack Obama and John McCain there was bi-partisan fraud. Neither Obama or McCain are/were Article II Natural Born Citizens of the United States...”

The final page of Laity’s brief contends that “Joseph Biden” participated in Obama’s alleged defrauding of the nation’s electorate in 2008 and 2012. Further, Laity alleged, “Both Harris and Biden are constitutionally barred from holding ‘any office under the United States’ by virtue of their unlawful frauds against the United States,” and that therefore, “The Panel’s affirmation in favor of defendant should be reversed.”

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