

APPEAL

**U.S. District Court [LIVE AREA]  
Georgia Middle District (Columbus)  
CIVIL DOCKET FOR CASE #: 4:09-cv-00106-CDL**

**Internal Use Only**

09-15418-BB

Rhodes v. MacDonald et al  
Assigned to: Judge Clay D. Land  
Case in other court: Eleventh Circuit Court of Appeals, 09-15418BB  
Cause: 15:5

Date Filed: 09/04/2009  
Date Terminated: 09/16/2009  
Jury Demand: Plaintiff  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Connie Rhodes**  
*Captain, M.D., F.S.*

represented by **Connie Rhodes**  
PRO SE

I certify that this docket sheet is a true copy and all attached documents are true copies of the original papers or electronic filings in this case.

*Nora Paul* 1-13-10  
Deputy Clerk Date

**Orly Taitz**  
Law Offices Of Orly Taitz Esq  
26302 La Paz Ste 211  
Mission Viego , CA 92691  
949-683-5411  
Email: dr\_taitz@yahoo.com  
TERMINATED: 09/28/2009  
LEAD ATTORNEY  
PRO HAC VICE  
ATTORNEY TO BE NOTICED

V.

**Defendant**

**Thomas D MacDonald**  
*Colonel, Garrison Commander, Benning*



represented by **Rebecca Elaine Ausprung**  
U.S. Army Litigation Division  
901 N STUART ST STE 400  
ARLINGTON , VA 22203  
703-696-1614  
Fax: 703-696-8126  
Email: rebecca.ausprung@us.army.mil  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Sheetul S. Wall**  
U.S. Attorney's Office  
P.O. Box 2568  
Columbus , GA 31902-2568

706-649-7700  
Fax: 706-649-7667  
Email: Sheetul.S.Wall@usdoj.gov

**Defendant**

**George Steuber**  
*Deputy Commander, Fort Benning*

represented by **Rebecca Elaine Ausprung**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sheetul S. Wall**  
(See above for address)

**Defendant**

**Robert M. Gates**  
*Secretary of Defense*

represented by **Rebecca Elaine Ausprung**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sheetul S. Wall**  
(See above for address)

**Defendant**

**Barack Hussein Obama**

represented by **Rebecca Elaine Ausprung**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Sheetul S. Wall**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Movant**

**Orly Taitz**

represented by **Orly Taitz**  
Law Offices Of Orly Taitz Esq  
26302 La Paz Ste 211  
Mission Viego, CA 92691  
949-683-5411  
Email: dr\_taitz@yahoo.com  
PRO SE

**Movant**

**Victor M Serby**

represented by **Victor M Serby**  
255 Hewlett Neck Road  
Woodmere, NY 11598-1452  
516-374-2455  
PRO SE

Date Filed	#	Docket Text
------------	---	-------------

*Begin Vol. 1*

09/04/2009	(1)	COMPLAINT filed by Connie Rhodes against all defendants; Filing Fee \$ 350, Receipt Number 812572 (Attachments: # 1 Exhibits)(tlf). (Entered: 09/04/2009)
09/04/2009	(2)	Notice of Error in Filing (related document(s): 1 Complaint filed by Connie Rhodes) (tlf). (Entered: 09/04/2009)
09/04/2009		Notification emailed to Orly Taitz regarding submitting a pro hac vice petition, paying the \$100.00 pro hac vice fee and associating local counsel. (nop) (Entered: 09/04/2009)
09/04/2009	(3)	MOTION for Temporary Restraining Order by Connie Rhodes filed by Orly Taitz. (Attachments: # 1 Supplement, # 2 Affidavit Affidavit of a Licensed investigator re 39 social security numbers and 140 addresses for Barack Obama, # 3 Exhibit list of 140 addresses and 39 social security numbers for Barack Obama)(Taitz, Orly) (Entered: 09/04/2009)
09/04/2009	(4)	MOTION request for emergency hearing September 9-10 due to scheduled deployment September 12 by Connie Rhodes filed by Orly Taitz.(Taitz, Orly) (Entered: 09/04/2009)
09/08/2009	(5)	Notice of Error in Filing (related document(s): 3 Motion for TRO, filed by Connie Rhodes, 4 Motion for Miscellaneous Relief filed by Connie Rhodes) (tlf). (Entered: 09/08/2009)
09/09/2009	(6)	Summons Issued as to Thomas D MacDonald on 9/9/2009; George Steuber on 9/9/2009; Robert M. Gates on 9/9/2009; Barack Hussein Obama on 9/9/2009, U.S. Attorney (G.F. Peterson, III) Summons Issued 9/9/2009. (esl) (Entered: 09/09/2009)
09/10/2009	(7)	SUMMONS Returned Executed by Connie Rhodes as to Thomas D MacDonald; George Steuber; Robert M. Gates; Barack Hussein Obama; and G.F. Peterson III (U.S. Attorney) on 9/9/2009. (esl) (Entered: 09/10/2009)
09/10/2009		NOTICE of Hearing on Motion 3 MOTION for Temporary Restraining Order, 4 MOTION request for emergency hearing; Motion Hearing set for 9/11/2009 02:00 PM in Columbus before Judge Clay D. Land. (pgs) (Entered: 09/10/2009)
09/11/2009	(8)	MOTION to Dismiss Plaintiff's Complaint for Damages, Declaratory Judgment, and Injunctive Relief and Application for TRO by Thomas D MacDonald, George Steuber, Robert M. Gates, Barack Hussein Obama filed by Sheetul S. Wall. (Attachments: # 1 Exhibit A Deployment Orders)(Wall, Sheetul) (Entered: 09/11/2009)
09/11/2009	(9)	DEMAND for Trial by Jury by Connie Rhodes (tlf). (Entered: 09/11/2009)
09/11/2009	(10)	Request for judicial notice by Connie Rhodes (tlf). (Entered: 09/11/2009)
09/11/2009		Hearing set for 9/14/2009 12:00 PM in Columbus before Judge Clay D. Land (tlf). (Entered: 09/11/2009)
09/11/2009	(30)	Minute Entry for proceedings held before Judge Clay D. Land, Columbus, GA: Motion Hearing held on 9/11/2009 re 3 MOTION for Temporary

VOL 1 CONT'D

		Restraining Order, filed by Connie Rhodes. [Hearing continued] (tfs) (Entered: 10/21/2009)
09/14/2009	(11)	EXHIBIT(S) <i>A Deployment Orders (redacted)</i> by Thomas D MacDonald, George Steuber, Robert M. Gates, Barack Hussein Obama re 8 MOTION to Dismiss Plaintiff's Complaint for Damages, Declaratory Judgment, and Injunctive Relief and Application for TRO (Wall, Sheetul) (Entered: 09/14/2009)
09/14/2009		(Court only) ***Terminated 4 MOTION request for emergency hearing September 9-10 due to scheduled deployment September 12 filed by Connie Rhodes (tlf). (Entered: 09/14/2009)
09/14/2009	(12)	Minute Entry for proceedings held before Judge Clay D. Land: Motion Hearing held on 9/14/2009. Written Order to follow (Attachments: # 1 Exhibits) (tlf). (Entered: 09/15/2009)
09/16/2009	(13)	ORDER denying 3 Motion for TRO; granting 8 Motion to Dismiss. Ordered by Judge Clay D. Land on 09/16/2009. (CGC) (Entered: 09/16/2009)
09/16/2009	(14)	JUDGMENT in favor of Defendants. (esl) (Entered: 09/16/2009)
09/17/2009	(15)	BRIEF <i>Request for stay of deployment pending motion for reconsideration of judgment</i> filed by Connie Rhodes re 13 Order on Motion for TRO, Order on Motion to Dismiss, 14 Judgment (Taitz, Orly) (Entered: 09/17/2009)
09/17/2009		Attorney Orly Taitz admitted pro hac vice as of 9/14/09 for Cpt. Connie Rhodes. Pro hac vice fee paid 9/14/09 \$100.00 Receipt #404677. (nop) (Entered: 09/17/2009)
09/18/2009	(16)	Notice of Error in Filing (related document(s): 15 Brief filed by Connie Rhodes) (tlf). (Entered: 09/18/2009)
09/18/2009	(17)	ORDER denying 15 Motion for Stay of Deployment filed by Connie Rhodes. Ordered by Judge Clay D. Land on 09/18/2009. (CGC) (Entered: 09/18/2009)
09/18/2009	(18)	Letter from plaintiff regarding withdrawal of motion to stay (tlf). (Entered: 09/18/2009)
09/26/2009	(19)	MOTION to Withdraw as Attorney by Connie Rhodes filed by Orly Taitz. (Taitz, Orly) (Entered: 09/26/2009)
09/28/2009		Notice of Error in Filing (related document: 19 Motion to Withdraw as Attorney filed by Connie Rhodes ). <b>DOCUMENT IS NOT SIGNED AND MUST BE RE-FILED ONCE EXECUTED WITH AN "S/signature"</b> . (esl) (Entered: 09/28/2009)
09/28/2009	(20)	MOTION to Withdraw as Attorney by Connie Rhodes filed by Orly Taitz. (Taitz, Orly) (Entered: 09/28/2009)
09/28/2009		TEXT ONLY Notice of Error in Filing (related document: 20 Motion to Withdraw as Attorney filed by Connie Rhodes ). <b>SIGNED CERTIFICATE OF SERVICE IS MISSING FROM DOCUMENT. PLEASE E-FILE AN EXECUTED CERTIFICATE OF SERVICE AND LINK IT BACK</b>

VOL 1 CONT'D

		<b>TO DOCUMENT 20</b> . Failure to include service on Plaintiff will result in another Notice of Error in Filing. (esl) (Entered: 09/28/2009)	
09/28/2009		(Court only) ***Motion terminated: <u>19</u> MOTION to Withdraw as Attorney filed by Connie Rhodes. Document re-filed (see document # 20). (esl) (Entered: 09/28/2009)	
09/28/2009	(21)	ORDER granting <u>20</u> Motion to Withdraw as Attorney <b>with conditions</b> (see order for explanation). Attorney Orly Taitz terminated. Ordered by Judge Clay D. Land on 09/28/2009 (esl) (Entered: 09/28/2009)	
09/29/2009	(22)	MOTION to Withdraw as Attorney by Connie Rhodes filed by Orly Taitz. (Taitz, Orly) (Entered: 09/29/2009)	
09/30/2009		(Court only) ***Motion terminated as moot: <u>22</u> MOTION to Withdraw as Attorney filed by Connie Rhodes. (esl) (Entered: 09/30/2009)	
10/02/2009	(23)	TRANSCRIPT of Proceedings held on 9/14/2009, before Judge Clay D. Land. Court Reporter/Transcriber Betsy Peterson. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must electronically file a <u>Transcript Redaction Request</u> with the Clerk's Office within 21 calendar days of this date. The Policy governing the redaction of personal information is located on the court website at <a href="http://www.gamd.uscourts.gov">www.gamd.uscourts.gov</a> . <u>Read this policy carefully</u> . If no Transcript Redaction Request is filed within 21 calendar days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available via PACER 90 days from today's date. (Peterson, Betsy) (Entered: 10/02/2009)	Vol. 3
10/02/2009	(24)	MOTION for Recusal by Connie Rhodes filed by Orly Taitz.(Taitz, Orly) (Entered: 10/02/2009)	
10/02/2009	(25)	MOTION for Extension of Time to File response. by Connie Rhodes filed by Orly Taitz.(Taitz, Orly) (Entered: 10/02/2009)	
10/04/2009	(26)	EXHIBIT(S) by Connie Rhodes re <u>24</u> MOTION for Recusal (Attachments: # <u>1</u> Affidavit Affidavit of Robert Douglas, # <u>2</u> Affidavit Affidavit of Robert Douglas 2)(Taitz, Orly) (Entered: 10/04/2009)	
10/05/2009		(Court only) ***Motion(s) Submitted: <u>25</u> MOTION for Extension of Time to File response. (tls) (Entered: 10/05/2009)	
10/07/2009	(27)	TRANSCRIPT of Proceedings held on 9/11/2009, before Judge Clay D. Land. Court Reporter/Transcriber Betsy Peterson. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. IMPORTANT NOTICE - REDACTION OF TRANSCRIPTS: In order to remove personal identifier data from the transcript, a party must	Vol. 2

VOL 1 CONT'D

		electronically file a <u>Transcript Redaction Request</u> with the Clerk's Office within 21 calendar days of this date. The Policy governing the redaction of personal information is located on the court website at <a href="http://www.gamd.uscourts.gov">www.gamd.uscourts.gov</a> . <u>Read this policy carefully</u> . If no Transcript Redaction Request is filed within 21 calendar days of this date, the court will assume redaction of personal identifiers is not necessary and the transcript will be made available via PACER 90 days from today's date. (Peterson, Betsy) (Additional attachment(s) added on 10/8/2009: # <u>1</u> Corrected signature page) (esl). (Entered: 10/07/2009)
10/13/2009	<u>28</u>	ORDER denying <u>24</u> Motion for Recusal; denying <u>25</u> Motion for Extension of Time. Ordered by Judge Clay D. Land on 10/13/2009. (Ira) (Entered: 10/13/2009)
10/13/2009		(Court only) Set Deadlines: filing of government brief and payment of \$ 20,000 sanction due no later than 11/13/2009. (esl) (Entered: 10/13/2009)
10/13/2009		(Court only) CERTIFICATE OF SERVICE for document <u>28</u> Sanctions Order I certify that on this date I have mailed by United States Postal Service a copy of <u>28</u> Order to the State Bar of California (tlf). (Entered: 10/13/2009)
10/13/2009		(Court only) ***Party Orly Taitz added as a movant. (tls) (Entered: 10/23/2009)
10/20/2009	<u>29</u>	NOTICE OF APPEAL as to <u>21</u> Order on Motion to Withdraw as Attorney, <u>13</u> Order on Motion for TRO, Order on Motion to Dismiss, <u>14</u> Judgment, <u>17</u> Order, <u>28</u> Order on Motion for Recusal, Order on Motion for Extension of Time (Misc) by Connie Rhodes. Filing fee \$ 455, Receipt No.: 113G000000000831915. (Taitz, Orly) (Entered: 10/20/2009)
10/21/2009		(Court only) ***Remark No Number: Minute Sheet for 9/11/09 was filed today. It is Document #30, and follows Document #10. (tls) (Entered: 10/21/2009)
10/23/2009	<u>31</u>	Letter of Transmittal re <u>29</u> Notice of Appeal., Certified Copy of Notice of Appeal, Docket Sheet, Order appealed from. NOTICE: A Civil Appeal Statement must be filed with the Court of Appeals. A copy of this form may be obtained from the District Clerk's Office or the district court internet site ( <a href="http://www.gamd.uscourts.gov">www.gamd.uscourts.gov</a> ). (tls) (Entered: 10/23/2009)
10/23/2009	<u>32</u>	Letter to Dr. Orly Taitz regarding transcript order form as to <u>29</u> Notice of Appeal. (tls) (Entered: 10/23/2009)
10/23/2009		(Court only) CERTIFICATE OF SERVICE for document <u>32</u> Letter of Transmittal - Other I certify that on this date I have mailed by United States Postal Service a copy of <u>32</u> Letter and a Transcript Information Form to Dr. Orly Taitz. (tls) (Entered: 10/23/2009)
10/23/2009	<u>33</u>	MOTION for Leave to File an amicus curiae brief filed by Victor M Serby (Attachments: # <u>1</u> Amicus Brief, # <u>2</u> Envelope)(tlf). (Entered: 10/23/2009)
10/29/2009	<u>34</u>	USCA Case Number re <u>29</u> Notice of Appeal (tlf). (Additional attachment(s) added on 1/8/2010: # <u>1</u> USCA Letter to Orly Taitz - 10/27/09) (tls). (Entered: 10/29/2009)

VOL 1 CONTD

11/10/2009	(35)	BRIEF by Defendant in Response to the Court's Order dated October 13, 2009 filed by Thomas D MacDonald, George Steuber, Robert M. Gates, Barack Hussein Obama re <u>28</u> Order on Motion for Recusal, Order on Motion for Extension of Time (Misc) (Wall, Sheetul) (Entered: 11/10/2009) <i>End Vol. 1</i>
11/13/2009	<u>36</u>	ORDER for final judgment against Orly Taitz. Ordered by Judge Clay D. Land on 11/13/09. (tls) (Entered: 11/13/2009)
11/13/2009	<u>37</u>	JUDGMENT against Orly Taitz. (tls) (Entered: 11/13/2009)
11/17/2009		(Court only) ***Deadlines terminated for redaction requests, transcript information form, redacted transcript, brief, and fee. (tls) (Entered: 11/17/2009)
01/04/2010		(Court only) ***Motion(s) Submitted: <u>33</u> MOTION for Leave to File an amicus curiae brief (tls) (Entered: 01/04/2010)
01/05/2010		(Court only) ***Motion(s) terminated as moot: <u>33</u> MOTION for Leave to File an amicus curiae brief filed by Victor M Serby. (tls) (Entered: 01/05/2010)
01/06/2010		(Court only) ***Deadlines terminated for transcript release for <u>23</u> Transcript. (tls) (Entered: 01/06/2010)
01/12/2010		(Court only) ***Deadlines terminated for release of <u>27</u> transcript. (tls) (Entered: 01/12/2010)