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December 24, 2009

Office of the Clerk
U.S. Court of Appeals
333 Constitution Avenue, NW
Washington, DC 20001

Re: *Newdow v. Roberts*, No. 09-5126

Dear Sir or Madam:

Pursuant to Fed. R. App. P. 28(j) and Circuit Rule 28(f), Plaintiffs-Appellants submit this supplemental authority regarding *Mayfield v. United States*, ___ F.3d ___, No. 07-35865 (9th Cir. December 10, 2009).

At issue in *Mayfield* was:

whether Plaintiffs-Appellees Brandon Mayfield, a former suspect in the 2004 Madrid train bombings, and his family, have standing to seek declaratory relief against the United States that several provisions of the Foreign Intelligence Surveillance Act ("FISA") as amended by the PATRIOT Act are unconstitutional under the Fourth Amendment of the U.S. Constitution.

Slip op. at 16345. Although the Ninth Circuit ruled that Mayfield did not have standing due to a lack of redressability, the panel's analysis reveals that redressability is met by Plaintiffs in the instant case.

In *Mayfield*, the harm alleged by the plaintiffs was that the government maintained possession of (derivative) materials previously seized. The relief

sought, however – i.e., a declaration that the aforementioned Acts are unconstitutional – would only affect future seizures. Additionally, a settlement agreement with the defendants had expressly precluded injunctive relief. *Id.* Thus, because future seizures were exceedingly unlikely, and because the District Court had no authority to order “that the derivative materials be returned or destroyed,” slip op. at 16357, the desired declaratory relief would not help the plaintiffs.

Plaintiffs here, unlike the *Mayfield* plaintiffs, have never relinquished their right to injunctive relief. AOB at 11, 13, 32, 36, 42, 59; Reply Brief at 2, 14, 16, 17, 19, 20. Moreover, unless the requested declaratory and/or injunctive relief is granted, their injuries (i.e., being hit with unwelcomed “packets of Monotheism,” Oral Argument, December 15, 2009, as a result of the Chief Justice’s unauthorized religious alteration of the oath and the clergy-led (Christian) Monotheistic prayers) are virtually certain to recur in the next presidential inaugurations. Accordingly, since it is “‘likely,’ as opposed to merely ‘speculative,’ that the injury will be ‘redressed by a favorable decision,’” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992) (citations omitted), Plaintiffs have standing.

Respectfully submitted,

/s/ - Michael Newdow

In pro per and Plaintiff’s Counsel

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

CASE NO. 09-5126

Newdow v. Roberts

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of December 2009, a true and correct copy of Plaintiffs-Respondents' supplemental authority regarding *Mayfield v. United States*, ___ F.3d ___, No. 07-35865 (9th Cir. December 10, 2009) was filed with the District of Columbia Circuit's CM/ECF filing system. Accordingly, copies will assumedly be delivered by e-mail to the following individuals:

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/s/ - Michael Newdow

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