

**Michael Newdow, JD
PO Box 233345
Sacramento, CA 95823**

Phone: (916) 427-6669

e-mail: NewdowLaw@gmail.com

April 28, 2010

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 *Salazar v. Buono*, No. 08-472, 559 U. S. ____ (April 28, 2010).

A fair amount of the discussion in *Salazar* was spent on the standing question currently before this Court in the instant case. Justice Kennedy's plurality opinion made it clear that, whatever the merits of the case, "[t]he standing inquiry, by contrast, turns on the alleged injury that prompted the plaintiff to invoke the court's jurisdiction in the first place." Slip op. at 8. In other words, the courts are not to confuse "an argument about standing [with an argument] about the merits." *Id.* at 9.

In the instant case, Plaintiffs personally confronted both the Chief Justice's addition of "so help me God," and the clergy's prayers. AOB 15 *et seq.* Whether

that phrase and those prayers violate the Establishment Clause is an issue that can be determined after Plaintiffs have had an opportunity to present their evidence in the District Court. That they have standing to present that evidence, however, is unquestionable.

“[T]he alleged injury that prompted the plaintiff[s] to invoke the court’s jurisdiction in the first place,” is the unwanted personal confrontations with the verbiage at issue at the 2009 and at the future presidential inaugurals. *See, e.g.*, Appendix at 124-140 (providing multiple examples of plaintiffs’ declarations, subscribed and sworn to under penalty of perjury).

Respectfully submitted,

s/ - Michael Newdow

MICHAEL NEWDOW *in pro per* and Plaintiffs’ counsel
US COA (DC CIRCUIT) BAR #52321
PO BOX 233345
SACRAMENTO, CA 95831

(916) 424-2356

NewdowLaw@gmail.com

**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 29th day of April 2010, a true and correct copy of Plaintiffs-Respondents' supplemental authority regarding *Salazar v. Buono*, No. 08-472, 559 U. S. ____ (April 28, 2010) 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:

Counsel for Defendants Roberts, JCCIC, Feinstein, AFIC and Rowe:

Mark Stern mark.stern@usdoj.gov
Lowell Sturgill lowell.sturgill@usdoj.gov

Counsel for Defendants PIC and Beliveau:

Dominic F. Perella dfperella@hhlaw.com
Catherine Stetson cestetson@hhlaw.com

Counsel for Defendants Warren and Lowery:

Kevin E. Snider kevinsnider@pacificjustice.org

s/ - Michael Newdow

MICHAEL NEWDOW *in pro per* and Plaintiffs' counsel
US COA (DC CIRCUIT) BAR #52321
PO BOX 233345
SACRAMENTO, CA 95831

(916) 424-2356
NewdowLaw@gmail.com