The Legitimacy of President Obama's Reelection

Grinols v. Electoral College
(Morrison C. England, Jr., E.D. Cal. 2:12-cv-2997)

On December 13, 2012, four days in advance of the electoral college's official voting, two would-be electors and three unsuccessful candidates for President filed a federal class-action complaint in the Eastern District of California's Sacramento courthouse alleging that President Obama was ineligible for reelection because, among other things, he was a citizen of Indonesia.[1] The complaint prayed for various stays of the President's reelection.[2]

The case was assigned to Judge Morrison C. England, Jr., who was out of the state at the time.[3] As duty judge, Judge Kimberly J. Mueller denied the plaintiffs immediate relief, on December 14, for various procedural defects and gave the plaintiffs a deadline of December 21 to properly seek a temporary restraining order.[4] The plaintiffs filed such a motion on December 20.[5] Judge England heard the motion on January 3, 2013.[6]

Judge England denied the plaintiffs immediate relief from the bench, and supported his decision with an opinion issued 13 days later.[7] On May 23, Judge England dismissed the federal claim in the plaintiffs' amended complaint as a non-justiciable political question and declined jurisdiction over state-law claims.[8] On November 2, 2015, the court of appeals affirmed the dismissal on the ground that the case was moot.[9]

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1. Complaint, Grinols v. Electoral Coll., No. 2:12-cv-2997 (E.D. Cal. Dec. 13, 2012), D.E. 2.

2. *Id.* at 29–30.

3. Transcript at 2–3, *id.* (Jan. 3, 2013, filed Jan. 17, 2013), D.E. 54 [hereinafter Jan. 3, 2013, Transcript].

4. Order, *id.* (Dec. 14, 2012), D.E. 8; Jan. 3, 2013, Transcript, *supra* note 3, at 3.

5. Temporary Restraining Order Motion, *Grinols*, No. 2:12-cv-2997 (E.D. Cal. Dec. 20, 2012), D.E. 12; Jan. 3, 2013, Transcript, *supra* note 3, at 2–3.

6. Jan. 3, 2013, Transcript, *supra* note 3; Docket Sheet, *Grinols*, No. 2:12-cv-2997 (E.D. Cal. Dec. 12, 2012) [hereinafter E.D. Cal. Docket Sheet] (D.E. 13, 48).

7. Jan. 3, 2013, Transcript, *supra* note 3, at 39–40; Opinion, *Grinols*, No. 2:12-cv-2997 (E.D. Cal. Jan. 16, 2013), D.E. 52, *available at* 2013 WL 211135; E.D. Cal. Docket Sheet, *supra* note 6.

8. Opinion, *Grinols*, No. 2:12-cv-2997 (E.D. May 23, 2013, D.E. 127; *see* Transcript, *id.* (Apr. 22, 2013, filed May 21, 2013), D.E. 126; *see also* Amended Complaint, *id.* (Feb. 11, 2013), D.E. 69.

9. Grinols v. Electoral College, 622 F. App'x 624 (9th Cir. 2015).

On two occasions, the court of appeals denied the plaintiffs interlocutory relief. Order, Grinols v. Electoral Coll., No. 13-15627 (9th Cir. June 20, 2013); Order, *In re* Grinols, No. 13-70744 (9th Cir. Apr. 1, 2013).