

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ASA GORDON

Plaintiff,

**JOSEPH R. BIDEN, Vice President of
the United States,**

Defendant.

Civil Action 08-01294 (HHK)

PLAINTIFF'S MOTION TO ALTER OR AMEND A JUDGMENT

Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Plaintiff pro se Asa Gordon moves the court to Amend or Alter the Court's Order [# 27] filed the 1st day of June 2009 to deny the plaintiff's "Motion for Relief of Judgment or Order," filed on May 11, 2009 [#25]. Pursuant to the Court's Local Rule LCvR 7.1(c), a proposed order consistent with this motion is attached hereto.

Respectfully submitted,

Asa Gordon, PRO SE
1667 Webster Street, N.E.
Washington, D.C. 20017
(202) 635-7926

June 11th, 2009

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ASA GORDON

Plaintiff,

JOSEPH R. BIDEN, Vice President of
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Defendant.

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ARGUMENT

This Motion is being filed only because the time line of court filings establishes that the Court's Order [# 27], could not have considered the Plaintiff's response to DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF OF JUDGMENT OR ORDER[#26].

The Court's Order [#27], filed June 1st, 2009 was mailed from zip code 2001 on June 3rd, 2009, thus the court *could not have considered* the PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF OF JUDGMENT OR ORDER ¹, date stamped by the court as received June 2nd, 2009.

¹ A Copy of PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF OF JUDGMENT OR ORDER is attached.

CONCLUSION

Accordingly, Plaintiff respectfully request that the Court include the attached response in its consideration of the plaintiff's motion.

Respectfully submitted,

Asa Gordon, PRO SE
1667 Webster Street, N.E.
Washington, D.C. 20017
(202) 635-7926

June 11th, 2009

CERTIFICATE OF SERVICE

I hereby certify that on June 11th, 2009, a copy of "PLAINTIFF'S MOTION TO ALTER OR AMEND A JUDGMENT" was filed with the Court and served via first class mail on the following:

YASAMAN S. SUTTON, D.C. Bar#492905
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202-616-2257
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DC Presidential Elector
Chair, DC Statehood Green Party Electoral College Task Force
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1667 Webster St. NE
Washington, DC 20017

June 11th, 2009

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ASA GORDON

Plaintiff,

**JOSEPH R. BIDEN, Vice President of
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Defendant.

Civil Action 08-01294 (HHK)

**PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO
PLAINTIFF'S MOTION FOR RELIEF OF JUDGMENT OR ORDER**

The Defendant's Opposition (filed May 22, 2009) to the Plaintiff's Motion For Relief (Filed May 11, 2009) asserts that the "Plaintiffs motion should be denied because it does not meet the extremely narrow grounds for reconsideration under Rule 60(b)." See page 3.

1. The Plaintiff's Motion Meets the Standards under Rule 60(b)(1) .

The Plaintiff submits that the court's mistaken focus on the plaintiff's derivative equal protection claims to the omission of analysis of the Plaintiffs primary claim for relief under the Mal-Apportionment Penalty (MAP) clause of **Amend. XIV§2** and **2USC§6** constitutes a sufficient inadvertent oversight in the discretion of the court to warrant relief to the plaintiff under the standards specified ("mistake, inadvertence, surprise, or excusable neglect") pursuant to Rule 60(b)(1).

2. The Extraordinary Circumstances Reserved for Rule 60(b)(6) is Warranted

The Defendant's Opposition cites various authorities that hold in effect that Rule 60(b)(6) should be used "sparingly and should be applied only in extraordinary circumstances" and asserts that "Plaintiff has not identified circumstances warranting extraordinary relief from judgment under Rule 60(b)(6)." See page 4.

Admittedly, what is extraordinary is in the eye of the beholder, but it is hard to believe that by any objective standard the circumstances cited in the conclusion to the Plaintiffs motion for relief of judgment or order dated May 11, 2009, entered as Docket No. 25, page 4 fails to identify such circumstances, i.e. :

"This action is hardly moot. Indeed, this Civil Action was filed to render *moot* a Constitutional *mandate* that would be triggered to reduce state representatives from unbounded Southern States for de facto disfranchisement subject to the mal-apportionment penalty clause in the absence of a court order to effect proportional apportionment of presidential electors. The court's ruling as it now stands has mistakenly *un-mooted* that Constitutional injury to now be in effect and ongoing. "

and

"As noted in these proceedings this Plaintiff, unlike any other American citizen, has no congressional representative to whom he may appeal, the Plaintiff stands alone to petition the US Court as the only forum of government that can provide this role for the plaintiff."

Just how extraordinary these circumstances are, may be assessed by the extraordinary response evoked when the issue in this civil action was presented by the Plaintiff before the Congressional Hearings on Ohio Voting Irregularities, Dec. 8th, 2004. The Hon. John Conyers Jr., Chairman of The House Committee on the Judiciary declared:

"This is the most amazing proposition that has ever been brought forward by a non-lawyer and it will, and if it is accurate it could change the whole outcome of the voting process in the United States, and we will take that under consideration , we, we eagerly embrace your suggestion."

The Court is not moved in this instance for reconsideration to correct legal *errors* over pleaded issues the court has considered, the Court is being moved for relief from legal *omissions* in the court's judgment or order in regards to the underlining cause of action.

Accordingly, Plaintiff respectfully requests that Plaintiffs motion for relief is granted.

Respectfully submitted,

Asa Gordon, PRO SE
1667 Webster Street, N.E.
Washington, D.C. 20017
(202) 635-7926

June 2nd, 2009

CERTIFICATE OF SERVICE

I hereby certify that on June 2nd, 2009, a copy of "PLAINTIFF'S RESPONSE TO DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR RELIEF OF JUDGMENT OR ORDER" was filed with the Court and served via first class mail on the following:

YASAMAN S. SUTTON, D.C. Bar#492905
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June 2nd, 2009

UNITED STATES DISTRICT COURT
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Plaintiff,

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Defendant.

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ORDER

Upon consideration of "**PLAINTIFF'S MOTION TO ALTER OR AMEND A JUDGMENT**" including the attachment of the plaintiff's response filed June 2nd, 2009 and the *entire* record herein, it is this ____ day of _____ 2009 hereby,

ORDERED that plaintiff's motion [#25] is GRANTED.

Hon. Henry H. Kennedy
United States District Judge

June 11th, 2009

cc:
YASAMAN S. SUTTON, D.C. Bar#492905
Special Assistant U.S. Attorney
United States Attorney's Office
Civil Division
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Washington, D.C. 20530
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