

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

MARY SCOTT DOE, et al.

Vs.

Case No. 09-CV-2197 (AW)

KATHLEEN SEBELIUS, et al.

REQUEST FOR HEARING

COMES NOW Mary Doe, by and through her attorney of record, and humbly requests hearing on the Defendant's Motion to Dismiss her case, and as reasons therefore respectfully states as follows:

1. That the case of Mary Doe, et al. v. Barack Obama (hereinafter referred to as "Mary Doe 1") was initially filed following President Obama's Executive Order setting aside the Executive Order of his predecessor in office which had respected the equal humanity of "children in vitro" and forbade their killing in human embryo experimentation to remove their stem cells.
2. That after NIH issued the regulations to implement the President's Executive Order, what will hereinafter be referred to as "Mary Doe 2" was filed captioned as Mary Scott Doe, et al. v. Kathleen Sebelius, et al. in her official capacity as newly appointed head of the Department of Health and Human Services.
3. That at 3:18 p.m. on November 24 (the same day on which Mary Doe's Response in Opposition to Defendant's Motion to Dismiss her case was due) this court filed electronically its Order and Memorandum Opinion granting the Government's Motion to Dismiss and dismissing Mary Doe 1 and further

ordering that the file be **CLOSED**.

4. That in an earlier case brought by Mary Doe to enjoin her proposed destruction at the hands of the Clinton Administration, this same court, Judge Messitte presiding, announced in open court that he was going to activate a little-used local rule and **CLOSE** the file in order to prevent an appeal from his ruling denying the equal humanity and personhood of Mary Doe.
5. That following Judge Messitte's action closing Mary Doe's case, the writer wrote both presidential candidates that year, Vice President Al Gore and Governor George Bush, asking their position on human embryo experimentation. No answer was forthcoming from the Vice President. Governor Bush wrote the writer the attached letter (Exhibit A) which was in consonance with President Ronald Reagan's Emancipation Proclamation of Preborn Children (Exhibit B) and demonstrated his understanding of the equal humanity of "children in vitro." The Governor, who later became President Bush, kept every word of his promise in the letter.
6. That with Mary Doe's appeal for her equal humanity silenced and locked in Judge Messitte's courthouse safe marked "**CLOSED**," the Clinton Administration geared up to begin the denatured biology of human embryo experimentation (by now renamed "human embryo stem cell" 'research') with the baton, therefore, due to pass to the hoped-for Al Gore Administration.
7. That the presidential election of 2000 was thrown into the U.S. Supreme Court for its wisdom and ruling, at which time it became apparent to the entire nation that courts, including the U.S. Supreme Court, first decide what they

want to do and then they look around for the law to do it. If asked, they will always respond “We had no choice; the law made us do it” when in actuality they ‘make the law do it.’ This is no disparagement to the judges of our High Court. It only reaffirms their humanity and allows all of the rest of the populace, lawyers and non-lawyers alike, to extend to them the grace and the knowledge that they share our human nature. Four of the U.S. Supreme Court judges that year said they were absolutely certain that the law and the Constitution mandated that Al Gore be President. Five of the U.S. Supreme Court judge said they were equally absolutely certain that the law and the Constitution mandated that Governor Bush be President. These five voted the same way in the case that they could have been expected to have voted when they pulled the curtain at the voting booth (five Republicans). Likewise, four of the judges voted the same way in the case that they could have been expected to have voted in the polling booth (Democrats).

8. That when the court issued its Order and Memorandum Opinion in *Mary Doe One* just prior to the Thanksgiving recess, it did so without the measured consideration that oral hearing on the Government’s motion could have afforded, and the court further borrowed a page from Judge Messitte’s book and ordered that the case be **CLOSED**.
9. That in light of the court’s Order and Memorandum Opinion in *Mary Doe 1*, it would appear that the ‘writing is on the wall’ for *Mary Doe 2* absent an oral hearing and an opportunity for more measured reflection.
10. That it is respectfully proffered that the court appears to be wrestling with its

conscience in having summarily dismissed and closed 'Mary Doe 1' for it gives not one but **many** reasons for having turned her plea to be heard down flat.

11. That all the well-reasoned and cogent reasons given by the court (and the court essentially 'decided not to decide' by finding that Mary Doe lacked standing) – all of the reasons cite case authority dealing with **PERSONS** who in the past who have sought to bring a case in Federal court and were denied standing. **Does this mean that the court is finding Mary Doe to be a PERSON in order to deny her “standing” in all of the cases and instances cited?**
12. That if the aforementioned affirmation of **“PERSONHOOD”** has indeed been found by the court, there is subsumed therein Mary Doe's **RIGHT** to appeal her cause and claim for her equal humanity and the right to protest her destruction at the hands of the Federal government, the current Administration of which seeks to reduce her to the status of chattel or property, reinventing slavery in violation of her constitutional rights under the Thirteenth Amendment among others.
13. That the court casts aspersions upon Mary Scott Doe, opining in its Memorandum: “The complaint names “Mary Doe,” an unspecified embryo frozen in a state of “cyro-preservation in some underdetermined location within the United States as a Plaintiff in this action . . .”
14. That in answer to the court's aforementioned belittling of Mary Doe, let it first be stated who Mary Doe is **NOT**. Of the over 500,000 human embryos

scattered throughout the in vitro labs in this nation in a state of cyro-preservation (and not chosen for “adoption”) she is **not** an embryo who has just been vivisected in human embryo experimentation even as this Request for Hearing in her case is being read for that “child in vitro’s” case is thereby summarily mooted.

15. That it is appropriate to next consider who Mary Doe **IS**. She is the “child in vitro” next in line to be vivisected in human embryo experimentation, a pardon for whom can be granted with the stroke of this judicial pen (if the pen remains in the inkwell, the killing of “children in vitro” in human embryo experimentation goes on, just as it will continue if the pen is taken from the inkwell and used to sign a similar order as was signed in Mary Doe 1).
16. That Mary Doe’s respectful request and earnest prayer for hearing in her cause comes at a season of the year when car radios play the music: **“Fall on your knees; oh hear the angel voices; oh night divine; oh holy night; oh night divine.”**
17. That if we could but see her with the human eye Mary Doe, created equally with all of us in the image of God, figuratively glows with a white hot incandescence, having just been released from the fingertip of her God.
18. That when we consider her cause, we must indeed be aware of the Creator of all of us.
19. That Mary Doe’s Creator is referenced in our Declaration of Independence: “. . . all men are **CREATED EQUAL**; that they are endowed by their **CREATOR** with certain inalienable rights; that among these, are life, liberty,

and the pursuit of happiness.”

20. That the question of “standing” in Mary Doe’s case is unique in the annals of jurisprudence, for while many cases in the past have been brought by “**PERSONS**” whom the courts have found to possess or lack “standing,” never before has a **HUMAN EMBRYO** sought standing in her own right and had that right adjudicated in the affirmative or the negative by the U.S. Supreme Court.
21. That Mary Doe has been given a name as a pseudonym because as the next “child in vitro” to be killed in human embryo experimentation she is denominated only by a number, reminiscent of world history only 66 years ago. History does not always repeat itself, but it rhymes!
22. That if the government would protest that we have not supplied the specific “number,” it is respectfully proffered that it is they who embrace the denatured biology of human embryo experimentation and have sanctioned it through NIH and are anxious to **clear this case out of the way** so that they can begin it. They can supply the court with a number and location of Mary Doe whose equal humanity they denigrate. If they say that is impossible, do they truly think it fair to press the onus of the burden of that upon Mary Doe, who cannot yet read the name over her clinic door and who has not even yet learned to count?
23. That the court can take judicial notice of the fact that Mary Doe, if granted a “pardon” by this court (the Administration grants “pardons” to Thanksgiving turkeys but to “children in vitro”) she can be chosen for adoption by an

infertile couple not otherwise able to have children, shipped in a FedEx envelope anywhere in the nation by overnight express for implantation in the womb of the adopting mother the next day and approximately nine months later exit into the light of this sunny world so that she may look up upon the smiling faces of her loving adoptive parents and have her soul planted in the fallow fields of earth to grow into ripened fruition with her fellow man, and having an opportunity to fulfill her destiny by coming to know and love her **CREATOR**.

24. That the prophet Jeremiah tells us that God knew us before we were born, and He knows and loves no less Mary Scott Doe.
25. That this court may be willing to take judicial notice of the fact the Creator of all of us, including the judge himself, first entered this world some 2,000 years ago as a **human embryo**, coming upon the stage of the human drama under the light of a bright star that shown over a Bethlehem manger, some nine months later, the affirmation of which is proven by the year date that must accompany the court's signature: 2009 (dated from His birth).
26. **That as we have done unto the least of these, our brethren, we have done it unto Him.**

WHEREFORE, it is respectfully prayed that this court set this matter in for hearing on Defendant's Motion to Dismiss.

And for such other and further relief as to this Honorable Court may seem just
and proper.

/s/

R. Martin Palmer
Bar No. 03594
Law Offices of Martin Palmer
21 Summit Avenue
Hagerstown, MD 21740
(301) 790-0640
(301) 790-0684 (Facsimile)
info@martinpalmer.com
Attorney for Plaintiffs