

The Legitimacy of President Obama's Reelection

Grinols v. Electoral College

(*Morrison C. England, Jr., E.D. Cal. 2:12-cv-2997*)

Four days before the Electoral College's 2012 vote, a federal complaint challenged the President's reelection on the grounds that the President allegedly was a citizen of Indonesia. The district court ultimately dismissed the action as a political question. The court of appeals affirmed the dismissal on the ground that the case was moot.

Subject: Voting irregularities. *Topics:* Enjoining certification; case assignment; Electoral College.

On December 13, 2012, four days before 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 allegedly 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 she 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 thirteen days later.⁷ On May 23, he dismissed the federal claim in the plaintiffs' amended complaint as a non-justiciable political question, and he declined jurisdiction over state-law claims.⁸ On

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. Cal. 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.

November 2, 2015, the court of appeals affirmed the dismissal on the ground that the case was moot.⁹

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).