

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Gary L. Smith,

Plaintiff,

vs.

Case No. 1:15-CV-01831

MEMBERS of the UNITED STATES
HOUSE OF REPRESENTATIVES, et. al,

Defendants.

**SUPPLEMENTAL TO PLAINTIFF'S
MOTION FOR RECONSIDERATION
PURSUANT TO Fed.R.Civ.Proc. RULE 59(e)**

COMES NOW, Gary L. Smith, in propria persona, Plaintiff, and respectfully submits a supplement, pursuant to Fed.R.Civ.Proc. Rule 15(d), to his Motion for Reconsideration (Dkt. No. 5). Plaintiff avers he has standing on this case because:

- 1) as a federal inmate, he has been injured by the actions of the Congress; or
- 2) all law regarding standing is to be found in the four corners of the Constitution.

Complaints filed by pro se litigants must be held to less stringent standards than those applied to formal pleadings drafted by lawyers. See Haines v. Kerner, 404 U.S. 519, 520, 30 L.Ed.2d 652 (1972); Brown v. District of Columbia, 514 F.3d 1279, 1283, 379 U.S.App DC 370 (D.C. Cir. 2008)

I. Plaintiff has standing as a federal inmate because he has been injured by the actions of the Congress

When the Congress failed to call a convention as mandated by the Constitution, they were operating in criminal violation of their oath of office. Part of the criminal penalty is that they are ineligible to hold or seek federal office.

Since Friday, March 13, 1908, the incumbent members of the Congress were ineligible to hold federal office and the laws created by the 'Congress' have been used to injure, through imprisonment, Mr. Smith.

II. All law regarding standing is found within the four corners of the Constitution

The compelling distinction between this instant case and every other case which has ever been before a federal court is that all of the elements necessary for the Court to reach a verdict (other than evidence) is within the four corners of the United States Constitution itself.

This case is brought before this Court pursuant to Article III, § 2, Cl. 1 of the Constitution:

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution

The Plaintiff, Mr. Smith, is described in the Preamble of the Constitution:

We the People of the United States

The Defendants are the Congress, as described in Article V of the Constitution.

This case arises out of Article V of the Constitution:

The Congress, ..., on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments ...

There are no statutes to interpret, no case law to construe.

The plain meaning of the Constitution is clear:

The judicial power shall extend to all cases, in law and equity, arising under [Article V] of this Constitution

This instant case is part of "all Cases" spelled-out in Article III, § 2, Cl. 1; Plaintiff is part of "We the People" as spelled-out in the Preamble; and Defendants are "the Congress" as spelled-out in Article V.

This Court need not look past the four corners of the United States Constitution for the mandate specified therein—this Court has a duty to use its judicial power to resolve this case before it.

There is nothing to interpret, the plain meaning of the United States Constitution provides all the necessary mandate to this Court. "No court of justice can be authorized so to construe any clause of the Constitution as to defeat its obvious ends, when another construction, equally accordant with the words and sense thereof, will enforce and protect them." Prigg v. Pennsylvania, 10 L.Ed. 1060, 16 Peters 539 (1842).

Respectfully submitted,

Date: 3-Dec-15

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Certificate of Mailing

I, Gary L. Smith, hereby certifies that he has placed the foregoing Supplemental To Plaintiff's Motion For Reconsideration Pursuant To Fed.R.Civ.Proc. Rule 59(e) into FCI Seagoville's mailing system on this 3rd day of December 2015 for mailing to United States District Court in Washington, D.C.

Executed on: 3-Dec-15

by: _____
Gary L. Smith