

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

DR. ROGER C. S. LIN, et al.,

Appellants,

v.

UNITED STATES OF AMERICA,

Appellee.

Case No. 08-5078

CERTIFICATE OF PARTIES, RULINGS AND RELATED CASES

Pursuant to Circuit Rules 12(c) and 28(a)(1)(A), undersigned counsel for Appellants hereby certifies the following:

I. PARTIES AND AMICI

Plaintiffs In District Court Action:

Dr. Roger C. S. Lin
Chien-Ming Huang
Chou Chang
Ching-Yao Hou
Chen-Hua Liu
Chen-Ni Wu
Yang-Lung Yang
Yao-Jhih Ye
Ching-Wen Yen
A-Chu Yuchiang
The Taiwan Nation Party

Defendant In The District Court Action:

United States of America

Appellants In Court Of Appeals:

Dr. Roger C. S. Lin
Chien-Ming Huang
Chou Chang

Ching-Yao Hou
Chen-Hua Liu
Chen-Ni Wu
Yang-Lung Yang
Yao-Jhih Ye
Ching-Wen Yen
A-Chu Yuchiang
The Taiwan Nation Party

Appellee In Court Of Appeals:

United States of America

II. RULINGS UNDER REVIEW

March 18, 2008, Memorandum Opinion and Order by United States District Court for the District of Columbia Judge Rosemary M. Collyer. [District Court docket numbers 24 and 25.] The March 18, 2008, Memorandum Opinion and Order may be found at 2008 U.S. Dist. LEXIS 20444, but otherwise are unpublished.

III. Related Cases

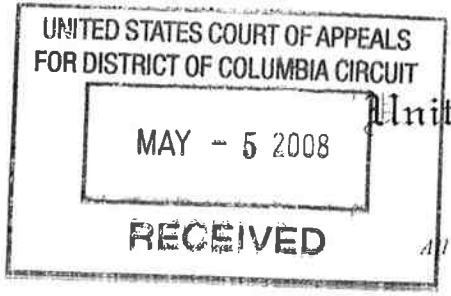
The decision on review has not previously been before this Court or any other court. There are no related cases.

Respectfully submitted,



Charles H. Camp (DC Bar No. 413575)
Law Offices of Charles H. Camp
1319 Eighteenth Street, N.W.
Washington, D.C. 20036
Tele: (202) 457-7786
Fax: (202) 457-7788
Email: ccamp@charlescamlaw.com
Counsel for Appellants

Date: May 5, 2008



United States Court of Appeals
District of Columbia Circuit

DOCKETING STATEMENT

All Cases Other than Administrative Agency Cases
(To be completed by appellant)

1. CASE NO. 08-5078 2. DATE DOCKETED April 4, 2008

3. CASE NAME (lead parties only) Dr. Roger C. S. Lin v. United States of America

4. TYPE OF CASE: District Ct. - US Civil Private Civil Criminal Bankruptcy
 Bankruptcy - if direct from Bankruptcy Court
 Original proceeding

5. IS THIS CASE REQUIRED BY STATUTE TO BE EXPEDITED? YES _____ NO
If YES, cite statute: _____

6. CASE INFORMATION:
a. District Court Docket No. 06-1825 Bankruptcy Court Docket No. _____ Tax Court Docket No. _____
Civil Action _____ Bankruptcy _____ Tax _____
Criminal _____ Adversary _____
Miscellaneous _____ Ancillary _____

b. Review is sought of: Final Order
 Interlocutory Order appealable as of right
 Interlocutory Order certified for appeal

c. Name of judge who entered order being appealed:
Judge Rosemary M. Collyer Magistrate Judge _____

d. Date of order(s) appealed (use date docketed): March 18, 2008

e. Date notice of appeal filed: March 31, 2008

f. Has any other notice of appeal been filed in this case? YES _____ NO
If YES, give date filed: _____

g. Are any motions currently pending in trial court? YES _____ NO If YES, identify motion and date filed: _____

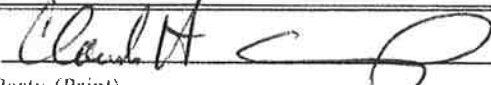
h. Has a transcript of proceedings been ordered pursuant to FRAP 10(b)?
YES _____ NO If NO, why not? There was no hearing in the proceeding below.

i. Has this case previously been before this Court under another appeal number? YES, Appeal # _____ NO

j. Are any cases involving the same underlying order or, to counsel's knowledge, involving *substantially the same issue*, currently pending before the District Court, this Court, another Circuit Court, or the Supreme Court?
YES _____ NO If YES, give name of the court, case name, and docket number for each case: _____

k. Does this case turn on the validity or correct interpretation or application of a particular statute?
YES NO _____ If YES, give popular name and citation of statute: See attached.

7. Have the parties attempted to resolve the issues in this case through arbitration, mediation, or any other alternative for dispute resolution? YES _____ NO If so, provide the name of the program and the dates of participation. _____

Signature  Date May 5, 2008
Name of Party (Print) _____
Name of Counsel (Print) Charles H. Camp Firm Law Offices of Charles H. Camp
Address 1319 18th Street, N.W.
Washington, D.C. 20036
Phone (202) 457-7786 Fax No. (202) 457-7788

Note: If counsel for any other party believes that the information submitted is inaccurate or incomplete, counsel may so advise the Clerk within 7 calendar days by letter, with copies to all other parties, specifically referring to the challenged statement. An original and one copy of such letter should be submitted. Attach a certificate of service to this form.

ADDENDUM TO DOCKETING STATEMENT

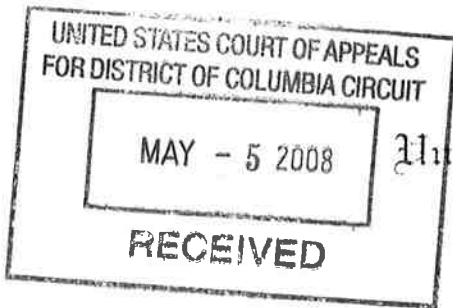
DR. ROGER C. S. LIN V. UNITED STATES OF AMERICA, Case No. 08-5078

Answer to Question 6(k):

Administrative Procedure Act §§ 702 and 704, 5 U.S.C. §§ 702 and 704;

Immigration and Nationality Act § 360, 8 U.S.C. § 1503; and

Declaratory Judgment Act, 28 U.S.C. §§ 2201-2202.



United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Case Caption: Dr. Roger C. S. Lin, et al.,

v.

Case No: 08-5078

United States of America.

ENTRY OF APPEARANCE

Party Information

The Clerk shall enter my appearance as counsel for the following parties:
(List each party represented individually. Use an additional blank sheet as necessary)

Appellant(s)/Petitioner(s) Appellee(s)/Respondent(s) Intervenor(s) Amicus Curiae

<u>Dr. Roger C. S. Lin</u>	<u>Chen-Hua Liu</u>	<u>Ching-Wen Yen</u>
<u>Chien-Ming Huang</u>	<u>Chen-Ni Wu</u>	<u>A-Chu Yuchiang</u>
<u>Chou Chang</u>	<u>Yang-Lung Yang</u>	<u>The Taiwan Nation Party</u>
<u>Ching-Yao Hou</u>	<u>Yao-Jhih Ye</u>	
Names of Parties		Names of Parties

Counsel Information

Lead Counsel: Charles H. Camp

Direct Phone: (202) 457-7786 Fax: (202) 457-7788 Email: ccamp@charlescamplaw.com

2nd Counsel: _____

Direct Phone: _____ Fax: _____ Email: _____

3rd Counsel: _____

Direct Phone: _____ Fax: _____ Email: _____

Firm Name: Law Offices of Charles H. Camp

Firm Address: 1319 18th Street, N.W., Washington, D.C. 20036

Firm Phone: (202) 457-7786 Fax: (202) 457-7788 Email: ccamp@charlescamplaw.com

Notes: This form must be submitted by a member of the Bar of the U.S. Court of Appeals for the D.C. Circuit.
Names of non-member attorneys listed above will not be entered on the court's docket.
Applications for admission are available on the court's web site at <http://www.cadc.uscourts.gov/>

UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
MAY - 5 2008
RECEIVED

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

DR. ROGER C. S. LIN, et al.,
Appellants,
v.
UNITED STATES OF AMERICA,
Appellee.

Case No. 08-5078

STATEMENT OF ISSUES TO BE RAISED ON APPEAL

Appellants, through counsel, state that the following issues will be raised on appeal:

1. Whether the District Court erred when it erroneously determined that the political question doctrine barred consideration of Appellants' Amended Complaint seeking a declaratory judgment specifically authorized by the Administrative Procedures Act, the Immigration and Nationality Act, and the Declaratory Judgment Act?
2. Whether the District Court erred when it erroneously determined that the political question doctrine barred it from determining whether Appellants have the specific rights under United States statutes and the Constitution?
3. Whether the District Court erred when it erroneously determined that the political question doctrine barred it from interpreting the San Francisco Peace Treaty ("SFPT")?
4. Whether the District Court erred when it refused, on the basis of the political question doctrine, to determine the specific legal consequences to Appellants of the SFPT's designation of the United States as "the principal occupying Power" of Formosa (now known as Taiwan)—a legal status that has never been modified by any Treaty?

5. Whether the District Court erred when it refused, on the basis of the political question doctrine, to determine the specific legal consequences to Appellants of the fact that neither the SFPT, the Mutual Defense Treaty of 1955, the Taiwan Relations Act of 1979, nor any other legal instrument affected the legal status of Taiwan, or terminated the agency relationship between the United States and the Republic of China, for the purpose of the occupation and administration of Taiwan, as set forth in the SFPT?

6. Whether the District Court erred when it failed to determine, on the basis of the political question doctrine, that the specific declarations sought by Appellants could be issued pursuant to the plain wording of United States statutes, the Constitution, and the SFPT, as well as pursuant to express United States policy statements, none of which require a political or policy determination appropriately left to the non-Judicial branches of Government?

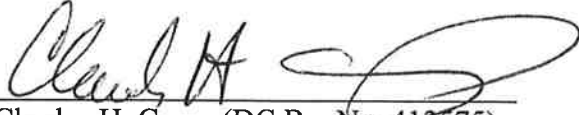
7. Whether the District Court erred when it failed to determine, on the basis of the political question doctrine, that United States sovereignty over Taiwan is expressly conferred by the SFPT and, therefore, is *de jure*?

8. Whether the District Court erred when it failed to determine, on the basis of the political question doctrine, that the characteristics of United States' sovereignty over Taiwan fall within the definition of "sovereignty" recognized by United States and international laws?

9. Whether the District Court erred when it failed to determine, on the basis of the political question doctrine, that Appellants owe permanent allegiance to the United States, as United States non-citizen nationals, by virtue of their birth in Taiwan during the period of U.S. sovereignty (*i.e.*, while the United States has been the principal occupying power of Taiwan—a *de jure* status still in effect today)?

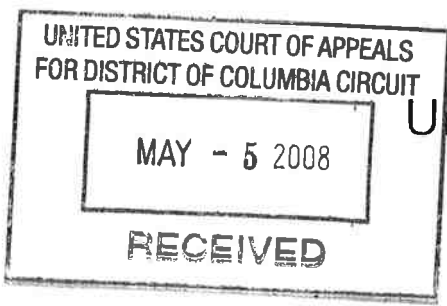
10. Whether the District Court otherwise erred when it dismissed Appellants' Amended Complaint on the basis of the political question doctrine?

Respectfully submitted,



Date: May 5, 2008

Charles H. Camp (DC Bar No. 413575)
Law Offices of Charles H. Camp
1319 Eighteenth Street, N.W.
Washington, D.C. 20036
Tele: (202) 457-7786
Fax: (202) 457-7788
Email: ccamp@charlescamplaw.com
Counsel for Appellants



United States Court of Appeals

District of Columbia Circuit
Washington, D.C. 20001-2866

Case Caption: Dr. Roger C. S. Lin, et al.,

v.

Case No: 08-5078

United States of America

TRANSCRIPT STATUS REPORT

- Final - No transcripts are necessary for this appeal as the case was decided on the pleadings.
Final - All transcripts necessary for the appeal have been completed and received.
Interim Part I - The following necessary transcripts have been ordered but not received: N/A

Table with 3 columns: Date, Type of Proceeding, Court Reporter(s)

Interim Part II - The following necessary transcripts have been completed and received: N/A

Table with 3 columns: Date, Type of Proceeding, Court Reporter(s)

Interim Part III - State below any additional comments regarding the preparation of the transcripts or the record on appeal which may delay the briefing of this case.

N/A

Notes: A copy of this report shall be served on each court reporter for which transcripts are outstanding. Please attach additional blank sheets, if necessary, and a certificate of service to this report.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing papers were served upon the following counsel for Appellee via First Class pre-paid U.S. Mail this 5th day of May 2008:

Adam D. Kirschner, Esquire
Trial Attorney
U.S. Department of Justice
Civil Division, Federal Programs Branch
P.O. Box 883
Washington, D.C. 20044


Charles H. Camp