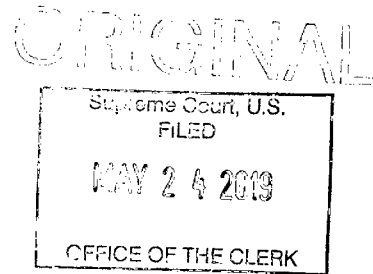


19-6553'
No. _____

In the Supreme Court of the United States

Term: _____



Central District Court Case #: CV 1702913-VFB-KK
9th Circuit Court of Appeals Case #: 18-55985

Vicki Corona,
Petitioner,
v

CITY OF LOS ANGELES, Eric Garcetti, Does 1 through 10, Inclusive,
Respondents.

PETITION FOR WRIT OF CERTIORARI

Motion For Reversal of Lower Court Decisions
Motion for Leave to Proceed in Forma Pauperis

Vicki Corona
% St. Matthew's Home Alliance
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Ninth Circuit Court Judges: C. Canby, Susan P. Grabe,
M. Margaret McKeownes

Los Angeles Central District Court Judges:
Valerie Baker Fairbank, Kenly Kiya Kato

QUESTIONS PRESENTED

These questions significantly impact the administration of Civil and Constitutional violations by the Mayor of Los Angeles and the justice system in California Courts

1. The issues that Petitioner challenges in her Claim have already been adjudged and struck down as unconstitutional in prior cases heard by SCOTUS and many State and Federal Courts,. All that could have been heard has been heard. With an avalanche of Law supporting Petitioner's Claim, is it lawful or ethical for a Mayor, a City, and two lower Courts to ignore the Supreme Law of the Land and higher Court rulings and precedent, or is this an Abuse of Discretion and Deprivation of Inalienable Rights and Liberties?

2. Were it not for the remand of this case back to the District Court on Petitioner's first Appeal, Defendants would never have had to answer the subject Claim themselves, as the District Court sheltered, protected, and answered for Defendants from its commencement. Moreover, the Answer submitted by Defendants was utterly non-responsive. Does a District Court err in shielding and litigating a case for Defendants since its inception or is this in violation of the Code of Judicial Conduct that requires a Judge to respect, comply, and be faithful to the Supreme Law and maintain professional competence?

3. Petitioner filed the majority of her papers to the District Court Clerks via mail; some papers were refused and returned after the remand: some were accepted but not filed by Order of the Magistrate. CCP § 632; CRC Rule 3.1590 (d) & (n), and 14(e) Filing With the Court Defined: "The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court . . . The clerk shall not refuse to accept for filing any paper presented for that purpose solely because it is not presented in proper form as required by these rules or any rule of practice." Does a District Court err in ordering its clerks not accept a litigant's papers and err in ordering its Clerks to accept but not file a litigant's papers?

4. Does a District Court err in repeatedly seeking numerous meager excuses and reasons to dismiss a litigant's good faith Claim based on unshakeable, indisputable facts and Law?
5. Does any Court have the authority to reject any indigent litigant's in Forma Pauperis status after granting it for years, or is this in violation of Government Code §§ 68630-68641?
6. After more than two years of litigating a case with the Judges, what justifies a Dismissal declaring a Claim is frivolous and not filed in good faith when the issues presented are not in conflict with the Supreme Law or decisions of thousands of important State and Federal courts? Would it then follow that the Constitution, binding Law, and Authorities cited in a Claim are also frivolous? Can such an absurd ruling be allowed to stand?
7. When a litigant is not allowed a fair Trial, or any Trial, and is forced to litigate with District Court Magistrates for over two years, then endure the deprecation of litigant's motives in filing suit based on clear and determined Law, would this Supreme Court agree that this type of behavior on the part of a Magistrate who is supposed to be unbiased and follow the Canons of her job description, destroys the credibility of the judiciary and undermines public confidence in the judicial process? And that the Magistrate is acting in bad faith?
8. Is parking and traveling in one's personal, non-commercial, private automobile along the public streets, highways, roads, and byways of the United States of North America without forced registration, et al, a right as supported by many thousands of State and Federal Court rulings, the Articles of Confederation, Magna Carta, and a plethora of well-settled Law, or a "privilege" that must be taxed and regulated as DMV demands?

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JURISDICTION

28 USC § 1257(a): “Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States”

Also, Article III § 2 which extends the jurisdiction to cases arising under the U S Constitution, and 28 USC § 1331 and 1343 based on 42 USC § 1983 and questions of Federal Constitutional law.

PETITION FOR A WRIT OF CERTIORARI

Petitioner respectfully petitions for a Writ of Certiorari to review the decisions of the Ninth Circuit Court of Appeals, (hereafter “9th Circuit”), the Order of the U.S. Central District Court Los Angeles (“Central District”), and the Defendants policies and practices that impact many thousands of People living in Los Angeles, California.

PARTIES TO THIS PROCEEDING

Petitioner, Vicki Corona, sui juris, a natural woman and one of the People of the CITY OF LOS ANGELES, Republic of California, whose home was wrongfully foreclosed and who is now living in her conveyance. The subject Ordinance sued upon directly and negatively affects the civil and constitutional rights of Petitioner, as well as many thousands of others in Los Angeles who have no other choice but to live in their automobiles.

Defendant CITY OF LOS ANGELES (hereafter "CITY"), a municipal corporation organized and existing under the laws of the corporate STATE OF CALIFORNIA, and a person within the meaning of 42 USC § 1983.

Defendant Eric Garcetti ("Garcetti"), Mayor of Los Angeles, being sued herein in his personal and official capacities, who enacted an unlawful Ordinance criminalizing and outlawing those who live in their cars from parking anywhere in the CITY that is not characterized by Garcetti as a 'green zone. Green zones are fairly non-existent and the few available are in isolated, unfamiliar, areas of the CITY that are unsafe for defenseless People living alone in their cars.

The true names, identities, and capacities of the Doe Defendants are presently unknown to Petitioner. As such, said Does are sued by such factitious names and Petitioner will amend when their true names and capacities are ascertained.

At all relevant times herein, Defendants, and each of them, created, implemented, oversaw, and performed the policies, practices, and unlawful courses of conduct referred to below. Working in concert, Defendants had actual or constructive knowledge of said hurtful practices and have acted, and continue to act, under color of authority by aggressively strong-arming, torturing, and depriving Petitioner of her guaranteed Civil and Constitutional Liberties and Due Process of Law.

ORDER BELOW

Mandate of 9th Circuit filed 3/21/19 [Appendix "A"], received by Petitioner 3/25/19, stating that the Order of 2/27/19 [Appendix "B"], received by Petitioner's Mail Station 3/6/19, and handed to Petitioner 3/13/19, takes effect 3/21/19. June 19,

2018 Order of District Court (Appendix "F"). Petitioner filed an Objection and Request to Vacate Order and Reinstate March 27, 2019 to which the 9th Circuit did not respond, thus, this Petition.

STATEMENT OF FACTS

Petitioner brought this action against Defendants for Claims arising from violations of her Civil Rights pursuant to 42 USC § 1983, deprivation of unalienable Constitutional rights per Title 18 USC §§ 242, 241, and Federal Constitutional rights guaranteed by the 4th, 5th, 8th, and 14th Amendments to the U.S. Constitution.

At issue in the main is Los Angeles City Ordinance #184590 (Appendix "C") that was implemented without lawful justification by Garcetti and goes against the Supreme Law and even CITY's own Municipal Codes. Because the enforcement thereof discriminates, harasses bans, threatens, tickets, tows, fines, oppresses, arrests, and criminalizes indigent People living in their cars that have committed no crime, the Ordinance is repugnant to the Constitution and the Civil Rights Act. Further, same and similar Ordinances have previously been deemed unconstitutional by various Courts, including the 9th Circuit who chose to align with the District Court in deciding Petitioner's Claim was 'not filed in good faith' and 'frivolous'. Petitioner adamantly refutes both rulings as Petitioner has more than met her burden of proof to sustain her Claim.

Norton v Shelby County 118 USR 425: "An unconstitutional act is not law. It confers no rights, it imposes no duties, it affords no protections, and it creates no office. It is in legal contemplation as inoperative as though it has never been passed ... The court follows the decision of the highest court of the state in construing

the constitution and the laws of the state unless they conflict with or impair the efficacy of some principle of the Federal Constitution or of the Federal Statutes or rule of the commercial or general law.”

In April 2017 Petitioner filed a good faith Claim (Appendix “D” incorporated herein as if set forth in full) against CITY and Garcetti for Deprivation of Rights Unalienable under Color of Law and Color of Process, Discrimination, Fraud, Extortion, Civil Rights Violations, and Common Law Torts. Said Ordinance clearly and specifically targets the homeless through widespread deceit, misconduct, extortion, and misrepresentations of the Law by Defendants, and each of them, to the extreme detriment of a specific class of People, including Petitioner, who live in their cars.

Both District Court Magistrates, Valerie Baker Fairbank (“Fairbank”) and Kenly Kiya Kato (“Kato”), essentially litigated the case for Defendants since its inception, practiced law from the bench, delayed the case, disregarded overwhelming Law, and tried to dismiss Petitioner’s Claim several times for several feeble reasons such as “failure to state a claim” and “failure to prosecute the action”. The lower Courts did not acknowledge page after page of Authorities within Petitioner’s paperwork, nor did they afford Petitioner an opportunity to be heard or even allow some of her papers to be filed, Is this not Obstruction of Justice?

After the initial Claim was filed and under almost impossible circumstances in having to depend on the hours the library was open in order to research and frame her papers in opposition to the Magistrates’ attacks on the Claim, Petitioner also submitted the following documents to the District Court with a plethora of supportive Authorities:

(1) Special Appearance by Paperwork in Response to the Court's 5/9/17 Order; (2) 6/24/17 Objection To Judge Kato's Report and Recommendation; (3) 7/22/17 Objection To Judge Kato's Second Report and Recommendation; (4) Objection to Order of 8/23/17, Motion to Dismiss Order and Reinstate Case; (5) 2/22/18 Letter Brief; (6) Claimant's Response and Suggested Correction to Court's 3/14/18 Order; (7) First Appeal to 9th Circuit whom remanded the case back to the District Court; (8) Claimant's Reply Brief RE Defendants' Response to Court's 3/14/18 Order, Request for Judicial Notice; (9))Objection to District Court's 6/19/18 Order; (10) Motion to Disqualify or Recuse Judicial Officers; (11) Objection to the Chambers Order of 8/2/18 denying Claimant's Motion to Disqualify Judicial Officers.

Thereafter, the case was appealed to the 9th Circuit a second time and dismissed without cause. Petitioner filed an Objection to such Dismissal 3/23/19 to which no response has been received.

Beyond several failed attempts at Dismissal, Fairbank also ordered her Clerks not to accept Petitioner's paperwork, thus, Petitioner emailed her papers to Fairbank who refused them stating Petitioner "did not have permission to email" her. At a later time, Fairbank ordered her Clerks to accept but not file Petitioner's papers. As such, Petitioner is uncertain if the 9th Circuit received all of Petitioner's Motions, Briefs, or Objections as Fairbank did not allow them to be filed. Finally, Fairbank stated Petitioner "should not file anymore documents."

Although this case started out against the named Defendants, the Magistrates somehow inserted themselves as Defendants also in that it has been the Courts herein with whom

Petitioner has had to litigate. The Judges simply flouted all of Petitioner's inalienable, natural, and God-given rights, the Constitution, and fervently shielded Defendants. Petitioner was confused as to how to proceed when there was nowhere to go for protection of the Law and redress. Garcetti's Ordinance endangers Petitioner and many thousands of others so situated, placing them in extreme peril and jeopardizing their lives. In fact, when People are pushed into such treacherous zones of the CITY to park overnight, many are victimized as no one can hear their screams for help.

But for Garcetti's Ordinance and his indifference to the very likely consequences of such policies, and but for the Courts' refusal to strike down such unconstitutional Ordinance as previous Courts had done, Petitioner would not continue to suffer actual and potential injury to her health, safety, liberties, and life and is entitled to compensatory and punitive damages.

Article VI of the U S Constitution: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;...shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or laws of any State to the Contrary notwithstanding... The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution..."

Petitioner frequently Objected to being forced to litigate with the Magistrates, objected to their abuse of power, disdain

for Law, and more, to the point of eventually filing a Motion for Recusal of Judicial Officers, which was rejected.

The case has been appealed twice. In the first Appeal, the 9th Circuit concluded that the District Court's Dismissal was improper and it was remanded to Fairbank who was then compelled to require Defendants to Answer for themselves. Said Answer was dishonest, useless, and non-responsive.

Fairbank's judicial duties require her to accord to every litigant the right to be heard according to Law, yet throughout this ordeal it appeared obvious that Fairbank's judicial conduct, as evidenced by her egregious actions in refusing Petitioner's papers, her loosely veiled sarcasm and ridicule of Petitioner's Claim, the somewhat hostile and condescending tone of her writings, her palpable bias, and her baseless ruling contrary to clear Law about which there is no confusion or question as to its interpretation, are strong indications of her pre-determination to dismiss this case at the earliest possible opportunity.

Fairbank's final ruling, which spawned a second Appeal after more than two years of back-and-forth arguments with Petitioner, was to rescind Petitioner's IFP and certify that the Claim was not filed in good faith and frivolous. Petitioner contends this is a misapplication of the Law and violates the Due Process Clause, Supreme Court rulings, and other well-settled Civil Rights Law. It is Petitioner's belief that frivolous lawsuits are those filed by someone who is aware that their complaint is without merit or factual basis, or lacking supporting legal argument. Here Petitioner cited massive Law and supporting Authorities within all her papers. Both lower Courts herein cited

no conclusions of fact or Law, or even a plausible explanation for their decisions.

The Courts herein blatantly ruled against sound Civil Rights and Constitutional authorities. "No man in this country is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it." United States v Lee, 106 U.S. 196, 220, US Ct 240, 27 L.Ed. 171, and Buckles v King County, 191 F.3d 127 133 CA.9 (WA 1999).

As to the Court's withdrawal of Petitioner's IFP, Petitioner is one of untold thousands of indigent homeless People in Los Angeles, most assuredly qualifies for IFP, and was granted same since 2017 when the case was filed, yet IFP status was suddenly rejected without Hearing, without Notice, without cause, and without supporting Law. Elmore v McCammon (1986) 640 F.Supp. 905: "... the right to file a lawsuit pro se is one of the most important rights under the Constitution and laws." There has been no challenge to Petitioner's financial inability to pay.

The second Cause of Action addressed by the District Court was the Right of Locomotion. Again, Petitioner alleges that the District Court made unreasonable determinations and engaged in a critique of Petitioner's case that was disparaging, mocking, and completely marginal to the issues. As such, Petitioner alleges that Fairbank erred in her disdain for Law and her continuous search for invalid reasons to Dismiss.

Petitioner submits that there is no legitimate reason or excuse whatsoever for Defendants or the Courts to be indifferent to the Supreme Law, and unconcerned about the emotional

distress and damages Petitioner, and others, bear because of the subject insensitive Ordinance, and the Court's deliberate interference with the Claim. Defendants should have been required to appear and Answer for their illegitimate acts. Petitioner alleges that each and every Order by both lower Courts was fatally flawed, contrary to Law, and overreaching of their authority. 1 Cranch 137 at 163: "The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws when he receives an injury".

Such conduct and rulings appear to be an obvious effort to frustrate Petitioner's Claim for corrupt purposes rather than a faithful, impartial discharge of proper judicial duties. This pattern of behavior well suggests that it was Fairbank acting in bad faith, not Petitioner. Therefore, Fairbank's judicial power and decisions should be nullified in this case before they dictate by precedent similar rulings for future litigants who file valid Claims.

Petitioner's liberties, freedoms, and safety were violated by Defendants first, then the District Court and finally the 9th Circuit, all of which smacks of conspiracy against rights. Herein, Defendants and the Courts seem to have lost sight of their commitment to follow the Constitution and common law principles and knowingly ignored Federal, State, and Local laws. It appears that their treatment of Petitioner, denial of her access to redress, their obstruction of justice, and deprivation of rights, equate to the unbridled discretion by Defendants and the Courts to bully litigants and disregard the requirements of the Law and their own Canons. Both lower Courts have slammed the door on Petitioner's right to Due Process and had no intention of ever allowing this Civil Rights Claim and action for deprivation of

Constitutional rights to be heard. Title 42 USC § 1983: “Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.”

Thomas v Collins, 323 U.S. 516; 65 S.Ct 315, 322: “The US Supreme Court has held the right to petition for redress of grievances is ‘among the most precious of the liberties safeguarded in the Bill of Rights’. Inseparable from the guaranteed rights entrenched in the 1st Amendment, the right to petition for redress of grievances occupies a ‘preferred place’ in our system of representative government and enjoys a sanctity and a sanction not permitting dubious intrusions.”

If Petitioner’s filing is protected, then surely the object of the protected right – of obtaining Due Process, a guaranteed fair hearing of the grievance, and redress thereon – is the very essence of the Petition Clause. The characteristic which distinguishes petitioning through Courts from other forms of petition is the access to compulsory process of law, wherein the parties are equal before the law. Without ultimate recourse to that compulsory process, there is no reason for government to listen to grievances at all, or to redress them fairly, or for tax payers to fund the very Courts and government employees that are supposed to be servants of We the People.

Defendants’ response to the ever-growing population of homeless has been to essentially hide their visible presence

without reducing their number on the streets. This is why Petitioner and others are forced to stay out of sight in isolated, obscure areas. City, County, and State taxes in California are consistently raised to purportedly “help the homeless” when in fact, the money is used to effectively victimize, threaten, arrest, tow, and more.

By the egregious discrimination against the unpopular homeless community, particularly Petitioner, this type of treatment by government officials, gives rise to a claim of denial of equal protection not only under the Bill of Rights, but the California Constitution, Article 1, Declaration of Rights § 7 (a): “A person may not be deprived of life, liberty, or property without due process of law or denied equal protection of the laws; provided, that nothing contained herein or elsewhere in this Constitution imposes upon the State of California or any public entity, board, or official any obligations or responsibilities which exceed those imposed by the Equal Protection Clause of the 14th Amendment to the United States Constitution” Petitioner has had absolutely no equal protection of the Law.

The purpose of being forced to sue public officials is to deter them from using the badge of their authority to violate anyone’s guaranteed rights and to provide compensation and other relief to victims of Constitutional deprivations when the deterrence has failed. Carey v Phipus, 435 U.S. 247, 253 (1978). If any law is clearly established, a Judge’s immunity should ordinarily fail. Harlow et al v Fitzgerald, 457 U.S. 800, 818 (1981). The Defendants criminalize Claimant’s liberties and freedoms and the Courts herein approve. “The claim and exercise of a Constitutional right cannot be converted into a crime a

denial of them would be a denial of due process of law”, Simmons v United States, U.S. 277 (1968) and Chicago Coach Co v City of Chicago, 337 Ill. 200, 169 N.E. 22. The acts and rulings of the actors herein against a valid Claim are unconscionable.

While a judge performing Judicial functions may enjoy Immunity, denial of Constitutional and Civil Rights are absolutely *not* a judicial function and conflict with any definition of same. Federal tort Law states that judges cannot invoke judicial immunity for acts that violate a litigant’s Civil or Constitutional rights. Robert Craig Waters, Tort and Insurance Law Journal, Spr. 1986 21 n3, p.509-516. Additionally, “ . . . the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument.” Marbury v Madison, “Hence the act of filing suit against a governmental entity presents an exercise of the right of petition and thus invokes Constitutional protection”. City of Long Beach v Bozek 31 Cal.3d 527 at 533-534 (1982).

Knowing that such Ordinances have previously been struck down as unconstitutional, the actors herein appear to feel that Petitioner’s case somehow differs from those already heard on the same issues. As the 9th Circuit previously ruled, such Ordinances ‘promote arbitrary and discriminatory enforcement against homeless people and the poor’, Desertrain v. City of Los Angeles, 754 F.3d 1147 (9th Cir. 2014), Petitioner is at a loss to understand why the 9th Circuit chose to agree with the unjust decisions of the District Court.

The Supreme Court of Massachusetts held that judges are accountable, Com v Ellis, 429 Mass 362, 371 (1999), recognizing that Article V provides that officers of government are accountable to the People when they commit an intentional tort. When a judge acts as a trespasser of a law, or does not follow the law, the judge loses subject matter jurisdiction and the judge's Orders are void, of no legal force or effect. Yates v Village of Hoffman Estates, Illinois, 209 F.Supp 757 (1962).

As a result of both Courts herein ignoring the Canons of their posts, all of which makes their actions individual acts according to their own prejudices and goals, Petitioner, and other decent law-abiding People, continue to be criminalized, harassed, displaced, and terrorized. This interference with Constitutional and Civil Rights puts single females, such as Petitioner, into unimaginable jeopardy and severely limits or denies access to places essential to security and basic needs, such as food stores, bathrooms, laundromats, and public parks where Petitioner can access a library and allow her pets to run and play to stay physically healthy.

Petitioner contends that the subject Ordinance is an obscenely irrational, immoral, unconstitutional policy that intentionally and unjustly tries to direct where and when Petitioner may travel or park which exposes her to substantially increased hardships, dread, torture, and potential violence. Defendants and The lower Courts could care less.

"Acts in excess of judicial authority constitute misconduct, particularly where a judge deliberately disregards the requirements of fairness and due process". Cannon v Commission on Judicial Qualifications, 14 Cal.3d 678, 694 (1975) and Gonzalez

v Commission on Judicial Performance, 33 Cal.3d 359, 371, 374 (1983). Under Federal Law applicable to all states, the Supreme Court stated "If a court is without authority, its judgments and Orders are regarded as nullities. They are not voidable, but simply void, and form no bar to recovery sought, even prior to a reversal in opposition to them. They constitute no justification and all persons concerned in executing such judgments or sentences are considered, in law, as trespassers". Elliot v Piersol, 1 Pet 328, 340, 26 U.S. 328, 340.

As a direct and proximate consequence of the acts of the Defendants and by reason of the Courts' improper conduct, bad faith behavior, and neglect of plain Law, Petitioner is at immediate risk of serious danger and harm to her person, her pets, finances, freedom, health, liberties, immunities, safety, Constitutional guarantees, and the probable risk of confiscation of her only asset, her car, and other essential personal possessions.

RELEVANT CONSTITUTIONAL PROVISIONS AND AUTHORITIES TO SUPPORT REVIEW

The ruling from this Court will have a significant impact on not just Petitioner but on a huge segment of California's population, indeed the nation. The policies and practices of Garcetti, CITY, District Court, and the 9th Circuit widen an acknowledged irreconcilable division between the Supreme Law and local statutes which are inconsistent with each other. This Supreme Court can resolve this conflict.

Petitioner relies on all the great American Charters, hundreds of Supreme Court rulings, and endless case Law. Petitioner alleges that Defendants and the Courts herein openly revolt against such as they willfully violate the aforementioned

protections of Petitioner, and others so situated. They have also disregarded all material points in the subject Claim, have not been faithful to their obligations under the Constitution, and the Courts' decisions are unsupported by the evidence, the facts, and the Law.

Petitioner is entitled to the same Constitutional protections as any other American. Even as this indefensible Ordinance is facially invidious, and res judicata as it has already been challenged, rebuked, and struck down by the Courts, Defendants continue to traumatize and ostracize the homeless who live in their automobiles. The Equal Protection Clause directs States to afford its protection to all within its jurisdiction. There is no exclusion of the homeless.

Said Clause was intended as a restriction on local legislative action inconsistent with elemental Constitutional premises. The Ordinance, in brutally treating disadvantaged People differently than others, sorely impinges upon fundamental rights. District Court once implied that such Ordinance served some compelling State interest, however, that argument fails on its face to make such showing as the Ordinance is discriminatory, targets the most vulnerable and defenseless, and gives rise to countless recurring Constitutional conflicts. The Ordinance does not reflect a reasoned judgment consistent with the ideal of Equal Protection, rather an insidious attack against those seeking at least some protection and shelter in their cars. Each aspect of the Equal Protection Clause reflects an elementary limitation on State power to assure that its laws are designed and applied equally and do not undermine the principal purpose for which it was created – to abolish all caste-based legislation. That objective is

fundamentally at odds with Garcetti's Ordinance which seeks to criminalize and classify all homeless as essentially sub-human, not worthy of the guarantee of Equal Protection to all.

In April 2012 the US Department of Justice found that Ordinances criminalizing homelessness may violate human rights as well as the 4th and 8th Amendments. Davis v Wechsler, 263 U.S. 22, 24; Stromberg v California, 283 U.S. 359; NAACP v Alabama, 375 U.S. 449: "The assertion of Federal rights, when plainly and reasonably made, are not to be defeated under the name of local practice"

Bennett v Boggs, 1 Bald 60: "Statutes that violate the plain and obvious principles of common right and common reason are null and void".

Sheerer v Cullen, 481 F: "There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights."

Marbury v Madison 5 US 137 (1803): "No provision of the Constitution is designed to be without effect . . . Anything that is in conflict is null and void of law . . . Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bear no power to enforce, it would bear no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no citizens are bound to obey it. It operates as a near nullity or a fiction of law." If any

statement, within any law, which is passed, is unconstitutional, the whole law is unconstitutional. There is no room for speculation in these and thousands of other cites”.

U.S. Constitution Article XIV § 1: "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any State deprive a person of life, liberty, or property without due process of law, or deny any person within its jurisdiction the equal protection of the laws”.

Donnelly v Union Sewer Pipe Co, 184 US 540; Lafarge v Grand Trunk R Co, 24 A. 848; O’Neil v Providence Amusement Co, 108 A. 887: “With regard particularly to the U.S. Constitution, it is elementary that a right secured or protected by that document cannot be overthrown or impaired by any state police authority.”

14th Amendment: “No State shall . . . deprive any person of life, liberty, or property, without due process of law.”

As to threats of towing for not parking in Garcetti’s ‘green zones’: 167 Am. Jur. 2d, Constitutional Law, § 369 : “Whenever the operation and effect of any general regulation is to extinguish or destroy that which by law of the land is the property of any person, so far as it has that effect, it is unconstitutional and void. Thus, a law is considered as being a deprivation of property within the meaning of this constitutional guaranty if it deprives an owner of one of its essential attributes, destroys its value, restricts or interrupts its common, necessary, or profitable use, hampers the owner in the application of it to the purposes of trade, or imposes conditions upon the right to hold or use it and thereby seriously impairs its value.”

When one's car is towed, the owner not only loses their transportation but their home and what's left of their other personal property. Some homeless make their living with their cars and when it is towed for parking in an 'un-green' zone, they sink even deeper into poverty. Simply trying to survive under tremendous difficulties is not a crime, thus, nonsense tickets and fining indigent People is senseless and, in this instance, unlawful. Because Petitioner is poor does not mean she has lost her Civil or Constitutional rights.

Nevertheless, Defendants zealously continue their campaign to seize homeless People's property and criminalize homelessness with unconstitutional edicts, actions, and Ordinances despite a tsunami of unshakeable Authorities. The Courts in this case refused to adjudicate the Ordinance or the violations of Petitioner's guaranteed freedoms.

Regarding the Freedom of Movement cause of action, many of the above Authorities overlap into this issue. Petitioner, as well as all other non-commercial travelers, have the right to park or move on any public road, highway, or street within these united states without government interference unless engaged in criminal activity or commerce.

No law requires you to record or pledge your private automobile to DMV. Public roads are for the public and no license or registration is necessary unless one is involved in commercial activities. The term "drive" (in contradistinction to "travel" or "locomotion" or "movement") is a commercial term for those using the road as a place of business.

Title 18 USC § 31 (a) (6): "The term 'motor vehicle' means every description of carriage or other contrivance propelled or

drawn by mechanical power and *used for commercial purposes* on the highways in the transportation of passengers, passengers and property, or property or cargo; and (10) The term "used for commercial purposes" means the carriage of persons or property *for any fare, fee, rate, charge or other consideration*, or directly or indirectly in connection with any business, or other undertaking *intended for profit.*"

California Vehicle Code §260: (a) "A 'commercial vehicle' is a 'motor vehicle' of a type required to be registered under this code if it is used or maintained for the transportation of persons for hire, compensation, or profit . . . (b) Passenger vehicles and house cars that are not used for the transportation of persons for hire, compensation, or profit are not commercial vehicles."

Bouvier's Law Dictionary 1914 ed, Pg. 940: Driver: "One *employed* in conducting a coach, carriage, wagon, or other vehicle." Petitioner is not 'employed' in conducting a vehicle, does not 'drive', is not for hire or in any way engaged in the "privilege" of using the road for gain. Americans have the right to travel and park upon the public streets and highways as they wish, but they do not have the right to conduct business thereon. **On this point of law all authorities are unanimous.**

Oregon Supreme Court in Kalich v Knapp, 142 P. 594, 73 Or. 5: " . . The legislature has no power to regulate the people or their automobiles . . ." Thus, if Jane and John America can park where they desire on the public streets of Los Angeles, there is no lawful reason Petitioner cannot do so.

The very name "Department of Motor Vehicles" exempts Petitioner from DMV's various laws, statutes, infractions, edicts, ordinances, and jurisdiction.

Petitioner wholly owns the title and interest to her conveyance which is personal property.

§1 Motor Vehicle Transportation License Act, (Stats.1925, p.833): "... Exemptions provided for in favor of those who solely transport their own property or employees, or both, and of those who transport no persons or property for hire or compensation by motor vehicle, have been determined in the Bacon Service Corp case to be lawful exemptions."

People v Battle (1975) 50 Cal.App.3d Supp. 1 [123 Cal.Rptr. 636].) fn.1 and People v Sava, 190 Cal.App.3d 935: "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of right... may ignore the law and engage with impunity in exercise of such right."

Bank of Boston v Jones, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14: "A vehicle not used for commercial activity is a "consumer goods" . . . not a type of vehicle required to be registered and use tax paid."

Shapiro v Thomson, 394 US 618 April 21, 1969: "The right to travel by private conveyance for private purposes upon the common ways can not be infringed. No license or permission is required for travel when such travel is not for the purpose of profit or gain on the open highways operating under license in commerce."

Shuttlesworth v Birmingham, 394 U.S. 147 (1969): "Persons faced with an unconstitutional licensing law which purports to require a license as a prerequisite to exercise of right . . . may ignore the law and engage with impunity in exercise of such right."

Chicago Coach Co v City of Chicago, 337 Ill 200, 169 NE 22:

"No state government entity has the power to allow or deny passage on the highways, byways, nor waterways . . . being subject only to local traffic lights, speed limits, etc. Travel is not a privilege requiring licensing, vehicle registration, or forced insurances."

Arthur v Morgan, 113 U.S. 495, 500, 5 S.Ct. 241, 243 S.D.

NY (1884): "A carriage is peculiarly a family or household article.

It contributes in a large degree to the health, convenience, comfort, and welfare of the householder or of the family." Also,

Hillhouse v United States, 152 F. 163, 164 (2nd Cir. (1907): "The

Supreme Court, in Arthur v Morgan, supra, 112 U.S. 495, 5 S.Ct.

241, 28 L.Ed. 825, held that carriages were properly classified as

household effects, and we see no reason that automobiles should

not be similarly disposed of."

Title 49 Ch.3, ID Code: "To deny an American their natural right of nationwide and local travel is in violation of the Bill of Rights. All the above-cited Laws give Americans the right to own property including the right to use it. Private, not-for-profit cars are property. Their reasonable use is to travel and park upon the streets of the nation

Wingfield v Fielder 2d CA.3d 213 (1972): "The court

makes it clear that a license relates to qualifications to engage in profession, business, trade or calling; thus, when merely traveling without compensation or profit, outside of business enterprise or adventure with the corporate state, no license is required of the natural individual traveling for personal business, pleasure, and transportation."

Kent v Dulles, 357 U.S. 116, 125.U.S.C., "The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law under the 5th Amendment."

People v Horton 14 Cal. App. 3rd 667 (1971): "The right of the citizen to drive on the public street with freedom from police interference, unless he is engaged in suspicious conduct associated in some manner with criminality is a fundamental Constitutional right which must be protected by the courts."

In RE Barnes, USDC, D Maine, 9/15/72, BK 72-129ND, "Automobiles for transportation to and from work are consumer goods. "The use of a vehicle by its owner for purposes of traveling to and from his employment is a personal, as opposed to a business use, as that term is used in UCC § 9-109(l), and the vehicle will be classified as consumer goods . . . "

City of Dayton v DeBrosse, 23 NE.2d 647, 650; 62 Ohio App. 232. "The term 'motor vehicle' is different and broader than the word 'automobile.'"

Ex Parte Hoffert, 148 NW 20 " . . . self-driven vehicles are classified according to the use to which they are put rather than according to the means by which they are propelled."

Registration tags are a tax. The confusion of the police power with the power of taxation usually arises in cases where the police power has affixed a penalty to a certain act, or where it requires licenses to be obtained and a certain sum be paid for certain occupations. The power used in unlawful ticketing cannot be used because the power of taxation in cases such as Petitioner's Claim are attempting to levy a tax upon a Right which opens the door wide to a wealth of Constitutional objections.

Mudook v Penn. 319 US 105:(1943), "No state shall convert a liberty into a privilege, license it, and attach a fee to it . . . A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution and that a flat license tax here involves restraints in advance of the constitutional liberties of Press and Religion and inevitably tends to suppress their existence."

All Americans have the inalienable right to use the roadways unrestricted in any manner as long as they are not damaging or violating property or rights of another. Petitioner's extensive research has not turned up even one case or Authority acknowledging the State's power to convert the freedom of travel upon the public roads into a "privilege". Per the Declaration of Independence and a wealth of other Authorities, California cannot confer any contract on Petitioner that she does not consent to enter into. The freedom of movement is so fundamental that it appears in the Articles of Confederation which governed our society before the Constitution.

State v Johnson, 243 P. 1073; 60 C.J.S. § 94, p.581: "In view of this rule a statutory provision that the supervising officials "may" exempt such persons when the transportation is not on a commercial basis means that they *must* exempt them."

City of Chicago v Collins, 1914 p.2961: "Those who have the right to do something cannot be licensed for what they already have a right to do as such license would be meaningless."

Petitioner could go on endlessly quoting Court decisions, however, the Constitution itself answers all our questions and verifies all of Petitioner's Claims. Can a government by the People and for the People legally put restrictions on the guaranteed

rights of Americans who built those roads and pay the salaries of our public servants, at any time, for any reason?

Further, Petitioner formally withdrew her consent to contract with DMV [Appendix E – 1st page of Affidavit of Withdrawal], requested the MSO from DMV and never received a response. Thus, DMV's silence attests to their consent, default, and acceptance of same. Petitioner relies on the maxim of law 'Qui non negat, fatetur' (He who does not deny, admits)."

Bergh Business Law: "A party must consent to a contract of his own free will; free consent is an essential element of an agreement. If one is coerced into signing a contract by fear induced by a threat to institute criminal prosecution, i.e. jail, the contract is voidable. Thus, duress secures that any supposed contract is unenforceable and invalid."

CONCLUSION

Neither Defendants nor the lower Courts, nor any of their subordinate corporate entities, officers, employees, agents, or officials, being the same in partnership, possess any lawful right or authority to banish innocent People from public streets or convert the exercising of a right to park on a public street, absent signage to the contrary, into a crime, or to discriminate, punish, injure, intimidate, discourage, or charge anyone with a crime for enjoying and exercising any right secured for the People by the established Law of the Land. Petitioner reserves all such Natural Rights, Divine Rights, Inalienable Rights, Liberties, Privileges and Immunities reserved under the authority of the Constitution for the United States Republic of North America, and by International Law, to which the Judges of every State, the officers of every

Court, all State agents, contractors, officers, and representatives of, or for, the California Republic are bound to respect.

Petitioner submits that Defendants and the Courts herein have improperly disregarded the clear language of the Supreme Law and the decisions of thousands of higher Courts, for which there can be no misinterpretation. This Supreme Court has the authority to review this case and to bar the unlawful crushing of Petitioner's personal liberties, Due Process, potential theft of private property for monetary extortion, and other prohibited practices under color of law granted by Garcetti's Ordinance and DMV, all of which are crimes against the sacred Trust of the Natural People, a violation of Fiduciary Duty, an Abandonment of Office, Perjury of Oath, and repugnant to the Constitution. These conspired acts of collusion and practices of abusing authority for colorable purposes are in violation of Title 18, Ch.13, §§ 241-242 and Title 42.

Petitioner has agonized with sleep deprivation, emotional stress, and many other hardships due to the acts of the Defendants herein and has no other remedy in law than to seek this Writ of Certiorari as a matter of justice and to put a stop to the unchecked lawlessness and pattern of resistance to Law on the basis of poverty that severely compromises Petitioner and untold thousands of other People in Los Angeles.

Knowing that there is no lawful method for government to put restrictions or limitations on rights belonging to the People, Petitioner filed her Claim believing she would at least slow down an out of control CITY. Instead, she was confronted with disinterest and disdain for Law by Judges who wield their power without accountability.

Unless restrained by an Order of this Court, Defendants will continue to pursue such despicable policies, and the homeless will continue to be exiled into deplorable zones and deprived of guaranteed rights. All men are guaranteed a remedy by the due course of law. Here, the Courts refused this Claim, subverted the right to Due Process as if it did not exist, subjected Petitioner to censorship without even a Hearing, dismissed all the Causes of Action within a constitutionally-sound Claim, and ruled against cited Law and the sovereign rights of Petitioner. Sovereignty itself remains with the People by whom and for whom all government exists, acts, and is funded. "Every free man is endowed with certain rights and privileges to which no written law or statute is required. These are the fundamental, natural rights among all free people." Yick Wo v Hopkins 118 U.S. 356, p.370 and U.S. v Morris 125 F 322

Petitioner believes she can never receive Due Process, a fair Trial, or any Trial, in Los Angeles due to the cruel and vigorous campaign against the homeless population, the majority of whom commit no crimes. For all of the foregoing reasons, Petitioner respectfully requests that this Court please grant Certiorari to resolve the constitutionality of the issues herein, to clarify how a deluge of Law can be considered "frivolous", to ensure that an out of control CITY and Garcetti comply with the Law of the Land, and grant Petitioner In Forma Pauperis status, and request that this Court schedule this case for briefing. Thank you.

Dated: October 18, 2019

Respectfully submitted,


Vicki Corona