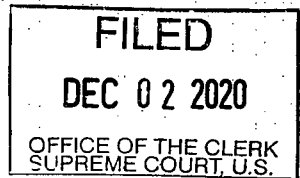


20-1194 ORIGINAL
No. _____



IN THE
SUPREME COURT OF THE UNITED STATES

Arthur Lopez — PETITIONER
(Your Name)

Corona Police Department vs. etal RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the 9th Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Arthur Lopez
(Your Name)

P.O. Box 13081
(Address)

Newport Beach Ca 92658
(City, State, Zip Code)

(Phone Number)

QUESTION(S) PRESENTED

Should these defendants Corona Police Department, City of Corona, Joseph Brown and Jomelle Birmingham be held accountable for their Deprivation of Civil Rights upon Mexican Heritage, Hispanic Latino Male, Catholic-Christian, Father of four Petitioner under Color of Law as a systemic and systematic operating procedure in Corona, California through the participation and execution of Entrapment Schemes?

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- City of Corona
- Joseph Brawns
- Jimmie Birmingham (Deceased)

RELATED CASES

- United States Supreme Court: No. 20-5230
- 1) Arthur Lopez v. Newport Beach Police Dept_{etal}
- 2) Arthur Lopez v. Costa Mesa Police Department, et al
Docket No. 20-5229

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APPENDIX A:	"United States Court of Appeals for the 9 th Cir." Case No. 19-55162 Arthur Lopez v. Corona Police Dept, etal Order of Aug. 10 th , 2020 Affirming Lower Court's Dismissal
APPENDIX B:	"United States Court of Appeals for the 9 th Cir" (Case No. 17-56869) Arthur Lopez v. Corona Police Dept., etal (Same Dist. Court Case) Order of June 19, 2018 Reversing and Remanding Case.
APPENDIX C:	"United States District Court Central District" Case No. EDCV 17-02379 VBF-MRW - February 13, 2019 Final Judgement in favor of Defendants Arthur Lopez v. Corona Police Department, etal
APPENDIX D:	"United States District Court, Central District" Case No. EDCV 17-02379 VBF-MRW January 29, 2020 Order Denying Plaintiff's Reconsideration Motion and Issuance of Sanctions in the Amount of \$3200 plus post judgement interest.
APPENDIX E:	Untruthful Letter from Irvine Police Department Chief of Police David L. Maggard, Jr. Dated 11/1/2011 (21 Days after the Birth of Plaintiff's 2 nd Son and 7 months after the Initial Complaint against Police man Stephen Myer was filed - 4/7/11).

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- Appendix F: Plaintiff's Letter To The United States Department of Justice Dated December 22, 2011 related to Irvine P.D., Tustin P.D., Anaheim P.D., Santa Ana P.D., O.C. Sheriff and F.B.I. along with other entities the likes of The Irvine Company LLC.
- Appendix G: Corona Police Department "Notice of Stored Vehicle" Form #180 Dated November 22, 2017 Reflecting Plaintiff, Arthur Lopez as the "Registered Owner" and Reflecting The sole Storage Authority as CVC 22651(o) (Reason)
- Appendix H: California Department of Motor Vehicles Vehicle 2 page Registration - Record Document Dated 9/15/2017 - 1st page Reflecting Plaintiff Arthur Lopez as the sole R/O (Acronym for Registered Owner) for 2008 Lexus, California License Plate: REZERVA and Vehicle Identification No. JTHDU46F585002588 and Indicating the Registration Fees Due and Paid this date of \$595.- Received In Cash. Page 2 Reflects an Itemization of 24 charges totalling Fees Due of \$595.- and "New Exp. (Acronym for "Registration * Expiration") Date" of 9/8/2018 and Vehicle Identification Number (V.I.N.) of JTHDU46F585002588.

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Appendix I: Corona Police Department Complaint Filed By Plaintiff on Date of Unlawful Seizure of his vehicle November 21, 2017 in the Presence of Sergeant Mamache who acknowledged He would not have Impounded / Seized Plaintiff's Vehicle Given The Facts Present (Totality of Circumstances). This acknowledgement from Sergeant Mamache solidifies the Absence of Qualified Immunity for the Defendants.

Appendix J: Text of California Vehicle Codes 4000(a) and 22651(o).

- CVC 4000(a) Requiring Vehicle Registration Fees Being Paid In Full and Registered.
- CVC 22651(o) Authority To Impound when Registration Expiration Date In Excess of six months.

This cited vehicle code 22651(o) as the authority to impound Plaintiff's vehicle by the defendants solidifies the violation of Plaintiff's U.S. Constitutional Civil Rights under the 4th amendment since Appendix H Unambiguously Reflects the New Expiration Date as 9/8/2018 as of 9/15/2017 (over 2 months Prior TO THE Unlawful Seizure)

Furthermore, vehicle Code 4000(a) provides unambiguous authority to park Plaintiff's vehicle on a Residential street in front of Family's Home since Registration fees had been Paid In full and not Due To Expire until 9/8/2018 and Plaintiff is reflected as the Registered Owner to this vehicle which had been Registered with Ca DMV since 2007.

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- Appendix Y Copy of "Redacted" DMV Record of 9/15/17
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- Appendix Z 11/22/2017 Audio Recording Related to
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Damaging Catalytic Converters TO
Petitioners Automobile Barring Suey Cheek
Also Confirmation of New Expiration Date
To Registration as 9/8/2018 as provided
By Ca Dept. of Motor Vehicles.

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- * 2) Jacobsen v. United States, 503 U.S. 540, 548 (1992)
- * 3) Sherman v. United States, 356 U.S. 369 (1958)
- * 4) Sonell v. United States, 287 U.S. 435 (1932)
- 5) United States v. Howell, 37 F.3d 1197, 1204 (7th Cir. 1994)
- 6) United States v. Barta, 776 F.3d 931 (7th Cir. 2015)
- 7) United States v. Mayfield, 771 F.3d 417 (7th Cir. 2014)
- 8) United States v. Kapstein, 759 F.3d 168 (2d Cir. 2014)
- 9) United States v. McGill, 754 F.3d 452 (7th Cir. 2014)
- 10) STATUTES AND RULES Black, 750 F.3d 1053 (9th Cir. 2014)
- 11) United States v. Cortes, 757 F.3d 850 (9th Cir. 2013)
- 12) United States v. Pillado, 656 F.3d 754 (7th Cir. 2011)
- 13) United States v. Theogene, 565 F.3d 911 (5th Cir. 2009)
- 14) United States v. Luisi, 482 F.3d 43 (1st Cir. 2007)
- 15) United States v. Sandoval-Mendoza, 472 F.3d 645 (9th Cir. 2006)
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- 21) United States v. Burt, 143 F.3d 1215 (9th Cir. 1998)
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- 2.) Gibson v. United States, 671 F.2d 204 (6th Cir. 1982)
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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 10th, 2020.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including January 7th, 2021 (date) on March 19th, 2020 (date) in Application No. A _____, Misc. Order of the Court Extending Deadline To file Petition For Writ of Certiorari To 150 Days from Lower Court's Judgment.
The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution Civil Rights including the First, Fourth, Fourteenth, Seventh and Eighth Amendments.

United States 42 U.S.C. § 1983 and 1985

United States 28 U.S.C. § 1915(a)(1) + (d)

United States 18 U.S.C. §§ 241, 242

Federal Rules of Civil Procedure Rule 11(c)

California Vehicle Code 22651 (o)

California Vehicle Code 4000 (a)

California Vehicle Code 27360 (c)

California Vehicle Code 21460

California Vehicle Code 21651(A)

Most Honorable United States Supreme Court
this case arises from the systemic and systematic
deprivation of United States Constitutional
Civil Rights including the First, Fourth, Seventh,
Eighth and Fourteenth Amendments due to
Petitioner, Arthur Lopez's Familial Status;
Mexican Heritage, Latino/Hispanic Race; Catholic-Christian
Religion. Religious Beliefs Rooted in Love of Thy Neighbor
as Mandated by his Lord - God Jesus Christ; and
Male Gender by these defendants,
Corona Police Department, City of Corona, Joseph Brown,
and Jimmie Birmingham under Color of Law.

Furthermore, these defendants have participated
in a consorted scheme to deprive Petitioner of
not only his Civil Rights but also his property, liberty,
automobile(s) by way of an unscrupulous and
abhorrent entrapment scheme(s) which involved
several officers within these defendants' municipality
and neighboring police departments including
Irvine Police, Tustin Police, Santa Ana Police,

for which active Petitions with this court include Costa Mesa Police, Newport Beach Police and Santa Ana Police. Moreover, various others have also been involved such as Anaheim Police and the O.C. Sheriff's Dept, see Appendix

In point of fact, it was a Costa Mesa Police Senior Communications Supervisor named Keena Bolle who on the second year anniversary of Newport Beach Police Officers: Mathew Bragi and Detective Shawn Dugan having concealed material - exculpatory evidence (a violation of Federal Law as per Brady v. Maryland, 373 U.S. 83 [1963]) to manipulate the outcome of a trial (frame petitioner "Lopez") on November 22nd, 2015, was the initial caller to the Corona Police Department on November 21st, 2017 that triggered the events related to this case. Moreover, these events were premeditated and by design since it was carried out on the last day of Keena Bolle's residence @ 2370 Bloomfield Lane, Corona, CA 92882, the location where Petitioner's automobile was unlawfully seized and the same spot where petitioner customarily would park his vehicle under a City Tree for shade down the same street where Petitioner's Family home of nearly 30 years was situated (2251 Bloomfield Ln.) and where the Costa Mesa Police conveniently found residence for their Sr. Comm. Super. nearly 30 miles away from Costa Mesa.

The following facts preceed the matters of this case and shed light on how this entrapment scheme has been executed by various defendants @ their Whim

2) In the beginning, on or about April 7, 2011 while Plaintiff traveled with his then spouse, who was approximately 3 months pregnant with their fourth child and second boy "Luke Jesus", and his two younger children ages 6 and 4 in the City of Irvine, California he was falsely cited for a "bogus" booster seat infraction by (CVC 27360) motorcycle Police officer Stephen Myer who after issuing the bogus ticket proceeded to demand remove Petitioner's pregnant wife and two minor children from the vehicle and prevented them from continuing in the vehicle with Petitioner. He further demanded Petitioner drive to neighboring City of Justin to retrieve a booster seat from his home for his younger child "Noah Abraham" (whose Birthday so happens to be July 17th which correlates with a Bible scripture from the Book of Genesis Chapter 8. The verse refers to Noah's Ark coming to rest on Mt. Ararat on the same date, seventeenth day of the seventh month; this passage also reflected in the Jewish Faith Holy book possibly). However, the citing officer never disclosed or documented that under subdivision (c) of Ca Vehicle Code 27360 the absence of a booster seat when a parent is a passenger in the vehicle is not applicable as an infraction. This is to say no violation of law had occurred and moreover "Noah" ~~was~~ properly restrained with a seat belt and shoulder harness and being of a taller and heavier size than his 18 month older sister in the car for which no Booster was required under this vehicle code.

Therefore, Irvine Police Department officer Myer not only wrote a bogus ticket for a non-existent infraction but also unlawfully and unconstitutionally seized Petitioner's Family forcing them to the street and violating United States Constitutional Civil Rights under the Fourth Amendment. Consequently, Petitioner filed a formal complaint with the Irvine Police Department the same day and seven months (See App. E) later the Chief of Police - David Maggard responded via a letter with lies about no wrongdoing by abusive "Myer" and in essence brushing all of the events under the rug. Furthermore, Petitioner later learned that lying Chief of Police Maggard also held the office of President with the California Police Chiefs Association and moreover was made liaison for the State of California to the National Police Chiefs Association. Unfortunately, the harassment by police in Irvine, Santa Ana, Newport Beach, Tustin, Costa Mesa, Corona and many others did not end there. In fact, after reporting these abuses to the United States Department of Justice (See App. F) the Tustin Police Department (directly neighboring city / municipality and Police Jurisdiction) during an encounter less than a year later, the Police Department summoned Archie's Tow for Road Assistance (a contracted Agent of the Dept.) and without any knowledge of the Petitioner who was traveling with his son Noah, the tow truck driver placed Diesel fuel in Petitioner's automobile which is a Hybrid Gas only burning Engine vehicle causing over \$10,000. - in permanent damages.

The damage extended to the vehicle's four catalytic converters and as such ~~in~~ both Theustin Police and its agent have refused to pay for the repairs and replacement of these converters.

These facts are most relevant to this case since as a direct result a Smog Check, much less a Smog Certificate, can not be ascertained. In fact, since the vehicle's "Check Engine" remains lit permanently while the converters remain unreplaced a Certified Smog Check Station is not even permitted to perform a Smog Inspection as per California Code, all of which became effective and mandatory on Plaintiff's Hybrid vehicle in 2016. Consequently, Ca Department of Motor Vehicle refuses to provide a tag/sticker annually for placement on Plaintiff's Vehicle License Plate (Rear) despite all registration fees being paid fully up to date and the vehicle being registered with Arthur Lopez as the sole Registered Owner since the vehicle's purchase in 2007 as new through the present. These facts are further relevant since Ca Vehicle Code 4000(k) outlines these two prerequisites as conditions to operate the vehicle on the road. Nevertheless, despite both conditions having been fully met - registration fees being paid and Arthur Lopez as the Registered Owner and with these defendants having full knowledge of these unambiguous facts, they have engaged in an Entrapment scheme to extort excessive fines, with the issuance of bogus citations(s) and seizure(s).

Entrapment Scheme / Defense / Claims:

The entrapment schemes have included Newport Beach and Costa Mesa Police Department among others. Costa Mesa Police Department in fact has even had a Communication Supervisor Officer reside on the same street as Petitioner's Parents have owned and resided since 1990-91 through 2018 located @ 2251 Bloomfield Lane; Corona, Ca 92882. This same Costa Mesa Police Department employee colluded with Corona Police Department to unlawfully seize Petitioner's vehicle in 2017. All the while Newport Beach Police Department has also targeted Petitioner and also unlawfully seized the same Lexus vehicle from Petitioner years before and more recently have also unlawfully stopped Petitioner twice three days *Apant using the issue of the unascertainable smog tag, despite the vehicles registration fees and the vehicle and petitioner being on record/registered with Ca DMV, as a pretext to unlawfully stop, unlawfully detain and intimidate, badger and threaten seizure of the vehicle. In fact, Petitioner invoked these entrapment schemes from the very beginning of the events related to this case. In the matter of Newport Beach PD and Joshua Vincelot the entrapment defense was disclosed from the very first conversation with the defendant (which was recorded) in early August of 2016, since Petitioner regularly frequented the Corona Del Mar area for Physical Therapy and "Dr. ordered" therapy at the State Beach and no effort or police inquiry was ever made of these facts.

Now as to Corona Police Department and these herein codefendants, on November 21st, 2017 with full knowledge of Plaintiff being the sole Registered Owner of his automobile, a 2008 Lexus LS600hl as reflected through the California Department of Motor Vehicles Vehicle Registration Data Base and moreover with full knowledge that the Registration fees had been paid in full through the following year renewal date of September 8, 2018 also reflected on the DMV Database and furthermore also with full knowledge of the Registered Owner address being reflected on the DMV database as 2251 Bloomfield Lane; Corona, Ca 92882 and further full knowledge that Registered Owner Arthur Lopez had paid the Registration fees in full on September 15th, 2017 (over 2 months prior to the matters related to this case) and that Plaintiff had been the owner of said vehicle since September 8th, 2007 when it was first sold as new, and in addition with full knowledge that California Vehicle Code 4000(a) requires only that the vehicle have the registration fees paid up to date in full and the vehicle be registered with the California Department of Motor Vehicles which had been the case since when it was purchased by Plaintiff in 2007 and was reflected as such on their database and Plaintiff's documents,

proceeded to seize Plaintiff's automobile without a warrant and without cause other than by the request of Costa Mesa Police Department Senior Communications Supervisor Reena Bolle via her phone call @ approximately 11:00 am (coincidentally plaintiff was simultaneously speaking to the U.S. Court of Appeals for the 9th Circuit to these issues involving N.B. PD in 11/2015).

Even more blatant are the violations of these defendants since the single authority cited for the seizure was California Vehicle Code 22651 (c) which requires

"Registration expiration date in excess of six months before the date it is found or operated on the highway, public lands or offstreet parking facility."

However, the California Department of Motor Vehicles DataBase and Documentation clearly reflects the New Expiration Date as 09/08/18 !

To be perfectly clear the only authority cited by the defendants on Form CHP180 (app. J) is (VC 22651(c))

("... expired over 6 mos....") and the California Dept. of Motor Vehicles Vehicle Record clearly - unambiguously correctly reflects the New Expiration Date as "09/08/18" issued upon

Plaintiff paying in Cash \$595. - on 9/15/2017, see App. H.

Hence, Plaintiff's vehicle should have never been touched and the subsequent seizure is a 4th Amendment violation period.

Moreover these defendants executed this unlawful seizure with full knowledge of Justin Police Department having been the cause of the damaged catalytic converters which consequently precluded Plaintiff from having a Smog Check performed (on his vehicle) that was conditioned by DMV to provide a sticker/tag for his rear license plate. In fact, these issues were repeatedly conveyed by Plaintiff to these defendants on 11/21/2017 and during a recorded conference with defendants on 11/22/2017 (which has been requested of the "U.S. District Court Exhibit" in form of audio disc - Docket #16 - Case # 2:15-cv-02379 over a week ago since it was being stored in Magistrate Judge Wilner's (chambers); Petitioner requests permission of the court to submit as an exhibit for this case.

Despite these facts the defendants refused to stop the seizure processes in this case and maintained their participation in this entrapment scheme by using the missing sticker/tag as a bogus excuse to ignore Plaintiff's full compliance with CVC 4000(a), having paid all Registration fees in full and having himself and the vehicle registered with Ca DMV, and making CVC 22651(c) irrelevant and non-applicable to the unlawful seizure of Petitioner's automobile. In fact, the United States Supreme Court has held in Sorrells v. United States, 287 U.S. 435 (1932) whereby the Justices unanimously recognized the Entrapment defense and the majority Opinion by

Chief Justice Charles Evans Hughes located the Key to entrapment in the defendants' Predisposition or lack thereof to commit a crime (offense). In fact, the prosecution must show the defendant had a predisposition to commit the crime (offense) if an Entrapment defense is raised, neither of which these defendants ever fulfilled in moving forward with their ~~prosecution~~ efforts against Petitioner and imposing nearly a thousand dollars in fees, on top of the vehicle seizure. Additionally, in Mathews v. United States, 485 U.S. 58 (1988) the U.S. Supreme Court held the Entrapment defense has two related elements of a) Government Inducement of a Crime (offense), and b) Lack of Predisposition on the defendant's part to engage in such criminal (offense) conduct. Moreover, the court held in "Mathews" that the defendant is entitled to present inconsistent defenses including "I didn't do it" and "If I did was Entrapped." Clearly this case is relevant to Lopez v. Crona ~~PB~~ ^{Betal} since Petitioner demonstrated absolutely no Predisposition to committing said offense, having complied with the applicable vehicle codes, paying Registration fees in full regularly and at all times remaining the sole Registered Owner and lastly it was only through Petitioner's ~~government~~ ^{government} inducement that his vehicle was operated with the Tustin Police Dept's damaged catalytic converters barring a smog check and sticker tag to be issued by DMV and these Defendants having full Knowledge of these facts entrapped petitioner and failed to

show the defendant, Arthur Lopez had a predisposition to commit the crime/offense when the entrapment defense was raised. To the contrary these defendants clearly have demonstrated a premeditated plan to retaliate and target Petitioner by pursuing him with Costa Mesa Police Department colluding in this scheme by executing their assault on a scheduled time and date after establishing residence on the same street Petitioner's vehicle was registered.

Furthermore, this Supreme Court, in Jacobson v. United States, 503 U.S. 540 (1992) held: the government must prove beyond a reasonable doubt that a defendant was predisposed to commit a crime (offense) prior to any contact with government agents in order to overcome an "Entrapment Defense." In this case not only did the government/defendants not prove beyond a reasonable doubt that petitioner was predisposed to commit a crime (offense) prior to coming in contact with government agents but in fact deprived petitioner of due process, equal protection under law, unlawfully seized petitioner's property - vehicle w/o a warrant nor probable cause as confirmed by Sgt. Gamache - see App. I. In fact the Supreme Court also ruled in Raley v. Ohio, 360 U.S. 423 (1959) that the defendants' Due Process Clause of the Fourteenth Amendment Rights were violated since they were entrapped by being convicted for exercising a privilege which the commission had led them

to believe was available to them, Furthermore,
in Cox v. Louisiana, 379 U.S. 559 (1965) the
Appellant was found to in effect been advised
by the City Police official his actions of
demonstration were permitted and then was
subsequently convicted for accepting this officials
clearance, hence the lower courts conviction(s)
was reversed since it was determined that allowing
the conviction would be violative of the
Due Process Clause. Further even in United States v.
Pennsylvania Industrial Chemical Corp., 411 U.S. 655
(1973) the Supreme Court held that the Government's -
U.S. Corp. of Engineers inconsistently regulated the
obstructions to Navigation (§13) and as such deprived
Respondent of Fair Warning as to what conduct
would be deemed Criminal thus remanding the case
to the district court. Additionally, the Supreme Court
held in Sherman v. United States, 356 U.S. 369 (1958)
that the government can not overcome an Entrapment
Defense by dissociating itself from informant's conduct
such as that of Irvine, Justin and Costa Mesa Police Depts.
unlawful actions cited in these cases Lopez v. Irvine PD,
SACV 17-00752 VBF (MRW) and Lopez v. Justin, SACV 17-00496 VBF (MRW)
and Lopez v. Costa Mesa PD, SACV 17-00297 VBF (MRW) - Docket #20-5229.

Moreover, the United States Court of Appeals, 9th Circuit found in "U.S. v. Lessard" 17 F.3d 303 (9th Cir. 1994) that the trial court's ambiguous jury instruction on the entrapment defense-Subject, whereby a defendant who is initially entrapped by the government can not then become unentrapped during the same course of conduct, the defendant's predisposition must exist prior to any contact between the defendant and the government, continued participation in the scheme would be tainted by the same entrapment, case must be reversed and remanded. Also relevant is U.S. Supreme Court's ruling in Cox v. Louisiana, 379 U.S. 559 (1965) whereby the court concluded that the Due Process Clause did not permit defendant's conviction since officials gave permission for the demonstration to take place near the courthouse and at no time did the police recommend that the demonstrations be held further, defendant's conviction could not be sustained on the basis of the Sheriff's dispersal order, just the same in this present case CA DMV Vehicle Registration Record documentation issued 9/15/17 clearly reflects the New Expiration Date as 9/8/2018, see Appendix H, also Catalytic Converters have been damaged since 2012 by the actions of Tucson Police Department and NO Stickers have been issued by CA DMV since 2016.

By the same token the United States Court of Appeals for the 9th Cir. in United States v. Walter David Tallmadge, 829 F. 2d 767 (9th Cir. 1987) held that the circumstances of these cases, the judgements of the Ohio Supreme Court affirming the convictions violated the Due Process Clause of the Fourteenth Amendment and must be reversed... Moreover, after the Commission speaking for the State, acted as it did, to sustain the Ohio Supreme Court's judgement would be to sanction an indefensible sort of entrapment by the State - convicting a citizen for exercising a privilege which the State had clearly told him was available to him, citing Raley v. Ohio 360 U.S. 425-426 and Cox v. Louisiana, 379 U.S. 589 and W. Pennsylvania Indus. Chem. Corp, 411 U.S. 655.., since Tallmadge received and possessed Firearms in reliance upon the representation of a Federally licensed gun dealer. Therefore, under the Doctrine of Entrapment by Estoppel a person could not be prosecuted. Hence In Conclusion, the Prosecution and Conviction of Tallmadge for the receipt and possession of firearms, after he was misled by the government agents who sold him the weapons into believing that his conduct would not be contrary to federal law violated due process, Reversed!

Similarly in United States v. Brady, 710 F. Supp. 290 (District of Colorado 1989) the Appellate Court found in Favor of the defendant(s) since a State Court Judge told him he could possess a firearm in connection with his hunting and trapping, precluding his conviction and convicting Brady would violate Due Process. Just the same in this present case Petitioner Arthur Lopez relied on the Ca Department of Motor Vehicles Vehicle Registration Record Documentation and also Relied on Ca Vehicle Code 4000(a) 2 cited Requirements literally as fullfilled following payment in full and New Expiration Date as 9/8/2018 in Writing, See Appendix H.

Another United States Court of Appeals for the 7th Circuit in United States v. Banta, 776 F. 3d 931 (7th Cir. 2015) found "Entrapment is a defense to Criminal Liability when the defendant was not predisposed to commit the charged crime (offense) before the intervention of the government's conduct induced him to commit it," citing United States v. Mayfield, 771 F. 3d 417, 420 (7th Cir. 2014) (en banc). Correspondingly, Petitioner in this case presented clear abundant evidence in his entrapment defense that he was not predisposed to commit an offense before the intervention of the government's conduct since he regularly paid his registration fees in full and timely always fullfilling Ca Vehicle Code Requirements related to his vehicle's

Registration (as was the fact on the day of the unlawful seizure 11/21/2017) with the exception of the government's intervention conduct damaging emissions components of Plaintiff's vehicle inducing the operation of the vehicle with damaged catalytic converters that precluded a smog check completion and the absence of a license plate tag/sticker and these defendants ignoring the totality of the circumstances (other than Sgt. Yamach ^{who would not} of seized vehicle) to entrap Petitioner for their enrichment.

In United States v. Kopstein, 759 F.3d 168 (2nd Cir 2014) the Appellate Court vacated the defendant's conviction and Remanded for a New Trial finding the Entrapment Defense warranted/required critically the jury be adequately instructed on entrapment which it was not. Comparably, Petitioner here never even had a trial despite repeatedly requesting such from Defendant Joseph Brown, see audio recording disc Appendix Z'. This audio recording was prepared and submitted into the record by the defendants (DKT #16) of the U.S. District Court and it relates to a 11/22/2017 Hearing of sorts whereby Plaintiff offers facts related to the Austin Police Dept damaging emission components of the vehicle precluding a smog check and also repeated requests for appeal process and Due Process as a Right but was met with obstruction. Additionally, the Lower Courts ignored Plaintiff's repeated entrapment claims and the defendants entrapment schemes.

Also in United States v. Pillado, 656 F.3d 754 (7th Cir 2011) Lara's Conviction was reversed and a new trial ordered due to

the government's inducement and the Entrapment Defense. Additionally, the 5th Cir Court of Appeals in United States v. Samuel Theogene, 565 F.3d 911 (5th Cir. 2009) held that the defendant made out a prima facie case of entrapment showing both lack of predisposition and government inducement accordingly the conviction was vacated and Remanded for further proceedings. Additionally, the First Circuit Court of Appeals in United States v. Luisi, 482 F.3d 43 (1st Cir. 2007) concurred with the District Court that the Government had the burden to prove, beyond a reasonable doubt, that Luisi had not been entrapped, citing United States v. Walter, 434 F.3d 30, 37 (1st Cir. 2006), also concurred the government had to prove, beyond a reasonable doubt, that one of two things were true: either (1) no government agent or person acting on behalf (of) or ... under the auspices of the government persuaded or induced the defendant to commit the charged crimes (offense), or (2) the defendant was ready and willing to commit the (charged) crime(s) (offenses) without persuasion from the government, citing United States v. Samoeche, 156 F.3d 1, 9 (1st Cir. 1998) (Explaining the two prongs of an entrapment defense are improper government inducement and lack of predisposition). However, the appellate court sided with the defendant in that the lower courts jury instructions on entrapment were erroneous, citing the U.S. Supreme Court explaining that the function of Law enforcement is the prevention of crime (offenses) and the apprehension of criminals (offenders). Manifestly that function

does not include the manufacturing of crime (offenses)... Congress could not have intended that its statutes were to be enforced by tempting innocent persons into violations". Sherman, 356 U.S. 372, 78 S.Ct. 819, and Sorells v. United States, 287 U.S. 435, 448, 53 S.Ct. 210 77 LEd. 413 (1932) - Judgements of Conviction are vacated and the case is remanded for further proceedings. Additionally Petitioner, Arthur Lopez offers 38 additional Appellate Courts for the United States Circuits in support of Plaintiff's Entrapment defense and claims in this case itemized under the Table of Authorities labeled "Entrapment Cases" herein included with this petition. In summary, these defendants failed to satisfy their burden of proving Plaintiff's Predisposition to commit an offense and failed to prove they (government agents) did not induce Petitioner, Arthur Lopez to commit an offense despite undisputable facts demonstrating the emissions to plaintiff's vehicle were damaged by Tustin Police and their agents by placing diesel fuel in Plaintiff's gas tank precluding him from acquiring a smog check and smog certificate all of which was conveyed to these defendants repeatedly on 11/21/2017 and 11/22/2017 as is evidenced by Appendix Z Audio Recording CD of Hearing held by defendant Joseph Brown @ the Corona Police Department on 11/22/2017, granting by this court of its attachment/introduction with this petition is respectfully requested herein. Moreover, Petitioner

was also denied a waiver of the Smog Certificate by another agent of Government the California Department of Motor Vehicles, just the same the database record accessible by these defendants out in the field prior to citing a motorist / vehicle for any violation of the Vehicle Code is furnished by the same Ca DMV and therefore the "New Expiration Date" of 9/8/2018 as reflected in Appendix H along with the Registered Owner (R/O) name, address and Vehicle Record Registered. Hence these defendants never even had probable cause to seize Petitioner's vehicle as stated by Sgt Gamache @ the station, Appendix I. In the aggregate these defendants had full knowledge of all the relevant facts, Appendix Z, H, I, G, F but chose to execute their entrapment scheme participation along with co-colluder Costa Mesa Police Dept. Senior Communications Supervisor Reena Bolle. Lastly on this topic, Plaintiff's vehicle was not blocking entry to Reena Bolle's Driveway on 11/22/2017 and as such defendant Jimmie Birmingham did not list this as a violation of the vehicle code on the CHP 180 Form, Appendix G, rather he only listed, albeit erroneously, CVC 22651(c) as the violation (in fact if the vehicle had been blocking the three car driveway CVC 22651 (d) would have been applicable) therefore the lower court, 9th circuit, also erred in (App. A) citing this as a basis for affirming the District Court's granting of the defendants' motion for summary judgment. To be clear the defendant out in the field who summoned the seizure of petitioner's vehicle did not find a violation under CVC 22651 (d) but only indicated 1 basis for his action.

No Qualified Immunity:

Equally significant to this case is the absence of any form of immunity for these defendants, qualified immunity or otherwise.

First, the United States Supreme Court has held in City of Canton, OHIO v. Geraldine Harris, 489 U.S. 378 (1989) that Title 42 U.S.C. §§ 1983 + 1985 is actionable against a City/Municipality for failure to train and/or inadequate training for constitutional violations by its Police

"(b) The inadequacy of Police Training may serve as the basis for § 1983 liability only where the failure to train in a relevant respect amounts to deliberate indifference to the Constitutional rights of persons with whom the Police come in contact."

Furthermore, the Supreme Court also held in Gone Monell v New York City Department of Social Services, 436 U.S. 658, 436 U.S. 694 (1978) that a local government is a "person" subject to suit under Section 1983 of Title 42 of the United States Code: Civil Action for deprivation of Rights. Additionally, the Court held that § 1983 claims against municipal entities must be based on implementation of a policy or custom. These two cases are most relevant since these defendants' lack of adequate Training and unconstitutional Practice/Policy/Custom, under Color of Law, led to the unlawful seizure of Petitioner's automobile.

and furthermore negated any relief for petitioners even after repeated requests for Due Process on 11/21/2017 and 11/22/2017, see Appendix Z Audio Recording of Hearing of sorts held by defendant Joseph Brown @ the Corona Police Station, also see Appendix I initial complaint dated 11/21/2017. Defendant Joseph Brown refused to provide Due Process despite having full knowledge of damages caused by government agents Tustin Police Dept and documentation from DMV reflecting Registration fees paid and New Expiration of 9/8/2018 due to his Policy/Custom and lack of adequate training.

Additionally, the Supreme Court has held in Davis v. Scherer, 468 U.S. 183 (1984) that a Plaintiff who seeks damages for violation of Constitutional or Statutory Rights may overcome the defendants qualified immunity only by showing that those rights were clearly established at the time of the conduct at issue. Also, whether an official may prevail in his qualified immunity defense depends in his (qualified immunity) objective reasonableness of his conduct as measured by reference to clearly established law. No other circumstances are relevant to the issue of qualified immunity. Citing Harlow v. Fitzgerald, 457 U.S. 800, 468 U.S. 190-197. Comparably, in this matter of Lopez v Corona Police Dept, the well established

Law is the 4th amendment of the United States protections against unlawful seizure:

"The Right of the People to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons to be seized." In fact Sgt Damache (of G.P.D.) on 11/21/2017 while @ the Police Station confirmed his position on the acts of these defendants as unreasonable given that he would not have acted in the same manner in seizing Petitioner's vehicle, see Appendix I.

Furthermore, the Supreme Court has also held in Beck v. Ohio, 379 U.S. 89 (1964) with No Probable Cause for Petitioner's arrest (seizure) having been shown, the arrest, and therefore the search for and seizure of the slips incident thereto, were invalid under the Fourth and Fourteenth Amendments. pp. 379 U.S. 91-97, Case Reversed.

Similarly, with the abundance of Evidence Petitioner had fulfilled payment of his registration fees in full and Trustin Police having damaged the catalytic converters to prevent/preventing a Smog Check/Certificate. Hence No Probable Cause existed. Moreover the same conclusion affirmed by Sgt Damache @ the Police Station but refusing release of the vehicle on 11/21/2017 unless nearly \$1000 was paid.

Please also note no other registration protocols were fulfilled, but yet after the nearly \$1000. was paid the vehicle was released without further DMV confirmation(s) of Registration.

Moreover, the Supreme Court held in Groh v Ramirez, 540 U.S. 551 (2004) that so long as it is clear to a reasonable officer that the defendant's conduct was unlawful in the situation confronted, citing Saucer v Katz, 533 U.S. 194, 202 (2001), qualified immunity is not entitled. Case in point, Sgt. Gamache unambiguously stated he would not have seized vehicle on 11/21/2017 see Appendix 'I'.

Petitioner offers over 10 other Supreme Court Cases in support of the absence of Qualified Immunity for these defendants.

In closing, Petitioner also offers nearly 20 U.S. Court of Appeals Circuit Cases in support of Appointment of Counsel under 28 USC § 1915(d) since Judge Valerie Fairbank and Magistrate Wilner repeatedly denied Petitioner Appt. of Counsel on related cases involved in these entrapment schemes and Civil Rights Deprivation. please see Table Authorities included and Labeled as Appointment of Counsel Cases including Nelson v Redfield Lithograph Printing, 728 F.2d 1003 (8th Cir 1984).

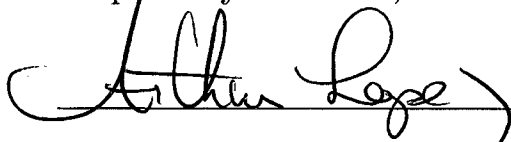
REASONS FOR GRANTING THE PETITION

Simply stated United States Constitutional Civil Rights under the 1st, 4th, 7th, 8th and 14th Amendments must be restored for all Residents of the State of California especially Mexican-Heritage, Hispanic Latinos and African American, Male, Fathers who practice their Faith and Must Be Protected against Police Abuse including Entrapment Schemes.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

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Date: December 2nd, 2020