

Supreme Court, U.S.
FILED
MAY 11 2026
OFFICE OF THE CLERK

No. 25A1277

IN THE SUPREME COURT OF THE UNITED STATES OF AMERICA.

DAVID ALLEN BENSON,

Applicant,

v.

CRAIG LINVILLE, as CHP Officer,
KYLE ANKNEY, COUNTY OF
ORANGE, a Chartered County, TODD
SPITZER, as District Attorney,
RAYMUND DIAZ, as Deputy District
Attorney,

Respondents,

(9th Cir. No.: 9th Cir. 26-2321)
(U. S. D. C., C. D. Cal. No. 8:26-cv-451-
MRA (DMKx) (C. D. Cal. 2026))

**ON APPLICATION FOR WRIT OF INJUNCTION FROM THE UNITED
STATES COURT OF APPEALS OF THE NINTH CIRCUIT.**

**To the Honorable Elena Kagan
Associate Justice of the Supreme Court of the United States and Circuit
Justice for the Ninth Circuit**

**EMERGENCY APPLICATION FOR WRIT OF INJUNCTION PENDING
APPEAL.**

RELIEF REQUESTED BY FRIDAY. MAY 15, 2026.

DAVID ALLEN BENSON
1645 W. Orangewood Av.
Orange, CA., 92868
TEL.: (714) 381-7338
Applicant in Pro Se

RECEIVED
MAY 18 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

PARTIES AND RULE 29.6 STATEMENT.

Applicant is David Allen Benson. Applicant is the Plaintiff before the United States District Court for the Central District of California, and the Appellant before the United States Court of Appeals for the Ninth Circuit.

Respondents are Craig Linville, Kyle Ankney, County of Orange, Todd Spitzer, and Raymund Diaz.

None of the Parties are a publicly held corporation owning 10% or more of its stock.

PROCEEDINGS BELOW.

David Allen Benson v. Craig Linville, No. 8:26-cv-451-MRA(DMK) (C. D. Cal. 2026), and No. 26-2321 (9th Cir.); Motion for Preliminary Injunction denied in the District Court on April 9, 2026 (D. C. Dock. No. 18); Emergency Motion under Circuit Rule 27-3 denied in the Ninth Circuit on May 8, 2026 (9th Cir. Dock. No. 8).

Applicant hereby attests that the Ninth Circuit Appeal is related to a current Appeal, *Benson v. Spitzer*, Ninth Cir. No. 26-743 (9th Cir. 2026), where the same Appellant has requested a Certificate of Appealability on a Denial of Writ of Habeas Corpus in that Appeal.

Dated this 11th day of May, 2026

By: *David Allen Benson*
DAVID ALLEN BENSON
1645 W. Orangewood Ave.
Orange, CA., 92868
TEL.: (714) 381-7338
Appellant in Pro Se.

TABLE OF CONTENTS.

DECISIONS BELOW.	7
JURISDICTION.	8
STATEMENT OF FACTS.	8
STATEMENT OF THE CASE.	10
ARGUMENT.	12
A. Appellant Is Likely to Succeed on the Merits.	12
B. Appellant Will Suffer Irreparable Harm Absent Injunctive Relief.	18
C. The Balance of Equities Strongly Favors Appellant.	19
D. The Public Interest Strongly Supports Granting the Injunction.	20
CONCLUSION.	21

TABLE OF CASES.

<i>Baffert v. Cal. Horse Racing Bd.</i> , 332 F.3d 613 (9th Cir. 2003).	14
<i>Braden v. 30th Judicial Circuit Court of Kentucky</i> , 410 U.S. 484 (1973).	9, 14
<i>Devereaux v. Abbey</i> , 263 F.3d 1070, 1074–76 (9th Cir. 2001).	13
<i>Elrod v. Burns</i> , 427 U.S. 347, 373 (1976).	20
<i>Gibson v. Berryhill</i> , 411 U.S. 564, 577 (1973).	20
<i>Kugler v. Helfant</i> , 421 U.S. 117, 126 n.6 (1975).	14
<i>Lee v. City of Los Angeles</i> , 250 F.3d 668, 689 (9th Cir. 2001).	11
<i>Melendres v. Arpaio</i> , 695 F.3d 990, 1002 (9th Cir. 2012).	19
<i>Orr v. Bank of America, NT & SA</i> , 285 F.3d 764, 773–74 (9th Cir. 2002).	11
<i>Page v. King</i> , 932 F.3d 898, 902 (9th Cir. 2019).	9, 14, 15
<i>Patsy v. Board of Regents</i> , 457 U.S. 496 (1982).	17
<i>Perez v. Ledesma</i> , 401 U.S. 82, 85 (1971).	15
<i>Sandman, Inc., v. County of San Benito</i> , 793 F. Supp. 3d 1155, 1168, fn. 5 (N. D. Cal. 2025).	9, 10, 14-15
<i>Winter v. Natural Resources Defense Council, Inc.</i> , 555 U.S. 7 (2008).	7, 15
<i>Younger v. Harris</i> , 401 U.S. 37 (1971).	7, 9, 11, 12, 14, 15, 17

TABLE OF AUTHORITIES.

18 U.S.C. §31.	8, 13
28 U.S.C. §1292(a)(1).	8
28 U.S.C. §1651.	8
42 U.S.C. §1983.	13, 16, 17, 18, 19
Federal Rule of Evidence 201.	11
Federal Rule of Evidence 901.	11
Vehicle Code §15210(p)(8).	8, 13
United States Constitution, First Amendment.	20
United States Constitution, Sixth Amendment.	9, 14, 18, 19, 20
United States Constitution, Fourteenth Amendment.	16, 17

**TO THE HONORABLE ELENA KAGAN,
ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED
STATES AND CIRCUIT JUSTICE FOR THE NINTH CIRCUIT:**

Applicant David Allen Benson brings this Motion to enjoin the trial in the State Criminal Case (Orange County Superior Court Case No. 21CF1086), which arises from false accusations initiated by Respondent Craig Linville, a former California Highway Patrol (CHP) officer. The State Criminal Case has been deliberately delayed for over six years by Respondent Todd Spitzer (District Attorney) and Raymund Diaz (Deputy District Attorney), in bad faith, to shield Linville from liability in this federal civil rights action for violations of Applicant's constitutional rights, including attempted murder, fabrication of evidence, and deprivation of speedy trial rights which caused Linville to be fired.

This bad faith prosecution falls within the exceptions to the *Younger* abstention (*Younger v. Harris*, 401 U.S. 37 (1971)), which should be reviewed by this Court, allowing federal intervention. Applicant satisfies the requirements for a preliminary injunction under *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7 (2008): (1) likelihood of success on the merits; (2) irreparable harm; (3) balance of equities favoring Applicant; and (4) public interest in enjoining unconstitutional conduct.

DECISIONS BELOW

Applicant seeks an injunction pending appeal of the District Court's denial of his motion for preliminary injunction, entered on April 9, 2026. The District Court's opinion and order are reproduced at App. 1–4. The Ninth Circuit's denial of an injunction pending appeal is reproduced at App. 5.

///

///

JURISDICTION

The Supreme Court has discretionary appellate jurisdiction to review interlocutory denials of injunctive relief, primarily authorized under 28 U.S.C. §§1292(a)(1), and 1651.

The District Court entered an order denying Applicant's motion for a preliminary injunction on April 9, 2026. Applicant timely filed his appeal on April 10, 2026. Applicant filed an Emergency Motion under Circuit Rule 27-3 on April 15, 2026, which the Ninth Circuit denied on May 8, 2026. An injunction pursuant to 28 U.S.C. § 1651, enjoining Respondents County of Orange, Spitzer, and Diaz from prosecuting Applicant during the pendency of Applicants' appeal, will be of aid to this Court's jurisdiction because it will ensure that this matter (the appeal of Applicants' Motion for Preliminary Injunction) remains a live case or controversy subject to this Court's review.

STATEMENT OF FACTS.

The facts are detailed in Applicant's Verified Complaint (attached as Exhibits to the First Amended Complaint, District Court Docket ("Dock.") No. 7) and summarized here:

1. For nearly 25 years, Applicant operated a non-commercial crane service in Orange County, performing private labor on personal property without carrying passengers, property, or cargo for hire. Under federal law (18 U.S.C. § 31), Applicant's activities are not "commercial" and thus not subject to state commercial vehicle regulations (Cal. Veh. Code §15210(p)(8)).
2. Respondent Linville, acting under color of law, harassed Applicant for over a decade by issuing fraudulent citations and impounding Applicant's equipment without basis. For example, on October 4, 2019, Linville

impounded Applicant's crane off the roadway, citing over a dozen false "defects." An independent mechanic found only a minor issue (battery cover), and no safety violations. On February 28, 2020, after an accident, Anaheim Police inspectors confirmed the crane "passed with flying colors."

3. Linville never produced evidence of commercial activity by Applicant. Instead, Linville fabricated documents to initiate prosecutions, including the State Criminal Case, which has been delayed for six years without trial.
4. After Applicant served Linville with a summons in a related action, Linville attempted to murder Applicant by pushing him into oncoming freeway traffic. Witnesses confirmed this (see Dock No. 7, ¶¶ 28-29, 37).
5. Respondent Kyle Ankney lied in an administrative court, claiming employee status in a company he co-owned, leading to false charges against Applicant.
6. Respondents Spitzer and Diaz have delayed the State Criminal Case in bad faith to prevent Applicant from pursuing civil rights claims against Linville, invoking *Younger* abstention as a shield. Applicant has exhausted all state remedies, including a mandamus petition, Petition for Review to the California Supreme Court, and a Certiorari Petition to this Court (*Benson v. Superior Court*, Supreme Court No. 25-6446). Unsolicited appointed counsel in the State Criminal Case refused to file motions, tangible facts as evidence per Applicant's wishes, including a motion to dismiss for speedy trial violations.
7. The State Criminal Case violates Applicant's Sixth Amendment speedy trial rights (*Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484 (1973)). The delay is intentional to stave off federal review (*Page v. King*, 932 F.3d 898, 902 (9th Cir. 2019); *Sandman, Inc., v. County of San Benito*, 793 F. Supp. 3d 1155, 1168, fn. 5 (N. D. Cal. 2025)).

STATEMENT OF THE CASE.

On February 26, 2026, Applicant filed his Complaint against Respondents for violating his civil rights (Dock. No. 1).

Partially because Applicant mistakably left the Exhibits out of the Complaint, on March 1, 2026; Applicant filed a First Amended Complaint with the attached Exhibits. (Deck. No. 7).

Also on March 1, 2026, Applicant filed his Motion for Preliminary Injunction. (Dock. No. 8). Applicant argued that he would be likely to succeed on the merits (Dock. No. 8, 5:20-9:13), that Applicant would suffer irreparable injury if the Criminal Trial is not restrained (Dock. No. 8, 9:15-24), that Applicant's balance of equities strongly favor Applicant (Dock. No. 8, 10:2-19), and that the public interest favors the granting of the injunction (Dock. No. 8, 10:21-11:13). Applicant further stated that since the criminal case was continued without his consent (Dock. No. 8, 7:8-22), that the bad faith exception to *Younger v. Harris*, 401 U.S. 37 (1971), applies (Dock. No. 8, 11:2-18).

On March 16, 2026, Respondent County of Orange filed its Answer (Dock. No. 9).

On March 17, 2026, Respondent County filed its Opposition to the Motion for Preliminary Injunction. (Dock. No. 12). Respondent County argued that the District Attorney is not a County Officer, even though it is voted by the County's registered voters and Spitzer and his staff are paid for by the County (Dock. No. 12, 2:26-3:15), that the Court lacked jurisdiction over Respondents Spitzer and Diaz (Dock. No. 12, 3:18-27), that the Court must abstain under *Younger* (Dock. No. 12, 4:3-5:10), that the equities don't favor Applicant (Dock. No. 12, 5:12-21), and that public interest favors prosecution of Applicant whose charges were brought by the murdering Linville (Dock. No. 12, 5:23-6:2).

Furthermore, the County's Opposition (Dock. No. 12) improperly included as Exhibits 1 and 2 documents from the underlying state criminal proceedings—a copy of the felony warrant complaint and the online Criminal Case Register of Actions (or Case Summary)—without submitting any request for judicial notice pursuant to Federal Rule of Evidence 201, and without any supporting declaration authenticating these materials as true and correct copies or otherwise laying a proper foundation for their admissibility under Federal Rule of Evidence 901 or C.D. Cal. L.R. 7-6 (requiring factual contentions in opposing papers to be supported by declarations or other written evidence). Such unauthenticated exhibits were not properly before the District Court and could not lawfully be considered or relied upon to support the County's arguments regarding the status of the state criminal case or the applicability of *Younger* abstention. See, e.g., Fed. R. Evid. 201, 901; *Lee v. City of Los Angeles*, 250 F.3d 668, 689 (9th Cir. 2001) (judicial notice of public records requires proper request and that the accuracy of the matter is not subject to reasonable dispute); *Orr v. Bank of America, NT & SA*, 285 F.3d 764, 773–74 (9th Cir. 2002) (authentication requirements). The District Court erred to the extent it relied on these improperly submitted materials in denying the preliminary injunction. This procedural irregularity compounds the defects in the District Court's ruling and provides an independent ground for reversal.

On March 24, 2026, Applicant filed Proofs of Service and Requests to Enter Defaults on Respondents Spitzer and Diaz and his Reply to the Opposition to the Motion for Preliminary Injunction, but it was not e-filed by the Clerk. Why? Applicant has filed a Motion in the Ninth Circuit to have these Documents included in the Record.

On April 2, 2026, Applicant filed his Request to Enter Default on Respondent Linville (Dock. No. 14).

Also on April 2, 2026, Applicant filed his Proof of Service of Respondent Linville showing that he was served by Certified Mail (Dock. No. 15).

Also on April 2, 2026, the District Court Clerk claimed that there was a deficiency in the Request to Enter Default on Respondent Linville, but gave no reason why there was a “defect”. (Dock. No. 16).

On April 8, 2026, the District Court denied the Motion for Preliminary Injunction. (Dock. No. 18). The District Court first ruled that the other Defendants weren’t “served” when in fact they were served (Dock. No. 18, 2), and otherwise, the District Court ruled that *Younger* abstention was met, even though the Court did not discuss, and thus, blithely ignored cases describing the bad faith exceptions. (Dock. No. 18, 2-4).

On April 10, 2026, Applicant timely filed his Notice of Appeal. (Dock. No. 19).

On April 15, 2026, Applicant filed his Emergency Motion under Circuit Rule 27-3. (9th Cir. Dock. No. 4).

On April 22, 2026, Respondent County filed its Opposition to the Emergency Motion under Circuit Rule 27-3. (9th Cir. Dock. No. 6).

On April 27, 2026, Applicant filed his Reply to the Opposition to the Emergency Motion under Circuit Rule 27-3. (9th Cir. Dock. No. 7).

On May 8, 2026, the Ninth Circuit denied the Emergency Motion under Circuit Rule 27-3. (App.5).

The corruption continues.

ARGUMENT.

A. Applicant Is Likely to Succeed on the Merits.

Applicant is likely to prevail on his claims that Respondents’ violations of his constitutional rights under color of state law, and the pending state criminal prosecution is being maintained in bad faith for the purpose of harassment, and to

obstruct Appellant's efforts to vindicate his federal civil rights. The record displays long patterns of fabricated charges, harassments, and retaliatory conduct by Respondent Linville, followed by a multi-years of refusal by prosecuting officials to bring this matter to trial while simultaneously repelling dismissal.

1. Fabrication of evidence and retaliatory conduct.

Applicant claims Linville repeatedly issued groundless citations and impounded his crane without lawful foundations, including an October 4, 2019 impound based on "defects" that an independent mechanic refutes and Anaheim Police inspectors later contradicted Linville when they found Applicant's crane "passed inspection with flying colors." These facts, as credited, describe deliberate falsification of evidence to initiate and sustain criminal proceedings, which states a claim under 42 U.S.C. § 1983 for fabrication of evidence and due process violations. See *Devereaux v. Abbey*, 263 F.3d 1070, 1074–76 (9th Cir. 2001) (en banc) (recognizing §1983 claim where officers either continued investigation despite knowing or having reason to know of suspect's innocence, or used investigative techniques so coercive and abusive that they knew or should have known they would yield false evidence). Applicant further claims that after he served Linville with civil process, Linville attempted to murder him by pushing him into freeway traffic, a paradigmatic example of retaliatory conduct intended to deter the exercise of constitutional rights and to obstruct access to the courts.

2. Lack of state jurisdiction over non-commercial activity.

Applicant operated for nearly 25 years as a private crane facility who performed labor on private property and did not transport passengers, cargo, or property for hire; thus, he was not a "commercial motor vehicle" operator within the meaning of 18 U.S.C. § 31 or California Vehicle Code § 15210(p)(8). Applicant states that Respondents nonetheless treated him as a "commercial"

operator, using commercial-vehicle regulatory schemes to justify repeated falsified impounds, citations, and the current State Criminal Case. To the extent the State Criminal Case rests on misapplication of commercial-vehicle statutes to non-commercial activity, Applicant has substantial facts and argument that the prosecution lacks a valid jurisdictional or statutory basis and is therefore brought without any reasonable expectation of securing a lawful conviction. See *Kugler v. Helfant*, 421 U.S. 117, 126 n.6 (1975) (noting that “bad faith” prosecution includes proceedings brought “without hope of obtaining a valid conviction”).

3. Sixth Amendment speedy-trial violation and bad faith delay.

The State Criminal Case has remained unresolved for more than six years despite Applicant’s repeated demands for a speedy trial, and despite his efforts to obtain relief with the California appellate courts and the United States Supreme Court. Under *Braden v. 30th Judicial Circuit Court of Kentucky*, 410 U.S. 484, 489–90 (1973), a criminal defendant who is being held under a prolonged, unexplained delay may seek federal relief to protect his Sixth Amendment speedy trial rights. The Ninth Circuit has recognized that deliberate stalling of state proceedings to avoid federal review or to pressure the defendant can satisfy the “bad faith” or “extraordinary circumstances” exception to *Younger* abstention. See *Page v. King*, 932 F.3d 898, 902 (9th Cir. 2019).

The case of *Sandman, Inc., v. County of San Benito*, 793 F. Supp. 3d 1155, 1168, fn. 5 (N. D. Cal. 2025) explains that:

“Defendants cite *Baffert v. Cal. Horse Racing Bd.*, 332 F.3d 613 (9th Cir. 2003) for the principle that ‘[i]n the *Younger* abstention context, **bad faith** “generally means that a prosecution has been brought without a reasonable expectation of obtaining a valid conviction.”’ *Id.* At 621. (citing *Kugler v. Helfant*, 421 U.S. 117, 126 n. 6, 95 S. Ct. 1524, 44 L. Ed. 2d 15 (1975)). But the Ninth Circuit has separately suggested that ‘intentionally

delay[ing] proceedings to stave off federal [] review or for other improper purposes’ can justify applying the exception to *Younger* abstention. *Page v. King*, 932 F.3d 898, 902 (9th Cir. 2019).”

Applicant claims Respondents Spitzer and Diaz have intentionally delayed the case below and have refused to move it forward while also invoking *Younger* to block federal relief, which is precisely the type of “gamesmanship” federal courts condemn.

4. Application of the *Younger* bad-faith exception.

Ordinarily, federal courts abstain from enjoining ongoing state criminal proceedings under *Younger v. Harris*, 401 U.S. 37 (1971), but *Younger* expressly recognizes an exception for prosecutions brought in bad faith or for purposes of harassment. See *Younger*, 401 U.S. at 54; *Perez v. Ledesma*, 401 U.S. 82, 85 (1971). Courts have also held that where state officials deliberately delay or manipulate criminal proceedings to stave off federal civil rights litigation, abstention is inappropriate because the state process is being used as a tool of oppression rather than as a legitimate adjudicatory forum. *Sandman, Inc.*, 793 F. Supp. 3d at 1168 n.5. Here, Applicant pleaded (and supported with declaration and exhibits) that: (a) the criminal case lacks a good-faith basis in law or fact; (b) key state actors are using the case to shield Linville and others from §1983 accountability; and (c) the unusual length and nature of the delay, coupled with refusal of compulsory appointed counsel to present Applicant’s speedy-trial motion, shows the state forum is not providing a fair opportunity to vindicate federal constitutional rights. These allegations meet the bad-faith exception to *Younger*, making Applicant’s probability a likelihood of success is sufficient under *Winter* to support preliminary injunctive relief.

///

5. Exhaustion-like efforts reinforce the merits showing.

While a §1983 Applicant is not formally required to exhaust state remedies, Applicant's extensive efforts—mandamus in the California Court of Appeal, Petition for Review to the California Supreme Court, and a petition for writ of certiorari in this Court in *Benson v. Superior Court*, No. 25-6446—demonstrates that Applicant has sought every available State remedy without obtaining relief. This record parallels the “exhaustion-like” diligence described in *Braden* and confirms that Applicant is not asking this Court to short-circuit legitimate state processes, ~~but~~ rather to intervene after those processes have failed to address serious constitutional violations. Combined, these factors show a strong likelihood of success on the merits.

6. Original Congressional Intent of 42 U.S.C. § 1983 Confirms No Requirement to Await Conclusion of State Criminal Proceedings.

Congress enacted what is now codified as 42 U.S.C. §1983 as Section 1 of the Ku Klux Klan Act of 1871 (also known as the Civil Rights Act of 1871 or Third Enforcement Act), 17 Stat. 13, to enforce the Fourteenth Amendment and provide an immediate federal remedy against state actors who, under color of law, deprive individuals of constitutional rights. The legislative history reveals a clear intent: Federal Courts must stand ready to vindicate federal rights *without* requiring victims to first exhaust state remedies or await the conclusion of potentially abusive state criminal proceedings.

During Reconstruction, Congress confronted a crisis in which Southern states and local officials systematically failed—or outright refused—to protect the rights of freedmen and their allies from Ku Klux Klan violence, fabricated charges, and harassment. State courts and officials were often complicit, biased, or powerless. Supporters of the bill emphasized that the Fourteenth Amendment's

promise of equal protection would be meaningless without a direct federal cause of action. As one legislator explained, the statute was necessary because "the States where [outrages] occur have either no power or will to prevent" them.

The debates underscore that §1983 was designed as a *supplemental and independent* federal remedy, not a last resort after state processes ran their course. Congress rejected any notion that victims must first litigate in hostile state forums. The statute's broad language—"Every person who, under color of any statute... subjects, or causes to be subjected, any citizen... to the deprivation of any rights... secured by the Constitution and laws, shall be liable to the party injured"—contains no exhaustion requirement, no reference to pending criminal cases, and no deference to ongoing state prosecutions. Like Up Cola, and the Fred-It Card, never had it, never will.

This intent aligns squarely with Supreme Court interpretations. In *Patsy v. Board of Regents*, 457 U.S. 496 (1982), the Court exhaustively reviewed the 1871 legislative history and held that exhaustion of *even administrative* state remedies is not a prerequisite to a §1983 action. The Court identified recurring themes in the debates: (1) states had proven unable or unwilling to protect constitutional rights; (2) federal courts must provide a primary forum for vindication; and (3) the statute was meant to override inadequate state processes. The same logic applies with even greater force to ongoing *criminal* prosecutions used as tools of retaliation or delay.

Younger abstention itself, while rooted in comity, must yield to this original understanding when exceptions apply. *Younger v. Harris*, 401 U.S. 37 (1971), and its progeny do not require blind deference where, as here, the state prosecution is alleged to be brought and maintained in bad faith precisely to shield officials from §1983 liability and to harass the Applicant. Congress in 1871 did not envision

federal courts standing idle while state actors weaponize criminal process to evade accountability for attempted murder, evidence fabrication, and speedy-trial violations. Requiring the criminal case to "conclude" before federal relief would invert the statute's purpose—transforming a shield for civil rights into a sword for abusers.

The procedural irregularities below further illustrate the problem: Respondents relied on unauthenticated state court documents without proper judicial notice or foundation, yet the District Court apparently credited them to invoke *Younger*. This compounds the error, as it allows the very state processes Congress distrusted in 1871 to insulate constitutional violations. Applicant has already pursued exhaustive state remedies (mandamus, state supreme court review, certiorari petition to this Court in *Benson v. Superior Court*, No. 25-6446), satisfying any diligence Congress could have contemplated.

Granting the injunction furthers the original intent of §1983: immediate federal intervention to prevent irreparable constitutional harm where state mechanisms have failed or been subverted. This Court should recognize that the 1871 Congress did not condition federal civil rights relief on the satisfactory conclusion of state criminal matters—especially those tainted by the very misconduct at issue.

B. Applicant Will Suffer Irreparable Harm Absent Injunctive Relief.

Applicant faces ongoing and imminent irreparable harm when the State Criminal Case proceeds to trial under the current circumstances. First, being compelled to stand trial in a prosecution brought in bad faith, based on fabricated evidence and in violation of his Sixth Amendment speedy trial rights; is itself a continuing constitutional injury that cannot be remedied fully by money damages or post-hoc appeals. The Ninth Circuit has held that “constitutional violations

constitute irreparable harm” for purposes of injunctive relief. *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012).

Second, Applicant faces the risk of wrongful conviction, potential incarceration, and the collateral consequences that attach to criminal convictions, including further loss of liberty, reputational harm, and further impairment of his ability to operate his business livelihood. These harms cannot be adequately compensated after the fact, particularly where the prosecution itself is alleged to be a tool of retaliation and harassment rather than a legitimate enforcement action.

Third, the State’s prolonged delay and deliberate refusal to move forward has caused Applicant severe emotional distress, ongoing uncertainty, losses, including damage to personal and professional customer relationships at the viability of his crane service amenity. The longer the case remains pending, the more evidence goes stale, witnesses become unavailable, and Applicant ability to vindicate his rights in this §1983 action is compromised—another form of irreparable harm that injunctive relief is designed to prevent.

C. The Balance of Equities Strongly Favors Applicant.

The equities weigh heavily in Applicant’s favor. On Applicant’s side are fundamental constitutional interests: his right to be free from fabricated evidence and retaliatory prosecution, his Sixth Amendment right to a speedy trial, and his right of access to the courts to pursue civil redress against state actors who have ostensibly abused their authority. Each additional day that the criminal case remains pending, in its current posture, deepens the harm to Applicant, personally, professionally and economically.

By contrast, Respondents cannot plausibly claim prejudice from an injunction that temporarily halts a prosecution they themselves have effectively stalled for six years. To the extent they argue and maintain an institutional interest

in enforcing state criminal laws, that interest is substantially diminished when the prosecution is alleged—and supported with detailed factual allegations—to be pretextual, retaliatory, and devoid of a good-faith evidentiary basis. The Supreme Court has recognized that equity favors intervening where state processes are being used to harass or to circumvent constitutional protections, rather than to vindicate legitimate public interests. See *Gibson v. Berryhill*, 411 U.S. 564, 577 (1973). Here, any marginal harm to Respondents’ asserted interests is outweighed by the concrete and ongoing deprivations Applicant will continue to suffer absent injunctive relief.

D. The Public Interest Strongly Supports Granting the Injunction.

Finally, an injunction halting a bad-faith and unconstitutionally delayed criminal prosecution serves, rather than undermines, the public interest. The public has a compelling interest in ensuring that state criminal proceedings are conducted in good faith, within constitutional bounds, and not used as tools to suppress civil rights litigation or retaliate against citizens who challenge official misconduct. Enjoining such conduct promotes respect for the rule of law by signaling that no man, woman, officer or prosecutor is above constitutional limitations.

Moreover, the public interest is always served by preventing ongoing violations of constitutional rights. *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality) (loss of First Amendment freedoms “for even minimal periods of time” constitutes irreparable injury). The same principle applies to the Sixth Amendment right to a speedy trial and to the due-process right not to be tried on fabricated or knowingly baseless charges. Granting an injunction will encourage transparency, accountability among law enforcement and prosecutorial officials, deter future abuses, and reaffirm that federal courts will not abstain where state actors weaponize criminal processes to evade federal civil rights scrutiny. In sum, the

requested preliminary injunction aligns squarely with the public's interest in fair, constitutional, and non-retaliatory administration of the criminal law.

The corruption continues.

CONCLUSION.

For the foregoing reasons, this Court should grant this Motion enjoining the trial in Orange County Superior Court Case No. 21CF1086.

Dated this 11th day of May, 2026

By: David Allen Benson
DAVID ALLEN BENSON
1645 W. Oranewood Ave.
Orange, CA., 92868
TEL.: (714) 381-7338
Appellant in Pro Se.

DECLARATION OF DAVID ALLEN BENSON.

I, David Allen Benson, declare that:

1. I am the Applicant in this Application, over 18 years of age, and competent to testify. I have personal knowledge of the facts herein.
2. The facts stated in the Verified Complaint (On file in the District Court as Docket Entry No. 7) and the Statement of Facts in this Motion are true.
3. The State Criminal Case (No. 21CF1086) stems from Respondent Linville's false accusations and has been delayed for over six years without trial, despite my repeated demands for speedy trial. Appointed counsel refuses to file my requested motions, including dismissal for speedy trial violations.
4. This delay is intentional by Respondents Spitzer and Diaz to prevent me from obtaining justice against Linville for civil rights violations, including his attempt to push me into freeway traffic on February 29, 2020. (Dock. No. 7, ¶38, and the attached "Affidavit" of Josh Maxwell.)
5. Without injunction, I will suffer irreparable harm: violation of my Sixth Amendment rights, potential wrongful conviction, and inability to litigate the federal case below. I have exhausted state remedies, as detailed in my U.S. Supreme Court Certiorari Petition (Supreme Court No. 25-6446).

Under the penalty of perjury, I declare that the foregoing is true and correct, and that this declaration was executed on May 11, 2026, at Orange, California.

David Allen Benson

DAVID ALLEN BENSON,
Declarant.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:26-cv-00451-MRA-DMK Date April 8, 2026

Title *David Allen Benson v. Craig Linville, et al.*

Present: The Honorable MONICA RAMIREZ ALMADANI, UNITED STATES DISTRICT JUDGE

Melissa H. Kunig

Deputy Clerk

None Present

Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

Proceedings: (IN CHAMBERS) ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION [8]

Before the Court is Plaintiff David Allen Benson’s Motion for Preliminary Injunction. ECF 8 (“Motion”). Having considered the Motion, the relevant law, and the record in this case, the Court **DENIES** the Motion.

I. BACKGROUND

Plaintiff filed the instant Motion on March 1, 2026. According to the Motion, Plaintiff is awaiting trial on state criminal charges in Orange County Superior Court, Case No. 21CF1086. ECF 8 at 3. Plaintiff claims that the case against him constitutes a “bad faith prosecution” and thus falls within the exceptions to *Younger* abstention, which he argues merits the issuance of a preliminary injunction to enjoin the trial. *Id.*

II. LEGAL STANDARD

“A plaintiff seeking a preliminary injunction must establish that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in his favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 129 S. Ct. 365, 172 L. Ed. 2d 249 (2008). The Ninth Circuit employs the “serious questions” test, which states “‘serious questions going to the merits’ and a balance of hardships that tips sharply towards the plaintiff can support issuance of a preliminary injunction, so long as the plaintiff also shows that there is a likelihood of irreparable injury and that the injunction is in the public interest.” *Alliance for Wild Rockies v. Cottrell*, 632 F.3d 1127, 1135 (9th Cir. 2011).

“A preliminary injunction is an ‘extraordinary and drastic remedy.’ It should never be awarded as of right.” *Munaf v. Geren*, 553 U.S. 674, 690, 128 S. Ct. 2207, 171 L. Ed. 2d 1 (2008)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	2:26-cv-00451-MRA-DMK	Date	April 8, 2026
Title	David Allen Benson v. Craig Linville, et al.		

(citation omitted).

III. DISCUSSION

As a threshold matter, the Court lacks authority to grant relief in the form of a preliminary injunction where it does not have jurisdiction over the parties. *See Paccar Int'l, Inc. v. Commercial Bank of Kuwait, S.A.K.*, 757 F.2d 1058, 1061 (9th Cir. 1985) (vacating the district court's order granting preliminary injunction for lack of personal jurisdiction).

Federal Rule of Civil Procedure 4 ("Rule 4") governs service of process and the filing of proofs of service of process in federal civil cases. Fed. R. Civ. P. 4. "A federal court does not have jurisdiction over a defendant unless the defendant has been served properly under [Rule 4]." *Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988).

Here, the docket does not reflect that Plaintiff properly served each of the Defendants in this case in compliance with Rule 4. Consequently, this Court lacks jurisdiction over Defendants and will not grant the injunctive relief Plaintiff seeks. *See Zepeda v. I.N.S.*, 753 F.2d 719, 727 (9th Cir. 1985) ("A federal court may issue an injunction if it has personal jurisdiction over the parties and subject matter jurisdiction over the claim; it may not attempt to determine the rights of persons not before the court."); *see also* Fed. R. Civ. P. 65(d); *Smith v. Oreol*, No. 17-CV-1135-JFW-KK, 2017 U.S. Dist. LEXIS 224935, 2017 WL 11296962, at *2 (C.D. Cal. June 23, 2017) (denying motion for preliminary injunction as premature because the court lacked jurisdiction over the defendants who had not been served with a summons and complaint).

Even if the Court had jurisdiction over Defendants, Plaintiff has not addressed why a preliminary injunction is necessary to avoid any irreparable harm. While Plaintiff asserts that he faces "ongoing and imminent irreparable harm if the State Criminal Case proceeds to trial under the current circumstances," ECF 8 at 9, he simultaneously claims that Defendants have violated his Sixth Amendment right to a speedy trial and right of access to the courts, ECF 8 at 10. Moreover, to the extent that Plaintiff claims he "faces the risk of wrongful conviction, potential incarceration, and the collateral consequences that attach to criminal convictions," *id.*, there is no indication that Plaintiff would not have an adequate opportunity to raise these concerns at trial or on appeal.

The Court is also not persuaded that *Younger* abstention should not apply here. In *Younger v. Harris*, the United States Supreme Court precluded federal courts from issuing injunctions of pending state criminal prosecutions absent special or extraordinary circumstances. *See* 401 U.S. 37, 40, 53-54, 91 S. Ct. 746, 27 L. Ed. 2d 669 (1971). Under the *Younger* abstention

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No.	2:26-cv-00451-MRA-DMK	Date	April 8, 2026
Title	<i>David Allen Benson v. Craig Linville, et al.</i>		

doctrine, federal courts will not interfere where “(1) there is an ongoing state judicial proceeding; (2) the proceeding implicate[s] important state interests; (3) there is an adequate opportunity in the state proceedings to raise constitutional challenges; and (4) the requested relief seek[s] to enjoin or has the practical effect of enjoining the ongoing state judicial proceeding.” *Arevalo v. Hennessy*, 882 F.3d 763, 765 (9th Cir. 2018) (internal citation and quotation marks omitted). However, even if *Younger* abstention is appropriate, this court should “not invoke it if there is a ‘showing of bad faith, harassment, or some other extraordinary circumstance that would make abstention inappropriate.’” *Arevalo*, 882 F.3d at 766 (citation omitted).

Here, the Court concludes that all four requirements for *Younger* abstention are met. First, there is an ongoing state judicial proceeding in which Plaintiff faces criminal charges. Second, the state court proceedings implicate important state interests in administering its justice system. *See Pennzoil Co. v. Texaco, Inc.*, 481 U.S. 1, 12-13 (1987) (“States have important interests in administering certain aspects of their judicial systems.”). Third, nothing in the record suggests that Plaintiff does not have an adequate state forum in which to pursue his claims. *See Commc’ns Telesys. Int’l v. Cal. Pub. Util. Comm’n*, 196 F.3d 1011, 1020 (9th Cir. 1999) (“*Younger* requires only the absence of ‘procedural bars’ to raising a federal claim in the state proceedings.”). On the contrary, “[a] federal court should assume that state procedures will afford an adequate remedy, in the absence of unambiguous authority to the contrary.” *Pennzoil*, 481 U.S. at 14-15. Finally, the requested relief, on its face, seeks to enjoin the state-court proceedings in a manner of which *Younger* disapproves by inserting federal courts into the ordinary course of state court proceedings. *See Gilbertson v. Albright*, 381 F.3d 965, 977-78 (9th Cir. 2004) (“interference” is “that which would have the same practical effect on the state proceeding as a formal injunction”).

While Plaintiff claims that *Younger* abstention should not apply here because the prosecution against him was brought in bad faith, he has not met his burden of showing extraordinary circumstances that would warrant federal intervention. *See Perez v. Ledesma*, 401 U.S. 82, 85, 91 S. Ct. 674, 27 L. Ed. 2d 701 (1971) (“Only in cases of proven harassment or prosecutions undertaken by state officials in bad faith without hope of obtaining a valid conviction and perhaps in other extraordinary circumstances where irreparable injury can be shown is federal injunctive relief against pending state prosecutions appropriate.”). “Defendants in state criminal proceedings routinely allege that some aspect of their arrest, detention, or prosecution violates their constitutional rights, which makes this a regular occurrence, not an extraordinary circumstance.” *Telles v. Las Vegas Metro. Police Dep’t*, No. 24-1152, 2024 U.S. Dist. LEXIS 156136, 2024 WL 3996566, at *5 (D. Nev. Aug. 12, 2024); *see also Younger*, 401 U.S. at 49 (“There is no suggestion that this single prosecution against [plaintiff] is brought in bad faith or is only one of a series of repeated prosecutions to which he will be subjected. In other words, the injury that [plaintiff] faces is solely that incidental to every criminal proceeding brought lawfully

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:26-cv-00451-MRA-DMK Date April 8, 2026

Title *David Allen Benson v. Craig Linville, et al.*

and in good faith.”).

IV. CONCLUSION

For the foregoing reasons, Plaintiff’s motion for a preliminary injunction [8] is **DENIED**.

IT IS SO ORDERED.

Initials of Deputy Clerk

____ : ____
mku

[Docket Entry; Document by .pdf not readily available.]

8 ORDER FILED. Michelle T. FRIEDLAND, Ryan D. NELSON

The motion (Docket Entry No. 4) for injunctive relief is denied. See *Feldman v. Ariz. Sec’y of State*, 843 F.3d 366, 367 (9th Cir. 2016) (“The standard for evaluating an injunction pending appeal is similar to that employed by district courts in deciding whether to grant a preliminary injunction.”); see also *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008) (defining standard for preliminary injunction in district court); *Younger v. Harris*, 401 U.S. 37, 40 (1971). The motion (Docket Entry No. 5) to supplement the record is referred to the panel assigned to decide the merits of this appeal. The existing briefing schedule remains in effect. [Entered: 05/08/2026 01:17 PM]

PROOF OF SERVICE.

I, Henry Frederick Ramey, Jr., am a resident of the County of Los Angeles, State of California. I am over the age of 18 years, and I am not a party to this action. My address is 7101 Rosecrans Av., #98, Paramount, California.


On May 11, 2026, I served the foregoing copies of EMERGENCY APPLICATION FOR WRIT OF INJUNCTION PENDING APPEAL on the interested parties in this action by placing the following true copies, as attachments, addressed as follows:

CALVIN HOUSE
calvin.house@gphlawyers.com
ZHU ZHOUMING
claire.zhu@gphlawyers.com
CUTTIEREZ, PRECIADO, & HOUSE. LLP

THE HON. ROB BONTA, ATTORNEY GENERAL
QUINTIN LUCAS, DEPUTY ATTORNEY GENERAL
Quintin.Lucas@doj.ca.gov
STATE OF CALIFORNIA

On the above date, I emailed such papers to the offices of the addressees.

Under the penalty of perjury, I declare that the foregoing is true and correct, and that this declaration was executed on May 11, 2026, at Paramount, California.


HENRY FREDERICK RAMEY, JR.,
Declarant.