

1 Michael Pierre
4953 Vir Mar, Fair Oaks, CA 95628
2 pierre2067@yahoo.com
916-515-8761

Reserved for Clerk's Filing Stamp.

3 Lawyerdude: 888 476 8954 Lawyerdude1989@yahoo.com

4 This document is <http://www.lawyerdude.netfirms.com/9029.pdf> <http://www.lawyerdude.netfirms.com/9029.html>
and <http://www.lawyerdude.netfirms.com/9029.wpd>

5 Related documents:

6 My application for Injunctive Relief. <http://www.lawyerdude.netfirms.com/9004.pdf>
<http://www.lawyerdude.netfirms.com/9004.html> and
<http://www.lawyerdude.netfirms.com/9004.wpd>

7 Picture of the ticket: Not yet uploaded.

8 Superior Court of California for Solano County

9 The mission of this Solano Court is to (1) protect rights, (2) uphold the constitution and laws of California and the
United States, and (3) provide impartial and accessible forum for the fair and **expeditious** resolution of legal
matters.

10 Judge David Edwin Power, Supervising Civil Judge

11 Department 2, Room 201, Hall of Justice, 600 Union Avenue, Fairfield, CA 94533

Ex Parte's heard Tues-Fri at 8:15 a.m.

<http://www.solanocourts.com/> <http://www.solanocourts.com/general/court/civil.htm>

13 Michael Pierre,
Plaintiff/ Petitioner

Case Number

v

Document #9029 Version 1.000

14 CHP Officer Guy #13433,
15 State of California, California Highway
Patrol, Solano (365) 3050 Travis Blvd.,
16 Fairfield (707) 428-2100
[http://www.chp.ca.gov/depts_divs_offs/go
ldengate.html](http://www.chp.ca.gov/depts_divs_offs/go_ldengate.html),

Defendants/ Respondents.

**Complaint for Declaratory Relief, Injunctive
Relief, Money Damages, and Punitive
Damages pursuant to 42 USC 1983 and
the various constitutions regarding the
unconstitutional seizure/ impoundment
of my 1985 BMW 735i car - for use
with my accompanying application
#9004 for Injunctive Relief.**

20 The Supreme Court has ruled that you can't suspend a 9th
21 grader from school without a pre-deprivation hearing. (**Goss v Lopez**.
1975 <http://www.lawyerdude.netfirms.com/8877.html>) You can't even
22 repossess a cook stove without due process. (Fuentes v Shevin 1972)
23 You can't automatically suspend a driver license. (Bell v Burson 1971)
24 Surely then you can't take a man's sole means of transportation without a
pre-deprivation hearing - especially when he lives 25 miles from town. If
it is important enough to take his car, then it is important enough to take
him before a judge immediately - or let him keep his car until the hearing.

25 **Complaint and Declaration of Chronology of Operative Events**

- 26 1. On 17 January 2008 I appeared before Judge Franklin Taft.
- 27 2. Taft then refused to hear my Application #9004 for a Writ of Mandate compelling the defendant
California Highway Patrol to give me back my car.
- 28 3. Taft said that I must file a foundational complaint; I now file this complaint #9029.

#9029 Complaint for Monetary and Injunctive Relief. By Michael Pierre.

1 4. I served Administrative Claim #9032 upon the Highway Patrol at the address in the caption by
2 personal service on Saturday 26 January 2008.
3 5. This administrative claim #9032 is published at <http://www.lawyerdude.netfirms.com/9032.html> ,
4 <http://www.lawyerdude.netfirms.com/9032.pdf> , and <http://www.lawyerdude.netfirms.com/9032.wpd>
5 6. I suffered a drunk driving conviction in the year 2000.
6 7. Nobody was injured in the incident. There was no crash; merely a ticket.
7 8. I completed all the requirements set by the court except half of the class.
8 9. Now the DMV refuses to give me a license until I start the class again from the beginning
9 including all new fees!
10 10. I was born in 1967. I am 40 years old.
11 11. Around 1985 I was 18 years old. The California DMV conducted a written test of my driver
12 knowledge. The conducted an on-the-road test of my driving ability. The California DMV certified
13 my knowledge and ability to drive a car. I am even a better driver now because of the 23 years of
14 driving experience since I passed my test.
15 12. I recently purchased this 1985 BMW 735i after the police seized my other car on September 17,
16 only 4 months ago. I have not yet changed the title to my name.
17 13. I harbor strong convictions of a religious stature as follows: I believe that the government by
18 stealthy encroachment takes away our freedoms and our property. I follow the LawyerDude
19 philosophy.
20 14. On December 24, 2007 (Christmas Eve) CHP Officer Guy badge #13433 pulled me over on
21 Interstate 80 in Solano County.
22 15. He asked if me for my plastic memorialization of my driver license.
23 16. I did not have one. I showed him a valid California ID.
24 17. He said he was going to take the car because I have a suspended license.
25 18. My license cannot be suspended; I have had no hearing in that regard.
26 19. He said he should arrest me but offered to refrain from arresting me if I would promptly walk away
27 after signing the ticket. He called for a taxi to meet me at the 76 station.
28 20. I walked down the freeway to the exit and thence to the 76 station. I did not see who towed my
car.
21. As of this writing I have not been accused by any person with prosecuting authority.
22. The car is registered in the name of the previous owner.
23. Due Process requires that I have notice and opportunity to state my case prior to the deprivation
of my property - both my right to drive and my car.
24. There has been no pre-deprivation hearing and there has been no post-deprivation hearing.
25. I have been a safe driver all of my life
26. My legal remedy is neither speedy nor effective. I need a Writ of Mandate.

1 27. My legal argument is set forth in my Application #9004 which is filed concurrently with this
2 complaint and is also published on the internet at <http://www.lawyerdude.netfirms.com/9004.pdf>
3 <http://www.lawyerdude.netfirms.com/9004.html> and <http://www.lawyerdude.netfirms.com/9004.wpd>

Prayer

Declaratory Relief

4
5 28. I ask for declaratory relief declaring that automatic suspension by the DMV constitutes an
6 unconstitutional bill of pains and penalties in violation of the constitutional prohibition of bills of
7 attainder.

8 29. I ask for declaratory relief that the aforementioned suspension is void ab initio due to its violation
9 of Due Process as set forth in *Bell v Burson* (1971)402 US 535, 29 L Ed 2d 90, 91 S Ct 1586, a
10 case pertaining to driver licenses. The case is found at
11 <http://www.circuitlawyer.8m.com/Burson.html>

12 30. I ask that this court declare that the automatic suspension constitutes a violation of Due Process
13 because the suspension as applied constitutes an irrebuttable presumption. An irrebuttable
14 presumption violates Due Process. The Supreme Court so ruled in the case of *Cleveland Board
15 of Education v La Fleur* (1974) 414 US 632, 39 L Ed 2d 52, 94 S Ct 791. The case is published
16 at <http://www.lawyerdude.netfirms.com/5877.html> .

Injunctive Relief

17 31. I ask for the relief specified in the universal maxim set forth in California Civil Code § 3529:

18 **That which ought to have been done is to be regarded as done, in favor of him to
19 whom, and against him from whom, performance is due.**

20 32. Injunctive relief is appropriate where there is a multiplicity of action, a log jam, waiting for
21 application of a broad remedy. Also, I seek declaratory relief declaring and vindicating my
22 constitutional rights as set forth above.

23 33. I ask for declaratory relief declaring that the statutes and rules are unconstitutional to the extent
24 that they permit the defendant to take my car as they did.

25 34. I ask for injunctive relief as more fully set forth in my Application #9004 concurrently filed.

Compensatory Damages

26 35. I ask for compensatory damages of \$3,000 or \$100 for each day of deprivation of the possession
27 of my car - whichever is greater

Punitive Damages

28 36. I seek punitive damages of \$10,000 against Officer Guy.

37. I seek punitive damages of \$5,000,000 against the Highway Patrol.

38. I so declare under penalty of perjury:

Signed _____ Michael Pierre. Friday, January 25, 2008

1 **Proof of Service**

2 I served the Respondent California Highway Patrol and Defendant CHP Officer Guy #13433, by
3 delivering a paper copy of this document in person at their office address designated on their website and
4 in the caption.

5 Signed _____ Printed name _____ Date: _____

6 **(Proposed) Order**

7 I hereby order that the CHP immediately release Michael Pierre's car to him. I hereby find that
8 the statutory scheme here has denied Michael Pierre his due process. I find that the equities weigh in
9 favor of not taking away a 66 year old man's sole means of transportation when he lives 25 miles from a
10 large grocery store as winter approaches.

11 As for his punishment for driving without insurance and registration I make no ruling. That matter
12 is not before this court. That matter will be resolved in the normal course of events like all other traffic
13 tickets. The petitioner faces his day in court and can present his defense there.

14 As for the reported hearsay allegation by the California driver license agency that Michael Pierre
15 should not have a license, there has been no hearing

16 As for the car registration, the maxim states as follows:
17 That which ought to have been done is to be regarded as done, in favor of him to whom, and against him
18 from whom, performance is due.

19 On that basis I order as follows: the DMV shall register the subject car upon payment of the
20 required fees and proof of ownership.

21 The clerk shall provide a certified copy of this order to the Petitioner for his use in procuring a
22 registration for his car.

23 So ordered.

24 Signed _____ Date _____

25 Judge of the Superior Court

26 **Appendix: 38 Maxims of Jurisprudence**

27 California Civil Code §3510 When the reason for a rule ceases, so should the rule itself.

28 §3511 Where the reason is the same, the rule should be the same.

§3512 One must not change his purpose to the injury of another

§3513 Anyone may waive the advantage of a law intended solely for his benefit. But a law established for
a public reason cannot be contravened by a private agreement.

§3514 One must so use his own rights as not to infringe upon the rights of another.

§3515 He who consents to an act is not wronged by it.

§3516 Acquiescence in error takes away the right of objecting.

§3517 **No one can take advantage of his own wrong.**

§3518 He who has fraudulently dispossessed himself of a thing may be treated as if he still had
possession.

§3519 He who can and does not forbid that which is done on his behalf, is deemed to have bidden it.

§3520 No one should suffer by the act of another.

§3521 He who takes the benefit must bear the burden.

1 §3522 One who grants a thing is presumed to grant also whatever is essential to its use.
§ 3523 **For every wrong there is a remedy.**
2 §3524 Between those who are equally in the right, or equally in the wrong, the law does not interpose.
§3525 Between rights otherwise equal, the earliest is preferred.
3 §3526 No man is responsible for that which no man can control.
§3527 The law helps the vigilant, before those who sleep on their rights.
4 §3528 The law respects form less than substance.
§3529 **That which ought to have been done is to be regarded as done, in favor of him to
5 whom, and against him from whom, performance is due.**
§3530 That which does not appear to exist is to be regarded as if it did not exist.
6 §3531 **The law never requires impossibilities.**
§3532 The law neither does nor requires idle acts.
7 §3533 The law disregards trifles.
§3534 Particular expressions qualify those which are general.
8 §3535 Contemporaneous exposition is in general the best.
§3536 The greater contains the less.
9 §3537 Superfluity does not vitiate.
§3538 That is certain which can be made certain.
10 §3539 **Time does not confirm a void act.**
§3540 The incident follows the principal, and not the principal the incident.
11 §3541 An interpretation which gives effect is preferred to one which makes void.
§3542 Interpretation must be reasonable.
12 §3543 Where one of two innocent persons must suffer by the act of a third, he, by whose negligence it
happened, must be the sufferer.
13 §3544 None with this number.
§3545 Private transactions are fair and regular.
14 §3546 Things happen according to the ordinary course of nature and the ordinary habits of life.
§3547 A thing continues to exist as long as is usual with things of that nature.
15 §3548 The law has been obeyed.

16
17
18
19
20
21
22
23
24
25
26
27
28