

Response to Citation _____ State of California, Municipal Corporation of _____ vs Defendant: _____	Citizens Standardized Constitutional Response to, and Motion For Dismissal of California Non-Criminal Traffic Citation, or In The Alternative, Notice of Removal To United States District Court, and Motion for Preliminary Injunction and Show of Cause <p style="text-align: center;">JURY DEMANDED</p>
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Defendant in this matter, herein responds to the citation named above, as follows:

- 1) Judicial Council of California Form TR-130 amounts to a Citizen being threatened in Federal Jurisdiction for Free Exercise of their Rights.
- 2) This is in violation of 42 USC § 1983, 18 USC §§ 241-245.
- 3) For failure to appear, or respond to a citation for a non-criminal matter, a Citizen is Threatened with Criminal Charges **Regardless of the disposition of the underlying charge.** This is grossly, blatantly unconstitutional. The arrest and prosecution for a person failing to defend a civil matter is ridiculous in se, and repugnant to the Constitution.
- 3) At the time a person is stopped for a traffic violation they are not given the option to not promise to appear. For failure to promise to appear, they will be arrested. No state has any authority to arrest a person for failure to promise anything.
- 4) In any civil matter the obligation is upon complainant to provide notice. A sworn law enforcement officer notifying a person and providing them with a copy of the citation, along with a scheduled court date, and returning a receipt of service to the court, meets their obligation to Due Process. No Constitutional Right is protected by the violation of any other.
- 5) Failure to appear in a civil matter amounts to a default in a civil matter. Not a crime
- 6) Driving is a Privilege therefore a Right. For failure to respond in a civil matter, a person's Right to Travel by the use of an automobile is threatened as a "license suspension".
- 7) In addition: *(Initial if Applicable)* _____ I am an interstate traveler; _____ I am a multi-state resident, or Citizen; _____ I use my automobile to engage in interstate commerce. "Suspension" of my "driver's license" will interfere with my Right to Travel among the Several United States, and will interfere with whatever Rights are protected by the sovereignty of whatever other state besides California in which I reside, or am a Citizen, and my Rights to engage in Interstate Commerce. As such, Federal Questions are herein raised.
- 8) In civil infraction matters a person may elect to default on the matter and pay. There is no compelling objective, much less legal grounds to threaten someone for failure to appear on a Civil Matter, much less arrest them and prosecute them criminally, and the less restrictive alternative of allowing them to admit by default and pay exists.

Therefor, Defendant moves for a dismissal of this matter on Constitutional grounds, in that Defendant is not availed a less-restrictive alternative, namely the admission by default in the matter, and ultimately payment of whatever fine billed. In the alternative, should this court not dismiss the matter on this Motion, upon reply by complaining party, this Response constitutes Notice of Removal to, and will be filed with, The United States District Court In And For The _____ District of California, pursuant to 28 U.S.C. Chapter 89, § 1441 et seq., on the following grounds:

1) This matter involves non-criminal matters, therefore the Younger abstention doctrine does not apply.

2) The Federal Questions as identified in 7) supra, if applicable.

3) Defendant is being threatened with criminal prosecution in violation of his Federally Protected Constitutional Rights, and therefor stands in this matter. Defendant herein challenges the Constitutionality of CVC § 40508, CPC § 853 both facially and as they may be applied in the instant case, and demands a preliminary injunction on the following grounds:

a) There is a substantial likelihood of success on the merits of the case:

- i) The law is unconstitutional
- ii) No mentally competent person could be construed to consent to this.
- iii) No One in California Consents to this.

b) Defendant faces a substantial threat of irreparable damage or injury if the injunction is not granted, as Follows:

i) Loss of Liberty: Liberty lost, in any form, can never be returned. CVC § 40508, CPC § 853 will cause a person to be arrested as described herein.

ii) Loss of Property: Upon "suspension" of Defendant's "driver's license", if a Person continues to exercise their Right to Travel, in this or some other state, upon investigation by the state their vehicle will be impounded, without warrant, and in violation of their Rights to Property and Due process.

iii) Loss of Employment: Defendant relies on his Right to Travel by operating an automobile to both obtain and maintain employment, or additionally, engage in interstate commerce.

iv) Loss of Time: Time has infinite value. Expressed as a quotient of demand divided by supply, the demand is infinite, while the supply is finite. Time progresses in one direction only. No amount of money can turn back the clock of the universe.

c) The differential of consequence is heavily biased against Defendant:

- i) The harm suffered by defendant will be irreparable, but the state faces no loss. The state suffers no harm from a party defaulting on a infraction charge, waiting for the judgment against them, and then paying the bill. The harm comes only in failure to pay the bill thereafter.

- d) The grant of an injunction would serve the public interest as follows:
- i) The Public has a compelling interest in maintaining Constitutional compliance of all public officers. Continued enforcement of CVC § 40508, CPC § 853 violates all Citizens' Rights.
 - ii) The Public has a compelling interest in maintaining individual Liberty. This is to each their own and to the Public in se.
 - iii) The Public has an absolute Right to the reduction in costs concomitant with the cessation of wrongful or unconstitutional enforcement. CVC § 40508, CPC § 853 ultimately do nothing more than create jobs for people to process these complaints, and the subsequent arrests, and proceedings, when very simply a person might just pay the bill. The Public has a Right to be Free from these wasteful expenditures.

Therefor, upon Removal of this matter to United States District Court, Defendant Moves that enforcement of CVC § 40508, CPC § 853 be enjoined pending Show of Cause by complaining party that both a compelling objective exists therefor, and that should such an objective exist, that it cannot be accomplished less restrictively.

Submitted this _____ Day _____, Year _____.

 Defendant - Pro / Se.

Mailing Address:

_____ Please update any records with the above Address of Record.