



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

VICKI CORONA

PLAINTIFF(S)

CASE NUMBER

14-CV-05108 UA (AGR)

v.

STATE OF CALIFORNIA
DEPARTMENT OF MOTOR VEHICLES,
et al.,

DEFENDANT(S).

ORDER RE LEAVE TO FILE ACTION
WITHOUT PREPAYMENT OF FILING FEE

IT IS ORDERED that the complaint may be filed without prepayment of the filing fee.

Further proceedings in this matter are subject to the orders of the Judge to whom the case is assigned.

Date

United States Magistrate Judge

IT IS RECOMMENDED that the request of plaintiff/petitioner to file the action without prepayment of the filing fee be **DENIED** for the following reason(s):

- ☐ Inadequate showing of indigency
☐ Legally and/or factually patently frivolous
☒ Other: Frivolous (see comments)

- ☐ District Court lacks jurisdiction
☐ Immunity as to _____

Comments:

On July 1, 2014, Plaintiff filed an Application to Proceed in District Court Without Prepaying Fees or Costs and lodged a complaint pursuant to 42 U.S.C. § 1983. (Cont. Pages 2-3)

July 7, 2014
Date

Alicia L. Rosenberg
United States Magistrate Judge

IT IS ORDERED that the request of plaintiff to file the action without prepayment of the filing fee is:
☐ GRANTED ☒ DENIED (See comments above).

Date

7/12/14

[Signature]
United States District Judge

van; she “travels.” (*Id.* ¶ 23.) The PVB issues “adhesion contracts in the form of ‘tickets’ for non-registration of Plaintiff’s van.” (*Id.* ¶ 25.) Plaintiff has served “Affidavits of Allodium” on the PVB, which it “chose to disregard.” (*Id.*) The PVB’s tickets “require an original signed two-party contract that would make one liable to pay such debt.” (*Id.* ¶ 26.)

On June 10, 2014, the City of Burbank, and Girard’s towing company towed the van “because of rightful and purposeful non-registration.” (*Id.* ¶ 28.) Burbank required that Plaintiff pay \$250 for release of the van. (*Id.* ¶ 32.) On June 18, 2014, Plaintiff was given a hearing, and the hearing officer “rendered verdict against Plaintiff relying on the very Motor Vehicle Codes which exempt Plaintiff from registration.” (*Id.* ¶ 33.)

Plaintiff alleges many violations of the federal constitution and statute, including the right to travel and due process. (*See, e.g., id.* at 20.) Plaintiff requests the return of her van and damages. (*Id.* at 22-23.)

The right to travel is found in the Privileges and Immunities Clause of the constitution. *See Saenz v. Roe*, 526 U.S. 489, 501, 119 S. Ct. 1518, 143 L. Ed. 2d 689 (1999); U.S. Const. art. IV § 2, cl. 1. “The purpose of the Privileges and Immunities Clause is to ensure that rights granted by a state to its citizens are not withheld from citizens of *other* states.” *Darkins v. Snowden*, 2013 WL 5530977, *6 (C.D. Cal. 2013) (emphasis in original). “Plaintiff expressly alleges that he is a California citizen and that the harm he suffered stems from the application to him of California statutes requiring California citizens to obtain driver’s licenses and register their cars.” *Id.*; (*see also*

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Complaint ¶ 1 (“Plaintiff, Vicki Corona, is a living woman and free inhabitant of the City and County of Los Angeles, California Republic”).) Finally, there is no constitutional right to drive a vehicle. *Miller v. Reed*, 176 F.3d 1202, 1205-06 (9th Cir. 1999) (“burdens on a single mode of transportation do not implicate the right to interstate travel” & “Miller does not have a fundamental ‘right to drive’”) (citing *Dixon v. Love*, 431 U.S. 105, 112-16, 97 S. Ct. 1723, 52 L. Ed. 2d 172 (1977)).

Plaintiff’s complaint is frivolous. *See Neitzke v. Williams*, 490 U.S. 319, 325, 109 S. Ct. 1827, 104 L. Ed. 2d 338 (1989) (under 28 U.S.C. § 1915, “a complaint . . . is frivolous where it lacks an arguable basis either in law or in fact”).