

No. \_\_\_\_\_

IN THE  
**Supreme Court of the United States**

**October Term, 2015**

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Case Nos.: 2:14cv5108 and 14-56237

**Vicki Corona**

Petitioner,

**v**

**NINTH CIRCUIT COURT OF APPEALS,**

Respondent,

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*PETITION FOR WRIT OF CERTIORARI TO  
THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT*

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**Motion for Leave to Proceed in Forma Pauperis**

**Motion For Reversal of Court's Finding of "Frivolous"**

Vicki Corona, Sui Juris Free Inhabitant of the California Republic  
4804 Laurel Canyon Blvd, #125, Studio City, CA 91607

Unknown Judges, Ninth Circuit Court  
Judges Alicia G. Rosenberg and George H. King , Central District

## **QUESTIONS PRESENTED**

1. Whether the United States District Court for the Central District of California (hereafter “Central District”) had authority to reject Petitioner’s Complaint based on her inability to pay filing fees, or was this in violation of Government Code Sections 68630-68641.
2. Whether the Ninth Circuit Court of Appeals (hereinafter “Ninth Circuit”) had authority to reject Petitioner’s Complaint based on her inability to pay filing fees, or did it violate Government Code Sections 68630-68641.
3. Whether traveling in one’s personal, non-commercial automobile along the streets, highways, roads, and byways of the United States of America without forced registration, a driver’s license, et al, is a “privilege” bestowed by local statute or a “right” as supported by many thousands of authorities including State and Federal Supreme Court rulings, the Constitution, Bill of Rights, Articles of Confederation, and more.
4. Whether Petitioner’s Complaint is “frivolous” as claimed by the Ninth Circuit. It is Petitioner’s understanding that frivolous lawsuits are those filed by someone (usually an attorney) who is aware that the Complaint is baseless, without merit or factual basis, or lacking supporting legal argument. Here Petitioner cited numerous facts and law within her Complaint. With respect to the right to travel, Petitioner, and countless other Californians, respectfully request a decision from the highest Court in our nation in this regard so the issue can be put to rest. Thank you.

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## PETITION FOR A WRIT OF CERTIORARI

Petitioner, Vicki Corona, respectfully petitions for a Writ of Certiorari to review the Order of the Ninth Circuit Court of Appeals, California. .

### ORDER

The Order by the Ninth Circuit stated: “Appellant’s motion to proceed in forma pauperis is denied because we find that the appeal is frivolous. If appellant wishes to pursue this appeal despite the court’s finding that it is frivolous then, within 21 days after the date of this order (11/13/14), appellant shall pay \$505.00 to the district court as the docketing and filing fees for this appeal and file proof of payment with this court. Otherwise, the appeal will be dismissed by the Clerk for failure to prosecute, regardless of further filings. See 9th Cir. R. 42-1. ***No motions for reconsideration, clarification, or modification of the denial of appellant’s in forma pauperis status shall be entertained.*** (Emphasis added). Because the court has found that this appeal is frivolous, ***the district court judgment may be summarily affirmed even if appellant pays the fees.*** (Emphasis added). If appellant pays the fees and files proof of such payment in this court, appellant therefore shall simultaneously show cause why the judgment challenged in this appeal should not be The opinion of the Ninth Circuit Court of Appeals.”

Although Petitioner most assuredly qualifies to file in forma pauperis, she was denied. Even had Petitioner paid the fees demanded, her case would still be rejected as frivolous. The Ninth Circuit refuses to hear this case.

### JURISDICTION

Because the Ninth Circuit denied Petitioner any motions for reconsideration, clarification, or modification of the denial of her in forma pauperis status, or even to recognize the many authorities cited in the original Complaint, or to give an explanation as to why the Court believed so many authorities are frivolous, or to let Petitioner’s voice be heard, this Court has jurisdiction pursuant to 28 U.S.C. § 1257(a) “Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States is drawn in question or where the validity of a statute of any State is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States.”

### RELEVANT CONSTITUTIONAL PROVISIONS

The 14<sup>th</sup> Amendment to the United States Constitution provides, in relevant part: “No State shall . . . deprive any person of life, liberty, or property, without due process of law.”

Whenever the operation and effect of any general regulation is to extinguish or destroy that which by law of the land is the property of any person, so far as it has that

effect, it is unconstitutional and void. Thus, a law is considered as being a deprivation of property within the meaning of this constitutional guaranty if it deprives an owner of one of its essential attributes, destroys its value, restricts or interrupts its common, necessary, or profitable use, hampers the owner in the application of it to the purposes of trade, or imposes conditions upon the right to hold or use it and thereby seriously impairs its value. (Statute) 167 Am. Jur. 2d, Constitutional Law, Section 369.

. The federal statute at 18 U.S.C. 1961 itemizes all RICO predicate acts among which are extortion and obstruction of justice. The Supremacy Clause in the U.S. Constitution elevates all RICO statutes to the status of supreme law, and resolves any conflicts with State laws in favor of the RICO statutes. Congress intended the RICO statutes to be liberally construed, 84 Stat.947, Sec. 904, Oct. 15, 1970. Whenever conflicts occur, State laws and State constitutional provisions have no standing.

Norton v. Shelby County 118 USR 425: “An unconstitutional act is not law. It confers no rights, it imposes no duties, it affords no protections, it creates no office. It is in legal contemplation as inoperative as though it has never been passed.” “The court follows the decision of the highest court of the state, in construing the constitution and the laws of the state unless they conflict with or impair the efficacy of some principle of the Federal Constitution or of the Federal Statutes or rule of the commercial or general law. The decision of the state court’s in questions relating to the existence of its subordinate tribunals and . . . and the passage of its laws are conclusive upon Federal Courts.”

In RE Barnes, United States District Court, D Maine, September 15, 1972, Bankruptcy No. BK 72-129ND, No. EK 72-13OND. Consumer goods - automobile for transportation to and from work. “The use of a vehicle by its owner for purposes of traveling to and from his employment is a personal, as opposed to a business use, as that term is used in UCC § 9-109(l), and the vehicle will be classified as consumer goods rather than equipment.”

## **STATEMENT OF THE CASE**

Petitioner filed a Complaint to the Central District for Extortion, Conversion, Fraud, Conspiracy to Deprive Plaintiff of Rights Unalienable, and for Deprivation of Rights Unalienable Under Color of Law and Color of Process [Title 18 USC §§ 241, 242] on July 1, 2014 against the California Department of Motor Vehicles (hereinafter “DMV”) and others, who make and enforce local ordinances that are repugnant to the Constitution as well as a tsunami of other unshakable authorities.

Petitioner heard nothing in response. July 17, 2014 Petitioner returned to the filing window of the Central District to check the status of the case to eventually be told that Petitioner’s case was rejected because filing fees must be paid. Petitioner’s Complaint was rejected by the Central District without Hearing, without Notice, without cause, and without supporting law, as she was denied her right to proceed in forma

pauperis. Elmore v. McCammon (1986) 640 F. Supp. 905: "... the right to file a lawsuit pro se is one of the most important rights under the Constitution and laws." This stands whether the Plaintiff is indigent or not..

Thereafter, Petitioner received a document stating her Complaint was also frivolous. In response Petitioner filed an Objection to Order in re Frivolous Complaint, Notice of Appeal, Declaration and Motion and Affidavit for Leave to Appeal in Forma Pauperis July 28, 2014. There has been no challenge to Petitioner's financial inability to pay court costs.

August 4, 2014, an Order from the Ninth Circuit reads: "The court's records reflect that the notice of appeal was filed during the pendency of a timely filed motion listed FRAPa4(a)(4). The Notice of appeal is therefore ineffective until entry of the order disposing of the last such motion outstanding . . . Accordingly, proceedings in this court shall be held in abeyance pending the district court's resolution of the pending July 18, 2014 motion . . . To appeal the district court's ruling on the post-judgment motion, appellant must file an amended notice of appeal . . . ." Petitioner filed an Amended Notice of Appeal 10/6/14.

September 10, 2014 Petitioner received an Order from the Ninth Circuit stating: "On August 4, 2014, this court issued an order staying appellate proceedings pending disposition of the July 18, 2014 motion in the district court. The district court has denied the motion. The stay order filed August 4, 2014, is lifted and *this appeal shall proceed*. (emphasis added) A briefing schedule will be established pending resolution of the fee status issue, which will be addressed by separate order."

The Appeal to the Ninth Circuit, due 11/5/14, was filed early on 9/24/14. As set out under "ORDER" above, Petitioner alleges the Ninth Circuit erred in requiring a filing fee of \$505 and warning Petitioner that the case would fail even if the fee was paid because it was frivolous. That type of ruling suggests that the Court was attempting to discourage or intimidate Petitioner in the free exercise and enjoyment of her rights, that the Court, DMV, and others involved, were conspiring against Petitioner and violating her rights under color of law.

Petitioner filed her response to this Order December 30, 2014, which stated in part " . . . Previous to that ruling, I received notice that the case WILL go forward once the issue of the fee waiver was resolved. Now all of a sudden you state the case is frivolous. According to your own rules, I am entitled to a fee waiver . . . and will be denied my civil rights if I am not allowed to request the Court's help in determining why DMV is allowed to go against so much case law and Supreme Court law. The right to travel has been around even before the Constitution -- it was in the Articles of Confederation. I set some of those Points and Authorities in my Complaint. Please respond with why I have been denied a Fee Waiver and why you think this is frivolous. Thank you for your courtesy in this regard." Petitioner never received a response. The silence has been deafening.

While Appellant understands that unlawful ticketing, towing, and other local regulations create billions of dollars for the State of California, DMV still has no authority to distort or ignore the law . . . especially when Californians who are not using their cars in commerce and who are aware of this malevolent scheme withdraw their consent to be governed by DMV's unlawful regulations, as Appellant did as soon as she discovered the corruption. No government entity should be allowed to continue with this type of extortion simply because it makes money. There is plenty of lawful revenue to be gotten from commercial vehicles.

### **REASONS THIS COURT SHOULD GRANT THE WRIT**

All Americans indeed have the inalienable right to use the roadways unrestricted in any manner as long as they are not damaging or violating property or rights of another. California DMV, in requiring people to file for drivers licenses, vehicle registrations, mandatory insurance, and demanding they stop for vehicle inspections, etc. without question, are "restricting", and therefore violating, the Peoples common law right to travel. Substantial case law completely substantiates Petitioner's position that the right to travel unrestricted upon the nations highways" is and has always been a fundamental right of every citizen. A few of the many other reasons this Writ should be granted are as follows:

A. No law requires you to record or pledge your private automobile. Any recording or pledge of same to any agency is strictly voluntary. Any recordation or contract one enters into without full disclosure that it is voluntary is a fraudulent act. Pledges forced upon unknowing Californians in this manner and without just compensation are willful malicious acts done through fraud, deceit, coercion and withholding of facts. This can only be construed as fraud and unjust enrichment by the entity from whom one purchased the automobile and the DMV.

B. Both Court decisions in this case improperly disregard law and the decisions of thousands of other Courts and misapply the plain language of them, including the many cites quoted in Petitioner's Complaint for which there can be no misinterpretation. Please see Petitioner's Original Complaint.

C. "The state citizen is immune from any and all government attacks and procedure, absent contract.", Dred Scott v Sanford, 60 U.S. (19 How.) 393, or as the Supreme Court has clearly stated: "...every man is independent of all laws, except those prescribed by nature. He is not bound by any institutions formed by his fellowmen without his consent." Cruden v Neale, 2 N.C. 338 2 S.E. 70. It is only through a individual's consent that California can take ownership of one's car, secret the Manufacturer's Statement of Origin (hereafter "MSO") – the true proof of ownership - and return a worthless "Certificate of Title" or "pink slip", which is not title, merely evidence that title exists. A car's legal title is the MSO, which car dealers surrender to the State unbeknownst to purchasers. The MSO is put on microfilm for permanent keeping and the original is destroyed so it can never return to the lawful owner. Petitioner



withdrew her consent to have her car registered and licensed under DMV, requested the MSO from DMV and never received a response. As such, DMV is in default. Please see Appellant's Evidence of Notice of Withdrawal of Consent (Notary Page and Notice Served on DMV), filed with the Ninth Circuit. The Ninth Circuit misapplied the law in calling the Complaint frivolous and in not granting a fee waiver, both of which violate the Due Process clause and Supreme Court rulings. Norton v. Shelby County 118 USR 425: "An unconstitutional act is not law. It confers no rights, it imposes no duties, it affords no protections, it creates no office. It is in legal contemplation as inoperative as though it has never been passed."

D. The Ninth Circuit's decision widens an acknowledged irreconcilable division between well-settled unalienable rights and local statutes which are inconsistent with each other. This Court can resolve this conflict. The right to travel has long been recognized as a fundamental right, grounded upon the case law and authorities in Petitioner's Complaint, and thousands of others.

E. Use defines classification. A private automobile is not required to be registered by law and is immune to registration fees. Only those automobiles used for profit are required to be registered and receipt for the use tax paid is evidenced by the tab. California Motor Vehicle Code, § 260 states that private cars/vans "not for hire" are not a commercial vehicle, rather consumer goods not required to be registered under this code. "Passenger vehicles and house cars that are not used for the transportation of persons for hire, compensation, or profit are not commercial vehicles."

F. Consumer goods are not required to be registered. A vehicle not used for commercial activity is a "consumer goods" . . . it is not a type of vehicle required to be registered and "use tax" paid. Bank of Boston v. Jones, 4 UCC Rep. Serv. 1021, 236 A2d 484, UCC PP 9-109.14. The Supreme Court, in Arthur v. Morgan, 112 U.S. 495, 5 S.Ct. 241, 28 L.Ed. 825, held that carriages were properly classified as household effects, and we see no reason that automobiles should not be similarly disposed of." Hillhouse v United States, 152 F. 163, 164 (2nd Cir. 1907).

G. Shapiro v Thomson, 394 U. S. 618 April 21, 1969, the right to travel by private conveyance for private purposes upon the common way can not be infringed. No license or permission is required for travel when such travel is not for the purpose of profit or gain on the open highways operating under license in commerce.

H. Mudook v. Penn. 319 US 105:(1943), "No state shall convert a liberty into a privilege, license it, and attach a fee to it." "A state may not impose a charge for the enjoyment of a right granted by the Federal Constitution and that a flat license tax here involves restraints in advance of the constitutional liberties of Press and Religion and inevitably tends to suppress their existence."

I.       Shuttlesworth v. Birmingham, 373 US 262, (1969): If the state converts a liberty into a privilege and issues a license and fee for it, the citizen can engage in the rights with impunity."

J.       "... [T]he exemptions provided for in section 1 of the Motor Vehicle Transportation License Act of 1925 (Stats. 1925, p. 833) in favor of those who solely transport their own property or employees, or both, and of those who transport no persons or property for hire or compensation, by motor vehicle, have been determined in the Bacon Service Corporation case to be lawful exemptions, In re Schmolke (1926) 199 Cal. 42, 46.

K.       "The right of a citizen to travel upon the public highways and to transport his property thereon in the ordinary course of life and business is a common right which he has under his right to enjoy life and liberty.... It includes the right in so doing to use the ordinary and usual conveyances of the day; and under existing modes of travel includes the right to drive a horse-drawn carriage or wagon thereon, or to operate an automobile thereon for the usual and ordinary purposes of life and business. It is not a mere privilege, like the privilege of moving a house in the street, operating a business stand in the street, or transporting persons or property for hire along the street, which the city may permit or prohibit at will." Thompson v. Smith, 154 S.E. 579.

L.       "In view of this rule a statutory provision that the supervising officials "may" exempt such persons when the transportation is not on a commercial basis means that they "must" exempt them." State v. Johnson, 243 P. 1073; 60 C.J.S. § 94, p.581.

M.       "... The legislature has no power to regulate the people or their automobiles . . . " Oregon Supreme Court, Kalich v Knapp

N.       The Ninth Circuit openly revolted against plain law, willfully and deliberately disregarded the material points of fact set forth in Petitioner's original Complaint, and their decision is unsupported by the evidence, the facts, and the law.

There is no room for speculation in these and thousands of other Court decisions. U.S. case law is overwhelming in determining that - to restrict, in any fashion, the movement of the individual American in the free exercise of their right to travel upon the roadways, (excluding "commerce" which state legislatures are correct in regulating), is a serious breach of those fundamental freedoms secured by the U.S. Constitution, and most state Constitutions, i.e - it is unlawful and a deprivation of rights per 18 U.S. Code § 242

### **THE QUESTIONS SIGNIFICANTLY IMPACT THE ADMINISTRATION OF CIVIL AND CRIMINAL JUSTICE IN TRAFFIC COURTS**

Petitioner respectfully requests that this Court resolve the constitutionality of a local ordinance or statute converting the right to travel in private automobiles (non-

commercial) into a privilege bestowed by the State with a slew of forced fees, registrations, taxes, and questionable tickets and tows. These questions raise issues as to the honesty and integrity of government officials, Xerox Corporation who employs persons masquerading as sworn police officers, and the private and public Traffic Courts themselves. Both Courts who rejected Petitioner's Complaint have run afoul, deviated from, and contravened a plethora of law.

## **CONCLUSION**

U.S. Constitution, Article Six, Clause 2: This Constitution, and the Laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme Law of the Land; and Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the contrary notwithstanding.

Marbury v. Madison 5 US 137 (1803): "No provision of the Constitution is designed to be without effect," "Anything that is in conflict is null and void of law", "Clearly, for a secondary law to come in conflict with the supreme Law was illogical, for certainly, the supreme Law would prevail over all other laws and certainly our forefathers had intended that the supreme Law would be the bases of all law and for any law to come in conflict would be null and void of law, it would bare no power to enforce, it would bare no obligation to obey, it would purport to settle as if it had never existed, for unconstitutionality would date from the enactment of such a law, not from the date so branded in an open court of law, no courts are bound to uphold it, and no citizens are bound to obey it. It operates as a near nullity or a fiction of law." If any statement, within any law, which is passed, is unconstitutional, the whole is law is unconstitutional.

4th Amendment: "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 or things to be seized." Petitioner's private, allodial automobile was seized by traffic enforcement unlawfully.

"Even the legislature has no power to deny to a citizen the right to travel upon the highway and transport his property in the ordinary course of his business or pleasure, though this right may be regulated in accordance with the public interest and convenience." Chicago Motor Coach v Chicago 169 NE 22("Regulated" here means traffic safety enforcement, stop lights, signs, driving on the right side of the street, etc. not a privilege that requires permission such as licensing, mandatory insurance, vehicle registration, etc.)

"The right to travel is a part of the liberty of which the citizen cannot be deprived without due process of law under the 5th Amendment." Kent v Dulles, 357 U.S. 116, 125.

"Undoubtedly the right of locomotion, the right to remove from one place to another according to inclination, is an attribute of personal Liberty, and the right, ordinarily, of free transit from or through the territory of any State is a right secured by the 14th Amendment and by other provisions of the Constitution." Schactman v Dulles, 96 App D.C. 287, 293.

For the foregoing reasons, the petition for a writ of certiorari should be granted.

WHEREFORE, Petitioner prays this Court will strike and reverse the Ninth Circuit's Order and requests leave to file her lawsuit without prepayment of costs and to have the matter of the right to travel without government interference decided by this Court. Petitioner believes she cannot get a fair trial on the issues presented in California. Petitioner has no other remedy in law than to seek this Writ of Certiorari in this Honorable Court.

Dated: March 1, 2015

Respectfully submitted,

Vicki Corona  
Petitioner