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8 UNITED STATES DISTRICT COURT *for the* CENTRAL
9 DISTRICT OF CALIFORNIA, *Western Division*
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11
12 ADAM JOHN MACKINTOSH,

13
14 Plaintiff,

15 v.

16 GAVIN NEWSOM, ET AL.,
17 Defendants.
18

PLAINTIFF'S EX PARTE
APPLICATION FOR A
TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE RE PRELIMINARY
INJUNCTION: STAY OF THE
STATE CRIMINAL PROSECUTION
(BAD-FAITH AND RETALIATORY
PROSECUTION)

19 [Fed. R. Civ. P. 65; L.R. 7-19, 7-19.1]
20

21 CASE NUMBER: _____
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1 **I. APPLICATION AND RELIEF REQUESTED**

2 Plaintiff Adam John Mackintosh, appearing pro se, applies ex
3 parte under Federal Rule of Civil Procedure 65 and Local Rules 7-19 and
4 65-1 for a temporary restraining order and an order to show cause why a
5 preliminary injunction should not issue. This application seeks civil,
6 protective relief only. It does not seek to enjoin, stay, or interfere with the
7 pending state criminal proceeding, People v. Mackintosh, which is
8 addressed, if at all, by separate application subject to its own distinct
9 standards.

10 Plaintiff requests an order that, while this action is pending:

11 (a) restrains Defendants, their officers, agents, employees, and all
12 persons acting in concert with them, from stopping, detaining, citing,
13 arresting, or impounding Plaintiff or his vehicle on the basis of the
14 disputed license-plate-display and registration conditions described in the
15 Complaint (¶¶ 5, 36–71), including while Plaintiff drives under the
16 operating permit issued to him by the California Department of Motor
17 Vehicles ("DMV") to complete the smog repair and clear the vehicle's
18 emissions codes (Complaint ¶ 75);

19 (b) directs Defendant Steve Gordon, Director of the DMV, sued in
20 his official capacity, to release the registration hold on Plaintiff's vehicle
21 or, at minimum, to issue written, unambiguous temporary operating
22 authorization — identifying the vehicle, the permitted purposes, and the
23 effective dates — so that Plaintiff may lawfully drive, earn income,
24 complete the repair, and complete registration without exposure to a
25 further stop or impoundment;

26 (c) restrains Defendants and their agents from further collection
27 activity on the disputed citation, penalty, storage, and fee amounts
28 described in the Complaint (¶¶ 42, 47, 70–71, 79–83, 140) pending

1 adjudication; and

2 (d) directs all Defendants to preserve, and to make no further access
3 to, use of, or disclosure of, all evidence relating to the events alleged,
4 including: body-worn and dashboard camera recordings; computer-aided-
5 dispatch, ALPR, FLOCK, and database query logs concerning Plaintiff or
6 his vehicle; booking and jail video for July 10–11, 2026; property,
7 inventory, and chain-of-custody records; the debit card seized from
8 Plaintiff and not returned; any items removed from Plaintiff's vehicle or
9 its sealed evidence-preservation bags; and any data, images, or forensic
10 copies made from Plaintiff's telephones, devices, or effects.

11 Good cause exists because Plaintiff faces immediate, irreparable,
12 and cascading harm: a fifth stop and fourth impoundment of the vehicle
13 that is his residence and workplace; the loss of that vehicle to third-party
14 repossession precipitated by Defendants' interference with the income that
15 services its conditional sale contract; and the loss or spoliation of evidence
16 central to this action and to a federal criminal investigation.

17 **II. STATEMENT PURSUANT TO LOCAL RULE 7-19.1**
18 **(NOTICE)**

19 On July 25, 2026, Plaintiff gave notice of this application by USPS
20 to: the Office of the Burbank City Attorney, City Attorney Joseph
21 McDougall, at 275 E. Olive Avenue, Burbank, CA 91502, who's the
22 potential counsel for Defendant City of Burbank and Officer Cuillard; the
23 Office of the Los Angeles City Attorney, Hydee Feldstein Soto, potential
24 counsel for Defendant City of Los Angeles and LAPD, 200 North Main
25 Street #800 Los Angeles, CA 90012; the Office of the California Attorney
26 General, 1300 "I" Street, Sacramento, CA 95814-2919, potential counsel
27 for Defendant Gordon in his official capacity; and Girard Peterson, Inc.,
28 through its registered agent, 154 W PROVIDENCIA AVE BURBANK,

1 CA 91502-2121. No parties have responded yet. The names and
2 addresses, of counsel or parties notified are set forth above. Ex parte
3 relief, rather than a regularly noticed motion, is necessary for the reasons
4 stated in Part V of the Memorandum: Plaintiff will suffer irreparable
5 prejudice — re-impoundment of his residence, repossession, and
6 evidence loss — in the weeks a noticed motion would take, and the crisis
7 is of Defendants’ making, not Plaintiff’s. *Mission Power Engineering Co.*
8 *v. Continental Casualty Co.*, 883 F. Supp. 488, 492 (C.D. Cal. 1995).

9 MEMORANDUM OF POINTS AND AUTHORITIES

10 I. FACTUAL BASIS

11 The facts are set forth in the verified allegations of the Complaint,
12 incorporated here, and in the accompanying Declaration of Adam John
13 Mackintosh (“Decl.”). In brief: Plaintiff is a witness in connection with a
14 federal criminal investigation and has petitioned the Governor of
15 California, Gavin Newsom, the Mayor of Los Angeles, Karen Bass, and
16 the Los Angeles City Attorney in writing concerning the fine-and-fee
17 practices at issue (Complaint ¶¶ 28–35, 87). Over two years he was
18 stopped four times over the same disputed plate-display and registration
19 conditions; the fourth stop, on July 10, 2026, ended in his arrest,
20 an overnight jailing, a strip search, the seizure of his vehicle — his
21 residence and workplace — his dog, and three telephones, and the
22 opening of sealed evidence-preservation bags (Complaint ¶¶ 36–71).
23 The vehicle and dog have since been returned; the telephones were
24 returned without any disclosure of whether their contents were accessed
25 or copied; the debit card was not returned; the preservation bags were
26 returned visibly flatter, with an iMac hard drive and other items apparently
27 missing, and Plaintiff personally observed Doe Officer 2 remove items
28 from the sealed bags during the search (Complaint ¶¶ 62A–63; Decl.

¶¶ 8–12).

The registration hold remains in place. The registration cannot be completed because the vehicle carries a non-conforming catalytic converter welded on and concealed before Plaintiff’s purchase; Plaintiff is now attempting the repair himself (Complaint ¶¶ 60A–60C; Decl. ¶ 13). The DMV has issued him only a vague operating permit for smog purposes — with no identified routes, purposes, or dates it was left blank by the DMV employee — that provides no protection against a further stop or impoundment while he drives to complete the repair and clear the emissions codes (Complaint ¶ 75; Decl. ¶ 14). Each of the four stops was preceded or accompanied by database targeting, including an “extracted delinquency alert” displayed on the arresting officer’s computer before any contact (Complaint ¶¶ 65, 86). Plaintiff’s income remains halted at approximately \$50 to \$275 per day; his vehicle finance payment is growing past due because of that stoppage; he faces repossession of his car which is his residence and the loss of an approximately \$1,700 employer incentive he is being prevented from earning (Complaint ¶¶ 75–76B; Decl. ¶¶ 15–17).

II. LEGAL STANDARD

A temporary restraining order issues on the same standard as a preliminary injunction: likelihood of success on the merits, likelihood of irreparable harm absent relief, a balance of equities tipping in the movant’s favor, and the public interest. *Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008). In the Ninth Circuit, “serious questions going to the merits” plus a balance of hardships tipping sharply toward the movant also suffice, if the other factors are met. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1134–35 (9th Cir. 2011).

III. LIKELIHOOD OF SUCCESS ON THE MERITS

First Amendment retaliation. Plaintiff’s petitioning, litigation, witness communications, and recording of police are protected activity; the escalating stops, the pre-stop database targeting, the duplicate citation issued after written proof of the prior citation, and the arrest that followed Plaintiff’s statement that he possessed a drafted RICO complaint plead retaliation whose but-for causation is set out in the Complaint (¶¶ 130–132A). A retaliatory-prosecution claim lies where officials induce charges in retaliation for protected activity without probable cause, *Hartman v. Moore*, 547 U.S. 250, 265–66 (2006), and a retaliatory-arrest claim lies on the same absence, *Nieves v. Bartlett*, 587 U.S. 391, 402–04 (2019) — with Nieves’s exception applying independently, because persons stopped over infraction-level plate and registration matters are not customarily arrested at all, *Id.* at 406–07.

Fourth Amendment. The warrantless search of a vehicle known to be a residence, the strip search of a short-term detainee held on citation-level allegations, and the warrantless seizure of three telephones over an express refusal of consent (Complaint ¶¶ 62A–63, 67, 125–126; *Riley v. California*, 573 U.S. 373 (2014)) present, at minimum, serious questions going to the merits.

Relief against Defendant Gordon. Prospective relief against the DMV Director in his official capacity to end an ongoing violation — a registration hold operated as a collection device against a person the system prevents from curing the underlying condition (Complaint ¶¶ 60B, 76A, 82A, 152E) — is the province of *Ex parte Young*, 209 U.S. 123 (1908), and works no Eleventh Amendment difficulty.

This is not a *Lyons* problem. Unlike *City of Los Angeles v. Lyons*, 461 U.S. 95 (1983), where repetition of the challenged encounter was

1 speculative, repetition here is built into the status quo by Defendants' own
2 conduct: the disputed registration condition persists because the hold and
3 the exactions prevent its cure; Plaintiff has already been stopped four
4 times over the identical conditions; the fourth stop was preceded by an
5 affirmative database alert directed at him; and Plaintiff must drive —
6 under a facially vague permit — to complete the very repair the DMV
7 demands. The threat of a fifth stop is not conjecture; it is the system's
8 designed output (Complaint ¶¶ 35A–35B, 65, 76A, 86).

9 **IV. IRREPARABLE HARM**

10 Absent relief, Plaintiff faces harms that no later judgment can
11 repair. (1) Homelessness: a further impoundment takes his residence;
12 the deprivation of shelter is irreparable in the most literal sense.
13 (2) Repossession: the finance payment on the vehicle is falling into a
14 further late status because Defendants' seizure and hold halted the income
15 that services it; repossession would take his residence and workplace
16 permanently and moot much of the relief this Court could otherwise grant
17 (Complaint ¶ 76B). (3) Constitutional injury: the loss of First Amendment
18 freedoms, for even minimal periods of time, unquestionably constitutes
19 irreparable injury, *Elrod v. Burns*, 427 U.S. 347, 373 (1976), and an
20 alleged constitutional infringement will often alone constitute irreparable
21 harm, *Melendres v. Arpaio*, 695 F.3d 990, 1002 (9th Cir. 2012). (4)
22 Evidence loss: items already appear to be missing from opened
23 preservation bags; without a preservation order, recordings, query logs,
24 and any forensic copies of Plaintiff's devices are subject to routine
25 overwriting and disposal, destroying proof central to this action and
26 material to a federal investigation (Complaint ¶¶ 34, 63, 115–117).

27 **V. BALANCE OF EQUITIES, PUBLIC INTEREST, AND WHY** 28 **EX PARTE RELIEF IS PROPER**

1 The requested order asks Defendants only to refrain from enforcing
2 disputed infraction-level conditions against one man while their
3 lawfulness is adjudicated, to state in writing what one arm of the State
4 (the DMV) has already granted in vague form, to pause collection on
5 contested amounts, and to preserve evidence they are independently
6 obligated to preserve. None of that injures any legitimate interest;
7 enforcing the law lawfully remains untouched. By contrast, Plaintiff
8 stands to lose his shelter, his livelihood, and his evidence. The public
9 interest favors relief: it is always in the public interest to prevent the
10 violation of a party's constitutional rights. *Melendres*, 695 F.3d at 1002.
11 Ex parte timing is necessary because the harm operates on a daily clock
12 — accruing lost income, an aging delinquency on the finance contract,
13 and evidence-retention periods that lapse by the week — and the
14 emergency arises from Defendants' conduct, not from any delay by
15 Plaintiff, who filed this action promptly upon the July 2026 seizure.
16 *Mission Power*, 883 F. Supp. at 492.

17 **VI. BOND**

18 The Court has discretion to require no bond or a nominal bond,
19 Fed. R. Civ. P. 65(c); *Jorgensen v. Cassiday*, 320 F.3d 906, 919 (9th Cir.
20 2003), and should exercise it here: Plaintiff proceeds in forma pauperis,
21 the order restrains no revenue-generating activity that is not itself
22 disputed, and Defendants face no monetary risk from being restrained
23 from unlawful conduct. Plaintiff requests that bond be waived or set at a
24 nominal amount.

25 **VII. CONCLUSION**

26 Plaintiff respectfully requests that the Court issue the temporary
27 restraining order in the form lodged herewith, and set an order to show
28 cause why a preliminary injunction should not issue on the same terms.

1 **DECLARATION OF ADAM JOHN MACKINTOSH**

2 I, Adam John Mackintosh, declare as follows:

3 1. I am the Plaintiff in this action. I have personal knowledge of
4 the facts below and could testify competently to them. Where I identify
5 a document or recording, a true and correct copy or the original is in my
6 possession and can be produced to the Court.

7 2. My vehicle is my residence, my workplace, and the place
8 where I keep my litigation files and the evidence I maintain as a witness
9 in connection with a federal criminal investigation. I earn my income
10 using the vehicle, at approximately \$50 to \$275 per day.

11 3. I have been stopped four times over the same alleged
12 license-plate-display and registration conditions: on August 28, 2024;
13 January 10, 2025; March 3, 2025; and July 10, 2026. The facts of each
14 stop are set out in my Complaint at ¶¶ 36–71, which I verify and
15 incorporate here.

16 4. On July 10–11, 2026, I was arrested, jailed overnight, and
17 strip-searched; my vehicle, my dog, and three of my telephones and
18 other property were seized; and officers opened sealed anti-static, anti-
19 RFID evidence-preservation bags in my vehicle.

20 5. On July 10, 2026, after Officer Cuillard placed me in the back
21 of his patrol vehicle, and while they were searching my car, I observed
22 the patrol car’s dashboard computer, it displayed my driver license
23 information, name, phone number, vehicle, finance company, and DMV
24 records, with the most recent action Cuillard executed on the computer
25 that read “extracted delinquency alert.”

26 6. My vehicle and my dog have since been returned to me. The
27 three telephones were also returned and wallet and other personal
28 effects. No one has told me whether the telephones’ contents were

1 examined, copied, or extracted, and no warrant or inventory of any
2 access has ever been shown to me.

3 7. A debit card from the joint account I hold with my wife, seized
4 during booking, has not been returned to me.

5 8. When I recovered the vehicle, the sealed evidence-preservation
6 bags were visibly flatter than when they were sealed and no longer full.
7 Based on my inventory to date, an iMac hard drive and other items that
8 I stored in those bags appear to be missing. My inventory is ongoing.

9 9. During the July 10, 2026 search, I personally observed the
10 arresting officer's partner, sued as Doe Officer 2, remove items from the
11 sealed bags and place them on top of my car.

12 10. I photographed the bags and their contents in the condition I
13 found them, with dates, and I have preserved those photographs.

14 11. Items gathered from the bags were not listed on the booking
15 inventory I received.

16 12. I have preserved dated video and photographic recordings of
17 the encounters described in my Complaint, including recordings of
18 law-enforcement vehicles locating, spotlighting, and following my
19 parked vehicle since 2021 when I filed my San Francisco lawsuit related
20 to Jacobs Letter and the high-profile Waymo case against Uber.

21 13. My vehicle's registration cannot be completed because it
22 carries a catalytic converter whose serial number, D-193-134, does not
23 match the vehicle; it was welded on before I purchased the car and was
24 not disclosed in any purchase or finance document. I am now
25 attempting to repair the converter myself so the vehicle can pass smog
26 inspection and complete registration. I paid DMV for all parking-
27 enforcement citation amounts for LADOT and registration fees
28 attached to the vehicle, and there is one more pending that I disputed

1 with no reply, and I paid the fees for LADOT only after my attempts to
2 contest and dispute them were blocked or otherwise obstructed, as
3 described in my Complaint at ¶¶ 81–82A, and after my car was taken
4 and the staff at the Police Station said they won't release my car to me
5 until I pay all fees to DMV. I made those payments because possession
6 of my vehicle — my residence and my only means of earning income —
7 was conditioned on them, and because, after being stopped four times,
8 physically injured, arrested, and threatened with charges by police
9 officers, I feared that refusing to pay would result in further stops,
10 further impoundments, and more arrests. Those payments were not
11 voluntary. Only the smog certification now remains outstanding.

12 14. A DMV representative issued me an operating permit for
13 smog purposes. It is vague: it does not identify protected routes,
14 purposes, or dates, and no one has confirmed that I will not be stopped
15 or my vehicle impounded again if I drive to complete the repair, clear
16 the emissions codes, or work. I fear a fifth stop and a fourth
17 impoundment every time I drive.

18 15. Since July 10, 2026, my income has been halted at
19 approximately \$50 to \$275 per day of losses, which continue.

20 16. Because I could not work, my vehicle finance payment to
21 CarMax Auto Finance is falling further behind from the due date. If the
22 vehicle is repossessed, I will lose my residence and my workplace at once
23 and will be rendered homeless, again, as I was on July 11, 2026 while the
24 impound yard held my car against my will and demanded payment.

25 17. My employer offers an incentive of approximately \$1,700
26 conditioned on hours worked. Because I am being obstructed from
27 working, I am being prevented from working enough hours to qualify
28 for, and earn it.

1 18. Notice of this application: on July 25, 2026, I notified each
2 office listed in Part II of the Application, by USPS mail, and I believe
3 it's too early for a response at the moment.

4 19. I make this application now, and not on a regularly noticed
5 schedule, because the harms above accrue daily and because evidence —
6 camera recordings, dispatch and query logs, and any forensic copies of
7 my devices — is subject to routine retention periods that may lapse
8 before a noticed motion could be heard.

9 I declare under penalty of perjury under the laws of the United
10 States of America that the foregoing is true and correct. Executed on
11 July 24, 2026, at 6:50 p.m., in California.

12 Dated: July 25, 2026

Respectfully Submitted,

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15 Adam J. Mackintosh (*Pro Se*)
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