

NOV 23 2024

OFFICE OF THE CLERK

No. 24A516 (24A430, 24A507, 24-567)

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**In The**  
*Supreme Court of the United States*

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MARTIN AKERMAN, PRO SE

*Petitioner,*

v.

SPEED CAMERA DOE

*Respondent.*

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To the Honorable John G. Roberts, Jr.,  
President of the Judicial Conference of the United States,  
as Chief Justice of the United States,  
or as Circuit Justice for the D.C. Circuit

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APPLICATION FOR A STAY

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Martin Akerman, Pro Se  
2001 North Adams Street, Unit 440  
Arlington, VA 22201  
(202) 656 - 5601

## QUESTIONS PRESENTED

This case presents urgent and significant constitutional questions about the intersection of automated enforcement systems, due process, and fundamental rights. The issues raised are emblematic of broader systemic concerns in the era of automation, artificial intelligence, and administrative discretion.

- Whether procedural safeguards under the Fifth Amendment are violated by automated systems, such as the Speed Camera Doe, which issue citations without human oversight, depriving individuals of the opportunity to confront accusers or meaningfully challenge the evidence against them.
- Whether the abridgment and mischaracterization of the Petitioner's opposition filing, coupled with procedural irregularities, constitute violations of the First Amendment right to petition the courts for redress and the Second Amendment right to be armed with accurate information necessary for a defense.

- Whether the Second Amendment’s right “to be armed” extends to informational tools required for effective self-defense against procedural injustice and unaccountable adjudicatory systems, drawing parallels to recent jurisprudence affirming the constitutional importance of information as a weapon for justice.
- Whether unregulated automated enforcement technologies that operate beyond public scrutiny pose systemic risks to constitutional rights, and whether oversight mechanisms analogous to corporate governance reforms during the rise of modern corporations are necessary for such systems to safeguard constitutional rights.
- Whether this application should be treated as a petition for a writ of error, given the unique position of the D.C. Circuit as the highest court of the administrative state, or alternatively as a petition for certiorari, addressing the systemic gaps in habeas protections in the jurisdiction of the D.C. Circuit.

## **RELATED SUPREME COURT CASES**

These issues are deeply consequential, not only for the Petitioner, who has standing as an expert in artificial intelligence policy, but for all Americans navigating a landscape increasingly dominated by automated systems that challenge the rule of law.

### Case No. 24A430

In this case, the Petitioner raised concerns about the federalization of state military officers for detaining federal employees under the guise of national security, without judicial review. The case underscores the erosion of due process protections under the Posse Comitatus Act and its implications for federal employees engaged in whistleblowing activities.

Case No. 24A507

This case questioned whether FOIA denials and administrative barriers violated transparency and accountability rights essential for whistleblowers. It also highlighted the role of information as a tool for self-defense against disinformation, invoking modern interpretations of the Second Amendment.

Case No. 24-567

The Petitioner sought a writ of mandamus to address the cumulative procedural failures in the Seventh Circuit and Supreme Court, arguing that Rule 39.8 sanctions stigmatized legitimate claims. The case also stressed the need for judicial oversight in administrative processes that infringe on fundamental rights.

## JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a) to review final judgments or decrees rendered by the highest court of a state in which a decision may be had. On November 20, 2024, the District of Columbia Court of Appeals, as the highest court of the administrative state within the federal district, issued its final order denying Petitioner's "Petition for Writ of Error or Stay of Enforcement Actions." This judgment addressed the merits of the procedural and constitutional challenges raised by the Petitioner, including systemic due process violations and the lack of accountability in automated enforcement systems, Appendix A.

Prior to this denial, Petitioner sought relief through a Petition for Writ of Error filed on November 19, 2024, which emphasized procedural defects, constitutional violations, and the need for accountability in automated enforcement systems. The court mischaracterized this filing as a Petition for Rehearing, thereby failing to engage with the distinct issues it presented, Appendix B.

## **APPLICATION FOR A STAY**

In determining whether to grant a stay or consider this application as a petition for a writ of error, this Court applies a balancing test that evaluates four critical factors: (1) whether the applicant has made a strong showing that they are likely to succeed on the merits; (2) whether the applicant will suffer irreparable harm absent a stay; (3) whether the issuance of the stay will substantially injure the other parties; and (4) where the public interest lies. These factors weigh decisively in favor of granting relief in this case.

On November 19, 2024, the District of Columbia Court of Appeals summarily affirmed the decision below while granting the Respondents' Motion for Summary Affirmance and denying the Petitioner's Motion for Temporary Injunction as moot. This ruling relied on an incomplete record due to the Clerk's procedural errors, which included the deletion of the Petitioner's filings and the suppression of key arguments in opposition to the Respondents' motion. The court's reasoning ignored the barriers to appeal imposed by the administrative state, Appendix C.

Likelihood of Success on the Merits

The Petitioner's case demonstrates a strong likelihood of success due to clear procedural and constitutional violations.

The Superior Court's refusal to allow the Petitioner to confront Speed Camera Doe, an automated system operating without human oversight, violated procedural safeguards under the Fifth Amendment, Appendix D.

Additionally, the suppression and deletion of key filings by the Clerk of the District of Columbia Court of Appeals represent systemic violations of the Petitioner's First and Second Amendment rights, undermining the integrity of judicial proceedings. The mischaracterization of the Petition for Writ of Error further deprived the Petitioner of the opportunity for meaningful review, necessitating intervention by this Court.



### Irreparable Harm

Absent a stay, the Petitioner faces ongoing harm from an unaccountable automated enforcement system that has imposed penalties without affording due process. The denial of a meaningful opportunity to challenge the citation and procedural errors has subjected the Petitioner to unwarranted financial and legal burdens. Moreover, the precedent set by permitting such enforcement systems to operate without oversight threatens the broader constitutional rights of all citizens navigating similar systems.

### No Substantial Injury to Respondents

Granting a stay would not substantially harm the Respondents. The relief sought is narrowly tailored to address procedural irregularities and ensure constitutional protections. It does not interfere with the broader enforcement mechanisms or operational integrity of automated systems but rather ensures that such systems function within the bounds of constitutional safeguards.

### Public Interest

The public interest overwhelmingly supports granting a stay. Automated enforcement systems like Speed Camera Doe increasingly impact the daily lives of Americans, raising urgent questions about transparency, accountability, and fairness. Ensuring that these systems operate within constitutional limits protects the public from arbitrary enforcement actions and preserves the integrity of the rule of law. Addressing these systemic issues now prevents broader harm as automation expands into other facets of governance and law enforcement.

### **REASONS TO GRANT STAY**

The abridgment and mischaracterization of Petitioner's filings constitute violations of the First Amendment's guarantee of the right to petition and the Second Amendment's implicit protection of being "armed" with accurate information.

The deleted or improperly filed documents illustrate this systematic obstruction, creating a pattern of procedural irregularities that undermines the Petitioner's ability to contest the automated system fairly.

#### Denial of First and Second Amendment Rights

Appendix E demonstrates the submission of the Petitioner's opposition on October 27, 2024, which detailed due process violations arising from the automated issuance of citations. However, the Clerk deleted pages from this opposition, rendering critical arguments inaccessible for judicial consideration.

Appendix F-the file considered in opposition-evidences the improper replacement of Petitioner's opposition with only the motion for leave to file, preventing substantive review. This maneuver effectively silenced the Petitioner, demonstrating an infringement on the First Amendment right to meaningful petition and the Second Amendment's protective use of information in legal defense.

### Systematic Procedural Barriers

Appendix G, entirely deleted, exemplifies the obstruction of the Petitioner's procedural rights. The Clerk's refusal to docket this initial appeal and injunction deprived the Petitioner of the opportunity to address the Respondent's motion fully, reflecting systemic failings of the adjudicatory process.

### Attempts to Rectify Procedural Deficiencies

Appendix H shows the Petitioner's efforts to counteract the Clerk's deletions by refile motions and injunctions, all of which were rejected without appropriate justification. These procedural blocks compounded the denial of justice, underscoring the systemic deficiencies that obstruct appeals.

These appendices provide clear evidence that the procedural irregularities are not isolated mistakes but part of a broader pattern of obfuscation. Such errors deprived the Petitioner of constitutional protections and undermined the legitimacy of the judicial process.


## CONCLUSION

The procedural irregularities and systemic deficiencies detailed above demonstrate a profound and ongoing denial of the Petitioner's constitutional rights. These include violations of the First Amendment right to petition the courts for redress, the Second Amendment right to be armed with accurate information for legal defense, and the Fifth Amendment right to confront accusers and meaningfully challenge evidence.

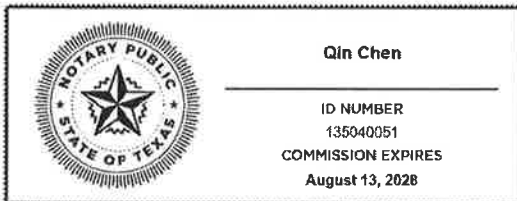
The actions of the Clerk of the District of Columbia Court of Appeals—deleting or suppressing key filings, mischaracterizing the Petition for Writ of Error, and obstructing refilings—have directly undermined the integrity of judicial proceedings. These errors are exacerbated by the systemic challenges posed by unaccountable automated enforcement systems like Speed Camera Doe, which issued citations without human oversight and deprived the Petitioner of due process.

This Court should grant the requested stay or alternatively treat this application as a petition for a writ of error or certiorari. Doing so will safeguard the Petitioner's constitutional rights, ensure accountability in automated enforcement systems, and address broader systemic issues that threaten the fairness and transparency of our judicial and administrative systems.

Respectfully Submitted Under Oath,

  
Martin Akerman, Pro Se  
2001 North Adams Street, 440  
Arlington, VA 22201

 11/23/2024



State of Texas  
County of Harris

Sworn to and subscribed before me  
on 11/23/2024 by Martin Akerman.

**Qin Chen**

Electronically signed and notarized online using the Proof platform.

## **RULE 33.2 CERTIFICATION**


This motion complies with the Court's type-volume limitation as it contains 1,547 words, which is within the word limit for a motion to the Court.

10 copies were served on the Clerk in 8 ½ x 11 inch paper, stapled on the upper left-hand corner.

The text of this supplemental brief has been prepared in a proportionally spaced typeface using Google Docs in Century, 12 point font size.

Dated and respectfully submitted, this 23rd day of November, 2024.

Respectfully Submitted,



Martin Akerman, Pro Se  
2001 North Adams Street, 440  
Arlington, VA 22201

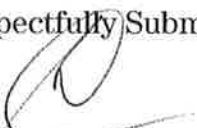
## **PROOF OF SERVICE**

I, Martin Akerman, certify that on the 23rd day of November 2024, I served the foregoing Application for a Stay and Appendices upon the Clerk of the Supreme Court of the United States by personal delivery to the Clerk's Office at 1 First Street, NE, Washington, DC 20543. An original and ten copies were provided, prepared in accordance with the Court's Rules. Service was completed upon receipt by the Clerk's Office.

Additionally, I served the District of Columbia Department of Motor Vehicles and the District of Columbia Traffic Adjudication Appeals Board through the D.C. Court of Appeals e-filing system. The filings were electronically submitted and verified as accepted by the system's confirmation email. Copies were also directed to the Office of the General Counsel at 95 M Street, SE, Washington, DC 20003. I declare under penalty of perjury that the foregoing is true and correct.

Dated this 23rd day of November, 2024.

Respectfully Submitted,



Martin Akerman, Pro Se  
2001 North Adams Street, 440  
Arlington, VA 22201



No. \_\_\_\_\_ (24A430, 24A507, 24-567)

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**In The**  
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MARTIN AKERMAN, PRO SE

*Petitioner,*

v.

SPEED CAMERA DOE

*Respondent.*

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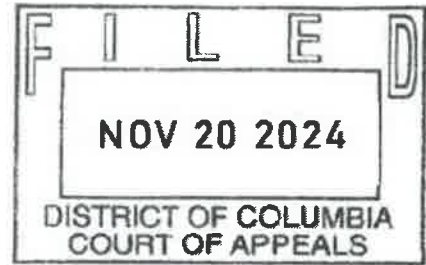
**APPENDIX A: FINAL ORDER**  
**(November 20, 2024)**

This document represents the final judgment of the District of Columbia Court of Appeals, denying the Petitioner's Petition for Writ of Error or Stay of Enforcement Actions. The court summarily dismissed the procedural and constitutional challenges raised by the Petitioner, effectively closing all local avenues for relief and necessitating this application to the Supreme Court.

**District of Columbia  
Court of Appeals**

**No. 24-CV-0749**

**IN RE MARTIN AKERMAN,  
Appellant.**



**2024-CAB-004978**

**BEFORE: Easterly and Shanker, Associate Judges, and Ruiz, Senior Judge.**

**ORDER**

On consideration of appellant's "Petition for Writ of Error or Stay of Enforcement Actions," construed as a petition for rehearing, it is

ORDERED that the petition for rehearing is denied. Contrary to appellant's assertion that the court deleted his opposition, the court in fact granted his motion for leave, and filed and considered his lodged opposition. Further, appellant fails to provide reasons for this court to reconsider its decision.

**PER CURIAM**

Copies e-served to:

Martin Akerman

Caroline Van Zile, Esquire  
Solicitor General - DC

Anne Deng, Esquire  
Office of the Attorney General

cml

No. \_\_\_\_\_ (24A430, 24A507, 24-567)

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**In The**  
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**APPENDIX B:  
PETITION FOR WRIT OF ERROR  
(November 19, 2024)**

The Petition for Writ of Error was filed to address procedural irregularities, including the deletion and mischaracterization of filings, as well as constitutional violations stemming from the denial of due process and access to the courts. Despite highlighting systemic barriers to appeal, the court mischaracterized this petition as a motion for rehearing, failing to address its substantive merits.

**DISTRICT OF COLUMBIA COURT OF APPEALS**



**No. 24-CV-749**

**In re: MARTIN AKERMAN**

:  
:  
:  
:

**NOI F16900759**

**Case No. 2024-CAB-004978**

**Ticket No. F169007759**

Clerk of the Court

Received 11/19/2024 04:47 PM

Filed 11/19/2024 04:47 PM

**PETITION FOR WRIT OF ERROR AND ALTERNATIVE REQUEST FOR STAY**

Comes now the Petitioner, Martin Akerman, and respectfully submits this Petition for Writ of Error based on the following grounds, supported by the deleted Opposition to Appellee's Motion for Summary Affirmance:

**GROUND FOR PETITION**

**Denial of Hearing and Confrontation Rights**

The lower court denied the Petitioner the right to confront his accuser, particularly the automated system responsible for issuing and adjudicating the Notice of Infraction (NOI F16900759).

No opportunity was provided to examine the accuracy or reliability of the robotic adjudication process. This lack of human oversight violates due process under the Fifth Amendment.

### Deletion of Critical Records

The lower court's docket excluded the Petitioner's Opposition to Appellee's Motion for Summary Affirmance, a filing essential to the resolution of this case.

The absence of this document rendered the process procedurally defective, depriving the Petitioner of his right to present a complete defense.

### Mischaracterization of Appeal Fee and Retaliation

The DC Department of Motor Vehicles (DC DMV) improperly treated the \$10 appeal fee as a partial payment of the fine, misrepresenting it as an admission of guilt.

This error resulted in additional penalties and retaliatory threats, including vehicle booting, towing, and service suspensions, which infringe upon the Petitioner's due process rights.

### Violation of First Amendment Right to Petition for Redress of Grievances

The automated adjudication process obstructed the Petitioner's ability to seek redress through a meaningful appeal. The robotic system lacked transparency, denying the Petitioner an effective forum to challenge the decision.

### Public Interest and Systemic Failure

The systemic failure to provide human oversight and accountability in adjudication undermines public trust. This case highlights the urgent need to ensure transparency and fairness in automated government processes.

**ALTERNATIVE REQUEST FOR STAY**

If the Court declines to grant the Petition for Writ of Error, the Petitioner requests a stay of all enforcement actions by the DC DMV pending resolution of a related Petition for Writ of Mandamus.

**RELIEF REQUESTED**

The Petitioner respectfully requests the following relief:

Grant this Petition for Writ of Error, vacate the lower court's judgment, and remand the matter for proceedings consistent with due process protections.

Alternatively, issue a stay of all enforcement actions, including vehicle booting, towing, suspension of DMV services, or additional penalties related to Ticket No. F16900759, pending adjudication of a Petition for Writ of Mandamus.

**CONCLUSION**

For the reasons stated herein, the Petitioner urges this Court to grant the Petition for Writ of Error or the alternative relief requested.

Respectfully submitted,



Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com

No. \_\_\_\_\_ (24A430, 24A507, 24-567)

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**In The**  
*Supreme Court of the United States*

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MARTIN AKERMAN, PRO SE

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*Respondent.*

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**APPENDIX C: ORDER GRANTING SUMMARY  
AFFIRMANCE  
(November 19, 2024)**

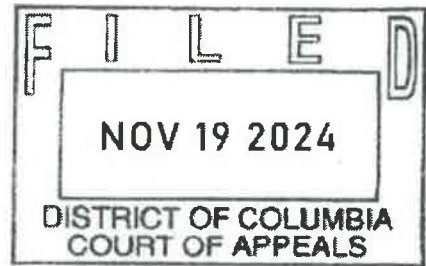
This document details the District of Columbia Court of Appeals' order granting the Respondents' Motion for Summary Affirmance while denying the Petitioner's Motion for Temporary Injunction as moot. The order was issued despite procedural errors that left the court with an incomplete record, depriving the Petitioner of meaningful review of systemic and constitutional violations.

**District of Columbia  
Court of Appeals**

**No. 24-CV-0749**

IN RE MARTIN AKERMAN,  
Appellant.

**2024-CAB-004978**



BEFORE: Easterly and Shanker, Associate Judges, and Ruiz, Senior Judge.

**J U D G M E N T**

On consideration of appellant's motion for a temporary injunction, appellee's opposition and motion for summary affirmance, and appellant's motion for leave to file the lodged opposition to the motion for summary affirmance, it is

ORDERED that appellant's motion for leave is granted, and his lodged opposition is filed. It is

FURTHER ORDERED that appellee's motion for summary affirmance is granted. *See Oliver T. Carr Mgmt., Inc. v. Nat'l Delicatessen, Inc.*, 397 A.2d 914, 915 (D.C. 1979) (per curiam). Because appellant failed to provide the trial court with an order of the Traffic Adjudication Appeals Board and does not claim on appeal that the Board issued an order after reviewing the hearing examiner's decision, we discern no error in the court's decision denying his motion for reconsideration of its order denying his application for allowance of appeal. *See* D.C. Code § 50-2303.06 (providing that the first level of review in a challenge to a parking, photo enforcement, or minor moving violation ticket is an adjudication by a DMV hearing examiner); *id.* § 50-2303.11(f) (providing that a person aggrieved by a hearing examiner's decision must typically seek reconsideration by the hearing examiner before appealing to the Board); *id.* § 50-2304.02(a) (providing that any challenge to a hearing examiner's decision following such reconsideration must next be reviewed by the Board); *id.* § 50-2304.05 (providing that after Board review an application for allowance of appeal may be filed in Superior Court). Appellant's letter to the Board did not satisfy this exhaustion requirement because it preceded the hearing examiner's denial of his request for reconsideration, which is contrary to the statute that provides a respondent must first contest the ticket, seek reconsideration, and then appeal to the Board if reconsideration is denied. *See, e.g.*,



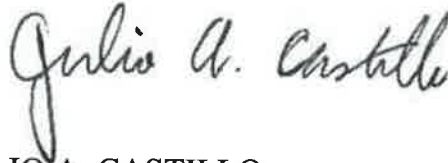
**No. 24-CV-0749**

*Burton v. District of Columbia*, 835 A.2d 1076, 1080 (D.C. 2003) (holding that “appellant’s failure to exhaust his administrative remedies [due] to his lack of knowledge of the process rather than any compelling circumstances” was “not sufficient to permit [the court] to ignore or overlook the exhaustion requirement”). It is

FURTHER ORDERED that appellant’s motion for an injunction is denied as moot. It is

FURTHER ORDERED and ADJUDGED that the order on appeal is affirmed.

ENTERED BY DIRECTION OF THE COURT:

A handwritten signature in black ink that reads "Julio A. Castillo". The signature is written in a cursive style with a large, looped initial 'J'.

JULIO A. CASTILLO  
Clerk of the Court

Copies e-served to:

Honorable Todd E. Edelman

QMU – Civil Division

Martin Akerman

Caroline Van Zile, Esquire  
Solicitor General - DC

Anne Deng, Esquire  
Office of the Attorney General

cml

No. \_\_\_\_\_ (24A430, 24A507, 24-567)

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**In The**  
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*Respondent.*

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**APPENDIX D: SUPERIOR COURT ORDER  
(September 23, 2024)**

This order from the D.C. Superior Court denied the Petitioner a hearing to confront the Speed Camera Doe, the automated system that issued the citation. The decision failed to address the Fifth Amendment's confrontation clause and procedural safeguards, reinforcing the need for judicial oversight of automated enforcement systems.

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

<b>In re: MARTIN AKERMAN</b>	:	<b>Case No. 2024-CAB-004978</b>
	:	<b>NOI F16900759</b>
	:	<b>Judge Todd E. Edelman</b>

**ORDER**


This matter comes before the Court upon Martin Akerman’s Motion for Reconsideration (“Motion”), filed August 14, 2024. Mr. Akerman previously filed an Application for Allowance of Appeal (“Application”) on August 7, 2024 in which Mr. Akerman sought review from this Court for an alleged decision from the Traffic Adjudication Appeals Board affirming his liability. However, the undersigned denied the Application, because the decision that Mr. Akerman had appended to his Application was the Hearing Examiner’s denial of reconsideration, and it was apparent that “Mr. Akerman ha[d] not yet appealed the denial of his request for consideration to the Traffic Adjudication Appeals Board.” Order 8/13/2024 at 1.

In the instant Motion, Mr. Akerman avers that “the Board’s actions—specifically the denial of a hearing and the return of fees—constitute a final decision.” Mot. at 2. As the Court previously explained, D.C. Code § 50-2304.05 states that “[a]ppeals *from decisions of the [Traffic Adjudication] appeals board* shall be by application for the allowance of an appeal filed in the Superior Court of the District of Columbia within 30 days *of the decision of the appeals board.*” Here, Mr. Akerman has provided no decision made by the Traffic Adjudication Appeals Board for the Court to review; again, the action he labelled in his original Application as “Final Decision of the Traffic Adjudication Appeals Board, dated June 24, 2024,” was in fact a decision by a Hearing Examiner, Appl. Attach. B at 8, and he has provided the Court with no decision by the Board in which it denies a hearing, returns his fees, or takes any other action. The denial of

the reconsideration from the Hearing Examiner is not a “Board[] action” nor does it constitute a final decision from the Board. In fact, the reconsideration denial is a decision from the District of Columbia’s Department of Motor Vehicles Adjudication Services. June 24, 2024 Hearing Examiner Denial at 1. Therefore, contrary to Mr. Akerman’s assertion that this Court is “empowered”<sup>1</sup> to review the Hearing Examiner’s June 24, 2024 decision, this Court has no jurisdiction to review the Hearing Examiner’s decision and there is no reviewable decision before this Court.

Accordingly, it is this 15<sup>th</sup> day of August, 2024, hereby

ORDERED that Mr. Akerman’s Motion for Reconsideration is DENIED.

  
\_\_\_\_\_  
Todd E. Edelman  
Associate Judge  
(Signed in Chambers)

***Copies to:***

Martin Akerman  
makerman.dod@gmail.com  
*Applicant*

Traffic Adjudication Appeals Board  
301 C Street, N.W., Suite 1018  
Washington, D.C. 20001

David M. Glasser  
David.glasser@dc.gov  
*General Counsel - DMV*

Pamela Washington, Esq.  
Pamela.washington@dc.gov  
*Assistant General Counsel - DMV*

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<sup>1</sup> Mr. Akerman claims that this Court “is empowered under § 2–510(a)(1) to decide” this matter, Mot. at 3, however, the cited provision of the D.C. Code pertains to the District of Columbia Court of Appeals, not the District of Columbia Superior Court.

Wanda Butler  
Wanda.butler@dc.gov  
*Administrator, Adjudication Services - DMV*

Kimberly Johnson  
Kimberlym.johnson@dc.gov  
*Chief of Civil Enforcement - OAG*

Kerslyn Featherstone  
kerslyn.featherstone@dc.gov  
*Senior Assistant Attorney General - OAG*

No. \_\_\_\_\_ (24A430, 24A507, 24-567)

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**APPENDIX E: ABRIDGED OPPOSITION  
(October 27, 2024)**

This filing demonstrates the Clerk's deletion of key pages from the Petitioner's opposition, effectively silencing critical arguments. The abridged version omitted substantive due process challenges, violating the Petitioner's First Amendment right to petition the courts and the Second Amendment's informational protections.

DISTRICT OF COLUMBIA COURT OF APPEALS



No. 24-CV-749

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In re: MARTIN AKERMAN

:

:

:

NOI F16900759

Case No. 2024-CAB-004978

Ticket No. F169007759

Clerk of the Court

Received 10/28/2024 09:44 AM

Filed 10/28/2024 09:44 AM

**MOTION FOR LEAVE TO FILE OPPOSITION ON OCTOBER 27, 2024**

Pro se appellant was not properly served with the motion for summary affirmance and was not aware of the response by the appellees until October 27, 2024.

An opposition was filed on October 27, 2024 and rejected as untimely by the clerk on October 28, 2024.

Pro se appellant hereby requests leave to accept the attached opposition, dated October 27, 2024, as timely, or certify the decision to reject the filing for collateral appeal.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "M. Akerman", written over a horizontal line.

Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com

No. \_\_\_\_\_ (24A430, 24A507, 24-567)

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**APPENDIX F: REPLACED FILING  
(October 27, 2024)**

This document shows that the Petitioner's original opposition was replaced with only the motion for leave to file. The substitution prevented substantive review of the opposition's content, further obstructing the Petitioner's ability to challenge the Respondents' arguments effectively.



**DISTRICT OF COLUMBIA COURT OF APPEALS**

**No. 24-CV-749** :  
**In re: MARTIN AKERMAN** : **NOI F16900759**  
: **Case No. 2024-CAB-004978**  
: **Ticket No. F169007759**

**MOTION FOR LEAVE TO FILE OPPOSITION ON OCTOBER 27, 2024**

Pro se appellant was not properly served with the motion for summary affirmance and was not aware of the response by the appellees until October 27, 2024.

An opposition was filed on October 27, 2024 and rejected as untimely by the clerk on October 28, 2024.

Pro se appellant hereby requests leave to accept the attached opposition, dated October 27, 2024, as timely, or certify the decision to reject the filing for collateral appeal.

Respectfully submitted,



Martin Akerman

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Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com

**DISTRICT OF COLUMBIA COURT OF APPEALS**

**No. 24-CV-749** :  
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: **Case No. 2024-CAB-004978**  
: **Ticket No. F169007759**

**APPELLANT’S OPPOSITION TO**  
**APPELLEE’S MOTION FOR SUMMARY AFFIRMANCE**

Appellant Martin Akerman respectfully opposes the Appellee’s motion for summary affirmance on grounds that it violates due process and Appellant’s constitutional rights to petition the government for a redress of grievances. At issue is whether the District of Columbia’s use of automated, unappealable adjudication systems—without human oversight or recourse—violates fundamental constitutional protections by preventing meaningful administrative and judicial appeal of automated decisions.

Furthermore, the Appellant’s pending petition for a writ of injunction, filed on September 19, 2024, directly addresses the DC DMV’s actions, which erroneously applied a \$10 appeal fee as partial payment toward the fine in question. The DMV’s actions not only interfere with Appellant’s right to an appeal but also appear retaliatory, coercively discouraging the continued exercise of appellate rights by threatening additional penalties and enforcement actions.

### **1. Denial of Procedural Deficiencies and Exhaustion of Remedies**

The District's motion for summary affirmance erroneously attributes procedural deficiencies to Appellant, despite the DC DMV's reliance on a robotic system that obstructed any meaningful opportunity to exhaust remedies. Acting pro se, Appellant made every attempt to follow procedural steps, including paying the \$10 appeal fee. However, the DMV misapplied this fee as partial payment toward the fine, creating a perception of guilt without the opportunity for a full administrative review. This misapplication is central to Appellant's pending petition for a writ of injunction, as it demonstrates the systemic failure of the automated process to respect due process rights.

### **2. Lack of Human Oversight and Violation of Due Process**

Due process under the Fifth Amendment requires the opportunity to confront a decision-maker, yet the District's automated system deprives Appellant of this fundamental right. In *Goldberg v. Kelly*, 397 U.S. 254 (1970), the Court underscored the need for a neutral, accountable decision-maker, a role that robotics cannot fulfill. The automated system denied Appellant an opportunity for direct engagement with a human authority, leaving his constitutional rights unaddressed. Appellant's petition for injunction further reflects the urgent need for human oversight in adjudicative processes to prevent automated, unaccountable systems from infringing on procedural rights.

### **3. Right to Petition for Redress of Grievances**

The First Amendment's right to petition the government for redress of grievances is rendered ineffective by the District's automated adjudication process, which obstructs appeals without human accountability. The DMV's failure to provide a transparent, appealable process denies Appellant his right to petition effectively, as any attempt to challenge the robotic decision was treated as a partial fine payment, potentially signaling an admission of guilt. The denial of human intervention denies Appellant's right to meaningfully appeal and confront the errors in the robotic decision-making process.

### **4. Pending Petition for Writ of Injunction and Need for Judicial Review**

The Appellant's pending motion for a temporary injunction, filed on September 19, 2024, underscores the need for judicial review in this matter. In this motion, Appellant requests an injunction to prevent the DC DMV from enforcing penalties or retaliatory actions—such as booting, towing, or additional fines—based on the erroneous treatment of the appeal fee as a partial payment. The pending injunction motion demonstrates that the automated system's lack of transparency and accountability caused harm, prejudicing Appellant's rights and risking further penalties. The Court's consideration of this pending injunction is essential to restoring Appellant's right to an effective appeal.

### **5. Mischaracterization of the Appeal Fee and Public Interest in Fair Process**

The Appellant's writ of injunction also addresses the DMV's error in treating the appeal fee as partial payment toward the fine, thereby creating a perception of guilt that contradicts the purpose of the appeal. This mischaracterization not only discredits the appeal but also sets a dangerous precedent that undermines the appeals process for all DC residents. It is in the public interest to ensure that governmental agencies like the DMV adhere to constitutional standards by upholding transparency, accountability, and the right to challenge governmental action without being penalized.

### **6. Temporary Injunction as Necessary Relief**

The pending temporary injunction also reflects the immediate, irreparable harm Appellant faces due to the DC DMV's actions. The automated system's lack of human oversight and its retaliatory threats of booting, towing, and additional penalties pose a significant financial and legal burden, despite Appellant's ongoing appeal. The injunction is necessary to prevent these harms and maintain the status quo while the Court considers Appellant's claims. Appellant's likelihood of success on the merits, as highlighted in his petition, further supports the need for temporary injunctive relief to protect his procedural and constitutional rights.

**Conclusion**

For these reasons, Appellant respectfully requests that this Court deny the District of Columbia's motion for summary affirmance. Appellant further requests that this Court grant the pending petition for a writ of injunction, requiring the DC DMV to halt enforcement actions and rectify the erroneous application of the appeal fee, thus preserving Appellant's fundamental rights to due process and redress of grievances.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'M. Akerman', written over a horizontal line.

Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com

**DISTRICT OF COLUMBIA COURT OF APPEALS**

**No. 24-CV-749**

:

**In re: MARTIN AKERMAN**

:

**NOI F16900759**

:

**Case No. 2024-CAB-004978**

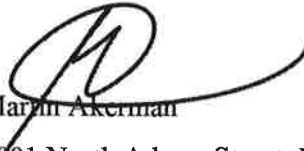
:

**Ticket No. F169007759**

**PROOF OF SERVICE**

I certify that on October 28, 2024, I served this opposition and motion for leave to file on the respondents via eFile to Attorney Anne A. Deng, representing the Office of the DC Attorney General.

Respectfully submitted,



Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com

No. \_\_\_\_\_ (24A430, 24A507, 24-567)

---

**In The**  
*Supreme Court of the United States*

---

MARTIN AKERMAN, PRO SE

*Petitioner,*

v.

SPEED CAMERA DOE

*Respondent.*

---

**APPENDIX G: DELETED INITIAL APPEAL  
(September 23, 2024)**

This document reflects the initial appeal filed by the Petitioner in the District of Columbia Court of Appeals. The appeal, submitted on September 23, 2024, included a motion for a temporary injunction against retaliatory actions by the DC Department of Motor Vehicles (DC DMV) and addressed procedural missteps such as the erroneous application of an appeal fee as a guilty plea. The filing also sought approval for electronic submissions to streamline the case management process. Despite its comprehensive content, the appeal was subsequently deleted from the docket.



District of Columbia

Court of Appeals

24-CV-0749

MARTIN AKERMAN

**RESPONSE TO ORDER OF SEPTEMBER 23, 2024  
MOTION FOR TEMPORARY INJUNCTION AND  
REQUEST FOR APPROVAL TO FILE ELECTRONICALLY**

Comes now the Appellant, Martin Akerman, pro se, and respectfully responds to the Court's order dated September 23, 2024, which requires completion of a transcript statement, and further moves for a temporary injunction based on retaliatory actions by the DC Department of Motor Vehicles (DC DMV) in relation to this appeal. Additionally, the Appellant respectfully requests that the Court approve his application for electronic filing via eFile.

**Compliance with Transcript Requirements**

Pursuant to the Court's order, the Appellant states that no transcript is needed for this appeal. A completed Statement Regarding Transcripts form is attached hereto. The Appellant is proceeding pro se and certifies that the required Redaction Certificate Disclosure Form is also filed with this response, per Administrative Order No. M-274-21 (Amended June 17, 2024), as provided.

**Motion for Temporary Injunction**

In addition to complying with the Court's procedural orders, the Appellant moves for a temporary injunction to enjoin the DC DMV from taking retaliatory actions during the pendency of this appeal. The basis for this motion is as follows:

**Pending Appeal and Mediation:** Appellant's traffic citation and associated penalties are currently under appeal before this Court (Case No. 24-CV-0749), with mediation having been referred per the Order Sua Sponte dated August 22, 2024 (Order Sua Sponte). The citation remains in dispute, and the appeal is active.

**Erroneous Application of Appeal Fee as Partial Payment:** The \$10 appeal fee submitted by the Appellant was erroneously applied by the DC DMV as a partial payment toward the fine for Notice of Infraction No. F169007759, despite the ticket being under appeal. This has resulted in the DC DMV treating the fee as a guilty plea to the infraction and levying additional penalties, including a \$90 fine on new Ticket No. F169007759(20240917092433\_001).

**Retaliatory Effects of the Notice of Payment:** The Notice of Payment not only reflects an erroneous application of the appeal fee but also threatens further retaliatory enforcement actions such as vehicle booting, towing, or additional penalties unless the alleged fines are paid. This constitutes a direct threat of retaliatory action aimed at coercing the Appellant into compliance before a resolution of the appeal, thereby undermining the appeal process and due process rights.

**Intent to Discredit the Appeal:** By applying the appeal fee as a partial payment, the DC DMV seeks to discredit the appeal by creating the false perception that the Appellant has admitted guilt, undermining the integrity of the ongoing legal process.

**Perception of Guilty Plea:** The partial payment, as applied, could be perceived as a guilty plea to the alleged infraction, further prejudicing the Appellant's rights. This mischaracterization could be interpreted as a waiver of the Appellant's right to challenge the citation and its associated penalties.

**Irreparable Harm:** The Appellant faces irreparable harm if the DC DMV proceeds with its enforcement actions. The retaliatory threats of vehicle booting, towing, and suspension of DMV services pose undue financial and legal burdens on the Appellant, who is pro se, and could irreparably damage the Appellant's ability to defend against the underlying traffic infraction.

**Likelihood of Success on the Merits:** Appellant's legal arguments regarding the erroneous application of the appeal fee and the retaliatory nature of DC DMV's actions are meritorious. The ongoing mediation demonstrates that this Court is actively considering the merits of the Appellant's claims, supporting the likelihood of success.

**Public Interest:** It is in the public interest to prevent governmental agencies, such as the DC DMV, from engaging in retaliatory actions during the pendency of an appeal. Such actions discredit the legal process and could have a chilling effect on other individuals seeking to assert their rights through appeal.

**Request for Approval to File Electronically via eFile**

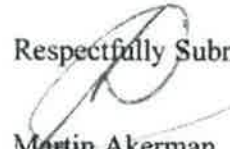
In addition, Appellant requests the Court to approve his application for electronic filing through eFile. Given the nature of the case and the Appellant's pro se status, being granted access to file electronically will ensure timely submission of motions, briefs, and other necessary documents. Approval for eFile will also enhance efficiency in case management and help ensure that all parties receive the filings promptly.

**Relief Sought**

In light of the foregoing, the Appellant respectfully requests that this Court:

1. Issue a temporary injunction enjoining the DC DMV from taking any adverse actions against the Appellant, including enforcement activities such as vehicle booting, towing, or the imposition of additional penalties, while this appeal is pending.
2. Direct the DC DMV to reverse the erroneous application of the \$10 appeal fee as a partial payment, and to refrain from further actions that could be perceived as an acknowledgment of guilt or as an attempt to discredit the appeal.
3. Approve the Appellant's application to file documents electronically via eFile, to ensure timely and efficient case management.

Respectfully Submitted,



Martin Akerman  
2001 North Adams Street, 440  
Arlington, VA 22201  
(202) 656-5601  
makerman.dod@gmail.com

District of Columbia

Court of Appeals

24-CV-0749

MARTIN AKERMAN

**PROOF OF SERVICE**

I, Martin Akerman, certify that on September 23, 2024, I served a copy of the Response to Order of September 23, 2024, including the Motion for Temporary Injunction and Request for Approval to File Electronically, and a copy of the Partial Payment Notice, on the following parties via email:

Served via Email:

David Glasser

Email: David.glasser@dc.gov

Pamela Washington

DC Department of Motor Vehicles

Email: pamela.washington@dc.gov

Wanda Butler

DC Department of Motor Vehicles

Email: Wanda.butler@dc.gov

Kimberly Johnson

DC Department of Motor Vehicles

Email: Kimberlym.johnson@dc.gov

Kerslyn D. Featherstone

**Office of the Attorney General for the District of Columbia**

Email: kerslyn.featherstone@dc.gov

**I also included my email address for service:**

**Martin Akerman**

**Email: makerman.dod@gmail.com**

**I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.**

Respectfully Submitted,

  
Martin Akerman

2001 **North** Adams Street, 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com



**Department of Motor Vehicles**  
 ADJUDICATION SERVICES  
 CORRESPONDENCE: PO Box 37135  
 Washington, DC 20013  
 PAYMENTS: PO Box 2014  
 Washington, DC 20013

# PARTIAL PAYMENT NOTICE PHOTO ENFORCEMENT TICKET

PR-12

TAG NUMBER	STATE	MAIL DATE	AMOUNT DUE
TVL5137	VA	09/13/24	\$90

Our records show that your payment on the photo enforcement ticket(s) listed below was received more than 30 calendar days after the ticket mail date or was less than the fine amount. A penalty equal to the fine was added and is reported in the amount due column.

**This notice does not stop enforcement activity.** Your vehicle may be booted or towed if two or more unpaid or partially paid tickets are on your record. If you are a resident of the District of Columbia, you may not be able to obtain a DMV service until the outstanding amount of any listed ticket is satisfied. Also, by law, you may be subject to tax refund withholding for any unpaid balance. If the ticket(s) listed on this notice are assigned to collections for non-payment, an administrative fee, which is a percentage of the Total Amount Due, will be assessed in addition to the fine and penalties.

There are four ways to pay the remaining balance: 1) online at [dmv.dc.gov](http://dmv.dc.gov); 2) by phone (866) 893-5023; 3) in-person, or 4) if you are paying by mail, return the bottom portion of this notice with your payment to PO Box 2014, Washington, DC 20013. Do not send cash. Make your check or money order payable to the D.C. Treasurer and include the ticket number(s), your driver license number, and issuing state on your payment. Returned checks are subject to electronic redeposit for the face amount and a returned check fee of \$65.

TICKET NO.	DATE/TIME	VIOLATION	LOCATION	FINE	PAID	PENALTY	AMOUNT DUE
F169007759	12/07/23 01:37PM	SPEED 11-15 OVR LIMT	NEW YORK AVE SW/B @ N CAPITOL ST NE	\$100.00	10	\$-10.00	\$90.00
<b>TOTAL AMOUNT DUE →</b>							<b>\$90</b>

Please detach and return the bottom portion of this notice with your payment

Rev. 09-2024



Check here if any information has changed and provide new information

TICKET NUMBER(S)	TAG NUMBER	STATE	MAIL DATE
F169007759	TVL5137	VA	09/13/24

AMOUNT DUE
<b>\$90</b>

Make check payable to:  
 DC Treasurer  
 P. O. BOX 2014  
 WASHINGTON, D. C. 20013-2014

AKERMAN MARTIN  
 2001 N ADAMS ST UNIT 440  
 ARLINGTON, VA 22201-3783

F169007759



You can view full color versions of the image at: <http://www.public.cite-web.com>  
 Ticket Number: F169007759 Pin Number: 275368988

1224257000028200120009000F169007759

Appeal No.: 24-CV-749

Superior Court Case No(s): 2024-CAB-004978

Case Caption: IN RE: AKERMAN

**STATEMENT REGARDING TRANSCRIPTS**

No transcripts needed for this appeal

<b>Court Reporter or Tape</b>	<b>Proceeding date(s) and/or portion</b>	<b>Date of Order*</b> (Note if transcript completed)

**(COMPLETE REVERSE SIDE)**

\* Date order placed with Court Reporting and Recording Division (CRRD).  
If appellant is proceeding on appeal in forma pauperis, provide the date a motion for transcript was filed with the Appeal Coordinator's Office.



Date 9/23/2024

Respectfully Submitted,

Signature: 

Name (print): MARKW AKERMAN

Bar no.: PRO SE

Address: 2001 NORTH ADAMS STREET  
UNIT 440

ARLINGTON, VA 22201

Telephone No: 202-656-5601

CERTIFICATE OF SERVICE

I hereby certify that a copy of this report regarding ordered transcripts was served by hand/mailed, first class postage prepaid, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, on the following:

CERTIFICATE ATTACHED

Signature: 

# District of Columbia Court of Appeals

## REDACTION CERTIFICATE DISCLOSURE FORM

Pursuant to Administrative Order No. M-274-21 (amended June 17, 2024), this certificate must be filed in all cases with all briefs and motions submitted in all cases designated with a "CV" docketing number, to include Civil I, Collections, Contracts, General Civil, Landlord and Tenant, Liens, Malpractice, Merit Personnel, Other Civil, Property, Real Property, Torts and Vehicle Cases. This form only needs to be filed once and should be filed under "Redaction Certification Form" on Ctrack.

If you are incarcerated, are not represented by an attorney (also called being "pro se"), and not able to redact your brief or motion, please initial the box below at "No. 7" to certify you are unable to file a redacted brief or motion. Once Box "No. 7" is checked, you do not need to file a separate motion to request leave to file an unredacted brief.

I MIRAN MCJAN certify [as the attorney for my client, or on behalf of OAG/PDS/USAO/other institutional litigant] that [I/institutional litigant] will review the guidelines outlined in Administrative Order No. M-274-21, amended June 17, 2024, and Super. Ct. Civ. R. 5.2, and I, or any later assigned attorney, will be sure the following information will be redacted from any subsequent briefs and motions filed in this case:

1. All information listed in Super. Ct. Civ. R. 5.2(a); including:

- An individual's social-security number
- Taxpayer-identification number
- Driver's license or non-driver's' license identification card number
- Birth date
- The name of an individual known to be a minor
- Financial account numbers, except that a party or nonparty making the filing may include the following:

- (1) the acronym "SS#" where the individual's social-security number would have been included;
- (2) the acronym "TID#" where the individual's taxpayer-

- identification number would have been included;
- (3) the acronym "DL#" or "NDL#" where the individual's driver's license or non-driver's license identification card number would have been included;
- (4) the year of the individual's birth;
- (5) the minor's initials; and
- (6) the last four digits of the financial-account number.

2. Any information revealing the identity of an individual receiving mental-health services.
3. Any information revealing the identity of an individual receiving or under evaluation for substance-use-disorder services.
4. Information about protection orders, restraining orders, and injunctions that "would be likely to publicly reveal the identity or location of the protected party," 18 U.S.C. § 2265(d)(3) (prohibiting public disclosure on the internet of such information); *see also* 18 U.S.C. § 2266(5) (defining "protection order" to include, among other things, civil and criminal orders for the purpose of preventing violent or threatening acts, harassment, sexual violence, contact, communication, or proximity) (both provisions attached).
5. Any names of victims of sexual offenses except the brief may use initials when referring to victims of sexual offenses.
6. Any other information required by law to be kept confidential or protected from public disclosure.
7. **I certify that I am incarcerated, I am not represented by an attorney (also called being "pro se"), and I am not able to redact any filings. This form will be independently filed as record of this notice and the filing will be unavailable for viewing through online public access**

Initial here

Signature

MARION ALKEMAN

Name

makerman.dod@gmail.com

Email Address

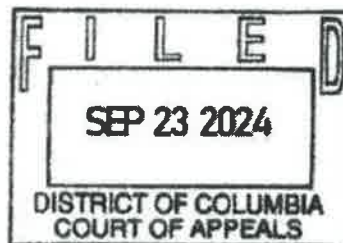
24-CV-749

Case Number(s)

9/23/24

Date

**District of Columbia  
Court of Appeals**



**No. 24-CV-749**

**IN RE: MARTIN AKERMAN,  
Appellant.**

**2024-CAB-004978**

**ORDER**

On consideration of the notice of appeal and this court's August 22, 2024, order, it has been determined that this case is not appropriate for appellate mediation, it is

ORDERED that appellant shall, within 20 days from the date of this order, complete and file with this court a single copy of the attached statement regarding transcripts. Where transcript(s) necessary for this appeal have been ordered and completed for non-appeal purposes, appellant must advise the Court Reporting and Recording Division to forward said transcript(s) for inclusion in the record on appeal. If partial transcript(s) are being ordered, appellant must file a statement of issues to be presented before this court within 10 days from the date of this order. *See* D.C. App. R. 10(b)(3)(A). It is

FURTHER ORDERED that appellant's failure to respond to any order of this court shall subject this appeal to dismissal without further notice for lack of prosecution. *See* D.C. App. R. 13(a). It is

FURTHER ORDERED that the enclosed Redaction Certificate Disclosure Form shall be signed and separately filed with the first submission to the court, including a motion or brief, certifying that the motion or brief and all subsequent pleadings will have redacted the information identified in this order. *See* Amended order M274-21 issued on June 17, 2024. The redaction guidelines may be found at <https://www.dccourts.gov/court-of-appeals/redaction-guidelines-forms>. Parties filing this single redaction sheet are certifying that all future filings will have information identified in M274-21 redacted.

FOR THE COURT:

A handwritten signature in cursive script that reads "Julio A. Castillo".

**JULIO A. CASTILLO  
Clerk of the Court**

**No. 24-CV-749**

Copies e-served to:

Director, Court Reporting and Recording Division

Branch Chief, Civil Actions

**Caroline Van Zile, Esquire**  
**Solicitor General - DC**

Copy mailed to:

Martin Akerman  
2001 North Adams Street  
Unit 440  
Arlington, VA 22201

**kr/ta**

No. \_\_\_\_\_ (24A430, 24A507, 24-567)

---

**In The**  
*Supreme Court of the United States*

---

MARTIN AKERMAN, PRO SE

*Petitioner,*

v.

SPEED CAMERA DOE

*Respondent.*

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**APPENDIX H:  
REFILED INJUNCTION REQUESTS  
(September 30 - October 2, 2024)**

After discovering the deletion of prior filings, the Petitioner submitted refilings of motions and injunction requests to rectify procedural deficiencies. These refilings were rejected without appropriate justification, compounding the denial of due process and underscoring systemic failings in the adjudicatory process. DENIED AS MOOT

**DISTRICT OF COLUMBIA COURT OF APPEALS**



**No. 24-CV-749**

**In re: MARTIN AKERMAN**

:  
:  
:  
:

**NOI F16900759**

**Case No. 2024-CAB-004978**

**Ticket No. F169007759**

Clerk of the Court  
Received 10/02/2024 01:48 PM  
Resubmitted 10/02/2024 04:21 PM  
Filed 10/02/2024 04:21 PM

**PROOF OF SERVICE**

I certify that on October 2, 2024, I served this Motion for Preliminary Injunction on the respondents via eFile.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "MA", written over a circular scribble.

Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com

**DISTRICT OF COLUMBIA COURT OF APPEALS**

**No. 24-CV-749** :  
**In re: MARTIN AKERMAN** : **NOI F16900759**  
: **Case No. 2024-CAB-004978**  
: **Ticket No. F169007759**

**RULE 27 CERTIFICATION**

I certify that the position of the opposing party is in opposition to this motion for injunction.

Respectfully submitted,



Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com



DISTRICT OF COLUMBIA COURT OF APPEALS



No. 24-CV-749

:

In re: MARTIN AKERMAN

:

:

:

NOI F16900759

Case No. 2024-CAB-004978

Ticket No. F169007759

Clerk of the Court

Received 09/30/2024 03:19 PM

Resubmitted 09/30/2024 03:51 PM

Resubmitted 10/02/2024 01:00 PM

**MOTION FOR TEMPORARY INJUNCTION**

Comes now the Appellant, Martin Akerman, pro se, and respectfully moves this Honorable Court for a temporary injunction to enjoin the DC Department of Motor Vehicles (DC DMV) from taking any adverse actions against the Appellant, including but not limited to enforcement activities such as vehicle booting, towing, or additional penalties, due to the recent application of a \$10 appeal fee as a partial payment toward an outstanding traffic ticket, as referenced in their Partial Payment Notice dated September 13, 2024.

**GROUND FOR MOTION**

**Pending Appeal and Mediation:** Appellant’s traffic citation and associated penalties are currently under appeal before this Court (Case No. 24-CV-0749), and the matter has been referred to mediation per the Order Sua Sponte dated August 22, 2024.

**Erroneous Application of Appeal Fee:** The \$10 appeal fee submitted by the Appellant was erroneously applied by the DC Department of Motor Vehicles (DC DMV) as a partial payment toward the fine for Notice of Infraction No. F169007759, despite the ticket being under appeal. This error has resulted in the DC DMV treating the fee as a guilty plea, thereby levying additional penalties, including a \$90 fine on new Ticket No. F169007759.

**Retaliatory Effects of Notice of Payment:** The notice of payment not only incorrectly applied the appeal fee but also explicitly threatened further retaliatory actions, including vehicle booting, towing, and additional penalties, unless the alleged fines are paid. These threats put undue pressure on the Appellant during the pendency of the appeal and constitute a retaliatory tactic aimed at coercing compliance or an admission of guilt, thereby undermining the Appellant's due process rights.

**Intent to Discredit the Appeal:** By applying the appeal fee as a partial payment, the DC DMV's actions seek to discredit the ongoing appeal. This misapplication creates a false perception that the Appellant has admitted guilt, thereby undermining the integrity of the appeal process.

**Perception of Guilty Plea:** The erroneous application of the partial payment could be perceived as a guilty plea to the alleged infraction, further prejudicing the Appellant's rights. This mischaracterization could be interpreted as a waiver of the Appellant's right to challenge the citation and its associated penalties.

**Irreparable Harm:** The Appellant faces irreparable harm if the DC DMV proceeds with enforcement actions, such as vehicle booting, towing, suspension of DMV services, or further penalties. These actions would impose undue financial and legal burdens while the appeal is pending, and appear retaliatory against the Appellant for exercising his right to appeal.

**Likelihood of Success on the Merits:** Appellant's legal arguments regarding the wrongful application of the appeal fee are meritorious. The ongoing mediation demonstrates that the Court is actively considering the merits of the Appellant's claims, supporting the likelihood of success.

**Public Interest:** It is in the public interest to ensure that government agencies, such as the DC DMV, do not engage in actions that appear retaliatory or undermine the legitimacy of the appeals process. Protecting the integrity of the judicial process ensures that individuals' rights are upheld.

**RELIEF SOUGHT**

Appellant respectfully requests that this Court:

1. Issue a preliminary injunction preventing the DC DMV from taking any adverse actions, including but not limited to enforcement activities such as vehicle booting, towing, additional fines, or suspension of DMV services, pending the resolution of the appeal in Case No. 24-CV-0749.
  
2. Direct the DC DMV to reverse the erroneous application of the \$10 appeal fee as a partial payment and to refrain from any further actions that could be perceived as an acknowledgment of guilt or an attempt to discredit the appeal.

**Proof of Service:** I certify that on September 30, 2024, I served this Motion for Preliminary Injunction on the respondents via eFile.

Respectfully submitted,



Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com



**Department of Motor Vehicles**  
 ADJUDICATION SERVICES  
 CORRESPONDENCE: PO Box 37135  
 Washington, DC 20013  
 PAYMENTS: PO Box 2014  
 Washington, DC 20013

# PARTIAL PAYMENT NOTICE PHOTO ENFORCEMENT TICKET

PR-12

TAG NUMBER	STATE	MAIL DATE	AMOUNT DUE
TVL5137	VA	09/13/24	\$90

Our records show that your payment on the photo enforcement ticket(s) listed below was received more than 30 calendar days after the ticket mail date or was less than the fine amount. A penalty equal to the fine was added and is reported in the amount due column.

**This notice does not stop enforcement activity.** Your vehicle may be booted or towed if two or more unpaid or partially paid tickets are on your record. If you are a resident of the District of Columbia, you may not be able to obtain a DMV service until the outstanding amount of any listed ticket is satisfied. Also, by law, you may be subject to tax refund withholding for any unpaid balance. If the ticket(s) listed on this notice are assigned to collections for non-payment, an administrative fee, which is a percentage of the Total Amount Due, will be assessed in addition to the fine and penalties.

There are four ways to pay the remaining balance: 1) online at [dmv.dc.gov](http://dmv.dc.gov); 2) by phone (866) 893-5023; 3) in-person, or 4) if you are paying by mail, return the bottom portion of this notice with your payment to PO Box 2014, Washington, DC 20013. Do not send cash. Make your check or money order payable to the D.C. Treasurer and include the ticket number(s), your driver license number, and issuing state on your payment. Returned checks are subject to electronic redeposit for the face amount and a returned check fee of \$65.

TICKET NO.	DATE/TIME	VIOLATION	LOCATION	FINE	PAID	PENALTY	AMOUNT DUE
F169007759	12/07/23 01:37PM	SPEED 11-15 OVR LIMT	NEW YORK AVE SW/B @ N CAPITOL ST NE	\$100.00	10	\$-10.00	\$90.00
<b>TOTAL AMOUNT DUE →</b>							<b>\$90</b>

Please detach and return the bottom portion of this notice with your payment

Rev. 05-2024



Check here if any information has changed and provide new information

TICKET NUMBER(S)	TAG NUMBER	STATE	MAIL DATE
F169007759	TVL5137	VA	09/13/24

AMOUNT DUE
<b>\$90</b>

Make check payable to:  
 DC Treasurer  
 P. O. BOX 2014  
 WASHINGTON, D. C. 20013-2014

AKERMAN MARTIN  
 2001 N ADAMS ST UNIT 440  
 ARLINGTON, VA 22201-3783

F169007759



You can view full color versions of the image at: <http://www.public.cite-web.com>  
 Ticket Number: F169007759 Pin Number: 275368988

1224257000028200120009000F169007759

DISTRICT OF COLUMBIA COURT OF APPEALS



No. 24-CV-749

:

In re: MARTIN AKERMAN

:

:

:

NOI F16900759

Case No. 2024-CAB-004978

Ticket No. F169007759

Clerk of the Court

Received 09/30/2024 03:19 PM

Resubmitted 09/30/2024 03:51 PM

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**PROOF OF SERVICE**

I certify that on September 30, 2024, I served this Motion for Preliminary Injunction on the respondents via eFile.

Respectfully submitted,

A handwritten signature in black ink, appearing to be "M. Akerman", written over a horizontal line.

Martin Akerman

2001 North Adams Street, Unit 440

Arlington, VA 22201

(202) 656-5601

makerman.dod@gmail.com