

1
2 **PLAINTIFF IN PRO PER**

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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**

10 Murad Clark, an individual,)

Case No.:

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Plaintiff,

LASC CASE NO. 20STCV39023

[Action Filed: October 13, 2020]

[Assigned: Hon. Stephen I. Goorvitch in Dept. 32]

vs.

**PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT**

CITY OF LOS ANGELES: CITY)
OF LOS ANGELES POLICE)
DEPARTMENT)
OFFICER)
COVARRUBIAS #42028,)
Individually and in His)
Official Capacity As Police)
Officer; OFFICER ZAVALA)
#40197, Individually and in His)
Capacity As A Police Officer;)
SERGEANT CHRISTOPHER BURKE)
#36665,)
Individually and in His)
Official Capacity As A Police)
Officer and DOES 1 through 50,)
Inclusive)

Defendants

Pro Se Plaintiff, Murad Clark (hereinafter referred to as "Clark") and pursuant to Federal Rule of Civil Procedure ("Rule") 15, and Fed. R. Civ. P. 55(a), hereby moves for this honorable court for Default Judgment in his favor as to all counts of Plaintiff's Complaint. Based on the pleadings, there exist no genuine issues of material facts and Plaintiff is entitled to a Default judgment as a matter of law. In support of his motion, Plaintiff states as follows:

1
2 **1. INTRODUCTION AND PROCEDURAL HISTORY**

3 Plaintiff brought a civil action against the Defendants for:

- 4 I. Violation of the Fourteenth Amendment 42 U.S.C. §1983;
5
6 II. Violation of Title VI of Civil Rights Act Of 1964, 42 U.S.C. § 2000d Race
7 Discrimination in A Federally Funded Programs;
8
9 III. Violation of The Fourth and Fourteenth Amendments 42 U.S.C. 1983;
10
11 IV. Violation of Commerce Clause, Article Iv, And 42 U.S.C. §1983;
12
13 V. Violation Of 42 U.S.C. § 1983;
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15 VI. Conspiracy to Violate Civil Rights 42 U.S.C. §§ 1985 And 1986;
16
17 VII. Violation of Government Code Section 11135 And 11139.102;
18
19 VIII. Violation of Article 1, Section 13 of the California Constitution;
20
21 IX. Violation of Civil Code Section 52.1(B);
22
23 X. Intentional Infliction of Emotional Distress;
24
25 XI. False Imprisonment
26
27 XII. Negligent Infliction of Emotional Distress.
28

This is a civil rights action seeking declaratory, injunctive, and monetary relief against Defendants engaging in and condoning a continuing pattern and practice of race-based stops, detentions and searches of motorists of color, traveling on the public streets and highways of the State of California. The specific abuses giving rise to this action occurred on December 18, 2019 in the area of 1426 Channing St. Los Angeles, Ca 90021.

Plaintiff Clark who has been grossly humiliated, targeted, interrogated, detained and searched by defendants' LAPD in the area of Alameda and 14th St. due to the defendants' policy and practice of

1 what is commonly known as "racial profiling." The moment Mr. Clark was approached by the
2 defendants he became a victim of what the United States Court of Appeals for the Ninth Circuit called
3 "an all too familiar set of circumstances- an intrusive law enforcement stop and seizure of innocent
4 persons on the basis of suspicions rooted principally in the race of the 'suspect' as in the case of
5 Washington v. Lambert, 98 F.3d 1181, 1182 (1996).

6 On or about December 18, 2019, Plaintiff was legally parked in a cul-de-sac at approximately
7 8:40 p.m. located at 1426 Channing St Los Angeles, CA 90021. Mr. Clark was at the wheel of his black
8 colored 2019 Honda Odyssey parked stationary getting direction from his GPS device. The plaintiff
9 was not blocking or obstructing any traffic or breaking any traffic laws (see exhibit A). While the
10 plaintiff was getting directions, an LAPD patrol vehicle came southbound on channing street while the
11 plaintiff was still parked stationery facing northbound on Channing St.

12 As defendant LAPD officers pulled alongside plaintiff's vehicle, officer COVARRUBIAS in
13 the driver's seat shined a bright dome light located on the side of his patrol car into the driver side of
14 the plaintiff's vehicle where he was located. When defendant LAPD Officer Covarrubias saw that the
15 plaintiff was Black he along with two other LAPD officers immediately jumped out of the patrol car.
16 To see what the problem was, plaintiff stepped out of his vehicle to speak with officers and was placed
17 into handcuffs giving no initial reason for making contact with plaintiff.

18 Shortly after plaintiff stepped out of his vehicle to see what the problem was, he was first
19 approached by the defendant driver LAPD officer COVARRUBIAS who had his gun pointed at
20 plaintiff as he jumped out of his patrol vehicle still facing southbound. Plaintiff was then taken to the
21 rear of his vehicle where he was forced to stand facing a fence while defendant LAPD officers' searched
22 plaintiff's vehicle even though plaintiff said he did not consent to any search.

23 During this time, the plaintiff was subjected to random questioning for an extended period of
24 time while handcuffed and unable to move freely. In total, there were 8 three defendant LAPD officers'.
25 One unidentified officer was questioning the handcuffed plaintiff while defendant LAPD officers
26 COVARRUBIAS and officer ZAVALA conducted the unlawful search and seizure of plaintiff's
27 personal property. During the search of plaintiff's vehicle, officer COVARRUBIAS became noticeably
28 frustrated after not being able to find anything illegal in plaintiff's car. Defendant LAPD officer

1 ZAVALA walked over to Plaintiff who was standing facing a fence to the rear of his vehicle, unbuckled
2 his belt to look down his pants.

3 Plaintiff informed defendant LAPD officers' several times that his equipment belt was left in a
4 locker at his job so there are no guns or drugs in the vehicle. After scouring through the front and
5 middle portion of plaintiff's vehicle, defendant LAPD officer ZAVALA, and officer COVARRUBIAS
6 went to the back of plaintiff's vehicle opened his trunk then proceeded to remove all of plaintiff's
7 personal property out onto the street (see exhibit B). The search defendant LAPD officers' undertook
8 turned up nothing, however, the plaintiff noticed his missing Sony tablet that was located in the trunk
9 of his vehicle in the exact area where the search was taking place. Plaintiff also realized after the search
10 that \$150 in US currency was missing from his glove compartment on the passenger side of his vehicle.
11 After a detention that lasted for two hours but may have been longer. Mr. Clark was released without
12 a ticket or citation or a reason for the stop. His only "crime" it turned out, was being a black male. 30.

13
14 Mr. Clark was detained and searched without any legal basis, and have been shamed and
15 demeaned by being forced to endure the humiliating questions and treatment from the officers who
16 detained and searched him then seized his personal property. The actions of defendant LAPD officers,
17 towards plaintiff Mr. Clark was a wanton violation and disregard of his constitutional rights against
18 unlawful search and seizure. While it can be argued that the defendant officers are in the performance
19 of their duty, Plaintiff would like to reiterate that nothing in his actions would justify a warrantless
20 search, except that to his good faith belief, that he was merely profiled and considered to be a suspect
21 because of the fact that his a black man. Mr. Clark travels on Alameda and throughout LAPDs patrol
22 area for work- related reasons approximately once or twice a month. Mr. Clark has no intention of
23 changing his job or his residence, and therefore has a reasonable expectation that he will travel these
24 same streets in the future. Therefore, based on his stop, his observations of other stops coupled with
25 the history of LAPD officers racially profiling and his needs to use those streets for business and
26 personal reasons, Mr Clark has a valid and reasonable fear that he will be stopped by the LAPD again
27 in the future solely on the basis of his race.

28 The LAPD has long relied upon race and ethnicity in conducting stops, detentions, interrogations
and searches of motorist. They have engaged in an unabated, continuing pattern and practice of racial

1 profiling. In recent years, the law enforcement practice of targeting motorist on the basis of race or
2 ethnicity has increased dramatically nationwide. In addition, plaintiff believes LAPD is allowing and
3 encouraging pretextual racial stops of black motorist. Racial profiling encourages officers to rely upon
4 minor traffic violations that can be used as an excuse or pretext to stop motorist that somehow seem
5 "suspicious". Once a stop has been made, officers are trained to seek consent to search-which most
6 unwary motorists readily give-so that there is no need to point to any probable cause should questions
7 about the legality of the search arise later. When consent is refused, police often detain the motorist.

8 Plaintiff originally file this complaint at LOS ANGELES SUPERIOR COURT, CENTRAL
9 DISTRICT OF CALIFORNIA against the Defendants on or about October 13, 2020. The complaint
10 and the accompany documents were duly served to all defendants on October 27, 2020, except the city
11 of Los Angeles which received their summons and complaint on November 5, 2020. (see proof of
12 service to the Defendants, Exhibit C).

13 The Defendants willfully failed to file an answer to the Plaintiff's complaint, this action was later
14 removed from the LOS ANGELES SUPERIOR COURT, CENTRAL DISTRICT OF CALIFORNIA
15 to the UNITED STATE DISTRICT COURT at the CENTRAL DISTRICT OF CALIFORNIA. Exhibit
16 D.

17 18 **LEGAL STANDARD**

19
20 Entry of default is appropriate "[w]hen a party against whom a judgment for affirmative relief
21 is sought has failed to plead or otherwise defend." Fed. R. Civ. P. 55(a). A party has no duty to defend,
22 however, unless the plaintiff properly served the defendant with the summons and complaint, or waives
23 such service, pursuant to Federal Rule of Civil Procedure. *See Murphy Bros., Inc. v. Michetti Pipe*
24 *Stringing, Inc., 526 U.S. 344, 350 (1999)* (holding "one becomes a party officially, and is required to
25 take action in that capacity, only upon service of a summons").

26
27 Under Federal Rule of Civil Procedure ("Rule") 15, obtaining a default judgment is a two-step
28 process. First, the plaintiff must establish default by affidavit or otherwise, after which the court clerk

1 enters default. Fed. R. Civ. P. 55(a). Second, the plaintiff must apply to the court for a default judgment
2 if the plaintiff's claim is for a sum that is not certain or a sum that cannot be made certain by
3 computation. Fed. R. Civ. P. 55(b). Pursuant to the Local Rules of the Central District of California,
4 applications for default judgment must be accompanied by a declaration that includes the following
5 information: (a) When and against what party the default was entered; (b) The identification of the
6 pleading to which default was entered; (c) Whether the defaulting party is an infant or incompetent
7 person, and if so, whether that person is represented by a general guardian, committee, conservator or
8 other representative; (d) That the Servicemembers Civil Relief Act (50 App. U.S.C. § 521) does not
9 apply; and (e) That notice of the Application for Default has been served on the defaulting party, if the
10 defaulting party has appeared in the action or if the damages sought are unliquidated. L.R. 55-1; see
11 also Fed. R. Civ. P. 55(b)(2).

12 A plaintiff is not entitled to a court-ordered default judgment merely because the defendant
13 defaulted, and the applicable procedural requirements are met. Fed. R. Civ. P. 55. The district court, in
14 its discretion, may grant or deny a motion for default judgment. *Aldabe v. Aldabe*, 616 F.2d 1089, 1092
15 (9th Cir. 1980). In conducting this evaluation, the Court considers the following factors: (1) the
16 possibility of prejudice to the plaintiff; (2) the merits of plaintiff's substantive claim; (3) the sufficiency
17 of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute concerning
18 material facts; (6) whether the default was due to excusable neglect; and (7) the strong policy
19 underlying the Federal Rules of Civil Procedure favoring decisions on the merits. *Eitel v. McCool*, 782
20 F.2d 1470, 1471-72 (9th Cir. 1986). Although Raff filed an Opposition, he only indirectly addresses
21 the excusable neglect factor, which the Court turns to first. (See generally, Opp'n.)

22 ARGUMENTS

23 1. Excusable Neglect

24 Pursuant to this Eitel factor, a court must consider whether the defendant's failure to respond to
25 the plaintiff's allegations is the result of excusable neglect. *Eitel*, 782 F.2d at 1472. The possibility of
26 excusable neglect is remote where the defendant is provided proper notice of the pending suit, but does
27 not contact the court or the plaintiff in any manner. See *Phillip Morris USA, Inc. v. Castworld Prods.,*
28 *Inc.*, 219 F.R.D. 494, 501 (C.D. Cal. 2003). Cf. *Eitel*, 782 F.2d at 1472 (finding excusable neglect

1 where "[t]he record shows that the parties engaged in earnest settlement negotiations after the complaint
2 was served and in fact reached what appeared to be a final settlement agreement prior to the deadline
3 for [the] answer").

4
5 In this present case the complaint and the accompany documents were duly served to all
6 defendants on October 27, 2020, except the city of Los Angeles which was served on November 5,
7 2020. (See proof of service to the Defendants, Exhibit C). However, the Defendants wilfully failed to
8 file an answer to the Plaintiff's complaint. Despite being put on notice of this action, the Defendants
9 have failed to respond. Their failure to respond does not appear to be excusable. Thus, this factor favors
10 granting default judgment. See Wecosign, Inc. v. IFG Holdings, Inc., 845 F. Supp. 2d 1072, 1082 (C.D.
11 Cal. 2012).

12 **2. Possibility of Prejudice to Plaintiff**

13
14 Under this *Eitel* factor, the Court examines whether a plaintiff will be prejudiced if the request
15 for entry of default judgment is denied. *Eitel*, 782 F.2d at 1471. The plaintiff has a basis for establishing
16 prejudice if, absent default judgment, the plaintiff is left without other recourse for recovery. See
17 *PepsiCo, Inc. v. Cal. Sec. Cans*, 238 F. Supp. 2d 1172, 1177 (C.D. Cal. 2002); *Philip Morris USA v.*
18 *Castworld Prods., Inc.*, 219 F.R.D. 494, 499 (C.D. Cal. 2003). In this instant case Plaintiff will suffer
19 prejudice if default judgment is not entered against the Defendants because "it will be forced to commit
20 time, resources, and personnel to prosecute a lawsuit" in which the Defendants will not meaningfully
21 participate. Therefore, the Plaintiff cannot litigate against Defendants because they did not properly
22 appear in Court. Thus, the Plaintiff "cannot conduct discovery and move the case forward without
23 Defendants' participation. Absent an entry of a default judgment against these Defendants, Plaintiff
24 clearly would suffer prejudice." As discussed above, despite notices from this Court, Defendants
25 continued to flout the Court's rules and failed to meaningfully participate in this action. It is "perfectly
26 appropriate" to enter default judgment because it failed to retain counsel. See United States v. High
27 Country Broad. Co., Inc., 3 F.3d 1244, 1245 (9th Cir. 1993). Plaintiff only recourse for recovery is to
28 pursue default judgment. Thus, this *Eitel* factor favors entry of default judgment.

3. Merits of Claim and Sufficiency of Verified Complaint

1
2 Under the second and third Eitel factors, the Court must determine whether Plaintiff's substantive
3 claims have merit and whether Plaintiff's FAC sufficiently sets forth a claim for relief. Eitel, 782 F.2d
4 at 1471. "The Ninth Circuit has suggested that these two factors require that a plaintiff 'state a claim
5 on which the [plaintiff] may recover.'" PepsiCo, Inc. v. Cal. Sec. Cans, 238 F. Supp. 2d 1172, 1175
6 (C.D. Cal. 2002) (citing Danning v. Lavine, 572 F.2d 1386, 1388 (9th Cir. 1978))

7 Once a default has been entered by the clerk, the well-pleaded factual allegations of the complaint,
8 except those concerning damages, are deemed to have been admitted by the non-responding party.
9 TeleVideo Sys. Inc. v. Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 1987).

10
11 In this instant case, Plaintiff's pleadings contain sufficient statement of claim against
12 Defendants. A pleading in a civil action must contain "a short and plain statement of the claim showing
13 that the pleader is entitled to relief." Fed. R. Civ. P. 8(a)(2). To satisfy the Rule 8 pleading requirements,
14 a complaint must provide the defendant fair notice of what the plaintiff's claim is and the grounds upon
15 which it rests. Swierkiewicz v. Sorema N.A., 534 U.S. 506, 512, (2002).

16 Plaintiff's complaint provided a factual allegation against Defendants. Plaintiff did quote the
17 specific statements and facts upon which the claim is premised and attached copies of the relevant
18 documents to the complaint. These satisfy the applicable pleading requirements.

19 While a complaint "does not need detailed factual allegations," it must provide "more than
20 labels and conclusions" or "a formulaic recitation of the elements of a cause of action." Bell Atl. Corp.
21 v. Twombly, 550 U.S. 544, 555 (2007); see Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009).

22 Plaintiff brought a civil action against the Defendants for:

- 23
24 I. Violation of the Fourteenth Amendment 42 U.S.C. §1983;
25 II. Violation of Title VI of Civil Rights Act Of 1964, 42 U.S.C. § 2000d Race
26 Discrimination in A Federally Funded Programs;
27 III. Violation of The Fourth and Fourteenth Amendments 42 U.S.C. 1983;
28

- 1 IV. Violation of Commerce Clause, Article Iv, And 42 U.S.C.§1983;
- 2 V. Violation Of 42 U.S.0 § 1983;
- 3 VI. Conspiracy to Violate Civil Rights 42 U.S.C. §§ 1985 And 1986;
- 4 VII. Violation of Government Code Section 11135 And 11139102;
- 5 VIII. Violation of Article 1, Section 13 of the California Constitution;
- 6 IX. Violation of Civil Code Section 52.1(B);
- 7 X. Intentional Infliction of Emotional Distress;
- 8 XI. False Imprisonment
- 9 XII. Negligent Infliction of Emotional Distress.

10 This is a civil rights action seeking declaratory, injunctive, and monetary relief against
11 Defendants engaging in and condoning a continuing pattern and practice of race-based stops, detentions
12 and searches of motorists of color, traveling on the public streets and highways of the State of
13 California. The specific abuses giving rise to this action occurred on December 18, 2019 in the area of
14 1426 Channing St. Los Angeles, Ca 90021.

15 Plaintiff Clark who has been grossly humiliated, targeted, interrogated, detained and searched by
16 defendants' LAPD in the area of Alameda and 14th St. due to the defendants' policy and practice of
17 what is commonly known as "racial profiling." The moment Mr. Clark was approached by the
18 defendants he became a victim of what the United States Court of Appeals for the Ninth Circuit called
19 "an all too familiar set of circumstances- an intrusive law enforcement stop and seizure of innocent
20 persons on the basis of suspicions rooted principally in the race of the 'suspect' as in the case of
21 Washington v. Lambert, 98 F.3d 1181, 1182 (1996).

22 Plaintiff successfully pled a claim against Defendants for violating, the Title VI of the civil
23 Rights act of 1964, 42 U.S.C. § 2000 d. The Title VI of the civil Rights act of 1964, 42 U.S.C. § 2000
24 d provides that “no person in the United States shall, on the ground of race, color or national origin, be

1 excluded from participation in, be denied the benefits of, or be subjected discrimination under any
2 program or activity receiving federal financial assistance. Federal regulations implementing title VI
3 prohibit federally funded programs or activities from having a racially discriminatory impact or effect.
4 The regulations provided that no program receiving financial assistance through the US Department of
5 Justice shall: Utilize criteria or method of administration which have the effect of subjecting individuals
6 to discrimination because of their race, color, or national origin, or have the effect of defeating or
7 substantially impairing accomplishment of the objectives of the program as respects individuals of a
8 particular race, color, or national origin.

9 Defendant LAPD receives federal financial assistance from the United States department of
10 Justice, and thus is bound to abide by the terms of title VI and its implementing regulations, including
11 28 CFR section 42.101 et seq. The Eleventh Amendment immunity of the State of California, the LAPD
12 was abrogated by Congress in its enactment of title VI. 42 USC section 2000d-7.

13 Defendants LAPD and Cities violation of 42 USC section 2000 d and its implementing
14 regulations have caused and will continue to cause plaintiff to suffer tremendous harm and public
15 humiliation in that he has been made to endure and will continue to be subjected to LAPD and or the
16 cities practice of race-based discrimination without judicial intervention.

17
18 Plaintiff also successfully pled other causes of action that entitled him to a relief, see plaintiff's
19 complaint, Exhibit E. Therefore, Plaintiff's pleadings contain legal conclusions which are supported
20 by factual allegations. *Since they are* well-pleaded factual allegations, the court must, second, assume
21 their veracity.

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26 **4. Amount of Damages**

1 Next, "the court must consider the amount of money at stake in relation to the seriousness of
2 Defendant's conduct." *PepsiCo, 238 F. Supp. 2d at 1176*. If the amount of money at stake is
3 proportional to the harm caused by the defendant's conduct, default judgment is warranted. *Landstar*
4 *Ranger, Inc. v. Parth Enters., Inc., 725 F. Supp. 2d 916, 921 (C.D. Cal. 2010)*.

5 Here the Plaintiff is seeking for an (1) award of compensatory and general damages against
6 defendants in each of them, for plaintiff in an amount to be determined according to proof at trial; (2)
7 Award exemplary and punitive damages against all defendants sued in their individual capacities in an
8 amount to be proven at trial; (3) An award of statutory damages and penalties pursuant to California
9 civil code section 52 (b); (4) An award of plaintiff their cost, expenses and reasonable attorney fees
10 pursuant to 42 USC 1988, California civil code section 52 (B) and 52.1 (h), and California code of civil
11 procedure section 1021.5.

12 The Plaintiff is also seeking this court for an Issue an injunction (a) prohibiting defendants from
13 engaging in vehicular stops or searches based on race or ethnicity; (b) ordering defendants to establish
14 effective preventative mechanisms to ensure that discriminatory traffic stops and
15 vehicular searches do not continue in the future, including but not limited to the
16 following:

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18 (i) to cease and desist from all pretextual stops;

19
20 (ii) to cease and desist from all searches without probable cause of criminal activity;

21
22 (iii) to collect and maintain comprehensive records of all traffic stops in the state of California,
23 including those stops that do not result in the issuance of a
24 citation; and

25
26 (iv) to establish a procedure to enable each person involved in a traffic stop the right to file a
27 grievance to contest illegal acts and acts motivated by bias;

28
29 (v) to establish clear and consistent discipline in the event a grievance is sustained;

1
2 (vi) to establish a civilian complaint review board;

3
4 (vii) to appoint an independent auditor who will review the records of officers quarterly to
5 determine that there is compliance with these reforms;

6 (viii) to establish early warning system which will collect information such as
7 citizen complaints against an officer and other information regarding misconduct and will alert
8 the officer's supervisor when a set number of incidents are
9 recorded;

10
11 (ix) to establish a mechanism for internal discipline of officers who are found to have engaged
12 in racial profiling and pretextual stops.; and

13
14 (x) to require that all officers participate in regular and recurring training to assure that the
15 officers do not act due to bias based on race or ethnicity.

16 Considering the facts that the Defendant violated the Plaintiff civil rights, racial discrimination is
17 a serious violation not all only to the rights of the plaintiff but also to the good people of America, thus
18 the amount of money at stake is proportional to the harm caused by the defendant's conduct, and
19 therefore default judgment is warranted.

20
21 **5. Possibility of Dispute Concerning Material Facts**

22 The next *Eitel* factor examines the likelihood of dispute between the parties regarding the material
23 facts surrounding the case. *Eitel, 782 F.2d at 1471-72*. This factor is particularly relevant when the
24 parties to a lawsuit dispute material facts in their pleadings and one party subsequently defaults. *Id. at*
25 *1472*. However, when the moving party supports its claims with ample evidence and the defaulting
26 party makes "no attempt to challenge the accuracy of the allegations in the complaint, no factual
27 disputes exist that preclude the entry of default judgment." *Landstar Ranger, 725 F. Supp. 2d 916 at*
28 922.

1
2 In this present case, Defendants did not oppose the Complaint. Thus, there is no likelihood that
3 genuine issues of material fact would preclude entry of default judgment.

4
5 **6. Policy Favoring Decision on the Merits**

6 "Cases should be decided upon their merits whenever reasonably possible." *Eitel*, 782 F.2d at
7 1472. However, where the defendant fails to respond to the plaintiff's complaint, a decision on the
8 merits is impractical, if not impossible. Under Rule 55(a), "termination of a case before hearing the
9 merits is allowed whenever a defendant fails to defend an action." *Pepsico*, 238 F. Supp. 2d at 1177.
10 Defendants' failure to respond to the Complaint, which was duly served on them and without excusable
11 neglect renders a decision on the merits highly impractical. This factor weighs in the Plaintiff's favor.

12
13 **CONCLUSION**

14 Based on the above facts, legal submissions and Exhibits attached to this motion, Plaintiff is
15 entitled to Default judgment against Defendants as a matter of law.

16
17 **Dated; December 10, 2020.**

18 Respectively Submitted by;

19
20
21 Pro Se Murad Clark
22 2355 Westwood Boulevard
23 Los Angeles, CA 90064
24 Telephone: (323) 907-5475
25 Email: muradclark@gmail.com

26
27 **PLAINTIFF IN PRO PER**

28
DECLARATION OF MURAD CLARK

1
2 I, Murad Clark do hereby declare that I have personal knowledge of the facts set forth herein
3 and if called as a witness in this case, I could and would competently testify as follows;

4
5 1. I am over 18 years of age and duly competent and authorized to provide this
6 Declaration. I make this Declaration on my own personal knowledge and not upon
7 information or belief, and the statements herein are true and correct.

8 2. I am the Plaintiff in this lawsuit, and by virtue of my position, I am conversant with the
9 facts and circumstances of this suit and other related facts.

10 3. This is a civil rights action seeking declaratory, injunctive, and monetary relief against
11 Defendants engaging in and condoning a continuing pattern and practice of race-based stops,
12 detentions and searches of motorists of color, traveling on the public streets and highways of
13 the State of California. The specific abuses giving rise to this action occurred on December 18,
14 2019 in the area of 1426 Channing St. Los Angeles, Ca 90021.

15 4. Plaintiff originally file this complaint at LOS ANGELES SUPERIOR COURT,
16 CENTRAL DISTRICT OF CALIFORNIA against the Defendants on or about October 13,
17 2020.

18 5. The complaint and the accompany documents were duly served to all defendants on
19 October 27, 2020, except the city of Los Angeles which received their summons and complaint
20 on November 5, 2020. (Exhibit C).

21 6. The Defendants willfully failed to file an answer to the Plaintiff's complaint, this action was
22 later removed from the LOS ANGELES SUPERIOR COURT, CENTRAL DISTRICT OF
23 CALIFORNIA to the UNITED STATE DISTRICT COURT at the CENTRAL DISTRICT OF
24 CALIFORNIA. Exhibit D.

25 7. The defendants in this action are not infant or incompetent person.

26 8. And that the Servicemembers Civil Relief Act (50 App. U.S.C. § 521) does not apply to
27 this action.
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9. I make this declaration in support of motion for default judgment against the defendant.

I declare under Penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed on December 10, 2020

Name of declarant here (Declarant)

SAMPLE

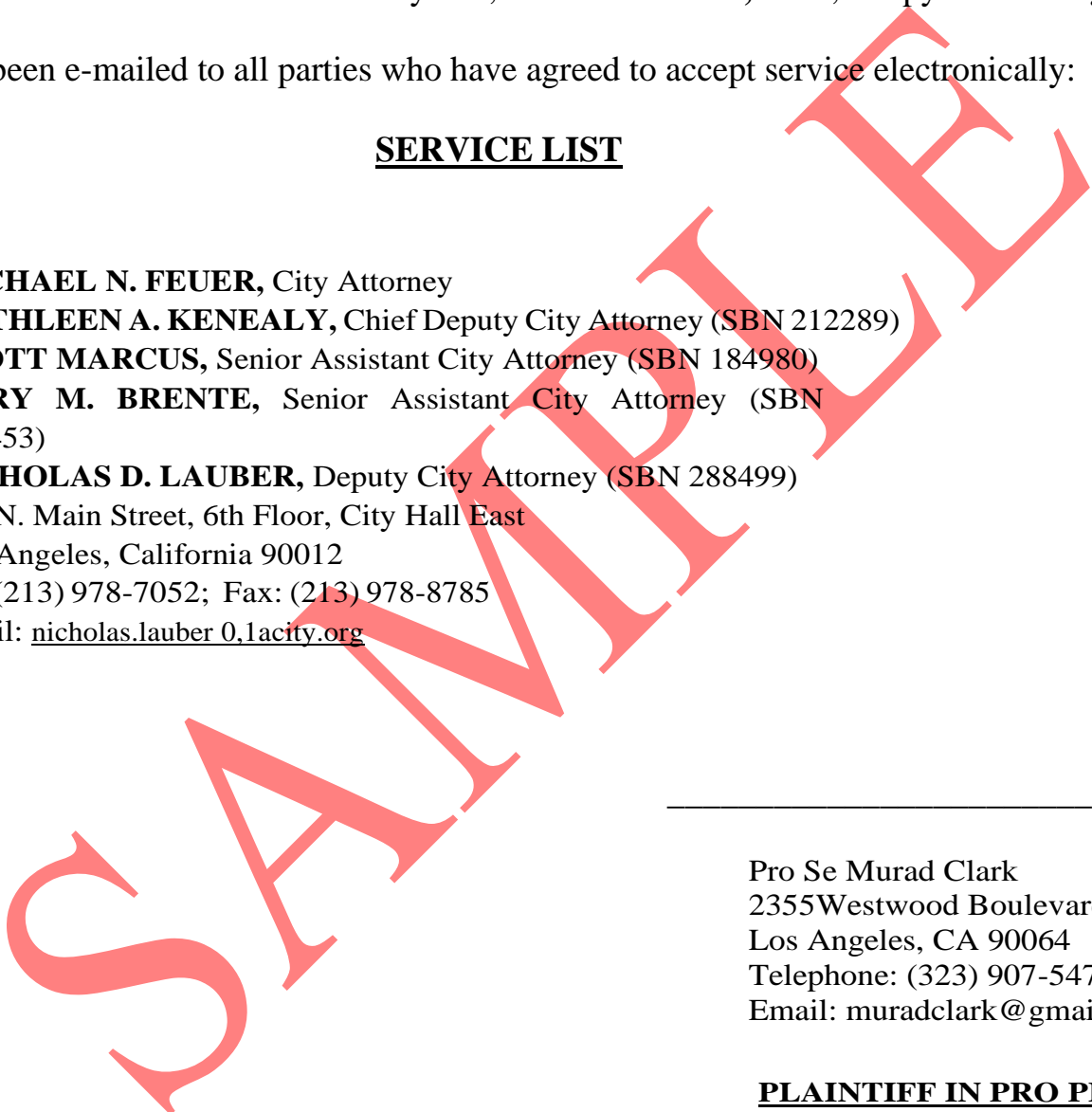
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CERTIFICATE OF SERVICE

This statement is to certify that, on **December 10, 2020**, a copy of the foregoing has been e-mailed to all parties who have agreed to accept service electronically:

SERVICE LIST

MICHAEL N. FEUER, City Attorney
KATHLEEN A. KENEALY, Chief Deputy City Attorney (SBN 212289)
SCOTT MARCUS, Senior Assistant City Attorney (SBN 184980)
CORY M. BRENTE, Senior Assistant City Attorney (SBN 115453)
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PLAINTIFF IN PRO PER

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SAMPLE