

1 Inc., 5 F.3d 1255, 1262 (9th Cir.1993). Plaintiff argues in his reconsideration motion that the Court
2 committed clear error in declining to reopen his case in two ways: by holding that certain claims were
3 barred by Heck v. Humphrey, 512 U.S. 477 (1994), and by failing to give effect to “Commercial
4 Affidavits” that he submitted in support of his claims.

5 **A. Court’s Reliance on Heck v. Humphrey**

6 Plaintiff first argues that the Court committed clear error in dismissing his claims that he was
7 retaliated against by the defendants and falsely imprisoned, by assuming that those claims were based on
8 the invalidity of the conviction for which he is currently incarcerated. (ECF No. 41.) Instead, he argues
9 that his claims are based on other cases, specifically three cases with case numbers GA039962 (Los
10 Angeles Superior Court), 492331 (Santa Barbara Superior Court), and F269700 (San Luis Obispo
11 Court). (Id. at 3.)

12 The allegations of Plaintiff’s second amended complaint belie his argument that he is not
13 challenging the underlying conviction for which he is currently incarcerated. He specifically
14 complained that he has been falsely imprisoned “for thirteen years” as of his January 2014 second
15 amended complaint, and that the defendants conspired “to maintain the Plaintiff being false [sic]
16 imprisoned based on the abated charges that the purported conviction and sentence rest on.” (ECF No.
17 31, ¶¶ 26-27.) Plaintiff further requested that this Court take judicial notice of “the abated Pasadena
18 Superior Court Case No. GA043414 . . . the same case Plaintiff is incarcerated for” and he alleged that
19 the defendants were involved in a “conspiracy to maintain false imprisonment of Plaintiff.” (Id.) He
20 further alleged that the charges in the GA043414 case were fabricated, and that the defendants “all
21 joined minds to maintain Plaintiff’s continued custody by ignoring . . . letters that required Plaintiff’s
22 immediate release.” (Id. at ¶ 30.) Finally, in his prayer for relief he sought, among other things,
23 damages of \$1,000,000 per year for “being held imprisoned for thirteen (13) years.” (Id. at p. 24.)

24 Plaintiff provided the Court with documents which appear to show that in 1998 he was not
25 ordered to be committed for mental health treatment, (ECF No. 31, p. 76-77), and that some charges in
26 certain criminal matters in 2000 were dismissed, (Id. at 79, 83-84). He also alleged in his second
27 amended complaint that these cases are part of a pattern of false charges and reports leading to false
28 imprisonment that some of the defendants involved in his current false imprisonment previously

1 engaged in. (Id. at ¶ 25.) However, that previous matters may have been resolved in Plaintiff’s favor
2 does not demonstrate that the conviction which he is currently incarcerated for was invalidated.
3 Plaintiff has shown no clear error in the Court’s previously ruling that Heck bars his claims in this
4 case.

5 **B. Commercial Affidavits**

6 Plaintiff’s second argument is that the Court erred in failing to give effect to documents he
7 calls “Commercial Affidavits.” (ECF No. 41, p. 4.) He argues that these documents require the
8 defendants who were served with them, under the “law in Commerce,” to answer his complaint or be
9 adjudicated to have “admit[t]ed” the causes of action alleged by way of their silence/tacit procurement,
10 according to the Commercial Affidavit Procedure. . . .” (Id.) He alleges that those claims admitted by
11 the defendants here for not answering his commercial affidavits are essentially that they conspired to
12 have him falsely imprisoned. (Id.)

13 Plaintiff’s references to concepts of commercial law are unavailing; the law governing
14 commercial transactions cannot be used to upset criminal convictions, even collaterally. See Carter v.
15 Wands, 431 F. App’x 628, 629 (10th Cir.2011) (“Neither the U.C.C. nor any of the newly cited federal
16 statutes provide a basis to challenge the conditions of his imprisonment under 28 U.S.C. § 2241.”); see
17 also Brzezinski v. Smith, No. 12–14573, 2013 WL 2397522, at *3 (E.D.Mich. May 31, 2013) (“The
18 UCC speaks only to commercial law and does not provide a proper basis for appealing a criminal
19 conviction, writing a habeas petition, or bringing a civil rights action Any appeal, habeas petition,
20 or civil rights action that relied on the UCC would be frivolous.”). Plaintiff’s arguments based on the
21 commercial affidavit procedure are frivolous, and do not show any clear error by the Court.

22 **III. Conclusion and Order**

23 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff’s motion for
24 reconsideration of the Court’s denial of his Rule 60(b) motion is DENIED.

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26 IT IS SO ORDERED.

27 Dated: October 16, 2015

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE

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