

DEVON TYLER BARBER,
Plaintiff, Pro Se
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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION – CIVIL PART
ATLANTIC COUNTY

Devon Tyler Barber,
Plaintiff, pro se,
v.
Hamilton Township Police Department,
et al.,
Defendants.

Docket No. **ATL-L-003252-25**

**ORDER FOR INTERIM EQUITABLE
RELIEF REGARDING VEHICLE**

Re: ATL-L-003252-25 — Submission of Supplemental Certification and Proposed Order

Dear Clerk / Chambers:

Please accept for filing Plaintiff's Supplemental Certification advising the Court that the Central Municipal Court of Atlantic County expressly declined to rule on Plaintiff's request for release of his vehicle pending guidance from the Superior Court, and rescheduled the matter for a **status conference on January 30, 2026** for the stated purpose of "seeing how Superior Court is going."

Plaintiff also submits a narrowly tailored Proposed Order seeking interim equitable relief concerning the continued retention of the vehicle. The submission is prompted by the municipal court's deferral and the absence of any existing judicial order authorizing continued retention of the vehicle during the interim period.

The requested relief is limited, interim, and procedural in nature. No adjudication of the underlying merits is requested at this stage.

Respectfully submitted,

/s/ Devon Tyler Barber
Devon Tyler Barber
Plaintiff, pro se

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SUPPLEMENTAL CERTIFICATION OF
DEVON TYLER BARBER

Date: **December 16, 2025**

I, Devon Tyler Barber, being of full age, duly sworn according to law, and with personal knowledge of the matters set forth herein, hereby certify as follows:

1. I am the Plaintiff in the above-captioned matter. I submit this Supplemental Certification based upon my personal knowledge to advise the Court of material procedural developments occurring after my prior filings.
2. On **December 15, 2025**, I appeared before the Central Municipal Court of Atlantic County in connection with my pending request for release of my impounded vehicle.
3. During that appearance, the municipal court judge stated on the record that he could not rule on the requested release of the vehicle because related proceedings were pending in the Superior Court.
4. The municipal court advised that it would defer consideration of the vehicle-release issue and scheduled the matter for a **status conference on January 30, 2026**, stating that the Court would “see how Superior Court is going” at that time.
5. The municipal court did not adjudicate the lawfulness of the continued retention of my vehicle, did not enter any order authorizing continued impoundment, and did not address the accrual of towing or storage fees.

6. As of the date of this Certification, my vehicle remains impounded, and towing and storage fees continue to accrue daily.
7. To my knowledge and after reasonable inquiry, no court has entered an order authorizing the continued retention of my vehicle.
8. I have previously been found indigent for purposes of fee waiver by the Superior Court. I am unable to pay accumulating impound fees and cannot mitigate the ongoing harm caused by continued deprivation of the vehicle.
9. I submit this Certification to advise the Court that the municipal court has expressly deferred to Superior Court guidance, and that absent intervention, the continued retention of my vehicle remains unadjudicated and continues to cause irreparable harm.

I certify that the foregoing statements are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Date: 12/16/2025

/s/ Devon Tyler Barber
Devon Tyler Barber
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THIS MATTER having been opened to the Court upon Plaintiff's submissions, including a Supplemental Certification advising that the municipal court has expressly declined to rule on the release of Plaintiff's vehicle pending guidance from the Superior Court; and

THE COURT having considered the limited request for interim equitable relief, and good cause having been shown;

IT IS on this ____ day of _____, 2025, **ORDERED** as follows:

1. **Interim Relief.** Pending further order of the Court, Plaintiff's vehicle, a **2019 Volkswagen Passat Wolfsburg Edition**, VIN **1VWLA7A36KC002247**, currently held pursuant to a police-directed impound, **shall be released to Plaintiff**.
2. **No Condition of Fees.** Release of the vehicle shall **not be conditioned upon payment of towing or storage fees**, without prejudice to any party's ability to seek a later judicial determination regarding responsibility for such fees.
3. **No Merits Determination.** This Order is **interim and without prejudice**. Nothing herein shall be construed as a finding regarding the lawfulness of the underlying stop, seizure, impoundment, any municipal charges, or any related administrative or civil claims.
4. **Preservation of Records.** All parties and custodians shall preserve any records, videos, logs, reports, or documents relating to the impoundment and retention of the vehicle pending further proceedings or order of the Court.

The custodian of the vehicle shall comply with this Order upon presentation of a conformed copy. The Court retains jurisdiction to modify or supplement this Order as justice may require.

HON. _____ J.S.C.

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PLAINTIFF'S AUTHORITY PAGE

*(Interim Equitable Relief – Vehicle
Retention)*

Governing Legal Principles

Courts possess inherent equitable authority to grant **interim relief** to prevent ongoing, irreparable harm where personal property is retained and **no court has yet authorized continued deprivation**. Such relief may be granted **without adjudicating the merits** of the underlying stop, arrest, or seizure.

Where retention of property is conditioned on accumulating fees and the affected party has been judicially recognized as indigent, **procedural due-process concerns are heightened**, and narrowly tailored interim orders are appropriate to preserve fairness and judicial review.

Binding & Highly Relevant Authority

1. Mathews v. Eldridge, 424 U.S. 319 (1976)

(United States Supreme Court – Binding)

The Supreme Court established the controlling framework for procedural due process, requiring courts to balance:

1. the **private interest affected**;
2. the **risk of erroneous deprivation** and value of additional safeguards; and
3. the **government's interest**, including administrative burden.

Application here:

Loss of a vehicle implicates critical interests in shelter, employment access, medical care, and

daily subsistence. Where no court has authorized continued retention and fees accrue against an indigent litigant, interim judicial safeguards are appropriate without deciding ultimate liability.

2. City of Los Angeles v. David, 538 U.S. 715 (2003)

(United States Supreme Court – Binding)

The Court recognized that **vehicle impoundment and related fees constitute a deprivation of property** subject to due-process protections, and that courts must assess the **timing and adequacy of post-deprivation review**.

Application here:

Continued retention of a vehicle without any adjudication, while fees accrue daily, presents a due-process concern suitable for interim equitable relief or fee-neutral access pending review.

3. State v. One 1990 Honda Accord, 154 N.J. 373 (1998)

(New Jersey Supreme Court – Binding)

The New Jersey Supreme Court emphasized that motor vehicles are **significant property interests**, and that judicial oversight is required to ensure **fair process and proportionality** when the State retains a vehicle.

Application here:

The Court has authority to intervene to prevent disproportionate deprivation where retention continues without judicial authorization or proportional process.

Persuasive / Contextual Authority (Limited Use)

4. Krimstock v. Kelly, 306 F.3d 40 (2d Cir. 2002)

(Second Circuit – Persuasive only)

Held that prolonged vehicle retention without prompt judicial review violates due process and approved **interim judicial procedures** to test the necessity of continued retention **without resolving the merits**.

Application here:

Supports the concept that courts may grant interim, non-prejudicial relief to prevent ongoing harm pending adjudication.

Equitable Considerations Recognized by New Jersey Courts

- Courts routinely consider **indigency** and fee-based barriers when assessing proportionality and access to process.
- Where a litigant has been granted a **fee waiver**, continued deprivation conditioned on payment of accumulating fees presents an inequitable burden.
- Interim relief or fee-neutral access preserves judicial review while avoiding prejudice to any party.

Scope of Requested Relief

Plaintiff seeks **narrow, interim equitable relief only**, including vehicle release or fee-neutral access and preservation of evidence, **pending further order of the Court**, expressly **without prejudice** to all claims and defenses.

No determination of:

- police conduct,
- legality of the stop or seizure, or
- ultimate liability

is requested at this stage.

Respectfully submitted,

/s/ Devon Tyler Barber

Devon Tyler Barber

Plaintiff, pro se