

Devon T. Barber

Devon Tyler Barber – *Pro Se Plaintiff*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, NJ 08205
(609) 665-9350 | Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**NEW JERSEY MOTOR VEHICLE
COMMISSION,**

Defendant.

Docket No. _____
Civil Action

**VERIFIED COMPLAINT IN LIEU
OF PREROGATIVE WRITS,
CERTIFICATION PURSUANT TO
R. 1:4-4(b), [PROPOSED] ORDER
TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS,
TABLE OF EXHIBITS (Exhibits A–
D), AND CERTIFICATE OF
SERVICE (VIA JEDS AND EMAIL
ONLY)**

TO: *(Electronic Service via JEDS)*

October 29, 2025

Civil Division Manager
Superior Court of New Jersey
Mercer County Courthouse
175 S. Broad Street
Trenton, NJ 08608

Re: Devon Tyler Barber v. New Jersey Motor Vehicle Commission

Verified Complaint in Lieu of Prerogative Writs and Order to Show Cause

Request for Temporary Restraints

Devon T. Barber

Devon Tyler Barber – *Pro Se Plaintiff*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, NJ 08205
(609) 665-9350 | Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

NEW JERSEY MOTOR VEHICLE

COMMISSION,

Defendant.

Docket No. _____
Civil Action

COVER LETTER

Dear Civil Division Manager:

Please accept for filing, through the Judiciary Electronic Document Submission (JEDS) system, the enclosed **Verified Complaint in Lieu of Prerogative Writs, Certification pursuant to R. 1:4-4(b), and Proposed Order to Show Cause with Temporary Restraints.**

This action seeks **emergency equitable relief** to stay enforcement of the New Jersey Motor Vehicle Commission's Notice **SUS S0340-00372-001558** pending adjudication of Plaintiff's administrative hearing request. The submission includes:

1. Civil Case Information Statement (CIS);

2. Verified Complaint with Certification; and
3. [Proposed] Order to Show Cause with Temporary Restraints.

Although my correspondence of **October 28, 2025** allowed MVC five (5) business days to voluntarily vacate or stay the suspension, the agency has not acknowledged my **October 22, 2025** hearing request or provided any stay. Accordingly, **good cause exists to proceed immediately** to protect my due-process rights and prevent continuing irreparable harm.

Kindly assign this matter to the **Presiding Judge of the Law Division – Civil Part (Prerogative Writs)** and notify me by email at Tylerstead@ProtonMail.com of any docket number, filing fee instructions, or scheduled hearing date.

Thank you for your time and assistance.

/s/ **Devon Tyler Barber**

Devon Tyler Barber – Pro Se Plaintiff

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Devon T. Barber

Devon Tyler Barber – *Pro Se Plaintiff*
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SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**NEW JERSEY MOTOR VEHICLE
COMMISSION,**

Defendant.

Docket No. _____
Civil Action

**VERIFIED COMPLAINT IN LIEU
OF PREROGATIVE WRITS AND
ORDER TO SHOW CAUSE FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

PRELIMINARY STATEMENT

1. This action seeks to compel the New Jersey Motor Vehicle Commission (“MVC”) to honor Plaintiff’s timely request for an administrative hearing and stay of an alleged driver-license suspension issued without meaningful notice or opportunity to be heard.
2. Plaintiff further seeks declaratory and injunctive relief under *R. 4:69-1 et seq., N.J.S.A.* 2A:16-50 et seq., and 42 U.S.C. § 1983, as MVC’s inaction has deprived him of procedural due process guaranteed by the Fourteenth Amendment and Article I, ¶ 1 of the New Jersey Constitution.

JURISDICTION AND VENUE

3. Jurisdiction lies under *R. 4:69-1 et seq.* (prerogative writs) and *N.J.S.A.* 2A:16-50 et seq. (declaratory relief).

4. Venue is proper in **Mercer County** under *R. 4:3-3(b)* because the MVC is a State agency headquartered in Trenton. In the alternative, venue may lie in **Atlantic County**, Plaintiff's county of residence.

PARTIES

5. **Plaintiff Devon Tyler Barber** is a New Jersey resident, a law-abiding holder of driver license No. **B0543 16583 12972**, and operates his private automobile solely for personal and household purposes, not for hire or commercial carriage.
6. **Defendant New Jersey Motor Vehicle Commission** is a State agency organized under *N.J.S.A. 39:2A-1 et seq.*, responsible for licensing and regulation of motor-vehicle operations.

FACTUAL ALLEGATIONS

7. On or about **September 19, 2025**, Defendant New Jersey Motor Vehicle Commission ("MVC") prepared **Notice SUS S0340-00372-001558**, purporting to impose a **180-day license suspension effective October 13, 2025**, allegedly based on a 2020 municipal-court offense.
8. The predicate matter, **South Bound Brook Municipal Court Summons E20-1586 (Nov. 25, 2020)**, involved only a charge under *N.J.S.A. 39:4-67* ("Obstructing Passage of Other Vehicles"). The citing officer issued no *N.J.S.A. 39:3-40* ("Driving While Suspended") summons, nor any contemporaneous suspension.
9. Had Plaintiff actually been suspended in 2020, law enforcement would have been obligated under *N.J.S.A. 39:3-40(b)* to detain or charge him accordingly; the officer's failure to do so confirms that Plaintiff's driving privilege was valid on that date.

10. Nearly **five years later**, in 2025, while homeless, indigent, and unrepresented, Plaintiff entered a remote municipal-court plea solely to clear old matters and regain the ability to work. Plaintiff was never advised that this plea could trigger a collateral administrative suspension by MVC, nor did the court verify any current license status.
11. MVC subsequently issued the September 19 Notice without a supporting court order, prior suspension record, or statutory predicate under *N.J.S.A. 39:5-30*.
12. Plaintiff did not receive the mailed notice until **after the October 13 effective date**, because he is presently homeless and lacks reliable mail access.
13. Upon discovering the notice, on **October 22 2025**, Plaintiff emailed MVC at mvcsuspensions@dot.nj.us and mvc.correspondence@dot.nj.gov, submitting an “**URGENT — Hearing & Stay Request (SUS S0340-00372-001558)**”, certifying homelessness and good cause for late, electronic filing, and requesting (a) an immediate stay, (b) acceptance of his hearing request out of time, and (c) remote participation accommodations.
14. Plaintiff’s email invoked fundamental-fairness and due-process doctrines, citing *In re Suspension of Heller*, 73 N.J. 292 (1977); *State v. Szima*, 70 N.J. 196 (1976); and *Bell v. Burson*, 402 U.S. 535 (1971), and requested production of the MVC file and driver abstract.
15. MVC failed to respond, docket, or acknowledge receipt of Plaintiff’s hearing request.
16. On **October 28 2025**, Plaintiff transmitted a **Formal Demand to Vacate Unlawful Suspension** to MVC, the Office of Administrative Law (“OAL”), and the Attorney General’s Office, reiterating that the scheduled suspension was jurisdictionally void for want of statutory authority, procedural fairness, and lawful predicate.
17. Plaintiff specifically requested that MVC vacate or stay the suspension, reinstate his license, or transmit the matter to OAL for hearing and automatic stay under **N.J.A.C. 13:19-1.2**

(Requests for Hearing), a timely hearing request stays or postpones the proposed suspension pending adjudication or transmission to the Office of Administrative Law.

18. Plaintiff further advised that if MVC did not vacate or stay the suspension within five (5) business days, he would file this **Verified Complaint and Order to Show Cause** seeking mandamus, declaratory, and injunctive relief.
19. Although Plaintiff's correspondence of October 28, 2025, allowed the Motor Vehicle Commission five (5) business days to voluntarily vacate or stay the suspension, no acknowledgment or interim relief has issued. Plaintiff's original hearing and stay request, sent on October 22, 2025, entitled "URGENT — Hearing & Stay Request (SUS S0340-00372-001558)," was likewise ignored, despite providing good cause for late, electronic filing based on homelessness and lack of reliable mail access. Having afforded MVC two separate written opportunities to correct its error and receiving no response, Plaintiff now proceeds to court in good-faith necessity to protect his due-process rights and prevent continuing irreparable harm.
20. As of **October 29 2025**, MVC has provided no acknowledgment, docket number, or scheduled hearing. The suspension remains in effect without any pre-deprivation hearing.
21. Plaintiff's livelihood depends on his ability to lawfully operate his **private automobile** to reach contracting job sites. He does not operate any commercial motor vehicle or engage in for-hire transportation. The ongoing suspension prevents him from maintaining employment, housing stability, and access to essential services, inflicting continuing irreparable harm.

LEGAL GROUNDS

22. Under *N.J.S.A.* 39:5-30, MVC may suspend a driver's license only for a violation of Title 39 or other lawful cause. A conviction for *N.J.S.A.* 39:4-67, absent aggravating factors, provides no statutory authority for a 180-day suspension.
23. The nearly five-year delay between the 2020 citation and the 2025 suspension violates the principles of **fundamental fairness** recognized in *Heller* and *Szima*, *supra*.
24. MVC's failure to ensure **meaningful notice and opportunity to be heard** before suspension violates *Bell v. Burson*, 402 U.S. 535 (1971), and Article I, ¶ 1 of the New Jersey Constitution.
25. By disregarding Plaintiff's documented homelessness and timely electronic hearing request, MVC effectively denied him access to due process and equal protection.

NO ADEQUATE ADMINISTRATIVE REMEDY

26. Plaintiff has exhausted, or been effectively denied, all administrative remedies available through MVC, which has failed to respond to multiple written and electronic requests for hearing or review. Accordingly, this prerogative-writ action is properly before this Court under *R.* 4:69-5.

CAUSES OF ACTION

Count I — Mandamus (*R.* 4:69-1 et seq.)

27. Under *R.* 4:69-1 and *N.J.S.A.* 39:5-30, MVC owes every New Jersey licensee a **ministerial duty** to provide notice "reasonably calculated" to reach the affected party and to docket and process any hearing request made before or promptly after a scheduled suspension.

28. Plaintiff timely demanded such a hearing on October 22 2025 and again on October 28 2025, attaching proof of homelessness and requesting accommodation.
29. By refusing to acknowledge, docket, or act upon that request, MVC failed to perform a **non-discretionary statutory duty**.
30. Mandamus lies to compel an agency to perform a purely ministerial act or to exercise jurisdiction unlawfully withheld. *See In re Application of Hackensack Water Co.*, 41 N.J. 294 (1963).

Count II — Declaratory Relief (N.J.S.A. 2A:16-50 et seq.)

31. A real and justiciable controversy exists as to whether MVC may enforce a 180-day suspension issued without lawful predicate or pre-deprivation hearing.
32. Plaintiff seeks a declaration that MVC's conduct violated *N.J.S.A.* 39:5-30, *N.J.S.A.* 52:14B-1 to -31 (Administrative Procedure Act), and the due-process clauses of the Fourteenth Amendment and Article I, ¶ 1 of the New Jersey Constitution.
33. Declaratory relief is necessary to resolve the uncertainty surrounding Plaintiff's license status, employment eligibility, and future interaction with law-enforcement databases. *See N.J. Ass'n for Retarded Citizens v. Dep't of Human Servs.*, 89 N.J. 234 (1982).

Count III — Injunctive Relief (R. 4:52; N.J.S.A. 2A:16-52)

34. Plaintiff satisfies the four equitable factors for temporary and preliminary injunctive relief:
- A. Likelihood of Success:** MVC's failure to provide notice and hearing contravenes *Bell v. Burson*, 402 U.S. 535 (1971), and *In re Suspension of Heller*, 73 N.J. 292 (1977).
 - B. Irreparable Harm:** Loss of driving privilege prevents Plaintiff from reaching job sites, earning income, and maintaining housing stability—injuries not compensable by money damages.

C. Balance of Equities: Granting a stay merely preserves the status quo; denying one causes disproportionate hardship to Plaintiff.

D. Public Interest: Ensuring procedural fairness in MVC enforcement promotes public confidence in government integrity.

Count IV — Civil Rights (42 U.S.C. § 1983)

35. MVC, acting under color of state law, deprived Plaintiff of liberty and property without due process of law by (a) imposing a suspension without notice or hearing, and (b) refusing to accept or respond to his documented requests.

36. Such conduct violates the Fourteenth Amendment, actionable under 42 U.S.C. § 1983. See *Monroe v. Pape*, 365 U.S. 167 (1961); *Bell v. Burson*, 402 U.S. 535 (1971) (recognizing a driver's license as a protected property interest entitled to pre-deprivation due-process protections).

PRAYER FOR RELIEF

Plaintiff respectfully prays that this Honorable Court:

A. Issue an **Order to Show Cause with Temporary Restraints** staying enforcement of MVC Notice SUS S0340-00372-001558 pending final determination;

B. **Compel MVC** to docket and schedule Plaintiff's administrative hearing and to transmit the matter to the Office of Administrative Law pursuant to under *N.J.A.C. 13:19-1.2 (Requests for Hearing)*, a timely hearing request stays or postpones the proposed suspension pending adjudication or transmission to the Office of Administrative Law.

C. **Vacate or declare void** the suspension issued without statutory authority or due process;

- D. Declare** that MVC's refusal to accommodate Plaintiff's electronic filing and homelessness violates *N.J.S.A.* 39:5-30, the Administrative Procedure Act, and constitutional guarantees of fundamental fairness;
- E. Order reinstatement** of Plaintiff's New Jersey driving privilege pending lawful hearing;
- F. Award costs and such other relief** as this Court deems just and equitable to vindicate Plaintiff's rights.

Respectfully submitted,

Date: October 29th, 2025

/s/ **Devon T. Barber**

Devon Tyler Barber – Pro Se Plaintiff

325 E. Jimmie Leeds Rd., Suite 7-333, Galloway, NJ 08205

(609) 665-9350 | Tylertestad@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY**LAW DIVISION — MERCER COUNTY****DEVON TYLER BARBER,**

Plaintiff,

v.

**NEW JERSEY MOTOR VEHICLE
COMMISSION,**

Defendant.

Docket No. _____
Civil Action**TABLE OF EXHIBITS**

| Ex. | Title | Description | Purpose / Notes |
|------------|--|---|---|
| A | Email (Oct. 22, 2025) — “URGENT — Hearing & Stay Request (SUS S0340-00372-001558)” | Plaintiff’s initial electronic request for hearing and stay sent to mvcsuspensions@dot.nj.us and mvc.correspondence@dot.nj.gov | Shows timely assertion of due process rights and accommodation request |
| B | Follow-Up Email (Oct. 28, 2025) — “Formal Demand to Vacate Unlawful Suspension” | Second formal notice giving MVC five (5) business days to act before suit | Establishes agency notice and opportunity to cure; supports exhaustion argument |
| C | MVC Notice of Scheduled Suspension — SUS S0340-00372-001558 | Official suspension notice received late by Plaintiff (Prepared 9/19/25; Effective 10/13/25) | Core evidence of challenged agency action |
| D | Table of Authorities / Legal References | Bell v. Burson, 402 U.S. 535 (1971); In re Heller, 73 N.J. 292 (1977); State v. Szima, 70 N.J. 196 (1976) | For judicial reference; clarifies controlling due-process precedents |

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Docket No. _____

Plaintiff,

Civil Action

v.

NEW JERSEY MOTOR

EXHIBIT A

VEHICLE COMMISSION,

Defendant.

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URGENT — Hearing & Stay Request (SUS S0340-00372-001558) — Devon T. Barber

From dTb33@pm.me <dTb33@pm.me>
 To mvcsuspensions@dot.state.nj.us
 CC mvc.correspondence@dot.nj.gov
 Date Wednesday, October 22nd, 2025 at 4:50 PM

To: mvcsuspensions@dot.state.nj.us

Cc: mvc.correspondence@dot.nj.gov

Subject: URGENT — Hearing & Stay Request (SUS S0340-00372-001558) — Devon T. Barber

Dear Driver Management Bureau,

I respectfully request an **administrative hearing** and an **immediate stay** of the scheduled **180-day suspension** referenced in **Notice SUS S0340-00372-001558** (prepared **09/19/2025**, effective **10/13/2025**).

Good cause for late, electronic filing. I am **homeless and indigent**. I had no reliable access to physical mail (a UPS mailbox I could not afford). I only retrieved this notice today from accumulated mail. For that reason, please accept this **electronic** request **out of time**.

Due process and fundamental fairness. The underlying offense date is **11/25/2020** (N.J.S.A. **39:4-67**). No suspension was imposed at that time; I was **not charged** with **N.J.S.A. 39:3-40** (driving while suspended). After nearly **five years**, in 2025, I entered a plea **under economic duress**; only then did MVC schedule suspension. Such **stale enforcement** is **unreasonable and prejudicial** under New Jersey's **fundamental fairness** doctrine and due process principles (see **In re Suspension of Heller**, **73 N.J. 292 (1977)** (agency action must be timely and procedurally fair); **State v. Szima**, **70 N.J. 196 (1976)** (delay violating due process); **Bell v. Burson**, **402 U.S. 535 (1971)** (meaningful **notice and hearing** are prerequisites to license suspension)). Moreover, the MVC's power under **N.J.S.A. 39:5-30** must be exercised **after due written notice** and a real opportunity to be heard; mailing that cannot practically reach a homeless person is **not meaningful notice**. See also **N.J.A.C. 13:19-10.8** (administrative suspensions) (all cited authorities attached/quoted in my statement).

Request.

1. **Accept** this email as my **official hearing request** and note **good cause** for late submission.
2. Enter an **Immediate Stay** of the scheduled suspension **pending hearing** and production of the MVC file.
3. Provide **remote (telephone/video) accommodations** due to indigence and homelessness.
4. Disclose all **records relied upon** (driver abstract; conviction transmittals; suspension history; internal notes supporting the scheduled action).

I seek to **comply with the law** and restore stability. As the **New Jersey Constitution, Art. I, ¶ 1**, teaches, government power should be exercised with **fundamental fairness** toward every person. I ask the Bureau to

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honor that standard here.

Please confirm **by reply email** that the **hearing is docketed** and the **stay** is in place.

Respectfully,

/s/ Devon T. Barber

DEVON TYLER BARBER

325 E. Jimmie Leeds Rd., Ste. 7-333, Galloway, NJ 08205

(609) 665-9350 • DTB33@protonmail.com

Date: October 22, 2025

I certify under penalty of perjury (R. 1:4-4(b); 28 U.S.C. § 1746) that the foregoing is true and correct.

— /s/ Devon T. Barber

HEARING STATEMENT OF FACTS & LAW

Re: Request for Administrative Hearing and Immediate Stay of Suspension

Notice: SUS S0340-00372-001558 • D.L. NUMBER B0543 16583 12972

Prepared: October 22, 2025 • Requester: Devon T. Barber

I. Facts

1. MVC issued a Scheduled Suspension Notice dated 9/19/2025, proposing 180 days effective 10/13/2025.
2. Basis cited: 11/25/2020 municipal offense (N.J.S.A. 39:4-67, South Bound Brook).
3. In 2020, I was not charged with 39:3-40 (driving while suspended). No contemporaneous suspension followed.
4. In 2025, amid homelessness and financial pressure, I entered a plea without counsel, unaware of collateral suspension; the court then transmitted the record to MVC.
5. I did not receive MVC's mailed notice due to homelessness (UPS mailbox unaffordable). I requested hearing immediately upon discovery.

II. Law

A. Fundamental Fairness & Delay. New Jersey requires timely and fair administrative action; unreasonable delay that prejudices a person can bar enforcement. In *re Suspension of Heller*, 73 N.J. 292 (1977) (agency discipline reversed for due-process defects/timing); *State v. Szima*, 70 N.J. 196 (1976) (prejudice from long delay violates due process). The five-year gap here—no 39:3-40 charge in 2020, suspension only after a 2025 plea—prejudices my defense and violates fundamental fairness. ([vLex](#))

B. Due Process — Notice & Hearing. A driver's license may not be suspended without meaningful notice and a hearing. *Bell v. Burson*, 402 U.S. 535 (1971). Homelessness made mailed notice ineffective; electronic acceptance and a stay are necessary to satisfy due process. ([Justia Law](#))

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C. Statutory/Regulatory Framework. MVC's authority under N.J.S.A. 39:5-30 requires due written notice stating grounds and an opportunity to request a hearing. Any extension for alleged "driving during suspension" arises under N.J.A.C. 13:19-10.8, typically 180 days, but only if a lawful underlying suspension exists and due process was provided. Here, the 2020 officer did not charge 39:3-40, undermining any claim I was suspended then. ([Justia Law](#))

III. Requested Relief

1. Accept this request out of time for good cause (homelessness; late actual notice).
2. Enter an Immediate Stay pending hearing and production of MVC records.
3. Order remote participation (phone/video).
4. After hearing, vacate or reduce the scheduled suspension as untimely, unsupported, and unfair.

IV. Certification

I certify under penalty of perjury (R. 1:4-4(b); 28 U.S.C. § 1746) that the above facts are true.

/s/ Devon T. Barber Date: October 22, 2025

Sent with [Proton Mail](#) secure email.

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Docket No. _____

Plaintiff,

Civil Action

v.

NEW JERSEY MOTOR

EXHIBIT B

VEHICLE COMMISSION,

Defendant.

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FORMAL DEMAND TO VACATE UNLAWFUL SUSPENSION — SUS S0340-00372-001558 — Devon T. Barber

From dTb33@pm.me <dTb33@pm.me>
 To mvcsuspensions@dot.state.nj.us
 CC mvc.correspondence@dot.nj.gov, randye.bloom@oal.state.nj.us, OAL.ClerksOffice@oal.nj.gov,
 NJAG.ElectronicService.CivilMatters@law.njoag.gov, Jim.doone@jjc.nj.gov
 Date Tuesday, October 28th, 2025 at 2:29 PM

To: mvcsuspensions@dot.nj.gov
 Cc: mvc.correspondence@dot.nj.gov; randye.bloom@oal.nj.gov; OAL.ClerksOffice@oal.nj.gov;
NJAG.ElectronicService.CivilMatters@law.njoag.gov; jim.doone@jjc.nj.gov
 Subject: **Formal Demand to Vacate Unlawful Suspension — Notice No. SUS S0340-00372-001558 (Devon T. Barber)**

Dear Driver Management Bureau and Office of Administrative Law:

I respectfully renew and supplement my October 22, 2025 hearing and stay request and my October 28, 2025 notice of non-response concerning the above-referenced suspension notice.

Based on the available record, the scheduled suspension is **jurisdictionally void** and **constitutionally defective** for want of statutory authority, procedural fairness, and a lawful predicate.

I. Factual Background

1. The predicate offense cited in Notice No. SUS S0340-00372-001558 is **South Bound Brook Municipal Court E20-1586 (Nov. 25, 2020)**, charging a violation of **N.J.S.A. 39:4-67 (Obstructing Passage of Other Vehicles)**.
2. I was stopped while operating another person's lawfully registered vehicle. The officer issued only the § 39:4-67 citation and a verbal warning. **No § 39:3-40 (Driving While Suspended)** summons or complaint was ever issued.
3. Had I actually been suspended, the officer would have been required by § 39:3-40(b) to detain or charge me accordingly. His failure to do so confirms that my driving privilege was valid on that date.
4. In 2025, while homeless and unrepresented, I appeared by remote municipal-court session and entered a guilty plea under economic duress simply to clear old matters so I could work. I was never advised that the plea could trigger a collateral MVC suspension, nor did the court verify my license status.
5. Nearly five years later, MVC issued a new 180-day suspension based solely on that plea, unsupported by any court order or prior suspension record.

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II. Legal Defects Rendering the Suspension Void

A. No Statutory Authority

Under *N.J.S.A.* 39:5-30, MVC may suspend a license only “for a violation of this Title or on other lawful cause appearing.” A conviction for § 39:4-67 alone provides no authority for a 180-day suspension absent aggravating findings. No § 39:3-40 conviction or judicial suspension exists.

B. Due Process and Fundamental Fairness

The five-year delay between the 2020 offense and the 2025 suspension violates *In re Suspension of Heller*, 73 N.J. 292 (1977), and *State v. Szima*, 70 N.J. 196 (1976), which require timely, fair administrative action. Further, mailing notice to a homeless individual does not constitute “meaningful notice and opportunity to be heard.” *Bell v. Burson*, 402 U.S. 535 (1971). MVC’s failure to acknowledge my timely electronic hearing request compounds this denial of due process.

C. Absence of Predicate Suspension

The agency presumes a prior suspension that never existed. An administrative body cannot create a “driving-while-suspended” status retroactively. *State v. Rodriguez*, 347 N.J. Super. 308 (App. Div. 2002).

III. Requested Administrative Relief

1. **Vacate** Notice No. SUS S0340-00372-001558 as void ab initio;
2. **Reinstate** my driving privileges immediately, or alternatively
3. **Transmit** the matter to the OAL for plenary hearing and automatic stay under *N.J.A.C.* 13:19-1.2(d); and
4. **Disclose** the complete MVC case file, including driver abstract, conviction transmittals, internal notes, and any document purporting to show a prior suspension.

IV. Continuing Harm and Notice of Intended Judicial Action

Each day of wrongful suspension deprives me of the ability to earn a living. I am a **New Jersey-licensed Home Improvement Contractor (HIC #13VH10808800)**. The ongoing suspension prevents lawful work, transportation, and housing stability, and subjects me to unnecessary police scrutiny despite my documented compliance efforts.

Unless MVC vacates or stays the suspension within **five (5) business days**, I will file a **Verified Complaint and Order to Show Cause** through JEDS in the **Superior Court of New Jersey, Law Division – Mercer County** (agency venue) or, in the alternative, **Atlantic County** under *R.* 4:3-3(b). Relief will include:

- a **Writ of Mandamus** compelling MVC to rescind or stay enforcement; and
- **Declaratory and Injunctive Relief** under **42 U.S.C. § 1983** for deprivation of due process and interference with my right to work and travel.

If no written acknowledgment or docket number is received by close of business **Friday, November 7, 2025**, I will proceed as stated above. Please confirm receipt and advise of the assigned case or hearing number. Remote participation is respectfully requested.

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Respectfully submitted,

/s/ **Devon T. Barber**

325 E. Jimmie Leeds Rd., Ste. 7-333

Galloway, NJ 08205

(609) 665-9350 • DTB33@protonmail.com

Date: October 28, 2025

Certification (R. 1:4-4(b); 28 U.S.C. § 1746):

I certify under penalty of perjury that the foregoing statements are true and correct.

/s/ **Devon T. Barber**

DEVON TYLER BARBER

Barber, Devon T.

Barber, Devon (Tyler)

Attachments (Exhibits A–G, as referenced herein):

- Exhibit A – MVC Scheduled Suspension Notice (09192025)
- Exhibit B – Municipal Court Disposition (South Bound Brook E20-1586)-1
- Exhibit C – Hearing Request Email
- Exhibit D – Follow-Up and Non-Response Record
- Exhibit E – Prior Correspondence
- Exhibit F – Proof of NJ Contractor License (HIC #13VH10808800)
- Exhibit G – Certification of Homelessness, Indigence, and Public Assistance

Sent with [Proton Mail](#) secure email.

On Wednesday, October 22nd, 2025 at 4:50 PM, dTb33@pm.me <dTb33@pm.me> wrote:

To: mvcSuspensions@dot.state.nj.us

Cc: mvc.correspondence@dot.nj.gov

Subject: URGENT — Hearing & Stay Request (SUS S0340-00372-001558) — Devon T. Barber

Dear Driver Management Bureau,

I respectfully request an **administrative hearing** and an **immediate stay** of the scheduled **180-day suspension** referenced in **Notice SUS S0340-00372-001558** (prepared **09/19/2025**, effective **10/13/2025**).

Good cause for late, electronic filing. I am **homeless and indigent**. I had no reliable access to physical mail (a UPS mailbox I could not afford). I only retrieved this notice today from accumulated mail. For that

Firefox

<https://mail.proton.me/u/0/sent/RgB3bS9uXyhQnXQRH66gU4wVxd...>

reason, please accept this **electronic** request **out of time**.

Due process and fundamental fairness. The underlying offense date is **11/25/2020** (N.J.S.A. **39:4-67**). No suspension was imposed at that time; I was **not charged** with N.J.S.A. **39:3-40** (driving while suspended). After nearly **five years**, in 2025, I entered a plea **under economic duress**; only then did MVC schedule suspension. Such **stale enforcement** is **unreasonable and prejudicial** under New Jersey's **fundamental fairness** doctrine and due process principles (see **In re Suspension of Heller, 73 N.J. 292 (1977)** (agency action must be timely and procedurally fair); **State v. Szima, 70 N.J. 196 (1976)** (delay violating due process); **Bell v. Burson, 402 U.S. 535 (1971)** (meaningful **notice and hearing** are prerequisites to license suspension)). Moreover, the MVC's power under N.J.S.A. **39:5-30** must be exercised **after due written notice** and a real opportunity to be heard; mailing that cannot practically reach a homeless person is **not meaningful notice**. See also N.J.A.C. **13:19-10.8** (administrative suspensions) (all cited authorities attached/quoted in my statement).

Request.

1. **Accept** this email as my **official hearing request** and note **good cause** for late submission.
2. Enter an **Immediate Stay** of the scheduled suspension **pending hearing** and production of the MVC file.
3. Provide **remote (telephone/video) accommodations** due to indigence and homelessness.
4. Disclose all **records relied upon** (driver abstract; conviction transmittals; suspension history; internal notes supporting the scheduled action).

I seek to **comply with the law** and restore stability. As the **New Jersey Constitution, Art. I, ¶ 1**, teaches, government power should be exercised with **fundamental fairness** toward every person. I ask the Bureau to honor that standard here.

Please confirm **by reply email** that the **hearing is docketed** and the **stay** is in place.

Respectfully,

/s/ **Devon T. Barber**

DEVON TYLER BARBER

325 E. Jimmie Leeds Rd., Ste. 7-333, Galloway, NJ 08205

(609) 665-9350 • DTB33@protonmail.com

Date: October 22, 2025

I certify under penalty of perjury (R. 1:4-4(b); 28 U.S.C. § 1746) that the foregoing is true and correct.

— /s/ Devon T. Barber

HEARING STATEMENT OF FACTS & LAW

Re: Request for Administrative Hearing and Immediate Stay of Suspension

Notice: SUS S0340-00372-001558 • D.L. NUMBER B0543 16583 12972

Prepared: October 22, 2025 • Requester: Devon T. Barber

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I. Facts

1. MVC issued a Scheduled Suspension Notice dated 9/19/2025, proposing 180 days effective 10/13/2025.
2. Basis cited: 11/25/2020 municipal offense (N.J.S.A. 39:4-67, South Bound Brook).
3. In 2020, I was not charged with 39:3-40 (driving while suspended). No contemporaneous suspension followed.
4. In 2025, amid homelessness and financial pressure, I entered a plea without counsel, unaware of collateral suspension; the court then transmitted the record to MVC.
5. I did not receive MVC's mailed notice due to homelessness (UPS mailbox unaffordable). I requested hearing immediately upon discovery.

II. Law

A. Fundamental Fairness & Delay. New Jersey requires timely and fair administrative action; unreasonable delay that prejudices a person can bar enforcement. In re Suspension of Heller, 73 N.J. 292 (1977) (agency discipline reversed for due-process defects/timing); State v. Szima, 70 N.J. 196 (1976) (prejudice from long delay violates due process). The five-year gap here—no 39:3-40 charge in 2020, suspension only after a 2025 plea—prejudices my defense and violates fundamental fairness. ([vLex](#))

B. Due Process — Notice & Hearing. A driver's license may not be suspended without meaningful notice and a hearing. Bell v. Burson, 402 U.S. 535 (1971). Homelessness made mailed notice ineffective; electronic acceptance and a stay are necessary to satisfy due process. ([Justia Law](#))

C. Statutory/Regulatory Framework. MVC's authority under N.J.S.A. 39:5-30 requires due written notice stating grounds and an opportunity to request a hearing. Any extension for alleged "driving during suspension" arises under N.J.A.C. 13:19-10.8, typically 180 days, but only if a lawful underlying suspension exists and due process was provided. Here, the 2020 officer did not charge 39:3-40, undermining any claim I was suspended then. ([Justia Law](#))

III. Requested Relief

1. Accept this request out of time for good cause (homelessness; late actual notice).
2. Enter an Immediate Stay pending hearing and production of MVC records.
3. Order remote participation (phone/video).
4. After hearing, vacate or reduce the scheduled suspension as untimely, unsupported, and unfair.

IV. Certification

I certify under penalty of perjury (R. 1:4-4(b); 28 U.S.C. § 1746) that the above facts are true.

Firefox

https://mail.proton.me/u/0/sent/RgB3bS9uXyhQnXQRH66gU4wVxd...

/s/ Devon T. Barber Date: October 22, 2025

Sent with [Proton Mail](#) secure email.

2.13 MB 7 files attached

Exhibit B – Municipal Court Disposition (South Bound Brook E20-1586)-1.pdf 43.98 KB

Exhibit E – Prior Correspondence.pdf 126.15 KB

Exhibit D – Follow-Up and Non-Response Record.pdf 15.34 KB

Exhibit G – Certification of Homelessness, Indigence, and Public Assistance.pdf 205.21 KB

Exhibit C – Hearing Request Email.pdf 152.90 KB

Exhibit F – Proof of NJ Contractor License (HIC #13VH10808800).pdf 298.51 KB

Exhibit A – MVC Scheduled Suspension Notice (09192025).pdf 1.31 MB

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Docket No. _____

Plaintiff,

Civil Action

v.

NEW JERSEY MOTOR

EXHIBIT C

VEHICLE COMMISSION,

Defendant.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

NEW JERSEY MOTOR VEHICLE

COMMISSION,

Defendant.

Docket No. _____
Civil Action

EXHIBIT D

| Authority | Citation (Bluebook / NJ Style) | Legal Principle / Proposition Cited | Applied Paragraph(s) |
|---|---|--|---------------------------------|
| Constitutional Authorities | | | |
| United States Constitution, Amendment XIV, § 1 | U.S. Const. amend. XIV, § 1 | Protects individuals from deprivation of liberty or property without due process. | ¶ 2, 24, 35–36 |
| New Jersey Constitution, Article I, ¶ 1 | N.J. Const. art. I, ¶ 1 | Guarantees due process and equal protection; includes doctrine of fundamental fairness under state law. | ¶ 2, 24, 34D |
| Statutory Authorities | | | |
| Motor Vehicle Act – Suspension Power | N.J.S.A. 39:5-30 | Authorises the MVC to suspend a driver’s license only for lawful cause and with procedural safeguards. | ¶ 22, 27, 32, 34D |
| Driving While Suspended | N.J.S.A. 39:3-40 | Defines the offence of operating a motor vehicle while suspended; absence of such a charge supports | ¶ 8–9 |

| | | | |
|---|---------------------------|---|---------------|
| | | no prior suspension. | |
| Obstructing Passage of Other Vehicles | N.J.S.A. 39:4-67 | Minor traffic offence; does not itself authorise a 180-day administrative suspension by the MVC. | ¶ 8, 22 |
| MVC-Enabling Statute | N.J.S.A. 39:2A-1 et seq. | Establishes the New Jersey Motor Vehicle Commission and outlines its powers and duties. | ¶ 6 |
| Declaratory Judgment Act | N.J.S.A. 2A:16-50 et seq. | Permits a party to seek a judicial declaration of rights in an actual controversy. | ¶ 2, 31–33 |
| Administrative Procedure Act | N.J.S.A. 52:14B-1 to -31 | Governs state agency adjudication, notice, hearing procedures. | ¶ 32, 34D |
| Civil Rights Act | 42 U.S.C. § 1983 | Provides remedy for deprivation of constitutional rights under color of state law. | ¶ 2, 35–36 |
| Regulatory Authorities | | | |
| Hearing Request & Stay Regulation | N.J.A.C. 13:19-1.2 | Provides that a timely request for hearing before the MVC calls into effect postponement of proposed suspension until adjudication. | ¶ 17, 34B |
| Court Rules | | | |
| Certification in lieu of affidavit | R. 1:4-4(b) | Allows pleadings to be signed under penalty of perjury in lieu of notarized affidavit. | Certification |
| Venue Against State Agencies | R. 4:3-3(b) | Provides that venue is proper in the county where a state agency headquarters is located (Mercer County for MVC). | ¶ 4 |
| Injunctive Relief / Order to Show Cause | R. 4:52-1 et seq. | Governs temporary/preliminary restraints; four-factor equitable test applies. | Count III |
| Actions in Lieu of Prerogative Writs | R. 4:69-1 et seq. | Authorises Law Division to hear mandamus, certiorari, prohibition actions in lieu of traditional writs. | ¶ 3, 27–30 |
| Adequate Administrative Remedy Exception | R. 4:69-5 | Permits prerogative-writ action when administrative remedy is unavailable, inadequate or irreparable harm results. | ¶ 26 |
| Case Authorities (Controlling Precedents) | | | |
| <i>Bell v. Burson</i>, 402 U.S. 535 (1971) | 402 U.S. 535 (1971) | A driver's licence is a property interest; suspension requires | ¶ 14, 24, 34A |

| | | | |
|---|-------------------------------|---|--|
| | | meaningful pre-deprivation hearing. | |
| <i>In re Suspension of Heller</i>, 73 N.J. 292 (1977) | 73 N.J. 292 (1977) | New Jersey Supreme Court requires an agency to act within statutory authority and afford fair notice and hearing before revoking or suspending a license. | ¶ 14, 23, 34A |
| <i>State v. Szima</i>, 70 N.J. 196 (1976) | 70 N.J. 196 (1976) | Emphasises limits on agency action and the necessity of procedural fairness in administrative and enforcement matters. | ¶ 14, 23, 34A |
| <i>In re Application of Hackensack Water Co.</i>, 41 N.J. 294 (1963) | 41 N.J. 294 (1963) | Mandamus lies to compel a state agency to perform a non-discretionary ministerial duty. | ¶ 30 |
| <i>N.J. Ass’n for Retarded Citizens v. Dep’t of Human Servs.</i>, 89 N.J. 234 (1982) | 89 N.J. 234 (1982) | Declaratory judgment appropriate to resolve ongoing uncertainty of agency obligations and rights. | ¶ 33 |
| <i>Monroe v. Pape</i>, 365 U.S. 167 (1961) | 365 U.S. 167 (1961) | Establishes that § 1983 provides remedy for deprivations of constitutional rights by state actors under color of law. | ¶ 36 |
| <i>Marbury v. Madison</i>, 5 U.S. (1 Cranch) 137 (1803) | 5 U.S. (1 Cranch) 137 (1803). | It is the duty of the judiciary to declare what the law is and to set aside unlawful executive action; supports judicial review of MVC conduct. | General authority for Court’s review under R. 4:69-1 et seq. |

Devon T. Barber

Devon Tyler Barber – *Pro Se Plaintiff*
325 E. Jimmie Leeds Road, Suite 7-333
Galloway, NJ 08205
(609) 665-9350 | Tylerstead@ProtonMail.com

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

NEW JERSEY MOTOR VEHICLE

COMMISSION,

Defendant.

Docket No. _____
Civil Action

CERTIFICATE OF SERVICE
(Pursuant to R. 1:5-2 and R. 1:5-3)

I, **Devon Tyler Barber**, of full age, hereby certify and state:

1. On October 29, 2025, I caused the Verified Complaint in Lieu of Prerogative Writs, Certification pursuant to R. 1:4-4(b), [Proposed] Order to Show Cause with Temporary Restraints, Table of Exhibits, and Exhibits A through D to be filed **electronically through the Judiciary Electronic Document Submission System (JEDS)** along with the Case Information Statement and Fee Waiver form for assignment in the Law Division – Mercer County.
2. On the same date, I served electronic copies of all filed documents upon the following State recipients via their official email addresses, as listed on the New Jersey Motor Vehicle Commission and Attorney General websites:

- **New Jersey Motor Vehicle Commission – Legal Affairs**

225 E. State Street, Trenton, NJ 08666-0017

Email: **MVC.Correspondence@dot.nj.gov**

- **Office of the Attorney General of New Jersey – Civil Division**

25 Market Street, Trenton, NJ 08625-0080

Email: AGCivilMail@law.njoag.gov

3. As a currently homeless litigant without reliable mail access, I am limited to electronic service methods authorized by Court Rules and agency practice. All parties have been served through these channels, and the Court has received the same filing via JEDS.

I certify that the foregoing statements made by me are true. If any statement is willfully false, I am subject to punishment.

Executed on October 29, 2025, at Hamilton Township, Atlantic County, New Jersey.

Respectfully submitted,

/s/ Devon T. Barber

Devon Tyler Barber – Pro Se Plaintiff

325 E. Jimmie Leeds Rd., Suite 7-333

Galloway, NJ 08205

(609) 665-9350 | Tylerstead@ProtonMail.com



New Jersey Motor Vehicle Commission

STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
225 EAST STATE STREET
TRENTON, NEW JERSEY 08666
(609)292-7500

SCHEDULED SUSPENSION NOTICE

DEVON T BARBER
325 E. JIMMIE LEEDS RD STE7 D.L. NUMBER B0543 16583 12972
GALLOWAY NJ 08205-4126
|||||

Your New Jersey driving privilege is
scheduled to be suspended as of 10/13/2025 for 180 days.

By authority of N.J.S.A. 39:3-40, 39:5-30 and N.J.A.C. 13:19-10.8, the Motor
Vehicle Commission has scheduled the suspension of your New Jersey driving
privilege because you operated a motor vehicle during a period of driving
privilege suspension as shown by your accident or violation described below:

DT: 11/25/2020 T22 V 0467 DESCR: OBSTRUCTING PASSAGE OF OTHER VEHICL

You may accept this suspension or request a hearing.

To accept this suspension, sign the bottom part of this notice, detach, and
return it to Motor Vehicle Commission with your current New Jersey driver
license and restoration fee payment. Please use the enclosed envelope.

If you were ticketed for operating while suspended as a result of the above
incident, please send proof with your hearing request before the suspension
date, as such evidence may cancel this notice.

(Continued on other side)

Latrecia Little-Poyd
Acting Chief Administrator

WREMT (R 07/25/22)

Please visit us at www.njmvc.gov

Detach And Return This Part

DEVON T BARBER D.L. B0543 16583 12972
325 E. JIMMIE LEEDS RD STE7
GALLOWAY NJ 08205-4126

SUS S 0340

Suspension acceptance, restoration fee due: \$100.

I accept this suspension of my New Jersey driving privilege. Enclosed are
my current New Jersey driver license and my \$100 restoration fee check or
money order, made payable to N.J. Motor Vehicle Commission. I understand
that I may not operate any motor vehicle until I receive written notice of
restoration from the Chief Administrator of Motor Vehicle Commission.

DATE _____ SIGNATURE _____

VF/B054316583129720000000001000025261EDHFPALDEDS0034252620000009



A hearing request must be in writing and mailed before the above suspension effective date to : Motor Vehicle Commission, Hearing Unit, PO Box 166, Trenton, N.J. 08666-0166. Enclose a copy of this notice.

Your request must include a daytime telephone number and / or email address and specify all disputed material facts and legal issues you or your attorney intend to raise at a hearing and must present all arguments on those issues you wish the Commission to consider. If your request fails to set forth any disputed material facts, legal issues, or arguments of such issues, the request will be denied and the suspension will become effective on the date specified by the Commission and constitute the Commission's final decision in this matter. If you request a hearing, the suspension will not become effective pending a decision on your request.

DRIVING HISTORY RECORD OF DEVON T BARBER D.L.NUMBER: 80543 16583 12972

| DATE | EVENT CODE | EVENT DESCRIPTION | STATUS | POINTS |
|----------------------|------------|-------------------------------------|------------|--------|
| 09/18/2025 | SUS S 0340 | OPERATE DURING SUSPENSION PERIOD | ACTIVE | |
| 01/27/2024 | RES F LMCC | LICENSE REST FEE PAYMT- WEB/CREDIT | ACTIVE | |
| 01/27/2024 | RES F RMCC | REG RESTOR FEE PAYMENT- WEB/CREDIT | ACTIVE | |
| 01/27/2024 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 01/26/2024 | RES D REGS | REG RESTORATION FEE DUE | REQ SATS | |
| 01/26/2024 | RES D REST | RESTORATION FEE DUE | REQ SATS | |
| 01/25/2024 | DMV M INFO | MAINTENANCE SUPPORT INFORMATION | ACTIVE | |
| 12/19/2023 | UMS O ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | REQ SATS | |
| 11/19/2023 | UMS O ICRG | UNINSURED MOTOR-INSUR CANCEL-REG | REQ SATS | |
| 11/19/2023 | UMS S ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | FAIL COMP | |
| 10/20/2023 | UMS S ICRG | UNINSURED MOTOR-INSUR CANCEL-REG | FAIL COMP | |
| 07/03/2023 | CIS A POLC | INVOLVED IN ACCIDENT-POLICE REPORT | ACTIVE | |
| 12/11/2022 | RES F RMCC | REG RESTOR FEE PAYMENT- WEB/CREDIT | ACTIVE | |
| 12/11/2022 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 01/15/2022 | RES D REGS | REG RESTORATION FEE DUE | REQ SATS | |
| 01/14/2022 | DMV M INFO | MAINTENANCE SUPPORT INFORMATION | ACTIVE | |
| 01/14/2022 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 12/17/2021 | RES F LMCC | LICENSE REST FEE PAYMT- WEB/CREDIT | ACTIVE | |
| 11/25/2020 | T22 V 0467 | OBSTRUCTING PASSAGE OF OTHER VEHICL | ACTIVE | |
| 11/16/2020 | UMS O ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | REQ SATS | |
| 11/04/2020 | DMV Z PC02 | POINT CREDIT-ANNUAL SAFE DRIVING | ACTIVE | -2 |
| 11/02/2020 | DMV M INFO | MAINTENANCE SUPPORT INFORMATION | ACTIVE | |
| 10/17/2020 | UMS O ICRG | UNINSURED MOTOR-INSUR CANCEL-REG | REQ SATS | |
| 10/17/2020 | UMS S ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | FAIL COMP | |
| 09/17/2020 | UMS S ICRG | UNINSURED MOTOR-INSUR CANCEL-REG | FAIL COMP | |
| 11/04/2019 | DVR M PADE | PERSNL APPEAR UNSCHED-RSC DEPTFORD | ACTIVE | |
| 11/04/2019 | RES F REST | RESTORATION FEE PAID | ACTIVE | |
| 11/04/2019 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 02/15/2019 | Z35 O FAPC | FAILURE TO APPEAR/PAY/COMPLY | REQ SATS | |
| 12/17/2018 | Z35 S FAPC | FAILURE TO APPEAR/PAY/COMPLY | FAIL COMP | |
| 07/03/2018 | Z35 V 4984 | SPEEDING | ACTIVE | 2 |
| 01/20/2018 | DMV Z PC02 | POINT CREDIT-ANNUAL SAFE DRIVING | ACTIVE | -2 |
| 09/23/2017 | A13 V 0456 | DELAYING TRAFFIC | ACTIVE | |
| 01/20/2017 | A13 V 0497 | CARELESS DRIVING | ACTIVE | 2 |
| YOU HAVE ACCUMULATED | | | 0 POINT(S) | |





New Jersey Motor Vehicle Commission

STATE OF NEW JERSEY
MOTOR VEHICLE COMMISSION
225 EAST STATE STREET
TRENTON, NEW JERSEY 08666
(609)292-7500

ORDER OF SUSPENSION

DEVON T BARBER
325 E. JIMMIE LEEDS RD STE7 D.L. NUMBER B0543 16583 12972
GALLOWAY NJ 08205-4126
|||||

Your New Jersey driving privilege is suspended
as of 10/13/2025 for 180 days.

By authority of N.J.S.A. 39:3-40, 39:5-30 and N.J.A.C. 13:19-10.8, the Motor Vehicle Commission suspended your New Jersey driving privilege because you operated a motor vehicle during a period of driving privilege suspension.

You must surrender your current New Jersey driver license to Motor Vehicle Commission immediately. You may not drive until you receive written notice of restoration from the Chief Administrator of Motor Vehicle Commission. If you continue to drive while suspended, you could face up to five years in prison.

To have your driving privilege restored at the end of your suspension period, you must pay a \$100.00 restoration fee.

(Continued on other side)

Latrecia Little-Floyd
Acting Chief Administrator

WREMT (R 07/25/22)

Please visit us at www.njmvc.gov

Detach And Return This Part

DEVON T BARBER
325 E. JIMMIE LEEDS RD STE7
GALLOWAY NJ 08205-4126

D.L. B0543 16583 12972

SUS O 0340

Restoration fee due: \$100.

Return this part with your current New Jersey driver license and your \$100 restoration fee, check or money order, made payable to N.J. Motor Vehicle Commission. Please use the enclosed return envelope.



DRIVING HISTORY RECORD OF DEVON

T BARBER

D.L.NUMBER: B0543 16583 12972

| DATE | EVENT CODE | EVENT DESCRIPTION | STATUS | POINTS |
|----------------------|------------|-------------------------------------|------------|--------|
| 10/13/2025 | SUS O 0340 | OPERATE DURING SUSPENSION PERIOD | ACTIVE | |
| 09/18/2025 | SUS S 0340 | OPERATE DURING SUSPENSION PERIOD | FAIL COMP | |
| 01/27/2024 | RES F LWCC | LICENSE REST FEE PAYMT- WEB/CREDIT | ACTIVE | |
| 01/27/2024 | RES F RWCC | REG RESTOR FEE PAYMENT- WEB/CREDIT | ACTIVE | |
| 01/27/2024 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 01/26/2024 | RES D REGS | REG RESTORATION FEE DUE | REQ SATS | |
| 01/26/2024 | RES D REST | RESTORATION FEE DUE | REQ SATS | |
| 01/25/2024 | DMV M INFO | MAINTENANCE SUPPORT INFORMATION | ACTIVE | |
| 12/19/2023 | UMS O ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | REQ SATS | |
| 11/19/2023 | UMS O ICRG | UNINSURED MOTOR-INSUR CANCEL-REG | REQ SATS | |
| 11/19/2023 | UMS S ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | FAIL COMP | |
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| 07/03/2023 | CIS A POLC | INVOLVED IN ACCIDENT-POLICE REPORT | ACTIVE | |
| 12/11/2022 | RES F RWCC | REG RESTOR FEE PAYMENT- WEB/CREDIT | ACTIVE | |
| 12/11/2022 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 01/15/2022 | RES D REGS | REG RESTORATION FEE DUE | REQ SATS | |
| 01/14/2022 | DMV M INFO | MAINTENANCE SUPPORT INFORMATION | ACTIVE | |
| 01/14/2022 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 12/17/2021 | RES F LWCC | LICENSE REST FEE PAYMT- WEB/CREDIT | ACTIVE | |
| 11/25/2020 | T22 V 0467 | OBSTRUCTING PASSAGE OF OTHER VEHICL | ACTIVE | |
| 11/16/2020 | UMS O ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | REQ SATS | |
| 11/04/2020 | DMV Z PC02 | POINT CREDIT-ANNUAL SAFE DRIVING | ACTIVE | -2 |
| 11/02/2020 | DMV M INFO | MAINTENANCE SUPPORT INFORMATION | ACTIVE | |
| 10/17/2020 | UMS O ICRG | UNINSURED MOTOR-INSUR CANCEL-REG | REQ SATS | |
| 10/17/2020 | UMS S ICLC | UNINSURED MOTOR-INSUR CANCEL-LICENS | FAIL COMP | |
| 09/17/2020 | UMS S ICRG | UNINSURED MOTOR-INSUR CANCEL-REG | FAIL COMP | |
| 11/04/2019 | DVR M PADE | PERSNL APPEAR UNSCHED-RSC DEPTFORD | ACTIVE | |
| 11/04/2019 | RES F REST | RESTORATION FEE PAID | ACTIVE | |
| 11/04/2019 | RES R RSTR | RESTORATION OF INDICATED PRIVILEGES | ACTIVE | |
| 02/15/2019 | Z35 O FAPC | FAILURE TO APPEAR/PAY/COMPLY | REQ SATS | |
| 12/17/2018 | Z35 S FAPC | FAILURE TO APPEAR/PAY/COMPLY | FAIL COMP | |
| 07/03/2018 | Z35 V 4984 | SPEEDING | ACTIVE | 2 |
| 01/20/2018 | DMV Z PC02 | POINT CREDIT-ANNUAL SAFE DRIVING | ACTIVE | -2 |
| 09/23/2017 | A13 V 0456 | DELAYING TRAFFIC | ACTIVE | |
| 01/20/2017 | A13 V 0497 | CARELESS DRIVING | ACTIVE | 2 |
| YOU HAVE ACCUMULATED | | | 0 POINT(S) | |



SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**NEW JERSEY MOTOR VEHICLE
COMMISSION,**

Defendant.

Docket No. _____
Civil Action

**CERTIFICATION PURSUANT TO
R. 1:4-4(b) AND 28 U.S.C. § 1746**

I, **Devon Tyler Barber**, of full age, hereby certify, state, and affirm under penalty of perjury that the foregoing statements made by me are true and correct to the best of my knowledge, information, and belief.

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

Executed on October 29th, 2025, at Hamilton Township, Atlantic County, New Jersey.

Respectfully submitted,

Date: October 29th, 2025

/s/ Devon T. Barber

Devon Tyler Barber – Pro Se Plaintiff

325 E. Jimmie Leeds Rd., Suite 7-333, Galloway, NJ 08205

(609) 665-9350 | Tylerstead@ProtonMail.com



New Jersey Judiciary
Civil Practice Division

Civil Case Information Statement (CIS)

Use for initial Law Division Civil Part pleadings (not motions) under Rule 4:5-1. Pleading will be rejected for filing, under Rule 1:5-6(c), if information above the black bar is not completed, or attorney's signature is not affixed.

For Use by Clerk's Office Only


| | | | | |
|---|---------------------|--|--|--|
| Payment type <input type="checkbox"/> check <input type="checkbox"/> charge <input type="checkbox"/> cash | Charge/Check Number | Amount \$ | Overpayment \$ | Batch Number |
| Attorney/Pro Se Name DEVON T. BARBER | | Telephone Number (609) 665-9350 ext. | | County of Venue Mercer <input type="button" value="v"/> |
| Firm Name (if applicable) DEVON TYLER BARBER, PRO SE PLAINTIFF | | | Docket Number (when available) TBD | |
| Office Address - Street 325 E. JIMMIE LEEDS RD., STE., 7, 333, | | City GALLOWAY TOWNSHIP | State NJ | Zip 08205 |
| Document Type <i>Verified Complaint – Prerogative Writs (R. 4:69-1)</i> | | | Jury Demand <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Name of Party (e.g., John Doe, Plaintiff) Devon Tyler Barber, Plaintiff | | Caption Devon Tyler Barber v. New Jersey Motor Vehicle Commission | | |
| Case Type Number (See page 3 for listing) <u>701</u> | | | | |
| Are sexual abuse claims alleged? | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Does this case involve claims related to COVID-19? | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Is this a professional malpractice case? | | | <input type="checkbox"/> Yes <input type="checkbox"/> No | |
| If "Yes," see N.J.S.A. 2A:53A-27 and applicable case law regarding your obligation to file an affidavit of merit. | | | | |
| Related Cases Pending? | | | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |
| If "Yes," list docket numbers A-000308-25 (direct appeal of conviction) A-000313-25 (related criminal appeal) | | | | |
| Do you anticipate adding any parties (arising out of same transaction or occurrence)? | | | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | |
| Name of defendant's primary insurance company (if known) | | | <input type="checkbox"/> None <input checked="" type="checkbox"/> Unknown | |

The Information Provided on This Form Cannot be Introduced into Evidence.**Case Characteristics for Purposes of Determining if Case is Appropriate for Mediation**Do parties have a current, past or recurrent relationship? ☐ Yes ☒ No

If "Yes," is that relationship:

☐ Employer/Employee ☐ Friend/Neighbor ☐ Familial ☐ Business
☐ Other (explain) _____
Does the statute governing this case provide for payment of fees by the losing party? ☐ Yes ☒ No

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition.

 Do you or your client need any disability accommodations? ☒ Yes ☐ No
If yes, please identify the requested accommodation:
electronic communication and remote participationWill an interpreter be needed? ☐ Yes ☒ No

If yes, for what language?

I certify that confidential personal identifiers have been redacted from documents now submitted to the court and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

Attorney/Self-Represented Litigant Signature:

BY: XXX, dTb, Devon Tyler, All Rights Reserved.
Hamilton Township, Atlantic County,

New Jersey

This fifth day
 Eleventh Month
 Year 2025 A.D.

ADDENDUM TO CIVIL CASE INFORMATION STATEMENT

Re: *Barber v. New Jersey Motor Vehicle Commission*

Venue: Mercer County – Law Division, Civil Part

Docket No.: (to be assigned)

Pursuant to R. 4:5-1(b)(2), Plaintiff submits this addendum to provide contextual information relevant to case management and the interests of justice.

1. Plaintiff respectfully advises the Court that this filing arises after a series of criminal and administrative proceedings in which he has struggled to obtain timely notice, counsel, and fair process. These events have resulted in loss of mobility, employment opportunities, and stable housing.
2. Plaintiff is presently homeless and self-represented. He has nevertheless continued to exercise his right to seek redress through lawful channels, filing all papers in good faith and with clean hands. He asks only for the opportunity to be heard before further deprivation of his liberty or livelihood.
3. This action is brought not solely for personal relief but to help clarify procedural standards that affect other New Jersey residents facing similar hardships—particularly those without stable addresses or legal representation. The issues implicate public confidence in administrative fairness and equal access to justice.
4. Plaintiff submits this matter with respect for the Court and State agencies, trusting that a faithful and equitable review will advance both individual justice and the public good.

Respectfully submitted,

Date: October 29, 2025

/s/ Devon T. Barber

Barber, Devon Tyler – Pro Se Plaintiff

325 E. Jimmie Leeds Rd., Suite 7-333

Galloway, NJ 08205

(609) 665-9350 | [Tylerstead@ProtonMail.com](mailto:Tylersstead@ProtonMail.com)

SUPERIOR COURT OF NEW JERSEY

LAW DIVISION — MERCER COUNTY

DEVON TYLER BARBER,

Plaintiff,

v.

**NEW JERSEY MOTOR VEHICLE
COMMISSION,**

Defendant.

Docket No. _____
Civil Action

**[PROPOSED] ORDER TO SHOW
CAUSE WITH TEMPORARY
RESTRAINTS**

This matter having been brought before the Court by **Devon Tyler Barber, Pro Se**, and the Court having considered the Verified Complaint and Certification filed herein,

IT IS on this ____ day of _____ 2025, ORDERED that:

1. Defendant MVC shall **show cause** on _____ 2025 at ____ a.m./p.m. why an order should not be entered:

- (a)** Compelling MVC to docket and adjudicate Plaintiff's hearing request;
- (b)** Staying enforcement of Notice SUS S0340-00372-001558 pending such hearing;
- (c)** Granting such further relief as may be just.

2. Pending that hearing date, MVC and all its agents are **temporarily restrained** from enforcing said suspension or taking any action to penalize Plaintiff for driving privileges.

3. Plaintiff shall serve this Order, Verified Complaint, and Certification upon MVC Legal Affairs (225 E. State St., Trenton, NJ 08666-0017) and the Attorney General of New Jersey forthwith by email and certified mail, and shall file proof of service with this Court.

HON. _____
J.S.C.

