

No. 19-6121

IN THE
SUPREME COURT OF THE UNITED STATES

MATTHEW LEE STASZAK — PETITIONER
(Your Name)

VS.

FILED
SEP 17 2019
OFFICE OF THE CLERK
SUPREME COURT, U.S.

J. PHIL GILBERT — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

(E.D. AR) CASE No. 2:19-cv-00052-KGB-RSH (Doc. 10) To Proceed IFP.
(S.D. IL) CASE No. 3:15-cv-00020-JPG under Rule 8(e) of the
rules governing 2255 and CJA 18 USC 3006A. APPOINTED COUNSEL.

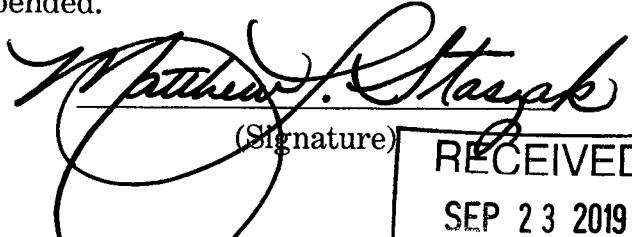
Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

Petitioner's affidavit or declaration in support of this motion is attached hereto.

Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

The appointment was made under the following provision of law: 18 USC
3006A / RULE 8(e) governing 2255's in U.S. District Courts, or

a copy of the order of appointment is appended.


(Signature)

RECEIVED

SEP 23 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

**AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS***

I, MATTHEW L. STASZAK am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>0</u>	<u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>925.00</u>	<u>0</u>	\$ <u>925.00</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>200.00</u>	<u>0</u>	\$ <u>200.00</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Total monthly income:	<u>Appox.</u> <u>\$ 1125.00</u>		\$ <u>0</u>	<u>Appox.</u> <u>\$ 1125.00</u>
			\$ <u>0</u>	\$ <u>0</u>

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A
N/A	N/A	N/A	\$ N/A

4. How much cash do you and your spouse have? \$ Appox. \$700.00 (varies)
 Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
PRISON —	Commissary	\$ Appox \$ 700.00	\$ 0 —
N/A	N/A	\$ N/A	\$ N/A
N/A	N/A	\$ N/A	\$ N/A

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

Home RICHLANDS, N.C.
 Value Appox \$ 125,000 - 130,000?

Other real estate
 Value N/A

Motor Vehicle #1
 Year, make & model N/A
 Value N/A

Motor Vehicle #2
 Year, make & model N/A
 Value N/A

Other assets
 Description N/A
 Value N/A

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

7. State the persons who rely on you or your spouse for support.

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	<u>Appox.</u> \$ <u>860.00</u>	\$ <u>0</u>
Are real estate taxes included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>0</u>	\$ <u>0</u>
Home maintenance (repairs and upkeep) <u>HOME IN N.C. — NEW ROOF/2019 (GIFT)</u>	<u>Appox</u> \$ <u>7000.00?</u>	\$ <u>0</u>
Food	\$ <u>0</u>	\$ <u>0</u>
Clothing	\$ <u>0</u>	\$ <u>0</u>
Laundry and dry-cleaning	\$ <u>0</u>	\$ <u>0</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>0</u>

	You	<i>N/A</i> Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>0</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>0</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>0</u>
Life	\$ <u>0</u>	\$ <u>0</u>
Health	\$ <u>0</u>	\$ <u>0</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>0</u>
Credit card(s)	\$ <u>0</u>	\$ <u>0</u>
Department store(s)	\$ <u>0</u>	\$ <u>0</u>
Other: <u>N/A</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>0</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>0</u>
Other (specify): <u>Property MANAGEMENT</u> <u>CENTRAL</u> <u>(RENTAL)</u>	\$ <u>90.00</u>	\$ <u>0</u>
Total monthly expenses:	<u>Appox. \$ 860.00</u> <u>Appox. + 90.00</u> <u>Appox. 950.00</u>	\$ <u>0</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

Yes

No

If yes, describe on an attached sheet.

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form? Yes No

If yes, how much? N/A

If yes, state the attorney's name, address, and telephone number:

N/A

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

Yes

No

If yes, how much? N/A

If yes, state the person's name, address, and telephone number:

N/A

12. Provide any other information that will help explain why you cannot pay the costs of this case.

*SEE ATTACHED IFP GRANTED (Doc. 10) 2:19-cv-00052-KGB
SEE ATTACHED (Doc. 6) IFP request GRANTED at (Doc. 10)*

I declare under penalty of perjury that the foregoing is true and correct. *UNDER/§ 1746
28 U.S.C.), TO THE BEST OF MY KNOWLEDGE.*

Executed on: SEPTEMBER 17th 19


(Signature)

FILEDU.S. DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

UNITED STATES DISTRICT COURT

for the

Eastern District of Arkansas

JUN 03 2019

Matthew L Staszak Reg #24227-171

JAMES W. MCGORMACK, CLERK
By: *AB*

Plaintiff/Petitioner

DEP CLERK

v.

Civil Action No.

2:19-cv-00052-KGB-PSH

USA; DARLENE GALLARDO

Defendant/Respondent

APPLICATION TO PROCEED IN DISTRICT COURT WITHOUT PREPAYING FEES OR COSTS
(Short Form)

I am a plaintiff or petitioner in this case and declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief requested.

In support of this application, I answer the following questions under penalty of perjury:

1. *If incarcerated.* I am being held at: FCC FORREST CITY - Low

If employed there, or have an account in the institution, I have attached to this document a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months for any institutional account in my name. I am also submitting a similar statement from any other institution where I was incarcerated during the last six months.

2. *If not incarcerated.* If I am employed, my employer's name and address are:

My gross pay or wages are: \$ 0.00, and my take-home pay or wages are: \$ 0.00 per
(specify pay period) N/A.

3. *Other Income.* In the past 12 months, I have received income from the following sources (check all that apply):

(a) Business, profession, or other self-employment	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(b) Rent payments, interest, or dividends	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
(c) Pension, annuity, or life insurance payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(d) Disability, or worker's compensation payments	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(e) Gifts, or inheritances	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
(f) Any other sources	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

If you answered "Yes" to any question above, describe below or on separate pages each source of money and state the amount that you received and what you expect to receive in the future.

*My family gifts me funding on my Commissary Account in pieces of between 100⁰⁰ to 200⁰⁰ a month this is for Commissary expenses while incarcerated.
I have around \$800.00 on my prison account.*

AO 240 (Rev. 07/10) Application to Proceed in District Court Without Prepaying Fees or Costs (Short Form)

4. Amount of money that I have in cash or in a checking or savings account: \$ UNKNOWN.

5. Any automobile, real estate, stock, bond, security, trust, jewelry, art work, or other financial instrument or thing of value that I own, including any item of value held in someone else's name (describe the property and its approximate value):

HOME IN RICHLANDS, NORTH CAROLINA (rented)

MARKEET VALUE OF HOME \$145,000.00 (Appox value).

6. Any housing, transportation, utilities, or loan payments, or other regular monthly expenses (describe and provide the amount of the monthly expense):

UPKEEP/MORT PAYMENTS on Home

*AROUND \$800.00 a month This includes insurance,
property taxes and upkeep.*

7. Names (or, if under 18, initials only) of all persons who are dependent on me for support, my relationship with each person, and how much I contribute to their support:

(NONE)

8. Any debts or financial obligations (describe the amounts owed and to whom they are payable):

HOME IN NORTH CAROLINA

(VA) HOME LOAN

OWE AROUND \$ 115,000 - 120,000.00 on NOTE.

Declaration: I declare under penalty of perjury that the above information is true and understand that a false statement may result in a dismissal of my claims.

Date: 5/30/2019

Matthew J. Staszak
Applicant's signature

MATTHEW J. STASZAK
Printed name

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION

MATTHEW STASZAK
Reg. #24227-171

PLAINTIFF

v.

No: 2:19-cv-00052 KGB-PSH

USA; DARLENE GALLARDO

DEFENDANTS

ORDER

Plaintiff Matthew Staszak, a federal inmate incarcerated at the Forrest City Low Federal Correctional Institution (the “Forrest City FCI”), filed this action on May 9, 2019 (Doc. No. 1). Staszak filed an Amended Complaint on June 19, 2019, asserting claims under *Bivens v. Six Unknown Agents of the Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) (“Bivens”), and the Federal Tort Claims Act (“FTCA”) (Doc. No. 9). Staszak has paid the filing and administrative fees in full (Doc. No. 4). On June 3, 2019, Staszak filed a motion to proceed *in forma pauperis* for the purpose of obtaining assistance with service of his lawsuit (Doc. No. 6). That motion is GRANTED. The Clerk is directed to prepare a summons for Defendant United States of America and Darlene Gallardo. The U.S. Marshal is directed to serve the summonses, the Amended Complaint (Doc. No. 9), and this Order on the United States of America through the United States Attorney for the Eastern District of Arkansas, the United States Attorney General, and Gallardo at the Forrest City FCI¹ without prepayment of fees and costs or security therefor.

Staszak’s request to receive certified mail from the Court is denied.

¹ If Gallardo is no longer a federal employee, the individual responding to service shall file, with the return of unexecuted service, a **SEALED** Statement providing the last known private mailing address for Gallardo.

IT IS SO ORDERED this 21st day of June, 2019.



UNITED STATES MAGISTRATE JUDGE