

19-6473

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.
FILED

OCT 16 2019

OFFICE OF THE CLERK

GELU TOPA — PETITIONER
(Your Name)

VS.

C. O. TEOFILIO MELENDERZ, ET AL 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):

U. S. DISTRICT COURT, MIDDLE DISTRICT OF FLORIDA (FORT MYERS)
U. S. COURT OF APPEALS, ELEVENTH CIRCUIT (ATLANTA, GEORGIA)

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: _____
_____, or

a copy of the order of appointment is appended.

Gelu Topa

RECEIVED	(Signature)
NOV 1 - 2019	OCT 21 2019
OFFICE OF THE CLERK SUPREME COURT, U.S.	OFFICE OF THE CLERK SUPREME COURT, U.S.

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

I, GELU TOPA, 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>900</u>	\$ <u>—</u>	\$ <u>800</u>	\$ <u>—</u>
Self-employment	\$ <u>NO</u>	\$ <u>—</u>	\$ <u>NO</u>	\$ <u>—</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Interest and dividends	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Gifts	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Alimony	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Child Support	\$ <u>0</u>	\$ <u>—</u>	\$ <u>—</u>	\$ <u>—</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Unemployment payments	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</u>
Total monthly income:	\$ <u>0</u>	\$ <u>—</u>	\$ <u>0</u>	\$ <u>—</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
<u>A-OK TRANSPORTATION SON</u>	<u>MARCO IS - NAPLES FLORIDA</u>	<u>FEB-2018</u> <u>APR - 2019</u>	<u>\$ 900</u> <u>\$</u> <u>\$</u>

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
_____	_____	_____	<u>\$</u> _____
_____	_____	_____	<u>\$</u> _____
_____	_____	_____	<u>\$</u> _____

4. How much cash do you and your spouse have? \$ 80

Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<u>CHECKING</u>	<u>\$ 100</u>	<u>\$ _____</u>
	<u>\$ 1,292.20</u>	<u>\$ _____</u>
	<u>\$</u>	<u>\$ _____</u>

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

Home
Value 0

Other real estate
Value 0

Motor Vehicle #1
Year, make & model VIX- 2008
Value 1500 \$

Motor Vehicle #2
Year, make & model DODGE - 1996
Value 100 \$

Other assets
Description _____
Value 0

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
0	\$ 0	\$ —
	\$	\$
	\$	\$

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
G. V. T	SON	16

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)	\$ 500	\$ —
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and <u>telephone</u>)	\$ 43	\$ —
Home maintenance (repairs and upkeep)	\$ 0	\$ —
Food	\$ 150	\$ —
Clothing	\$ 0	\$ —
Laundry and dry-cleaning	\$ 0	\$ —
Medical and dental expenses	\$ 0	\$ —

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>40</u>	\$ <u>—</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>—</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>—</u>
Life	\$ <u>0</u>	\$ <u>—</u>
Health	\$ <u>20</u>	\$ <u>—</u>
Motor Vehicle	\$ <u>100</u>	\$ <u>—</u>
Other: _____	\$ <u>0</u>	\$ <u>—</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>0</u>	\$ <u>—</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>—</u>
Credit card(s)	\$ <u>0</u>	\$ <u>—</u>
Department store(s)	\$ <u>0</u>	\$ <u>—</u>
Other: _____	\$ <u>0</u>	\$ <u>—</u>
Alimony, maintenance, and support paid to others	\$ <u>304 10</u>	\$ <u>—</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>0</u>	\$ <u>—</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>—</u>
Total monthly expenses:	\$ <u>1157 10</u>	\$ <u>—</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? _____

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

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? _____

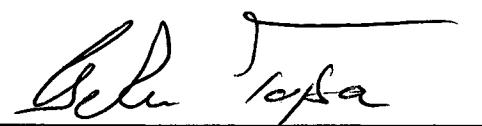
If yes, state the person's name, address, and telephone number:

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

BEHIND THIS PAGE 6 LIKE I MARKED IT IN THE
LOWER RIGHT CORNER FOLLOWS PAGE NR 6A
WHERE I EXPLAIN MY SITUATION, WHY I CANNOT PAY.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Oct. 16, 2019


(Signature)

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

On 22nd March/2013, after 5 months in jail, police told me to check in homeless shelter because I don't have anything, he moved my wife and my son. Before I was arrested, I was on workman compensation, I had 2nd inguinal hernia surgery, epidural on my spine, therapy, medication. I had vertigo and workman comp. didn't want to pay because was not related to my injury at work so one time doctor told me how to heal myself but I never recover completely. I went with my public defender Christina Merritt in front of the judge to change my plea how she promised me but she became a lawyer herself and could not help me. I went to public defender office to defend me. They knew I am a victim, so they try to bargain with me. They told me I don't have anything if I leave them alone. I refuse and I told them somebody has to pay for what they did to me. They told me, they cannot help me because is: Conflict of interest. Because I decided to seek justice by myself they put a big load on my back so I cannot do it. They make me spend thousands and thousands of \$ on doctors, therapists, 6 months on David Lawrence and they put 2 years of probation fraugelant and that's a lie but they did it, so I cannot sue the Public Defender Office, so they made sure the statutes of limitation expire. In 2015 I had to pay 5000\$ child support to my wife, if not they will put me in jail and will take my driver license and my car. I slept in all kind of cheap places, for more than 2 years I worked in a shop where they cut granite and I slept there where I inhale a lots of dust and I end up at Physician's Regional and the doctor told me to change work and because of heavy lifting my mesh hernia was hurting me. I went for driving. In June/2019 after 4 days of excruciating back pain, I end up at Physician's Regional again. I had moments when I couldn't take it anymore, I was almost to give up on my life but one thing keeps me fighting and that's my son. I did not see him for 7 years and I want to see him so bad, he gives me the power to fight my wife's lawyer which is a Michael Avenati like and he used his "detective" like my wife said in the police report but he is only a corectional officer to arrest me, they destroy my family and my life. But I still have hopes one day I will get justice that I deserve. This is only a small percentage where I went through and I am still going, that's why I cannot afford to pay the cost of my case.



October 29, 2019

GELU TOPA
PO BOX 111381
NAPLES, FL 34108

Dear : Gelu Topa

This letter is to indicate that the Customer named above has the following deposit accounts with Wells Fargo Bank, N.A.

Account Number (Last 4-digits)	Date Opened	Current Balance*
3596	11/03/2008	\$2,291.22
	Relationship Start 1998	

*The Current Balance provided above is the opening available balance as of the date of this letter but such balance does not include any uncollected items and/or amounts that have not yet been posted to such account as of the date hereof.

Important Disclosures

The recipient of this information hereby acknowledges that Wells Fargo ("we", "us") does not represent or warrant that the information provided herein is complete or accurate, and any errors or omissions in the information shall not be a basis for a claim against us. This information may not disclose the entire relationship the Customer maintains with us.

This information is subject to change at any time without notice. We are not obligated to notify the recipient of any change in this information, or if any deposit account relationship referenced herein is, or is in the process of being, modified, terminated, or cancelled, unless we are required to do so by law or under the terms of the applicable deposit account agreement.

This letter does not constitute a guaranty of future balances or credit support of any nature, nor do we accept any duty, responsibility, liability or obligation that may arise from providing this letter, including any reliance upon the information or for any loss or damage that may result.

If you have any questions, please contact me at: **(239) 389-3001**

A representative will be happy to assist you, as follows:

Monday - Thursday:	Open	9:00 AM	Close	5:00 PM	Eastern Time
Friday:	Open	9:00 AM	Close	5:00 PM	Eastern Time
Saturday:	Open	0:00 AM	Close	0:00 PM	Eastern Time

Thank you. We appreciate your business.

Sincerely,

Elisabeth Joseph Andre
Banker
Marco Island Branch