

No. 19-6585

IN THE  
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.  
FILED

OCT 23 2019

OFFICE OF THE CLERK

GELU TOPA — PETITIONER  
(Your Name)

VS.

OFFICERS R. KERBS 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  
(Signature)

RECEIVED

OCT 29 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

I, GELU TOPF, 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>—</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>0</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>
<b>Total monthly income:</b>	\$ <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</u>	<u>MARCO IS.</u>	<u>FEB / 2018</u>	\$ <u>300</u>
<u>TRANSPORTATION</u>	<u>NAPLES</u>	<u>APR / 2019</u>	\$ _____
	<u>FLORIDA</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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

4. How much cash do you and your spouse have? \$ 65  
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>2292.20</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 2008/VW  
Value 2500\$

☐ Motor Vehicle #2  
Year, make & model BOATGE/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.

SON

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\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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? ☐ Yes ☐ No

Is property insurance included? ☐ Yes ☐ No

Utilities (electricity, heating fuel,  
water, sewer, and telephone)

\$ 43

\$ —

Home maintenance (repairs and upkeep)

\$ 0

\$ —

Food

\$ 150

\$ 7

Clothing

\$ 0

\$ 7

Laundry and dry-cleaning

\$ 0

\$ 7

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<sup>10</sup></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>
<b>Total monthly expenses:</b>	\$ <u>1157<sup>10</sup></u>	\$ <u>—</u>

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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 AS I MARKED 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: X

OCT / 23<sup>RD</sup>, 2019

X

John Topa

(Signature)

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6A

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

On 22<sup>nd</sup> 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 2<sup>nd</sup> 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 <sup>to do</sup> 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 statues 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.

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