

IN THE SUPREME COURT OF THE UNITED STATES

ACHARAYYA “RUDY” RUPAK,

PETITIONER,

- vs -

UNITED STATES OF AMERICA,

RESPONDENT.

**MOTION FOR LEAVE TO PROCEED
*IN FORMA PAUPERIS***

Consistent with Rule 39 of this Court, Petitioner, Acharayya “Rudy” Rupak, asks for leave to file the attached Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit without prepayment of fees or costs and to proceed *in forma pauperis*. Although he had retained counsel below, he owes a restitution judgment of \$319,675 and a \$10,000 fine. He now has a negative net worth, as reflected in the attached Form 4 Affidavit.

Respectfully submitted,

/s John C. Lemon

JOHN C. LEMON
1350 Columbia St. Suite 600
San Diego, California 92101
Attorney for Petitioner

Dated: January 6, 2020

IN THE SUPREME COURT OF THE UNITED STATES

ACHARAYYA "RUDY" RUPAK,

PETITIONER,

- VS -

UNITED STATES OF AMERICA,

RESPONDENT.

FORM 4 AFFIDAVIT ACCOMPANYING MOTION FOR PERMISSION TO FILE
IN FORMA PAUPERIS

Affidavit in Support of Motion	Instructions
I swear or affirm under penalty of perjury that, because of my poverty, I cannot prepay the docket fees of my appeal or post a bond for them. I believe I am entitled to redress. I swear or affirm under penalty of perjury under United States laws that my answers on this form are true and correct. (28 U.S.C. § 1746; 18 U.S.C. § 1621.)	Complete all questions in this application and then sign it. Do not leave any blanks: if the answer to a question is "0," "none," or "not applicable (N/A)," write in that response. If you need more space to answer a question or to explain your answer, attach a separate sheet of paper identified with your name, your case's docket number, and the question number.
Signed: <u>OK [Signature]</u>	Date: <u>2/2/2020</u>

My issues on appeal are:

1) The denial of my right to the retained counsel of my choice.

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	\$	\$	\$	\$
Self-employment	\$ 9,000 (approx)	893	\$ 10,000	\$
Income from real property (such as rental income)	\$	\$ 120K*	\$	\$
Interest and dividends	\$	\$	\$	\$
Gifts	\$	\$	\$	\$
Alimony	\$	\$	\$	\$
Child support	\$	\$	\$	\$
Retirement (such as social security, pensions, annuities, insurance)	\$	\$	\$	\$
Disability (such as social security, insurance payments)	\$	\$	\$	\$
Unemployment payments	\$	\$	\$	\$
Public-assistance (such as welfare)	\$	\$	\$	\$
Other (specify):	\$	\$	\$	\$
Total monthly income:	\$ 9,000	\$ 893	\$	\$

* 1 time settlement, sale of property

2. List your 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
Maxenet studio (self employed)	4500 Park Granada, Calabasas	Since 2014	\$ 9,000 (approx)
	CA, 91302		\$
			\$

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
Unemployed (ssdi)			\$ 893
			\$
			\$

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

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
Wells Fargo	Checking	\$ 40	\$
CITI BANK		\$	\$ 36,000*
		\$	\$

* TAX RESERVE for 2018+2019
If you are a prisoner seeking to appeal a judgment in a civil action or proceeding, you must attach a statement certified by the appropriate institutional officer showing all receipts, expenditures, and balances during the last six months in your institutional accounts. If you have multiple accounts, perhaps because you have been in multiple institutions, attach one certified statement of each account.

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

Home	Other real estate	Motor vehicle #1
(Value) \$ 1,100,000	(Value) \$	(Value) \$ Lease
24809 Calle Cedro Calabasas CA 91302		Make and year: Acura 2017
		Model: RDX
		Registration #:

Motor vehicle #2	Other assets	Other assets
(Value) \$ Lease	(Value) \$ 1,000	(Value) \$ 9,600
Make and year: Mercedes 2019	Jewelry	Furniture/
Model: CLE		Personal effect
Registration #:		

2,000
Artworks

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
	\$	\$
	\$	\$
	\$	\$
	\$	\$

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

Name [or, if under 18, initials only]	Relationship	Age

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, semiannually, or annually to show the monthly rate.

	You	Your Spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ 4,200	\$
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)	\$ 1,150	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$ 800	\$
Clothing	\$ 200	\$
Laundry and dry-cleaning	\$	\$
Medical and dental expenses Medication	\$	\$ 1,200(approx)
Transportation (not including motor vehicle payments)	\$ 430	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$	\$
Life:	\$ 620	\$
Health:	\$ 500	\$
Motor vehicle:	\$ 400	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$ 900 (approx)	
Credit card (name):	\$ 100	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$	\$
Other (specify):	\$ 150 (gasoline)	
Total monthly expenses:	\$ 9,450	\$ 1,200

Please note I have a very ill daughter who we support for \$750/month

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 spent — or will you be spending — any money for expenses or attorney fees in connection with this lawsuit? ☒ Yes ☐ No

If yes, how much? \$ 10,000 +

11. Provide any other information that will help explain why you cannot pay the docket fees for your appeal.

I owe a restitution judgment of \$319,675 and a \$10,000 fine.

12. State the city and state of your legal residence.

Your daytime phone number: 805 637 6800

Your age: 52 Your years of schooling: BTech

Last four digits of your social-security number: 8653

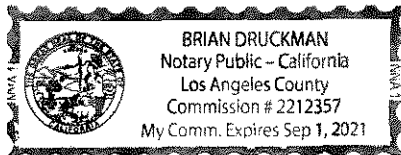
(As amended Apr. 24, 1998, eff. Dec. 1, 1998; Apr. 28, 2010, eff. Dec. 1, 2010; Apr. 16, 2013, eff. Dec. 1, 2013.)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of LOS ANGELES

Subscribed and sworn to (or affirmed) before me on this 2nd
day of January, 2020, by Rupak Acharya

proved to me on the basis of satisfactory evidence to be the
person(s) who appeared before me.



(Seal)

Signature 