

No. 19-8834

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Monosij Dutta-Roy PETITIONER
(Your Name)

VS.

Jysk Bed'N Linen DBA By Design 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):

Eleventh Circuit (First and Second Appeals, in this case, from the Northern Dist. of Georgia)

Gwinnett Magistrate (Supplemental, to this case, an Early Termination Landlord/ Tenant)

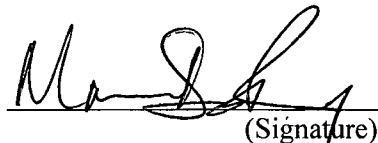
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ 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: _____

☐ A copy of the order of appointment is appended.


(Signature)

RECEIVED
JUN 26 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

FILED
JUN 22 2020
OFFICE OF THE CLERK
SUPREME COURT, U.S.

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

I, **Monosij Dutta-Roy**, 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	\$	\$	\$	\$
Self-employment	\$ 2000.00	\$	\$	\$
Income from real property (such as rental income)	\$	\$	\$	\$
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):	\$ 1200/- (GA)	\$	\$	\$
Pandemic Unempl. Asst.:	\$ 2000/- (US)			
Total monthly income:	\$ 2000.00	\$	\$	\$

Please Note: I have averaged my income to be about \$2000.00, primarily as a food delivery driver, very variable by pandemic. My \$3,200/ month pandemic asst. will be \$1,200/ mo after July – and therefore not incl. In total. **Attached additional notes.**

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
Cognosos, Inc.	1100 Spring Street NW Suite 300A, Atlanta, GA 30309	APR. 2019 – JUL. 2019	\$ 6,500.00
Doordash, Inc.	901 Market St Suite 600, San Francisco, CA, USA, 94103	NOV.2017 – current Variable	\$ 1,200.00
Zifty Global LLC	Zifty Global LLC, 1220 Spring St NW, Atlanta, GA 30309	MAR.2018 – current Variable	\$ 300.00

Please see attached note on Employment History.

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
Single – N/A			\$
			\$
			\$

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
SunTrust Bank	Checking	\$ 500.00	\$
Charles Schwab	Brokerage	\$ 4,750.00	\$
Robinhood	Brokerage	\$ 1,800.00	\$

Approximated and please see attached note on Financial Institution.

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) \$	(Value) \$	(Value) \$ 1,000.00
		Make and year: Honda 1998
		Model: Civic EX
		Registration #: BW496B

Motor vehicle #2	Other assets	Other assets: Furniture
(Value) \$	(Value) \$	(Value) \$ 3,000.00
Make and year:		
Model:		
Registration #:		

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
None	\$	\$
	\$	\$
	\$	\$
	\$	\$

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

Name [or, if under 18, initials only]	Relationship	Age
Mr. Sujit Dutta-Roy (send monthly)	Uncle in India.	82
I have needed to help additional people during this pandemic/ cyclone in Kolkata, where my family resides.	Uncles, Aunts in India.	

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) Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$ 450.00	\$
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 70.00	\$
Home maintenance (repairs and upkeep)	\$	\$
Food	\$ 300.00	\$
Clothing	\$ 100.00	\$
Laundry and dry-cleaning	\$ 75.00	\$
Medical and dental expenses	\$ 42.00	\$
Transportation (not including motor vehicle payments)	\$ 150.00	\$
Recreation, entertainment, newspapers, magazines, etc.	\$	\$
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's:	\$ 30.00	\$
Life:	\$	\$
Health:	\$ 42.00	\$
Motor vehicle:	\$ 75.00	\$
Other:	\$	\$
Taxes (not deducted from wages or included in mortgage payments) (specify):	\$	\$
Installment payments		
Motor Vehicle:	\$	\$
Credit card (name):	\$	\$
Department store (name):	\$	\$
Other:	\$	\$
Alimony, maintenance, and support paid to others	\$	\$
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ Attached.	\$
Other (specify): Self-Storage	\$ 45.00	\$
Total monthly expenses:	\$1,380.00	\$

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

If yes, how much? \$ **Please see attached note.**

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? \$ _____

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

Please see attached note.

ADDITIONAL EXPLANATION ON ANSWERS

1. Income.

This litigation has been going on since September 2012. As the case filings shown in the Petition for Certiorari – the case has gone through **seven courts by intertwined tortious actions, by which I have lost my home.**

I have lost significant income through these various tortious actions against me, but with regards to this question – I have lost the ability to earn my living as a software engineer in having to represent myself, despite trying my best to find an attorney.

Fortunately, I had a job in software engineering, my primary field, from April 2019 – July 2019 where I earned about \$6,500.00/ mo gross. This was my first software eng. job since 2013.

Mostly, since August 2017, I have been working as a food delivery driver with Zifty and DoorDash, and my delivery income, about \$1,500.00/ mo, has been \$0 in the months of early March and part of April. I have shown an income of \$2,000.00/ mo for the last 12 months, as my average was much amplified by the software eng. job for the few months.

As I noted, I am making an additional \$3,200.00 in Pandemic Unemployment Asst. for the last two months and it will become \$1,200/ month after July. I am trying to save this money as much as possible, used it to pay off some debts, and also helped out some family members in India who urgently in needed help by the cyclone.

In that, my car is 20+ years old, much of my income has gone towards maintenance of my car in 2019 and 2020, especially in that it is my main source of income dependence. Without my car I would be in very difficult circumstances as I needed the flexibility of gig-working in food delivery to continue this litigation.

1. Employment History.

Since my principal income is as a gig worker in food delivery, I have approximated my actual monthly income, for DoorDash + Zifty to be about \$1,200/ mo shown as \$1,200 + \$300.00 as I mainly deliver for DoorDash.

As noted before, my temporary software eng. job with Cognosos in the 3.5 months in 2019 much boosted my average income for the past 12 months, but it was because of this litigation that I have not been able to continue it

4. Financial Institution.

This is the first time in a while, that I have three bank accounts – in two brokerage accounts.

I have mainly had my SunTrust account the last five years. I was able to save some of the pandemic assistance to invest some money in my Schwab account which I had from before, but with a zero balance. I opened the Robinhood account to try some of the benefits it affords to low

income investors, but also to view some of the great software engineering designs it employs.

7. Regular expenses for operation of business, profession, or farm (attach detailed statement).

As noted, I had to spend much amounts to get my car some major repairs from May 2019 to February 2020, just before pandemic. The total cost of those repairs were about \$3,000.00. I will be spending an additional \$3,500.00 to replace my suspension/ tires in the next month as it is urgently needed.

In that I am always worried that my car may suddenly quit, robbing me of any income, while I fought the litigation, I had to make sure that the car engine was well maintained. The car needs to be replaced of course, but I had no choice, but to use the flexibility provided by gig delivery jobs in the evenings, to work on my litigation during the day. My credit is much tarnished to be able to try to get an auto loan.

I also had some debt, traffic ticket, I had to pay off and in that regard I made payments of \$1,200.00 in May, also not reflected here.

Finally, I have a debt to IRS for about \$8,000.00 and due to my current circumstances, it is now on hold.

Thus the monthly expenses, truly do not reflect what I have sometimes needed to spend on my car.

10. Attorney's Fees in connection with this lawsuit.

When the lawsuit started in September 2012, I had paid about \$5,000.00 with an attorney to help win the matter as I believed I had a solid case. However, I could not afford to keep paying and I proceeded *pro se.*, still owing about \$5,000.00 to my attorney, a debt he has cancelled.

In the time it has taken, I have learnt much about law and still believe I should win. I tried significantly in 2015/ 2016 again to retain an attorney but was unable to.

I had motioned the courts twice at District Court and 11th Cir. to appoint me an attorney, but was denied. At this point I have resigned to filing on my own, but have again requested SCOTUS, by this certiorari to please grant me an attorney to represent myself better.

12. Any other information.

I hope you will please note comprehensively that while I do have a little sum in my account to perhaps pay the fees, given the uncertainty of the situations I face, by this litigation and overall current circumstances, I need to try and be conservative, especially in some of the car repairs I need to undertake.

Thank you for consideration of my IFP.

Monosij Dutta-Roy