

No. 21 - 6829

ORIGINAL

FILED

JAN 06 2022

IN THE

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

SUPREME COURT OF THE UNITED STATES

Ibrahim Donmez - Petitioner

v.

NYC Department of Consumer Affairs, et al. - Respondents

**On Petition for Writ of Certiorari to the
United States Court of Appeals for the Second Circuit**

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

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RECEIVED

JAN 11 2022

**OFFICE OF THE CLERK
SUPREME COURT, U.S.**

I, Ibrahim Donmez, respectfully ask leave to file my petition for a writ of certiorari without prepayment of costs and to proceed in forma pauperis.

On September 29, 2020, the District Court granted me leave to proceed in forma pauperis in this case.

Court of Appeals allowed me to proceed in forma pauperis in this case.

The first question of my petition is about the forma pauperis dismissal procedures in Section 1915.

I have not paid and I will not be paying an attorney any money for services in connection with this case, including the preparation of this motion.

I have not paid and I will not be paying anyone else (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this motion.

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

INCOME

On December 10, 2021, I had inguinal hernia surgery.

Due to the fact that I was recovering from the surgery, I could not do any work including the house chores and spending time with my child for about 3 weeks.

Due to the fact that I spent more than 120 hours to prepare his petition, I do not know how much I earned in 2021 from my self-employment. It takes a lot of time to study the law and prepare these documents according to the format requested by this Court. Civil litigants do not have the right to an attorney.

I believe I earned less than \$15,000 from self-employment in 2021 but I need to find the time to sit down and calculate to be sure. I have not filed my 2021 tax returns yet.

I earned \$0 from self-employment in 2020. The pandemic destroyed my small business in 2020.

My net loss from self-employment was around \$2,421 in 2020.

I received \$2,285 (after deducted taxes) in unemployment benefits in 2020.

The \$2,285 I received in unemployment benefits did not even pay for my business losses (due to storage/garage costs) in 2020.

One of the factors that prevented me from timely filing weekly applications for unemployment benefits was this case. I spent a very significant amount of time for this case: many months (hundreds of hours).

I do not have income from real property.

I do not have income from any interest and dividends.

I do not have any gift from anyone.

I do not receive any alimony.

I do not receive any child support.

I do not have any retirement income.

I do not receive any disability income.

I do not receive any unemployment income.

I do not receive any public assistance even though I am eligible.

I have a small pedicab business. I do not expect to earn income that is able to pay for my basic needs until May of 2022. It is not an all year round business. It is a seasonal business. If the pandemic worsens again, I will have to try to sell my pedicabs. I am hoping it will get better.

I will try to take the “Introduction to Programming” class from St. Petersburg College again this semester.

CASH

I have around \$1,177 in my Chase Bank account as of December 5, 2021.

I have around \$55 in my Venmo account as of December 5, 2021.

I have around \$48 in my PayPal account as of December 5, 2021.

I have around \$1,280 total in my accounts.

This \$1,280 is the amount that is there before I print, bind, ship and serve the petition and the appendix.

I believe it will cost \$400 or more to print, bind, ship and serve the petition, meaning my cash balance will go below \$880 after printing, binding and serving the petition.

I will be spending the money that I owe to IRS (my tax debt) to print, bind, ship and serve the petition. I am pushing myself into more debt for this case.

ASSETS

I still have the same 2008 Honda Fit with about 100,000 miles on it. I declared this used car my wife purchased for \$3,500 to this Court in my 2017 forma pauperis motion. The title of the car has my name and my wife's name on it. Once again, I did not buy this car. My wife bought this car for me. I am still driving the same car and it is a basic transportation need. I take our son to school with it. I go to grocery store with it. It is a 14 year old car. It is not a luxury. It is a basic need.

I and my wife still own the title of the same house I declared in my forma pauperis motion in 2017. I and my wife and our son still live in this house that was purchased with mortgage for \$195,000. The house was purchased in 2017 and the mortgage payments have at least 25 more years to go. The house is the roof over my head. It is a basic need.

I own 13 pedicabs and I estimate the value of these 13 pedicabs is currently around \$10,000 total. I cannot sell these pedicabs to pay for the filing fees of this court because I earn money with these pedicabs. These pedicabs are my source of income. I sell advertising on them. Pandemic has been destructive.

MONEY OWED TO ME

Nobody owes me any money.

MONEY I OWE

I need to pay \$150 to the pedicab drivers for the rides that I was paid for.

I owe \$293.83 to Doctors Hospital of Sarasota for the deductibles of my inguinal hernia surgery that happened on December 10, 2021.

I owe \$442.41 to Tampa General Hospital for the deductibles of my tonsillectomy surgery that happened on June 21, 2021.

I owe \$217.36 to University of South Florida for the deductibles of my tonsillectomy surgery that happened on June 21, 2021.

I will have to continue paying storage and garage costs of my 13 pedicabs on April 1, 2022. I assume I will be paying around \$300 per month for storing/garaging my pedicabs.

I will have filling on my two molar teeth at the end of January of 2022 and the deductible of the fillings will cost around \$145.

I WILL BE DEPENDENT FOR THE NEXT 4-5 MONTHS

I am unable to work and pay for my basic needs because of this case. I am unable to invest in myself with an education because of the amount of time I have to spend for this case. I can take more programming classes but I cannot take more than one class because of this case. I am unable to work on projects or business ideas that I have because of the amount of time I have to spend for this case. This case literally ties up my life with the amount of time it requires.

I am unable to contribute to my household in the next 4-5 months.

I am unable to contribute to the approximately \$716 monthly mortgage payment of the house I live in. My wife will be paying.

I am unable to contribute to the approximately \$100 monthly electric bill of the house I live in. My wife will be paying.

I am unable to contribute to the approximately \$100 monthly electric bill of the house I live in. My wife will be paying.

I am unable to contribute to the approximately \$80 monthly water bill of the house I live in. My wife will be paying.

I am unable to contribute to the approximately \$100 monthly internet bill of the house I live in. My wife will be paying.

I am unable to contribute to the approximately \$110 monthly phone bill of the house I live in. My wife will be paying.

I am unable to contribute to the approximately \$800 monthly grocery expenses of the house I live in. My wife will be paying.

I am unable to afford the insurance of the car I drive. My wife pays for my car's insurance.

I am unable to get my car repaired if it breaks. My wife would help me with that.

I am unable to afford health insurance. My wife pays for my health insurance.

I am unable to afford dental insurance. My wife pays for my dental insurance.

I hope to be able to pay for property taxes (around \$2,500) that are due at the end of 2022.

I am unable to pay for the basic needs of life.

I am legally eligible for welfare but I refuse to be on welfare.

I want to earn income and change the course of my life but this case ties up my time significantly.

MY WIFE'S FINANCES

My wife is an associate professor at the University of South Florida and she earns around \$65,000 per year before taxes.

My wife is already paying the cost of this case by paying for my basic needs.

I do not see any authority in Section 1915 that can force me to ask my wife how much she has in her bank account.

I never ask my wife how much she has in her bank account other than the times I declared to the courts. She has been nice about it but sorry I am not asking her how much she has in her bank account. That is just too invasive and rude.

I know she can afford the printing and the filing cost of this petition however I also know that she cannot afford the printing, the filing and the service cost of my upcoming case before the District Court which has not even started yet. No summons was issued. She is not the petitioner. I am the petitioner.

There is nothing in Section 1915 that can force my wife to pay my petition's costs.

This Court knows that it cannot order my wife to pay the costs of this case especially when I declare under penalty and perjury that my wife will be paying for my basic life needs.

I also know that I cannot legally force her to pay my petition's costs.

The case has not even started yet in the District Court because the District Court judge decided not to read my case and tried to block my access to court by trying to limit my amended complaint to 20 pages without even reading my complaint. No summons was issued. The record of the case is over 3,000 pages and there will be more than 40 defendants in my amended complaint. The record of the case includes the record of the cases this Court refused to review in 2017.

THIS COURT'S ARBITRARY DENIAL IN 2017

This Court arbitrarily denied my forma pauperis motion in 2017.

This Court is the only court in the United States that denied my forma pauperis motion.

I would not have filed a forma pauperis motion if I could afford the fees. I have to pay for the basic needs of my life first. If I cannot afford health insurance, I should be able to ask this Court to waive my filing fees. I know that filing fees are very minor expenses for the highest court in the land. I only asked for meaningful access to courts. I did not even ask for an attorney. I will ask for an attorney this time because Congress allows me to ask for an attorney from this Court.

This Court's 2017 denial of my forma pauperis motion did not state a single fact from my motion and did not contain any review.

I do not know whether this Court denied my forma pauperis motion or my wife's forma pauperis motion. My wife was not the petitioner and there was no review in the denial.

My wife does not have to pay for all this systematic judicial bias and due process deprivations when the record keeps getting more and more bloated.

I am not upset with the fact that this Court denied my petitions in 2017 however I am very upset with the fact that this Court denied my forma pauperis motion because that denial was arbitrary.

I was able to pay the filing fees and the additional printing costs after this Court denied my forma pauperis motion only because I signed an advertising contract with Netflix around the time this Court denied my forma pauperis motion. It was not my wife who paid this Court's filing fees in 2017.

I do not see the possibility of another Netflix campaign in the next 8 months. We are now in the winter. Those were the good old days before the pandemic.

If this Court denies my forma pauperis motion again, I will not be able to pay the filing fees and the additional printing costs and I just cannot ask my wife to pay for petition because I will feel too embarrassed and she cannot afford to pay for my basic needs and my court costs as well. She does not have to. She should not be forced to. She cannot afford the cost of the upcoming district court proceedings that have not even started yet.

If this Court denies my forma pauperis motion again, this Court will effectively block me from accessing this Court only because of my financial circumstances that this case exacerbated, not because my petition does not have any merit.

The upcoming district court proceedings will cost thousands of dollars with printing and service costs as my amended complaint will be over 2,000 pages and there will be more than 40 defendants. This is the cost just to print and serve the amended complaint on the defendants. That is the cost just to start the case. Even my wife cannot afford this case with her assistant professor salary of around \$65,000.

**ADKINS V. EI DUPONT DE NEMOURS & CO., 335 U.S. 331
(U.S. SUPREME COURT 1948)**

Having the title of a house that requires mortgage payments for 25 more years is not a sign of wealth. This Court accepted the forma pauperis motion of a homeowner who was collecting “rent from parts of her home” See Adkins v. EI DuPont de Nemours & Co., 335 U.S. 331 (U.S. Supreme Court 1948)

My main argument in this forma pauperis motion, since there is an established precedent, is that the case I filed in the District Court in 2020 has not even started yet and will cost thousands of dollars. I am tying my “inability to pay to a fixed cost”. See Adkins v. EI DuPont de Nemours & Co., 335 U.S. 331 (U.S. Supreme Court 1948) of the upcoming District Court proceedings.

I do not have to “be absolutely destitute to enjoy the benefit of the statute” See Adkins v. EI DuPont de Nemours & Co., 335 U.S. 331 (U.S. Supreme Court 1948)

“To say that no persons are entitled to the statute's benefits until they have sworn to contribute to payment of costs, the last dollar they have or can get, and thus make themselves and their dependents wholly destitute, would be to construe the statute in a way that would throw its beneficiaries into the category of public charges. The public would not be profited if relieved of paying costs of a particular litigation only to have imposed on it the expense of supporting the person thereby made an object of public support. Nor does the result seem more desirable if the effect of this statutory interpretation is to force a litigant to abandon what may be a meritorious claim in order to spare himself complete destitution.” See Adkins v. EI DuPont de Nemours & Co., 335 U.S. 331 (U.S. Supreme Court 1948)

Section 1915 is very broad in terms of meaningful access to courts. It requires the officers of the court to issue and serve all process for the cases that have merit. It even gives discretion to the Court to assign a pro bono attorney for the cases that have merit. The filing fees are very minor expenses as discussed in the oral arguments in Neitzke v. Williams, 490 U.S. 319 (U.S. Supreme Court 1989)

I am asking something very minor from this Court after pushing myself more into debt at a financial state where I cannot even pay for the basic needs of life.

JUSTICE IS TOO EXPENSIVE

I worked very hard for this petition. I really hope this Court reviews my petition.

I cannot afford an attorney to deal with this abuse I am facing. I want to be a citizen of this country just like my wife and my child. I believe that I belong to this country.

In my 2017 forma pauperis motion, I stated to this Court that I was losing money because of the amount of time that I spent on preparing the petitions. I indeed lost a lot of money to prepare those petitions not because I paid the filing and printing fees later. I lost money because I just needed time to prepare and I had to give up work and income to seek justice.

After I stopped litigating, I started earning more money. These litigations are keeping me at poverty.

I want to get out of these litigations but I cannot because the City of New York employees filed bogus criminal charges which prevented me from filing an application for United States citizenship.

I want to get out of these litigations but I cannot because the District Court keeps subjecting me to bias and dismisses my cases without service and defendants' answer even though I know my cases have merits.

If summons was issued and service was made and the City of New York made a reasonable settlement offer, I would take it because my wife does not want me to stay in these litigations but she also knows that I had to file this case.

This case prevents me from trying to venture into new business ideas. I can code and build websites. A lot of my friends criticize me for continuing this litigation even though I have to continue. These friends of mine want to partner up with me to do business together. They would like me to apply my skills to earning money.

This case prevented me from concentrating on my studies when I was taking Introduction to Programming class from St. Petersburg College. I want to learn coding more and I am unable to fully focus on studying because of this case.

All I am writing here is very relevant because I want this Court to understand that it really costs a lot of time and mental energy to file complaints, motions, appeals and petitions without outside help. I am not trying to waste anyone's time over here. I just want to be heard and be left alone and be happy.

I want to put my energy towards my child, my family, my business, my ideas and learning new things. These cases drained my life energy.

I want to build an on demand ride app similar to Uber for pedicabs to help with the worsening traffic in New York City. I talk to my friends for a narrower and safer pedicab design that can weave through New York City's traffic. I want to solve New York City's traffic problems but New York City wants to put me in jail because I am an immigrant and I drive a pedicab. They know 99% of the pedicab drivers are working immigrants: easy target for them for their racist policies.

I know that this is casual language, not professional language but I would like this Court to understand that it costs a lot to file this case for me.

This Court has not discussed it before but some federal appellate courts have discussed what a non-prisoner litigant has to sacrifice to file a case. See Norman Grayson v. Mayview State Hospital, 293 F.3d 103 (3rd Circuit 2002)

In Gideon v. Wainwright, 372 U.S. 335 (U.S. Supreme Court 1963), this Court ruled that the Sixth Amendment of the U.S. Constitution requires U.S. states to provide attorneys to criminal defendants who are unable to afford their own.

I am not entitled to an attorney as a civil litigant but this Court should be aware of the sacrifice that I make to try to get myself heard. That sacrifice is my freedom and my time.

Congress wrote Section 1915 with a lot of available tools for meaningful access to courts. I will be asking this Court to assign an attorney as well.

In the light of the facts and legal arguments in this motion and affidavit, I respectfully request that this Court does not deny this forma pauperis motion even if the Court denies my motion to assign an attorney.

In the light of the facts and legal arguments in this motion and affidavit, I respectfully request that this Court does not deny this forma pauperis motion even if the Court denies my petition.

I, Ibrahim Donmez, am the petitioner in the case. In support of my motion to proceed in forma pauperis, I state that because of my financial circumstances and the legal arguments stated in this motion, I am unable to pay the additional costs of this case or to give security therefor; and I believe I am entitled to redress.

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

January 6, 2022
Tampa, Florida

Respectfully submitted,

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By: _____

IBRAHIM DONMEZ

