

No: _____

IN THE

SUPREME COURT OF THE UNITED STATES

NATANYA ISRAEL ABERRA--PETITIONER

VS

CITY OF NEW YORK--RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI

UNITES STATES COURT OF APPEALS SECOND CIRCUIT

NATANYA ISRAEL ABERRA

2075 3RD AVENUE
NEW YORK, N.Y.10029
APT# 6-c
646.345.1745

QUESTION(S) PRESENTED

- 1) Did the police behave in an abusive fashion?
- 2) Did the police violate Petitioner's civil rights?
- 3) Inasmuch as Judge Pandit-Durant reviewed the clear video footage of the events which led to Petitioner's arrest, and based upon this review, ruled that there was "no contact" with Petitioner's accuser, resulting in the case against Petitioner being promptly dismissed, did the City of New York behave in bad faith by: (a) continuing its claim that Petitioner was not exonerated; and (b) continuing to claim that video footage was "not clear?"
- 4) Even though the video footage clearly showed no contact between Petitioner and his accuser, did the City of New York act improperly in continuing its false imprisonment of Petitioner?
- 5) Was there evidence of a false report?
- 6) Was the Brady Materials Rule violated?

LIST OF PARTIES

Natanya Israel Aberra

City of New York

RELATED CASES

Alvarez v. City of Brownville

O'Neil v. Krzeminski, 839 F.2d, 9.11(2d Cir.1988)

TABLE OF CONTENTS

OPINIONS BELOW.....	1
TABLE OF AUTHORITIES	6
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....	7
STATEMENT OF THE CASE.....	8
REASONS FOR GRANTING THE WRIT.....	12
CONCLUSION.....	13

INDEX TO APPENDICES

Appendix A Court Decision	14
Appendix B Dismissal.....	15
Appendix C Court Pacer Record.....	16
Appendix D City's Examination Record.....	17
Appendix E Certificate of Service.....	18
Appendix F Jurisdiction.....	19
Appendix G Civil Court of NYC Small Claims Part.....	20
Appendix H Petition for Writ of Certiorari.....	21
Appendix I Forma Pauperis.....	22

TABLE OF AUTHORITIES CITED

CASES

Alvarez v. Brownville

Norasteh v. State of New York, 44 A.D. 3d 576 (1st Dept, 2007
NY PL 240.50, 240.55 and 24060

O'Neill v. Krzeminski, 839 F. 2d 9,11 (2nd Cir. 1988

People v. Rong He, 34 N.Y. 3d 956 (2019)

Sital v. City of New York. 60 A.D. 3d 465, 466 (1 Dep't 2009

STATUTES AND RULES

42 U.S.C. Civil Action 18 Civ. 1138 (LAK) (SLC) 06-30-2021

Brady, 373 U.S. at 87

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourth Amendment

42 U.S.C. 1983 Civil Action 18 Civ. 1138 (LAK) (SLC) 06-30-2021

STATEMENT OF THE CASE

Petitioner Natanya Israel Aberra, acting *pro se*, asserted a municipality claim against Respondents the City of New York (the “City”) under 42 U.S.C. 1983 Civil Action 18 Civ. 1138 (LAK) (SLC) 06-30-2021 arising from a false arrest and imprisonment that occurred on March 9, 2016.

On March 9, 2016, Petitioner went to the offices of Grant Associates, an employment agency then located on the 9th floor at 55 West Street, New York, N.Y. 10027, in an attempt to find employment.

Upon arriving at the building, Petitioner approached a building employee at the front desk and asked for directions to a classroom where a workshop would be conducted. Upon being given directions, Petitioner began walking to the classroom via a crowded hallway. At the same time, a woman (“H.M.”) was walking in the same direction as Petitioner but to his left side.

At some point, H.M. came to an abrupt halt in front of Petitioner and to his left side. Inasmuch as the hallway was crowded at the time, Petitioner reacted by stopping and throwing his hands up in the air. Significantly, Petitioner was never directly behind H.M. This is corroborated by the building’s video (CAM01/CAM05) which the Court is invited to review, but which the City, due to possible bad faith, claims, without evidence that the video was blurry and its viewing is “not recommended.”

At that point, a male building employee approached Petitioner in a menacing manner, frightening Petitioner to the extent that he felt it necessary to call 911 in order to seek police protection. Two police officers responded, but before they reached Petitioner they were intercepted by hostile building employees, after which the police officers refused even to speak with Petitioner. In fact, one officer stated, “I only want to talk to the woman” (i.e. H.M.) who by that time, was no longer in the building.

The officers then called for backup, and thereafter, two additional officers arrived. Inasmuch as H.M. was not in the building at the time, everyone waited for about forty-five minutes until she returned, at which point the police spoke to her only.

The officers then arrested Petitioner without providing him with Miranda warnings (see Appendix for “sexual abuse in the third degree”), notwithstanding the fact that at no point did any of the officers interview Petitioner or any witness that could have corroborated Petitioner’s account; and the fact that the video evidence did not indicate *any* contact between Petitioner and H.M.

Upon review of the video footage of the “incident,” both Justice Pandit-Durant of New York City Criminal Court and the District Attorney concluded that there was “no sexual contact” between Petitioner and H.M., and as a result, on January 4, 2017, the charges against Petitioner were summarily dismissed.

A police officer “has an affirmative duty to intercede on behave of a citizen whose constitutional rights are being violated in the presence by other officers”. *O’Neill v. Krzeminski*, 839 F. 2d 9, 11 (2nd Cir. 1988). Failure to intercede to prevent an unlawful arrest can be grounds for 1983 liability. *Id.*

Nevertheless, the City argued that the decision was “not favorable” or that it had “not exonerated” Petitioner, even though Justice Pandit-Durant, the District Attorney and the Magistrate Court’s own Pacer System recorded Petitioner’s innocence (see Appendix C).

Moreover, all “exculpatory evidence” must be presented unfettered to the defense team even if such evidence will exonerate the defendant, whether or not the defendant is being prosecuted according to the Brady Materials Rule.

Brady prohibits “the suppression by the prosecution of evidence favorable to an accused” because doing so is a violation of due process when the suppressed evidence is “material either to guilt or to punishment, irrespective of the good faith or bad faith of the prosecution.” *Brady*, 373 U.S. at 87. See generally *People v. Rong He*, 34 N.Y. 3d 956 (2019).

Regarding the false arrest cause of action, the evidence demonstrated “that a rational jury could have found that there was no probable cause for Plaintiff’s arrest because the accusation from an identified citizen, which was the sole basis for the arrest, was not sufficiently reliable, given that the investigating officer had doubts about the witness’s credibility...” (compare *Norasteh v State of New York*, 44 A.D.3d 576 (1st Dep’t, 2007 *lv denied* 10 N.Y.3d 709). *Sital v. City of New York*, 60 A.D.3d 465, 466 (1st Dep’t 2009).

Given the fact that Petitioner was arrested for “sexual abuse in the third degree”, the video evidence, which did not corroborate *any* contact between Petitioner and H.M., was unquestionably favorable to Petitioner and should have sufficed with the matter ending there. Nevertheless, the City continued to attempt to escape culpability.

Moreover, the “law of the case” iterates specifically that “it is well-established that the law of the case doctrine is a rule of practice, an articulation of sound policy that, when an issue is once judicially determined, that should be the end of the matter as far as Judges and courts of co-ordinate jurisdiction is concerned...” Here, the police had ample opportunity to review the video and to see for themselves that there was “no sexual contact,” but they chose not to make this determination. Justice Pandit-Durant’s ruling also indicates that there was no “probable cause” for the arrest; a ruling which exonerated Petitioner.

In fact, there was more proof beyond a reasonable doubt to negate a false narrative, circumvent the filing of a false police report, then the proposed “support’ of probable cause” against Petitioner.

In New York, the making of a false report is a criminal offence under NY PL 240.50, 240.55 and 240.60. “A crime of deceit and fraud that horrifically may hurt the accused person and or the larger Community...”

In addition, “in conformity with the rule at common law, a warrantless arrest by a law officer is reasonable under the Fourth Amendment where there is probable cause to believe that a criminal offense has been or is being committed. Whether probable cause exists depends upon the reasonable conclusion to be drawn from the facts known to the arresting officer at the time of the arrest...” Here the facts were that the video evidence did not corroborate the claim of abuse of any kind nor was the video difficult to see as the City had.¹

¹ Petitioner commenced an action against H.M in small claims court based upon a claim of false accusations. While Petitioner received a default judgment against H.M. on April 25, 2019 for \$7,757.50, he has not been able to collect on the judgment at this time. SEE APPENDEX E

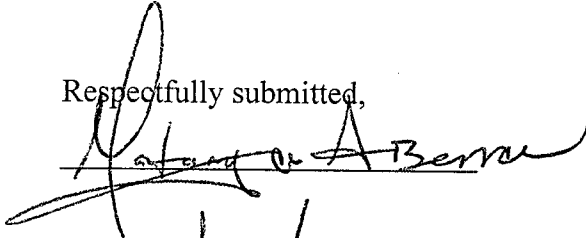
REASONS FOR GRANTING THE PETITION

This is the original action for a past judgment remedy Rule 65 Jurisdiction. Mr. Natanya Israel Abera (Petitioner) requesting a review of a lower court's decision and a possible misapplication of its discretion New York City (Respondent).

CONCLUSION

The petition for a writ should be granted.

Respectfully submitted,


Date: 05/22/2024

APPENDIX A

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of February, two thousand twenty-three.

Natanya Aberra,

Plaintiff - Appellant,

v.

City of New York,

Defendant – Appellee.

ORDER

Docket No: 21-1992

Appellant, Natanya Aberra, filed a petition for panel rehearing, or, in the alternative, for rehearing *en banc*. The panel that determined the appeal has considered the request for panel rehearing, and the active members of the Court have considered the request for rehearing *en banc*.

IT IS HEREBY ORDERED that the petition is denied.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

The signature of Catherine O'Hagan Wolfe is written in cursive over a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

21-1992

Aberra v. City of New York

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

SUMMARY ORDER

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 18th day of January, two thousand twenty-three.

PRESENT:

DENNIS JACOBS,
RICHARD J. SULLIVAN,
MYRNA PÉREZ,
Circuit Judges.

NATANYA ABERRA,

Plaintiff-Appellant,

v.

No. 21-1992

CITY OF NEW YORK,

*Defendant-Appellee.**

*The Clerk of Court is respectfully directed to amend the official case caption as set forth above.

For Plaintiff-Appellant:

NATANYA ABERRA, pro se, New York, NY.

For Defendant-Appellee:

MACKENZIE FILLow (Jamison Davies, *on the brief*), for Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, New York, NY.

Appeal from a judgment of the United States District Court for the Southern District of New York (Lewis A. Kaplan, *Judge*).

UPON DUE CONSIDERATION, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the district court is **AFFIRMED**.

Natanya Aberra, proceeding pro se, appeals from a judgment of the district court granting summary judgment in favor of the City of New York (the "City") on his claims of false arrest and false imprisonment under 42 U.S.C. § 1983 and New York law, following his arrest for making nonconsensual sexual contact with a woman while attending a work-related conference. On appeal, Aberra challenges the district court's determination that the police had probable cause to arrest him. We review a district court's grant of summary judgment de novo, *Kee v. City of New York*, 12 F.4th 150, 157–58 (2d Cir. 2021), and will affirm when there

is “no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law,” Fed. R. Civ. P. 56(a). We assume the parties’ familiarity with the underlying facts, procedural history, and issues on appeal.

We first turn to Aberra’s claims of false arrest and false imprisonment under section 1983. For both claims, probable cause is a “complete defense.” *Weyant v. Okst*, 101 F.3d 845, 852 (2d Cir. 1996) (internal quotation marks omitted); *see also Betts v. Shearman*, 751 F.3d 78, 82 (2d Cir. 2014). “Probable cause to arrest exists when the officers have knowledge or reasonably trustworthy information of facts and circumstances that are sufficient to warrant a person of reasonable caution in the belief that the person to be arrested has committed or is committing a crime.” *Jenkins v. City of New York*, 478 F.3d 76, 84 (2d Cir. 2007) (alterations and internal quotations marks omitted). Information from the putative victim or an eyewitness that a crime was committed can establish probable cause “unless the circumstances raise doubt as to the person’s veracity.” *Betts*, 751 F.3d at 82.

Here, the undisputed facts support a finding of probable cause to arrest Aberra. When the police arrived, the complainant, whose account was corroborated by an eyewitness, told officers that Aberra followed her and then rubbed his body against hers from behind. The facts alleged by these witnesses

were sufficient to establish the elements for sexual abuse in the third degree, in violation of New York Penal Law section 130.55, and harassment in the second degree, in violation of section 240.26. *See People v. Perez*, 131 N.Y.S.3d 485, 485 (1st Dep't 2020) (affirming conviction under section 130.55 where the victim testified that defendant "grazed" her buttocks with his hand on crowded train (internal quotation marks and alterations omitted)); *People v. Mohamed*, 39 N.Y.S.3d 575, 578 (2d Dep't 2016) (affirming conviction under section 250.26 where defendant "followed the complainant" with "intent to harass"). While Aberra denies that he ever did, in fact, make contact with the complainant, it is undisputed that the officers were told that Aberra had made such contact. Therefore, even if the witnesses' statements turned out to be inaccurate, "probable cause exists even where it is based upon mistaken information, so long as the arresting officer was reasonable in relying on that information." *Bernard v. United States*, 25 F.3d 98, 103 (2d Cir. 1994). Because Aberra points to nothing in the record to suggest that it was unreasonable for the police to rely on the complainant's and eyewitness's statements, the district court did not err in concluding that there was probable cause to arrest Aberra.

Aberra's arguments to the contrary are unavailing. For starters, Aberra complains that the police did not take his statement before arresting him. But while there may be circumstances in which it would be better "for the officers to investigate plaintiff's version of events more completely," we have held that an "officer's failure to investigate an arrestee's protestations of innocence generally does not vitiate probable cause." *Panetta v. Crowley*, 460 F.3d 388, 396 (2d Cir. 2006) (internal quotation marks omitted). Similarly, while Aberra contends that video of the incident proves he did not make contact with the complainant, the probable-cause determination does not turn on whether the evidence may ultimately result in a conviction.¹ Again, so long as the "facts *available to the officer* at the time of the arrest and immediately before it" were sufficient to establish probable cause to believe that the arrestee had committed a crime, that is enough to justify an arrest. *Betts*, 751 F.3d at 83 (internal quotation marks omitted). As such, the fact that the charges against Aberra were dropped is not relevant. Because the district court properly found that there was probable cause to arrest Aberra, it did not err in granting summary judgment to the City on Aberra's section-1983 claim. *See Goe v. Zucker*, 43 F.4th 19, 34–35 (2d Cir. 2022).


¹ In any event, nothing captured on the video is inconsistent with the complainant's statement to the police; the video is merely inconclusive in spots, but never exculpatory.

We also affirm the district court's exercise of supplemental jurisdiction over, and dismissal of, Aberra's state-law claims. We review the district court's decision to exercise such jurisdiction for abuse of discretion. *See Valencia ex rel. Franco v. Lee*, 316 F.3d 299, 305 (2d Cir. 2003). Considering that the district court had already invested "substantial effort" in this case, Dist. Ct. Doc. No. 116 at 2, that the state-law claims presented no "novel or unsettled issues of state law," *Mauro v. S. New England Telecomms., Inc.*, 208 F.3d 384, 388 (2d Cir. 2000), and that the existence of probable cause constituted an absolute defense to both the federal and state claims, *see Weyant*, 101 F.3d at 852, we conclude that the district court's decision to adjudicate, and ultimately dismiss, the state-law claims on the merits – rather than risk subjecting the City to duplicative, frivolous litigation in state court – was entirely appropriate. And since probable cause is a complete defense to Aberra's state-law claims, *see id.*, we also affirm the district court's dismissal of those claims on the merits.

We have considered all of Aberra's remaining arguments and find them to be without merit. Accordingly, we **AFFIRM** the judgment of the district court.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

The signature of Catherine O'Hagan Wolfe is written in cursive over a circular court seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS".

APPENDIX B

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK
VS

CERTIFICATE OF DISPOSITION
NUMBER: 502983

ABERRA, NATANYA
Defendant

2075 3 AVENUE
Address

MANHATTAN NY
City State Zip

Docket Number: 2016NY016360

PL 130.55 00 BM, PL 130.55 00 BM,
Arraignment Charges

07/15/1958
Date of Birth

10842062Z
NYSID Number

03/09/2016
Date of Arrest/Issue

Summons No:

Case Disposition Information:

Date Court Action
12/20/2016 DISMISSED - MOTION OF DA

Judge Part
PANDIT-DURANT, USHIR B

NO FEE CERTIFICATION

☐ GOVERNMENT AGENCY ☐ COUNSEL ASSIGNED
☐ NO RECORD OF ATTORNEY READILY AVAILABLE. DEFENDANT STATES COUNSEL WAS ASSIGNED
SOURCE ☐ ACCUSATORY INSTRUMENT ☐ DOCKET BOOK/CRIMS ☐ CRC3030 [CRS963]

I HEREBY CERTIFY THAT THIS IS A TRUE EXCERPT OF THE RECORD ON FILE IN
THIS COURT.

TEIXEIRA, K 
COURT OFFICIAL SIGNATURE AND SEAL

08/03/2017
DATE

FEE: NONE

(CAUTION: THIS DOCUMENT IS NOT OFFICIAL UNLESS EMBOSSED WITH THE COURT
SEAL OVER THE SIGNATURE OF THE COURT OFFICIAL.)

SEALED

AH02
COUNTY: NEW YORK

CRIMS APPEARANCE HISTORY
APPEARANCE DATES

01/04/2017
W537

OPTION SELECTED: ALL APPEARANCES

NAME: ABERRA, NATANYA

DOCKET: 2016NY016360

CCN: 67556927 H

NYSID #: 10842062 Z

ARREST #: M16618128

12/20/2016 (H&T) B
ADV FRM: 01/04/2017

JDG: PANDIT-DUR, U RPTR: FILION, J NT DISM TOPV

11/03/2016 (H&T) B
PC

JDG: CESARE, H RPTR: RUSSO, S NT C TOPC

09/13/2016 (H&T) B
PC

JDG: CESARE, H RPTR: COGLIANO, D NT C TOPC

06/23/2016 (OPEN) B
PC

JDG: CESARE, H RPTR: GREY, NT C TOPC

COMMAND: MESSAGE:

PF7/PF8 TO VIEW MORE APPEARANCES

Official

Disposition

APPENDIX C

Diana M. Ingram

Lieutenant at Transit Bureau District 12 since January 2023, active
Also served at Vice Enforcement, Vice Enforcement Squad Zone 1, 28th Precinct, 45th Precinct
Service started July 2007, made \$174,000 last year, Tax #945189
Hispanic Female

Complaints

2 Complaints
2 Allegations
0 Substantiated
1 Alleged Victim Uncooperative
1 Exonerated

Complaint #201809626, November 2018

Allegation	Complainant	CCRB Conclusion
Abuse of Authority: Threat to damage/seize property	Male, 25	Exonerated

additional d

Complaint #201509156, July 2015

Allegation	Complainant	CCRB Conclusion
Abuse of Authority: Vehicle search	Age 39	Alleged Victim Uncooperative

additional d

Conclusion Meanings:

'Exonerated': or 'Within NYPD Guidelines' - the alleged conduct occurred but did not violate the NYPD's own rules, which often give officers significant discretion.

Further details on conclusion definitions.

Lawsuits

Aberra, Natanya vs City of New York, et al.

Case # 18CV01138, U.S. District Court - Southern District NY, February 13, 2018, ended August 2, 2021

Zero Disposition

Complaint

Description: On March 9, 2016, plaintiff entered an employment agency when employees accused him of falsehoods and called the police. When NYPD officers arrived, including Officer Diana Florenciani, they ignored plaintiff and falsely arrested him. Plaintiff was then taken to a precinct. Despite video recording demonstrating plaintiff's innocence, plaintiff was charged with a misdemeanor.

APPENDIX D

ORIGINAL

Page 1

015-220

BLA #2017PI004029

In the Matter of the Claim of

NATANYA ABERRA,

Claimant,

-against-

THE CITY OF NEW YORK,

Respondent.

575, 8th Avenue
New York, New York
May 11, 2017
2:28 p.m.

EXAMINATION of NATANYA ABERRA, the
Claimant in the above-entitled action,
held at the above time and place, taken
before Dawn Pungello, a Notary Public of
the State of New York, pursuant to Section
50(h) of the General Municipal Law.

APPEARANCES:

LAW OFFICE OF LAWRENCE LEWIS
Attorneys for Claimant
276 5th Avenue, Suite 501
New York, New York 10001
BY: LAWRENCE LEWIS, ESQ.

SCHIAVETTI, CORGAN, DIEDWARDS,
WEINBERG & NICHOLSON, LLP
Attorneys for Respondent
575 8th Avenue
New York, New York 10018
BY: ROBERT MANCHER, ESQ.

1 N. Aberra

2 ignoring you?

3 A That's how I felt, yes.

4 Q When you spoke to the police,
5 did they say anything in response?

6 A I think the female just said
7 where is the lady, I want to talk with
8 her.

9 Q Do you remember anything else
10 that the police said?

11 A No.

12 Q Do you know if the police ever
13 had a conversation with that woman?

14 A I think so -- no, actually, I
15 don't think they did right away. She
16 wasn't on the floor.

17 Q Do you know if they ever had a
18 conversation with the woman?

19 A At some point they did, yes.

20 Q Do you know when that
21 conversation took place?

22 A First they were standing in the
23 lobby. They're not talking to me, but
24 they radio in for help for backup. Me,
25 being an EMT myself, why are you calling

1 N. Aberra
2 in for backup? ~~So, they called two more~~
3 ~~police. So, at this point I know I'm in~~
4 ~~trouble.~~

5 MR. LEWIS: Did they ever tell
6 you why they called backup? That was
7 his question.

8 A No. ~~So, why do you need four~~
9 ~~policemen and I'm asking for help? What~~
10 ~~do you need four for?~~

11 Q How do you know that the police
12 had spoken to the woman?

13 A She wasn't on the floor
14 initially, so we all had to wait for her
15 to come back to the floor. But I see a
16 police officer motioning over. He was a
17 sergeant, the second set.

18 Q Who was he motioning to?

19 A Her to come talk to him.

20 Q And then did you see that woman
21 speak to the sergeant?

22 A She walks past, and the video
23 will show that too.

24 MR. LEWIS: Question. You're
25 making a whole to-do. A simple yes or

1 N. Aberra

2 no. Listen to the question and answer
3 it yes or no.

4 A Please ask your question again.

5 MR. MANCHER: Read it back.

6 (The requested portion of the
7 record was read.)

8 A Yes.

9 Q Did the sergeant ever speak to
10 you?

11 A Yes.

12 Q Did the sergeant speak to you
13 after he spoke to the woman?

14 A Yes.

15 Q Did the sergeant ever tell you
16 what the woman had told him?

17 A No.

18 Q What did the sergeant say to
19 you?

20 A He said -- I'm back in the
21 office. He says to me, 90 percent of the
22 time -- this is a quote -- 90 percent of
23 the time it's the woman that calls, not
24 the man. You would think --

25 MR. LEWIS: No colloquy. Just

APPENDIX E

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was 27.02.2023
A copy of that decision appears at Appendix A.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☒ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

APPENDIX F

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Natanya Israel ABERA — PETITIONER
(Your Name)

vs.

City of New York — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Court of Appeals for the Second Circuit
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Natanya Israel ABERA
(Your Name)

2075 3rd Ave
(Address)

New York, NY 10029 #Apt 6-c
(City, State, Zip Code)

646.375.1745
(Phone Number)

APPENDIX G

INSTRUCTIONS: Place only ONE letter or number in each space and leave a blank space between words.

CIVIL COURT OF THE CITY OF NEW YORK - MANHATTAN
SMALL CLAIMS PART - STATEMENT OF CLAIM
111 Centre Street, New York, New York 10013

(FOR OFFICE USE ONLY)

Today's Date: 03-12-2019

Index No. :

16182 SCNY 20

FEE: \$20.00 Paid

Aberra

vs.

M

Your Case is Scheduled for

Thursday

Apr 25, 2019

(Your)

I. CLAIMANT'S INFORMATION

LAST NAME

Aberra

FIRST NAME

Natanya Israel

MIDDLE INITIAL

ADDRESS (NO PO BOX)

2075 3rd Ave.

CITY (Borough/Town/Village)

New York City

STATE **NY**

ZIP

10029

OTHER INFO

PHONE NUMBER: (646) 345-1745

(Their)

II. DEFENDANT'S INFORMATION*

LAST NAME
OR FULL NAME OF BUSINESS

M

FIRST NAME

H

MIDDLE INITIAL

ADDRESS (NO PO BOX)

CITY (Borough/Town/Village)

STATE

ZIP

OTHER INFO

PHONE NUMBER: ()

III. CLAIM

Amount Claimed: **\$5,000.00**

(Maximum \$5,000)

Date of Occurrence or Transaction: **03/09/2016**

PRIMARY REASON FOR CLAIM (Check One):

Place of occurrence, IF Auto Accident:

Damage caused for: ☐ automobile

☐ other personal property

☐ real property

☐ person

Failure to provide: ☐ proper repairs

☐ proper services

☐ proper merchandise

☐ goods paid for

Failure to return: ☐ security

☐ property

☐ deposit

☐ money loaned

Failure to pay:

☐ salary

☐ for services rendered

☐ insurance claim

☐ for goods sold and delivered

Breach of:

☐ rent

☐ commissions

☐ warranty

☐ agreement

Loss of:

☐ luggage

☐ lease

☐ time from work

☐ use of property

Returned:

☐ check (bounced)

☐ check (stopped)

OTHER REASON: Be brief. Also, if needed, place IDENTIFYING NUMBER(S) here: Receipt #, Claim #, Account #, Policy #, Ticket #, License #, Plate(s):
OTHER : False claim filed which resulted in false arrest, damages and expenses.

03/12/2019

Natanya Israel Aberra

Today's Date

Signature of X Claimant or Agent

*DEFENDANT'S NAME: The legal name will be required in order to obtain an enforceable judgment. If the Defendant is a business, its full and correct business name should be obtained from the Office of the County Clerk in the city in which the business is located or check on the following website: www.dos.state.ny.us DEFENDANT'S ADDRESS: You must indicate the proper street address of the Defendant. A Post Office Box is not acceptable.
NOTE: If the Claim is a result of an automobile accident, the Claim must be OWNER against OWNER.

CERT'D #

COA CODE

MISC

CLAIM AMT

\$

5,000.00

FEE

STANDARD FEE PLUS POSTAGE

☐ CLAIMANT V. DEFENDANT

☐ DEFENDANT V. THIRD PARTY

NO FEE: POSTAGE ONLY

☐ CLAIMANT V. ADD'L DEFENDANT

☐ WAGE CLAIM TO \$300

LANGUAGE

DATE DATA ENTERED

DATE NOTICES MAILED

CASE TYPE

MULTI DEF ☐

CTR/CLM ☐

3 PARTY ☐

CRS/CMPLT ☐

FIRST DATE

DAY COURT

☐ STATUTORY

☐ OTHER

Civil Court of the City of New York

COUNTY OF New York

(Small Claims/Commercial Claims Part)

Index Number S.C.

16182/2019

Claimant(s),

Defendant(s)

NOTICE OF JUDGMENT

DECISION: After Trial/Inquest, the decision in the above action is as follows:

A. ☒ Judgment in favor of Claimant, Natanya Israel Abera, in the amount of Five Thousand Dollars and 00/100 (\$5,000.00) plus interest from 3/9/16

Judgment Award Amount

\$ 5,000.00

Interest

\$ 2,737.50

Disbursements

\$ 20.00

TOTAL JUDGMENT

\$ 7,757.50

When an Award has been granted, information below the bold line and on the reverse side applies to all parties.

B. ☐ Judgment in favor of Defendant. Claim Dismissed. No monetary award.

Information below the bold line and on the reverse side of this form does not apply to Dismissed Claims

Date

4/25/19

Judge/Civil Court Arbitrator

APPEAL: An Appeal may only be taken from an Order or a Judgment rendered by a Judge (not an Arbitrator), after a trial. An Appeal from this Judgment must be taken no later than the earliest of the following dates:

- (i) thirty days after receipt in court of a copy of the judgment by the appealing party,
- (ii) thirty days after personal delivery of a copy of the judgment by another party to the action to the appealing party (or by the appealing party to another party), or
- (iii) thirty-five days after the mailing of a copy of the judgment to the appealing party by the clerk of the court or by another party to the action.

INFORMATION FOR THE JUDGMENT DEBTOR

(The party against whom a money judgment has been entered)

YOU HAVE A LEGAL OBLIGATION TO PAY THIS JUDGMENT TO THE JUDGMENT CREDITOR. YOU MUST PRESENT PROOF TO THE COURT UPON SATISFACTION OF THE JUDGMENT.

Your failure to pay the judgment may subject you to any one or any combination of the following:

- a) garnishment of wage(s) and/or bank account(s),
- b) lien, seizure and/or sale of real property and/or personal property, including automobile(s)
- c) suspension of motor vehicle registration, and/or driver's license, if the underlying claim is based on judgment debtor's ownership or operation of a motor vehicle,
- d) revocation, suspension, or denial of renewal of any applicable business license or permit,
- e) investigation and prosecution by the State Attorney General for fraudulent or illegal business practices,
- f) a penalty equal to three times the amount of the unsatisfied judgment plus attorney's fees, if there are unpaid claims.

If you did not appear in court on the day the Hearing was held, you are a defaulting party. A judgment may have been taken against you even though you were not in court. If that is so, you may come to the court and apply in writing to have the default judgment opened. You must give the Judge a reasonable excuse for your failure to appear in court and show that you have a meritorious defense. The Judge will review your request and may vacate the default judgment and give you another chance to go to court.

THE JUDGMENT IS VALID FOR A PERIOD OF 20 YEARS. IF THE JUDGMENT IS NOT COLLECTED UPON THE FIRST ATTEMPT, FURTHER ATTEMPTS TO COLLECT MAY BE MADE AT A LATER DATE.

APPENDIX H

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

New York City Law Department
100 Church Street
New York City, New York 10007

Ms. McKenzie Fillow, J.D.

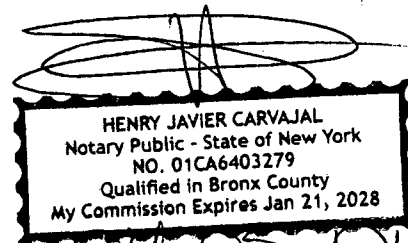
04.12.2024

Re: Certificate of Service

Please be advised that pursuant to 28 U.S.C. 1746 you are advised that a Petition of for a Writ of Certiorari has been filled in the matter of Natanya Israel Aberra v. City of New York with the U.S. Supreme Court.

Respectfully submitted,

Mr. Natanya Israel Aberra
2075 3rd Avenue
New York, N.Y. 10029



APPENDIX I

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Natasha Israel Aberra — PETITIONER
(Your Name)

VS.

City of New York — 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. Court of Appeals

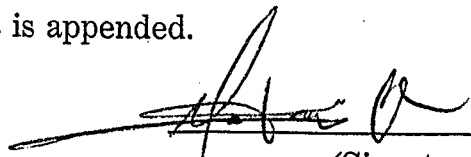
☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☐ 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.


(Signature)

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

I, Natanya L. ADEREA, 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>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Self-employment	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Income from real property (such as rental income)	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Interest and dividends	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Gifts	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Alimony	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Child Support	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Disability (such as social security, insurance payments)	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Unemployment payments	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Public-assistance (such as welfare)	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Other (specify): <u>N/A</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>
Total monthly income:	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</u>	\$ <u>-0-</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
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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>N/A</u>	_____	_____	\$ <u>N/A</u>
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____
_____	\$ _____	\$ _____

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

☐ Home
Value N/A

☐ Other real estate
Value N/A

☐ Motor Vehicle #1
Year, make & model _____
Value N/A

☐ Motor Vehicle #2
Year, make & model _____
Value N/A

☐ Other assets
Description N/A
Value N/A

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. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name

Relationship

Age

N/A

→

→

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)

\$ 101

\$ 101

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

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

\$ _____

\$ 101

Home maintenance (repairs and upkeep)

\$ _____

\$ 101

Food

\$ _____

\$ 101

Clothing

\$ _____

\$ 101

Laundry and dry-cleaning

\$ _____

\$ 101

Medical and dental expenses

\$ _____

\$ 101

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

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

N/A

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? N/A

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

N/A

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

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

Executed on: _____, 20__

(Signature)