

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
IN AND FOR PINELLAS COUNTY, FLORIDA
CIVIL DIVISION**

JOHN WILLIAM LICCIONE,

Plaintiff,

v.

CATHY SALUSTRI-LOPER et al,

Defendants.

Case No.: 24-003939-CI
UCN: 522024CA003939XXCICI
Division: Section 7

**PLAINTIFF'S VERIFIED MOTION FOR JUDICIAL REVIEW OF CLERK'S
DETERMINATION OF CIVIL INDIGENT STATUS**

Pursuant to section 57.082(4), Florida Statutes, Plaintiff John William Liccione, pro se, respectfully moves this Court for judicial review of the Clerk's determination of February 10, 2026 that Plaintiff is "Not Indigent," and in support states:

I. PROCEDURAL HISTORY

1. On February 6, 2026, Plaintiff e-filed an Application for Determination of Civil Indigent Status in this Court (DN 202). Contemporaneously with filing, Plaintiff signed the review line on the face of the application form, as expressly authorized by the form itself, to request judicial review of the Clerk's determination in the event the Clerk determined him not indigent.
2. The Clerk determined Plaintiff "Not Indigent" by stamp dated February 10, 2026. That stamp is visible on the face of Plaintiff's application, a true and correct copy of which is attached as **Exhibit A**.
3. As of the date of this Motion — more than sixty-five days after the Clerk's February 10, 2026 determination — this Court has not scheduled a hearing on or ruled upon Plaintiff's pending

request for judicial review of that determination. Section 57.082(4) vests this Court with responsibility for making the final determination of indigent status upon Plaintiff's request for review.

II. GOVERNING STANDARD FOR JUDICIAL REVIEW

4. Under section 57.082(4)(a), where the Clerk has determined that an applicant is not indigent and the applicant seeks review, this Court "shall make a final determination of indigent status by reviewing the information provided in the application against the criteria prescribed in subsection (2) and by considering the following additional factors:

1. Whether paying for private counsel or other fees and costs creates a substantial hardship for the applicant or the applicant's family.
2. Whether the applicant is proceeding pro se or is represented by private counsel for a fee or on a pro bono basis.
3. When the applicant retained private counsel.
4. The amount of any attorney's fees and who is paying the fees.
5. Any other relevant financial circumstances of the applicant or the applicant's family." § 57.082(4)(a), Fla. Stat.

III. APPLICATION OF THE SECTION 57.082(4)(A) FACTORS TO PLAINTIFF'S CIRCUMSTANCES

5. Plaintiff proceeds pro se. He is not represented by private counsel, whether for a fee or on a pro bono basis. Factors 2, 3, and 4 of section 57.082(4)(a) therefore weigh in favor of a finding of indigency.

6. Plaintiff's sole source of income is Social Security Disability Insurance (SSDI) benefits in the amount of \$3,561.00 per month, reflecting Plaintiff's status as a disabled person whose earning capacity has been determined by the Social Security Administration to be insufficient to support substantial gainful activity. Plaintiff's application discloses additional interest income of \$16.55, for total monthly income of \$3,577.55.

7. SSDI benefits are federally protected. Under 42 U.S.C. § 407(a), "none of the moneys paid or payable or rights existing under this subchapter shall be subject to execution, levy, attachment, garnishment, or other legal process, or to the operation of any bankruptcy or insolvency law." This federal protection is directly relevant under factors 1 and 5 of section 57.082(4)(a): any fee obligation imposed on Plaintiff by denial of indigent status could not lawfully be collected from Plaintiff's only source of income, and requiring Plaintiff to divert SSDI funds — intended by Congress as subsistence support for the disabled — to payment of court fees imposes a substantial hardship.

8. Plaintiff's net worth is substantially negative. Plaintiff's application discloses total liabilities of approximately \$27,696 in credit card debt and additional itemized monthly expenses of approximately \$3,582. Plaintiff's listed non-vehicle assets at the time of the application (bank accounts of \$8,836.19, money market of \$2,349.63, savings of \$54.43, and other personal property valued at \$1,000) aggregated to approximately \$12,240 — less than half the amount of Plaintiff's credit card debt alone, and a fraction of his total liabilities. Since the application was filed, Plaintiff's circumstances have further deteriorated: (a) Plaintiff's bank account balance has declined to approximately \$5,456.49 as of the date of this Motion, reducing the aggregate of Plaintiff's listed non-vehicle assets to approximately \$8,860; (b) following the mechanical failure and necessary replacement of Plaintiff's prior vehicle, Plaintiff has incurred an additional monthly

auto loan obligation of \$134.00; and (c) on April 10, 2026, Plaintiff entered into a Financial Obligation Agreement with the Clerk of the Circuit Court for preparation and transmittal of the appellate record in Case No. 2D2026-0281, obligating Plaintiff to an additional monthly payment of \$40.83. Taken together, these developments have increased Plaintiff's monthly itemized expenses to approximately \$3,757.

9. Factor 1 of section 57.082(4)(a) asks whether payment of fees and costs creates a "substantial hardship." Plaintiff's circumstances satisfy that standard. His income is a federally protected subsistence benefit; his assets are modest and largely consumed by debt service; his liabilities nearly double his assets. Diverting any portion of his monthly SSDI to court fees would directly reduce funds intended for housing, food, medication, and other necessities.

10. Factor 5 of section 57.082(4)(a) directs the Court to consider "any other relevant financial circumstances." Two additional circumstances merit consideration here: (a) Plaintiff's status as a disability beneficiary reflects a federal administrative determination of Plaintiff's long-term inability to engage in substantial gainful employment, which bears directly on his prospective ability to pay; and (b) Plaintiff has no dependents whose income could supplement his, and no spouse whose income could offset his expenses.

IV. PREJUDICE FROM CONTINUING DELAY

11. Plaintiff has filed a Notice of Appeal in this action (DN 183, February 2, 2026), which has been assigned appellate Case No. 2D2026-0281 in the Second District Court of Appeal. By order dated February 5, 2026, the Second DCA directed Plaintiff to forward the required \$300 appellate filing fee or, in the alternative, a certificate or order of the lower tribunal finding Plaintiff insolvent pursuant to section 57.081, Florida Statutes. With no judicial review scheduled or ruled upon at

the lower tribunal, Plaintiff paid the \$300 appellate filing fee from funds that would otherwise have been preserved. Thereafter, on April 10, 2026, Plaintiff entered into a Financial Obligation Agreement with the Clerk for preparation and transmittal of the appellate record, obligating Plaintiff to an additional monthly payment of \$40.83. Resolution of this Motion remains material to Plaintiff's ongoing record-preparation obligations and to any future fees or costs that may be imposed in this action.

12. The continuing delay — now exceeding sixty-five days since the Clerk's determination — has required Plaintiff to pay the \$300 appellate filing fee and to commence a \$40.83 monthly record-preparation payment under financial strain while his fee status remains unresolved, compounding the practical hardship the indigency determination was designed to prevent.

WHEREFORE, Plaintiff respectfully requests that this Court enter an Order:

- A. Setting this matter for hearing on Plaintiff's pending request for judicial review of the Clerk's February 10, 2026 determination of civil indigent status, or in the alternative, ruling on the papers submitted;
- B. Finding Plaintiff indigent pursuant to section 57.082, Florida Statutes, upon consideration of the factors set forth in section 57.082(4)(a); and
- C. Granting such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ John W. Liccione

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VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing *Plaintiff's Verified Motion for Judicial Review of Clerk's Determination of Civil Indigent Status* and that the facts stated in it are true.

Dated: April 17, 2026

/s/ John W. Liccione

EXHIBIT

Exhibit A — Application for Determination of Civil Indigent Status (DN 202), e-filed February 6, 2026, bearing Plaintiff's signature on the line requesting judicial review of the Clerk's determination and the Clerk's "Not Indigent" stamp dated February 10, 2026.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 17, 2026, a true and correct copy of the foregoing *Plaintiff's Motion for Judicial Review of Clerk's Determination of Civil Indigent Status* was served via the Florida Courts E-Filing Portal and via electronic mail upon:

James B. Lake, Esq.
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Tampa, Florida 33606
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Counsel for Defendants Cathy Salustri-Loper and Thursday Morning Media, Inc.

/s/ John W. Liccione