

No. 18-8305

February Term, 2019

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.

FILED

FEB 19 2019

OFFICE OF THE CLERK

*2/27/19*

*Collector*

AINULA BEPPIN 2/27/19  
ALIA MERCHANT

— PETITIONER

(Your Name)

VS.

UNIVERSITY OF SOUTH FLORIDA — 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):

United States Court of Appeals for the Eleventh Cir. 17-1188, 17-12134, 17-12376;

United States Court of Appeals for the Federal Court of Claims, 17-1955;

USCA Federal Circuit, 18-2033

☐ 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]*  
(Signature)

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SUPREME COURT, U.S.

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MAR - 6 2019

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

No. \_\_\_\_\_

**February Term, 2019**

IN THE  
SUPREME COURT OF THE UNITED STATES

**NAUSHEEN ZAINULABEDDIN**  
\_\_\_\_\_  
(Your Name) — PETITIONER

VS.

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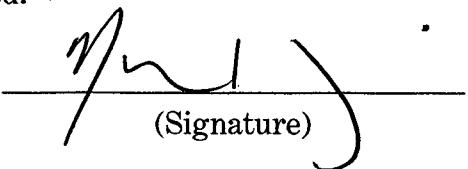
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(Signature)

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

I, NAUSHEEN ZAINULABEDDIN, 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>450</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Self-employment	\$ <u>250</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>100</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>      </u>
Child Support	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>      </u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	\$ <u>800</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</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
<b>ClubZ Tutoring</b>	7425 Bridge Hill Court Suite 200, Tampa, FL 3364	09/2018-12/2018	\$ <b>\$250</b>
<b>Health Services Advisory Group (HSAG)</b>	3000 Bayport Drive Suite 300 Tampa, FL 33607-8415	11/01/2018 to 12/10/2018	\$ <b>\$2000</b> (worked 5.5 weeks)

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
N/A	N/A	N/A	\$ 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.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
<b>Checking</b>	\$ <b>\$0.05</b>	\$ <b>N/A</b>
	\$	\$
	\$	\$

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 **N/A**  
Value

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

☐ Other assets  
Description **N/A**  
Value

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
N/A	\$ N/A	\$ N/A
	\$	\$
	\$	\$

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	N/A	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)	\$ 149	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 0	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0	\$ N/A
Food	\$ 75	\$ N/A
Clothing	\$ 0	\$ N/A
Laundry and dry-cleaning	\$ 10	\$ N/A
Medical and dental expenses	\$ 100	\$ N/A

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>10</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>30</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>300</u>	\$ <u>N/A</u>
Credit card(s) <b>in default of nearly \$25,000</b>	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: <u>\$310,000 of federal student loans</u>	\$ <u>0</u>	\$ <u>N/A</u>
<b>(in grace until 2/28/19)</b>		
Alimony, maintenance, and support paid to others	\$ <u>0</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>online school/recurring fees</u>	\$ <u>75</u>	\$ <u>N/A</u>
<b>Total monthly expenses:</b>	\$ <u>\$749</u>	\$ <u>N/A</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.

**Defaulted on all credit cards for nearly \$25,000; and received pretrial/court mediation notice for hearing on 03/18/19. Federal student loan grace period ends on 2/28/19, for \$310,000 of federal student loans.**

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? **\$10,000 (have paid)**

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

**Stanley R. Apps  
1950 Elkhorn Court, Unit. #147  
San Mateo, CA 94403  
(310) 709-3966**

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? \_\_\_\_\_

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

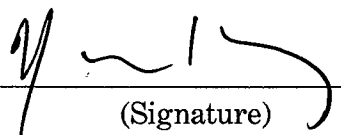
**N/A**

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

**Please see attached- four pages**

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

Executed on: Feb 19, 2019

  
(Signature)

*2 ANNULABEDOWN*

Affidavit

I have actively sought employment since being laid off from HSAG on 12/10/18, due to lack of funding. Since then I have made utmost effort to resolve the issue and gain employment, but unsuccessful. I've applied to nearly >500 jobs, attended events for prospective employment opportunities. I have nearly \$310,000 US Dept of Education Fedloan Servicing, federal student loan. My grace period ends on 02/28/19, and \$2100 is due on 3/11/19, to which I plan to apply to forbearance. My credit damaged; as due to financial circumstances I am defaulted on all of the credit cards (~\$25,000) since my former transfer offshore medical school became defunct, which led to collateral damages and there was an error with respect to US DOE Federal loan funding (from 2015 to 2018). That was the only medical school I was accepted to, without USF MCOM correcting its errors from my transcript and status. Nearly 15 offshore medical school were under investigation by ECFMG; and about 10 of them were removed from sponsorship from ECFMG in 2017. The medical school was not a Title IV loan recipient, hence, suggested using credit and other venues for tuition related purposes for education and living expenses (including partnerships/affiliations with online U.S. accredited schools for living expenses). I have pretrial conference/mediation for one of the credit card companies on March 18, 2019.



Since my dismissal in May 28, 2013, I have requested USF MCOM General Counsel for correction of my transcripts attributed to their administrative error and status in a letter and several meetings with former Vice President of Educational Affairs, Dr. Monroe (May 2013 to October 2013). After that, a new administration was put in place at USF MCOM, thus requested the plea in Petition for readmission proceedings from January 2014 to August 2014, US Dept. of Education OCR Early Resolution and Investigation from September 2014 to April 2015 and Demand letters 1 and 2, cc: Florida Financial Services Risk Management from May 2015 to December 2015 and throughout the litigation since lawsuit filed on January 2016. For reasons stated below, and also to the fact that the Judge presiding over my case is a father of Attorney General for Florida. I felt this could impose a conflict of interest situation, when elections were going on during the time of when Petition for Panel rehearing was filed. Please note: my intention is not to endorse any political position. I primarily felt based on context of the situation, that this was a difficult position for any student/litigant. Thus, I reached out to Secretary of Education on October 24, 2018; that I am humbly requesting US DOE OCR to resolve this internally and reopen my former OCR complaint, OCR Case no. 04-14-2487, as that was also suggested by Judge Sweeney at the Federal Court of Claims (17-1955). The letter to Secretary of Education dated October 24, 2018 was not handled appropriate and sent to wrong place and eventually ignored. I resent the letter via email directly to Secretary of Education's email. Correspondence was received of the notice, but no action

has been taken as of date. The merits for reopening the case and the new cause of action (Title VI) was reviewed by US Dept of Ed. Office of Inspector General in July 2018; and forwarded the information to US DOE OCR of Atlanta, but no action was taken (OIG Complaint # C18HW03308).

During recent government shutdown, US DOE OCR customer service office, called me to which I requested permission to speak to USF MCOM officials to resolve this internally, besides resorting to US Supreme Court. I was given permission on Jan 2019 to contact the University officials; however, USF MCOM denied to meet to resolve the situation.

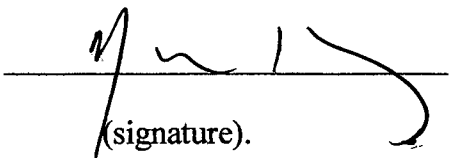
As per my financial state; all of my belongings are in storage in Chicago, IL; as I cannot afford housing nor can I afford moving expenses to bring them back to Tampa, FL. I am barely surviving with minimal necessities to stay afloat. It is a challenge to receive job opportunities that are not of conflict of interest with this case. However, with a father whose has been financially strained and has had two emergency heart surgeries since dismissal from medical school; I've tried my best to not burden my family as they are already indirectly suffering. They may have also suffered from retaliation for me pursuing this case, to which I was given no choice. As stated above, I have tried my utmost to negotiate, painstakingly exhausted administrative remedies with good faith and begged to resolve this internally based on context of the situation, especially being a minority of an endangered class, per se. However, it has been unsuccessful. There is a

reasonable suspicion as for safety; that there is retaliation for pursuing this cause of action. For example, when pleadings are filed for this case; ex. suspicious vehicle attacks to family members (within two days of filing petition for panel rehearing on October 24, 2018; two family members were attacked, "run off" on October 25 and 27, 2018), bank accounts frozen, October 18 (during the week of petition for panel rehearing was due). For this instant filing to USCA Sup. Ct., there were two incidents of robberies during the week of when this pleading was due and petitioner's financial state is completely depleted. Petitioner is from a minority community; she is afraid that the community could be retaliated, as it is common in history for minorities to be persecuted/retaliated during contraction phase of the economic cycle (whether they are wealthy or poor). As everyone can be impacted. Suspicious behavior reported to Tampa Police.

Petitioner has also legally changed her name on January 17, 2019 from Nausheen Zainulabeddin to Alia Merchant.

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

Executed on: Feb 19 2019

  
(signature).