

No. **22-5146**

Supreme Court, U.S.  
FILED

JUL 11 2022

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

**Dawud C.S. Gabriel** — PETITIONER  
(Your Name)

VS.

**Melton Truck Lines** — 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):

**Petitioner proceeded in Forma Pauperis on his appeal in the Tenth (10th) Cir. Court of Appeals. Gabriel also Partially Proceeded in Forma Pauperis in District Court (ND/OK).**

☐ 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.

**ORIGINAL**

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ORIGINAL COPY

  
(Signature)

10th Cir. Case No. 22-5009

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

I, Dawud C.S. Gabriel, 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>1115.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Self-employment	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>1270.00</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	\$ <u>2385.00</u>	\$ <u>N/A</u>	\$ <u>0</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
Will list employment information on an attached page.			\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____

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

4. How much cash do you and your spouse have? \$ 70.00  
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
Checking	\$ 0	\$ N/A
Savings	\$ 0	\$ N/A
Prepaid	\$ 104.00	\$ N/A

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
N/A	\$ N/A	\$ N/A
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
N/A	N/A	N/A
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)	\$ 0	\$ N/A
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ 150.00	\$ N/A
Home maintenance (repairs and upkeep)	\$ 0	\$ N/A
Food	\$ 500.00	\$ N/A
Clothing	\$ 0	\$ N/A
Laundry and dry-cleaning	\$ 30	\$ N/A
Medical and dental expenses	\$ 0	\$ N/A

	<b>You</b>	<b>Your spouse</b>
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ _____	\$ <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>84.79</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>0</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>0</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>0</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>0</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
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>0</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>0</u>	\$ <u>N/A</u>
<b>Total monthly expenses:</b>	\$ <u>764.79</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.

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? Petitioner has not retained counsel at this point.

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

**Again, Petitioner has not retained counsel at this point. When the judgment of the lowers courts are overturned (reversed), Gabriel intends to retain counsel to file addition claims in this matter.**

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.

**Currently, Petitioner was terminated from his last place of employment and currently unemployed. Petitioner is unsure when he will retain employment. Also, Petitioner is the plaintiff or appellant in several other civil matters, that he will list on the attached pages *infra*, to include another related matter in which he is petitioning for writ of Certiorari to review the decision of the lower court.**

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

Executed on: \_\_\_\_\_ July 11, 2022

  
\_\_\_\_\_  
(Signature)

### **EMPLOYMENT INFORMATION**

- |  |   |  |
|--|---|--|
| 1. Waste Connections<br>100 Enterprise Blvd<br>Sebring, FL 33870                 | Dates of Employment:<br>May 3, 2022 -<br>June 3, 2022           | Gross Pay:<br>\$2720.00  |
| 2. Labor Finders<br>1536 Lakeview Drive<br>Sebring, FL 33870                     | Dates of Employment:<br>January 25, 2022 -<br>April 26, 2022    | Gross Pay:<br>\$2360.00  |
| 3. Schneider Trucking Co<br>3101 Packerland Drive<br>Green Bay, WI 54313         | Dates of Employment:<br>January 17, 2022 -<br>January 17, 2022  | Gross Pay:<br>Truck Driving Position.<br>Paid Per Driven Miles |
| 4. Covenant Transport/<br>Landair<br>400 Birmingham Hwy<br>Chattanooga, TN 37419 | Dates of Employment:<br>October 25, 2021 -<br>November 1, 2021  | Gross Pay:<br>Truck Driving Position.<br>Paid Per Driven Miles |
| 5. Trans Am Trucking Co.<br>15910 S. US 169 Hwy<br>Olathe, KS 66062              | Dates of Employment:<br>November 9, 2020 -<br>December 22, 2020 | Gross Pay:<br>Truck Driving Position.<br>Paid Per Driven Miles |
| 6. Melton Truck Lines Inc.<br>808 N 161st East Ave.<br>Tulsa, OK 74116           | Dates of Employment:<br>July 20, 2020 -<br>September 16, 2020   | Gross Pay:<br>Truck Driving Position.<br>Paid Per Driven Miles |
| 7. Highland County School Bd.<br>426 School Street<br>Sebring, FL 33870          | Dates of Employment:<br>November 14, 2016 -<br>January 5, 2021  | Gross Pay:<br>\$1170.00  |

### **LITIGATION HISTORY**

1. Gabriel v. Western Express Trucking Co., Case no. 3:22-cv-00288 (MD Tenn.2022). Case is pending.
2. Gabriel v. Trans Am Trucking Co., Case no. 2:22-cv-02128 (D.Kansas.2022).  
Dismissed on June 2, 2022. Appealed to 10th Cir. C.O.A. Judgment is pending.
3. Gabriel v. Melton Truck Lines Inc., Case no. 4:21-cv-00529 (ND OK.2022)  
Dismissed on Jan. 24, 2022. Appealed to 10th Cir. C.O.A. (Affirmed on Apr. 29, 2022). This case is related to this current matter, for which Petitioner is seeking writ of Certiorari to review lower court's decision as well, and motioned to proceed in Forma Pauperis, on July 5, 2022.
4. Gabriel v. Melton Truck Lines Inc., Case no. 4:21-cv-00493 (ND OK.2021).  
Case is pending.

5. Gabriel v. Windy Hill Foliage Inc., Case no. 2:21-cv-14177 (FLSD.2021).  
Dismissed on Aug. 6, 2021. Appealed to 11th Cir. C.O.A. (Affirmed on Jun. 24, 2022).  
Will petition for writ of Certiorari to review the decision, pursuant 28 U.S.C. § 1254(1).