

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

IN THE  
SUPREME COURT OF THE UNITED STATES

Jacqueline Manuel PETITIONER  
(Your Name)

VS.

Office of Personnel  
Management — 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. District Court (2010)

☒ 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.

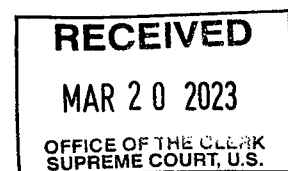
☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_

\_\_\_\_\_, or

☐ a copy of the order of appointment is appended.

Jacqueline Manuel  
(Signature)



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

I, Jacqueline Manuel, 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>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>0</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>OWCP</u>   | \$ <u>1,982.00</u>                               | \$ <u>N/A</u> | \$ <u>1,982.00</u>         | \$ <u>N/A</u> |
| <b>Total monthly income:</b>   | \$ <u>1,982.00</u>                               | \$ <u>N/A</u> | \$ <u>1,982.00</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 |
|-------------|---------|---------------------|-------------------|
| <u>NONE</u> |         |                     | \$ _____          |
|             |         |                     | \$ _____          |
|             |         |                     | \$ _____          |

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> |         |                     | \$ _____          |
|            |         |                     | \$ _____          |
|            |         |                     | \$ _____          |

4. How much cash do you and your spouse have? \$ 0  
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 |
|---|-----------------|------------------------|
| <u>N/A</u>                                  | \$ <u>N/A</u>   | \$ <u>N/A</u>          |
|   | \$ _____        | \$ _____               |
|   | \$ _____        | \$ _____               |

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

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Home | <input type="checkbox"/> Other real estate |
| Value <u>365,000.00</u>                  | Value <u>0</u>                             |

|  |  |
|--|--|
| <input checked="" type="checkbox"/> Motor Vehicle #1 | <input checked="" type="checkbox"/> Motor Vehicle #2 |
| Year, make & model <u>2007 Lexus IS 250</u>          | Year, make & model <u>2018 Lexus RX 350</u>          |
| Value <u>4,000.00</u>                                | Value <u>35,000.00</u>                               |

☐ Other assets  
Description NONE  
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  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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)

\$ 1,134.88

\$ N/A

Are real estate taxes included? ☐ Yes ☒ No

Is property insurance included? ☐ Yes ☒ No

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

\$ 200.00

\$ N/A

Home maintenance (repairs and upkeep)

\$ 0

\$ N/A

Food

\$ 250.00

\$ N/A

Clothing

\$ 30.00

\$ N/A

Laundry and dry-cleaning

\$ 80.00

\$ N/A

Medical and dental expenses

\$ 0

\$ N/A

|   | You                                 | Your spouse   |
|---|-------------------------------------|---------------|
| Transportation (not including motor vehicle payments)                                       | \$ <u>0</u>                         | \$ <u>N/A</u> |
| Recreation, entertainment, newspapers, magazines, etc.                                      | \$ <u>0</u>                         | \$ <u>N/A</u> |
| Insurance (not deducted from wages or included in mortgage payments)                        |                                     |               |
| Homeowner's or renter's   | \$ <u>3,000.00</u><br><u>yearly</u> | \$ <u>N/A</u> |
| Life  | \$ <u>0</u>                         | \$ <u>N/A</u> |
| Health  | \$ <u>0</u>                         | \$ <u>N/A</u> |
| Motor Vehicle   | \$ <u>180.00</u>                    | \$ <u>N/A</u> |
| Other: <u>N/A</u>   | \$ <u>0</u>                         | \$ <u>N/A</u> |
| Taxes (not deducted from wages or included in mortgage payments)                            |                                     |               |
| (specify): <u>Property Taxes</u>  | \$ <u>2,700.00</u><br><u>yearly</u> | \$ <u>N/A</u> |
| Installment payments  |                                     |               |
| Motor Vehicle   | \$ <u>0</u>                         | \$ <u>N/A</u> |
| Credit card(s)  | \$ <u>150.00</u>                    | \$ <u>N/A</u> |
| Department store(s)   | \$ <u>35.00</u>                     | \$ <u>N/A</u> |
| Other: <u>N/A</u>   | \$ <u>0</u>                         | \$ <u>N/A</u> |
| Alimony, maintenance, and support paid to others  | \$ <u>N/A</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>N/A</u>   | \$ <u>0</u>                         | \$ <u>N/A</u> |
| <b>Total monthly expenses:</b>  | \$ <u>2,054.88</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? \_\_\_\_\_

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

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:

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

*On a fixed income.*

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

Executed on: *March 11,* \_\_\_\_\_, 20*23*

*Jacqueline Manuel*  
(Signature)

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

IN THE

SUPREME COURT OF THE UNITED STATES

Jacqueline Manuel PETITIONER  
(Your Name)

vs.

Office of Personnel Management — RESPONDENT(S)  
ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals for the Federal Circuit  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jacqueline Manuel  
(Your Name)

2017 Rosedale Street  
(Address)

Houston, Texas 77004  
(City, State, Zip Code)

(713) 344-8183  
(Phone Number)

#### QUESTION(S) PRESENTED

1. Why was I wrongfully terminated?
2. Why was I pressure, instructed, force to retire, when OPM stated they did not have jurisdiction over my disability Retirement?
3. Why didn't anyone apply the merits, laws, rules and regulations to my case?



## LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[X] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

The Postal Service, management DRAC  
Committee, NLRCA union, merit system protection  
Board Judge Cornelius' Sidney Jr, U.S. District  
Court Judge Lynn Hughes, Attorney Linda King,  
Attorney Ernesto Garcia

## RELATED CASES

Jacqueline Manuel V. USPS, DA-844E-13-2031 I-1, not sure  
Merit System Protection Board. Judgement entered - case boxed  
up

Jacqueline Manuel V. USPS, DA-0353-14-0581 I-1, not sure  
Merit System Protection Board. Judgement entered - case boxed  
up

Jacqueline Manuel V. USPS, DA-0752-13-2536 I-1, not sure  
Merit System Protection Board. Judgement entered - case boxed  
up

Jacqueline Manuel V. USPS, DA-0752-13-2536 B-1, not sure  
Merit System Protection Board. Judgement entered - case boxed  
up

Jacqueline Manuel V. OPM, DA-844E-15-0277 I-1, not sure  
Merit System Protection Board. Judgement entered - case boxed  
up

Jacqueline Manuel V. USPS, 4:10-CV-03834,  
U.S. District Court Federal Court. Judgement entered 1-3-2011  
+ 1-12-2012

Jacqueline Manuel V. USPS, 4:10-CV-03701,  
U.S. District Court Federal Court. Judgement entered 1-3-2011  
+ 1-12-2012

Jacqueline Manuel V. OPM, 4:10-CV-03330,  
U.S. District Court Federal Court. Judgement entered 12-16-2022

All my cases and appeals denied and dismiss. All bias  
in favor of the Postal Service.

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# TABLE OF AUTHORITIES CITED

| CASES  | PAGE NUMBER                                |
|--|--|
| Chen V. U.S. Postal Service, M.S.P.R. 527, 13 (2004); See 5 C.F.R. 353.304(c)      | Could not locate on computer to print out. |
| Urena V. U.S. Postal Service, 113 M.S.P.R., 6, 2 (2009)                            |  |
| Sanchez V. U.S. Postal Service, 114 M.S.P.R., 345, 9 (2010)                        |  |
| Latham V. U.S. Postal Service, 117 M.S.P.R., 400 10, 16, N 9 (2012)                | Donot know if these are similar cases.     |
| Barrett V. U.S. Postal Service, 107 M.S.P.R., 688, 5 (2008)                        | No longer in the system.                   |
| STATUTES AND RULES   |  |
| Fifth Amendment's and Fourteenth Amendment's guarantees of due process             |  |
| Administrative laws and regulations that governs and agency's internal operations. |  |
| My cases never litigated.  |  |

OTHER

N/A

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 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 United States district court 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.

☐ For cases from **state courts**: N/A

The opinion of the highest state court to review the merits 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 \_\_\_\_\_ 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.

**United States Court of Appeals  
for the Federal Circuit**

---

**JACQUELINE R. MANUEL,**  
*Petitioner*

---

**v.**

**OFFICE OF PERSONNEL MANAGEMENT,**  
*Respondent*

---

2022-1944

---

Petition for review of the Merit Systems Protection  
Board in No. DA-844E-15-0277-I-1.

---

**MANDATE**

---

In accordance with the judgment of this Court, entered  
September 26, 2022, and pursuant to Rule 41 of the Federal  
Rules of Appellate Procedure, the formal mandate is  
hereby issued.

**FOR THE COURT**

December 20, 2022  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

*Appendix A 2*

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

---

**JACQUELINE R. MANUEL,**  
*Petitioner*

**v.**

**OFFICE OF PERSONNEL MANAGEMENT,**  
*Respondent*

---

2022-1944

---

Petition for review of the Merit Systems Protection  
Board in No. DA-844E-15-0277-I-1.

---

**ON PETITION FOR REHEARING EN BANC**

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Before MOORE, *Chief Judge*, NEWMAN, LOURIE, DYK,  
PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL,  
CUNNINGHAM, and STARK, *Circuit Judges*.

PER CURIAM.

**O R D E R**

Jacqueline R. Manuel filed a petition for rehearing en banc. The petition was first referred as a petition for rehearing to the panel that issued the order, and thereafter

*Appendix A 3*

the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue December 20, 2022.

FOR THE COURT

December 13, 2022  
Date

/s/ Peter R. Marksteiner  
Peter R. Marksteiner  
Clerk of Court

Appendix A 4

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**JACQUELINE R MANUEL,**  
*Plaintiff,*

v.

**OFFICE OF PERSONNEL  
MANAGEMENT**  
*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**CASE NO. 4:22-cv-03330**

**Order on Dismissal**

Defendant's Motion for Summary Judgment is Granted. Plaintiff's case is  
Dismissed.

SIGNED on \_\_\_\_\_, at Houston, Texas.

\_\_\_\_\_  
Lynn N. Hughes  
United State District Judge

Appendix A 5



## JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 12-20-2022.

☐ 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: 12-13-2022, and a copy of the order denying rehearing appears at Appendix A.

☐ 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**: N/A

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

☐ 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 B 6

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fifth and Fourteenth Amendments to the Constitution.

Federal Regulations —

5 C.F.R. 353.301 (b) Restoration Rights  
OPM is responsible for implementing the regulations contained in 5 U.S.C. 8151 in accordance with 5 U.S.C. 8151 (a)

5 C.F.R. Part 352 - Reemployment Rights  
The agency must comply with the provisions of 1201.21 of this title.

The agency failure to perform its obligations.

5 C.F.R. 353.301 (d)

The Postal Service ELM 546 and EL 505,  
Chapters 7 and 11 Latham, at 30.

Law 546.1, 546.11, 546.13, 546.131  
546.132.

Section 8(a)(1) Section 7 - Unfair  
labor practice by the Postal Service  
The Rehabilitation Act of 1973, Sections  
501 and 505 Titles I and V of the  
Americans with Disability Act of 1990

Appendix C 7

#### STATEMENT OF THE CASE

I am 62 years old PROSE from day one unable to find an attorney, denied an attorney when asked. Referred<sup>my</sup> to an attorney and she conspire against me with the U.S. District Judge and the Postal Service attorney. I tried my best and still trying to follow instructions and directions of the courts. I had made my probational period 08-19-2006. (1 year) Next in line to becoming a career employee and get fully invested in benefits and retirement. Instead, the Postal Service gave the position to the guy hired after me and they allowed other employees in similar situation like me to work modified duties for years and get fully invested, career, benefits, and retirement. I wanted to work, I was able to work, part-time & full-time. I did not want to retire, I was not ready to retire, I needed my job, I was force to retire. I was able to do what I was hired to do just in a modified activity.

Appendix D 8

#### REASONS FOR GRANTING THE PETITION

I, Jacqueline Manuel is asking the Supreme Court to grant me a petition for a Writ of Certiorari. Noone followed OWCP and my doctor order's to continue working part-time and full-time. The agency's failed to follow its own policies, rules and regulations. ON April 8, 2009 document it states my claim disability retirement was not under the jurisdiction of OPM. Instead everyone had me going through years of pain and suffering, mental anguish and emotional distress. And still going through it. Over 15 years I provided everyone with prepondance of evidences, documents, statements, and the facts regarding my cases and claims. As this point, I'm not sure if anything was filed or presented on my behalf. My cases and claims have been back and forth due to jurisdiction causing bias, denials, unfairness and discrimination causing harm to the outcome of my cases and claims. Conflict of interest biased and cannot act impartially. If an official who knows they are biased has a duty to the public to recuse him or herself, from the proceedings. The Judge's rulings during either the course of the appeals or the initial decision were not consistent with required procedures or involved an abuse of discretion, and the resulting error effected the outcome of my cases. The judge's made an error interpreting a law or regulation. The regulation that establishes this standard of review is

Appendix E can't next page

#### REASONS FOR GRANTING THE PETITION

found in title 5 of the code of federal regulations ~~section~~ 1201.115 (5 C.F.R. 1201.115.) During my research regarding my cases, I found inaccurate and discrepancies. Judge Lynn Hedges of the U.S. District Court, Postal Service attorney E. Garcia, Attorney Linda King, should be investigated. Ms. King never represented me on my civil cases 4:10-CV-03834, and 4:10-CV-03701. MSPB AJ of Dallas, Tx. C. Sidney Jr issued me 5 docket numbers. Just denied and dismissed by everyone. Due to everyone's unlawfully termination, wrongdoing and acts, harm and injustices suffered by me destroying my career negligent infliction of emotional distress. Also the Judge's committed harmful error - Federal employees cannot be removed from employment when the removal proceeding is conducted in violation of their right to due process. My employment was a valuable asset to my life and my family life. All my Appeals were filed timely. Due to Memorial Day holiday it made my appeal to show 6-15-2022, instead of 6-14-2022. All bias in favor of the Postal Service.

Thank You,  
Jacqueline Manuel

Appendix E 10

### CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jacqueline Manuel

Date: 03-11-2023

Appendix F 01

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

\_\_\_\_\_  
IN THE  
SUPREME COURT OF THE UNITED STATES  
\_\_\_\_\_

Jacqueline Manuel PETITIONER  
(Your Name)

VS.

Office of Personnel — RESPONDENT(S)  
Management

**PROOF OF SERVICE**

I, Jacqueline Manuel, do swear or declare that on this date,  
03-11-, 2023, as required by Supreme Court Rule 29 I have  
served the enclosed MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*  
and PETITION FOR A WRIT OF CERTIORARI on each party to the above proceeding  
or that party's counsel, and on every other person required to be served, by depositing  
an envelope containing the above documents in the United States mail properly addressed  
to each of them and with first-class postage prepaid, or by delivery to a third-party  
commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Executed on March 11, 2023

Jacqueline Manuel  
(Signature)

**Additional material  
from this filing is  
available in the  
Clerk's Office.**