

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.

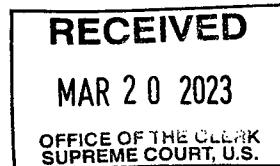
Petitioner's affidavit or declaration in support of this motion is attached hereto.

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>
Total monthly income:	\$ <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.

Home

Value 365,000.00

Other real estate

Value 0

Motor Vehicle #1

Year, make & model 2007 Lexus IS 250

Value 4000.00

Motor Vehicle #2

Year, make & model 2018 Lexus RX 350

Value 35,000.00

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

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
<u>N/A</u>	_____	_____
	_____	_____
	_____	_____

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)	\$ <u>1,134.88</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>200.00</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>0</u>	\$ <u>N/A</u>
Food	\$ <u>250.00</u>	\$ <u>N/A</u>
Clothing	\$ <u>30.00</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>80.00</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

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

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, 2023

Jacqueline Manuel
(Signature)

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

Jacqueline Manuel PETITIONER
(Your Name)

vs.

Office of Personnel — RESPONDENT(S)
Management

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.

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, Not sure
U.S. District Court Federal Court. Judgement entered 1-3-2011
+ 1-12-2012

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

Jacqueline Manuel V. OPM, 4:10-CV-03330, 12-16-2022
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, 117 M.S.P.R., 345, 9 (2010)	
Latham V. U.S. Postal Service, 117 M.S.P.R., 400 10, 16, N 9 (2012)	Do not know if these are similar
Barrett V. U.S. Postal Service, 107 M.S.P.R., 688, 5 (2008)	

STATUTES AND RULES

	CASES.
Fifth Amendment's and Fourteenth Amendment's guarantees of due process	No longer in the system.
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,
[V] 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,
[V] 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.

1.

Appendix A

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

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

PER CURIAM.

ORDER

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).

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

STATEMENT OF THE CASE

I am 62 years old PROSe from day one unable to find an attorney, denied an attorney when asked. Referred ^{my} 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.

REASONS FOR GRANTING THE PETITION

I, Jacqueline Manuel is asking the Supreme Court to grant me a petition for a Writ of Certiorari. No one 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 preponderance 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

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, wrong-doing 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

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jacqueline Manuel

Date: 03-11-2023

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.**