

No.

IN THE

Supreme Court of the United States

HONG TANG

Applicant/Petitioner

V.

KURT L. SCHMOKE, et al.

Respondents

Application For An Extension Of Time Within Which To File A Petition For A Writ
Of Certiorari To The United States Court Of Appeals For The Fourth Circuit

APPLICATION TO THE HONORABLE CHIEF JUSTICE JOHN G.
ROBERTS, JR. AS CIRCUIT JUSTICE

HONG TANG

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APPLICATION FOR AN EXTENSION OF TIME

TO THE HONORABLE JOHN G. ROBERTS, JR., CHIEF JUSTICE OF THE
SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR
THE FOURTH CIRCUIT:

Pursuant to Supreme Court Rule 13.5, *pro se* applicant Hong Tang ("Applicant") respectfully requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Friday, February 25, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Tang v. Schmoke*, No. 20-2308; 21-1243 (4th Cir. 2021) (attached as Appendix 1). The Fourth Circuit denied the applicant's petition for rehearing and rehearing en banc on September 27, 2021 (attached as Appendix 2).

JURISDICTION

This Court has jurisdiction in this case pursuant to 28 U.S.C. § 1254(1). Pursuant to Supreme Court Rules 13.1, 13.3, and 30.1, a petition for a writ of certiorari is due to be filed on or before December 27, 2021. In accordance with Rule 13.5, this

application is being filed more than 10 days before the final filing date for the petition for a writ of certiorari.

REASONS JUSTIFYING AN EXTENSION OF TIME

1. The underlying 42 U.S.C. § 1983 claim/action was filed in the U.S. District Court for the District of Maryland on October 10, 2019 under Civil Action No. SAG-19-2965, within the period of limitations prescribed by Maryland law (Md. Rules 2-101(b)(1) and 3-101(b)(1)). But the case was dismissed because the action was barred by the statute of limitations applied by the lower courts, and the mandate was issued by the U.S. Court of Appeals for the Fourth Circuit on October 12, 2021. *Tang v. Schmoke*, No. 20-2308; 21-1243 (4th Cir. 2021). In particular, among other things, the lower courts applied the statutory-interpretation principles for interpreting federal statute to the interpretation of Maryland state “saving statute” (Md. Rules 2-101(b)(1) and 3-101(b)(1)), prematurely ended the essential interpretive inquiry, and thus applied the statute of limitations without the application of Maryland state “saving statute” (Md. Rules 2-101(b)(1) and 3-101(b)(1)) or the federal equitable tolling in the case. *Id.*

2. Maryland Rule 2-101(b) states:

“After Certain Dismissals by a United States District Court or a Court of Another State.

Except as otherwise provided by statute, if an action is filed in a United States District Court or a court of another state within the period of limitations prescribed by Maryland law and that court enters an order of dismissal (1) for lack of jurisdiction, (2) because the court declines to exercise jurisdiction, or (3) because the action is barred by the statute of limitations required to be applied by that court, an action filed in a circuit court within 30 days after the entry of the order of dismissal shall be treated as timely filed in this State.”.

3. Pursuant to Md. Rule 2-101(b)(3), the *pro se* applicant timely refiled this claim/action (42 U.S.C. § 1983 complaint) in the Maryland state trial court, the “Circuit Court for Baltimore City, Maryland”, on November 10, 2021. The Circuit Court for Baltimore City, Maryland accepted the filing, docketed the case, and issued the summons on November 15, 2021, under Docket No. 24C21004967. The refiled case (Case Number: 24C21004967) is currently pending and ongoing in the Maryland state trial court, the “Circuit Court for Baltimore City, Maryland”.

4. Given the fresh refiled of the underlying 42 U.S.C. § 1983 claim/action and the ongoing litigation in the Maryland state trial court, the extension of time will permit the *pro se* applicant/petitioner the time necessary to complete a cogent and well-researched petition for a writ of certiorari.

5. In light of the pendency of the same claim/action in the Maryland state trial

court, the principle of judicial economy for both federal and state courts, and the COVID-19 global pandemic, the extension of time is also necessary and warranted.

6. It should also be noted that the applicant is proceeding *pro se* in both the federal and state courts proceedings simultaneously, and thus a 60-day extension of time is the necessary amount of time, which is essential for the *pro se* litigant to effectively contribute to both the fresh, ongoing litigation in the Maryland state trial court and the petition for a writ of certiorari.

For all of the foregoing reasons, there is good cause for a 60-day extension. Accordingly, Applicant respectfully requests that this Court extend the time within which to file a petition for a writ of certiorari for sixty (60) days, until February 25, 2022.

Respectfully submitted,

Dated: December 14, 2021



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APPENDIX

- 1. Court of Appeals Opinion and Judgment**
- 2. Court of Appeals Order Denying Rehearing**