

No.

IN THE

Supreme Court of the United States

HONG TANG

Applicant/Petitioner

V.

JUSTIN P. GROSSMAN, 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 Second Circuit

APPLICATION TO THE HONORABLE ASSOCIATE JUSTICE SONIA
SOTOMAYOR AS CIRCUIT JUSTICE

HONG TANG

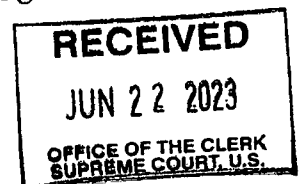
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APPLICATION FOR AN EXTENSION OF TIME

TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SECOND 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 Monday, August 28, 2023.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *Hong Tang v. Grossman*, No. 22-464 (2d Cir. Feb. 27, 2023) (attached as Appendix 1). The Second Circuit denied the applicant's petition for rehearing and rehearing en banc on March 29, 2023 (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 June 27, 2023. 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 (June 17, 2023 falls on a Saturday and June 19, 2023, Monday, is also a federal holiday).

REASONS JUSTIFYING AN EXTENSION OF TIME

1. The lower courts' finding of lack of diversity jurisdiction was based on "the issuance of a warrant of eviction cancels the lease between the parties and annuls the relationship of landlord and tenant" (Dist. Ct. Dkt. 39 at 18). Thus, the applicant/petitioner is preparing to file a Fed. R. Civ. P. 60(b)(4) motion in the lower courts, seeking declaratory relief, declaring the concerned "summary proceeding" of the New York City Housing Court including the issuance of a warrant of eviction VOID for lack of jurisdiction. The outcome of the said Fed. R. Civ. P. 60(b)(4) motion in the lower courts will directly affect the judgment for which review is sought.

2. 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, while also preparing a Fed. R. Civ. P. 60(b)(4) motion to be filed in the lower courts.

3. It should also be noted that the applicant is proceeding *pro se* in both the lower courts' and this Court's 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 Fed. R. Civ. P. 60(b)(4) motion in the lower courts 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 August 28, 2023.

Respectfully submitted,

Dated: June 16, 2023



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