

24-7514

No. 24-40770

FILED  
APR 29 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

IN THE  
SUPREME COURT OF THE UNITED STATES

HOU HE ZENG — PETITIONER  
(Your Name)

VS.  
ALLIED TRUST INSURANCE COMPANY,  
ET AL. — 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 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.

HouHE ZENG  
(Signature)

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

I, HOU HE ZENG, 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.

<b>Income source</b>	<b>Average monthly amount during the past 12 months</b>		<b>Amount expected next month</b>	
	<b>You</b>	<b>Spouse</b>	<b>You</b>	<b>Spouse</b>
Employment	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Self-employment	\$ <u>1,800</u>	\$ <u>0</u>	\$ <u>800-1,800</u>	\$ <u>0</u>
Income from real property (such as rental income)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Interest and dividends	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Gifts	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Alimony	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Child Support	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Unemployment payments	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
Other (specify): _____	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<b>Total monthly income:</b>	<b>\$ <u>1,800</u></b>	<b>\$ <u>0</u></b>	<b>\$ <u>800-1,800</u></b>	<b>\$ <u>0</u></b>

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
Ice monster Trading LLC	1400 FM 3436, Dickinson, TX 77539	2023/8/25 - present	\$ 1,800 \$ \$

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
None	N/A	N/A	\$ 0 \$ \$

4. How much cash do you and your spouse have? \$ 266.22

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
4347-6920-6024-6947	\$ 266.22	\$ 0

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

Home  
Value \_\_\_\_\_

Other real estate  
Value \_\_\_\_\_

Motor Vehicle #1  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Motor Vehicle #2  
Year, make & model \_\_\_\_\_  
Value \_\_\_\_\_

Other assets  
Description \_\_\_\_\_  
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
Hang Gang	\$ 7,000	\$ 0
(Taiwan)	\$ _____	\$ _____
	\$ _____	\$ _____

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
Y.T.L	Daughter	17
Y.J.L	Daughter	15

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	\$ 0
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)	\$ 0	\$ 0
Home maintenance (repairs and upkeep)	\$ 0	\$ 0
Food	\$ 500	\$ 0
Clothing	\$ 50	\$ 0
Laundry and dry-cleaning	\$ 0	\$ 0
Medical and dental expenses	\$ 100	\$ 0

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.

"I currently have only \$220 in cash and bank account. My monthly income is limited to \$800-1000 due to expired work authorization. I support two minor daughters in Taiwan and pay \$600 per month in child support. Rent and utilities are covered by a friend. I am unable to afford legal fees, court filing fees, or booklet printing costs for this case."

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

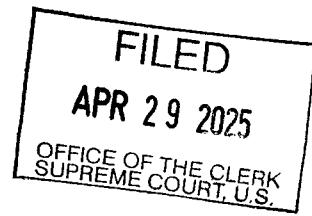
Executed on: JUNE 23, 2025

HOUHE ZENG

(Signature)

24-7514

No. 24-40770



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IN THE  
SUPREME COURT OF THE UNITED STATES

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HOU HE ZENG,

Petitioner,

v.

ALLIED TRUST INSURANCE COMPANY; FIREMARK INSURANCE  
AGENCY; TEXAS DEPARTMENT OF INSURANCE,  
Respondents.

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On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Fifth Circuit

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**PETITION FOR WRIT OF CERTIORARI**

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HOU HE ZENG  
3002 Arbor Edge Crossing,  
La Marque, TX 77568  
Phone: 832-523-5003  
Email: jts990616@gmail.com  
*Petitioner, pro se*

RECEIVED

JUN 26 2025

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## **QUESTIONS PRESENTED**

Whether a federal district court's dismissal of a *pro se* litigant's case concerning irreversible toxic protein smoke damage, backed by peer-reviewed toxicology and institutional reports from NIST, EPA, and UTHealth, without inspection of the affected property or evaluation of critical scientific evidence, violates Petitioner's due process rights.

Whether the Fifth Circuit's dismissal of claims against a state agency for constitutional violations under 42 U.S.C. § 1983, despite evidence of bias and retaliation causing wrongful detention, disregards settled precedent on state agency liability for *ultra vires* acts or due process violations.

Whether a state agency's defamation, leading to involuntary psychiatric detention without medical or legal basis, violates the Due Process Clause of the Fourteenth Amendment, presenting a question of substantial federal importance regarding protections against unlawful commitments.

Whether a court of appeals' frivolousness finding, disregarding a *pro se* litigant's alternative evidence due to financial constraints, violates the principle of liberal construction under *Haines v. Kerner*,

404 U.S. 519 (1972), and undermines access to justice for indigent litigants, especially where critical alternative evidence is disregarded solely due to the litigant's financial limitations.

Whether the Fifth Circuit's summary dismissal of a constitutional and scientific dispute, without oral argument or factual review, constitutes judicial abdication of appellate responsibilities in violation of Article III.

Whether systemic judicial nonresponse to formal allegations of bias constitutes a breakdown of procedural safeguards and raises a substantial constitutional question.

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## **OPINION BELOW**

The order of the United States Court of Appeals for the Fifth Circuit granting Respondents' motions to dismiss the appeal as frivolous, entered on February 27, 2025, is unreported and is available at Appendix A. The order denying Petitioner's motion for reconsideration and petition for rehearing *en banc*, entered on April 22, 2025, is unreported and is available at Appendix B. The final judgment of the United States District Court for the Southern District of Texas, entered on November 19, 2024, is unreported and is available at Appendix C.

## **JURISDICTION**

The United States Court of Appeals for the Fifth Circuit entered its order dismissing the appeal on February 27, 2025, and denied Petitioner's motion for reconsideration and petition for rehearing *en banc* on April 22, 2025. The mandate was issued on April 30, 2025. This petition is timely filed within 90 days of the denial of rehearing, pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

## **RELEVANT STATUTORY PROVISIONS**

This case involves the Due Process Clause of the Fourteenth

Amendment, U.S. Const. art. III, § 1, U.S. Const. amend. XIV, § 1; 42 U.S.C. § 1983; 28 U.S.C. § 1343; 42 U.S.C. § 9607; Texas Insurance Code Chapters 541 and 542A; and the Texas Tort Claims Act, Tex. Civ. Prac. Rem. Code § 101.001 *et seq.* The relevant texts are set forth in Appendix D.

### **STATEMENT OF THE CASE**

Petitioner Houhe Zeng filed a complaint in the United States District Court for the Southern District of Texas on July 30, 2024, alleging that Respondents Allied Trust Insurance Company and Fire Mark Insurance Agency wrongfully denied a valid insurance claim for irreversible toxic protein smoke damage caused by a low-oxygen meat-base fire on March 31, 2021, at Petitioner's residence at 7919 Quartz Lane, in Texas City, Texas. The fire released hazardous levels of hydrogen cyanide (HCN up to 200 ppm), ammonia (up to 100 ppm), polycyclic aromatic hydrocarbons (PAHs up to 50 µg/m<sup>3</sup>), and other neurotoxic and carcinogenic compounds, as documented by NIST, EPA, and UTHealth studies. This exposure, without ventilation for multiple hours, caused severe structural contamination and irreversible neurological, olfactory, and respiratory harm to Petitioner and her spouse, devastating their careers in the food industry with

estimated professional losses of \$2,000,000–\$2,800,000.

### **Overview of protein smoke fire<sup>1</sup>**

Protein smoke fire refers to the smoke and aerosol produced by the incomplete combustion or high-temperature degradation of protein substances (such as meat, dairy products, and eggs), which is significantly different from common petrochemical fires and wood fires. Its smoke contains a large amount of:

1. Hydrocyanic acid (HCN), ammonia (NH<sub>3</sub>), carbon monoxide (CO), polycyclic aromatic hydrocarbons (PAHs), benzo[a]pyrene, aldehydes (such as acrolein, formaldehyde), nitrogen-containing free radicals, and amino aromatic compounds.
2. Peculiarity: High-protein matrix produces nitrogen-containing organic poisons when it is pyrolyzed at high temperature. Protein-derived smoke particles are highly adhesive, easy to be retained, easily inhaled into the deep lungs, and remain persistently, which is far more toxic and long-term harmful than ordinary smoke.

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<sup>1</sup> Stec, A. A., Hull, T. R., Lebek, K., Purser, D. A. (2011). Cellular responses to fire smoke: toxicological characterization of fire effluents in vitro. *Chemosphere* 85(6): 998–1006.; Levin, B. C. (2000). Fire smoke toxicity: the state of the art. *J. Fire Sci.*

## **Cytotoxicity**

Barbara C. Levin, David A. Purser, Anna A. Stec and other scholars clearly pointed out in a collaborative study between NIST (National Institute of Standards and Technology) and UL (Underwriters Laboratories):

1. Aerosols and smoke particles produced by protein smoke fires are highly cytotoxic, especially to alveolar epithelial cells and bronchial epithelial cells.
2. In the in vitro cultured cell exposure test, the following were observed: increased apoptosis, massive generation of reactive oxygen species (ROS); damage to cell membrane integrity; and mitochondrial dysfunction.

## **Genotoxicity & DNA mutagenicity**<sup>2</sup>

Polycyclic aromatic hydrocarbons (PAHs), benzopyrene (BaP) and their metabolites can form DNA adducts with DNA, leading to DNA Damage and mutation.

Protein smoke fire smoke is rich in PAHs + nitrogen oxides + ammonia derivatives, which can be proven to be genotoxic.

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<sup>2</sup> Stec, A. A., Hull, T. R. (2010). Assessment of the toxicity of combustion products. In SFPE Handbook of Fire Protection Engineering.; Jalava, P. I. et al. (2006). Comparison of toxicity of different fire smoke particulates in vitro. Toxicology Letters 165(3): 221-230.

Multiple Ames test (Salmonella reverse mutation test) and Comet Assay studies have confirmed: DNA breaks, point mutations, and oxidative damage occur in cultured cells exposed to protein smoke fire particles; and increased mutations were detected in cancer-related genes such as the p53 gene and KRAS gene.

### **Carcinogenicity<sup>3</sup>**

The IARC (International Agency for Research on Cancer) classifies fire smoke as a Group 2A / 2B potential carcinogen. Smoke from the combustion of protein sources is specifically pointed out because it contains: Benzopyrene (Group 1 carcinogen); Formaldehyde (Group 1 carcinogen); and Acrolein, phenol, nitrosamines, which is highly carcinogenic.

Firefighters' occupational exposure to protein smoke for a long time has been shown to significantly increase the risk of lung cancer, esophageal cancer, laryngeal cancer, and nasopharyngeal cancer.

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<sup>3</sup> Daniels, R. D. et al. (2014). Mortality and cancer incidence in a pooled cohort of US firefighters from San Francisco, Chicago and Philadelphia (1950–2009). *Occup Environ Med* 71(6): 388–397.; Stec, A. A. et al. (2018). Occupational exposure to carcinogens in firefighters. *Environ Int*. 118: 214–226.

## **PTSD / Post-traumatic stress disorder (PTSD)<sup>4</sup>**

Long-term exposure to highly toxic, non-immediately detectable, long-lasting residual pollution. Residents and emergency personnel are highly susceptible to PTSD.

Studies have shown that residential fires (especially protein smoke fires, which are invisible pollution + continuous odor pollution) lead to the following results:

1. Continuous odor memory triggers PTSD (Olfactory Triggered PTSD).
2. After long-term exposure, even if the environment is cleaned up, panic symptoms will occur repeatedly due to damaged sense of smell + memory association.
3. Increased sleep disorders, anxiety, depression, and cognitive impairment.

Petitioner further alleged that Respondent Texas Department of Insurance (TDI) failed to regulate the insurers, exhibited bias, and defamed Petitioner through false statements to Texas law

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<sup>4</sup> Yehuda, R. et al. (1998). Sensory triggers and PTSD: role of olfactory stimuli. *Biol Psychiatry* 44(11): 1060–1068.; Campen, M. J. et al. (2022). Neurological impacts of smoke exposure in structural fires. *Journal of Neurotoxicology*.; Stec, A. A. et al. (2015). Fire smoke inhalation exposure leads to PTSD symptoms in firefighters and civilians. *Fire Safety Journal*.

enforcement and legislative officials, directly causing her involuntary psychiatric commitment without valid medical or legal basis. This defamation led to a one-year-ban from the Texas State Capitol and severe emotional distress.

Notably, Petitioner was involuntarily committed at the Medical Behavioral Hospital of Clear Lake from August 20, 2024. On August 26, 2024, she was prescribed psychiatric medication, which she was forced to take and would check her mouth to confirm whether she took the medication. Petitioner had to pick the medication out from under her tongue. Petitioner then went on a hunger strike for four days, eating sugar packets and black coffee, but the mental hospital was indifferent.

The district court, presided over by Judge Jeffrey V. Brown, dismissed all claims on October 22, 2024, labeling the case frivolous and invoking lack of federal subject-matter jurisdiction, thus creating a contradictory and irregular procedural record. This pattern of asserting jurisdiction to dismiss claims, yet simultaneously disclaiming jurisdiction to avoid substantive review, has been systematically applied to Petitioner's multiple related cases (3:24-cv-274, 3:24-cv-331, and 3:25-cv-91), depriving her of a fair and

consistent judicial process.

Petitioner appealed to the Fifth Circuit on December 2, 2024 and filed an appeal brief on January 10, 2025. Respondents TDI and Allied Trust filed motions to dismiss the appeal as frivolous on January 30, 2025. Petitioner opposed the motions on February 4, 2025. On February 27, 2025, the Fifth Circuit granted the motions to dismiss in a two-sentence order without addressing Petitioner's scientific evidence, including NIST bar charts, EPA warnings, and UTHealth studies. Petitioner filed a petition for rehearing *en banc* on March 10, 2025, which was mooted on April 2, 2025. A motion for reconsideration filed on April 2, 2025, was denied on April 22, 2025. The mandate was issued on April 30, 2025.

### **REASONS FOR GRANTING THE WRIT**

This Court should grant certiorari to address significant questions of federal law, resolve circuit conflicts, and correct the Fifth Circuit's erroneous dismissal of Petitioner's appeal as frivolous. The case presents issues of substantial importance affecting insurance regulation, government accountability, and constitutional protections for *pro se* litigants.

**I. The Fifth Circuit’s Dismissal of Petitioner’s case Conflicts with This Court’s Precedent and violates Petitioner’s due process rights.**

The Fifth Circuit’s dismissal of Petitioner’s case disregards evidence of Allied Trust’s bad faith denial of Petitioner’s claim, contravening this Court’s guidance in *State Farm Mut. Auto. Ins. Co. v. Campbell*, 538 U.S. 408 (2003), which upheld punitive damages for malicious insurance practices.

Allied Trust relied on a false fire report, conducted a cursory inspection by sending only a painter, and ignored updated fire reports, community testimonies, and correspondence from the Texas Secretary of State. This conduct meets the bad faith standard under Texas Insurance Code § 541. The dismissal also conflicts with *Nickerson v. Stonebridge Life Ins. Co.*, 63 Cal. 4<sup>th</sup> 363 (2016) and *First Assembly of God v. Ch Mtl Ins*, No. 24-30173 (5<sup>th</sup> Cir. 2025) awarding damages for bad faith claim denials.

Additionally, federal precedents, such as *Mellin v. Northern Security Ins. Co.*, 115 A.3d 799 (N.H. 2015), and *Gregory Packaging v. Travelers*, 2014 WL 6675934 (D.N.J. 2014), recognize invisible protein smoke damage as a direct physical loss requiring structural

remediation. See also *Scott v. Dyno Nobel, Inc.*, No. 23-1719 (8<sup>th</sup> Cir. 2024) (where the Eighth Circuit upheld liability for the release of nitrogen oxide gas from a chemical plant, causing serious health issues to nearby workers. The court affirmed that “toxic” airborne contamination is actionable).

The foregoing was further buttressed by the Court in *Anderson v. Cryovac, Inc.*, 862 F.2d 910 (1st Cir. 1988) where Cryovac was found liable for groundwater contamination caused by toxic industrial solvents, which contributed to a leukemia cluster in Woburn, MA. Scientific expert testimony was deemed sufficient to prove causation. See also *Sterling v. Velsicol Chemical Corp.*, 855 F.2d 1188 (6<sup>th</sup> Cir. 1988) (The Sixth Circuit upheld strict and punitive liability against a chemical company that improperly disposed of toxic waste, contaminating the groundwater supply and causing community-wide health effects); and *Hatfill v. DOJ*, Civil No. 03-1793 (D.D.C. 2008) (Steven Hatfill brought suit under the Privacy Act against federal officials who leaked his identity to the press during the anthrax investigation. He received a \$5.8 million settlement. The case illustrates actionable reputational harm caused by federal misconduct).

The fundamental requirement of due process is the opportunity to be heard “at a meaningful time and in a meaningful manner” *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). It follows; the Fifth Circuit disregard of the said evidence and precedents violates Petitioner’s due process rights.

In light of the foregoing, certiorari is needed to ensure uniform application of bad faith standards and prevent arbitrary insulation of insurers from liability across circuits.

## **II. The Fifth Circuit’s Ruling Disregards Precedent on State Agency Liability Under 42 U.S.C. § 1983.**

The Fifth Circuit’s dismissal shields TDI from liability for constitutional violations, despite evidence of bias, defamation, and retaliation causing Petitioner’s wrongful detention. TDI’s false statements to law enforcement and legislators led to Petitioner’s involuntary psychiatric commitment, violating due process under 42 U.S.C. § 1983, 28 U.S.C. § 1343, and U.S. Const. amend. XIV, § 1.

This conflicts with precedents recognizing liability for state officials’ *ultra vires* acts or constitutional violations. See *Ex Parte Young*, 209 U.S. 123 (1908); *Monell v. Department of Social Services of the City of New York*, 436 U.S. 658 (1978); *Monroe v. Pape*, 365 U.S.

167 (1961) (7th Cir.). The Third and Ninth Circuits also allow § 1983 claims against state officials for similar misconduct. *See Fujiwara v. Clark*, 703 F.2d 357 (9th Cir. 1983).

This Court should reverse the lower courts' impugned decisions to protect constitutional rights against state agency abuses.

**III. The Case Presents a Question of Substantial Federal Importance Regarding Due Process Violations in Involuntary Psychiatric Detentions.**

It is well established that involuntary commitment to a psychiatric facility entails "a massive curtailment of liberty" requiring robust due process protection. *Vitek v. Jones*, 445 U.S. 480, 491-92 (1980). Involuntary commitment cannot therefore be done without affording the detainee adequate due process protection. *Addington v. Texas*, 441 U.S. 418, 425 (1979) "civil commitment for any purpose constitutes a significant deprivation of liberty that requires due process protection").

TDI's defamation, including false statements branding Petitioner a "troublemaker", led to Petitioner's involuntary detention without medical or legal basis, thus violating due process under the Fourteenth Amendment. The "Interdisciplinary Discharge

Plan/Order" issued by Medical Behavioral Hospital of Clear Lake appears superficially complete but contains serious medical noncompliance and legal defects, which strongly support the Petitioner's claim of unlawful psychiatric detention.

Notably, although the hospital issued a discharge form listing "Unspecified Psychosis" as the principal diagnosis, it failed to include any diagnostic justification, psychiatric test scores, or treatment outcomes.

The discharge plan lacked confirmed follow-up care, contained multiple fields marked "none" or "n/a," and was never signed by Petitioner, who expressly refused to acknowledge the discharge summary. These omissions reveal that the commitment and subsequent release, which were secured through coercion using Petitioner's insurance card, were procedurally deficient and medically ungrounded, raising serious due process concerns under *Vitek v. Jones*, 445 U.S. 480 (1980). The arbitrary nature of this detention, devoid of medical necessity, further evidences its retaliatory intent rather than legitimate psychiatric care.

Additionally, during Petitioner's unlawful confinement, hospital staff repeatedly referenced a judge's signed commitment order, yet

they refused to disclose which court or which judge had issued it. Petitioner states that the foregoing should be formally investigated and clarified.

The Fifth Circuit's dismissal ignores this violation, raising a question of national importance: whether state agencies can evade liability for actions causing unlawful detentions. This issue affects thousands of Americans subjected to involuntary commitments, as seen in cases like the Pennsylvania Kids for Cash Scandal, where federal courts awarded substantial damages for systemic abuses. *See United States v. Ciavarella*, 716 F.3d 705, 712–15 (3d Cir.2013), cert. denied, — U.S. —, 134 S.Ct. 1491, 188 L.Ed.2d 378 (2014).

This Court's review is needed to ensure that state agencies cannot weaponize mental health systems to retaliate against citizens, and to preserve due process protections in all psychiatric detention contexts.

#### **IV. The Fifth Circuit's Frivolousness Finding Undermines Access to Justice for Pro Se Litigants with Limited Resources.**

The Fifth Circuit labeled Petitioner's appeal frivolous without addressing her evidence, including community testimonies

compensating for financial constraints and scientific reports from NIST, EPA, and UTHealth. This ruling conflicts with this Court's precedent in *Haines v. Kerner*, 404 U.S. 519 (1972), requiring liberal construction of *pro se* pleadings.

The district court's inconsistent invocation of subject-matter jurisdiction, asserting jurisdiction to dismiss on frivolousness grounds while disclaiming jurisdiction to preclude substantive review, illustrates a systemic obstruction pattern that uniquely disadvantages *pro se* litigants.

Without this Court's intervention, indigent *pro se* litigants will face systemic barriers to justice where legitimate claims are summarily dismissed without meaningful review, contrary to fundamental principles of due process and equal protection.

**V. The Fifth Circuit's Summary Dismissal of a Constitutional and Scientific Dispute Constitutes Judicial Abdication in Violation of Article III**

The Fifth Circuit's two-sentence dismissal of Petitioner's appeal, without oral argument or factual review, constitutes a judicial abdication of its responsibilities under U.S. Const. art. III, § 1. Petitioner's claims involve substantial constitutional questions under

the Due Process clause, supported by peer-reviewed scientific evidence from NIST, EPA, and UTHealth documenting the severe health hazards of protein smoke fires, including hydrogen cyanide (HCN up to 200 ppm), ammonia (up to 100 ppm), and polycyclic aromatic hydrocarbons (PAHs up to 50  $\mu\text{g}/\text{m}^3$ ). These caused irreversible neurological and olfactory damage to Petitioner, yet the Fifth Circuit failed to engage with this evidence or the district court's contradictory dismissal for both frivolousness and lack of jurisdiction.

This Court has emphasized that appellate courts must provide meaningful review to ensure fair adjudication. *Anders v. California*, 386 U.S. 738, 744 (1967). The Fifth Circuit's summary dismissal, ignoring Petitioner's evidence and the district court's procedural irregularities, undermines the judiciary's role as a check on lower court errors and governmental misconduct. Certiorari is warranted to ensure appellate courts fulfill their constitutional duty to review complex disputes involving public health and fundamental rights.

**VI. Systemic Judicial Nonresponse to Formal Allegations of Bias Constitutes a Breakdown of Procedural Safeguards and Raises a Substantial Constitutional Question**

Generally, the Supreme Court has recognized two kinds of judicial bias: actual bias and presumptive bias. *Buntion v. Quarterman*, 524 F.3d 664, 672 (5th Cir. 2008). In proving actual bias, a defendant must show a prejudiced disposition “in [his] own case.” *Bracy v. Gramley*, 520 U.S. 899, 909 (1997).

On the other hand, presumptive bias occurs when a judge may not actually be biased but has the appearance of bias such that “the probability of actual bias . . . is too high to be constitutionally tolerable.” *Buntion*, 524 F.3d at 672.

In the instant action, after Petitioner formally challenged the procedural integrity of both the district court’s dismissals and the Fifth Circuit’s summary rulings on the basis of due process violations, judicial bias, and irregular jurisdictional handling, neither the Chief Judge of the District Court nor the Fifth Circuit took any action or issued any response. This complete institutional silence persisted even after Petitioner filed a formal judicial misconduct complaint against the district court judge who presided over multiple

related cases.

This raises a serious constitutional question: when the internal mechanisms of judicial accountability utterly fail, despite well-substantiated allegations, how can a *pro se* litigant obtain a fair and impartial adjudication within the Article III system?

The doctrine of procedural due process, as safeguarded by the Fourteenth and Fifth Amendments, not only protects the right to be heard but also demands that allegations of bias and unlawful conduct be meaningfully addressed. See *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009) (requiring recusal where the risk of bias is constitutionally intolerable). Where judicial silence and nonresponse follow formal complaints, due process is not merely denied, it is structurally nullified.

Moreover, the refusal to even acknowledge a judicial complaint, especially where the same judge presides over interconnected civil rights cases involving repeated procedural dismissals, suggests not just an isolated failure, but a coordinated institutional breakdown. The judiciary becomes both defendant and arbiter, a violation of the most basic tenets of separation of powers and impartial adjudication. See *In re Murchison*, 349 U.S. 133, 136 (1955) (“A fair trial in a fair

tribunal is a basic requirement of due process.”).

In this case, Petitioner submitted detailed allegations against the presiding district judge, including improper denials of jurisdiction, factual misrepresentation, refusal to recuse despite material conflict, and contradictory rulings between related cases. These were not random administrative acts, but intentional procedural patterns affecting multiple federal lawsuits concerning the same catastrophic injury and governmental failure. The Fifth Circuit, when notified, similarly declined to investigate or provide any procedural recourse, and summarily dismissed the case without review.

This total judicial nonresponse—despite formal, substantiated allegations—calls into question the reliability of Article III courts as guarantors of constitutional rights for pro se and indigent litigants. Where both trial and appellate courts stonewall legitimate complaints and suppress all review, the petitioner has no remaining forum for redress except this Court.

Certiorari is therefore warranted to resolve whether the failure of judicial oversight bodies to address alleged misconduct by federal judges constitutes a structural due process violation, and whether

the appearance of neutrality within the judiciary can survive such silence in the face of repeated constitutional claims.

### **CONCLUSION & PRAYER FOR RELIEF**

This case presents a rare and urgent confluence of issues that demand this Court's review. The systemic suppression of Petitioner's meritorious claims through procedural shortcuts, judicial bias, and refusal to acknowledge scientific evidence of a public health hazard, has denied her basic access to justice and allowed a severely contaminated property to re-enter the public housing market, posing an ongoing threat to public health and safety.

Without this Court's intervention, the precedent set by the Fifth Circuit will encourage further abuse of procedural doctrines to shield both private insurers and state agencies from accountability, even in cases involving catastrophic health hazards and blatant civil rights violations. The chilling effect on *pro se* litigants, combined with the normalization of retaliatory psychiatric detention and the unchecked externalization of environmental risks to the public, underscores the systemic failure that this Petition highlights.

It is precisely in cases like this, where the failures of lower courts compound the harms inflicted by both private and state

actors, that this Court's supervisory role is most vital. The public interest in safeguarding the integrity of the justice system and protecting vulnerable communities from unremediated environmental and institutional harms warrants this Court's review and corrective action.

For the foregoing reasons, Petitioner respectfully requests that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals for the Fifth Circuit.

Respectively submitted this 23 day of JUNE 2025:

HOUHE ZENG  
HOU HE ZENG