

No. 24-40710

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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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**PETITIONER'S APPENDIX**

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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*

# **Appendix A**

**(Order of the U.S. Court of Appeals for the Fifth Circuit in No.  
24-40770 granting Respondents' motions to dismiss the appeal  
as frivolous, entered on February 27, 2025)**

*United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

February 27, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-40770 Zeng v. Allied Trust Insurance  
USDC No. 3:24-CV-224

Enclosed is an order entered in this case.

Sincerely,

LYLE W. CAYCE, Clerk

*Melissa Mattingly*

By: Melissa V. Mattingly, Deputy Clerk  
504-310-7719

Ms. Caroline Stewart Horstmann  
Mr. Brian Koeppen  
Ms. Ali Thorburn  
Ms. Hou He Zeng

# United States Court of Appeals for the Fifth Circuit

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No. 24-40770

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United States Court of Appeals  
Fifth Circuit

**FILED**

February 27, 2025

HOU HE ZENG,

Lyle W. Cayce  
Clerk

*Plaintiff—Appellant,*

*versus*

ALLIED TRUST INSURANCE COMPANY; FIREMARK INSURANCE  
AGENCY; TEXAS DEPARTMENT INSURANCE,

*Defendants—Appellees.*

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 3:24-CV-224

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## UNPUBLISHED ORDER

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*  
PER CURIAM:

IT IS ORDERED that the Opposed Motion of Appellee, Texas  
Department Insurance, to dismiss appeal as frivolous is GRANTED.

No. 24-40770

IT IS FURTHER ORDERED that the Opposed Motion of Appellee, Allied Trust Insurance Company, to dismiss appeal as frivolous is GRANTED.

# **Appendix B**

**(Order of the U.S. Court of Appeals for the Fifth Circuit in No. 24-40770 denying Petitioner's motion for reconsideration and petition for rehearing *en banc*, entered on April 22, 2025)**

United States Court of Appeals  
for the Fifth Circuit

United States Court of Appeals  
Fifth Circuit

**FILED**

April 22, 2025

Lyle W. Gayce  
Clerk

Hou He ZENG,

*Plaintiff—Appellant,*

*versus*

ALLIED TRUST INSURANCE COMPANY; FIREMARK INSURANCE  
AGENCY; TEXAS DEPARTMENT INSURANCE,

*Defendants—Appellees.*

Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. 3:24-CV-224

ON MOTION FOR RECONSIDERATION  
AND REHEARING EN BANC

UNPUBLISHED ORDER

Before JONES, DUNCAN, and DOUGLAS, *Circuit Judges.*

PER CURIAM:

The motion for reconsideration is DENIED. Because no member of the panel or judge in regular active service requested that the court be polled on rehearing en banc (FED. R. APP. P.40 and 5TH CIR. R.40), the petition for rehearing en banc is DENIED.

*United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

April 22, 2025

MEMORANDUM TO COUNSEL OR PARTIES LISTED BELOW:

No. 24-40770 Zeng v. Allied Trust Insurance  
USDC No. 3:24-CV-224

Enclosed is an order entered in this case.

See FRAP and Local Rules 41 for stay of the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Dantrell L. Johnson*

By: Dantrell L. Johnson, Deputy Clerk  
504-310-7689

Ms. Caroline Stewart Horstmann  
Mr. Brian Koeppen  
Ms. Ali Thorburn  
Ms. Hou He Zeng

2025/8/5 46301

PLAINTIFF'S  
BRIEF

2025/8/5 46301

*United States Court of Appeals*

FIFTH CIRCUIT  
OFFICE OF THE CLERK

LYLE W. CAYCE  
CLERK

TEL. 504-310-7700  
600 S. MAESTRI PLACE,  
Suite 115  
NEW ORLEANS, LA 70130

April 30, 2025

Mr. Nathan Ochsner  
Southern District of Texas, Galveston  
United States District Court  
601 Rosenberg Street  
Room 411  
Galveston, TX 77550-0000

No. 24-40770      Zeng v. Allied Trust Insurance  
USDC No. 3:24-CV-224

Dear Mr. Ochsner,

Enclosed is a copy of the judgment issued as the mandate.

Sincerely,

LYLE W. CAYCE, Clerk

*Melissa Mattingly*

By: Melissa V. Mattingly, Deputy Clerk  
504-310-7719

cc:

Ms. Caroline Stewart Horstmann *Allied Trust*  
Mr. Brian Koeppen *Fireman's Fund*  
Ms. Ali Thorburn  
Ms. Hou He Zeng

# **Appendix C**

**(Final judgment of the United States District Court for the  
Southern District of Texas, Case No. 3:24-CV-224, entered on  
November 19, 2024)**

**ENTERED**

October 22, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

HOU HE ZENG, *et al.*, §  
§  
Plaintiffs, §  
§  
VS. § 3:24-cv-224  
§  
TEXAS CITY FIRE DEPARTMENT, §  
*et al.*, §  
§  
Defendants. §

**ORDER OF DISMISSAL WITHOUT PREJUDICE**

Before the court is Firemark Insurance Agency's and Texas Department of Insurance's ("TDI") motions to dismiss. Dkt. 10, 13. Finding it lacks jurisdiction over the defendants, the court grants both motions.

**I. Firemark Insurance Agency**

"It is incumbent on all federal courts to dismiss an action whenever it appears that subject matter jurisdiction is lacking." *Stockman v. Fed. Election Comm'n*, 138 F.3d 144, 151 (5th Cir. 1998). Zeng is a Texas resident and alleges diversity of citizenship as the basis for jurisdiction. Dkt. 1-1. However, there is no diversity between Zeng and Firemark because both are residents of Texas. Federal-question jurisdiction is also lacking because Zeng's claims against Firemark arise under the Texas Insurance Code, not

federal law. Dkt. 1. The court therefore dismisses Zeng's claims against Firemark for lack of jurisdiction.

## **II. Texas Department of Insurance**

The Eleventh Amendment and “the fundamental principle of sovereign immunity limits the grant of judicial authority in Art[icle] III.” *Pennhurst State Sch. & Hosp. v. Halderman*, 465 U.S. 89, 98 (1984). When an arm of the state, such as TDI, “is the named defendant, the Eleventh Amendment bars suits for both money damages and injunctive relief unless the state has waived its immunity.” *Cozzo v. Tangipahoa Par. Council—President Gov’t*, 279 F.3d 273, 280–81 (5th Cir. 2002). As this court previously determined in a separate action brought by Zeng involving identical tort claims, TDI is immune from suit due to sovereign immunity. *See Zeng, et al. vs. Trevian, et al.*, 3:24-mc-13, Dkt. 3 (S.D. Tex. July 30, 2024). Because no waiver of sovereign immunity applies, the court dismisses Zeng’s claims against TDI for lack of jurisdiction. *Warnock v. Pecos Cnty., Tex.*, 88 F.3d 341, 343 (5th Cir. 1996).

Signed on Galveston Island this 22nd day of October, 2024.

  
 \_\_\_\_\_  
 JEFFREY VINCENT BROWN  
 UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION

United States District Court  
Southern District of Texas

**ENTERED**

November 19, 2024

Nathan Ochsner, Clerk

HOU HE ZENG, *et al.*,

§

Plaintiffs,

§

§

VS.

§

3:24-cv-224

TEXAS CITY FIRE DEPARTMENT,  
*et al.*,

§

§

§

Defendants.

§

**ORDER**

Before the court are the plaintiff's motion for summary judgment, additional responses to three motions to dismiss that have been granted, and a motion for expedited trial. Dkts. 34, 36-38, 40. Because all claims against all defendants have been dismissed and this case is now closed, the court denies the motion for summary judgment and motion for expedited trial as moot. *See* Dkts. 31, 33, 35.

Signed on Galveston Island this 19th day of November, 2024. *Jeffrey Vincent Brown*

Jeffrey Vincent Brown  
JEFFREY VINCENT BROWN  
UNITED STATES DISTRICT JUDGE

AME,APPEAL,CLOSED,STAYED

U.S. District Court  
SOUTHERN DISTRICT OF TEXAS (Galveston)  
CIVIL DOCKET FOR CASE #: 3:24-cv-00224  
Internal Use Only

2772342/00224  
否决原告诉讼之诉

Zeng et al v. Texas City Fire Department et al  
Assigned to: Judge Jeffrey V Brown  
Cause: 42:1983 Civil Rights Act

Date Filed: 07/30/2024  
Date Terminated: 10/22/2024  
Jury Demand: None  
Nature of Suit: 110 Insurance  
Jurisdiction: Diversity

Plaintiff

Hou He Zeng

represented by **Hou He Zeng**  
7919 Quartz Lane  
Texas City, TX 77591  
PRO SE

Plaintiff

Di Yun Wang  
TERMINATED: 09/05/2024

represented by **Di Yun Wang**  
7919 Quartz Lane  
Texas City, TX 77591  
PRO SE

① v.

Defendant

Texas City Fire Department  
TERMINATED: 10/15/2024

represented by **Kyle Lesley Dickson**  
Murray L Lobb  
2200 Space Park Drive  
Ste 350  
Houston, TX 77058-3679  
281-488-0630  
Email: kdickson@murray-lobb.com  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

② Defendant

Texas City Mayor  
TERMINATED: 10/15/2024

③ Defendant

AlliedTrust Insurance Co  
TERMINATED: 10/21/2024

represented by **Caroline Stewart Horstmann**  
Monson Law Firm  
900 Rockmead Dr  
Ste. 141  
Kingwood, TX 77339

24-40770-1

281-612-1920  
Email: caroline@monsonfirm.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

(4) **Defendant**

Firemark Insurance Agency

represented by **Brian Koeppen**  
Freeman Mathis & Gary  
1800 W. Loop South  
Ste. 1110  
Houston, TX 77027  
346-440-0433  
Email: brian.koeppen@fmglaw.com  
**ATTORNEY TO BE NOTICED**

(5) **Defendant**

Texas Department Insurance

represented by **Ali Michelle Thorburn**  
Office of the Texas Attorney General  
P.O. Box 12548  
Capitol Station  
Austin, TX 78711-2548  
512-463-2120  
Email: ali.thorburn@oag.texas.gov  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

(6) **Defendant**

Texas Governor Office  
*TERMINATED: 10/15/2024*

(7) **Defendant**

Terri Leo Wilson  
*23rd District Senator*  
*TERMINATED: 10/15/2024*

represented by **Ali Michelle Thorburn**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

(8) **Defendant**

Mayes Middleton  
*12th District Senator*  
*TERMINATED: 10/15/2024*

represented by **Robert Edward Booth**  
Mills Shirley LLP  
2200 Market St.  
Ste 300  
Galveston, TX 77550  
409-761-4001  
Fax: 409-761-4001  
Email: rbooth@millsshirley.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

(9) **Defendant**

Randy Weber  
14th District Congressman  
TERMINATED: 10/15/2024

⑩ Defendant

Texas General Investigating Committee *德州稽查委員會*

⑪ Defendant

Commissions DeAndre' Knoxson (409) 643-5902 *市長貿易委員會(第一屆)*  
2026年5月開幕

Date Filed	#	Docket Text
07/30/2024	1 (p.7) <i>提出起訴</i>	COMPLAINT against All Defendants filed by Di Yun Wang, Hou He Zeng. (agg3) (Additional attachment(s) added on 7/30/2024: # 1 (p.7) Civil Cover Sheet) (agg3). (Entered: 07/30/2024)
07/30/2024	<i>收件</i>	Initial Filing fee: \$405.00 re: 1 (p.7) Complaint, receipt number Ga1300000234, filed. (agg3) (Entered: 07/30/2024)
07/30/2024	<i>送達文件</i>	Summons Issued as to 12 District Senator Mayes Middleton, 14 District Congressman Randy Weber, 23rd District Senator Terri Leo Wilson, AlliedTrust Insurance Co, Firemark Insurance Agency, Texas City Fire Department, Texas City Mayor, Texas Department Insurance, Texas Governor Office. Issued summons delivered to plaintiff in person, filed. (agg3) (Entered: 07/30/2024)
07/30/2024	2 (p.43) <i>通知開案</i>	NOTICE to Pro Se Litigant of Case Opening. Party notified, filed. (agg3) (Entered: 07/30/2024)
07/31/2024	<i>法官選定</i> B/ Andrew M. Edison	Referral Judge Selected: Magistrate Judge Andrew M. Edison randomly selected to receive referrals. The selected Magistrate Judge is not assigned to this case until a District Judge refers the case or a motion or the parties consent to jurisdiction of the Magistrate Judge. Once a referral has been made, the name of the referral judge will appear at the top of the docket sheet. (va3) (Entered: 07/31/2024)
07/31/2024	3 (p.46) <i>司理委員會</i>	CLERKS NOTICE Regarding Consent to Jurisdiction of Magistrate Judge. Parties notified, filed. (va3) (Entered: 07/31/2024)
07/31/2024	4 (p.48) <i>開庭日期</i>	ORDER for Initial Pretrial and Scheduling Conference and Order to Disclose Interested Persons. Initial Conference set for 11/13/2024 at 09:00 AM by video before Magistrate Judge Andrew M Edison (Signed by Judge Jeffrey V Brown) Parties notified. (va3) (Entered: 07/31/2024)
08/02/2024	5 (p.54) <i>消防局</i>	First CERTIFICATE OF INTERESTED PARTIES by Texas City Fire Department, filed. (Dickson, Kyle) (Entered: 08/02/2024)
08/05/2024	6 (p.56) <i>Allied Trust</i>	Summons Issued as to AlliedTrust Insurance Co. Issued summons delivered to plaintiff in person, filed. (va3) (Entered: 08/05/2024)
08/16/2024	7 (p.58) <i>Mayes Middleton</i>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Mayes Middleton, filed. Motion Docket Date 9/6/2024. (Attachments: # 1 (p.7) Exhibit 1) (Booth, Robert) (Entered: 08/16/2024)

24-40770.3

①	08/16/2024	<u>8 (p.81)</u>	ANSWER to <u>1 (p.7)</u> Complaint by Mayes Middleton, filed. (Booth, Robert) (Entered: 08/16/2024)	middleton <sup>2</sup>
②	08/16/2024	<u>9 (p.86)</u>	CERTIFICATE OF INTERESTED PARTIES by Mayes Middleton, filed. (Booth, Robert) (Entered: 08/16/2024)	middleton <sup>2</sup> 关系证明
③	08/26/2024	<u>10 (p.89)</u>	MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Firemark Insurance Agency, filed. Motion Docket Date 9/16/2024. (Koeppen, Brian) (Entered: 08/26/2024)	Firemark <sup>未提交</sup> 驳回 <sup>9/16/2024</sup>
④	08/26/2024	<u>11 (p.94)</u>	ANSWER to <u>1 (p.7)</u> Complaint by Firemark Insurance Agency, filed. (Koeppen, Brian) (Entered: 08/26/2024)	关系 <sup>Firemark</sup>
⑤	08/26/2024	<u>12 (p.101)</u>	CERTIFICATE OF INTERESTED PARTIES by Firemark Insurance Agency, filed. (Koeppen, Brian) (Entered: 08/26/2024)	Firemark <sup>未提交</sup> 关系证明
⑥	08/26/2024	<u>13 (p.103)</u>	MOTION to Dismiss <u>1 (p.7)</u> Complaint by Texas Department Insurance, filed. Motion Docket Date 9/16/2024. (Attachments: # <u>1 (p.7)</u> Exhibit A, # <u>2 (p.43)</u> Exhibit B, # <u>3 (p.46)</u> Proposed Order) (Thorburn, Ali) (Entered: 08/26/2024)	TDI <sup>驳回</sup>
⑦	08/26/2024	<u>14 (p.134)</u>	PROPOSED ORDER re: <u>10 (p.89)</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed. (Koeppen, Brian) (Entered: 08/26/2024)	未提交 <sup>驳回</sup>
⑧	08/30/2024	<u>15 (p.135)</u>	RESPONSE to <u>13 (p.103)</u> MOTION to Dismiss <u>1 (p.7)</u> Complaint . filed by Di Yun Wang, Hou He Zeng. (va3) (Entered: 08/30/2024)	Wang & Zeng <sup>未提交</sup>
⑨	08/30/2024	<u>16 (p.142)</u>	NOTICE of Appearance by Caroline Horstmann on behalf of AlliedTrust Insurance Co, filed. (Horstmann, Caroline) (Entered: 08/30/2024)	Allied <sup>未提交</sup>
⑩	08/30/2024	<u>17 (p.144)</u>	MOTION to Dismiss Pursuant to Rule 12(b)(4) and (5) by AlliedTrust Insurance Co, filed. Motion Docket Date 9/20/2024. (Attachments: # <u>1 (p.7)</u> Exhibit Exhibit A, # <u>2 (p.43)</u> Proposed Order Proposed Order) (Horstmann, Caroline) (Entered: 08/30/2024)	Allied <sup>未提交</sup>
⑪	08/30/2024 Wang & Zeng <sup>未提交</sup>	<u>18 (p.150)</u>	MOTION to Dismiss Defendants (Texas Governor Office, Terri Leo Wilson, Randy Weber, Mayes Middleton, Texas City Mayor and Texas City Fire Department) by Di Yun Wang, Hou He Zeng, filed. Motion Docket Date 9/20/2024. (va3) (Entered: 08/30/2024)	Wang & Zeng <sup>未提交</sup>
⑫	09/03/2024 12B <sup>未提交</sup> , Wang & Zeng <sup>未提交</sup>	<u>19 (p.152)</u>	MOTION to Dismiss Diyun Wang, by Di Yun Wang, filed. Motion Docket Date 9/24/2024. (agg3) (Entered: 09/03/2024)	未提交 <sup>驳回</sup>
⑬	09/03/2024	<u>20 (p.153)</u>	RESPONSE to <u>10 (p.89)</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM filed by Hou He Zeng. (agg3) (Entered: 09/03/2024)	未提交 <sup>驳回</sup>
⑭	09/03/2024	<u>21 (p.156)</u>	CONSENT to Proceed Before a Magistrate Judge by Hou He Zeng, filed. (agg3) (Entered: 09/03/2024)	Zeng <sup>未提交</sup>
⑮	09/03/2024	<u>22 (p.157)</u>	RESPONSE to <u>17 (p.144)</u> MOTION to Dismiss Pursuant to Rule 12(b)(4) and (5) filed by Hou He Zeng. (agg3) (Entered: 09/03/2024)	未提交 <sup>驳回</sup>
⑯	09/05/2024	<u>23 (p.213)</u>	ORDER granting <u>19 (p.152)</u> Motion to Dismiss.(Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 09/05/2024)	Jeffrey <sup>已签</sup> Brown <sup>已签</sup>

09/05/2024		(Court only) *** Party Di Yun Wang terminated. (GeorgeCardenas, 3) (Entered: 09/05/2024)	终止(原审)
09/06/2024	<u>24 (p.214)</u>	REPLY in Support of <u>13 (p.103)</u> MOTION to Dismiss <u>1 (p.7)</u> Complaint , filed by Texas Department Insurance. (Thorburn, Ali) (Entered: 09/06/2024)	TDI支持310 回复
09/06/2024	<u>25 (p.219)</u>	JOINDER in <u>13 (p.103)</u> MOTION to Dismiss <u>1 (p.7)</u> Complaint , filed by Mayes Middleton. (Booth, Robert) (Entered: 09/06/2024)	Middleton支持 联合
09/09/2024	<u>26 (p.222)</u>	MOTION to Dismiss <u>1 (p.7)</u> Complaint by Terri Leo Wilson, filed. Motion Docket Date 9/30/2024. (Attachments: # <u>1 (p.7)</u> Exhibit A, # <u>2 (p.43)</u> Exhibit B, # <u>3 (p.46)</u> Proposed Order) (Thorburn, Ali) (Entered: 09/09/2024)	Terri Leo Wilson 支持
09/13/2024	<u>27 (p.249)</u>	MOTION for Joinder as to <u>13 (p.103)</u> MOTION to Dismiss <u>1 (p.7)</u> Complaint , <u>10 (p.89)</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM by Firemark Insurance Agency, filed. Motion Docket Date 10/4/2024. (Koeppen, Brian) (Entered: 09/13/2024)	Firemark 支持
09/13/2024	<u>28 (p.252)</u>	REPLY in Support of <u>10 (p.89)</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , filed by Firemark Insurance Agency. (Koeppen, Brian) (Entered: 09/13/2024)	Firemark 支持
09/18/2024	<u>29 (p.256)</u>	SUPPLEMENT to <u>1 (p.7)</u> Complaint by Hou He Zeng, filed. (va3) (Entered: 09/18/2024)	Zeng申诉 支持
09/24/2024	<u>30 (p.317)</u>	Opposed MOTION to Stay <i>Discovery and vacate the order for Scheduling Conference</i> ( Motion Docket Date 10/15/2024.), Opposed MOTION for Discovery by Texas Department Insurance, Terri Leo Wilson, filed. (Attachments: # <u>1 (p.7)</u> Proposed Order) (Thorburn, Ali) (Entered: 09/24/2024)	反对 支持
10/15/2024	<u>31 (p.326)</u>	ORDER granting <u>18 (p.150)</u> Motion to Dismiss.(Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 10/15/2024)	Jeffrey 驳回动议
10/15/2024		(Court only) *** Party Texas City Mayor, Texas Governor Office, Randy Weber (14th District Congressman), Terri Leo Wilson (23rd District Senator), Mayes Middleton (12th District Senator) and Texas City Fire Department terminated. (GeorgeCardenas, 3) (Entered: 10/15/2024)	终止 (Zeng提出)
10/15/2024		(Court only) ***Motion(s) terminated: <u>26 (p.222)</u> MOTION to Dismiss <u>1 (p.7)</u> Complaint , <u>7 (p.58)</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM , MOOT. (GeorgeCardenas, 3) (Entered: 10/15/2024)	未上诉 驳回动议 (没有意义)
10/16/2024	<u>32 (p.328)</u>	ORDER granting <u>30 (p.317)</u> Motion to Stay; granting <u>30 (p.317)</u> Motion for Discovery.(Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 10/16/2024)	接受 驳回动议
10/21/2024	<u>33 (p.330)</u>	ORDER granting <u>17 (p.144)</u> Motion to Dismiss.(Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 10/21/2024)	接受 驳回动议 Jeffrey
10/21/2024			

24-40770.5

→ *Allied Trust 2024/09/26中止の手続* (日本語)

*Allied Trust*

		(Court only) *** Party AlliedTrust Insurance Co terminated. (GeorgeCardenas, 3) (Entered: 10/21/2024)
10/22/2024	<u>34 (p.332)</u>	MOTION for Summary Judgment by Hou He Zeng, filed. Motion Docket Date 11/12/2024. (app3) (Entered: 10/22/2024)
10/22/2024	<u>35 (p.334)</u>	ORDER granting <u>10 (p.89)</u> Motion to Dismiss for Failure to State a Claim; granting <u>13 (p.103)</u> Motion to Dismiss. Case terminated on 10/22/2024. (Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 10/22/2024)
10/29/2024	<u>36 (p.336)</u>	RESPONSE to <u>17 (p.144)</u> MOTION to Dismiss Pursuant to Rule 12(b)(4) and (5), filed by Hou He Zeng. (vn3) (Entered: 10/30/2024)
10/29/2024	<u>37 (p.358)</u>	RESPONSE to <u>10 (p.89)</u> MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM, filed by Hou He Zeng. (Attachments: # <u>1 (p.7)</u> Restricted Attachment) (vn3) (Entered: 10/30/2024)
10/29/2024	<u>38 (p.362)</u>	RESPONSE to <u>13 (p.103)</u> MOTION to Dismiss <u>1 (p.7)</u> Complaint, filed by Hou He Zeng. (vn3) (Entered: 10/30/2024)
10/29/2024	<u>39 (p.374)</u>	NOTICE - Plaintiff's Announcement by Hou He Zeng, filed. (vn3) (Entered: 10/30/2024)
11/18/2024	<u>40 (p.385)</u>	MOTION for Expedited Trial by Hou He Zeng, filed. Motion Docket Date 12/9/2024. (Attachments: # <u>1 (p.7)</u> Exhibit) (vn3) (Entered: 11/18/2024)
11/19/2024	<u>41 (p.433)</u>	ORDER denying as moot <u>40 (p.385)</u> Motion for Trial Setting. (Signed by Judge Jeffrey V Brown) Parties notified. (GeorgeCardenas, 3) (Entered: 11/19/2024)
11/20/2024	<u>42 (p.434)</u>	SUPPLEMENT to <u>1 (p.7)</u> Complaint by Hou He Zeng, filed. (vn3) (Entered: 11/20/2024)
11/26/2024	<u>43 (p.475)</u>	NOTICE OF APPEAL to US Court of Appeals for the Fifth Circuit re: <u>41 (p.433)</u> Order on Motion for Trial Setting by Hou He Zeng, filed. (vn3) (Entered: 11/26/2024)
11/26/2024		Appeal Filing fee: \$605 re: <u>43 (p.475)</u> Notice of Appeal, receipt number 300000310, filed. (vn3) (Entered: 11/26/2024)
11/27/2024	<u>44 (p.481)</u>	Clerks Notice of Filing of an Appeal. The following Notice of Appeal and related motions are pending in the District Court: <u>43 (p.475)</u> Notice of Appeal. Fee status: Paid, filed. (Attachments: # <u>1 (p.7)</u> Notice of Appeal) (mp1) (Entered: 11/27/2024)
11/27/2024		Appeal Review Notes re: <u>43 (p.475)</u> Notice of Appeal. Fee status: Paid. The appeal filing fee has been paid or an ifsp motion has been granted. No hearings were held in the case - no transcripts. Number of DKT-13 Forms expected: 1, filed. (mp1) (Entered: 11/27/2024)
12/05/2024		(Court only) Set/Cleared Flags, Appeal Nat flag cleared. <u>12/05/2024</u> ELECTRONIC RECORD ON APPEAL REQUESTED from District Court for 3:24-CV-224. Electronic ROA due on 12/20/2024. (24-40770) (AMD) (edg1) (Entered: 12/05/2024)

# **Appendix D**

**(Relevant constitutional and statutory provisions)**

**U.S. Const. art. III, § 1:**

The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

**U.S. Const. amend. XIV, § 1:**

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**42 U.S.C. § 1983:**

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of

Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress...

**42 U.S.C. § 9607**

Full text of 42 U.S.C. § 9607 governing liability under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) is extensive and available at <https://uscode.house.gov/view.xhtml?req=granuleid:USC-1999-title42-section9607&num=0&edition=1999>.

Key provisions establish liability for the cleanup of hazardous waste sites in the United States.

**Texas Insurance Code § 541.001 et seq.:**

Full text of Chapter 541, governing unfair methods of competition and unfair or deceptive acts or practices in the business of insurance, is extensive and available at <https://statutes.capitol.texas.gov/Docs/IN/htm/IN.541.htm>. Key provisions prohibit misrepresentations, false statements, and bad

faith claim denials.

**Texas Insurance Code § 542A.001 et seq.:**

Full text of Chapter 542A, governing claims for property damage involving forces of nature, is available at <https://statutes.capitol.texas.gov/Docs/IN/htm/IN.542A.htm>. Key provisions address prompt payment and handling of claims.

**Texas Civ. Prac. Rem. Code § 101.001 et seq.:**

Full text of the Texas Tort Claims Act, governing state liability for certain torts, is available at <https://statutes.capitol.texas.gov/Docs/CP/htm/CP.101.htm>. Key provisions define governmental liability and exceptions.

# **Appendix E**

**(Other Supporting Materials)**

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