

No. 24-40770

IN THE
SUPREME COURT OF THE UNITED STATES

HOU HE ZENG,
Petitioner,

v.

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

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

PETITIONER'S APPENDIX

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**

No. 24-40770

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.

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

UNPUBLISHED ORDER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

No. 24-40770

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. MAJESTRI 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

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

2025/5/5收到
最终裁决已发出
完成诉讼
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 Firemark
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 DIVISIONHOU 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

ENTERED

November 19, 2024

Nathan Ochsnor, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

HOU HE ZENG, *et al.*,

Plaintiffs,

VS.

TEXAS CITY FIRE DEPARTMENT,
et al.,

Defendants.

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3:24-cv-224

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. 本案現已結案，所有快速審判及簡易判決均無效。已於批復的三項請求均被駁回的。

Signed on Galveston Island this 19th day of November, 2024. 廢棄無效。


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

2/17/24/20/批准
原告诉讼请求

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

v.

Defendant

Texas City Fire Department
TERMINATED: 10/15/2024

represented by Kyle Lesley Dickson
Murray I 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

Defendant

Texas City Mayor
TERMINATED: 10/15/2024

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

24-40770.2

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

⑩ Defendant

Texas General Investigating Committee

德州综合调查委员会

⑪ Defendant

Commissions DeAndre' Knoxson

(409) 6435902 市官员和市长办公室(第四)
2026年5月

| Date Filed | # | Docket Text |
|------------|---|--|
| 07/30/2024 | 1 (p.7) 提出起诉 | 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 | 2 (p.7) 缴费 | Initial Filing fee: \$405.00 re: 1 (p.7) Complaint, receipt number Gal300000234, filed. (agg3) (Entered: 07/30/2024) |
| 07/30/2024 | 3 (p.7) 送达 | 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 | 4 (p.43) 通知 | NOTICE to Pro Se Litigant of Case Opening. Party notified, filed. (agg3) (Entered: 07/30/2024) |
| 07/31/2024 | 5 (p.43) 法官的指定 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 | 6 (p.46) CLERKS NOTICE | CLERKS NOTICE Regarding Consent to Jurisdiction of Magistrate Judge. Parties notified, filed. (va3) (Entered: 07/31/2024) |
| 07/31/2024 | 7 (p.48) ORDER | 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 | 8 (p.54) First CERTIFICATE OF INTERESTED PARTIES | First CERTIFICATE OF INTERESTED PARTIES by Texas City Fire Department, filed. (Dickson, Kyle) (Entered: 08/02/2024) |
| 08/05/2024 | 9 (p.56) Summons Issued as to AlliedTrust Insurance Co. | Summons Issued as to AlliedTrust Insurance Co. Issued summons delivered to plaintiff in person, filed. (va3) (Entered: 08/05/2024) |
| 08/16/2024 | 10 (p.58) MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM | 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

| | | |
|------------------------------|-------------------|--|
| 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) |
| 08/16/2024 | <u>9 (p.86)</u> | CERTIFICATE OF INTERESTED PARTIES by Mayes Middleton, filed. (Booth, Robert) (Entered: 08/16/2024) |
| 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) |
| 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) |
| 08/26/2024 | <u>12 (p.101)</u> | CERTIFICATE OF INTERESTED PARTIES by Firemark Insurance Agency, filed. (Koeppen, Brian) (Entered: 08/26/2024) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 08/30/2024 Wang退出 | <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) |
| 09/03/2024 Zeng退出, Wang退出 | <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) |
| 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) |
| 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) |
| 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) |
| 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) |

Middleton

Middleton

关系证明

Firemark

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| 09/05/2024 | | (Court only) *** Party Di Yun Wang terminated. (GeorgeCardenas, 3) (Entered: 09/05/2024) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 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) |
| 10/21/2024 | | |

已终止(原告)

TDI提出驳回

可以

Middleton驳回

可以

Terri驳回可以

Firemark驳回

可以

法官对Fire

mark因提出

出异议驳回可以

Zeng申诉

撤销前可以

Jeffery批准

驳回可以

终止6被告

(Zeng提出)

未改诉本案

导致驳回可以

(没有意义)

授命终止可以

批准驳回

可以Jeffery

| | | |
|------------|-------------------|---|
| | | <p>→ Allied Trust 已從華府中移轉或與保</p> <p>(Court only) *** Party Allied Trust Insurance Co terminated. (GeorgeCardenas, 3) (Entered: 10/21/2024)</p> |
| 10/22/2024 | <u>34 (p.332)</u> | MOTION for Summary Judgment by Hou He Zeng, filed. Motion Docket Date 11/12/2024. (agg3) (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. (va3) (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) (va3) (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. (va3) (Entered: 10/30/2024) |
| 10/29/2024 | <u>39 (p.374)</u> | NOTICE - Plaintiff's Announcement by Hou He Zeng, filed. (va3) (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) (va3) (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. (va3) (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. (va3) (Entered: 11/26/2024) |
| 11/26/2024 | | Appeal Filing fee: \$605 re: <u>43 (p.475)</u> Notice of Appeal, receipt number 300000310, filed. (va3) (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 ifp 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 Not flag cleared. 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) |

Allied 終止

Zeng 簡易判決

法官裁決未能裁決
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第 2 次 10/27/24
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中法銀行總行
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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.**