

NO.24-7514

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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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**PETITION FOR REHEARING**

Under Supreme Court Rule 44.2

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HOU HE ZENG

3002 Arbor Edge Crossing

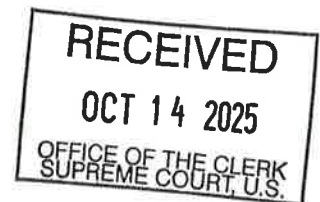
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*Pro Se, Petitioner*

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28 U.S.C. § 453; 28 U.S.C. § 351 et seq.

42 U.S.C. §§ 1983, 1985

Texas S.B. 1362 (89th Leg., eff. Sept. 1 2025)

### **QUESTIONS PRESENTED**

1. Whether Texas S.B. 1362 (2025), abolishing "red-flag/ERPO" authority, creates a controlling change in law affecting state-action and public-safety rationales underlying Petitioner's related cases.
2. Whether newly discovered evidence of record fabrication in a certified district-court CD constitutes "substantial grounds not previously presented" under Rule 44.2.
3. Whether serial refusals to recuse and hear evidence across four related cases amount to a structural due-process failure requiring rehearing or GVR.

### **INTRODUCTION AND RULE 44.2 GROUNDS**

Petitioner respectfully seeks rehearing of the October 6, 2025 order denying certiorari.

This petition rests on two grounds authorized by Rule 44.2: (1) intervening circumstances of controlling effect, and (2) substantial grounds not previously presented.

First, Texas S.B. 1362 ("Anti-Red-Flag Act") took effect September 1, 2025, prohibiting any ERPO/red-flag recognition or enforcement within Texas and penalizing officials who attempt to do so.

Second, Petitioner has obtained certified records showing unauthorized insertions into the district-court record (3:24-cv-274).

Third, the persistent denial of hearings and recusal across four cases constitutes a structural due-process failure.

### STATEMENT OF THE CASES

Four interrelated civil actions were filed in the Southern District of Texas, Galveston Division:

3:24-cv-224 (this case:24-7514); 3:24-cv-274 (5th Cir. 25-40483); 3:24-cv-331; and 3:25-cv-91 (5th Cir. 25-40449).

All arose from the March 31, 2021 "protein-smoke fire," which caused toxic residue, property damage, and health injury (loss of smell). No case ever received an evidentiary hearing.

Judge Jeffrey V. Brown refused recusal, altered schedules without

reason, and dismissed each case on divergent procedural grounds while never reaching the merits.

The district court declined to consolidate this case with the closely related 3:24-cv-274 (5th Cir. 25-40483) without explanation, causing material evidence and claims to be fragmented across multiple proceedings.

The Fifth Circuit summarily denied review, and this Court denied certiorari on October 6, 2025.

## **REASONS FOR GRANTING REHEARING**

### **A. Intervening Law — Texas S.B. 1362**

S.B. 1362 bars Texas authorities from recognizing or enforcing ERPOs and imposes criminal penalties on officials attempting to do so.

It directly undermines the "public safety" rationales used to suppress Petitioner's hearings and detentions.

Under Rule 44.2, such a material change in law requires GVR for re-evaluation in light of current Texas policy.

### **B. Administrative Obstruction and State Complicity**

After Petitioner was denied aid by Galveston County, Texas City, the Texas City Fire Department, and local legislators, he petitioned

the Governor's Office directly.

Texas Department of Insurance (TDI) employee Matthew White refused to answer technical questions or address training and oversight duties, then improperly referred Petitioner to the State of Florida and closed his online complaint without explanation.

When approached by a Chinese American state legislator, TDI officials deflected accountability by falsely stating the claim was expired and Petitioner sought to profit from "confusion."

Isolated and desperate, Petitioner sent an ill-considered email expressing anger at White; the message was widely circulated and flagged "Alarm Attention."

Subsequently, during a second petition to the Governor's Office, Petitioner was searched, his defensive firearm confiscated, warned, and expelled.

### C. Judicial Overreach and Concealment of Process

Months later, while unable to find counsel and under extreme stress from Judge Brown's serial dismissals, Petitioner called UTMB to schedule a mental-health appointment.

This triggered a "red flag" action leading to seven days of involuntary psychiatric detention.

The hospital claimed to act "under court order," yet no order was ever produced.

Judge Brown refused to confirm or release any record of such order and ignored Petitioner's requests for explanation.

The district court, without any legitimate procedural or judicial-efficiency justification, refused to consolidate this action with the closely related case No. 3:24-cv-274 (5th Cir. No. 25-40483). Such refusal constitutes an abuse of discretion and a denial of due process.

Given Petitioner's limited English proficiency, inability to obtain counsel, and lack of legal training, the fragmentation of claims and evidence among multiple case numbers rendered it impossible to present the full factual context of the controversy. Material evidence was scattered and procedural barriers were multiplied, leaving Petitioner repeatedly trapped in a cycle of procedural defeat.

The pattern of case assignments and the court's unexplained refusal to consolidate the related proceedings operated to entrap the Petitioner procedurally rather than to adjudicate the merits. This pattern is incompatible with the constitutional guarantees of neutrality and due process under the Fifth and Fourteenth Amendments.

These events demonstrate judicial overreach and concealment of process, contravening the Due Process Clauses of the Fifth and Fourteenth Amendments and the principles of *Caperton*, *Liljeberg*, and *In re Murchison*.

D. Extended Harm — Case 3:25-cv-91 (25-40449)

Case 3:25-cv-91 is an extension of the damage from 3:24-cv-224.

Because Petitioner and his family lost their sense of smell and faced financial collapse, they rented another home with severe mold and bacterial contamination — measured at multiple times above safe levels.

Unable to detect odors, the family suffered continued respiratory and neurological harm.

Despite laboratory reports and medical records, Judge Brown refused to review the evidence and demanded that Petitioner "prove the causal connection" between anosmia and the contaminated dwelling — a burden impossible without expert testimony and hearings he denied.

Such conduct violates Federal Rule of Evidence 702 and the core due-process requirement of a neutral forum.

#### E. Community Contamination and Continuing Harm

The toxic residues from the protein-smoke fire have now entered the community.

Financially ruined and unable to remediate the property, Petitioner sold the house at a deep loss.



No agency issued any warning or inspection order. The Texas City refused to do any public inspection services. What began as a private disaster has become a public hazard.

When authorities dismiss scientific evidence and courts refuse to hear it, justice ceases to protect the living and merely records their suffering.

“No one cares who the next victim will be.”

### **RELIEF REQUESTED**

Petitioner respectfully prays that this Honorable Court vacate its order of October 6, 2025, and:

1. Grant rehearing under Rule 44.2; or, alternatively,
2. Issue a GVR order directing the Fifth Circuit to —
  - a. Conduct a record-integrity hearing on the certified CD insertions.
  - b. Reassign the case to a neutral judge under 28 U.S.C. § 455;
  - c. Re-evaluate all related matters (3:24-cv-224, -274, -331, and -91) in light of Texas S.B. 1362; and
  - d. Permit full discovery and expert evidentiary hearings on administrative corruption, serious infringements, protein-smoke residue, health injury, insurance bad faith, and Behavior Hospital Secret imprisonment etc.

### **RULE 33 COMPLIANCE STATEMENT**

This petition complies with Rule 33 and Rule 44.

It is prepared on 8½ × 11 inch paper in Century Schoolbook 12 pt font with 1.5-line spacing.

The word count does not exceed 3,000 words (excluding the items permitted by Rule 33.1(d)).

### **CERTIFICATE OF SERVICE**

I, HOU HE ZENG certify that on October 8, 2025, I (Mailbox League City) served this Petition for Rehearing by FedEx Mail pursuant to Rule 29 on the following counsel of record:

#### **Texas City Fire Department**

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Executed on **October 8, 2025.**

/s/ Hou He Zeng *Hou He Zeng*

Hou He Zeng, Pro Se

**APPENDIX A — Texas S.B. 1362 (Excerpts)**

"Prohibiting the recognition, service, and enforcement of extreme-risk protective orders; creating a criminal offense." (Effective September 1, 2025)

**APPENDIX B — Statement of Human and Institutional Harm**

**Statement of Human and Institutional Harm**

(Submitted under Supreme Court Rule 44.2 — Supporting Petition for Rehearing in No. 24-7514)

Petitioner: Hou He Zeng

Case No.: 24-7514

**I. Introduction**

I respectfully submit this statement not merely as a litigant, but as a citizen who has endured four years of continuous procedural

denial.

Since the protein-smoke fire of March 31, 2021, every level of the judiciary—district, appellate, and now this Court—has declined to afford even one evidentiary hearing.

My filings have sought not privilege but the constitutional right to be heard.

If rehearing is again denied, it will not simply close a case; it will extinguish the only lawful avenue remaining for redress within the American system of justice.

## **II. Rule 10 Constitutional Questions and Conflicting Precedents**

### **Constitutional Question Presented**

Whether repeated procedural denials and refusal of judicial recusal constitute a structural due-process violation.

### **Conflicting Precedent / Rule 10 Basis**

Caperton v. A.T. Massey Coal Co., 556 U.S. 868 (2009); Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988).

### **Constitutional Question Presented**

Whether dismissal without hearing, despite alleged record falsification, extinguishes access to courts under the Fourteenth Amendment.

### Conflicting Precedent / Rule 10 Basis

Bounds v. Smith, 430 U.S. 817 (1977); Christopher v. Harbury, 536 U.S. 403 (2002).

Additionally, an intervening law of controlling effect has arisen:

Texas Senate Bill 1362 (effective September 1 2025) abolishes any "**red-flag**" authority within the State of Texas, directly contradicting the rationale used by lower courts in detaining the Petitioner without due process.

### III. Personal Harm and Human Cost

After the 2021 fire accident, my residence was left permeated with toxic smoke residue containing nitrogenous organic compounds and irritant gases.

Prolonged exposure caused me to lose my sense of smell completely—an irreversible injury documented by medical evaluation.

Unable to afford extended displacement, I was forced to rent another home on the same street as my former one.

Because I had lost my ability to detect odors, I could not perceive the severe mold and chemical contamination inside the property.

Subsequent testing showed bacterial and fungal counts more than ten times higher than safe standards.

Living in this environment led to further respiratory and neurological deterioration.

This was not an isolated misfortune but a foreseeable continuation of harm—caused by administrative neglect and judicial refusal to grant any meaningful hearing.

The system's inaction trapped me in a recurring cycle of exposure, illness, and legal rejection.

#### **IV. Institutional Harm and Constitutional Implications**

Across four related actions (3:24-cv-224, 3:24-cv-274, 3:24-cv-331, and 3:25-cv-91), no discovery, no evidentiary hearing, and no impartial review ever occurred.

Each dismissal rested solely on procedural pretexts—jurisdiction, service, or form—never on substance.

Presiding Judge Brown steadfastly refused to recuse himself in numerous cases, failing to respond to or rule on the appellant's lawfully filed motions for recusal.

Judge Brown refused to review key evidence and selectively applied

statutory provisions, dismissing all cases on technical grounds.

He repeatedly and without reason altered the magistrate's schedule and overstepped his authority to revoke previously scheduled proceedings and orders.

All cases were ultimately closed without a substantive hearing, without providing any sufficient reasons.

Judge Brown even threatened to sanction the appellant for "vexatious litigation," causing him severe psychological stress and fear.

These actions, taken together, represent a pattern of procedural abuse and judicial bias, effectively depriving the appellant of his constitutional rights to due process and a fair trial.

This pattern reveals a structural due-process failure.

When one district repeatedly assigns the same judge to the same litigant, who then dismisses every case while refusing recusal, and when the Fifth Circuit issues unexplained denials, the judiciary ceases to function as a neutral forum.

Such conduct contravenes *Caperton* and *Liljeberg*, which hold that even the appearance of bias undermines public confidence and requires correction.



Throughout this procedural disorder, the Chief Judge of the Southern District of Texas and the Fifth Circuit Court of Appeals failed to exercise proper oversight over Judge Brown's conduct.

The Petitioner twice filed formal judicial misconduct complaints pursuant to 28 U.S.C. §351 against Judge Brown, yet after two years no official response has ever been issued.

In the absence of transparency and accountability, there appear to be fabricated or back-dated responses intended to conceal institutional inaction, further eroding public confidence in the judiciary's self-disciplinary system.

If the U.S. Supreme Court now declines rehearing, it will confirm that abuse through procedure is beyond review—that due process can be extinguished not by law, but by silence.

## **V. The Broader Meaning of This Case**

A denial of rehearing in this context would not represent judicial neutrality.

Rather, it would signal to lower courts that procedural mechanisms may be weaponized to silence legitimate petitioners with impunity.

Such silence would operate as the institutional continuation of retaliation and suppression through inaction.

This sustained pattern of retaliation and procedural obstruction carries grave constitutional implications.

It illustrates how unchecked procedural discretion can erode the fundamental purpose of Article III courts(actually four,it's from small claim court in Galveston but was denied)—to safeguard individual rights and maintain public confidence in the rule of law.

This petition is not about one individual's grievance but about the preservation of judicial accountability itself.

A system that can confine a citizen without hearing, disregard credible evidence of environmental toxicity, and suppress all review while invoking "jurisdictional discretion" has ceased to function in accordance with constitutional design.

Petitioner respectfully submits that the series of retaliatory acts described herein arose directly from his lawful efforts to hold the Texas government accountable for violations of statutory and constitutional duties.

The local judiciary, rather than serving as the last line of defense for citizens' rights, has failed to discharge that duty.

Its impartiality and independence have been severely compromised by the entanglement of judicial appointments and local political interests.

This disregard for citizens' rights and arbitrary abuse of procedural authority must be constrained and corrected under federal law and

the Constitution.

If unaddressed, such conduct will perpetuate a precedent whereby due process itself can be undermined through procedural manipulation.

Petitioner therefore implores this Honorable Court to recognize that her experience is not merely personal suffering but a manifestation of a broader constitutional vacuum.

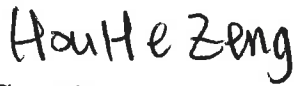
She seeks not sympathy, but the restoration of the rule of law—that the judiciary may once again serve as a refuge for those who have no other recourse.

#### **VI. Prayer for Relief**

**“No one cares who the next victim will be.”**

Therefore, Petitioner respectfully prays that this Honorable Court grant rehearing pursuant to Supreme Court Rule 44.2, vacate the order issued on October 6, 2025, and remand the matter for a fair and impartial hearing consistent with the guarantees of due process under the Fifth and Fourteenth Amendments.

Respectfully submitted,

/s/ Hou He Zeng   
3002 Arbor Edge Crossing,

La Marque, TX 77568

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jts990616@gmail.com

*Pro Se, Petitioner*

**S.B. No. 1362. AN ACT**

relating to prohibiting the recognition, service, and enforcement of extreme risk protective orders; creating a criminal offense.

SECTION 1. This Act shall be known as the “Anti-Red Flag Act.”

SECTION 2. Title 1, Code of Criminal Procedure, is amended by adding Chapter 7C as follows:

**CHAPTER 7C. PROHIBITION ON RECOGNITION, SERVICE,  
AND ENFORCEMENT OF EXTREME RISK PROTECTIVE  
ORDERS**

Art. 7C.001. DEFINITIONS. In this chapter:

1. “Extreme risk protective order” means a written order, warrant, or executive order issued by a court or signed by a magistrate or other court officer that:
  - (A) has the primary purpose of reducing the risk of death or injury related to a firearm by:
    - (i) prohibiting a person from owning, possessing, or receiving a firearm; or
    - (ii) requiring a person to surrender a firearm or otherwise removing a firearm from a person; and
  - (B) is not issued on the basis of conduct that resulted in a criminal charge for the person who is the subject of the order.
2. “Firearm” has the meaning assigned by Section 46.01, Penal Code.

Art. 7C.002. LOCAL REGULATION PROHIBITED.

(a) This article applies to:

(1) The State of Texas, including any agency, department, commission, bureau, board, office, council, court, or other entity in any branch of state government created by the constitution or statute, including university systems.

(2) The governing body of a municipality, county, or special district or authority.

(3) An officer, employee, or other body that is part of a municipality, county, or special district or authority, including sheriff, municipal police, municipal attorney, county attorney.

(4) A district attorney or criminal district attorney.

(b) An entity described in Subsection (a) may not adopt or enforce a rule, ordinance, order, policy, or other measure relating to an extreme risk protective order unless state law specifically authorizes the same.

Art. 7C.003. CERTAIN FEDERAL LAWS UNENFORCEABLE.

A federal statute, order, rule, or regulation purporting to implement or enforce an extreme risk protective order against a person in this state that infringes on due process, the right to keep and bear arms, or free speech (under U.S. or Texas Constitution) is unenforceable as against state public policy and shall have no effect.

Art. 7C.004. ACCEPTING CERTAIN FEDERAL GRANTS PROHIBITED.

An entity described by Article 7C.002(a) may not accept federal grant funds for implementation, service, or enforcement of a federal statute, order, rule, or regulation purporting to implement or enforce an ERPO against a person in Texas.

Art. 7C.005. OFFENSE.

(a) A person commits an offense if the person serves or enforces or attempts to serve or enforce an extreme risk protective order against a person in this state, unless the order was issued under the laws of this state.

(b) An offense under this article is a state jail felony.

Art. 7C.006. INAPPLICABILITY.

This chapter does not apply to a protective order issued under the Family Code or the Code of Criminal Procedure or to a protective order issued under another state law if recognized under the Family Code or the Code of Criminal Procedure.

SECTION 3. This Act takes effect September 1, 2025.

*Source:*

*Texas Legislature, 89th Regular Session (2025), Senate Bill No. 1362, "An Act relating to prohibiting the recognition, service, and enforcement of extreme-risk protective orders; creating a criminal offense."*

*Bill Status: Enrolled and signed by the Governor; effective September 1, 2025.*

*Official Publication:*

*Texas Legislature Online —*

<https://capitol.texas.gov/tlodocs/89R/billtext/html/SB01362F.htm>

PETITION FOR REHEARING CASE NO.24-7514

*Secondary Reference:*

*LegiScan Texas – Bill Text (SB 1362) —*

*<https://legiscan.com/TX/text/SB1362/id/3128184>*



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

NATHAN OCHSNER  
CLERK OF COURT

P.O. BOX 61010  
HOUSTON, TEXAS 77208

June 6, 2025

Houhe Zeng  
3002 Arbor Edge Crossing  
La Marque, TX 77568

IN RE: 3:24-cv-224; Zeng et al v. Texas City Fire Department et al  
3:24-cv-274; Zeng v. UTMB Health Center et al  
3:24-cv-331; Zeng v. Mattress Firm Inc  
3:25-cv-91; Zeng v. Owner of 8020 Quartz Ln et al

Didn't  
Recieve

Dear Mr. Zeng:

Your letter dated May 30, 2025, addressed to the Honorable Randy Crane, has been referred to me for response. A chief district judge has no authority to act on the matters described in your attached correspondence. Litigants not satisfied with a ruling of a United States District Judge generally file a written objection or a notice of appeal in the case. A litigant raising a matter of a federal judge's behavior, has an accountable procedure for filing a complaint of judicial misconduct or disability under the Rules of the Judicial Conference of the United States, which are available under "Judicial Misconduct" on the court's website: [www.txs.uscourts.gov](http://www.txs.uscourts.gov).

Your correspondence and this letter will be docketed in cause numbers 3:24-cv-224, 3:24-cv-274, 3:24-cv-331 and 3:25-cv-91.

Sincerely,



Nathan Ochsner  
Clerk of Court

c: File

25-40483.68

25.