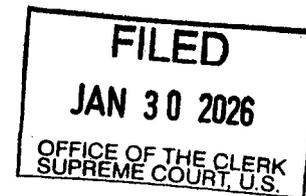


No. 25-6855



IN THE
SUPREME COURT OF THE UNITED STATES

QINGFEI ZHANG — PETITIONER

VS.

UNIVERSITY OF KENTUCKY ET AL. — RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Whether the Sixth Circuit Court erred by replacing the required individualized inquiry for mental-unsoundness tolling with a categorical rule based on “active pursuit” of claims.

LIST OF PARTIES

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Petitioner: Qingfei Zhang

Respondents: University of Kentucky; Karen Tice in both her individual and official capacities

RELATED CASES

Zhang v. University of Kentucky, No. 5:25-cv-00002 (E.D. Ky);

Zhang v. University of Kentucky, No. 25-5261 (6th Cir.).

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner Qingfei Zhang respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

The opinion of the United States court of appeals appears at Appendix A to the petition and is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was December 15, 2025. A timely petition for rehearing was denied by the United States Court of Appeals on the following date: January 21, 2026, and a copy of the order denying rehearing appears at Appendix C.

The Jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS

Kentucky Revised Statutes § 413.170(1):

If a person entitled to bring any action mentioned in KRS 413.090 to 413.160, except for a penalty or forfeiture, was, at the time the cause of action accrued, an infant or of unsound mind, the action may be brought within the same number of years after the removal of the disability or death of the person, whichever happens first, allowed to a person without the disability to bring the action after the right accrued.

United States Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be put twice in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

STATEMENT OF THE CASE

Zhang was enrolled in the University of Kentucky's Gender & Women's Studies PhD Program during 2019 – 2020. In May 2020, she was dismissed from the program and her teaching assistant position. At that time, Zhang did not file any discrimination complaint and was preparing to fly home. In June 2020 while awaiting a flight to return, Zhang received multiple repeated University emails describing students' right to be free from gender- and race-based discrimination and providing a link to file a complaint. After receiving these emails, Zhang submitted a complaint to the University's Office of Institutional Equity alleging classroom discrimination, among others.

Zhang was thereafter guided by an investigator throughout the University's grievance process, during which she responded to the investigator and participated in the investigation. In September 2020, the Office dismissed her complaint, stating that the matter had been "thoroughly and impartially" investigated but that insufficient evidence supported a finding of discrimination. The Office advised Zhang to appeal to the University Appeals Board, which denied a hearing in October 2020.

In September 2020, Zhang filed a complaint with the U.S. Department of Education's Office for Civil Rights (OCR). OCR requested documents, conducted telephone interviews, and drafted operative allegations for investigation, with Zhang responding to OCR's requests. In October 2020, Zhang contacted a state court and was advised to consult an attorney, but no further action was taken. In December 2020, Zhang submitted complaints to the Equal Employment Opportunity Commission (EEOC) and the Kentucky Human Rights Commission (KHRC) through their online portals; both complaints were dismissed for procedural deficiencies, and no further action was initiated.

REASONS FOR GRANTING THE WRIT

Based on Zhang's attempted pursuit of claims, the 6th Circuit dismissed Zhang's unsound-mind claim. As stated in the Order, "Zhang actively pursued her claims in several forums during the limitations period, contradicting her unsound-mind claim"[Appendix A at Page 4]. This order adopted a categorical rule treating

any “active pursuit” of claims as conclusive proof of mental soundness, disregarding the specific circumstances surrounding a plaintiff’s filing and participation. That rule replaces the individualized inquiry the Supreme Court have required for equitable tolling. See *Holland v. Florida*, 560 U.S. 631 (2010). If allowed to stand, the decision forecloses tolling for mentally impaired plaintiffs who are induced, assisted, or pressured into administrative filings, effectively rewarding defendants who steer vulnerable individuals into procedural steps that later operate to strip them of protection. It affects a recurring class of vulnerable litigants — individuals experiencing mental unsoundness who lack resources to retain counsel and, like Zhang, may not even have access to medical diagnoses during the relevant period.

In doing so:

- 1) the circuit court overlooked the changing world we’re living in where everything is at our fingertips. With Google search (and now AI technologies), one can easily locate relevant agencies for filing claims, yet still fail at procedural level — as occurred with Zhang’s attempted filings with EEOC and KHRC. In this scenario, “active pursuit” merely refers to locating relevant agencies and contacting them, which says nothing about a person’s mental capacity.
- 2) the circuit court overlooked the specific circumstances surrounding Zhang’s filings with the University and later OCR. The former was initiated in response

to a series of unusual, repeated University emails explicitly naming discrimination and providing a direct link for filing. The latter arose from the University's grievance process, during which Zhang experienced coercive pressure, manipulation, and intentional distortion of basic facts. In both instances, the circuit court emphasized Zhang's act of filing while disregarding the external triggers that prompted those filings.

3) the circuit court further disregarded that a plaintiff may take superficial action even while mentally unsound, acting from memory or prior knowledge and passively responding to an agency's process. The proper inquiry should not be whether filing was initiated or participation occurred, but whether the plaintiff could meaningfully engage. As in Zhang's case, she submitted some irrelevant and arbitrary allegations to the University's Office of Institutional Equity, without addressing the central question of whether her dismissal resulted from discrimination. Later she relied entirely on OCR investigators to formulate the operative allegations all of which failed to address any specific deficiencies of the two dismissal letters and were dismissed by the Office. What the circuit court characterized as "active pursuit" was, in this case, passive responding and lack of meaningful contribution.

4) the circuit court failed to consider that plaintiffs with higher education or prior institutional experience may still initiate or navigate certain processes while mentally impaired, especially when they're guided or assisted. Treating

“active pursuit” as a uniform proxy for mental soundness disregards individual variability and risks misclassifying genuinely incapacitated plaintiffs.

5) the circuit court overlooked that filing with certain agencies like OCR may be substantially easier and may represent the highest level of diligence a plaintiff can reasonably exercise given their mental condition.

6) the circuit court subsequently mistook Zhang’s diligence for mental capacity, in the absence of a medical diagnosis.

7) the circuit court invites powerful institutions to weaponize the tolling doctrine, rewarding strategic misconduct. If any “active pursuit” equals mental soundness, does that mean any defendant can nullify an unsound-mind claim by steering a vulnerable plaintiff into filing a complaint and cooperating in an investigation?

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted.

Qingfei Zhang

Date: January 30, 2026