

No.

In the Supreme Court of the United States

ZHENYU WANG,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

*On Petition For A Writ of Certiorari
To The United States Court of Appeals
For The Third Circuit*

**APPLICATION TO THE HONORABLE SAMUEL ANTHONY ALITO, JR.
FOR AN EXTENSION OF TIME WITHIN WHICH TO FILE
A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable Samuel Anthony Alito, Jr., Associate Justice of the Supreme Court of the United States and Circuit Justice for the Third Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Zhenyu Wang respectfully requests an extension of time of 60 days to file his Petition for a Writ of Certiorari in this Court up to and including July 27, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is *United States v. Wang*, No. 24-2111, 2025 WL 3229509 (3d Cir. Nov. 19, 2025) (attached as Exhibit 1). Judgment was entered on November 19, 2025; and, on February 27, 2026, the Third Circuit issued an order denying the petition for panel and *en banc* rehearing (attached as Exhibit 2).

The Petition for a Writ of Certiorari is currently due on May 28, 2026, per Supreme Court Rules 13.1 and 13.3. This application for an extension of time is filed more than ten days prior to that date.

JURISDICTION

This case presents a question of exceptional importance regarding whether Congress, in failing to legislate in the wake of the executive branch's increasingly expansionist use of the International Emergency Economic Powers Act, 50 U.S.C. §§ 1701, *et seq.* ("IEEPA"), has impermissibly delegated its legislative power in violation of the Constitution's mandate that "[a]ll legislative Powers herein granted shall be vested in a Congress of the United States." U.S. Const. Art. 1, § 1.

This case presents additional questions of exceptional importance regarding misapplication of the Federal Rules of Evidence, inconsistent application of Third Circuit authority, and misinterpretation of *Rehaif v. United States*, 588 U.S. 225 (2019). Specifically, the district court misapplied Federal Rules of Evidence 703 and 803(4) to exclude material expert testimony and, in affirming the district court, the Third Circuit acted contrary to governing precedent in *In re Paoli*, 916 F.2d 829, 853 (3d Cir. 1990) (setting aside evidentiary exclusions under Rule 703 where district court’s analysis “did not track the Rule 703 protocols”) and *United States v. Gonzalez*, 905 F.3d 165, 199-200 (3d Cir. 2018) (discussing admissibility of testimony under Rule 803(4)). The Third Circuit also affirmed the district court’s refusal to give the requested jury instruction on Mistake of Law, which ruling is squarely inconsistent with *Rehaif* and Third Circuit Model Criminal Jury Instruction 5.05. Finally, the Third Circuit affirmed the district court’s preclusion of expert testimony as to mens rea, which ruling is directly contrary to *United States v. Pohlott*, 827 F.2d 889 (3d Cir. 1987), which was the only basis on which the evidence was excluded.

The forthcoming petition will ask whether IEEPA constitutes an impermissible delegation of legislative power and whether the Third Circuit erred in relying on fifteen-year-old precedent to conclude otherwise, *see United States v. Amirnazmi*, 645 F.3d 564 (3d Cir. 2011). The petition will also ask whether the Third Circuit acted inconsistently and therefore erroneously in affirming the judgment of conviction where the district court plainly misapplied Rules 703 and 803(4), failed to

give a jury instruction on which Petitioner had carried his burden of proof, and precluded expert testimony in contravention of Third Circuit law.

This Court has jurisdiction over a timely filed petition for a writ of certiorari in this case pursuant to 28 U.S.C. § 1254(1).

REASONS FOR GRANTING EXTENSION OF TIME

Petitioner has not yet reached a final decision about whether to move forward with filing a petition for writ of certiorari and intends to use the additional time, if granted, to weigh considerations such as the matter of resource allocation.

Additionally, undersigned counsel requires extra time to file a petition in this case due to the press of other matters. Specifically, undersigned counsel has been preparing a petition for a writ of certiorari in *Patel v. United States*, 25A1098, which petition was due May 16, 2026. Undersigned counsel is also preparing an opening brief to be filed in the Third Circuit in the appeal of *Fumo v. Commissioner of Internal Revenue*, Nos. 17603-13, 17614-13 (T.C. Memo. 2025-97). Finally, undersigned counsel is also preparing for a protracted evidentiary hearing scheduled at the end of May in a case proceeding in the United States District Court for the Middle District of Pennsylvania.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant an extension of 60 days, up to and including July 27, 2026, within which to file a Petition for a Writ of Certiorari.

Respectfully submitted:

SAXTON & STUMP

Dated: May 18, 2026

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