

Part 2 – Motion to Accept Late Filing:

UNITED STATES SUPREME COURT

Haocheng Qian, Petitioner

v.

YouTube LLC, et al., Respondents

Case No. 24 - 1116

**MOTION TO DIRECT THE CLERK TO FILE AN OUT-OF-TIME
PETITION FOR A WRIT OF CERTIORARI**

Petitioner: Haocheng Qian

15 Carolyn Lane

North Windham, CT 06256

IPhone: 650-410-0236

To the Honorable Justices of the Supreme Court of the United States:

Petitioner respectfully moves this Court, pursuant to its inherent authority, to accept the enclosed petition for a writ of certiorari as timely filed, notwithstanding the Clerk's letter dated July 31, 2025, returning the petition as out-of-time.

1. Background

1. On April 10, 2025, the United States Court of Appeals for the Second Circuit issued its mandate in Case No. 24-1116, as reflected in the docket entry header “Case 24-1116, 04/10/2025, DktEntry 92.1, Page 1 of 9” (see Exhibit A). This mandate marked the conclusion of the appellate proceedings. Petitioner treats this header date as the formal judgment date for purposes of calculating the filing deadline.

2. As a pro se petitioner and an asylee in the United States, Petitioner does not have electronic access privileges to the Second Circuit docket (CM/ECF) and relies solely on postal mail to receive court decisions.

3. Upon receiving the paper copy of the Second Circuit’s mandate, Petitioner relied on the header date “Case 24-1116, 04/10/2025, DktEntry 92.1, Page 1 of 9” (Exhibit A) printed on the received document as the operative date of judgment for purposes of calculating the 90-day filing period under Supreme Court Rule 13.1.

2. Filing Timeline

1. The petition for a writ of certiorari was postmarked July 8, 2025 and received by the Supreme Court on July 14, 2025.
2. The petition was returned by the Clerk with a letter dated July 31, 2025, stating that the filing deadline was July 1, 2025, based on an April 2, 2025

date for the lower court's judgment or denial of rehearing.

3. The returned package was opened only to retrieve the enclosed letter from the Clerk. The original petition and its enclosures remain intact and unaltered (see Exhibit B).

3. Good Cause for Late Filing

1. Petitioner is a political asylee from abroad, unfamiliar with certain procedural nuances of U.S. federal appellate practice. English is not Petitioner's first language, and Petitioner has no formal legal training.
2. Petitioner reasonably—but mistakenly—calculated the 90-day filing period from the "Case 24-1116, 04/10/2025, DktEntry 92.1, Page 1 of 9" (Exhibit A) date printed in the header of the received appellate mandate, believing this to be the legally operative date. This misunderstanding arose because:
 - Petitioner lacks CM/ECF access and cannot view docket activity in real time.
 - The paper copy received from the court prominently displayed "Case 24-1116, 04/10/2025, DktEntry 92.1, Page 1 of 9" (Exhibit A) in the header.

- Petitioner had no other means to confirm whether a different earlier date applied.

3. The petition raises substantial federal questions involving due process and procedural fairness, and denial based solely on this misunderstanding—caused by the above limitations—would result in manifest injustice.

4. Relief Requested

Petitioner respectfully requests that this Court:

- Accept the petition for a writ of certiorari as timely filed, or
- In the alternative, treat this motion and the enclosed petition as a request for leave to file out-of-time based on excusable neglect and good cause.

Respectfully submitted,

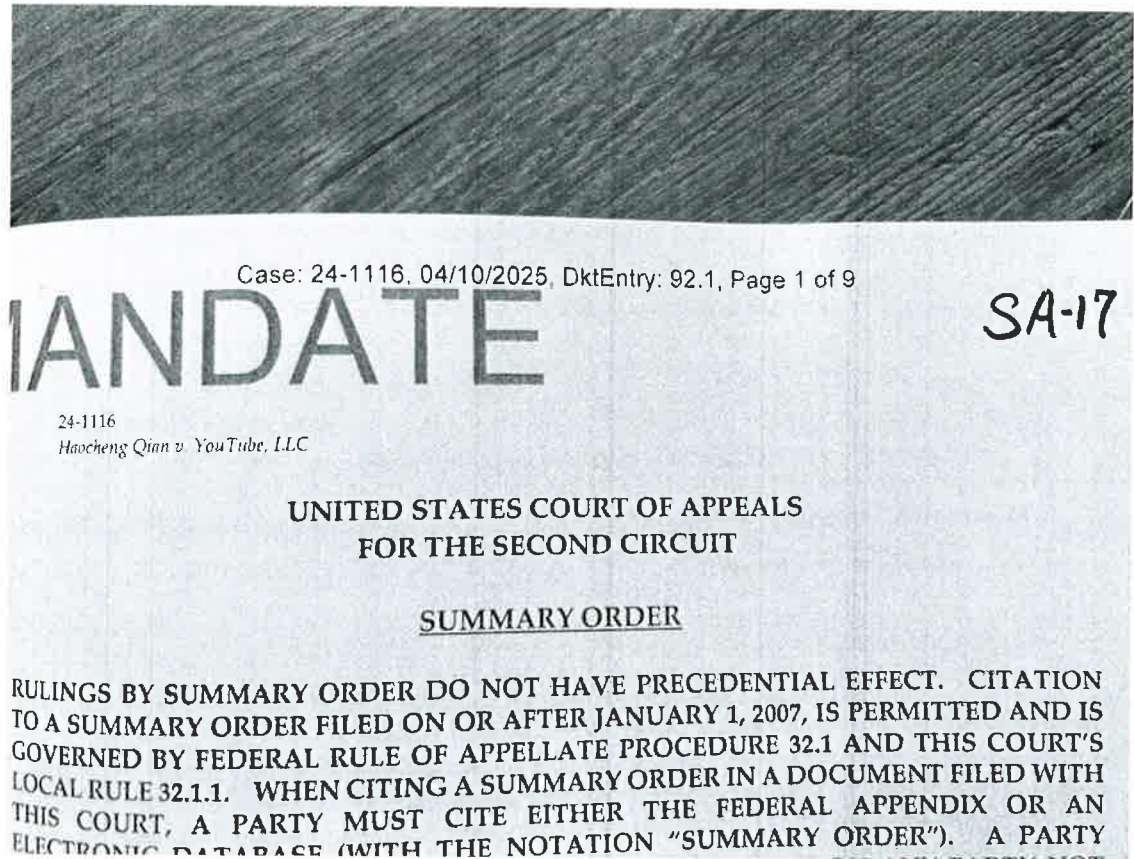
Haocheng Qian
Petitioner, Pro Se



Dated: Aug 08, 2025

Part 3 - Exhibits:

- Exhibit A – Second Circuit Mandate (Case 24-1116, April 10, 2025, DktEntry 92.1, Page 1 of 9) (Also See: Volume II of II: SA 17 - SA 25)



- Exhibit B – Clerk's Letter dated July 31, 2025 returning the petition

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

July 31, 2025

Haocheng Qian
15 Carolyn Lane
North Windham, CT 06256

RE: Haocheng Qian v. YouTube LLC, et al.
USCA2 No. 24-1116

Dear Mr. Qian:

The above-entitled petition for a writ of certiorari was postmarked July 8, 2025 and received July 14, 2025. The papers are returned for the following reason(s):

The petition is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was April 2, 2025. Therefore, the petition was due on or before July 1, 2025. Rules 13.1, 29.2 and 30.1. When the time to file a petition for a writ of certiorari in a civil case (habeas action included) has expired, the Court no longer has the power to review the petition.

The time for filing a petition for a writ of certiorari is not controlled by the date of the issuance of the mandate. Rule 13.3.

Sincerely,
Scott S. Harris, Clerk

By: 

Pipa Fisher
(202) 479-3019

Enclosures

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

COPY

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