No. _____

In the Supreme Court of the United States

ZHI MING LI,
Petitioner,

v.

LIQUID WEB, LLC,
Respondent.

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

MOTION TO DIRECT THE CLERK TO FILE THE TENDERED PETITION FOR A WRIT OF CERTIORARI OR, IN THE ALTERNATIVE, TO SUBMIT THE RULE 13.3 TIMELINESS QUESTION TO THE COURT

Petitioner Zhi Ming Li, proceeding pro se, respectfully moves this Court to direct the Clerk to file his petition for a writ of certiorari, or in the alternative to submit the Rule 13.3 timeliness question to the Court.

This motion does not seek an equitable extension of an expired jurisdictional deadline. Rather, petitioner respectfully submits that the Clerk's return of the petition rests on an incomplete premise: that September 16, 2024 was the operative final date for Rule 13 purposes, notwithstanding petitioner's timely rehearing submission delivered to the United States Court of Appeals for the Third Circuit on September 27, 2024.

I. Background

1. The judgment or order sought to be reviewed was entered by the United States Court of Appeals for the Third Circuit on September 16, 2024, in **Zhi Ming Li v. Liquid Web LLC**, No. 24-1290.

2. On September 27, 2024, within fourteen days of that judgment, petitioner delivered to the Third Circuit a filing seeking rehearing and further review of the September 16, 2024 disposition. Petitioner understands that this filing was received by the court of appeals, and petitioner has documentary evidence of its delivery and receipt.

3. Petitioner later made additional submissions concerning rehearing and docket clarification, including a supplemental rehearing-related submission dated November 8, 2024. Petitioner also received or obtained documents indicating that the Third Circuit was aware of filings or attempted filings after the September 16, 2024 disposition.

4. Nevertheless, petitioner's rehearing-related submissions were not docketed or resolved in a manner that produced a clear public docket entry identifying the filing, its treatment, or any order denying rehearing.

5. On or about October 31, 2024, the Third Circuit issued a "Certified Copy in Lieu of Mandate." Petitioner respectfully submits that this did not resolve the Rule 13.3 issue, because Rule 13.3 provides that the time to file a petition for a writ of certiorari runs from the denial of rehearing where a timely petition for rehearing was filed, and not from the mandate or its equivalent.

6. Petitioner hand-delivered a petition for a writ of certiorari to this Court on February 16, 2026, and again on May 8, 2026. The Clerk's Office returned the petition, stating that the petition "remains out of time" and that "[t]he date of the lower court judgment or order denying a timely petition for rehearing was September 16, 2024," making the petition due on or before December 15, 2024.

7. Petitioner respectfully submits that the return letter treats September 16, 2024 as the only operative date because the court of appeals docket does not reflect the rehearing filing and related submissions in a manner visible to this Court. The core issue is therefore not whether petitioner asks this Court to excuse a late petition, but whether the Rule 13.3 period was properly

calculated in light of a timely rehearing submission that petitioner contends was received by the court of appeals but not properly docketed or resolved.

II. Argument

Rule 13.1 provides that a petition for a writ of certiorari is generally timely when filed within 90 days after entry of the judgment. Rule 13.2 provides that the Clerk will not file a petition that is jurisdictionally out of time. Petitioner does not dispute the importance of those rules.

But Rule 13.3 supplies a separate rule for cases involving rehearing. It provides that if a petition for rehearing is timely filed in the lower court by any party, the time to file a petition for a writ of certiorari runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment.

Petitioner's September 27, 2024 rehearing submission was made within fourteen days of the September 16, 2024 judgment. Petitioner therefore respectfully submits that the certiorari period should not be calculated as though no rehearing filing existed.

The Clerk's return letter states that the relevant date was September 16, 2024. But September 16, 2024 was the date of the court of appeals' judgment or order, not an order denying petitioner's September 27, 2024 rehearing submission. If the September 27, 2024 submission was timely received and should have been treated as a rehearing petition, then Rule 13.3 prevents the 90-day period from being calculated solely from September 16, 2024.

This case therefore presents a narrow procedural question: whether a petition for certiorari may be rejected as jurisdictionally untimely where the petitioner has evidence that a timely rehearing submission was received by the court of appeals but was not entered and resolved on the public docket in a way that permits this Court's Clerk to calculate the Rule 13.3 period from a rehearing-denial date.

Petitioner respectfully submits that docket omissions or irregular handling by a lower court should not, by themselves, defeat the operation of Rule 13.3. If a timely rehearing submission was received by the court of appeals, petitioner should not be deprived of access to this Court solely because the docket does not clearly show what happened to that filing.

Petitioner is not asking this Court to enlarge a jurisdictional deadline after expiration. Petitioner asks only that the Court recognize that the jurisdictional

calculation depends on the proper Rule 13.3 trigger date, and that the existing record contains evidence that the September 16, 2024 date may not be the proper final date for certiorari purposes.

The issue is therefore not merely clerical. If a timely rehearing submission received by a court of appeals can be omitted from the docket or left unresolved in a manner that causes this Court's Clerk to treat the case as jurisdictionally expired, then the operation of Rule 13.3 would depend not on the litigant's timely filing, but on the visibility and completeness of the lower-court docket. That would present a serious threat to procedural regularity and meaningful access to this Court's review.

III. Relief Requested

For the foregoing reasons, petitioner respectfully requests that this Court:

1. direct the Clerk to file the **tendered petition for a writ of certiorari submitted with this motion;**
2. alternatively, direct that the Rule 13.3 timeliness issue be submitted to the Court for determination rather than treated as finally resolved by the Clerk's return letter; or
3. grant such other relief as the Court deems just and proper, including requesting clarification or certification from the United States Court of Appeals for the Third Circuit concerning petitioner's September 27, 2024 rehearing submission and any action taken on it.

Respectfully submitted,

Zhi Ming Li Zhi Ming Li
Petitioner, Pro Se

2421 Atlantic Ave Apt C
Atlantic City, NJ 08401
demon3721@hotmail.com

Date: May 25, 2026

CERTIFICATE OF SERVICE

I, Zhi Ming Li, certify that on May 23, 2026, I served a true and correct copy of the foregoing **Motion to Direct the Clerk to File the Tendered Petition for a Writ of Certiorari or, in the Alternative, to Submit the Rule 13.3 Timeliness Question to the Court**, together with the **tendered petition for a writ of certiorari and supporting appendix materials**, upon counsel for Respondent by United States Postal Service Priority Mail Express, addressed as follows:

Merrill M. O'Brien, Esq.
O'Brien Thornton LLC
160 Park Street
Montclair, NJ 07042

I further certify that I mailed the original and required copies of this motion to the Clerk of the Supreme Court of the United States on the same date.
Tracking Number: 9589 0710 5270 3810 2059 69
I declare under penalty of perjury that the foregoing is true and correct.
Executed on May 23, 2026.

Zhi Ming Li
Petitioner, Pro Se
May 25, 2026

APPENDIX TABLE OF CONTENTS

Appendix A – Supreme Court Clerk's return letter regarding the February 16, 2026 and May 8, 2026 petition.

Appendix B – Third Circuit September 16, 2024 judgment/order.

Appendix C – September 27, 2024 rehearing submission and proof of delivery/receipt.

Appendix D – November 8, 2024 supplemental rehearing-related submission and proof of delivery/receipt.

Appendix E – November 14, 2024 noncompliance/order or docket-related document showing court awareness of post-judgment filings.

Appendix F – October 31, 2024 Certified Copy in Lieu of Mandate.

Appendix A

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

May 13, 2026

Zhi Ming Li
2421 Atlantic Avenue
Apt. C
Atlantic City, NJ 08401

RE: Li v. Liquid Web Inc
USCA 3 No. 24-1290

Dear Mr. Li:

The above-entitled petition for a writ of certiorari was originally hand-delivered on February 16, 2026 and hand-delivered again on May 8, 2026. The papers are returned for the following reason(s):

The petition remains out of time. The date of the lower court judgment or order denying a timely petition for rehearing was September 16, 2024. Therefore, the petition was due on or before December 15, 2024. 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.

Sincerely,
Scott S. Harris, Clerk
By:
Katie Heidrick
(202) 479-3038

Enclosures

Zhi Ming Li
2421 Atlantic Avenue, Apt. C
Atlantic City, NJ 08401
Email: demon3721@hotmail.com

May 8, 2026

Clerk of the Court
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: Li v. Liquid Web LLC, Third Circuit No. 24-1290
Subject: In Forma Pauperis Petition for a Writ of Certiorari Addressing Rule 13.3 Timeliness

Dear Clerk of the Court:

I respectfully submit the enclosed Petition for a Writ of Certiorari, together with my Motion for Leave to Proceed In Forma Pauperis, supporting affidavit or declaration, appendix, and proof of service.

This submission arises from the same Third Circuit proceeding, Li v. Liquid Web LLC, No. 24-1290. Petitioner previously attempted to submit a petition for a writ of certiorari arising from that proceeding, but the submission was not docketed because the Clerk's Office deemed it jurisdictionally untimely, and no Supreme Court docket number was assigned.

The present petition addresses the timeliness issue directly. It explains that the operative Rule 13.3 chronology remains unclear because rehearing-related and

RECEIVED
MAY 12 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

mandate-related submissions were submitted or pursued below but were not clearly reflected in the public docket. Petitioner also made further good-faith efforts to obtain clarification from the Court of Appeals, including a Renewed Motion to Recall the Mandate submitted on March 4, 2026, and a written status request submitted on April 7, 2026. Petitioner has received no written clarification resolving the status of those submissions.

Accordingly, petitioner respectfully submits this petition to preserve his rights under an appellate record in which the operative Rule 13.3 chronology remains unclear.

Enclosed are:

1. Original and ten copies of the Petition for a Writ of Certiorari and Appendix;
2. Original and ten copies of the Motion for Leave to Proceed In Forma Pauperis;
3. Original and ten copies of the affidavit or declaration supporting the IFP motion; and
4. Proof of Service.

Thank you for your time and consideration.
Respectfully submitted,

zhi ming li

Zhi Ming Li
Petitioner, Pro Se

May 8, 2026

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

February 23, 2026

Zhi Ming Li
2421 Atlantic Avenue
Apt. C
Atlantic City, NJ 08401

RE: Li v. Liquid Web Inc
USCA 3 No. 24-1290

Dear Mr. Li:

The above-entitled petition for a writ of certiorari was hand-delivered on February 16, 2026 and received February 23, 2026. 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 September 16, 2024. Therefore, the petition was due on or before December 15, 2024. 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.

Sincerely,
Scott S. Harris, Clerk
By:
Katie Heidrick
(202) 479-3038

Enclosures

Appendix B

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

September 16, 2024

Zhi Ming Li
2419 Atlantic Avenue
Atlantic City, NJ 08401

RE: Zhi Li v. Liquid Web Inc
Case Number: 24-1290
District Court Case Number: 1-22-cv-00672

ENTRY OF JUDGMENT

Today, **September 16, 2024** the Court issued a case dispositive order in the above-captioned matter which serves as this Court's judgment. Fed. R. App. P. 36.

If you wish to seek review of the Court's decision, you may file a petition for rehearing. The procedures for filing a petition for rehearing are set forth in Fed. R. App. P. 35 and 40, 3rd Cir. LAR 35 and 40, and summarized below.

Time for Filing:
14 days after entry of judgment. – by Sept. 30th
45 days after entry of judgment in a civil case if the United States is a party.

Form Limits:
3900 words if produced by a computer, with a certificate of compliance pursuant to Fed. R. App. P. 32(g).
15 pages if hand or type written.

Attachments:
A copy of the panel's opinion and judgment only.
Certificate of service.
Certificate of compliance if petition is produced by a computer.
No other attachments are permitted without first obtaining leave from the Court.

Unless the petition specifies that the petition seeks only panel rehearing, the petition will be construed as requesting both panel and en banc rehearing. Pursuant to Fed. R. App. P. 35(b)(3), if separate petitions for panel rehearing and rehearing en banc are submitted, they will be treated as a single document and will be subject to the form limits as set forth in Fed. R. App. P. 35(b)(2). If only panel rehearing is sought, the Court's rules do not provide for the subsequent filing of a petition for rehearing en banc in the event that the petition seeking only panel rehearing is denied.

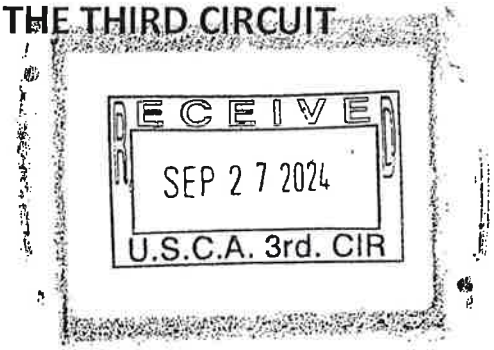
Please consult the Rules of the Supreme Court of the United States regarding the timing and requirements for filing a petition for writ of certiorari.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/Laurie
Case Manager
267-299-4936

Appendix C

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT



ZHI MING LI Appellant, v. LIQUID WEB, LLC Liquid Web Inc., changed to LIQUID WEB, LLC on defendant's motion Appellee.	**CASE No. 24-1290** Civil Action No. 1:22-cv-00672-KMW-AMD

MOTION FOR REHEARING

Pro Se Appellant

Zhi Ming Li
1912 Beach Ave
Atlantic City, NJ. 08401
demon3721@hotmail.com
Tel. 609-727-8612

Appellee's attorney's with firm name, address, telephone and facsimile numbers:

Merrill M. O'Brien, Esq.
O'Brien Thornton LLC
Attorneys for Defendant
160 Park Street
Montclair, N.J. 0 7042
T: 973-886-8853
F: 973-354-8029
obrien@obrienthornton.com
and

Peter Gojcaj
Beier Howlett
3001 W. Big Beaver Road, Ste. 200
Troy, MI 48084-3013
T: 248-282-1063
pgojcaj@bhlaw.us.com
(Admitted pro hac vice)
Attorneys for Defendant Liquid Web, LLC

MOTION FOR REHEARING

To the Honorable Judges of the United States Court of Appeals for the Third Circuit:

The Appellant, Zhi Ming Li, respectfully moves this Court to grant a rehearing in the above-captioned matter, pursuant to Federal Rule of Appellate Procedure 40(a)(2) and Third Circuit Local Appellate Rule 40.1. The Appellant requests a rehearing on both panel and en banc grounds. The grounds for this motion are set forth below:

I. INTRODUCTION

The Appellant seeks reconsideration of the Court's decision rendered on September 16, 2024, which affirmed the District Court's dismissal of the Appellant's claims for lack of subject matter jurisdiction. The decision was premature, as the Appellant was denied the opportunity to submit a formal appeal brief before the judgment. The Appellant respectfully submits that the Court overlooked or misapprehended key factual and legal issues, including the destruction of crucial evidence, which, if properly considered, would alter the outcome of the decision.

II. GROUNDS FOR REHEARING

A. Premature Judgment Before Submission of Appeal Brief

The Appellant submits that the decision of this Court was rendered before the submission of the formal appeal brief, depriving the Appellant of the opportunity to present all legal arguments and supporting evidence. This procedural error raises serious concerns of fairness and due process. As established in multiple cases, including Grannis v. Ordean, 234 U.S. 385 (1914), every litigant is entitled to a "full and fair opportunity to be heard." The Appellant was denied this right, and this procedural irregularity alone warrants rehearing to ensure justice is properly administered.

B. Misapplication of Law Concerning Subject Matter Jurisdiction

The Appellant contends that the Court misapplied the legal standards governing subject matter jurisdiction under 28 U.S.C. § 1332, particularly concerning the amount in controversy. The lower court focused on speculative estimations of damages without considering the full context of the Appellant's claims, including evidence of significant economic losses from the destruction of a cultural project.

In Samuel-Bassett v. Kia Motors America, Inc., 357 F.3d 392 (3d Cir. 2004), the Third Circuit emphasized that when determining the amount in controversy, the full scope of damages and potential future losses should be considered. The Appellant asserts that the Court failed to account for the destroyed website and its significant cultural and economic value. This misapplication of the law and disregard for critical evidence calls for rehearing.

C. Deliberate Destruction of Evidence

The Appellant also asserts that key evidence vital to determining damages was deliberately destroyed by the Appellee. This destruction directly impacted the Appellant's ability to present a precise damage estimate. As recognized in Bull v. United Parcel Service, 665 F.3d 68 (3d Cir. 2012) and Schmid v. Milwaukee Electric Tool Corp., 13 F.3d 76 (3d Cir. 1994), the Court may apply adverse inference instructions when evidence critical to one party's case is destroyed by the other.

The Appellant explicitly noted in his "PLAINTIFF'S FINAL STATEMENT ASSERTING SUBJECT MATTER JURISDICTION" (ECF No. 50, filed on December 29, 2023), that if the original website (chinesejustice.com) had not been destroyed, an expert could have assessed its value. The Appellant asserts that this destruction of evidence fundamentally undermines the basis for dismissing the case for lack of subject matter jurisdiction, as it obstructed the ability to meet the $75,000 jurisdictional threshold.

III. LEGAL ARGUMENTS

A. Due Process Violation

The failure to allow the Appellant to submit a formal brief before issuing a ruling violates basic principles of fairness and due process. In Mathews v. Eldridge, 424 U.S. 319 (1976), the Supreme Court underscored the importance of providing all parties an opportunity to present their case. The Appellant was denied this opportunity.

B. Impact of Destroyed Evidence on Jurisdictional Determinations

As mentioned above, the destruction of key evidence by the Appellee warrants an adverse inference under Schmid and Bull. The Third Circuit has recognized that when evidence is

destroyed, it can affect the party's ability to meet jurisdictional or damage requirements. The Court should have considered the destruction of the Appellant's evidence and the resulting impact on calculating damages before dismissing the case for lack of jurisdiction.

C. Misapplication of the Amount in Controversy Standard

The Court's reliance on speculative estimates without considering the full value of the destroyed cultural project was a misapplication of the Samuel-Bassett ruling. The Appellant had a valid claim for damages exceeding $75,000, but this was obscured by the Appellee's destruction of critical evidence.

IV. CONCLUSION

For the reasons stated above, the Appellant respectfully requests that the Court grant this Motion for Rehearing, vacate the September 16, 2024, order, and allow the Appellant the opportunity to fully present his arguments and evidence in support of his appeal.

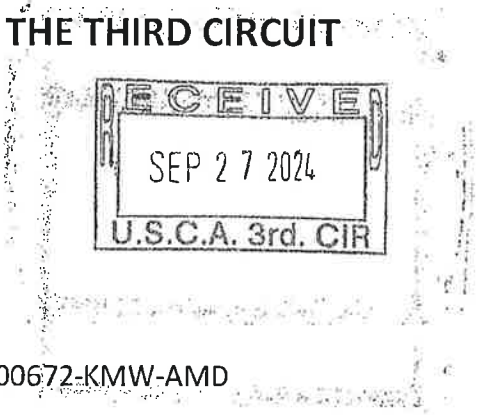
Respectfully submitted,

Plaintiff-Appellant's Signature: 

1-609-727-8612
demon3721@hotmail.com

Date: September 27, 2024

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT



ZHI MING LI Appellant, v. LIQUID WEB, LLC Liquid Web Inc., changed to LIQUID WEB, LLC on defendant's motion Appellee.	CASE No. 24-1290 Civil Action No. 1:22-cv-00672-KMW-AMD

Appellant's Brief on Appeal: Zhi Ming Li v. Liquid Web, LLC

Pro Se Appellant

Zhi Ming Li
1912 Beach Ave
Atlantic City, NJ. 08401
demon3721@hotmail.com
Tel. 609-727-8612

Appellee's attorney's with firm name, address, telephone and facsimile numbers:

Merrill M. O'Brien, Esq.
O'Brien Thornton LLC
Attorneys for Defendant
160 Park Street
Montclair, N.J. 0 7042
T: 973-886-8853
F: 973-354-8029
obrien@obrienthornton.com
and
Peter Gojcaj
Beier Howlett
3001 W. Big Beaver Road, Ste. 200
Troy, MI 48084-3013
T: 248-282-1063
pgojcaj@bhlaw.us.com

(Admitted pro hac vice)
Attorneys for Defendant Liquid Web, LLC

Appellant's Brief on Appeal: Zhi Ming Li v. Liquid Web, LLC

FOREWORD

The Appellant left China at the end of August 1989 after the Chinese Communist government launched an armed suppression of the "democracy movement" in Tiananmen Square on June 4, 1989. The Appellant has never stopped thinking and researching on social issues such as "the relationship between cultural impetus and civilization", "the relationship between the establishment and maintenance of democratic systems and culture".

The Appellant got an inspiration while chatting with a friend in October 1993. After nearly 20 years of thinking and research, he established a band new sociological system based on cultural psychology. During this period, chinesejustice.com was created. A friend who helped The Appellant design the website chose Liquid Web as the hosting provider. At that time, The Appellant understood that the content of chinesejustice.com was extremely sensitive to the Chinese Communist Party, because the Chinese government had blocked the website from being read in China in 2005. Therefore, The Appellant had always kept a low profile and did not make any publicity or promotion. On the other hand, The Appellant understands that the so-called information database should first reach a certain scale in terms of information volume.

THE APPELLANT'S STATEMENT OF FACTS

But things went counterproductive. Just when The Appellant thought that the website could be called an information database in terms of scale, on March 1, 2021, The Appellant discovered that it could no longer add information. So The Appellant contacted and communicated with The Appellee's online waiter three times on March 5, 8, and 15, 2021. The Appellee's online waiter said that The Appellant's data was destroyed without paying (without any other reason), and that it was impossible to do so. restored. On March 20, 2021, The Appellant sent evidence to The Appellee by special express delivery that The Appellant had paid, and expected The Appellee to respond positively and correct its mistakes.

The Appellant will write the correct name and address on the Money Order when sending it, and usually will write the Internet domain name on the envelope. That is, it is impossible for The Appellee's employees to misappropriate the amount to other users. This has never happened before. In addition, it is very important that the amount on The Appellant's account

has been used up twice before. At that time, The Appellee immediately temporarily blocked The Appellant's right to use it, and did not resume use until The Appellee received The Appellant's renewal fee. This shows that the defendant has other more important plans. Standardized means to remind users to renew.

When The Appellant contacted the defendant's online attendant in March 2021, he mentioned the plaintiff's "huge cultural project" and provided relevant links (evidence). At the beginning, The Appellant had no intention of resolving the dispute through litigation, which also shows that the "huge cultural project" mentioned by The Appellant was not a wild talk after the first complaint was submitted on February 10, 2022. This just proves the good faith of The Appellant.

It was not until July 2021 that The Appellant discovered that his website domain name had also been stolen. At this time, The Appellant felt the seriousness of the problem. After research, The Appellant estimated that (i) The Appellee committed a collective crime (corporate crime) under the temptation of benefits from third party forces; (ii) a senior official of The Appellee was accepting bribes from third party forces. personal crime committed later.

As of November 3, 2022, The Appellee had no reply, not even any advertising emails. This violates their own Terms of Service. The Appellant has reason to believe that The Appellee deliberately delayed the three-month validity period referred to in the Terms of Service.

The most critical prima facie evidence of The Appellee's malicious breach of contract is the following paragraph in the email sent by The Appellee's employee to The Appellant on August 27, 2020: "If a payment has already been submitted, please disregard this message." and the post office that The Appellant has provided. Written proof proves that The Appellee cashed the last Money Order numbered #26903317847 sent by The Appellant on August 27, 2020. ***(See Attachment A)***

Based on these facts, The Appellant seeks relief and legal claims for The Appellant's losses caused by The Appellee's malicious breach of contract and destruction (or even theft) of The Appellant's intellectual property.

From June 2016 to April 2021, The Appellant has been living at 1 Oceanic TER Atlantic City NJ 08401. and used the above address to send money orders to the defendant. In fact, The Appellant has lived in Atlantic City for more than 10 years.

I request the court to reopen this case for the following reasons: The original ruling contained serious legal errors, which resulted in the case not being handled fairly.

POINT 1 THE JUDGE'S ANALYSIS OF THE PARTICULARITIES OF THE CASE WAS INCOMPLETE AND WITHOUT FAIR CONSIDERATION

Although judges have discretion, they cannot abuse it. The Appellant's contend that the Hon. Karen M. Williams, U.S.D.J.'s decision was made without a complete review of the following issues:

The judge's supplementary judgment on January 17, 2024 （ECF No. 54） does not contain any new arguments compared to the judgment on January 8, 2024（ECF No. 53）. It only admitted that The Appellant submitted "PLAINTIFF'S RESPONSE TO DEFENDANT'S CHALLENGE TO SUBJECT MATTER JURISDICTION" to the court on January 5, 2024, but completely ignored The Appellant's arguments. But it shows that the judgment on January 8, 2024 was based on incomplete review and unfairness.

(i) The Decision Ignored Deliberate Destruction of Appellant's Evidence

The Appellant has stated in **PLAINTIFF'S FINAL STATEMENT ASSERTING SUBJECT MATTER JURISDICTION** (ECF No. 50) filed on December 29, 2023:

If the original chinesejustice.com was still readable, The Appellant could have an expert assess its value. This is impossible now that it has been illegally destroyed. This is a fact that The Appellee also understands and admits, and it is against this background that "Appellant's Claims Fail To Assert Cognizable Damages Amounting To $75,000" was raised. So the defendant's argument that damages cannot be assessed is invalid.

The Appellant, Zhi Ming Li, respectfully submits that the lower court erred in dismissing the case for lack of subject matter jurisdiction under 28 U.S.C. § 1332, as the evidence demonstrates The Appropriate amount in controversy and diversity of citizenship." Reason: This version emphasizes formal legal structure and lays out the key argument (subject matter jurisdiction) at the outset.

This evidence, critical to assessing damages, was deliberately destroyed by the Appellee. As established by Bull v. United Parcel Service and Schmid v. Milwaukee Electric Tool Corp., this Court has permitted adverse inference instructions in such cases of spoliation. The destruction of evidence not only prejudiced the Appellant's ability to prove damages but also contributed to the lower court's misapplication of law, leading to an erroneous dismissal for lack of subject matter jurisdiction.

(ii) Treatment of Appellant's Financial Claims:

The Appellant's argument regarding the reasonableness of their salary and the justification for not providing documentary evidence was not addressed in the supplementary judgment.

While The Appellant argued that "as a de facto self-employed person, it is very reasonable to set an annual salary of $5,000 for oneself", The Appellant also cited relevant provisions of the U.S. tax law to justify The Appellant's inability to provide written evidence. The Appellee did not raise an objection to meet the "standard of proving that it exceeds the reasonable range" on January 4, 2024.

In the eyes of Hon. Karen M. Williams, U.S.D.J., "Plaintiff's inability to present documentary evidence under U.S. tax law" was outweighed by Appellee's "objection for the sake of objection." Never mind that The Appellee did not raise a substantive defense regarding The Appellant's "life-sustaining costs" and that "as a de facto self-employed person, it was very reasonable for him to set himself an annual salary of $5,000." Appellant would like to ask: If "The Appellant fraudulently declared to the tax bureau an annual 'tax-free' income of less than US$12,000" can it be considered evidence?

The principle of scale is an iconic totem in the realm of law. Analogous to the absence of an explicit mandate in the Federal Rules of Civil Procedure demanding "the amount in dispute must be supported by documentary evidence," The Appellant's defense of 'life-sustaining costs' without documentary evidence stands on equally valid ground. Despite this parallel, the judge's decision gave considerable weight to in favor of the defendant, raising concerns about a potential imbalance in the treatment of evidentiary standards.

Likewise, The Appellant's valuation method of 'the production cost of each web page is $0.5' should find parity with The Appellee's reasons explaining the challenges in valuing The Appellant's website. However, the judge's decision appeared to exhibit a discernible bias in favor of The Appellee, completely ignoring the fact that The Appellant's website has been illegally destroyed by The Appellee. Achieving equitable treatment in the assessment of valuation methodologies is crucial for upholding the principles of fairness and impartiality.

(iii) Disagreement between Judges:

On December 5, 2023, the Hon. Ann Marie Donio, U.S.M.J., allowed The Appellant to refile the complete complaint. In contrast, the Hon. Karen M. Williams, U.S.D.J., dismissed The Appellant's **"PLAINTIFF'S FIRST WRITTEN INTERROGATORIES AGAINST DEFENDANT"** on December 18, 2023. This discrepancy between the decisions of the two judges requires careful consideration.

On the issue of "MOTION to Allow Plaintiff to Refile Complete Complaint" (ECF No. 47) submitted to the court by The Appellant on December 4, 2023. The Hon. Ann Marie Donio, U.S.M.J., and the Hon. Karen M. Williams, U.S.D.J., produced dramatically different decisions.

On December 5, 2023, the Hon. Ann Marie Donio, U.S.M.J., allowed The Appellant to refile the complete complaint. In contrast, the Hon. Karen M. Williams, U.S.D.J., dismissed The Appellant's "PLAINTIFF'S MOTION ASKING JUDGE TO ALLOW PLAINTIFF TO REFILE COMPLETE

COMPLAINT" on December 18, 2023 (ECF No. 49) . This discrepancy between the decisions of the two judges requires careful consideration.

Hon. Karen M. Williams, U.S.D.J.'s December 18, 2023 judgment rejecting the "MOTION to Allow Plaintiff to Refile Complete Complaint" (ECF No. 47) did not give the correct legal basis. Therefore, The Appellant did not address the applicability of new evidence and new legal basis in PLAINTIFF'S FINAL STATEMENT ASSERTING SUBJECT MATTER JURISDICTION (ECF No. 50).

(iv) Appellee's attorney's misleading statements

During the preliminary trial, The Appellant found that numerous statements made by The Appellee's lawyer confused the truth and clearly misled the judge. Despite Appellant's efforts to draw attention to these discrepancies, the Hon. Karen M. Williams, U.S.D.J., ignored them, attributing to Appellant the substantiated, Appellee's errors that Appellant initially highlighted with respect to the conduct of Appellee's employees. The Appellant is left almost speechless by this development. ***(See Attachment B)***

For example: the judge pointed out in the annotation of the judgment that Appellant improperly pleads Appellee Liquid Web, LLC as "Liquid Wb Inc." (ECF No. 34). But in fact, The Appellant once produced an email sent to me by The Appellee's employee, proving that the error was caused by The Appellee's employee. Afterwards, The Appellant's marked on the documents submitted to the court: "Liquid Web Inc., changed to LIQUID WEB, LLC on The Appellee's motion."

The funny thing is: the judge wrote in his judgment what he thought was the wrong name of The Appellee. Appellant cannot help but wonder: Is the judgment of the Hon. Karen M. Williams, U.S.D.J. invalid?

In conclusion, The Appellant urges the court to reconsider its judgment in light of these observed inconsistencies and potential biases, ensuring a fair and impartial evaluation of the case's particularities.

POINT 2 THE APPELLANT HAS THE RIGHT TO AMEND THE COMPLAINT BASED ON NEW EVIDENCE AND NEW LEGAL BASIS

New Evidence I: Appellant's Stolen Documents

The email sent by The Appellee's lawyer Merrill M. O'Brien to The Appellant on January 11, 2023 contained two attachments, one of which was an absolutely private document ***(See Attachment C)*** involving The Appellant. These documents have never been leaked by The Appellant or submitted to any agency. It can only be stolen through computer hacking.

The Appellant had opened the email hundreds of times on different computers and at different times, and the attachments containing the stolen files would appear. This fact not only proves the existence of third-party forces, but combined with the indescribable bad fact that The Appellant's data was illegally destroyed, The Appellant has reason to believe that The Appellee's malicious breach of contract was intended to block The Appellant's speech.

The Appellant raised the importance of The Appellant's stolen documents to the lower court three times on January 17, 2023, February 5, 2023, and June 12, 2023.

The judge wrote in a letter to The Appellant on June 14, 2023: The Court is in receipt of Pro Se "Plaintiff's First Written Interrogatories Against Defendant." Please note that, pursuant to L. CIV. R. 26.1(c)(1) , interrogatories "shall not be filed until used in a proceeding or upon order of the Court. However, all such papers must be served on other counsel or parties entitled thereto[.]" See L. CIV. R. 26.1(c)(1).

Because Appellee's attorney Merrill M. O'Brien formally denied via email ***(See Attachment D)*** that the attachment containing "Appellant's stolen documents" was ever sent. The Appellant requested this court to hold a hearing and confirm that The Appellant's stolen documents exposed by The Appellee's lawyer Merrill M. O'Brien could be used as evidence, and ordered The Appellee's lawyer Merrill M. O'Brien to explain the source of The Appellant's "stolen documents." The Appellant can show the judge in this court the 2 attachments contained in the email sent to The Appellant by Appellee's attorney Merrill M. O'Brien on January 11, 2023, and on a computer designated by the court.

The purpose of The Appellee's lawyer Merrill M. O'Brien is obvious: by insinuating that The Appellant had asked the old landlord for "$5,000 in damages to prepare chinesejustice.com" in the document in 2011, he questioned whether The Appellant's damages in this lawsuit did not exceed $75,000. Furthermore, the three attachments mentioned above are the stolen property obtained from criminal offenses, and The Appellee's lawyer Merrill M. O'Brien does not have any privilege to refuse.

New evidence Ⅱ : The Appellee's vice president's untrue testimony was actually perjury

In the "PLAINTIFF'S REFUTATION OF 'DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAIN'" (ECF No. 39) ***(See Attachment E)*** submitted on June 13, 2023, The Appellant specifically used a chapter "A VERY POOR LIE REVEALS THE TRUTH" statement to expose The Appellee's vice president (The Lies of Brad Dupree (ECF No. 35-10).

Without evidence (a photocopy of the last Money Order and envelope sent by The Appellant), Appellee Vice President Brad Dupree used selective evidence (envelopes and money order photocopies of 4 other dates) to accuse The Appellant of failing to The last Money Order envelope sent contained a domain name, which resulted in "chinesejustice.com data being

destroyed." The Appellant had reason to believe that The Appellee vice president intentionally withheld "a photocopy of the envelope and Money Order for one of the other (fifth) dates among the four provided dates." This is not just a low-level logical fallacy; it is a deliberate act by The Appellee Vice President. Just like no magician would use his performance as evidence for a scientific experiment. (Like a magician trying to apply for a Nobel Prize by using his performance as evidence for a scientific experiment.)

The Appellant hereby specifically applies to this Court for permission to exhibit "A VERY POOR LIE REVEALS THE TRUTH" as evidence to the jury. Because The Appellee vice president used perjury to impose The Appellee's liability on The Appellant, he was actually calling a deer a horse, which was malicious.

Legal applicability of new evidence

The Federal Rules of Civil Procedure (FRCP) Rule 15(c) that allows amending pleadings "based on newly discovered evidence that, with reasonable diligence, could not have been discovered earlier."

The above two new items of evidence were impossible to discover before The Appellant filed the lawsuit and represent The Appellee's (including third-party forces) intensified misconduct to evade responsibility.

The Appellant submitted a "MOTION to Allow Plaintiff to Refile Complete Complaint" to the court on December 4, 2023, preparing to elaborate on the above points in the complete complaint. And cite the opinion of the Federal Supreme Court on nominal damages in *Uzuegbunam v. Preczewski (Uzuegbunam v. Preczewski, 141 S.Ct. 792 (2021))*. The Hon. Ann Marie Donio, U.S.M.J., on December 5, 2023, allowed the plaintiff to refile the complete complaint. But on December 18, 2023, the Hon. Karen M. Williams, U.S.D.J., denied the motion.

Therefore, The Appellant did not involve new evidence and new legal basis in the "PLAINTIFF'S FINAL STATEMENT ASSERTING SUBJECT MATTER JURISDICTION" submitted on December 29, 2023.

The Appellee not only caused nominal damage to the appellant, but also caused immeasurable actual economic damage (which The Appellant is carefully evaluating). Therefore, the opinion of the Federal Supreme Court in the case of *Uzuegbunam v. Preczewski (Uzuegbunam v. Preczewski, 141 S.Ct. 792 (2021))* should be adopted. The Supreme Court held that a plaintiff's ability to pursue a defense in court against a violation of speech rights is safeguarded even if the plaintiff cannot prove monetary damages. The Supreme Court held: "a request for nominal damages satisfies the redressability element of standing where a plaintiff's claim is based on a completed violation of a legal right."

The Appellant argued that the Federal Supreme Court's opinion in the case of Uzuegbunam v. Preczewski did not mean that the case only applied to infringements that had not yet

continued, and did not exclude infringements that were still continuing. Therefore, this case clearly satisfies all the elements outlined by the Supreme Court in Uzuegbunam v. Preczewski.

The purpose of The Appellant's "large-scale cultural project"

The court failed to appropriately consider the damages arising from the destruction of the cultural project, which, if properly evaluated, meet the jurisdictional threshold under 28 U.S.C. § 1332.

The Appellant's chinesejustice.com is the basis for serving The Appellant's new sociological theoretical system and whether this system can continue to develop and improve. Because its editorial principle is "no taboo topics", for example, in 2003 it was revealed that the Chinese government was researching the SARS virus, the precursor of the bioweapon covid-19. The original chinesejustice.com also tracked many sensitive current affairs news. Therefore, this case has increasingly highlighted the nature of freedom of speech related to public interests. In fact, The Appellant is a true practitioner of the First Amendment to the U.S. Constitution. The defendant's malicious breach of contract actually violated the plaintiff's First Amendment rights. Therefore, the Federal Supreme Court's opinion on nominal damages in the case of *Uzuegbunam v. Preczewski (Uzuegbunam v. Preczewski, 141 S.Ct. 792 (2021))* should be adopted.

When The Appellant contacted The Appellee's online waiter on March 17, 2021, he mentioned the original source of The Appellant's "huge cultural project"—The Appellant's only article translated by a friend and submitted to the seven major newspapers in the United States (September 12, 2016). That contribution can be said to be an academic prediction of the current situation in the United States. **(See Attachment F)**

The Appellant originally planned to rely on chinesejustice.com, a major platform for speech (other languages can be easily added), to promote a self-contained and brand-new sociological theory, and to try to reverse the impetuous tendency of popular culture. The original chinesejustice.com was the main speech platform for The Appellant's "huge cultural project", and no other social media or platform can replace it. Because rigorous "narratives, arguments, and comments" should be based on well-founded foundations.

POINT 3 "THE COST OF SUSTAINING LIFE" IS CONSISTENT WITH REAL LIFE COMMON SENSE AND ITS LONG-TERM SIGNIFICANCE

(i) Due to the unique nature of this case, Appellant proposes applying 'life-sustaining costs' as an innovative damage calculation method, similar to the Supreme Court's approach to nominal damages in *Uzuegbunam v. Preczewski (Uzuegbunam v. Preczewski, 141 S.Ct. 792 (2021))*. Most punitive damages awards, after all, involve novel approaches. Appellant acknowledges the

judge's discretion in this matter, but that different judges may have very different results based on how they assess "life-sustaining costs."

From a pragmatic perspective, setting a 'reasonable certainty' standard for these costs (excluding medical expenses) is crucial. Past and future victims may lack evidence due to 'force majeure' or the illegality of their website destruction. Notably, the Federal Civil Rules do not explicitly require sworn testimony for all damages; thus, this court's landmark ruling could address this gap.

To make 'life-sustaining costs' applicable to a wider range of victims, Appellant suggests $7,500 as a starting point, encompassing essential expenses like food, housing, clothing, and transportation. This figure can be adjusted annually by 3-5% to account for inflation. Appellant believes this court has the authority to establish this innovative approach, ensuring fair and just compensation in this unique case.

(ii) The Appellant asserts that the illegal destruction of chinesejustice.com, without the opportunity to engage an expert for cost estimation, has significantly compressed the true value of the website. While the production cost of individual web pages at $0.50 would suggest a value exceeding $75,000, this figure likely underestimates the website's actual worth. Moreover, the absence of expert evaluation introduces the risk of significant variances in the final monetary award, depending on the discretion of individual judges.

CONCLUSION

This court's judgment on September 16, 2024 contained obvious procedural errors.

The judgment of the lower court judge completely ignored the fact that the key evidence that The Appellee had admitted had been illegally destroyed, which was a clear abuse of discretion.

The lower court judge ignored the Federal Rules of Civil Procedure and deprived The Appellant of the right to refile the complaint based on new evidence and new legal basis.

Having reviewed the entirety of this case, Appellant remain confident that claims possess legal merit and are supported by sufficient evidence. Appellant acknowledge limitations in legal expertise and trust that this court will consider the case fairly and justly.

The Appellant realizes that perhaps the "large-scale cultural project" mentioned by the plaintiff many times and the brand-new sociological system based on cultural psychology created by the plaintiff are causing trouble for itself.

Hon. Karen M. Williams, U.S.D.J. January 8, 2024 Does the accusation that "Plaintiff also provides self-serving statements" stem from Appellant's failure to fraudulently declare "tax-free" annual income of less than $12,000?

For the foregoing reasons, The Appellant respectfully requests that this Honorable Court reverse the dismissal order and remand the case for further proceedings.

Respectfully submitted,

Plaintiff-Appellant's Signature: 
September 27, 2024

Appendix D

RECEIVED
NOV 0 8 2024
3rd. CIR

United States Court of Appeals for the Third Circuit

ZHI MING LI Appellant, v. LIQUID WEB, LLC Liquid Web Inc., changed to LIQUID WEB, LLC on defendant's motion Appellee.	CASE No. 24-1290 Civil Action No. 1:22-cv-00672-KMW-AMD

Pro Se Appellant

Zhi Ming Li
1912 Beach Ave
Atlantic City, NJ. 08401
demon3721@hotmail.com
Tel. 609-727-8612

Appellee's attorney's with firm name, address, telephone and facsimile numbers:

Merrill M. O'Brien, Esq.
O'Brien Thornton LLC
Attorneys for Defendant
160 Park Street
Montclair, N.J. 0 7042
T: 973-886-8853
F: 973-354-8029
obrien@obrienthornton.com
and
Peter Gojcaj
Beier Howlett

3001 W. Big Beaver Road, Ste. 200
Troy, MI 48084-3013
T: 248-282-1063
pgojcaj@bhlaw.us.com
(Admitted pro hac vice)
Attorneys for Defendant Liquid Web, LLC

Supplemental Petition for En Banc Rehearing

Introduction

The Appellant, Zhi Ming Li, respectfully submits this Supplemental Petition for En Banc Rehearing, asserting that the decision to dismiss this case under 28 U.S.C. § 1332 fails to adequately consider the destruction of crucial evidence—the original website, *chinesejustice.com*, and its contents. This destruction is a critical fact, not speculation, and directly impacted the determination of damages, thereby hindering jurisdictional assessment under § 1332. Furthermore, the domain name was stolen within one year of this destruction, causing additional losses and compounding the issues relevant to jurisdiction. The destruction of critical evidence has not only deprived Appellant of essential information for establishing federal jurisdiction but has also undermined the fundamental fairness owed to the parties in the judicial process.

I. Procedural Oversights: Ignoring Key Precedents and Imbalanced Judicial Focus

Appellant respectfully submits that the recent panel decision overlooks three significant legal and procedural issues that warrant en banc review. Together, these issues reveal a pattern of judicial oversight that has obstructed a fair adjudication of the Appellant's claims and undermines confidence in the due process of the proceedings.

A. Omission of Spoliation Precedents in Assessing Evidence Destruction

Despite the Appellant's submission of *Bull v. United Parcel Service*, 665 F.3d 68 (3d Cir. 2012), and *Schmid v. Milwaukee Electric Tool Corp.*, 13 F.3d 76 (3d Cir.

1994), which set binding Third Circuit standards on adverse inference and spoliation of evidence, the panel's decision does not address these cases. The Appellee's documented destruction of critical website data directly impacts the amount-in-controversy assessment central to establishing federal jurisdiction. This destruction deprived Appellant of crucial valuation evidence essential to fulfilling the diversity jurisdiction threshold under 28 U.S.C. § 1332.

B. Judicial Consideration of Irrelevant Precedents Favoring the Appellee

In its ruling, the panel referenced several cases unrelated to the core issue of malicious evidence destruction—such as *G.W. v. Ringwood Bd. of Educ.* and *Peace Church Risk Retention Grp. v. Johnson Controls Fire Prot. LP*. None of these precedents involve issues of spoliation or deliberate destruction of evidence impacting claims of damages, nor do they address adverse inferences or the procedural protections warranted when evidence has been destroyed by one party. This selective citation of unrelated cases compounds the procedural oversight, diverting attention from the core spoliation issue and denying Appellant the adverse inference essential for jurisdictional assessment.

C. Lack of Neutrality in Judicial Approach

Compounding these issues is the panel's apparent proactivity in identifying case law that supports the Appellee's position, without similar consideration for the Appellant's cited precedents. This approach contrasts with the traditional judicial duty to impartially consider relevant authorities presented by both parties. This imbalance undermines the appearance of fairness essential to appellate proceedings, especially when paired with the substantive oversight of the spoliation issue.

For these reasons, Appellant contends that the panel's decision exhibits critical procedural and substantive oversights that warrant correction through an en banc rehearing. A full-court review will ensure consistent application of Third Circuit spoliation precedents, rectify jurisdictional misapplications, and restore balance in judicial consideration, thereby upholding procedural fairness.

II. Destruction of Evidence Impedes Jurisdiction and Damages Assessment

Appellant contends that the Third Circuit panel's application of 28 U.S.C. § 1332 was flawed, as it disregarded key elements established by this Circuit regarding

the assessment of damages in light of destroyed evidence. In cases such as *Bull v. United Parcel Service*, 665 F.3d 68 (3d Cir. 2012) and *Schmid v. Milwaukee Electric Tool Corp.*, 13 F.3d 76 (3d Cir. 1994), this Court held that adverse inference instructions are appropriate when a party destroys evidence relevant to the opposing party's claim. Here, Liquid Web's destruction of *chinesejustice.com* not only deprived Appellant of critical evidence but fundamentally affected the assessment of the value necessary to meet the jurisdictional threshold.

A. Destruction of Evidence and Impediments to Fair Damages Assessment

The facts surrounding the destruction of *chinesejustice.com* are neither speculative nor incidental—they are determinative. This confirmed data loss significantly obstructed the Appellant's ability to demonstrate a loss exceeding the jurisdictional threshold. Appellant specifically stated in *Plaintiff's Final Statement Asserting Subject Matter Jurisdiction* (ECF No. 50, filed December 29, 2023) that, if preserved, the website would have enabled an expert assessment of its full economic value. This evidence destruction hindered the Appellant's ability to provide a precise damage estimate exceeding $75,000, integral to diversity jurisdiction.

The Third Circuit precedent, such as *Samuel-Bassett v. Kia Motors America, Inc.*, 357 F.3d 392 (3d Cir. 2004), establishes that courts must consider the "full scope of damages" in determining the amount in controversy. The Appellant's inability to rely on critical evidence of the destroyed website's value was compounded by the subsequent theft of the domain name, further impeding an accurate assessment of loss.

The Appellant highlights three critical pieces of evidence previously submitted that demonstrate the Appellee's breach of contract and resulting damages:

- **Confirmed Data Loss:** On March 1, 2021, the Appellant discovered he could no longer access or update his website. Despite multiple communications with the Appellee, the Appellant was informed his data had been destroyed, establishing a confirmed occurrence that severely impacted his cultural project.
- **Breach Evidence:** An August 27, 2020, email from Appellee's employee stated, "If a payment has already been submitted, please disregard this message." Coupled with evidence that the last payment was cashed, this

serves as prima facie evidence of intentional misconduct and breach of contract.

- **Domain Theft Impact:** Within a year of the contract dispute, the original domain name associated with the Appellant's website was stolen, further compounding the Appellant's losses and highlighting the risks associated with the Appellee's handling of Appellant's data.

B. New Evidence and Its Relevance

- **Perjury by Defendant's Vice President:** The Defendant's Vice President, Brad Dupree, selectively presented evidence to falsely assert that the destruction of the website content resulted from Plaintiff's negligence, underscoring malicious intent.
- **Document Theft Indicating External Malice:** An email from the Defendant's attorney disclosing stolen documents belonging to the Appellant suggests potential collusion with external malicious entities.

Together, these elements underscore the Appellant's position that the Appellee failed to fulfill its contractual obligations and engaged in conduct leading to substantial damages for the Appellant. The Appellant's claims were grounded in evidence that was overlooked or insufficiently considered by the Court.

III. Due Process Violation by Preemptive Judgment

This decision without Appellant's formal brief not only contravenes due process as held in *Grannis v. Ordean*, 234 U.S. 385 (1914) but also undermines procedural fairness, particularly given the evidentiary complexities in this case. Given the gravity of destroyed evidence impacting damages and jurisdiction, preempting Appellant's formal arguments raises critical due process concerns.

IV. Request for En Banc Review and Precedential Application

Given the significant issues regarding destroyed evidence and due process, Appellant respectfully requests that the Third Circuit reconsider this case en banc. The evidentiary challenges stemming from the destruction of *chinesejustice.com* and the related jurisdictional considerations warrant full-court review to ensure consistent application of Third Circuit precedent. A full-court review would not only correct these procedural inconsistencies but also establish precedent for fair jurisdictional assessments in similar future cases.

Conclusion

For the reasons set forth herein, Appellant respectfully requests that the Third Circuit grant en banc rehearing, vacate the current order of dismissal, and allow the Appellant the opportunity to substantively present the case. An en banc rehearing would rectify the procedural inconsistencies and restore the integrity of judicial evaluation in this case, setting a standard for fair jurisdictional assessments moving forward.

Respectfully submitted,

Plaintiff-Appellant Signature:
demon3721@hotmail.com
Tel. 609-727-8612

November 8, 2024

Appendix E

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 24-1290

Zhi Li v. Liquid Web Inc

(District Court/Agency No. 1-22-cv-00672)

ORDER

The Court has received petition for rehearing by **Zhi Ming Li**.

Your document does not comply with the following requirement(s):

Pursuant to Fed. R. App. P. 35(c) and 40(a)(1), the petition has not been filed in a timely manner. Accordingly, a motion to file out of time is required.

Any additional documents attached to the petition must be accompanied by a motion to file the exhibits attached to the petition for rehearing. See Third Circuit L.A.R. 35.2(a).

Please clarify whether the Supplemental Petition for Rehearing is intended as titled or to replace the original petition.

Pursuant to 3rd Cir. LAR Misc. 107.3 and 3rd Cir. LAR Misc. 113, if the Court finds that a party continues not to be in compliance with the rules despite notice by the Clerk, the Court may, in its discretion, impose sanctions as it may deem appropriate, including but not limited to the dismissal of the appeal, imposition of costs or disciplinary sanctions upon a party or counsel.

The above deficiencies must be corrected by **November 29, 2024**.

No action will be taken on the document until these deficiencies are corrected.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Date: November 14, 2024
cc: Zhi Ming Li

Appendix F

OFFICE OF THE CLERK

PATRICIA S. DODSZUWEIT

CLERK

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT
21400 UNITED STATES COURTHOUSE
601 MARKET STREET
PHILADELPHIA, PA 19106-1790
Website: www.ca3.uscourts.gov

TELEPHONE
215-597-2995

October 31, 2024

Melissa E. Rhoads
United States District Court for the District of New Jersey
Mitchell H. Cohen Building & United States Courthouse
4th & Cooper Streets
Camden, NJ 08101

RE: Zhi Li v. Liquid Web Inc
Case Number: 24-1290
District Court Case Number: 1-22-cv-00672

Dear District/Bankruptcy Clerk

Enclosed herewith is the certified judgment together with copy of the opinion or certified copy of the order in the above-captioned case(s). The certified judgment or order is issued in lieu of a formal mandate and is to be treated in all respects as a mandate.

Counsel are advised of the issuance of the mandate by copy of this letter. The certified judgment or order shows costs taxed, if any.

Very truly yours,
Patricia S. Dodszuweit, Clerk

By: s/Laurie
Case Manager
267-299-4936
cc: Zhi Ming Li