No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

ZHI MING LI Petitioner
Your Name
V.

LIQUID WEB LLC Respondent(s)

Petitioner was previously granted leave to proceed in forma pauperis in the United States Court of Appeals for the Third Circuit.

Petitioner's affidavit in support of this motion is attached hereto.

Petitioner is not represented by counsel in this Court.

Respectfully submitted,

zhi ming li
Signature

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

Executed on: May 8, 2026

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

ZHI MING LI Petitioner
Your Name

VS.

LIQUID WEB LLC Respondent(s)

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☐ Petitioner has previously been granted leave to proceed in forma pauperis in the following court(s):

United States Court of Appeals for the Third Circuit

☐ Petitioner has not previously been granted leave to proceed *in forma pauperis* in any other court.

☐ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner affidavit or declaration is not attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law:

_____ or

☐ a copy of the order of appointment is appended.

zhi ming li

Signature

Executed on: May 8, 2026

AFFIDAVIT OR DECLARATION
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

I, **Zhi Ming LI**, am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor and I believe I am entitled to redress..

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	**Average monthly amount during the past 12 months**		**Amount expected next month**	
	You	Spouse	You	Spouse
Employment	$ 0	$	$ 0	$
Self-employment	$ 0	$	$ 0	$
Income from real property) (such as rental income)	$ 0	$	$ 0	$
Interest and dividends	$ 0	$	$ 0	$
Gifts	$ 0	$	$ 0	$
Alimony	$ 0	$	$ 0	$
Child Support	$ 0	$	$ 0	$
Retirement (such as social security, pensions, annuities, insurance)	$ 0	$	$ 0	$
Disability (such as social security, insurance payments)	$	$	$	$
Unemployment payments	$	$	$	$
Public-assistance (such as welfare)	$	$	$	$
Other (specify):	$	$	$	$
Total monthly income:	$	$	$	$

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
____N____	___N____	____N_____	$ ____0_____
_____	_____	_____	$ _____
_____	_____	_____	$ _____

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is Before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
____N____	____N____	____N_____	$ ____0_____
_____	_____	_____	$ _____
_____	_____	_____	$ _____

4. How much cash do you and your spouse have? $ _____
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Financial institution	Type of account	Amount you have	Amount your spouse has
____N_____	____N_____	_____N_____	$ _____0_____
_____	_____	_____	$ _____
_____	_____	_____	$ _____

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home
Value $ _____
☐ Motor Vehicle #1
Year, make & model _____
Value $ _____

☐ Other real estate
Value $ _____
☐ Motor Vehicle #2
Year, make & model
Value $ _____

☐ Other assets
Description _____
Value $ _____

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing money	Amount owed to you	Amount owed to your spouse
_____N_____	$ _____0_____	$ _____0_____
_____	$ _____	$ _____

7. State the persons who rely on you or your spouse for support.

Name	**Relationship**	**Age**
_____N_____	_____N_____	_____N_____
_____	_____	_____
_____	_____	_____

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly , or annually to show the monthly rate.

	You	**Your spouse**
Rent or home-mortgage payment (include lot rented for mobile home)	$ __0____	$ _____
Are real estate taxes included? ☐ Yes ☐ No		
Is property insurance included? ☐ Yes ☐ No		
Utilities (electricity, heating fuel, Water, sewer, and telephone)	$ ___0___	$ _____
Home maintenance (repairs and upkeep)	$ ___0___	$ _____
Food	$ _____	$ _____
Clothing	$ _____	$ _____
Laundry and dry-cleaning	$ _____	$ _____
Medical and dental expenses	$ _____	$ _____

	You	Your spouse
Transportation (not including motor vehicle payments)	$ _____	$ _____
Recreation, entertainment, newspapers, magazines, etc.	$ _____	$ _____
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's renter's	$ _____	$ _____
Life	$ _____	$ _____
Health	$ _____	$ _____
Motor Vehicle	$ _____	$ _____
Other: _____	$ _____	$ _____
Taxes (not deducted from wages or included in mortgage payments)		
(specify)_____	$ _____	$ _____
Installment payments		
Motor Vehicle	$ _____	$ _____
Credit card(s)	$ _____	$ _____
Other: _____	$ _____	$ _____
Alimony, maintenance, and support paid to others	$ _____	$ _____
Regular expenses for operation of business, profession,	$ _____	$ _____
Or farm (attach detailed statement)		
Other (specify): _____	$ _____	$ _____
Total monthly expenses:	$ _____	$ _____

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☐ Yes ☐ No If yes, describe on an attached sheet.

10. Have you paid — or will you be paying — an attorney any money for services in connection with this case, including the completion of this form? ☐ Yes ☐ No

If yes, how much? $ _____0_____

If yes, state the attorney's name, address, and telephone number:

11. Other service payments Have you paid — or will you be paying — anyone other than an attorney any money for services in connection with this case?

☐ Yes ☐ No

If yes, how much? $ _____0_____

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case:

Petitioner has devoted nearly twenty years to the development and maintenance of a website that was subsequently unlawfully destroyed, exhausting his financial resources. Petitioner later became homeless following an unlawful eviction and has remained without stable housing for more than five years. As a result, Petitioner lacks the financial means to pay the costs of these proceedings.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 8, 2026

Signature

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

PETITION FOR A WRIT OF CERTIORARI

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

QUESTIONS PRESENTED

1. Whether a court of appeals' public docket that does not accurately reflect the existence and status of rehearing submissions may alter the Rule 13.3 chronology on which certiorari timeliness depends.

2. Whether certiorari timeliness may be determined based on a public docket that differs materially from filings the court has expressly acknowledged receiving and processing.

3. Whether appellate finality may be treated as complete for purposes of Supreme Court review where rehearing and mandate-related filings remain unresolved or unclearly reflected in the public record despite petitioner's repeated requests for clarification.

RELATED PROCEEDINGS

Li v. Liquid Web LLC, No. 24-1290 (U.S. Court of Appeals for the Third Circuit), panel disposition entered Sept. 16, 2024; noncompliance order entered Nov. 14, 2024; motion to file rehearing out of time entered Nov. 19, 2024; panel order entered Aug. 22, 2025.

Li v. Liquid Web LLC, No. 1:22-cv-00672 (D.N.J.), judgment entered Jan. 17, 2024.

Petitioner previously attempted to submit a petition for a writ of certiorari to this Court arising from the same court-of-appeals proceeding. The submission was not docketed because the Clerk's Office deemed it jurisdictionally untimely, and no Supreme Court docket number was assigned.

TABLE OF CONTENTS

EXPLANATION OF TIMELINESS.....i

QUESTIONS PRESENTED.....iv

RELATED PROCEEDINGS.....v

TABLE OF CONTENTS vi

TABLE OF AUTHORITIES vii

OPINIONS BELOW 1

JURISDICTION 2

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.....3

STATEMENT OF THE CASE.....4

REASONS FOR GRANTING THE PETITION.....6

TABLE OF AUTHORITIES

Cases

Bowles v. Russell, 551 U.S. 205 (2007).....6

Fallen v. United States, 378 U.S. 139 (1964) 9

FTC v. Minneapolis-Honeywell Regulator Co., 344 U.S. 206 (1952).....10

Statutes and Rules

28 U.S.C. § 1254(1) 2

Federal Rule of Appellate Procedure 41(b)..... 9

Supreme Court Rule 13.3 ..... i, 6, 8, 9

OPINIONS BELOW

The opinion of the United States District Court for the District of New Jersey, entered January 17, 2024, and the subsequent orders of the United States Court of Appeals for the Third Circuit, including those entered on September 16, 2024, October 31, 2024, and August 22, 2025, are unpublished.

Relevant orders and related docket materials are reproduced in the Appendix.

JURISDICTION

This petition seeks review under 28 U.S.C. § 1254(1).

The jurisdictional issue is intertwined with the Rule 13.3 question presented above.

EXPLANATION OF TIMELINESS

This petition presents a threshold timeliness question arising from uncertainty in the lower court's record concerning rehearing-related filings.

Under Supreme Court Rule 13.3, the time to file a petition for certiorari runs from the entry of judgment unless a timely petition for rehearing is filed, or unless the lower court appropriately entertains an untimely rehearing petition. In this case, petitioner submitted rehearing-related filings following the Court of Appeals' September 16, 2024 disposition, and the Court itself expressly acknowledged receipt of such submissions in subsequent orders.

However, the public docket does not clearly reflect the existence, timing, and procedural status of those rehearing submissions. In particular, the record does not transparently show that a rehearing submission had been received and held for further processing, nor does it clearly distinguish between petitioner's original rehearing submission and later supplemental filings.

As a result, the chronology that appears on the face of the public docket differs materially from the sequence of filings actually submitted and acknowledged by the Court. In effect, a timely original rehearing submission is not clearly reflected as such, and later filings appear to constitute the first meaningful rehearing-related activity.

Because Rule 13.3 ties certiorari timing to rehearing events as reflected in the lower-court record, this discrepancy directly affects the identification of the operative filing period. The court's own orders expressly acknowledge that rehearing submissions were received and actively processed, yet those events are not clearly reflected in the public docket on which Rule 13.3 analysis depends. Petitioner therefore submits that this petition is timely, or at minimum that the question of timeliness cannot be resolved without first addressing whether the lower court record accurately reflects the rehearing chronology on which Rule 13.3 depends.

Petitioner has made repeated good-faith efforts to obtain clarification from the Court of Appeals concerning the status of his post-judgment and mandate-related submissions. After filing a Renewed Motion to Recall the Mandate on March 4,

2026, petitioner submitted a written follow-up request to the Clerk's Office on April 7, 2026, asking only whether the motion had been received, whether it had been formally docketed, and whether any further action was required. Petitioner thereafter received no written clarification, no docket entry resolving the status of that submission, and no instruction identifying any further step that petitioner could take to cure the record uncertainty. Thus, the present petition is filed after petitioner exhausted practical, record-focused efforts to obtain clarification from the lower court but remained unable to secure a clear public record of the operative procedural chronology.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. V.
28 U.S.C. § 1254(1).
Supreme Court Rule 13.3.
Federal Rules of Appellate Procedure 25, 35, 40, and 41.

STATEMENT OF THE CASE

Petitioner filed suit in the District of New Jersey concerning the destruction of an online archive of his written work and research materials. The district court dismissed the case, and petitioner appealed.

The appeal then proceeded in an unusual procedural posture. On April 23, 2024, the Third Circuit entered an order stating that the appeal would be submitted to a panel for determination under 28 U.S.C. § 1915(e)(2)(B) or for summary action under Third Circuit L.A.R. 27.4 and I.O.P. 10.6, and that petitioner could submit argument in support of the appeal. Petitioner did submit materials, including a brief that the docket later described as being construed as a document in support of the appeal.

On September 16, 2024, the Third Circuit summarily affirmed under L.A.R. 27.4 and I.O.P. 10.6. After that disposition, petitioner timely submitted rehearing-related papers, including a September 27, 2024 motion for rehearing and a November 8, 2024 supplemental en banc rehearing submission. Petitioner's position is that those submissions were actually made, but the public docket did not clearly reflect them as filed rehearing events.

The significance of that omission became more apparent on November 14, 2024, when the Third Circuit entered a noncompliance order requesting a motion to file rehearing exhibits, a motion to file out of time, and a motion to supplement rehearing. That order indicated that the court was internally treating petitioner's submissions as rehearing-related. Yet the public docket still did not clearly reflect the antecedent filings in a way that would allow a reviewing court to identify the operative rehearing chronology.

On November 18, 2024, petitioner filed a motion to file petition for rehearing out of time. That motion did not itself establish the Rule 13.3 chronology; rather, it underscored the confusion already created by the incomplete public docket. If petitioner's earlier rehearing-related submissions had been clearly reflected, the November 18 motion would not have appeared, on the face of the docket, to be the first meaningful rehearing-related event.

The consequence is not merely clerical. Supreme Court Rule 13.3 makes certiorari timing depend on lower-court rehearing events. Thus, if the lower court's public docket incompletely reflects those events, the apparent certiorari timeline may be materially altered.

Following the August 22, 2025 panel order and petitioner's later clarification-related submissions, petitioner continued to seek a clear understanding of the appellate record. On March 4, 2026, petitioner submitted a Renewed Motion to Recall the Mandate. When that submission did not appear to result in a clear public docket entry or written response, petitioner delivered a follow-up letter to the Clerk's Office on April 7, 2026 and also sent a duplicate by mail. The letter sought only confirmation of receipt, docketing, and whether any further action was required. As of the date of this petition, petitioner has received no clarification resolving those questions.

REASONS FOR GRANTING THE PETITION

I. This case presents a concrete Rule 13.3 problem: whether certiorari timeliness may depend on a record that does not accurately reflect rehearing events.

Supreme Court Rule 13.3 ties certiorari timing to specific rehearing events: a timely filed rehearing petition or an order appropriately entertaining an untimely one. The Rule presupposes that those events can be identified from the lower-court record.

This case shows what happens when they cannot.

Petitioner submitted rehearing-related filings after the September 16, 2024 disposition. The Court of Appeals later acknowledged and processed those submissions. Yet the public docket does not clearly reflect a timely rehearing filing or an order entertaining one.

As a result, the apparent Rule 13.3 chronology differs materially from the sequence of filings actually submitted and acknowledged by the court. What appears on the face of the docket is not the operative procedural history.

That discrepancy matters because this Court relies on lower-court records to determine certiorari timeliness. Statutory filing deadlines carry jurisdictional consequences, and the accuracy of the record used to identify the operative filing period is therefore not a mere clerical concern. See Bowles v. Russell, 551 U.S. 205, 209–14 (2007). If those records do not accurately reflect rehearing events, the Court's own jurisdictional screening may rest on an incomplete or distorted chronology.

This case therefore presents a threshold question: whether Rule 13.3 may be applied based on a public docket that does not accurately reflect the underlying rehearing record.

II. The September 30 and November 14 Orders Confirm Receipt and Active Processing of Rehearing Submissions Not Accurately Reflected on the Public Docket

The most direct and objective evidence of the procedural irregularity in this case is found in two clerk-issued orders—dated September 30, 2024 and November 14, 2024—both of which expressly state that "the Court has received petition for rehearing" from petitioner.

The September 30 order did not reject petitioner's rehearing submission as untimely. Instead, it identified a procedural issue concerning attached exhibits and instructed petitioner to file a separate motion for leave to include those materials. The order further stated that "[n]o action will be taken on the document until these deficiencies are corrected," thereby confirming that a rehearing submission had been received and was being held for further processing, rather than treated as nonexistent or untimely.

The November 14 order again confirmed that the Court had received a petition for rehearing and demonstrated that the Court was actively processing multiple rehearing-related submissions. It required petitioner to (1) file a motion to submit rehearing exhibits, (2) file a motion to proceed out of time, and (3) clarify whether a supplemental petition for rehearing was intended to supplement or replace the original filing. This language reflects internal awareness of both an original rehearing submission and a subsequent supplemental filing, as well as the procedural relationship between them.

Petitioner's filings themselves confirm that the original rehearing submission was timely filed on September 27, 2024, and that the later November 8, 2024 submission was intended as a supplement responding to subsequent court action, not as a replacement of the original rehearing petition. The later request to proceed "out of time" was directed to that supplemental filing, not to the original rehearing submission.

Yet the public docket does not clearly reflect this sequence or the relationship among these filings. In particular, the docket does not transparently show the existence and status of a timely original rehearing submission, nor does it accurately reflect that subsequent filings were supplemental in nature rather than initiating rehearing for the first time.

The September 30 and November 14 orders are reproduced in the Appendix. Those court-issued orders are not merely petitioner's own copies or recollections; each states that the Court had received petitioner's petition for rehearing, and the November 14 order further directed petitioner to clarify whether the Supplemental Petition for Rehearing was intended to supplement or replace the original petition. These materials confirm that the Court recognized an original rehearing submission and a later supplemental rehearing submission requiring clarification, even though the public docket did not clearly identify their operative procedural status.

This is not simply a matter of omission. The discrepancy results in a material inconsistency between (i) the sequence of filings actually submitted and acknowledged by the Court, and (ii) the procedural chronology that appears on the face of the public docket. In effect, the record recasts a timely original rehearing submission as if the first meaningful rehearing-related filing occurred only later and out of time. Where a submission is not reflected in the docket, the record does not permit a clear understanding of its role in the appellate proceedings.

The problem is compounded by the manner in which notice was provided. Key appellate actions were communicated through different channels, including district-court notifications and delayed direct communication from the court of appeals, while certain intervening orders were not received by petitioner. This fragmentation of notice further obscured the operative procedural sequence. That inconsistency is critical because Supreme Court Rule 13.3 ties certiorari timing to specific rehearing events reflected in the lower-court record. Where the public docket does not clearly and accurately reflect those events—despite the court's own acknowledgment and processing of the underlying submissions—the apparent Rule 13.3 chronology may be materially altered.

Accordingly, the issue presented is not merely whether certain filings were imperfectly recorded, but whether the incompleteness of the public docket altered the identification of the very rehearing events on which certiorari timeliness depends.

The issue is not whether petitioner's submission contained a correctable procedural defect, but whether a filing acknowledged by the court is accurately reflected in the record on which certiorari timeliness depends. The record does not provide a clear and consistent basis from which a litigant can understand the procedural status of rehearing-related filings.

III. The case also presents an important question about finality where rehearing and mandate-related status remained unclear despite repeated clarification efforts.

Federal appellate procedure ordinarily ties issuance of the mandate to the expiration or disposition of rehearing proceedings. Here, however, the lower court record created uncertainty not only about rehearing chronology, but also about the point at which appellate finality was reached.

That uncertainty was reinforced by the October 31, 2024 mandate-related action and later by the August 22, 2025 panel order, which addressed rehearing-related matters in a manner that left the procedural status of en banc review and finality unclear. Petitioner's later filings seeking clarification, including August 25 and September 12, 2025 submissions, reflected good-faith efforts to determine whether his rehearing-related submissions had received meaningful judicial consideration through the procedures governing panel rehearing, rehearing en banc, or other authorized appellate review, and whether any further procedural steps remained.

This Court has recognized that the timeliness of certiorari review depends on the legal effect of the lower court's subsequent action, not merely on labels or formal docket characterizations. See FTC v. Minneapolis-Honeywell Regulator Co., 344 U.S. 206, 211–13 (1952). That principle matters here because the lower court's record does not clearly reveal the legal effect of the rehearing-related and mandate-related events on which finality and Rule 13.3 timing depend.

This Court should clarify that appellate finality cannot depend on a chronology that the public docket itself fails to present clearly. In short, the uncertainty presented here does not arise from a lack of procedural opportunity, but from the absence of a clear and consistent record through which those procedures can operate.

IV. Petitioner's repeated efforts to obtain clarification demonstrate diligence rather than delay.

This case does not involve a litigant who slept on his rights or attempted to manufacture uncertainty after the fact. Petitioner repeatedly sought to clarify the record through formal submissions directed to the Court of Appeals. Most recently, after submitting a Renewed Motion to Recall the Mandate on March 4, 2026, he sent a narrowly focused follow-up letter asking whether the motion had been received, whether it had been docketed, and whether any further action was required.

The absence of a clear response is itself significant. Where certiorari timeliness depends on the lower-court rehearing chronology, and where a pro se litigant has made repeated efforts to obtain confirmation of that chronology, the continuing absence of a clear public record should not be treated as a basis for penalizing the litigant. The problem presented here is precisely that the operative chronology remained unclear despite petitioner's efforts to clarify it.

This Court has declined to read procedural rules so rigidly as to bar review where a litigant has done all that could reasonably be expected under the circumstances. See Fallen v. United States, 378 U.S. 139, 144 (1964). Petitioner does not ask this Court to disregard Rule 13.3. Rather, petitioner asks the Court to recognize that Rule 13.3 cannot be fairly applied until the lower-court record clearly identifies the rehearing-related events on which the Rule depends.

Petitioner's continued efforts to obtain clarification reflect the practical importance of the record defect. Without a clear appellate record, neither petitioner nor a reviewing court can fairly determine whether the underlying claims raised below received meaningful appellate consideration.

V. This case is a suitable vehicle because the key issue is procedural and structural, not merits-bound.

The question presented does not require this Court to revisit the underlying diversity-jurisdiction merits dispute. The threshold issue is instead procedural: whether lower-court docket omissions or distortions may affect the Rule 13.3 chronology on which this Court's timeliness analysis depends.

Although this petition presents a threshold procedural question, the consequences of the record defect are not merely technical. The uncertainty in the rehearing and mandate-related chronology obscured petitioner's ability to obtain meaningful

review of the constitutional and procedural claims he raised below. The procedural defect therefore does not merely create uncertainty about dates; it prevents a clear determination whether those claims received review through a transparent and accountable appellate process.

That question is clean, important, and recurring. As increasing numbers of litigants appear without counsel, the reliability and transparency of appellate procedures become even more essential to maintaining confidence in the judicial system. This case provides a clear opportunity to clarify that certiorari timeliness cannot depend on a record that fails to present the operative procedural chronology.

CONCLUSION

The petition should be granted because this case presents an important structural question concerning the integrity of lower-court rehearing chronology, the reliability of appellate dockets, and the operation of Supreme Court Rule 13.3.

Respectfully submitted,

Zhi Ming Li
Petitioner, Pro Se

May 8, 2026

BLD-177

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **24-1290**

ZHI MING LI,
Appellant

v.

LIQUID WEB INC

(D.N.J. Civ. No. 1:22-cv-00672)

Present: BIBAS, MATEY, and CHUNG, Circuit Judges

Submitted by the Clerk for possible dismissal under 28 U.S.C. § 1915(e)(2)(B) or summary action under 3d Cir. LAR 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures in the above-captioned case.

Respectfully,

Clerk

ORDER

Zhi Ming Li appeals from an order of the United States District Court for the District of New Jersey that dismissed his amended complaint with prejudice for lack of subject matter jurisdiction. We have jurisdiction under 28 U.S.C. § 1291, and our review is plenary. See G.W. v. Ringwood Bd. of Educ., 28 F.4th 465, 468 & n.2 (3d Cir. 2022). Li brought a breach of contract claim against Liquid Web, LLC, a Michigan company, alleging that it failed to "renew the service for [his] website," causing him to lose a "cultural project on China." Li, a citizen of New Jersey, sought to invoke the District Court's diversity jurisdiction. A district court has diversity jurisdiction if (1) there is complete diversity of citizenship amongst the parties, and (2) the amount in controversy exceeds $75,000. See 28 U.S.C. § 1332(a); Peace Church Risk Retention Grp. v. Johnson Controls Fire Prot. LP, 49 F.4th 866, 870 (3d Cir. 2022). The party that invokes diversity jurisdiction has "the burden to prove, by the preponderance of the evidence, that the amount in controversy exceeds $75,000." Auto-Owners Ins. Co. v. Stevens & Ricci Inc., 835 F.3d 388, 395 (3d Cir. 2016). Li sought "compensation of $200 million," and asserted that he had "economic losses" of both $2 million and $20 million. But Li's assertions regarding the amount in controversy were speculative and, by his own

admission, estimates. See Columbia Gas Transmission Corp. v. Tarbuck, 62 F.3d 538, 543 (3d Cir. 1995) (stating that "we will not ordinarily consider . . . speculative arguments in determining the amount in controversy"); Samuel-Bassett v. KIA Motors Am., Inc., 357 F.3d 392, 403 (3d Cir. 2004) (stating that "estimations of the amounts recoverable must be realistic"). Liquid Web challenged those assertions. Li had an opportunity to respond, see Berardi v. Swanson Memorial Lodge No. 48 of the Fraternal Order of Police, 920 F.2d 198, 200 (3d Cir. 1990), but he still failed to present "sufficient evidence" to support the alleged amount in controversy. See Columbia Gas Transmission Corp. v. Tarbuck, 62 F.3d 538, 541 (3d Cir. 1995). Thus, because it is apparent to a legal certainty that Li was not entitled to recover more than $75,000, we see no error in the District Court's conclusion that it lacked diversity jurisdiction. Accordingly, we will summarily affirm the District Court's judgment. 3d Cir. LAR 27.4; I.O.P. 10.6.

By the Court,

s/ Cindy K. Chung
Circuit Judge

Dated: September 16, 2024
Lmr/cc: Zhi Ming Li

CERTIFICATE OF SERVICE

I, Zhi Ming Li, hereby certify that on May , 2026, I caused a true and correct copy of the foregoing Petition for a Writ of Certiorafi to be served by United States Mail, postage prepaod, addressed to couned of record for Respondent as follows:

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

Method of Service United States Postal Service

Tracking Number: 9589 0710 5270 3810 2032 93

Executed on May 7, 2026.

Zhi Ming Li Signature: Zhi Ming Li
Appellant, Pro Se

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

May 8 , 2026

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

BLD-177

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. **24-1290**

ZHI MING LI,
Appellant

v.

LIQUID WEB INC

(D.N.J. Civ. No. 1:22-cv-00672)

Present: BIBAS, MATEY, and CHUNG, Circuit Judges

Submitted by the Clerk for possible dismissal under 28 U.S.C. § 1915(e)(2)(B) or summary action under 3d Cir. LAR 27.4 and Chapter 10.6 of the Court's Internal Operating Procedures in the above-captioned case.

Respectfully,

Clerk

ORDER

Zhi Ming Li appeals from an order of the United States District Court for the District of New Jersey that dismissed his amended complaint with prejudice for lack of subject matter jurisdiction. We have jurisdiction under 28 U.S.C. § 1291, and our review is plenary. See G.W. v. Ringwood Bd. of Educ., 28 F.4th 465, 468 & n.2 (3d Cir. 2022). Li brought a breach of contract claim against Liquid Web, LLC, a Michigan company, alleging that it failed to "renew the service for [his] website," causing him to lose a "cultural project on China." Li, a citizen of New Jersey, sought to invoke the District Court's diversity jurisdiction. A district court has diversity jurisdiction if (1) there is complete diversity of citizenship amongst the parties, and (2) the amount in controversy exceeds $75,000. See 28 U.S.C. § 1332(a); Peace Church Risk Retention Grp. v. Johnson Controls Fire Prot. LP, 49 F.4th 866, 870 (3d Cir. 2022). The party that invokes diversity jurisdiction has "the burden to prove, by the preponderance of the evidence, that the amount in controversy exceeds $75,000." Auto-Owners Ins. Co. v. Stevens & Ricci Inc., 835 F.3d 388, 395 (3d Cir. 2016). Li sought "compensation of $200 million," and asserted that he had "economic losses" of both $2 million and $20 million. But Li's assertions regarding the amount in controversy were speculative and, by his own

admission, estimates. See Columbia Gas Transmission Corp. v. Tarbuck, 62 F.3d 538, 543 (3d Cir. 1995) (stating that "we will not ordinarily consider . . . speculative arguments in determining the amount in controversy"); Samuel-Bassett v. KIA Motors Am., Inc., 357 F.3d 392, 403 (3d Cir. 2004) (stating that "estimations of the amounts recoverable must be realistic"). Liquid Web challenged those assertions. Li had an opportunity to respond, see Berardi v. Swanson Memorial Lodge No. 48 of the Fraternal Order of Police, 920 F.2d 198, 200 (3d Cir. 1990), but he still failed to present "sufficient evidence" to support the alleged amount in controversy. See Columbia Gas Transmission Corp. v. Tarbuck, 62 F.3d 538, 541 (3d Cir. 1995). Thus, because it is apparent to a legal certainty that Li was not entitled to recover more than $75,000, we see no error in the District Court's conclusion that it lacked diversity jurisdiction. Accordingly, we will summarily affirm the District Court's judgment. 3d Cir. LAR 27.4; I.O.P. 10.6.

By the Court,

s/ Cindy K. Chung
Circuit Judge

Dated: September 16, 2024
Lmr/cc: Zhi Ming Li

Certified as a true copy and issued in lieu of a formal mandate on October 31, 2024

Teste: Patricia A. Dodszuweit
Clerk, U.S. Court of Appeals for the Third Circuit