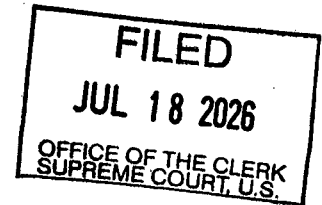


26-5866

IN THE

SUPREME COURT OF THE UNITED STATES



LIYING TAO,
Petitioner,

v.

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ALAMEDA, APPELLATE DIVISION,**
Respondent,

and

CHRISTOPHER MORELAND,
Real Party in Interest.

**ON PETITION FOR A WRIT OF CERTIORARI TO THE
COURT OF APPEAL OF THE STATE OF CALIFORNIA,
FIRST APPELLATE DISTRICT, DIVISION THREE**

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Whether the Due Process Clause of the Fourteenth Amendment permits a State to enforce a separate amended judgment imposing substantial financial liability when a notice of appeal directed to that amended judgment was dismissed as duplicative of an earlier appeal from a different judgment, and later requests for review were denied by reference to that dismissal, leaving the amended judgment without meaningful appellate review.
2. Whether the Due Process Clause permits a state court, through an amended judgment entered after a jury trial expressly limited to nuisance, to add a substantive determination that a tenant "shall retain possession" and to impose substantial contract-based attorney-fee liability, where an earlier filed order recognized a triable factual dispute concerning nonpayment of rent and allegedly false rent receipts, the jury made no findings on rent payment, receipt authenticity, waiver, contractual assent, or continuing possession, and the amended judgment thereafter received no meaningful independent appellate review.
3. Whether due process is satisfied when a substantial amended monetary judgment arising from a limited civil action is repeatedly confined to an appellate path that does not provide independent review of that amended judgment, while requests for transfer or review in the California Court of Appeal are denied and enforcement continues.

LIST OF PARTIES

Petitioner Liying Tao was the petitioner in the California Court of Appeal and the Supreme Court of California.

The Superior Court of California, County of Alameda, Appellate Division, was the respondent in California Court of Appeal Case No. A175810.

Christopher Moreland was identified as the real party in interest in the proceeding below.

RELATED PROCEEDINGS

- Tao v. Moreland, Alameda County Superior Court No. RG21086206. Original judgment entered June 16, 2022; Amendment to Judgment entered March 23, 2023.
- Tao v. Moreland, Alameda County Superior Court Appellate Division No. 22AP015491. Decision entered May 17, 2023.
- Tao v. Moreland, Alameda County Superior Court Appellate Division No. 23AP034579. Appeal dismissed April 19, 2024; further review denied August 9, 2024; remittitur issued August 9, 2024.
- Tao v. Moreland, Alameda County Superior Court Appellate Division No. 24AP089871. A separate Notice of Appeal was filed August 23, 2024; reinstatement, transfer, and related relief were later denied.
- Tao v. Moreland, California Court of Appeal, First Appellate District, Division Three, No. A174971. Petition for transfer denied January 2, 2026.
- Tao v. Superior Court of Alameda County (Moreland), California Court of Appeal, First Appellate District, Division Three, No. A175810. Petition for writ of mandate or prohibition and request for stay denied March 18, 2026.
- Tao v. Superior Court of Alameda County (Moreland), Supreme Court of California No. S295918. Petition for review and application for stay denied April 22, 2026.
- Tao v. Moreland, California Court of Appeal, First Appellate District, Division Three, No. A176416. Petition for transfer and other pending requests denied May 18, 2026.

INDEX TO APPENDICES

Appendix A - California Court of Appeal order filed March 18, 2026, in No. A175810, denying the petition for writ of mandate or prohibition and request for stay.

Appendix B - Supreme Court of California order filed April 22, 2026, in No. S295918, denying review and stay.

Appendix C - Alameda County Superior Court minute order filed February 10, 2026, denying the motion to vacate the March 23, 2023 amended judgment and denying a stay of enforcement.

Appendix D - Alameda County Superior Court Appellate Division minute order filed October 20, 2025, denying reinstatement and transfer.

Appendix E - Alameda County Superior Court Appellate Division minute order filed August 9, 2024, denying further review and leave to appeal.

Appendix F - Alameda County Superior Court Appellate Division minute order filed April 19, 2024, dismissing No. 23AP034579.

Appendix G - Alameda County Superior Court Appellate Division minute order filed May 17, 2023, affirming the original judgment and postjudgment fee order.

Appendix H - Amendment to Judgment filed March 23, 2023, including the \$230,637.57 costs and attorney-fee award and the “shall retain possession” language.

Appendix I - Judgment filed June 16, 2022, including the handwritten limitation that the matter was submitted to the jury “on nuisance only.”

Appendix J - File-stamped Notice of Appeal filed August 23, 2024, later assigned Appeal No. 24AP089871.

Appendix K - Supreme Court of California clerk letter dated April 27, 2026, confirming that review was denied and the denial was final forthwith.

Appendix L - Alameda County Superior Court order filed August 10, 2021, denying Moreland’s motion for summary judgment and recognizing a triable issue of material fact concerning nonpayment of rent and the alleged rent receipts.

TABLE OF AUTHORITIES

Evitts v. Lucey, 469 U.S. 387 (1985)

Honda Motor Co. v. Oberg, 512 U.S. 415 (1994)

Lindsey v. Normet, 405 U.S. 56 (1972)

Logan v. Zimmerman Brush Co., 455 U.S. 422 (1982)

M.L.B. v. S.L.J., 519 U.S. 102 (1996)

Mullane v. Central Hanover Bank & Trust Co., 339 U.S. 306 (1950)

Nelson v. Adams USA, Inc., 529 U.S. 460 (2000)

U.S. Const. amend. XIV, § 1

28 U.S.C. § 1257(a)

California Code of Civil Procedure § 1008

California Code of Civil Procedure § 918

Supreme Court Rules 10, 12.6, 13, 14, 29, 33.2, and 39

PETITION FOR A WRIT OF CERTIORARI

Petitioner Liying Tao respectfully petitions for a writ of certiorari to review the March 18, 2026 order of the California Court of Appeal, First Appellate District, Division Three, in Case No. A175810, for which the Supreme Court of California denied discretionary review on April 22, 2026.

OPINIONS AND ORDERS BELOW

The California Court of Appeal's summary order denying the petition for writ of mandate or prohibition and request for stay, filed March 18, 2026, is unpublished and appears at Appendix A. The Supreme Court of California's order denying review and stay, filed April 22, 2026, is unpublished and appears at Appendix B. The Alameda County Superior Court's February 10, 2026 minute order denying Petitioner's motion to vacate the March 23, 2023 amended judgment and denying a temporary stay appears at Appendix C. Additional orders central to the procedural history appear at Appendices D through L.

JURISDICTION

The California Court of Appeal denied extraordinary writ relief on March 18, 2026. The Supreme Court of California denied discretionary review and a stay on April 22, 2026. This petition invokes this Court's jurisdiction under 28 U.S.C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth Amendment to the United States Constitution provides, in relevant part: "No State shall ... deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

28 U.S.C. § 1257(a) provides, in relevant part, for review by writ of certiorari of final judgments or decrees rendered by the highest court of a State in which a decision could be had, where a right is claimed under the Constitution of the United States.

STATEMENT OF THE CASE

A. The jury trial was limited to nuisance

Petitioner brought a limited civil unlawful-detainer action in Alameda County Superior Court. A twelve-person jury was impaneled. The filed June 16, 2022 Judgment states that the case was submitted to the jury for a special verdict and records one express conclusion of fact: "Moreland did not create a nuisance on the premises." App. I. The filed judgment also contains a handwritten notation that the matter was submitted "on nuisance only." The judgment did not identify any jury finding that Petitioner entered a written lease with Moreland, did not identify a jury determination of contractual liability, and did not state a specific amount of attorney's fees.

B. The trial court had previously recognized a triable dispute concerning rent payment and the alleged receipts

On August 10, 2021, the Superior Court denied Moreland's motion for summary judgment. Moreland had argued that Petitioner waived her unlawful-detainer claim by accepting rent after expiration of the notice to quit. The court stated that Petitioner created a triable issue of material fact through her declaration that she had received no rent payments from Moreland since 2018, did not accept cash payments, and maintained that the rent receipts submitted by Moreland were false. App. L. The order did not resolve those disputed facts; it established that they required adjudication rather than summary

disposition.

The later jury trial did not adjudicate those disputed matters. The June 16, 2022 Judgment states that the case was submitted to the jury “on nuisance only.” App. I. The sole recorded conclusion of fact was that Moreland did not create a nuisance. The judgment records no jury finding that rent was paid, that the disputed receipts were authentic, that Petitioner accepted cash rent, that Petitioner waived recovery of possession, or that Moreland held a continuing right to occupy Apartment B.

C. The amended judgment added a substantive possession determination and substantial monetary liability

After trial, Moreland sought costs and attorney’s fees. On March 23, 2023, the trial court entered an Amendment to Judgment. App. H. In addition to identifying Moreland as the prevailing party and awarding \$230,637.57 in costs and attorney’s fees, the amendment newly declared that Moreland “shall retain possession” of Apartment B and dismissed Petitioner’s first amended complaint for unlawful detainer.

Neither the recorded special verdict nor the June 16, 2022 original judgment contained the “shall retain possession” determination. The original judgment recorded only the nuisance finding and stated generally that judgment was entered for Moreland. App. I. The amendment therefore did more than calculate posttrial fees: it added express substantive language governing continued possession while the filed record reflected no jury adjudication of rent payment, receipt authenticity, waiver, or a continuing right of possession.

Petitioner does not ask this Court to determine whether the receipts were genuine or whether rent was ultimately unpaid. The relevant procedural fact is that the state trial court had already recognized those matters as genuinely disputed; the jury was then limited to nuisance; and the later amendment imposed an express possession consequence without any recorded jury determination of the unresolved factual premises.

D. The May 17 ruling preceded the appeal from the amended judgment

On May 17, 2023, the Alameda County Superior Court Appellate Division ruled in Appeal No. 22AP015491. The minute order stated that the jury’s verdict made Moreland the prevailing party and that “Appellant Tao’s written Lease with Respondent Moreland at paragraph 23” authorized attorney’s fees. App. G. Petitioner disputes that characterization and maintains that the lease relied upon was not her signed agreement. The chronology is critical: the May 17 order addressed the appeal then before the Appellate Division. Two days later, on May 19, 2023, Petitioner filed a notice directed to the separately entered March 23, 2023 amended judgment. That later judgment imposed the specific \$230,637.57 liability and the express possession determination. Petitioner contends that the May 17 ruling did not independently review that separate amended judgment.

E. The amended-judgment appeal was treated as repetitive

On April 19, 2024, in Appeal No. 23AP034579, the Appellate Division treated the May 19, 2023 filing as an effort to “appeal and relitigate the same issues” decided on May 17, 2023. It held the appeal “both untimely and not authorized by statute” and dismissed it. App. F. Petitioner’s position was not that the same judgment should be appealed twice. It was that the March 23 amended judgment was a separate operative judgment imposing a distinct and substantial monetary liability and the express possession determination, and that the May 19 filing sought review of that instrument. On August 9, 2024, Petitioner

sought further review and leave to appeal. The Appellate Division denied the request solely by reference to the April 19 order. App. E.

F. A separate August 23, 2024 Notice of Appeal was filed and later assigned No. 24AP089871

After further review in No. 23AP034579 was denied on August 9, 2024, Petitioner filed a separate Notice of Appeal on August 23, 2024. App. J. That filing was later assigned Appeal No. 24AP089871. Petitioner's later efforts to obtain reinstatement, transfer, and related relief were denied. App. D. Petitioner relies on the file-stamped Notice of Appeal itself to establish the judgment or order designated by that filing.

G. Enforcement continued and further review was denied

The amended judgment was assigned for collection, and enforcement proceedings continued. On February 10, 2026, the Superior Court denied Petitioner's motion to vacate and denied a temporary stay of enforcement. App. C. Petitioner sought further review, but enforcement was not suspended. Petitioner then sought writ relief and a stay in the California Court of Appeal, First Appellate District, Division Three, Case No. A175810. On March 18, 2026, that court denied the petition and stay in a summary order. App. A. The Supreme Court of California denied review and a stay on April 22, 2026. App. B. Its clerk later confirmed that the denial was final forthwith. App. K.

REASONS FOR GRANTING THE PETITION

I. The case presents an important due-process question concerning procedural foreclosure of review of a separate monetary and possession judgment.

Rule 10(c) recognizes review where a state court decides an important federal question in conflict with this Court's precedents or where an important federal question should be settled by this Court. This case concerns the constitutional minimum when a State creates appellate procedures, then treats a separate amended judgment imposing substantial liability and an express possession determination as though an earlier appeal from a different judgment had already resolved it.

Petitioner acknowledges that the Constitution does not guarantee an appeal in every civil case. *Lindsey v. Normet*, 405 U.S. 56, 77 (1972). But when a State provides adjudicatory and appellate procedures, those procedures must comport with due process. *Evitts v. Lucey*, 469 U.S. 387, 393 (1985). Due process requires notice and a meaningful opportunity to be heard. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950).

II. The treatment below conflicts with settled due-process principles.

A. Substantial liability may not be imposed without a meaningful opportunity to contest its operative basis.

In *Nelson v. Adams USA, Inc.*, 529 U.S. 460, 466-72 (2000), this Court held that due process required a meaningful opportunity to respond before personal liability was imposed through an amended judgment. Although *Nelson* involved the addition of a party, its central principle applies here: amended procedure may not be used to impose substantial liability while denying a meaningful opportunity to contest the operative basis for that liability. Here, the jury's express finding concerned nuisance only. The March 23 amended judgment imposed a specific \$230,637.57 fee liability and an express possession determination. Petitioner sought review directed to that amended judgment. The filing was later treated as an attempt to relitigate an earlier appeal, and the amended judgment was enforced without a merits decision on

Petitioner's challenge to that separate instrument.

B. A State may not extinguish a protected procedural entitlement through the malfunction of its own adjudicatory machinery.

Logan v. Zimmerman Brush Co., 455 U.S. 422, 428, 433-37 (1982), held that a State could not destroy a protected claim through the malfunction of its own procedure. Once a State creates a procedural entitlement connected to property, it may not extinguish that entitlement through arbitrary operation of its own machinery. The April 19, 2024 order, August 9, 2024 order, October 20, 2025 order, and later rulings each addressed or relied upon the premise that the amended-judgment matter was already resolved. The result was not a reasoned rejection of the distinct amended-judgment challenge. It was the disappearance of that challenge through repeated procedural conflation.

C. A substantive amended judgment cannot be insulated from review by treating unresolved factual premises as though they had already been adjudicated.

The record presents a procedural problem narrower than an ordinary challenge to the sufficiency of evidence. A filed pretrial order recognized a triable dispute over rent payment and allegedly false receipts. The jury was later limited to nuisance and made no finding on those disputed matters. The original judgment contained no express continuing-possession determination. Only the later amended judgment added that Moreland "shall retain possession." Yet the filing directed to that later operative judgment was treated as duplicative of the earlier appeal, and subsequent efforts to obtain review were denied on the premise that the matter had already been resolved.

This sequence illustrates the due-process harm identified in the Questions Presented: the State's procedures allowed a distinct property determination to be added through an amended judgment while simultaneously foreclosing independent review of whether the factual and procedural basis for that new determination had ever been adjudicated. Review does not require this Court to weigh the receipts or retry the landlord-tenant dispute. The relevant procedural facts appear on the face of the filed August 10, 2021 order, the June 16, 2022 judgment, the March 23, 2023 amendment, and the later appellate orders.

D. The appellate path did not provide independent review commensurate with the substantial amended judgment.

The amended judgment imposed a monetary liability far exceeding the ordinary stakes of the limited civil action and added an express possession determination. Yet Petitioner's challenge remained confined to an appellate path that repeatedly treated the May 17, 2023 decision as dispositive and denied requests for transfer or review in the California Court of Appeal. Petitioner does not ask this Court to decide the correct allocation of jurisdiction under California law. She asks whether due process is satisfied when the State's chosen path never supplies independent review of the distinct amended judgment while enforcement continues.

III. This case is a suitable vehicle because the procedural facts appear in the orders themselves.

The principal facts are established by filed court documents. The June 2022 judgment states the jury's nuisance finding and the "on nuisance only" limitation. App. I. The August 10, 2021 order identifies the triable dispute concerning rent and the alleged receipts. App. L. The March 2023 amendment adds "shall retain possession" and the \$230,637.57 award. App. H. The 2023 and 2024 orders demonstrate the chronology of review. Apps. G-F-E. The August 23, 2024 Notice of Appeal and later assignment of No. 24AP089871 establish a separate later appellate filing. App. J. The March and April 2026 orders deny

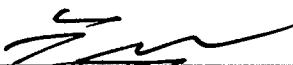
writ relief and review. Apps. A-B. The Court can therefore decide the federal question without retrying the underlying landlord-tenant dispute.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Signature: _____



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Dated: September 28, 2026