No. 26-6012

FILED
OCT 06 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

HOU HE ZENG,

Petitioner,

v.

MATTRESS FIRM, INCORPORATED,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit
No. ***25-40438***

PETITION FOR A WRIT OF CERTIORARI

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October 26, 2026

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QUESTIONS PRESENTED

1. **What** inquiry into compliance with Federal Rule of Appellate Procedure 45(c) is required when a motion to recall the mandate presents a sworn claim that nonreceipt of a rehearing order prevented timely filing of a petition for certiorari and expressly requests examination of the court's contemporaneous notice and service records?

2. **What** standard governs recall of the mandate or other corrective relief if a court of appeals finds that a failure to provide the required notice prevented timely filing of a petition for certiorari, consistent with 28 U.S.C. § 2101(c) and this Court's Rule 13.3?

PARTIES TO THE PROCEEDING

Petitioner Hou He Zeng was the plaintiff in the district court and the appellant in the Fifth Circuit. Respondent Mattress Firm, Incorporated, was the defendant and appellee. They are the parties to the appellate proceeding whose September 15, 2026, order is presented for review.

Petitioner is an individual and has no stock ticker symbol. Petitioner has not identified a separate publicly traded stock ticker symbol for Respondent.

RULE 29.6 STATEMENT

Petitioner is a natural person. A corporate disclosure statement is not required of her. She does not make Respondent's corporate disclosure on its behalf.

The public officials and other persons discussed as background are not added as respondents in this petition.

DIRECTLY RELATED PROCEEDINGS

Zeng v. Mattress Firm, Inc., No. 3:24-cv-00331, United States District Court for the Southern District of Texas, Galveston Division: dismissal without prejudice entered April 8, 2025; reinstatement and pending relief denied May

14, 2025; further postjudgment relief denied July 14, 2025.

Zeng v. Mattress Firm, Incorporated, No. 25-40438, United States Court of Appeals for the Fifth Circuit: judgment entered December 3, 2025; panel and en banc rehearing denied January 27, 2026; mandate issued February 3, 2026; recall denied September 15, 2026.

Petitioner also submitted papers seeking certiorari concerning this appeal. Her retained August 30 declaration describes an August 14 submission and an August 20 return letter. The Clerk's October 8 letter separately describes an August 14 postmark and October 6 receipt and directs correction under Rule 14.5. No Supreme Court docket number for this proceeding is established by the materials reproduced here.

The insurance, confinement, FirstKey Homes, and separate civil-rights proceedings discussed in the statement provide background. Their judgments are not additional objects of this petition.

TABLE OF CONTENTS

Questions Presented

Parties to the Proceeding

Rule 29.6 Statement

Directly Related Proceedings

Table of Contents — Record Appendix

Table of Contents — Original Exhibit Preservation Volume

Table of Contents — Supplemental Background Appendix

Table of Authorities

Opinions and Orders Below

Jurisdiction

Constitutional, Statutory, and Rule Provisions

Statement of the Case

A. The Mattress Firm action ended on service grounds.

B. Rehearing was denied; the disputed question is notice.

C. Petitioner sought information and then corrective relief.

D. The September 15 order denied recall without explanation.

E. Related injuries explain the stakes of the procedural dispute.

F. Confinement, housing, and separate civil-rights claims.

G. The September 10 civil-rights judgment and alleged prejudgment.

H. Confirmation assurances, pre-confirmation opposition, and requests for congressional oversight.

I. Political entrenchment and alleged failure of accountability.

J. Recusal, disciplinary proceedings, and comparative decisions.

K. Four appeals must be assessed against the governing law.

L. No. 24-40770: dismissal of the fire and insurance appeal.

M. No. 25-40483: review of the confinement action's service dismissal.

N. No. 25-40449: review of the FirstKey housing dismissal.

Distinct housing theories and the scope of impartiality review.

O. No. 25-40438: a brief affirmance followed by the notice dispute.

P. Cumulative departures and alleged retaliatory suppression.

Q. Five actions, jury-demand disputes, and unsuccessful corrective requests.

R. Three documented warnings and their cumulative chilling effect.

S. Alleged malice and partisan enforcement in No. 345.

T. Repeated recusal denials and the confirmation assurances.

U. The cumulative background returns to the narrow issue presented in No. 25-40438

Reasons for Granting the Petition

I. The notice dispute warrants supervisory review under Rule 10(a).

Extraordinary circumstances require a factual foundation.

II. The requested record inquiry is material and limited.

The remedy must respect jurisdictional deadlines.

III. The question concerns a reliable path to Supreme Court review.

IV. Any further proceedings should preserve actual and apparent impartiality.

Conclusion

TABLE OF CONTENTS — RECORD APPENDIX

A. Order of the United States Court of Appeals for the Fifth Circuit Denying Motion to Recall the Mandate, Zeng v. Mattress Firm, Inc., No. 25-40438, filed September 15, 2026, ... **2a**

B. Order Denying Panel Rehearing and Rehearing En Banc, Zeng v. Mattress Firm, Inc., No. 25-40438, filed January 27, 2026, ... **4a**

C. Mandate of the United States Court of Appeals for the Fifth Circuit, Zeng v. Mattress Firm, Inc., No. 25-40438, issued February 3, 2026, ... **6a–15a**

D. Unpublished Per Curiam Opinion and Judgment, Zeng v. Mattress Firm, Inc., No. 25-40438, decided December 3, 2025, ... **17a**

E. January 16, 2026, Rehearing-Sufficiency Docket Entries — "REHEARING MADE SUFFICIENT" and "Sufficient Rehearing due deadline satisfied." **19a–42a**

F. January 7, 2026, Rehearing-Deficiency Notice and Original Mailing Envelope, including the Fifth Circuit deficiency notice and original envelope showing Petitioner's La Marque address and mailing/postage date **44a–45a**

G. District Court Order Dismissing the Underlying Action, Zeng v. Mattress Firm, Inc., S.D. Tex. No. 3:24-cv-00331 ..... **47a–50a**

H. District Court / Affidavit of Service and Relevant UPS Tracking / Delivery Materials **52a–60a**

I. District Court Show-Cause Order and Related Notice / Service Record, including the actual show-cause order, corresponding docket entry, and available court notice or service record **62a–65a**

J. Relevant Recusal Motions, Orders, and Appellate Materials **67a–102a**

K. Relevant Jury-Demand Filings and Docket Records **104a–145a**

L. Rule 60(b)(4) Motion, Relevant Docket Entry, and Disposition Record, Southern District of Texas, concerning the motion filed December 29, 2025, ... **147a–158a**

M. Appellant's Motion for Clarification and Disposition of Pending Appellate Procedural Matters and for Appropriate Procedural Direction, filed August 9, 2026, ... **160a–187a**

N. Written Communication from Fifth Circuit Case-Management Personnel, dated August 12, 2026, ... **189a–191a**

O. August 14, 2026, Petition for a Writ of Certiorari and Proof of Mailing **193a–194a**

P. Letter from the Clerk of the Supreme Court of the United States, dated August 20, 2026, ... **196a**

Q. Motion to Recall the Mandate and for Reissuance, Reentry, or Other Appropriate Corrective Relief, filed or submitted August 30, 2026, ... **198a–209a**

R. Pertinent Constitutional, Statutory, and Rule Provisions, including U.S. Const. amend. V; 28 U.S.C. §§ 1254(1), 455; Fed. R. Civ. P. 4(m), 60(b)(4); Fed. R. App. P. 25(c), 36(b), 41, 45(c); 5th Cir. R. 41.2; Sup. Ct. R. 10, 13 ..... **211a–215a**

APPENDIX S
TABLE OF CONTENTS — SUPPLEMENTAL BACKGROUND

The original Appendix A–R submitted with Petitioner's earlier certiorari papers is preserved without renumbering. The following supplemental materials are separately designated

SUPPLEMENTAL APPENDIX — PROPOSED ORGANIZATION

The original Appendix A–R submitted with Petitioner's earlier certiorari papers is preserved without renumbering. The supplemental materials are organized below by subject matter rather than by individual document.

PART I — CASE NO. 3:25-CV-00345: ZOOM CONFERENCE SCHEDULING, RESCHEDULING, AND NOTICE RECORDS.....S1-S121

This Part contains the available docket entries, notices, scheduling records, Zoom-conference information, and related communications concerning the initial conference in Case No. 3:25-cv-00345.

The materials document that the conference was scheduled and rescheduled multiple times, including the conference ultimately set for October 14, 2026. They also include the records relevant to Petitioner's contention that she did not receive notice that the October 14 conference would not proceed as scheduled.

Included materials may contain:

1. Original scheduling notice;
2. First rescheduling notice;
3. Second and subsequent rescheduling notices;
4. The order or notice setting the October 14, 2026 Zoom conference;
5. Available notice, docket, transmission, or communication records relating to cancellation or non-occurrence of that conference;
6. Petitioner's records showing her preparation for and attempted participation in the October 14 conference.

These materials are offered to document the procedural chronology and notice history.

PART II — PETITIONER'S MOTIONS, OBJECTIONS, RESPONSES, AND PROTECTIVE APPELLATE FILINGS IN CASE NO. 3:25-CV-00345...

..... **S122-S258**

This Part contains Petitioner's principal filings relevant to the procedural history preceding and following final judgment.

The materials include, as applicable:

1. Motions for recusal or disqualification;
2. Objections concerning judicial procedure and case administration;
3. Petitioner's response to the August 31, 2026, Order to Show Cause;
4. Supplemental clarification filed before expiration of the response deadline;
5. Notice of Appeal filed October 14, 2026;
6. Protective motion concerning Federal Rule of Civil Procedure 58 and Federal Rule of Appellate Procedure 4(a)(7);
7. Alternative requests for relief under Federal Rules of Appellate Procedure 4(a)(5) and 4(a)(6);

8. Other filings necessary to show what issues Petitioner raised before and immediately after entry of judgment.

These materials are included so that the Court may compare Petitioner's actual filings with the district court's subsequent disposition.

PART III — JUDGE JEFFREY V. BROWN'S ORDERS AND FINAL JUDGMENT IN CASE NO. 3:25-CV-00345.....S259-S277

This Part contains the principal district-court rulings relevant to Petitioner's concerns regarding procedural foreclosure and treatment of her allegations.

The materials include:

1. August 31, 2026, Order to Show Cause, Dkt. 35;
2. September 10, 2026, Order and Final Judgment, Dkt. 38;
3. Relevant docket entries establishing the chronology between the show-cause deadline and entry of final judgment;
4. Relevant portions of Dkt. 38 concerning dismissals with prejudice;
5. The district court's conclusion that further amendment would be futile;
6. Footnote 4 and the court's citation to Gregory v. McKennon concerning "fantastic or delusional scenarios" and "indisputably meritless legal theories."

This Part is included to document the district court's own language and the sequence in which the dispositive ruling was entered.

PART IV — PETITIONER'S REQUESTS FOR CONGRESSIONAL OVERSIGHT AND THE ABSENCE OF A SUBSTANTIVE CONGRESSIONAL RESPONSE.....S279

This Part contains Petitioner's communications to congressional bodies and offices with potential responsibility for judicial oversight, federal-court oversight, investigations, or impeachment-related proceedings.

Recipients include, as applicable:

1. House Committee on the Judiciary;
2. House Committee on Oversight and Government Reform;
3. Senate Committee on the Judiciary;
4. Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action and Federal Rights;
5. Senate Homeland Security and Governmental Affairs Committee;
6. Permanent Subcommittee on Investigations;
7. Offices of Members of Congress whose committee assignments relate to federal judicial oversight;
8. Offices of Senators previously involved in Judge Brown's confirmation process.

This Part contains available emails, submission confirmations, automated acknowledgments, mailing or transmission records, and related communications.

As of the filing of this Petition, Petitioner has not received a substantive congressional determination that Judge Brown engaged in misconduct, nor notice that any Member or committee has initiated or agreed to support impeachment proceedings.

These materials are included only to document Petitioner's efforts to seek congressional review and the absence of a substantive response. They are not offered as evidence that Congress has adopted or verified Petitioner's allegations.

PART V — HOW JEFFREY V. BROWN WAS NOMINATED AND CONFIRMED TO A LIFETIME FEDERAL JUDGESHIP.....S280-S423

This Part contains official and contemporaneous materials concerning Jeffrey V. Brown's nomination and confirmation to the United States District Court for the Southern District of Texas.

The materials include:

1. Materials concerning the role of Senators Ted Cruz and John Cornyn in recommending or supporting Jeffrey V. Brown for nomination;
2. Nomination and recommendation materials;
3. Senator Ted Cruz's April 10, 2019, introduction and statement of support before the Senate Judiciary Committee;
4. Materials documenting Senator Cruz's stated personal familiarity with Judge Brown;
5. Senate Judiciary Committee questionnaire materials submitted by Brown;
6. Brown's written responses to questions from Senators;
7. Brown's April 17, 2019, written responses concerning Supreme Court precedent, Fifth Circuit precedent, impartiality, recusal under 28 U.S.C. § 455, equal treatment, due process, political neutrality, and the judicial oath;
8. Materials reflecting the Senate confirmation process and final confirmation.

This Part is included to provide the historical record of the representations made to the Senate before Judge Brown received lifetime judicial tenure.

PART VI — PUBLIC CIVIL-RIGHTS AND LEGAL-ADVOCACY OPPOSITION TO THE 2019 NOMINATION..... S424-S440

This Part contains public advocacy materials opposing Jeffrey V. Brown's 2019 nomination.

The materials include:

1. The May 8, 2019, opposition letter issued by The Leadership Conference on Civil and Human Rights;
2. Materials identifying the Leadership Conference as a coalition representing more than 200 national organizations;
3. The May 8, 2019, opposition letter and nominee materials issued by Alliance for Justice;
4. Materials identifying Alliance for Justice as an association representing approximately 130 organizations;
5. Related confirmation-era materials necessary to understand the concerns raised publicly at the time.

The materials raised concerns concerning impartiality, adherence to precedent, equal treatment, civil rights, reproductive rights, LGBTQ rights, judicial philosophy, and prior judicial or public statements.

The numerical references to "more than 200" and "130" refer to the number of organizations represented by those coalitions or associations and should not be characterized as the number of separate organizations individually signing one opposition letter.

These materials are advocacy materials. They are included to document concerns publicly raised during the confirmation process and are not presented as judicial or congressional findings of misconduct.

PART VII — PETITIONER'S REQUEST FOR INVESTIGATION AND IMPEACHMENT AND PUBLIC CALL FOR REPORTS FROM OTHER AFFECTED LITIGANTS.....S442-S469

This Part contains Petitioner's October 20, 2026, Petition to Investigate and Impeach U.S. District Judge Jeffrey V. Brown and related outreach materials.

The materials include:

1. Petitioner's written request that Congress investigate Judge Brown's judicial conduct;
2. Petitioner's request that Congress consider hearings or other lawful oversight action;
3. Petitioner's request that Congress evaluate whether impeachment proceedings are warranted;
4. Communications transmitting the petition and supporting judicial records to congressional offices;
5. Petitioner's public outreach requesting that other litigants who believe they experienced similar procedural treatment before Judge Brown preserve their records and contact appropriate congressional oversight authorities;
6. Emails or written communications encouraging affected litigants to provide their own case numbers, judicial orders, docket records, and first-hand experiences directly to Congress.

These materials reflect Petitioner's allegations, requests, and advocacy. They do not establish that any other litigant agrees with Petitioner, that Congress has substantiated the allegations, or that any governmental body has made a finding of misconduct.

SOURCE AND TRANSMISSION LOG

A final chronological source and transmission log may follow Parts I–VII.

For each item, the log should identify:

- Date;
- Document or communication;
- Case number, where applicable;
- Sender;
- Recipient or congressional office;
- Method of transmission;
- Supporting attachment;
- Available proof of transmission;
- Response or acknowledgment, if any; and
- Supplemental Appendix page number.

The log is provided solely as a navigation and authentication aid and does not constitute evidence that any congressional recipient adopted, verified, or agreed with the underlying allegations.

TABLE OF AUTHORITIES

Cases

AAPS Educational Foundation v. ABIM, No. 23-40423 (5th Cir. June 3, 2024)
Abbott v. LULAC, No. 25-845 (U.S. Apr. 27, 2026)
Arbaugh v. Y & H Corp., 546 U.S. 500 (2006)
BE&K Construction Co. v. NLRB, 536 U.S. 516 (2002)
Bowles v. Russell, 551 U.S. 205 (2007)
Calderon v. Thompson, 523 U.S. 538 (1998)
Cheney v. U.S. District Court, 542 U.S. 367 (2004)
Erickson v. Pardus, 551 U.S. 89 (2007)

Foman v. Davis, 371 U.S. 178 (1962)

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

Gregory v. McKennon, 430 F. App'x 306 (5th Cir. 2011) (quoted in Dkt. 38)

In re DaimlerChrysler Corp., 294 F.3d 697 (5th Cir. 2002)

In re Murchison, 349 U.S. 133 (1955)

Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847 (1988)

Liteky v. United States, 510 U.S. 540 (1994)

LULAC v. Abbott, No. 3:21-cv-259, Dkt. 1439 (W.D. Tex. Nov. 19, 2025) (Smith, J., dissenting)

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

Porretto v. City of Galveston Park Board, No. 23-40035 (5th Cir. Aug. 21, 2024)

Ramirez v. City of Texas City, No. 25-40475 (5th Cir. Sept. 3, 2026)

Scott v. U.S. Bank National Ass'n, 16 F.4th 1204 (5th Cir. 2021)

Spence v. Holder, 414 F. App'x 637 (5th Cir. 2011)

T&W Holding v. City of Kemah, No. 24-40679 (5th Cir. Nov. 21, 2025)

Thrasher v. City of Amarillo, 709 F.3d 509 (5th Cir. 2013)

Women's Elevated Sober Living L.L.C. v. City of Plano, No. 22-40637 (5th Cir. Nov. 20, 2023)

Zeng v. Allied Trust Insurance Co., No. 24-40770 (5th Cir. Feb. 27, 2025) (background)

Zeng v. Owner of 8020 Quartz Lane, No. 25-40449 (5th Cir. Apr. 7, 2026) (background)

Zeng v. UTMB Health Center, No. 25-40483 (5th Cir. Nov. 17, 2025) (background)

Constitutional and statutory provisions

U.S. Constitution, Article II

U.S. Constitution, Amendment V

U.S. Constitution, Amendment VII

28 U.S.C. § 292

28 U.S.C. § 357(c)

28 U.S.C. § 453

28 U.S.C. § 455

28 U.S.C. § 1254(1)

28 U.S.C. § 1294(1)

28 U.S.C. § 1332

28 U.S.C. § 1367(c)(3)

28 U.S.C. § 1404(a)

28 U.S.C. § 2101(c)

28 U.S.C. § 2106

42 U.S.C. § 3604(f)(2), (f)(3)(B)

Magnuson-Moss Warranty Act (background)

Rules

Federal Rule of Civil Procedure 4(c)(2), 4(l), 4(m)

Federal Rule of Civil Procedure 12(b)(6)

Federal Rule of Civil Procedure 15(a)(2)

Federal Rule of Civil Procedure 38

Federal Rule of Civil Procedure 39(b)

Federal Rule of Civil Procedure 60(b)(4)

Federal Rule of Appellate Procedure 36(a)(2)

Federal Rules of Appellate Procedure 36(b), 45(c)

Fifth Circuit Rule 41.2

Fifth Circuit Rule 42.2

Supreme Court Rule 10(a), (c)

Supreme Court Rule 13 / 13.3

Supreme Court Rule 14 / 14.5

Judicial-Conduct Rule 10(a) (warning)

Other materials

Senator Ted Cruz introductory remarks (Apr. 10, 2019) Jeffrey Vincent Brown responses to Senate Questions for the Record (Apr. 17, 2019)

The Leadership Conference on Civil and Human Rights opposition letter (May 8, 2019)

Alliance for Justice opposition letter and nominee materials (May 8, 2019)

Senate Judiciary Subcommittee hearing, "Impeachment: Holding Rogue Judges Accountable" (Jan. 7, 2026)

Texas Legislative Reference Library, political history

OPINIONS AND ORDERS BELOW

The order presented for review is the unpublished September 15, 2026, order of the United States Court of Appeals for the Fifth Circuit, No. 25-40438, Doc. 44-2, denying Petitioner's motion to recall the mandate. App. 1a.

The Fifth Circuit's unpublished December 3, 2025, opinion affirmed dismissal without prejudice of Petitioner's underlying action for failure timely to serve Respondent. App. 2a. On January 27, 2026, the court denied panel rehearing and rehearing en banc. App. 3a. The mandate issued February 3, 2026.

The district court's April 8, 2025, dismissal and May 14, 2025, order denying reinstatement are reproduced at App. 4a–8a. The March 4, 2025, show-cause order appears at App. 9a–10a.

Those earlier rulings provide the procedural setting. The order presently challenged is the September 15, 2026, refusal to grant corrective relief after Petitioner asserted that she had not received notice of the rehearing disposition or mandate in time to seek this Court's review and requested examination of the court's notice records.

JURISDICTION

The Fifth Circuit entered the order denying recall of the mandate on September 15, 2026. Petitioner invokes 28 U.S.C. § 1254(1) to seek review of that exercise of appellate authority and requests appropriate relief under 28 U.S.C. § 2106.

Petitioner does not contend that filing a recall motion automatically restarted the time for seeking certiorari from the December 3, 2025, judgment or January 27, 2026, rehearing disposition. A ninety-day period measured from January 27 expired April 27, 2026. Nonreceipt alone does not suspend the statutory period under 28 U.S.C. § 2101(c) or this Court's Rule 13.3.

Instead, Petitioner seeks review of a distinct later ruling: the September 15 refusal to exercise corrective authority after she alleged a failure of mandatory notice, asserted that the failure prevented timely resort to this Court, and requested examination of records controlled by the court of appeals.

An October 8, 2026, letter from the Clerk of this Court identified an earlier submission postmarked August 14 and received October 6 and directed correction under Rule 14.5. Petitioner does not contend that the correction opportunity itself creates jurisdiction, extends the statutory deadline, or causes the September 15 challenge to relate back to August. The present petition concerns the later order denying corrective relief.

CONSTITUTIONAL, STATUTORY, AND RULE PROVISIONS

The principal provisions are the Fifth Amendment's Due Process Clause; 28 U.S.C. §§ 1254(1), 2101(c), and 2106; Federal Rules of Appellate Procedure 36(b) and 45(c); and Fifth Circuit Rule 41.2. This Court's Rules 10, 13, and 14 also govern.

Petitioner's request for impartial adjudication implicates 28 U.S.C. § 455(a). Section 357(c), concerning judicial-conduct proceedings, does not convert this petition into an appeal from disciplinary dispositions or from the separate judgments discussed as background.

STATEMENT OF THE CASE

A. The Mattress Firm action ended on service grounds.

Petitioner Hou He Zeng is a Mandarin-speaking pro se litigant. She brought a consumer warranty and related damages action against Mattress Firm, Incorporated, in the Southern District of Texas, No. 3:24-cv-00331. Her complaint invoked the Magnuson-Moss Warranty Act and related theories. The product and warranty evidence was never adjudicated at trial.

On March 4, 2025, the district court directed Petitioner to serve Respondent or explain by April 4 why dismissal should not follow. App. 9a–10a. On April 8, the court dismissed without prejudice under Federal Rule of Civil Procedure 4(m), stating that Petitioner had not served Respondent or responded.

Petitioner maintains that she did not receive the show-cause order and that her service efforts and submissions were not fully evaluated.

On May 14, the district court denied reinstatement. It held that a party may not personally serve process, including by mail, under Rule 4(c)(2), and also identified the absence of a server's affidavit under Rule 4(l)(1). App. 6a–8a. Petitioner therefore does not contend here that her own mailing necessarily perfected service. Her present petition concerns what happened after the Fifth Circuit affirmed that dismissal.

The Fifth Circuit affirmed on December 3, 2025. Petitioner then sought panel rehearing and rehearing en banc.

B. Rehearing was denied; the disputed question is notice.

A December 12, 2025, clerk letter acknowledged Petitioner's report that she had received no notice. It stated that she had failed to advise the court of a new address, while the letter itself was addressed to her current La Marque, Texas address. App. 11a.

On January 7, 2026, the Clerk sent another letter to that same address identifying deficiencies in Petitioner's rehearing submission and allowing correction. The preserved envelope bears a January 7 meter date and January 8 postal cancellation. App. 12a–13a. Petitioner received that letter and supplied corrections.

On January 16, docket entries stated "REHEARING MADE SUFFICIENT" and "Sufficient Rehearing due deadline satisfied." Those entries meant the filing had been accepted for processing, not that rehearing had been granted.

On January 27, 2026, the Fifth Circuit denied panel rehearing and rehearing en banc. On February 3, the mandate issued.

Petitioner now possesses those documents and does not contend that rehearing remained pending. Her contention is that she received neither the January 27 order nor the February 3 mandate during the period in which she could timely seek certiorari.

The existing materials do not establish where, when, or by what method notice of the January 27 order was actually transmitted to Petitioner. A properly addressed mailing followed by nonreceipt presents a different issue from a mailing to an obsolete address or other failure of required notice. Petitioner therefore requested the contemporaneous service and notice records.

C. Petitioner sought information and then corrective relief.

Petitioner cannot independently use PACER or CM/ECF and depends substantially on paper notices, court communications, and assistance.

A preserved August 5, 2026, email documents an inquiry concerning the appeal. The Clerk's response directed questions to a telephone team line. Petitioner therefore had made a documented inquiry before August 9.

Petitioner's August 30 motion and declaration described an August 9 motion seeking clarification of the status of rehearing and the mandate. She stated that on August 12 court personnel informed her that the case was closed, disclosed the January 27 denial and February 3 mandate, and would take no action on the clarification request.

Petitioner identified August 12 as the date on which she first learned those disposition dates.

Her declaration stated that she promptly requested the relevant orders and notice records, mailed a petition for certiorari on August 14, and thereafter received an August 20 letter from this Court identifying April 27 as the deadline.

The August 30 motion asked the Fifth Circuit to determine where, when, and how notice of the rehearing disposition had been transmitted and to grant recall, reissuance, reentry, or other lawful corrective relief if the court's records established a notice failure that had prevented timely review.

The motion relied in part on Federal Rules of Appellate Procedure 36(b) and 45(c), Fifth Circuit Rule 41.2, and Spence v. Holder, 414 F. App'x 637 (5th Cir. 2011).

D. The September 15 order denied recall without addressing the notice record.

On September 15, 2026, the Fifth Circuit entered an unpublished order stating only:

"IT IS ORDERED that Appellant's motion to recall the mandate is DENIED."

App. 1a.

The order identifies no address used for notice, transmission record, service date, docket notation, finding regarding compliance with Rule 45(c), or reason the asserted circumstances did not warrant corrective relief.

Its brevity alone does not prove that the panel failed to consider the motion. But the motion expressly raised nonreceipt and requested examination of court-

controlled notice records. The court's order supplies no finding resolving that factual issue.

Petitioner does not ask this Court to presume that an incorrect address was used. Nor does she rely on later statements not shown to have been before the panel as proof of what happened in January.

Her preserved request is narrower: examine the relevant notice records and determine whether a court-caused notice failure occurred and, if so, whether extraordinary corrective relief is legally available.

E. Related injuries explain the stakes of the procedural dispute.

Petitioner provides limited background because she contends that repeated procedural terminations, notice problems, unsuccessful recusal requests, and unsuccessful corrective efforts have undermined her confidence in the neutrality of the judicial process.

Her disputes began after a March 31, 2021, residential fire involving alleged protein- and fat-derived smoke contamination. She disputes the fire department's assessment, insurance claim handling, and the response of the Texas Department of Insurance. Those factual disputes are not before this Court for adjudication.

In No. 3:24-cv-00224, claims involving Allied Trust, Firemark, and TDI ended through service, jurisdictional, immunity, and related rulings. Appeal No. 24-40770 was dismissed as frivolous, and this Court later denied certiorari. Those dispositions did not constitute a trial finding about the extent of contamination.

Petitioner also reports later Rule 60(b)(4) proceedings and further regulatory communications. Those matters are background only.

F. Confinement, housing, and separate civil-rights claims.

Petitioner alleges that on August 20, 2024, a sheriff's deputy told her that she would be taken for psychological assistance, but she was instead transported, following an initial medical stop, to Clear Lake Behavioral Hospital.

She alleges approximately seven days of involuntary confinement, restraint, forced medication, threats of prolonged detention, and the absence of any judicial hearing or court order shown to her. She acknowledges that an earlier communication to a Texas Department of Insurance employee included a conditional threat but disputes the legality and proportionality of the confinement that followed.

Her action concerning that confinement, No. 3:24-cv-00274, ended under Rule 4(m). The Fifth Circuit affirmed in No. 25-40483. Thus, the appellate court reviewed service compliance; it did not adjudicate the lawfulness of the alleged detention or forced medication.

In No. 3:25-cv-00091, Petitioner alleged severe mold contamination, concealment, disability discrimination, and related injuries. The Fifth Circuit affirmed dismissal in No. 25-40449, and this Court denied certiorari. Those separate proceedings concern FirstKey Homes, not the Mattress Firm order presently before the Court.

G. The September 10 civil-rights judgment and Petitioner's allegation of prejudgment.

In No. 3:25-cv-00345, Petitioner brought civil-rights claims arising from the fire-related dispute, alleged government conduct, and the later confinement.

An August 31, 2026, Order to Show Cause, Dkt. 35, gave Petitioner until September 18 to respond concerning possible dismissal of specified claims.

Petitioner filed Dkts. 36 and 37. Nevertheless, on September 10—eight days before the stated response deadline expired—the district court entered an Order and Final Judgment, Dkt. 38.

The order dismissed identified federal claims with prejudice, sua sponte dismissed claims against additional defendants, declined supplemental jurisdiction over remaining state claims, found amendment futile, denied other pending motions as moot, and concluded: "THIS IS A FINAL JUDGMENT."

Dkt. 38 itself recited allegations that Petitioner had been detained at Clear Lake Behavioral Hospital "without court order," subjected to "forced medication and surveillance," and "forced to exchange insurance card for release." It recognized constitutional claims arising from the detention.

Petitioner contends that the order did not separately explain, defendant by defendant and claim by claim, why alleged detention without judicial authorization, forced medication, restraint, surveillance, and coerced conditions of release failed to state a constitutional claim, although it concluded collectively that her federal claims were insufficient.

Footnote 4 cited Gregory v. McKennon for the proposition that amendment may be futile when alleged facts involve "fantastic or delusional scenarios" or the legal theory is "indisputably meritless." The order did not identify which branch of that disjunctive formulation it believed applied.

Petitioner does not contend that the quoted phrase was a psychiatric diagnosis. She contends that use of the term "delusional" was unusually stigmatizing in a lawsuit specifically challenging involuntary behavioral-health confinement and forced medication.

Footnote 1 also stated that "the court is familiar with these allegations" and referred to Petitioner's earlier litigation. Petitioner contends that the timing of the final judgment, its references to earlier cases, its categorical futility conclusion, and the Gregory quotation collectively support her allegation of prejudgment.

No. 3:25-cv-00345 has its own appellate route. Petitioner does not ask this Court to reverse that judgment in No. 25-40438. She offers it only as part of the objective background relevant to her request for impartial corrective proceedings.

H. Confirmation assurances, pre-confirmation opposition, and congressional oversight.

Senator Ted Cruz introduced Jeffrey Vincent Brown to the Senate Judiciary Committee on April 10, 2019, referred to their longstanding acquaintance, and expressed confidence in Brown's commitment to constitutional rights and the rule of law.

In written responses dated April 17, 2019, Brown stated that a lower court may "Never" depart from binding Supreme Court precedent and that, if confirmed, "I will be a fair and impartial jurist on the federal bench." He also answered questions concerning political neutrality, equal treatment, due process, recusal under 28 U.S.C. § 455, and the appearance of prejudgment.

Petitioner contends that the later judicial record raises questions concerning consistency with those assurances. She recognizes, however, that adverse rulings do not establish that Brown knowingly misled the Senate. Intent would require independent proof.

Concerns about Brown's nomination were publicly raised in 2019 by The Leadership Conference on Civil and Human Rights and Alliance for Justice. Their materials questioned his approach to impartiality, precedent, civil rights, reproductive rights, LGBTQ rights, workers, consumers, and related issues.

Those materials were advocacy positions, not judicial or congressional findings of misconduct. Petitioner offers them only to show that neutrality and prejudgment were subjects of confirmation-era scrutiny to which Brown responded with explicit assurances.

During the 119th Congress, Senator Cruz chairs the Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights. On January 7, 2026, that Subcommittee held a hearing titled "Impeachment: Holding Rogue Judges Accountable."

Petitioner later sent requests for investigation, oversight, hearings, or consideration of impeachment to congressional offices and committees, including offices connected with federal judicial oversight. She also asked Senator Cruz's office to review the matter in light of his prior support for Brown and his current oversight role.

As of filing, Petitioner has received no substantive congressional determination that Judge Brown committed misconduct and no notice that impeachment proceedings have been initiated or endorsed.

Those submissions do not enlarge this Court's jurisdiction and are not offered as proof that Congress adopted Petitioner's allegations. They explain only the background of her unsuccessful efforts to obtain outside review.

I. Alleged political entrenchment and failure of accountability.

Petitioner alleges that political sponsorship, repeated procedural losses, unsuccessful complaints, and ineffective congressional assistance reflect entrenched institutional protection and partisan gatekeeping.

She recognizes that political affiliation, nomination sponsorship, congressional silence, and adverse rulings do not by themselves establish bias, unlawful coordination, or disqualification.

Her request therefore rests on specific judicial acts, timing, language, notice disputes, record handling, and governing legal standards, including 28 U.S.C. §§ 453 and 455.

J. Recusal, disciplinary proceedings, and comparative decisions.

Petitioner repeatedly sought recusal and judicial-conduct review.

She identifies judicial-conduct complaints Nos. 05-26-90027 and 05-26-90038. Public orders reflect dismissals by **Chief Judge Jennifer Walker Elrod** in November and December 2025 and Judicial Council affirmances in March 2026. Those dispositions preceded the September 10, 2026, judgment in No. 3:25-cv-00345 and therefore did not review it.

Section 357(c) restricts judicial review of judicial-conduct dispositions. Those proceedings cannot substitute for ordinary appellate review.

Petitioner also sought mandamus and other extraordinary relief. The denial of mandamus does not necessarily adjudicate the merits of every underlying injury because mandamus requires, among other things, a clear and indisputable right and the absence of an adequate alternative remedy. Cheney v. U.S. District Court, 542 U.S. 367, 380–81 (2004).

Other Fifth Circuit decisions cited by Petitioner demonstrate that identified procedural errors can be corrected on appeal. *AAPS Educational Foundation v. ABIM* addressed amendment restrictions; *Porretto v. City of Galveston Park Board* corrected part of a jurisdictional dismissal; *T&W Holding v. City of Kemah* corrected

part of a ripeness ruling; and Ramirez v. City of Texas City vacated a bench-trial judgment for error concerning Rule 39(b).

Those decisions do not prove retaliation in Petitioner's litigation. They illustrate the importance of identifying a concrete procedural error and applying the governing standard to the actual record.

K. The related appeals must be assessed under the governing law.

A civil jury demand does not prevent a lawful jurisdictional, service, or pleading dismissal. Any asserted jury-record discrepancy must therefore be tied to an actual filed demand, proper service, and a material effect on a claim otherwise eligible for trial.

Rule 4(m) requires notice before sua sponte dismissal and requires an extension when good cause is shown. Rule 4(l)(3) distinguishes defective proof of service from invalid service itself.

Rule 15(a)(2) directs that leave to amend be freely given when justice requires. Foman v. Davis identifies legitimate reasons for denying amendment, and Erickson v. Pardus requires liberal construction of pro se pleadings.

Impartiality is independently governed by 28 U.S.C. §§ 453 and 455. Liteky v. United States explains that adverse rulings ordinarily do not demonstrate bias but recognizes that sufficiently deep-seated favoritism or antagonism may matter.

FRAP 36 and Fifth Circuit rules also permit brief or summary dispositions in appropriate circumstances. Thus, a short order, unpublished disposition, or absence of oral argument does not itself prove inadequate judicial consideration.

The relevant question is whether the preserved issue was evaluated under the correct legal standard and on an accurate record.

L. No. 24-40770: dismissal of the fire and insurance appeal.

On February 27, 2025, Judges Jones, Duncan, and Douglas granted opposed motions and dismissed No. 24-40770 as "**frivolous**". Rehearing was denied April 22.

The underlying district rulings differed by defendant. Firemark was dismissed on jurisdictional grounds, TDI on sovereign-immunity grounds, and Allied Trust on service or process grounds.

Petitioner questions, among other things, the statement that diversity was absent because she and Firemark were **Texas "residents**." Section 1332 turns on citizenship, not residence alone, and contains specific rules for different categories of parties.

The legally relevant question is whether the required citizenship and domicile facts were established and whether any preserved objection to equating residence with citizenship was considered before the appeal was labeled frivolous.

The appeal did not adjudicate through trial the physical extent of contamination, insurance coverage, or Petitioner's underlying allegations. This Court's denial of certiorari in **No. 24-7514** likewise did not constitute a factual trial determination.

Those matters are background only.

M. No. 25-40483: review of the confinement action's service dismissal.

On November 17, 2025, Judges Dennis, Haynes, and Ramirez affirmed dismissal of the confinement case without prejudice under Rule 4(m).

The opinion applied abuse-of-discretion review and addressed attempted certified-mail service by a party, Rule 4(c)(2), Texas Rule 103, prior extensions, and the absence of demonstrated good cause.

Thus, the panel reviewed service compliance. It did not adjudicate whether Petitioner's confinement, restraint, or forced medication was lawful.

Petitioner disputes the completeness of the panel's description of the service record and identifies district Dkt. 14 as acknowledging a clerk-related service problem. The relevant inquiry is what that error was, whether it continued to impede compliant service, and whether any properly presented court-caused obstacle was considered in determining good cause or whether to grant a discretionary extension.

An earlier clerical error does not automatically excuse every later service defect.

The panel also stated that the limitations period had not expired and that refiling remained possible at that time. That statement was not a ruling on the merits of the confinement claims or a guarantee concerning any later filing.

N. No. 25-40449: review of the FirstKey housing dismissal.

On April 7, 2026, Judges Smith, Higginson, and Wilson affirmed the FirstKey dismissal.

The panel reviewed the Rule 12(b)(6) ruling de novo, found insufficient facts connecting disability to the alleged refusal of repairs under 42 U.S.C. § 3604(f)(2), addressed standing and nationwide-practices allegations, treated the state-law challenge as abandoned, and reviewed recusal for abuse of discretion.

That appellate review concerned pleading sufficiency and related legal issues, not a trial determination concerning mold contamination or medical causation.

Petitioner's procedural objection focuses partly on the operative pleading. District Dkt. 24 states that Dkt. 14 gave notice and an opportunity to amend, then construed Petitioner's Dkt. 16—styled as an "Enhanced Response" to the dismissal order—as the amended complaint.

Petitioner asks whether that construction fairly preserved the substance and evident purpose of her pro se filings. Rule 15, Foman, and Erickson provide the relevant standards, although they do not require separate consent before every judicial construction of a filing.

Petitioner also contends that a possible reasonable-accommodation theory under § 3604(f)(3)(B) should have been evaluated separately. Whether such a theory was adequately pleaded and preserved depends on the actual pleadings and appellate briefs.

These FirstKey issues are not questions presented for direct review here.

Distinct housing theories and the scope of impartiality review.

The Fair Housing Act distinguishes ordinary disability discrimination from refusal of a reasonable accommodation necessary for equal use and enjoyment. Knowledge of disability and a general repair request alone do not establish that an accommodation was necessary or reasonable.

Petitioner therefore does not ask this Court to assume the FirstKey claim was legally sufficient. Her contention is that the operative pleadings and preserved theories should control the analysis.

For recusal, the Fifth Circuit found no evidence beyond adverse rulings sufficient to establish bias. Political sponsorship alone would likewise be

insufficient. Petitioner relies instead on the cumulative record she identifies under § 455(a).

Again, those matters supply background only.

O. No. 25-40438: a brief affirmance followed by the notice dispute.

The December 3, 2025, opinion of Judges Higginbotham, Higginson, and Engelhardt affirmed dismissal without prejudice for untimely service.

The opinion does not separately discuss Petitioner's asserted nonreceipt of the district show-cause order, the distinction between service and proof, or possible extensions under Rule 4(m). Its brevity does not itself demonstrate that those issues were ignored.

The district court's May 14 order had identified party-performed service by mail under Rule 4(c)(2), as well as deficiencies in proof. A successful challenge therefore could not rest solely on Rule 4(l)(3)'s principle that defective proof does not invalidate otherwise valid service.

The present notice controversy is materially different.

After Petitioner corrected the rehearing deficiencies and the January 16 docket entries stated that rehearing had been made sufficient, she alleges that she received neither the January 27 denial nor the February 3 mandate.

FRAP 36(b) and 45(c) impose notice duties on the appellate clerk. Petitioner's August 30 motion expressly asked the Fifth Circuit to examine its records concerning compliance with those duties.

The September 15 order denied relief without identifying any notice finding.

Petitioner therefore asks whether a supported allegation that a court-administered notice failure caused loss of access to this Court received the consideration required by the governing rules and the extraordinary standard governing recall.

Proof that the court properly served the January 27 disposition may defeat Petitioner's asserted notice violation even if she did not actually receive the mailing. Recall remains extraordinary. The question is whether the corrective decision rested on an accurate and identified notice record.

P. Cumulative departures and alleged retaliatory suppression.

Petitioner alleges that the course of the related litigation reflects retaliation and suppression of legal redress.

She points to disputed service efforts and court-caused obstacles, construction of a filing as a superseding pleading, alleged jury-record discrepancies, repeated recusal denials, disputed notice failures, unsuccessful correction requests, and filing warnings.

Petitioner recognizes that repeated losses do not establish retaliatory or partisan purpose. The relevant rules and statutes must be applied to the individual acts she identifies.

For purposes of No. 25-40438, the operative connection is limited: Petitioner's August 30 request asked the Fifth Circuit to examine a specific alleged notice failure, and the September 15 order denied corrective relief without addressing the notice record in its text.

The requested remedy remains confined to that preserved issue.

Q. Five actions, jury-demand disputes, and unsuccessful corrective requests.

The five selected district actions—Nos. 3:24-cv-00224, 3:24-cv-00274, 3:24-cv-00331, 3:25-cv-00091, and 3:25-cv-00345—ended before trial through differing service, jurisdictional, or pleading rulings.

Petitioner's allegation of erased or inconsistent jury-demand records concerns Nos. 224, 274, and 91. She does not make that allegation concerning Nos. 331 or 345.

Any jury-demand dispute must be established by the filed and served demand, docket history, subsequent changes, and material effect. A cover-sheet discrepancy alone does not establish wrongful deprivation of a jury.

Four completed appeals are Nos. 24-40770, 25-40483, 25-40438, and 25-40449. Mandamus and related relief in Nos. 25-40767 and 26-40004 were denied in April 2026.

Those outcomes form part of Petitioner's cumulative background but do not themselves decide the notice issue now presented.

R. Three documented warnings and their cumulative chilling effect.

Petitioner identifies three warnings that she contends intensified the chilling effect of the litigation.

First, Judge Brown's May 20, 2025, order in No. 3:25-cv-00091 warned that failure to heed the court could result in sanctions and referenced possible vexatious-litigant treatment.

Second, Chief Judge Elrod's December 17, 2025, judicial-conduct disposition warned that further merits-related, conclusory, frivolous, or repetitive complaints could result in restrictions on judicial-conduct complaint filing.

Third, the Fifth Circuit's April 13, 2026, mandamus docket warned that future repetitive or frivolous pleadings could result in dismissal, monetary sanctions, or filing restrictions.

None of those warnings by itself proves retaliation. Nor does Petitioner claim immunity from legitimate sanctions.

She contends only that, when considered with repeated procedural dismissals and unsuccessful requests for correction, the warnings increased pressure to abandon challenges she continued to believe had a reasonable legal basis.

BE&K Construction Co. v. NLRB recognizes petitioning interests in reasonably based but unsuccessful litigation while preserving ordinary judicial authority to control abusive filings.

S. Alleged prejudgment, stigmatizing language, and partisan enforcement in No. 3:25-cv-00345.

Petitioner alleges that the September 10, 2026, Order and Final Judgment in No. 3:25-cv-00345 reflected more than an ordinary pleading determination.

Dkt. 38 recited allegations of detention at Clear Lake Behavioral Hospital "without court order," forced medication, surveillance, and conditions allegedly imposed for release. It therefore recognized that the lawsuit challenged a claimed deprivation of physical liberty and bodily autonomy.

Those allegations were never resolved through discovery, testimony, an evidentiary hearing, or trial.

At the pleading stage, the court concluded that Petitioner had "not alleged sufficient facts to state a plausible claim for relief on any of her federal claims." Petitioner contends that the order did not separately identify why the principal alleged acts—detention without judicial authorization, forced medication, restraint, surveillance, and coerced conditions of release—failed as to each relevant defendant.

The order nevertheless dismissed federal claims with prejudice and declared amendment futile.

Petitioner's strongest objection concerns footnote 4. The court cited *Gregory v. McKennon* for the proposition that repleading is unnecessary when the alleged facts amount to "fantastic or delusional scenarios" or when the asserted legal theories are "indisputably meritless."

The order did not say which branch of that formulation it believed applied.

Petitioner does not argue that the phrase constituted a medical diagnosis. Her objection is that, in a case challenging involuntary behavioral-health confinement and forced medication, judicial invocation of "**delusional" carried an especially severe stigmatizing implication.**

Footnote 1 further stated that "the court is familiar with these allegations" and referred to Petitioner's prior cases.

Petitioner also relies on timing. Dkt. 35 expressly set September 18, 2026, as the deadline to respond to the show-cause issues. Petitioner filed Dkts. 36 and 37, yet final judgment was entered September 10, eight days before that deadline.

She contends that the combination of an early final judgment, dismissal with prejudice, a futility determination, reference to prior litigation, and the Gregory quotation supports an objective concern that the result had effectively been predetermined.

Petitioner further alleges that this treatment was part of a broader pattern favoring Texas governmental interests and associated private defendants. She characterizes that pattern as malicious and partisan.

She recognizes, however, that political sponsorship, adverse rulings, and disputed language do not alone establish malice or partisan enforcement.

The legally relevant question for impartiality is whether the complete objective record would cause a reasonable observer to question impartiality under 28 U.S.C. § 455(a) or reflect the type of deep-seated favoritism or antagonism discussed in Liteky.

Petitioner does not ask this Court in No. 25-40438 to decide the merits of No. 3:25-cv-00345. That judgment has its own appellate route. The judgment is offered only as background relevant to Petitioner's request for impartial corrective proceedings.

T. Repeated recusal denials and the confirmation assurances.

Petitioner repeatedly requested Judge Brown's recusal.

In No. 3:25-cv-00345, she identifies recusal requests at Dkts. 2, 13, and 18 and their denial in Dkt. 27.

Petitioner alleges that the cumulative circumstances created an appearance that Judge Brown had prejudged her claims or was personally targeting her litigation. The governing legal question, however, is not whether the same judge denied the motion directed at him. It is whether the objective circumstances required recusal under § 455.

In his 2019 Senate responses, Brown stated that he would consult § 455 and the Code of Conduct and decide recusal issues case by case. The confirmation questions also addressed the appearance of prejudgment.

Petitioner contends that her subsequent judicial record is inconsistent with those assurances.

Whether Brown knowingly made false statements to the Senate would require evidence of intent not established merely by adverse rulings. The immediate

question relevant to judicial proceedings is whether the actual motions, rulings, language, timing, and record handling objectively required disqualification.

U. The cumulative background returns to the narrow issue presented in No. 25-40438.

Petitioner does not present No. 25-40438 as the entirety of her concerns about federal judicial treatment.

She alleges that multiple related cases ended before trial, recusal requests repeatedly failed, disputed notice and docket problems went uncorrected, warnings discouraged further filings and attempts to obtain relief through judicial-conduct or congressional channels produced no effective remedy.

She recognizes that none of those circumstances, individually or collectively, authorizes this Court to disregard jurisdictional limits or reopen unrelated judgments.

No. 25-40438 is instead the narrow procedural vehicle presently before the Court.

The specific preserved question is whether the Fifth Circuit properly denied corrective relief after Petitioner alleged that she did not receive the January 27 rehearing disposition or February 3 mandate in time to seek certiorari and expressly asked the court to examine its own notice records.

That question matters independently of the wider accusations.

If the required notice was properly transmitted, the record can establish that fact and defeat the alleged violation.

If, however, the court's contemporaneous records establish that required notice was not transmitted as Rule 45(c) required, and Petitioner acted diligently after

discovering the disposition, the appellate court should determine under the governing extraordinary-relief standard whether any lawful corrective remedy is available.

The broader history explains why Petitioner asks that this determination be record-based and impartial. It does not expand the question presented.

REASONS FOR GRANTING THE PETITION

I. The notice dispute warrants supervisory review under Rule 10(a).

The principal question extends beyond the underlying mattress warranty dispute.

It concerns what a federal court of appeals must examine when a pro se litigant presents a sworn claim that the court's failure to provide required notice prevented timely access to this Court and expressly requests examination of the court's own service records.

Federal Rule of Appellate Procedure 36(b) requires the clerk, on the date judgment is entered, to serve all parties a copy of the opinion or judgment and notice of the date of entry.

Federal Rule of Appellate Procedure 45(c) requires the clerk, upon entry of an order or judgment, to immediately serve notice of entry on each party and to note the service date on the docket.

Rule 45(c) therefore directly concerns the January 27, 2026, rehearing order.

Petitioner's August 30 motion specifically asserted nonreceipt, identified the rehearing order and mandate, and requested examination of the corresponding notice records.

Mullane v. Central Hanover Bank & Trust Co. supplies the general principle that notice must be reasonably calculated to inform affected persons. Mullane does not extend the certiorari deadline and does not guarantee actual receipt.

Proper transmission may satisfy the rule despite later nonreceipt.

But entry of an order and transmission of notice are distinct events. Where the allegation concerns failure of the latter, the material facts include the address used, method of service, date of transmission, docket notation, and any retained returned-mail or delivery record.

Rule 10(a) permits supervisory review where a court of appeals has departed from the accepted and usual course of judicial proceedings or sanctioned such a departure.

Petitioner does not argue that every unexplained recall denial warrants certiorari.

She argues that when the alleged procedural defect is the lower court's own failure to perform a mandatory notice function, and the lower court itself controls the records needed to prove or disprove the allegation, extraordinary corrective discretion should rest on an identified factual foundation.

Extraordinary circumstances require a factual foundation.

Calderon v. Thompson, 523 U.S. 538, 549–50 (1998), recognizes a court of appeals' inherent authority to recall a mandate while emphasizing that recall is reserved for extraordinary circumstances and constrained by the profound interest in finality.

Petitioner does not import Calderon's habeas-specific analysis into this civil case. She invokes the broader principle that extraordinary corrective authority must be exercised carefully and upon a legitimate factual and legal basis.

Spence v. Holder, 414 F. App'x 637 (5th Cir. 2011), is instructive.

There, the Fifth Circuit addressed a pro se litigant's address change, failure to send a disposition to the recorded address, and claimed loss of an opportunity to seek certiorari. The court recalled its mandate.

Spence is unpublished and nonprecedential. It also involved a separate substantive immigration-law development. Petitioner therefore does not present it as establishing an automatic-recall rule or an inter-circuit conflict.

Its significance is more limited: it demonstrates that the same court of appeals has treated a notice failure affecting Supreme Court review as a circumstance relevant to recall of mandate.

Petitioner's motion likewise identified a specific disposition, claimed nonreceipt, asserted resulting loss of Supreme Court review, and requested examination of the court's records.

Her January 7 rehearing-deficiency letter and envelope also show that shortly before rehearing was denied the Clerk possessed and used her La Marque address.

Those materials do not prove what address or method was used for the January 27 order. They establish only a concrete reason to examine the contemporaneous record rather than assume the answer.

Petitioner further documented inquiries before learning of the January 27 and February 3 dispositions and stated that she acted promptly after learning of them on August 12.

The factual inquiry she requested could therefore either confirm or defeat her claim.

The September 15 order does not reveal whether that inquiry occurred or what the notice records showed.

II. The requested record inquiry is material and limited.

The records at issue are ordinary court-administration records.

They include the mailing or electronic-notice address in effect on January 27, 2026; the method by which notice of the rehearing order was generated; the destination and date of transmission; the docket notation required by Rule 45(c); any returned-mail or failed-delivery information retained by the court; and any record establishing Petitioner's consent to electronic notice if electronic service is asserted.

Petitioner's inability to independently retrieve PACER documents is not itself proof that she had not consented to electronic notice. The relevant record can establish the answer.

The January 7 envelope and December 12 letter are also material but do not resolve the later January 27 transmission.

The December 12 letter records the Clerk's position that Petitioner had failed properly to advise the court of her address, while both that letter and the January 7 mailing were sent to the current La Marque address.

Both favorable and unfavorable facts should be considered.

Petitioner seeks no discovery into judicial deliberations. She asks only that existing administrative notice records be examined because those records directly determine whether the asserted procedural failure occurred.

A confined remand for that purpose would not require written opinions on every motion to recall a mandate.

Nor would it guarantee relief.

If the records show proper notice, or if other lawful considerations defeat recall, the appellate court may deny relief on that basis.

If the records instead establish a court-caused notice failure, diligence after discovery, and legally remediable prejudice, the court can then decide whether the extraordinary standard permits corrective action.

The remedy must respect jurisdictional deadlines.

Petitioner recognizes that statutory time limits for appellate review cannot simply be disregarded in equity.

Bowles v. Russell, 551 U.S. 205, 212–14 (2007), explains the jurisdictional character of statutory appellate time limits.

Petitioner therefore does not ask this Court simply to declare her earlier certiorari papers timely because she did not receive notice.

Nor would merely changing the date on an old judgment necessarily create jurisdiction.

FTC v. Minneapolis-Honeywell Regulator Co., 344 U.S. 206, 211–13 (1952), explains that immaterial reentry of a judgment does not restart a review period.

Accordingly, Petitioner's request for reissuance or reentry in the Fifth Circuit cannot itself enlarge this Court's jurisdiction.

The question is whether the appellate court possesses any substantive and lawful corrective authority when its own notice failure is proven to have caused the loss of an opportunity to seek certiorari.

That issue must first be considered under the correct factual record and governing law.

Vacating the September 15 denial for reconsideration would not itself grant certiorari from the December 3 judgment, reinstate the district-court action, or establish a new ninety-day period.

It would require only that the corrective request be decided after the material notice facts have been established.

III. The question concerns a reliable path to Supreme Court review.

The asserted error concerns the final link in the federal judicial-review process.

A litigant whose claims are dismissed in district court ordinarily must seek review in the court of appeals before asking this Court to exercise discretionary certiorari jurisdiction.

Petitioner did so.

She pursued rehearing, corrected the deficiencies identified by the Fifth Circuit, and the docket reflected that her rehearing filing had been made sufficient.

She then alleges that she received neither the order denying rehearing nor the mandate.

By the time she learned in August 2026 that the appeal had ended months earlier, the ordinary certiorari deadline had expired.

Her claim therefore is not merely that she missed a piece of mail. It is that a failure in the lower court's mandatory notice process may have extinguished her practical ability to seek this Court's review while the evidence capable of proving or disproving that failure remained in the lower court's possession.

The Fifth Circuit's September 15 order does not resolve the factual dispute in its text.

Petitioner's unsuccessful judicial-conduct complaints cannot substitute for appellate review. Section 357(c) separately limits review of those proceedings.

Congressional oversight likewise cannot vacate a federal appellate order.

Thus, neither route provides a judicial answer to the notice question.

Petitioner's broader allegations concerning procedural termination, repeated recusal denials, filing warnings, and ineffective oversight are not themselves grounds for certiorari.

Their relevance is limited to demonstrating why independent, record-based consideration of the preserved notice issue is particularly important to her.

Rule 10(c) also supports consideration of the important federal question concerning the relationship among mandatory appellate notice, extraordinary corrective authority, and a strict statutory deadline for seeking this Court's review.

Petitioner does not claim an established circuit split.

She asks this Court to provide guidance concerning the minimum inquiry necessary when a litigant alleges that failure of a mandatory court-controlled notice function itself prevented timely access to this Court.

IV. Any further proceedings should preserve actual and apparent impartiality.

Section 455(a) requires disqualification when a judge's impartiality might reasonably be questioned.

Liljeberg v. Health Services Acquisition Corp. recognizes that public confidence in the judiciary is an important component of that objective standard.

Petitioner recognizes that political sponsorship, ideological disagreement, and adverse rulings ordinarily are insufficient to compel disqualification.

Her request instead relies on the cumulative circumstances she has identified: repeated recusal disputes, contested notice and docket administration, timing and language of rulings, alleged premature termination of proceedings, and her claim that corrective requests were repeatedly resolved without independent examination of disputed records.

If this Court vacates the September 15 order and further proceedings are required, Petitioner asks that the question of reassignment be considered under ordinary objective standards rather than as an automatic consequence of remand.

The Fifth Circuit has recognized that reassignment is extraordinary and may involve considerations such as whether the original adjudicator can put aside previously expressed views, the appearance of justice, and unnecessary duplication. In re DaimlerChrysler Corp., 294 F.3d 697, 700–01 (5th Cir. 2002).

The immediate order before this Court concerns a Fifth Circuit motion. Petitioner therefore requests a different appellate panel only if the governing reassignment standards are satisfied.

If the Mattress Firm district-court proceedings are lawfully reopened, she likewise requests consideration of reassignment to a different district judge under lawful procedures.

Petitioner does not claim a right to select a judge, district, or court of appeals.

Her request is for neutral application of the same procedural protections available to every litigant. Jeffery, the court issued some retaliatory ruling against the lawyer and client after the case was dismissed by the Fifth Circuit. The lawyer stated, "He hates me! I'm afraid of him!"

CONCLUSION

The Court should grant the petition, vacate the Fifth Circuit's September 15, 2026, order denying recall of the mandate, and remand for reconsideration under the standards governing extraordinary corrective relief.

On remand, the court should examine the contemporaneous notice and service records relevant to the January 27, 2026, rehearing disposition; determine whether the requirements of Federal Rules of Appellate Procedure 36(b) and 45(c) were satisfied; determine the significance of any established failure; and decide whether lawful corrective relief is available.

Petitioner does not ask this Court to disregard 28 U.S.C. § 2101(c), automatically revive the expired period for direct review of the December 3 judgment, or reopen unrelated cases.

Please apply the background of this case to your own upcoming and existing appeals, taking them into consideration. The Constitution guarantees citizens' rights, yet there are always those with ulterior motives. These intricate details are used to break through the judicial barriers erected by the GOP in the American South.

She asks for a record-based determination of whether a court-administered notice failure prevented timely access to this Court and whether the Fifth Circuit's refusal to grant corrective relief rested on an accurate factual foundation.

To the extent warranted by the record and authorized by 28 U.S.C. § 2106 and the applicable reassignment standards, Petitioner further requests that any necessary proceedings occur before an impartial adjudicator.

Petitioner maintains that the cumulative procedural history has undermined her confidence in the neutrality of the process and has caused her to believe that her pursuit of legal remedies has been subjected to malicious, partisan, or retaliatory suppression. Those broader allegations do not independently enlarge this Court's jurisdiction

The narrower judicial question is concrete and preserved: whether mandatory appellate notice was properly provided and, if not, whether a lawful corrective mechanism exists when that failure caused the loss of a meaningful opportunity to seek this Court's review.

Petitioner respectfully asks this Court to ensure that this question is decided from the actual record, under the governing law, and through an impartial judicial process.

Respectfully submitted,

/s/ Hou He Zeng

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Telephone: (832) 523-5003 (Mandarin only)
Email: Jts990616@gmail.com Date: October 26, 2026

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

HOU HE ZENG,
Petitioner,

v.

MATTRESS FIRM, INCORPORATED,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit
No. ***25-40438***

PROOF OF SERVICE AND DECLARATION PURSUANT TO SUPREME COURT RULE 29 AND 28 U.S.C. § 1746

I, Hou He Zeng, Petitioner pro se, declare as follows:

1. I am the Petitioner in the above-captioned proceeding and am proceeding without counsel.
2. On **October 26, 2026**, I served three true and correct paper copies of the Petition for a Writ of Certiorari and the accompanying appendix materials submitted with the Petition upon counsel for Respondent Mattress Firm, Incorporated, by depositing the materials with the United States Postal Service, postage prepaid, properly addressed to:

Chris Watt, Esq.
Christopher Donovan, Esq.
REED SMITH LLP

UPS mail
Tracking = 1Z440R-10032-6025-78

1221 McKinney Street, Suite 2100
Houston, Texas 77010

Telephone: (713) 469-3883/ (713) 469-3800

Counsel for Respondent
Mattress Firm, Incorporated

3. On the same date, I also transmitted an electronic copy of the filing to Respondent's counsel at:

Chris Watt: cwatt@reedsmith.com
Christopher Donovan: cdonovan@reedsmith.com

4. All parties required to be served have been served.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 26, 2026, at La Marque, Texas.

/s/Houhe Zeng

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Telephone: (832) 523-5003
(Mandarin only)
Email: Jts990616@gmail.com

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

HOU HE ZENG,
Petitioner,

v.

MATTRESS FIRM, INCORPORATED,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit
No. ***25-40438***

CERTIFICATE OF COMPLIANCE PURSUANT TO SUPREME COURT RULE 33.1(h)

I, Hou He Zeng, Petitioner pro se, certify that this Petition for a Writ of Certiorari complies with the word limitation of Supreme Court Rule 33.1(g)(i).

The Petition contains **7171** words, excluding the portions of the document exempted from the word limitation by Supreme Court Rule 33.1(d), including the Questions Presented, list of parties and corporate disclosure statement, Table of Contents, Table of Authorities, listing of counsel or party information at the end of the document, and appendices.

The word count was determined using the word-count function of Microsoft Word, with footnotes included in the count as required by Supreme Court Rule 33.1(h).

I am the unrepresented Petitioner and personally certify the accuracy of this statement.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on October 26, 2026, at La Marque, Texas.

/s/Houhe Zeng

Hou He Zeng
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La Marque, Texas 77568
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October 26,2026

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

HOU HE ZENG,
Petitioner,

v.

MATTRESS FIRM, INCORPORATED,
Respondent.

INDEX OF APPENDIX MATERIALS

The original Appendix A–R submitted with Petitioner's earlier certiorari materials is preserved without renumbering. Supplemental materials are separately organized by subject matter. Final appendix page numbers should be inserted after assembly and pagination of the complete appendix volumes.

ORIGINAL RECORD APPENDIX — A–R

A. Order of the United States Court of Appeals for the Fifth Circuit denying Petitioner's Motion to Recall the Mandate, Zeng v. Mattress Firm, Inc., No. 25-40438, entered September 15, 2026.

B. Order of the United States Court of Appeals for the Fifth Circuit denying Panel Rehearing and Rehearing En Banc, entered January 27, 2026.

C. Mandate of the United States Court of Appeals for the Fifth Circuit, No. 25-40438, issued February 3, 2026.

D. Unpublished Per Curiam Opinion and Judgment of the United States Court of Appeals for the Fifth Circuit, decided December 3, 2025.

E. January 16, 2026, docket entries stating "REHEARING MADE SUFFICIENT" and "Sufficient Rehearing due deadline satisfied," together with the relevant rehearing docket record.

F. January 7, 2026, Rehearing-Deficiency Notice and original mailing envelope showing Petitioner's La Marque address and the mailing/postage information.

G. District Court order dismissing the underlying action, Zeng v. Mattress Firm, Inc., S.D. Tex. No. 3:24-cv-00331.

H. District Court service materials, Affidavit of Service, and relevant UPS tracking and delivery records.

I. District Court Show-Cause Order and related notice/service records, including the order, docket entry, and available transmission or service information.

J. Relevant motions seeking recusal or disqualification, orders resolving those requests, and related appellate materials.

K. Relevant jury-demand filings and docket records.

L. Petitioner's Rule 60(b)(4) Motion filed December 29, 2025, relevant docket entries, and disposition record.

M. Appellant's Motion for Clarification and Disposition of Pending Appellate Procedural Matters and for Appropriate Procedural Direction, submitted August 9, 2026.

N. Written communication from Fifth Circuit case-management personnel dated August 12, 2026.

O. Petitioner's August 14, 2026, Petition for a Writ of Certiorari and proof of mailing.

P. Letter from the Clerk of the Supreme Court of the United States dated August 20, 2026.

Q. Motion to Recall the Mandate and for Reissuance, Reentry, or Other Appropriate Corrective Relief, together with Petitioner's declaration, submitted August 30, 2026.

R. Pertinent constitutional, statutory, and rule provisions, including the Fifth Amendment; 28 U.S.C. §§ 1254(1), 455, 2101(c), and 2106; Federal Rules of Civil Procedure 4(m) and 60(b)(4); Federal Rules of Appellate Procedure 25(c), 36(b), 41, and 45(c); Fifth Circuit Rule 41.2; and Supreme Court Rules 10 and 13.

SUPPLEMENTAL APPENDIX

PART I — CASE NO. 3:25-CV-00345: ZOOM CONFERENCE SCHEDULING, RESCHEDULING, AND NOTICE RECORDS

1. Original notice scheduling the initial conference.
2. First notice or order rescheduling the conference.
3. Second and subsequent notices or orders rescheduling the conference.
4. Order or notice ultimately setting the Zoom conference for October 14, 2026.
5. Available docket entries, notices, transmission records, emails, or other communications bearing on cancellation or non-occurrence of the October 14, 2026, conference.
6. Petitioner's records documenting preparation for and attempted participation in the October 14, 2026, Zoom conference.
7. Records relevant to Petitioner's contention that she did not receive notice that the October 14 conference would not proceed.

PART II — PETITIONER'S MOTIONS, OBJECTIONS, RESPONSES, AND PROTECTIVE APPELLATE FILINGS IN NO. 3:25-CV-00345

8. Motion for Recusal or Disqualification, Dkt. 2.
9. Renewed Motion to Recuse and related objections, Dkt. 13.

10. Response in Opposition and additional request for recusal, Dkt. 18.
11. January 14, 2026, order resolving the recusal requests, Dkt. 27.
12. August 31, 2026, Order to Show Cause, Dkt. 35.
13. Petitioner's response to the Order to Show Cause, Dkt. 36.
14. Petitioner's Supplemental Clarification filed before expiration of the September 18, 2026, response deadline, Dkt. 37.
15. Notice of Appeal filed October 14, 2026.
16. Protective Motion concerning Federal Rule of Civil Procedure 58 and Federal Rule of Appellate Procedure 4(a)(7).
17. Alternative requests under Federal Rules of Appellate Procedure 4(a)(5) and 4(a)(6).
18. Other filings necessary to establish what issues Petitioner presented before and immediately after entry of final judgment.

PART III — JUDGE JEFFREY V. BROWN'S ORDERS AND FINAL JUDGMENT IN NO. 3:25-CV-00345

19. August 31, 2026, Order to Show Cause, Dkt. 35, showing a response deadline of September 18, 2026.
20. September 10, 2026, Order and Final Judgment, Dkt. 38.
21. Docket entries establishing that Dkt. 38 was entered eight days before expiration of the stated September 18 response deadline.
22. Relevant portions of Dkt. 38 dismissing federal claims with prejudice.
23. Relevant portions finding further amendment futile.
24. Footnote 1 stating that the court was "familiar with these allegations" and referring to Petitioner's prior cases.

25. Footnote 4 and the citation to Gregory v. McKennon containing the language "fantastic or delusional scenarios" and "indisputably meritless legal theories."

26. Relevant portions of Dkt. 38 recounting allegations of detention without court order, forced medication, surveillance, and conditions allegedly imposed for release.

27. The concluding portion declaring: "THIS IS A FINAL JUDGMENT."

PART IV — REQUESTS FOR CONGRESSIONAL OVERSIGHT AND RESPONSES OR ACKNOWLEDGMENTS

28. Communications to the House Committee on the Judiciary requesting investigation, hearings, oversight, or consideration of impeachment.

29. Communications to the House Committee on Oversight and Government Reform.

30. Communications to the Senate Committee on the Judiciary.

31. Communications to the Senate Judiciary Subcommittee on Federal Courts, Oversight, Agency Action, and Federal Rights.

32. Communications to the Senate Homeland Security and Governmental Affairs Committee.

33. Communications to the Permanent Subcommittee on Investigations.

34. Communications to Members of Congress with responsibilities relating to judicial oversight.

35. Communications to Senators previously involved in Judge Brown's nomination and confirmation.

36. Petitioner's October 23, 2026, request to Senator Ted Cruz concerning his prior support for Judge Brown and his current federal-courts oversight responsibilities.

37. Emails, website submission confirmations, automated acknowledgments, mailing receipts, transmission records, referrals, and other proof of delivery.

38. Records showing the absence, as of filing, of any substantive congressional determination that Judge Brown committed misconduct or that impeachment proceedings had been initiated or endorsed.

PART V — NOMINATION AND CONFIRMATION OF JEFFREY V. BROWN

39. Materials concerning Senators Ted Cruz and John Cornyn's recommendation or support of Jeffrey V. Brown for nomination to the United States District Court for the Southern District of Texas.

40. Nomination and recommendation materials relating to Brown's federal judicial appointment.

41. Senator Ted Cruz's April 10, 2019, introduction of and statement supporting Jeffrey V. Brown before the Senate Judiciary Committee.

42. Materials reflecting Senator Cruz's statements concerning his personal familiarity with Brown.

43. Senate Judiciary Committee questionnaire submitted by Jeffrey V. Brown.

44. Questions for the Record submitted to Brown by United States Senators.

45. Jeffrey V. Brown's April 17, 2019, written Responses to Questions for the Record.

46. Brown's written statements concerning adherence to Supreme Court precedent and Fifth Circuit precedent.

47. Brown's written statements concerning fairness, impartiality, equal treatment, political neutrality, due process, recusal under 28 U.S.C. § 455, the appearance of prejudgment, and the judicial oath.

48. Records documenting Brown's Senate confirmation and assumption of lifetime federal judicial office.

PART VI — CONFIRMATION-ERA CIVIL-RIGHTS AND LEGAL-ADVOCACY OPPOSITION

49. May 8, 2019, opposition letter issued by The Leadership Conference on Civil and Human Rights.

50. Materials identifying The Leadership Conference as a coalition representing more than 200 national organizations.

51. May 8, 2019, opposition letter and nominee materials issued by Alliance for Justice.

52. Materials identifying Alliance for Justice as an association representing approximately 130 organizations.

53. Related confirmation-era materials concerning concerns publicly raised regarding impartiality, adherence to precedent, equal treatment, civil rights, reproductive rights, LGBTQ rights, judicial philosophy, and prior judicial or public statements.

PART VII — PETITIONER'S REQUEST FOR INVESTIGATION AND IMPEACHMENT AND PUBLIC CALL FOR OTHER AFFECTED LITIGANTS TO PRESERVE AND REPORT THEIR RECORDS

54. Petitioner's October 20, 2026, Petition to Investigate and Impeach U.S. District Judge Jeffrey V. Brown.

55. Petitioner's written requests that Congress investigate Judge Brown's judicial conduct.

56. Requests for congressional hearings or other lawful oversight proceedings.

57. Requests that Congress evaluate whether impeachment proceedings are warranted.

58. Communications transmitting the investigation/impeachment petition and supporting judicial records to congressional offices.

59. Petitioner's public call asking litigants who believe they experienced similar procedural treatment before Judge Brown to preserve their court records and communicate their own experiences directly to appropriate congressional oversight authorities.

60. Emails and communications asking affected litigants to provide their own case numbers, orders, docket entries, procedural records, and first-hand accounts.

61. Proof of transmission, delivery, submission, acknowledgment, or referral associated with those communications.

SOURCE AND TRANSMISSION REGISTER

62. Final chronological Source and Transmission Register identifying, where applicable, the date, document, case number, sender, recipient, method of transmission, supporting attachments, proof of transmission, response or acknowledgment, and final Supplemental Appendix page number.

The supplemental materials are submitted to document chronology, source materials, Petitioner's allegations and requests, and the existence of particular communications. Congressional communications and advocacy materials are not offered as proof that Congress, any advocacy organization, or any other governmental body has independently verified or adopted Petitioner's allegations.