

No. _____

Supreme Court of the United States

HUA JIANG,

Petitioner,

v.

CITY OF TULSA,

Respondent.

*On Petition for Writ of Certiorari to the
U.S. Court of Appeals for the Tenth Circuit*

**APPLICATION TO THE HONORABLE NEIL M. GORSUCH,
ASSOCIATE JUSTICE AND CIRCUIT JUSTICE FOR THE
UNITED STATES COURT OF APPEALS FOR THE TENTH
CIRCUIT, FOR AN EXTENSION OF TIME WITHIN WHICH TO
FILE A PETITION FOR A WRIT OF CERTIORARI**

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To the Honorable Neil M. Gorsuch, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Tenth Circuit:

Pursuant to Supreme Court Rule 13.5, Petitioner Hua Jiang respectfully requests a 30-day extension of time to file his Petition for a Writ of Certiorari in this Court, up to and including Wednesday, November 18, 2026.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is the Order of the United States Court of Appeals for the Tenth Circuit entered on March 17, 2026, in *Jiang v. City of Tulsa*, No. 25-5097 (10th Cir. Mar. 17, 2026) (attached as Exhibit 1). Petitioner timely filed a petition for rehearing en banc, which was denied on July 20, 2026 (attached as Exhibit 2). Judges Hartz, Tymkovich, Bacharach, and Eid would have granted rehearing en banc. Judge Eid filed a dissent from the denial of rehearing en banc, joined by Judges Hartz and Tymkovich.

The current deadline within which to file a Petition for Writ of Certiorari is Monday, October 19, 2026. This application is being filed more than ten days in advance of that date.

JURISDICTION

This case arose under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e *et seq.*, and the Age Discrimination in Employment Act, 29 U.S.C. § 621 *et seq.* Specifically, Petitioner Hua Jiang sued his employer, the City of Tulsa, Oklahoma, alleging race, national origin, and age discrimination, as well as retaliation. The district court granted summary judgment to the City, applying

the burden-shifting test of *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973). The Tenth Circuit affirmed, holding that Petitioner had failed to create a genuine issue of material fact as to pretext. This Court has jurisdiction over a timely filed petition pursuant to 28 U.S.C. § 1254.

REASONS FOR GRANTING EXTENSION OF TIME

Good cause exists for the requested extension. This case presents substantial questions concerning the continued viability of the *McDonnell Douglas* framework at summary judgment in employment-discrimination cases. The Tenth Circuit affirmed summary judgment under that framework, while several judges of that court would have granted rehearing en banc. Judge Eid's dissent from the denial of rehearing en banc, joined by Judges Hartz and Tymkovich, explained that *McDonnell Douglas's* focus on pretext is especially problematic where the summary-judgment record is close enough that a jury should resolve the parties' competing explanations.

Additional time is warranted to permit counsel to prepare a petition that adequately addresses the federal question presented, the decision below, and the broader treatment of the issue in the courts of appeals. The issue is important and recurring, and careful preparation is necessary to present the question in a manner that will assist the Court in evaluating whether further review is warranted.

Counsel for Petitioner also has significant competing obligations in this Court and in other federal appellate and trial-court matters that cannot be deferred. Additional time would greatly assist counsel in preparing an effective

petition. This is Petitioner's first request for an extension of time. Petitioner is not aware of any party that would be prejudiced by the requested extension.

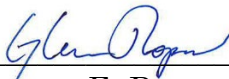
CONCLUSION

For the foregoing reasons, Petitioner respectfully requests that this Court grant a 30-day extension of time, up to and including Wednesday, November 18, 2026, within which to file a Petition for a Writ of Certiorari.

DATED: September 22, 2026.

Respectfully submitted,

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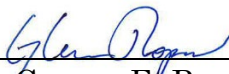
CERTIFICATE OF SERVICE

A copy of this application was served via email and U.S. Mail to counsel listed below in accordance with Supreme Court Rules 22.2 and 29.3:

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DATED: September 22, 2026.

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