

June 16, 2026

Justice Sonia Sotomayor
Circuit Justice for the Second Circuit
Supreme Court of the United States
1 First Street, NE
Washington, DC 20543

Re: Xiamin Zeng v. Chell, et al.
USCA2 No. 25-1956
No: 25A1225

Dear Justice Sotomayor:

I respectfully request an order directing the Clerk to accept my Petition for a Writ of Certiorari as timely filed. The Clerk has returned the petition three times based on the conclusion that the February 5, 2026 order triggered the Rule 13.3 ninety-day period.

I. Background

- January 15, 2026: appeal dismissed, DktEntry 55.1 (App. A to Petition)
- February 5, 2026: motion for reconsideration denied, DktEntry 60.1 (App. C to Petition)
- February 13, 2026: mandate issued, DktEntry 61.1 (App. D to Petition)
- February 23, 2026: petition for rehearing en banc filed
- March 12, 2026: motion to recall the mandate and to accept for filing the petition for rehearing en banc denied, DktEntry 65.1 (App. B to Petition)
- May 12, 2026: petition postmarked

The January 15, 2026 dismissal was followed by post-judgment motions. The last order addressing those motions was entered on March 12, 2026.

The Clerk has relied on February 5, 2026 as the Rule 13.3 trigger and calculated a May 6, 2026 deadline. The March 12, 2026 order has not been addressed in the Clerk's responses.

II. February 5, 2026 Order

The February 5, 2026 order denied a motion for reconsideration. It did not address or adjudicate any petition for rehearing. Accordingly, it cannot serve as the Rule 13.3 triggering order.

III. March 12, 2026 Order

The March 12, 2026 order denied Petitioner's motion to recall the mandate and to accept for filing the petition for rehearing en banc. It is the only post-judgment order that expressly addressed Petitioner's rehearing request.

The Clerk's May 27, 2026 letter states that the March 12, 2026 order "is not construed to be a denial of a timely filed petition for rehearing." That classification does not resolve the Rule 13.3 question presented here.

On May 11, 2026, Justice Sotomayor denied Petitioner's application for an extension of time to file a petition for a writ of certiorari. That denial addressed a separate application and did not determine which order constitutes the operative rehearing-related order under Rule 13.3.

Petitioner respectfully submits that, on this record, the March 12, 2026 order is the operative order respecting rehearing for purposes of Rule 13.3.

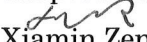
IV. Timeliness Under Rule 13.3

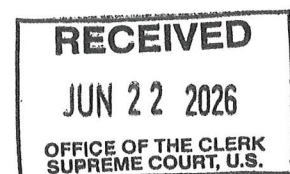
The petition was postmarked May 12, 2026. If measured from March 12, 2026, the petition was filed within the ninety-day period ending June 10, 2026. The Clerk's alternative calculation depends entirely on treating the February 5, 2026 order as a rehearing denial, which it was not.

V. Clerk's Response

The Clerk's June 9, 2026 response relies on the reasoning stated in the May 27, 2026 letter. While the Clerk's May 27 letter acknowledges the March 12 order, it merely states that the order "is not construed to be a denial of a timely filed petition for rehearing." That classification does not address whether the February 5, 2026 order—which was limited to a motion for reconsideration—can itself constitute a denial of rehearing under Rule 13.3.

Respectfully submitted,


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Enclosures: Petition for a Writ of Certiorari (original + 10 copies), \$300.00 money order for docketing fee, Certificate of Service (postmarked May 12, 2026)