26-10025

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Brian Carr,
Plaintiff-Appellant

v.

United States of America; United States Department of Justice; United States Postal Service; United States Postal Service Office of the Inspector General; United States Postal Service Board of Governors; United States Department of State; United States Department of State Inspector General; Council of the Inspectors General on Integrity and Efficiency; United States Citizenship & Immigration Services; Department of Homeland Security; Social Security Administration; United States Department of Homeland Security,

Defendant-Appellee

On Appeal from the United States District Court
for the Northern District of Texas
Dallas Division
District Court No. 3:23-CV-2875-S

UNOPPOSED MOTION FOR A SECOND LEVEL 1 EXTENSION OF TIME TO FILE APPELLEES' BRIEF

The undersigned counsel for Appellees hereby requests a seven-day extension of the deadline to file Appellee's brief in this appeal, from the current

deadline of today, October 16, 2026, to a proposed new deadline of October 23, 2026. Appellant Brian Carr does not oppose the request.

The principal reason for the requested extension is that notwithstanding the undersigned AUSA's best efforts, she has been unable to complete Appellees' brief and have it reviewed by the relevant agencies. As the Court is aware, the United States Attorney's Office for the Northern District of Texas has experienced significant attrition of Civil Assistant United States Attorneys over the past 20 months, while also experiencing a significantly heavier volume of cases. For that reason, counsel for the Appellees currently carries a case load that would usually be dispersed between three to four AUSAs while also serving as a supervisor and performing management duties for five AUSAs and three support staff members.

Aware of the above, counsel for Appellees nonetheless worked carefully to ensure adequate time to complete the brief in this case. However, opposing counsel in a large, complex, Federal Tort Claims Act case scheduled seven expert depositions for this week, which is the last of the discovery period in that case. One deposition was cancelled, but counsel for Appellees in this case is lead counsel in that case and was responsible for preparing the remaining six witnesses and defending those depositions this week. The last of the six expert dispositions was today. Additionally, due to a medical emergency of a fellow

AUSA last week, counsel for Defendant was asked to step into file an emergency response to an emergency motion for a stay in immigration habeas this past Friday and asked to prepare an emergency response in that same case before this Court. Counsel for Defendant hoped to nonetheless finalize the brief in this case by today, but despite diligence, circumstances beyond the undersigned's control combined to delay finalization of the brief in this case.

Under these circumstances, it is respectfully submitted that good cause exists for the seven-day extension requested herein, as the extension will facilitate the preparation of a thorough brief for the Court's consideration without unduly delaying these proceedings. Appellant has indicated that he is not opposed to this motion. Thus, for the reasons set forth herein, a seven-day extension of the deadline for Appellees' brief, from the current deadline of October 16, 2026, to a proposed new deadline of October 23, 2026, is hereby requested.

Respectfully submitted,

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UNITED STATES ATTORNEY

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Attorneys for Appellees

CERTIFICATE OF SERVICE

I certify that this document has been served on Appellant through the Court's ECF system on this 16th day of October, 2026, and that: (1) any required privacy redactions have been made; (2) the electronic submission is an exact copy of the paper document; and (3) the document has been scanned for viruses with the most recent version of a commercial virus scanning program and is free of viruses.

/s/ Tami C. Parker
Tami C. Parker
Assistant United States Attorney

CERTIFICATE OF COMPLIANCE

This document complies with the type-volume limit of Fed. R. App. P. 27(d)(2) because, excluding exempted portions of the document, this document contains 417 words as calculated by the word count tool in Microsoft Word.

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/s/ Tami C. Parker
Tami C. Parker
Assistant United States Attorney

CERTIFICATE OF CONFERENCE

This is to certify that I have contacted Appellant Brian Carr by email about this motion. Mr. Carr courteously agreed to a second, brief, extension of time. Thus, the motion is unopposed.

/s/ Tami C. Parker
Tami C. Parker
Assistant United States Attorney