26-10025

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

Brian P. Carr; Rujipas Lawichai; Rueangrong Carr; Tanapon Lawichai; Buakho Von Kramer.

Plaintiffs-Appellants

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; Tami C. Parker; George M. Padis; Internal Revenue Service; TIGTA

Defendants-Appellees

On Appeal from the United States District Court
for the Northern District of Texas, Dallas Division
District Court No. 3:23-cv-02875-S-BT

UNOPPOSED MOTION FOR LEAVE TO FILE APPELLEES' BRIEF OUT OF TIME

Appellees, who consist of the United States and various federal agencies and their respective offices of inspector generals, respectfully move for leave to file their brief one day out of time. In support of their motion, Appellees would show the Court as follows:

After an automatic extension due to maintenance of the Court's electronic filing system was applied to Appellees' October 23, 2026, deadline, Appellees' opening brief was due yesterday, October 26, 2026. When counsel for Appellees tried to file the brief yesterday, the Court's artificial intelligence review software indicated problems with the caption on the brief and the signature block. Appellees were offered the choice of obtaining an automatic 3-day extension of time to correct those errors, or alternatively, uploading the brief with the errors. Counsel for Appellees instead attempted to address the errors and re-upload the brief. The signature block was no longer flagged, but the system still showed errors in the caption. The system offered the same choice of an extension or to file a deficient brief. Because the undersigned tried but failed to identify the errors found by the AI software, Appellees chose the three-day extension of time and received a notice that the extension was entered.

Today, Appellees received notice from the Clerk's Office that given the prior extensions, the system should not have offered the option of a 3-day

extension of time. The brief remained due yesterday. In light of the above, Appellees respectfully move this Court for leave to file their initial brief today, October 27, 2026. Counsel for Appellees contacted Appellant Brian Carr to obtain Appellants' position on the instant motion. Mr. Carr indicated that Appellants are not opposed to the relief sought herein.

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s/ Tami C. Parker
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Attorneys for Appellees

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of October 2026, a true and correct copy of the foregoing was electronically filed with the Court's CM/ECF system, and I served all parties electronically or by another means authorized by Federal Rule of Civil Procedure 5(b)(2).

I further certify 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

1. This document complies with the type-volume limit of Fed. R. App. P. 32(a)(7)(B) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 282 words.

2. This document complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because this document has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Calisto MT font.

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