In the United States Court Of Appeals, 5th Circuit

Brian P. Carr, Rueangrong Carr, Buakhao Von Kramer, Rujipas Lawichai, and Tanapon Lawichai Appellants versus 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 Office of the Inspector General; Council of the Inspectors General on Integrity and Efficiency; United States Citizenship & Immigration Services; United States Department of Homeland Security Office of the Inspector General; Social Security Administration; Internal Revenue Service; Treasury Inspector General for Tax Administration; Tami C. Parker; and George M. Padis Appellees	Case No. **26-10025** **Emergency Verified Motion to Vacate Docket Entry 5CC126 and Correct Administrative Docket Text** Certificate of Conference – OPPOSED

Emergency Verified Motion to Vacate Docket Entry 5CC126 and Correct Administrative Docket Text

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Table of Contents: Basic Abbreviations Used

The following abbreviations are utilized throughout this document to ensure concise, clear arguments and explanations:

Abbreviation: Full Name or Phrase

5CCLR: Rules and Internal Operating Procedures of the Fifth Circuit

AUSA: Assistant United States Attorney

CFR: Code of Federal Regulations

CIGIE: Council of the Inspectors General on Integrity and Efficiency

CM/ECF or ECF: Case Management/Electronic Case Files system

DHS: Department of Homeland Security

DoJ: Department of Justice

Abbreviation: Full Name or Phrase

DoS: Department of State

FRAP: Federal Rules of Appellate Procedure

FRCP: Federal Rules of Civil Procedure

IG: Inspector General

IRS: Internal Revenue Service

LPR: Lawful Permanent Resident

MTD: Motion to Dismiss

MSJ: Motion for Summary Judgment

MTR: Motion to Reconsider

NOA: Notice of Appeal

OIG: Office of the Inspector General

PACER: Public Access to Court Electronic Records

PII: Personal Identifying Information

ROA: Electronic Record on Appeal

TIGTA: Treasury Inspector General for Tax Administration

TXND: United States District Court for the Northern District of Texas

TXNDLR: TXND Local Rules

USATXN: U.S. Attorney's Office for the Northern District of Texas

USCA5 or 5CC: United States Court of Appeals for the Fifth Circuit

USC: United States Code

USCS: United States Code Section (e.g., 18 USCS 1001)

USCIS: United States Citizenship and Immigration Services

Table of Contents: Hyperlink Usage

Understanding Hyperlinks Provided With Case / ROA Citations

To enhance readability and provide easy access to the cited material, our citations embed hyperlinks using the following conventions:

ECFdktN	Links to a copy of TXND ECF document for case 3:23-cv-02875-S where dktN represents the document number. Example: ECF10-5 links to a copy of TXND ECF case 3:23-cv-02875-S document 10-5.
5CCdktN	Links to a copy of USCA5 ECF Case No. 26-10025 where dktN represents the document number. Example: 5CC35-5 links to a copy of USCA5 ECF document 35-5, an exhibit attached to motion 5CC35-1.
ROAdktNpgNNN	A dual-link citation for documents from the Record on Appeal for Case No. 26-10025. The first portion (ROAdktN) links to the document from the TXND ECF, while the end page number (NNN) links to the document which starts at the specific page number from the USCA5 ROA file. Example: In ROA10-5pg177, ROA10-5 has a link to ECF10-5, the document 10-5 from the TXND ECF. 177 has a different link to the same document extracted from page 177 of the ROA (but none of the preceding or following documents).

Privacy Exceptions: To comply with federal privacy mandates, no hyperlinks are provided for properly sealed documents. Sealed records are referenced using the text format above, but there is no link which prevents public access to the sealed document.

Hyperlinks Included For Existing Records and Exhibits

Exhibits Not Repeated in Every Motion, Hyperlinks Offer Better Access

While it is customary in this court for every motion to have an exhibit for each referenced document, we have chosen not to clutter the court's record with multiple copies of the same exhibits. If an exhibit is already in TXND ECF we instead simple cite ECFxxx to accurately describe the document referred to and provide easy access to a copy of the document, e.g. ECF10-5 has link to an important exhibit which was provided previously.

If an adjudicator, opposing counsel, or a member of the public wishes to inspect a referenced docket entry, they can click the blue hyperlink to open the file and later easily return to the text of our argument.

I. Certificate of Emergency (5CCLR 27.3)

The undersigned pro se Appellant certifies that an emergency exists requiring expedited judicial action on this Motion prior to **25 Nov 2026**, for the following reasons:

1. **Improper Termination of Briefing Schedule:** On 18 Nov 2026, the Clerk's Office entered Document 5CC126 as "Appellant's Reply Brief Filed" and marked the reply brief deadline satisfied. This administrative action prematurely terminated the active briefing schedule based on a preliminary placeholder exhibit (CA5prelimReply.pdf) attached to Motion Document 5CC127.

2. **Impending Administrative Transfer to Merits Queue:** If Document 5CC126 is not vacated and re-docketed as an exhibit to Document 5CC127

prior to Nov 25, 2026, the appeal risks being improperly transferred to the administrative queue for merits panel assignment on an uncorrected, defective record posture.

3. **Prevention of Administrative Rework and Prejudice:** Immediate correction avoids substantial procedural confusion, unnecessary administrative rework, and severe prejudice to Appellants' due process rights.

II. Certificate of Contact / Conference Compliance

(5CCLR 27.4 & 5CCLR 27.3)

I hereby certify that on 14 Nov 2026, advance written conferral was conducted with lead counsel for Appellees, Assistant U.S. Attorney Tami C. Parker, regarding the underlying Motion for Extension of Time and the provisional nature of the tendered reply brief exhibit. Counsel for Appellees confirmed by email that Appellees **AGREE** to a 14-day extension of time, but **OPPOSE** all other procedural relief.

On 18 Nov 2026, prior to 1:00 PM CST, advance written notice of this Emergency Motion to Vacate Docket Entry **5CC126** and Correct Docket Text was transmitted via email to AUSA Tami C. Parker (tami.parker@usdoj.gov), and a telephonic conference attempt was initiated. Opposing counsel's position is recorded as **OPPOSED**.

III. Introduction and Relief Requested

Appellants respectfully move for emergency judicial review under 5CCLR 27.2

and FRAP 27(c) to set aside and vacate administrative Docket Entry **5CC126**, which improperly docketed a supporting exhibit (CA5prelimReply.pdf) as a final, standalone "Appellant's Reply Brief Filed" and marked the reply brief deadline satisfied.

Appellants request that the Court issue an order directing the Clerk's Office to:

1. **Vacate Docket Entry 5CC126** as a standalone brief and remove the notation satisfying the reply brief deadline;

2. **Re-docket Document 5CC126** as a supporting exhibit attached to Motion Document 5CC127; and

3. **Restore Motion Document 5CC127** to active judicial status for consideration of the requested extension of time through 02 Dec 2026.

IV. Disruption of Direct Electronic System Access and Notice

Appellants provide formal notice to the Court that primary Appellant Brian P. Carr's electronic filing and system access privileges within the Fifth Circuit CM/ECF system remain disabled or restricted by court administrative action. When attempting to log into the CM/ECF system, the following error notice is displayed:

> **ecf.ca5.uscourts.gov**
> *Your electronic filing privileges have been suspended or restricted. You do not have permission to file documents or access electronic case records through this account.*

As a direct consequence of this account restriction:

1. **Non-Receipt of Direct Electronic Notices:** Appellant Brian P. Carr no longer receives electronic Notices of Docket Activity (NDAs) directly from the Court's automated system. The Notice of Docket Activity for Document 5CC126 explicitly confirms: NOTICE WILL BE DELIVERED BY OTHER MEANS TO: Mr. Brian P. Carr, 1201 Brady Drive, Irving, TX 75061.

2. **Reliance on Co-Appellant Notice Forwarding:** Appellants only became aware of the erroneous docketing of Document 5CC126 and Document 5CC127 on the morning of 18 Nov 2026, when co-appellant Buakhao Von Kramer received the electronic NDA emails (buakhaovonkramer@gmail.com) and forwarded them to Appellant Brian P. Carr.

3. **Necessity of Email Submissions:** Because CM/ECF login access is disabled, Appellants must transmit all filings via the Court's designated pro se email unit (Pro_se@ca5.uscourts.gov), which limits each submission to a single primary document and one attached exhibit.

V. Procedural Background and Clerical Errors

On Nov 17, 2026, Appellants electronically submitted two distinct filings via the Court's pro se filing email unit:

1. **Primary Submission (8:54 PM):** Verified Motion for Judicial Review, Non-Standard Extension of Time, and Leave to File Reply Brief Under Protest (CA5mtnReplyExtension.pdf).

2. **Exhibit Submission (9:03 PM):** Supporting exhibit (CA5prelimReply.pdf), explicitly designated in the transmittal email as a separate supporting exhibit

and provisional placeholder reply brief.

On Nov 18, 2026, the Clerk's Office entered these filings on the docket with significant clerical errors:

- **Document 5CC126:** The standalone exhibit (CA5prelimReply.pdf) was mischaracterized and docketed directly as "Appellant's Reply Brief Filed," satisfying the reply brief deadline and closing the briefing schedule.
- **Document 5CC127:** The primary motion (CA5mtnReplyExtension.pdf) was subsequently docketed as an "Opposed Motion to extend time to file reply brief," completely severed from its supporting exhibit.

VI. Grounds for Relief

1. **Mischaracterization of Motion Exhibit:** Docketing CA5prelimReply.pdf as a final, standalone Reply Brief (Document 5CC126) directly contradicts the transmittal instructions and the face of the document, which explicitly states it is submitted as an exhibit to the pending Motion for Extension of Time.
2. **Premature Closing of Briefing Schedule:** By marking the reply brief deadline satisfied via Document 5CC126, the Clerk's Office administratively mooted the core relief requested in Document 5CC127 prior to judicial review by the Court.
3. **Requirement for Orderly Record:** Administrative docket entries must accurately reflect the intent and character of party filings. Correcting the docket text ensures the panel receives the motion and supporting exhibit in their proper procedural posture.

VII. Relief Sought

Appellants respectfully ask that the Court grant the following emergency relief prior to **25 Nov 2026**:

1. **Vacate Docket Entry 5CC126:** Set aside the designation of Document 5CC126 as a final "Appellant's Reply Brief Filed" and remove the notation satisfying the reply brief deadline.

2. **Re-docket Document 5CC126 as Exhibit to Document 5CC127:** Correct the docket text to reflect Document 5CC126 as a supporting exhibit attached to Motion Document 5CC127.

3. **Restore Motion Status:** Restore Document 5CC127 to active status for judicial consideration regarding the requested extension of time and procedural relief.

Respectfully Submitted,

Verification of Motion

I, the undersigned appellant, hereby affirm under penalty of perjury in both the United States and Thailand that:

1. I have reviewed the above motion and certifications below and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered to remove sensitive personal information according to normal redaction procedures.

I hereby reaffirm that the above is true to the best of my knowledge under penalty

of perjury in both the United States and Thailand.

/s *Brian P. Carr*

_____

Brian P. Carr
1201 Brady Dr
Irving, TX 75061
Date: 18 Nov 2026
Location: Irving, TX

Other Signatories

/s *Air Carr*

_____

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061

Date: 19 Aug 2025
Location: Irving, TX

/s *Buakhao Von Kramer*

_____

Buakhao Von Kramer
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND
Date: 20 Aug 2025
Location: Bangkok, Thailand

/s *Rujipas Lawichai*

_____

Rujipas Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand
Date: 20 Apr 2026
Location: Phuket, Thailand

/s *Tanapon Lawichai*

_____

Tanapon Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand
Date: 21 Apr 2026
Location: Lopburi, Thailand

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Certificate of Counsel / Pro Se Party

The undersigned hereby certifies under penalty of perjury:

1. Certificate Of Interested Persons

The following listed persons and entities as described in 5CCLR 28.2.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal:

1. Brian P. Carr, Appellant
2. Rueangrong Carr, Appellant
3. Buakhao Von Kramer, Appellant
4. Tanapon Lawichai, potential Appellant
5. Rujipas Lawichai, potential Appellant
6. United States of America, et al., App appellees
7. Tami C. Parker, Counsel for Appellees with appealed motion for Sanctions, potential Appellee

8. George Monroe Padis, previous Counsel for Appellees with appealed motion for Sanctions, potential Appellee
9. TXDN Magistrate Rebecca Ann Rutherford with misconduct complaint and motion to recuse, potential Appellee
10. TXDN Judge Karen Gren Scholer with misconduct complaint and motion to recuse, potential Appellee

2. Certificate of Contact / Conference Compliance

In compliance with 5CCLR 27.4, I contacted AUSA Parker via email concerning this motion and AUSA Parker stated via email on 9 Sep 22 that:

> Defendants oppose an emergency motion for panel reconsideration. We do not oppose some of the relief sought in the motion, namely any correction of the record that is needed.

As such, appellees / defendants are considered to be OPPOSED to this motion.

3. FRAP 32(g)(1) Length Compliance

This motion complies with the type-volume limitation of FRAP 27(d)(2)(A) because, excluding the parts of the document exempted by FRAP 32(f), this document contains 972 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software[1].

1. FRAP 32(a)(5) Typeface Compliance

This document complies with the typeface requirement of FRAP 32(a)(5) and the type-style requirements of FRAP 32(a)(6) because this document has been prepared in a proportionally spaced typeface using LibreOffice Writer using Times New Roman (14-point).

2. Certification Of Electronic Signatures

In accordance with 5CCLR 25.2.10 which states:

> 25.2.10 Signatures… Documents which require more than one party's

1 LibreOffice Writer was used to count the works in the selected section below the Table of Contents but above the first signature block. The certified word count was accurate on 18 Sep 2026 at 1:30PM.

> signature must be filed electronically by... showing the consent of the other parties on the document; or any other manner approved by the court.

I hereby certify that I did indeed receive the consent of the other parties to include their signatures on this document.

3. FRAP 25(b) Service

On the recorded date of this document, I electronically submitted the foregoing document with the clerk of 5th Circuit United States Court Of Appeals using the electronic case filing system (ECF) of the court. I also hereby certify that on this same date no copies were served via U.S. mail as all parties in this matter are enrolled in the court's electronic case filing (and service) system.

/s *Brian P. Carr*

_____

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 18 Nov 2026
Location: Irving, TX

EXHIBIT 1: Chronological Email Transmission Record With

Email File Transmissions and

Clerk Docket Notices

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1. Email 1: Submission of Verified Motion to Pro Se Unit

- **Date:** 17 Nov 2026 20:54:51 -06:00
- **From:** Brian Carr carrbp@gmail.com
- **To:** Pro_se@ca5.uscourts.gov
- **CC:** "Parker, Tami (USATXN)" tami.parker@usdoj.gov
- **Subject:** Ref: 26-10025 Verified Motion for 1 Judicial Review 2 Non Standard Extension of Time and 3 Leave to File Reply Brief Under Protest

Dear Sir / Madam:

Attached is my Verified Motion for 1 Judicial Review 2 Non Standard Extension of Time and 3 Leave to File Reply Brief Under Protest.

The proposed docket text (if I could file it directly) is:

> CA5mtnReplyExtension.pdf is Verified Motion for 1 Judicial Review 2 Non Standard Extension of Time and 3 Leave to File Reply Brief Under Protest

Thanks for your help with this. If this motion is promptly filed (hopefully by tomorrow's deadline) that would be awesome. The attachment will follow in the next email. It will have similar explanation and docket text.

Have a great day!

Brian

P.S. My pro se handbook says that I can attach a single exhibit to this motion in a separate exhibit. That will come soon. :-)

2. Email 2: Submission of Supporting Exhibit to Pro Se Unit

- **Date:** 17 Nov 2026 21:03:56 -06:00
- **From:** Brian Carr carrbp@gmail.com
- **To:** Pro_se@ca5.uscourts.gov
- **CC:** "Parker, Tami (USATXN)" tami.parker@usdoj.gov
- **Subject:** Ref: 26-10025 the exhibit for Motion for Judicial Review and Non Standard Extension of Time

Dear Sir / Madam:

Attached is the exhibit for Motion for Judicial Review and Non Standard Extension of Time. It is the intended attachment for CA5mtnReplyExtension.pdf, the 'Verified Motion for 1 Judicial Review 2 Non Standard Extension of Time and 3 Leave to File Reply Brief Under Protest' which was just sent.

The proposed docket text (if I could file it directly) is:

> CA5prelimReply.pdf is the exhibit for Motion for Judicial Review and Non Standard Extension of Time

Thanks for your help with this. If this attachment is promptly filed as an exhibit (not reply brief), hopefully by tomorrow's deadline, that would be awesome.

Have a great day!

Brian

P.S. My pro se handbook says that I can attach a single exhibit to the motion in a separate exhibit. This is it. :-)

3. Notice 1: Docket Activity for Appellant/Petitioner Reply Brief Filed

- **Date:** Wed, 18 Nov 2026 08:33:10 -0600 (CST)
- **From:** cmecf_caseprocessing@ca5.uscourts.gov
- **To:** buakhaovonkramer@gmail.com
- **Subject:** 26-10025 Carr v. USA "Appellant/Petitioner Reply Brief Filed"

United States Court of Appeals for the Fifth Circuit Notice of Docket Activity

The following transaction was entered on 11/18/2026 at 8:32:54 AM Central Standard Time and filed on 11/17/2026

Case Name: Carr v. USA Case Number: 26-10025 Document(s): Document(s)

Docket Text: APPELLANT'S REPLY BRIEF FILED by Mr. Brian P. Carr, Mrs. Rueangrong Carr, Mr. Rujipas Lawichai, Mr. Tanapon Lawichai and Mrs. Buakhao Von Kramer.

Reply Brief deadline satisfied [26-10025] (RLJ)

Notice will be electronically mailed to:
Mrs. Rueangrong Carr: airpk1961@gmail.com, rueangrong.carr@gmail.com
Mr. Rujipas Lawichai: lawichai.rujipas@gmail.com, rujipas.forex@gmail.com
Mr. Tanapon Lawichai: Lawichai.Tanapon@gmail.com, brianpcarr@recap.email, earthz-ty@hotmail.com
Mr. George M. Padis: george.padis@sbaitilaw.com, tina.lawson@sbaitilaw.com, krj@sbaitilaw.com, efile@sbaitilaw.com, brandy.modin@sbaitilaw.com, hayley.davis@sbaitilaw.com
Ms. Tami C. Parker, Assistant U.S. Attorney: tami.parker@usdoj.gov, george.padis@usdoj.gov, brian.stoltz@usdoj.gov, carin.watson@usdoj.gov

Mrs. Buakhao Von Kramer: buakhaovonkramer@gmail.com, incredible_000@hotmail.com

NOTICE WILL BE DELIVERED BY OTHER MEANS TO:
Mr. Brian P. Carr
1201 Brady Drive
Irving, TX 75061

The following document(s) are associated with this transaction: Document Description: Appellant/Petitioner Reply Brief Filed Original Filename: 26-10025_Motions $Document is CA5prelimReply$ Doc Number #01.pdf

Electronic Document Stamp: [STAMP acecfStamp_ID=1105048708 [Date=11/17/2026] [FileNumber=10984336-0] [048f4b10afe3c675a0bf670662aa4fec63321bbb01c2852af631a87878a5e93b52692a5f59a58175e0833055e77f0b3ed63e313f11f114f688ef136112b8ac86]]

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4. **Notice 2: Docket Activity for Opposed Motion Filed to Extend Time**

- **Date:** Wed, 18 Nov 2026 08:41:03 -0600 (CST)
- **From:** cmecf_caseprocessing@ca5.uscourts.gov
- **To:** buakhaovonkramer@gmail.com
- **Subject:** 26-10025 Carr v. USA "Motion Filed on Behalf of Party extend time to file reply brief"

United States Court of Appeals for the Fifth Circuit Notice of Docket Activity

The following transaction was entered on 11/18/2026 at 8:40:52 AM Central Standard Time and filed on 11/17/2026

Case Name: Carr v. USA Case Number: 26-10025 Document(s): Document(s)

Docket Text: OPPOSED MOTION filed by Appellants Mr. Brian P. Carr, Mrs.

Rueangrong Carr, Mr. Rujipas Lawichai, Mr. Tanapon Lawichai and Mrs. Buakhao Von Kramer to extend time to file reply brief until 12/02/2026 [127], for expedited ruling on motion for reconsideration [119] [127]. Date of service: 11/17/2026 [26-10025] (RLJ)

Notice will be electronically mailed to:
Mrs. Rueangrong Carr: airpk1961@gmail.com, rueangrong.carr@gmail.com
Mr. Rujipas Lawichai: lawichai.rujipas@gmail.com, rujipas.forex@gmail.com
Mr. Tanapon Lawichai: Lawichai.Tanapon@gmail.com, brianpcarr@recap.email, earthz-ty@hotmail.com
Mr. George M. Padis: george.padis@sbaitilaw.com, tina.lawson@sbaitilaw.com, krj@sbaitilaw.com, efile@sbaitilaw.com, brandy.modin@sbaitilaw.com, hayley.davis@sbaitilaw.com
Ms. Tami C. Parker, Assistant U.S. Attorney: tami.parker@usdoj.gov, george.padis@usdoj.gov, brian.stoltz@usdoj.gov, carin.watson@usdoj.gov
Mrs. Buakhao Von Kramer: buakhaovonkramer@gmail.com, incredible_000@hotmail.com

The following document(s) are associated with this transaction: Document Description: Motion Filed on Behalf of Party Original Filename: 26-10025_Motions.pdf

Electronic Document Stamp: [STAMP acecfStamp_ID=1105048708 [Date=11/17/2026] [FileNumber=10984354-0] [79653ea7c0746fbb8177b845400e5430b9147bf7c6393b94e2716eb01c9d4ea08944a7556bb059281f6221d8b96510530ce26bbdb5c2fa4ec25737258a6b9298]]