

In the United States Court Of Appeals, 5th Circuit

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer we versus United States, US Department of Justice, USPS, USPS OIG, USPS BoG, US CIGIE, Department of State, Department of State OIG, USCIS, DHS OIG, and SSA Appellees</p>	<p>Case No. 26-10025</p> <p>Consolidated Verified¹ Motions to:</p> <ul style="list-style-type: none"> • Re-Open the Appeal and Refer to a Three-Judge Panel • Compel Action and Supplement the ROA <p>Certificate of Conference – OPPOSED²</p>
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**Consolidated Verified Motions to
Re-Open the Appeal and Refer to a Three-Judge Panel
Compel Action and
Supplement the ROA**

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Abbreviations Used in This Document

Basic Abbreviations Used

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

- 5CCLR: Rules and Internal Operating Procedures of the Fifth Circuit
- AUSA: Assistant United States Attorney
- CFR: Code of Federal Regulations
- CM/ECF or ECF: Case Management/Electronic Case Files system
- DoJ: Department of Justice
- FRAP: Federal Rules of Appellate Procedure
- FRCP: Federal Rules of Civil Procedure
- LPR: Lawful Permanent Resident
- MTR: Motion to Reconsider
- NOA: Notice of Appeal
- PACER: Public Access to Court Electronic Records
- PII: Personal Identifying Information
- ROA: Electronic Record on Appeal
- TXND: United States District Court for the Northern District of Texas
- 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

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.

Existing Records and Decisions Are Not Attached as Exhibits

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 simply 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.

Eleven Exhibits Added to the Record With This Motion

[Exhibit A](#)

5CCemailDallasAppeals.pdf or [ECF100-1](#), email thread from TXNDml_Dallas Appeals <dallas_appeals@txnd.uscourts.gov> with email on 15 Apr 26 with ROA docket sheet which shows [ECF20](#) and [ECF67](#) sealed. Later email also notes TXND court unsealed ECF29 and ECF67 on 21 May 2026 with 'The judge has instructed the clerk's office to remove the restrictions on document numbers 20 and 67, as no order to seal those documents was ever filed.'

[Exhibit B](#)

[ECF97](#) Motion To Strike ECF20-1 and ECF67-13 because the court unsealed [ECF20](#) and [ECF67](#) on 29 May 2025 as there were no court orders to seal

Exhibit C

[ECF98](#) 1 Jun 2027 ELECTRONIC ORDER denying [97] Motion to Strike ; terminating [97] Motion to Expedite. To the extent Plaintiff seeks to shield records from public view, he has not satisfied the standard for sealing materials filed with the Court. See [Le v. Exeter Fin. Corp., 990 F.3d 410, 417 \(5th Cir. 2021\)](#); see also [June Med. Servs., L.L.C. v. Phillips, 22 F.4th 512, 519-21 \(5th Cir. 2022\)](#). To seal materials filed with the Court, Plaintiff must file a motion that: (1) clearly identify what information is to be sealed (e.g., page number, lines, etc.) as to each document; (2) brief why the risks of disclosure outweigh the public's common law right of access as to each document; and (3) demonstrate why no other viable alternative to sealing exists as to each document. He must also provide a proposed public version of each document. (Ordered by Magistrate Judge Rebecca Rutherford on 6/1/2026) (Magistrate Judge Rebecca Rutherford)

Exhibit D

[ECF100](#) [FRCP 72\(a\)](#) Objections to Denial of Motion to Strike ECF20-1 and ECF67-13

Exhibit E

[ECF101](#) Motion for process corrections so that requests to seal or strike documents can be processed reliably and efficiently.

Exhibit F

[ECF100-2](#) public view of ECF docket on 10 Jun 2026

Exhibit G

[ECF100-3](#) Pacer transaction sheet for public user to retrieve ECF67-13

Exhibit H

[ECF100-4](#) Pacer transaction sheet for public user to retrieve ECF20-1

Exhibit I

[5CC32DU](#) is an email from USCA5 ECF which amends [5CC32](#) from UNOPPOSED to OPPOSED, 'Amended 06/02/2026 14:43:52: Notice of Docket Activity'

Exhibit J

[5CC33Ntc](#) is an email from USCA5 ECF notifying and providing access to [5CC33-1](#), an order dismissing the appeal with 'The following transaction was entered on 06/02/2026 at 2:45:54 PM Central Daylight Time and filed on 06/02/2026'

Exhibit K

[5CC42Ntc](#) is an email from USCA5 ECF notifying and providing access to [5CC42](#), CLERK ORDER denying Motion to amend record on appeal filed by Appellant Mr. Brian P. Carr [32]; denying Motion for reconsideration filed by Appellant Mr. Brian P. Carr [37]; denying Motion to suspend briefing notice filed by Appellant Mr. Brian P. Carr [37]; denying Motion for expedited ruling on motion filed by Appellant Mr. Brian P. Carr [37]

I. Introduction

We are requesting that a panel of judges review the decisions and orders of the clerks in this matter to reopen the appeal and resolve critical issues so that the appeal can be properly submitted.

1. Order [5CC33-1](#) Dismissing Appeal Violated [5CCLR 42.3.1.2](#)

On 2 Jun 2026 the clerk issued an order [5CC33-1](#) which dismissed this appeal in explicit violation of [5CCLR 42.3.1.2](#) as there was no notice required for 'Appeals without Counsel'. Of course we are primarily seeking reversal of this dismissal.

2. Several Issues Had Prevented Submission of Appeal Brief

The clerks had endeavored to resolve straight forward issues but several issues simply were not resolvable by procedural decisions, they required careful and nuanced review by the court. The clerks left these matters as 'No action taken at

this time’ in three cases and simply denied without explanation in two cases.

Each of these outstanding issues concerned corrections to the ROA, substantial adjustments to the captions, and tolling the time for brief submission until those issues could be resolved.

This court is asked to vacate the improper dismissal of the appeal but also resolve the pending ROA and caption issues so that the brief schedule can be set and this appeal can proceed promptly.

3. New Issue Sealing Documents ECF20-1, ECF67-13 with Unredacted PII

A. After NOA Improper Sealing of Documents Became an Issue

As I reviewed the ROA I observed that two large groups of documents, [ROA20pgSealed](#) and [ROA67pgSealed](#), were sealed without any notice to the parties or any order from the court. As I tried to unseal these documents (133 pages and 25 documents) I also wanted to retain the seal on ECF20-1, ECF67-13 with unredacted PII in violation of [FRCP 5.2](#). However, the court unsealed [ROA20pgSealed](#) and [ROA67pgSealed](#) and has refused to restore the original seals which I had requested. At this time those two documents are available to public access in TXND ECF.

B. Does USCA5 Advocacy of Public Access Override Congress PII

Supplement to ROA Requested To Permit USCA5 Ruling on Question

I have argued that the widely cited USCA5 advocacy of public access balancing parties’ desire for privacy is constrained in the case of PII specified in [FRCP 5.2](#). In case of [FRCP 5.2](#) PII, Congress and the Supreme Court have made it very clear that other than the last four digits of social security numbers and the year of birth,

the public's right to access is overridden by the individual's right to privacy.

Surprisingly, TXND has disagreed and has persisted in maintaining public access to ECF20-1, ECF67-13 even though there are completely adequate replacement documents [ROA24-1pg573](#) and [ROA69-1pg1571](#). There are pending Objections and this court is asked to order that TXND submit a supplement to the ROA with the decision of the TXND court in this matter.

4. Follow On Motions Requested for Consideration

A. Numerous Process Errors Suggest Process Improvements for USCA5

It is obvious that USCA5 is struggling with an overwhelming workload but the efforts to improve the process have been ineffective, even counter productive. Too much time is spent fixing errors (rework) rather identifying the source of the error and fixing the process which produced the error. In many cases it is well understood that rework is far more expensive than fixing the process so that the errors don't occur in the first place.

It is anticipated that the motion with suggested process improvements will be fully briefed well before this motion to vacate is assigned to a panel and the panel / court is asked consider these suggestions at first for this matter exclusively but if they are deemed useful they could be considered by the USCA5 en banc.

B. Some Errors May Be Caused By Malfeasance, Criminal Violations

Appropriate Investigations into Misconduct Suggested

This is an unusual case with apparent efforts by federal agencies to conceal violations of clear and specific statutes and even criminal violations. It also appears that DoJ assisted in concealing these problems. Even more surprising is

that TXND may have colluded with DoJ in concealing these violations.

In this matter clerks from both courts appear to have colluded to get this appeal dismissed which is most surprising. However, as clerks don't generally go beyond executing the orders of the court, it suggests that there could be illegal orders prompting the erroneous behavior. Illegal orders necessitates trained investigators who can comfortably trade immunity from prosecution for worthwhile testimony. The USCA5 Judicial Council may need to refer the matter to other agencies for proper resolution.

Several exhibits are attached to this motion to thoroughly document actions of the clerks which could well be sanctionable and even criminal violations. The court is asked for permission under [FRAP 10\(e\)](#) to prepare a supplement to the ROA with these clerk emails to "conform the record to the truth" including the exhibits in prior motions which are all supported by affirmations (in a verified brief).

C. Court Asked to Consider These Motions While Resolving Appeal Issues

It is likely that the two follow on motions will be fully briefed before the panel is assigned and the court is asked to consider these two motions in conjunction with these consolidated motions as they deal with the same subject matter and judicial efficiency would be improved by resolving such closely related matters with the same panel.

II. Legal Authority

1. Authority to Re-Open the Appeal and Refer to a Three-Judge Panel

- The Clerk of Court lacks the statutory or regulatory authority to enter a

dispositive order dismissing an appeal while substantive, non-frivolous motions remain pending judicial review. Under [5CCLR 27.1](#), the Clerk's authority is strictly ministerial and confined to unopposed, routine, or non-dispositive procedural matters.

- [FRAP 27](#)(c) governs the power of a single judge, explicitly mandating that "a single judge may not dismiss or otherwise determine an appeal." By logical extension, the Clerk cannot exercise a power denied to a single circuit judge to enforce an administrative dismissal where a pro se party has pending motions requiring judicial intervention.
- The Clerk's administrative dismissal under [5CCLR 42.3.1.2](#) ("Appeals Without Counsel") was executed without the mandatory condition precedent of prior warning and explicit notice. Further, because we had filed a timely motion to toll the briefing schedule, [5CC25](#) redocketed as [5CC27-1](#), an action requiring explicit judicial review under [FRAP 27](#) - no default existed to trigger an administrative dismissal for want of prosecution.
- In [5CCLR 27.2](#), any action taken by a single judge or the Clerk that disposes of or substantively eliminates a party's substantial appellate rights is subject to de novo review by a three-judge panel.

2. Authority to Compel Action on Pending Motions

- A federal court possesses inherent supervisory power to manage its own docket to ensure the fair administration of justice. The Clerk of Court cannot create an indefinite procedural bottleneck or engineer a de facto dismissal by refusing to submit fully briefed, timely motions to a judicial panel for a decision on the merits.
- Under [FRAP 45](#), the Clerk's office is bound to execute clear, non-discretionary duties. When the Clerk marks validly filed substantive motions

as "No Action Taken" (such as [5CC14-1](#) and [5CC27-1](#)), they actively withhold mandatory ministerial performance, stalling the appellate process.

- The All Writs Act, [28 USCS 1651](#), provides that federal courts may issue all writs necessary or appropriate in aid of their respective jurisdictions. This Court maintains absolute authority to compel its ministerial officers to perform their duties and clear the docket by submitting all pending, unacted-upon motions to a three-judge panel.

3. Authority to Supplement the Record on Appeal and Seal Sensitive PII

- [FRAP 10\(e\)\(2\)](#) explicitly empowers the Court of Appeals to correct, modify, or supplement the Record on Appeal (ROA) when material items are omitted or misstated by error or accident. This Rule provides the explicit authority to remedy the garbled font rendering in Volume 4 (affecting [ECF10-9](#) and [ECF16-1](#)) to ensure the appellate record accurately reflects the district court proceedings and allows meaningful pro se review.
- Congressional privacy mandates completely override judicial preferences for public access. [FRAP 25\(a\)\(5\)](#) explicitly incorporates the privacy protections of [FRCP 5.2](#), creating a mandatory, non-discretionary obligation to protect sensitive PII (including date of birth and Social Security numbers) from public exposure on the electronic docket.
- The Clerk's reliance on temporary "clerk seals" placed on parent documents ([ECF20](#) and [ECF67](#)) failed to legally protect the underlying exhibits. Because the district court subsequently unsealed those parent filings, the unredacted PII in ECF20-1 and ECF67-13 became exposed to the public. This Court has the absolute authority and statutory duty to enter a permanent judicial order sealing ECF20-1 and ECF67-13, and substituting them with the verified, redacted replacement exhibits [ECF24-1](#) and [ECF69-1](#).

III. Background and Chronology of Motions and Filings

The procedural history of this case reveals a series of uncoordinated administrative actions which resulted in the unsealing of ECF20-1 and ECF67-13 with unredacted Personal Identifying Information (PII) which is available for public access.

The procedural history also shows clerks dismissal of this appeal without any regard to the USCA5 local rules which provide several protections against unwarranted dismissals. The court is asked to correct the varied and several clerical errors.

1. The Initial Exposure of ECF20-1

I filed [ECF20](#) on 5 Apr 2024 with an exhibit ECF20-1 with a redacted picture of my wife's green card. I redacted the alien number and her birth date (leaving the birth year visible). The primary information of interest was expiration date of 13 Nov 2020 which was important as USCIS later left my wife with no documentation of her permanent resident status.

2. Clerk Temporarily Seals [ECF20](#)

However, I later observed on 19 Apr 2024 that the green card also had her birth date in a copy protection section (barely legible). I called the court clerk's office who initially sealed the parent document [ECF20](#) temporarily and assured me that when my motion to seal permanently was processed, only ECF20-1 would be sealed.

3. Motion to Correct ECF24, The Attempted Correction with ECF24-1

I filed a Motion to Seal and Substitute [ECF24](#) in a rush (on 19 Apr 2025 within a few hours of my discovering the exposed PII) to replace the improperly redacted card with a fully redacted version [ECF24-1](#). Admittedly the caption for the motion

was not clear but the text of the motion was clear.

4. [ECF24](#) Misunderstood By Court

Temporary Seal Becomes Permanent [ECF26](#)

The court issued an order [ECF26](#) on 22 Apr 2024 that ignored the sealing issue altogether with:

DENIES as moot... their Motion to Correct Typographical Errors (ECF No. 24)

which had the effect making the seal on [ECF20](#) permanent (at least until the matter was appealed and it was discovered that there was no court order to seal [ECF20](#)) and no order to seal ECF20-1 with its unredacted PII. This was contrary to what the clerk had explained to me when I called originally.

5. The Initial Exposure of ECF67-13

I filed [ECF67](#) on 7 Apr 2025 and it was accompanied with 21 attachments and totaled 125 pages. [ECF67](#) was a time critical [FRCP 60](#) Motion to preserve the right of appeal and was prepared in a rush. One of the 21 attachments was not properly reviewed for PII by mistake (I thought I reviewed it, but must have reviewed another twice).

6. Clerk Temporarily Seals [ECF67](#)

ECF67-13 was an IRS appeal letter and contained an unredacted social security number and upon seeing the error I called the clerk on 18 Apr 2025. The clerk put a temporary seal on [ECF67](#) and explained that when my motion was resolved it would be unsealed and ECF67-13 would instead be sealed.

7. Motion to Correct [ECF69](#), The Attempted Correction with [ECF69-1](#)

I filed a Motion Restricting Unredacted Document [ECF69](#) on 19 Apr 2025 which

was prepared in hours but which was 'UNOPPOSED' and clearly asked that ECF67-13 be sealed as it contained unredacted PII.

8. [ECF69](#) Misunderstood By Court

Temporary Seal Becomes Permanent [ECF89](#)

The court issued an order [ECF89](#) on 5 Nov 2025 that again ignored the sealing issue altogether with:

granting ... leave to file redacted documents for public access, his motion is granted

but ignored the actual relief requested in [ECF69](#) of:

court to direct the clerk to permanently lock ECF 67-13

which had the effect making the seal on [ECF67](#) permanent (at least until the matter was appealed and it was discovered that there was no court order to seal [ECF67](#)) and no order to seal ECF67-13 with its unredacted PII. This was contrary to what the clerk had explained to me when I called originally.

9. USCA5 Clerk Ignores USCA5 Policies, Takes No Action on [5CC14-1](#)

USCA5 Docket Notice [5CC6](#) Suggests Prophylactic Motions to Seal

[5CC6](#) docketing notice explained about the USCA5 policy of unsealing documents during [FRAP 10\(e\)](#) processing with strong concerns about maintaining public access. The clerk initially assigned [5CC14-1](#) as 'no action taken' essentially deferring action indefinitely and denying any proper resolution. The clerk apparently observed that there were two seals in place [ROA20pgSealed](#) and [ROA67pgSealed](#).

However, the clerk likely did not notice that there were no orders supporting those

seals and that [FRAP 10\(e\)](#) processing would likely overturn the broad and ill considered seals leaving the specific documents ECF20-1 and ECF67-13 exposed to the public in violation of [FRCP 5.2](#) and [FRAP 25\(a\)\(5\)](#).

Considering USCA5 policy of unsealing broad and ill considered seals and Congress and the Supreme Court's clear dictates concerning privacy protection in [FRCP 5.2](#) and [FRAP 25 \(a\)\(5\)](#), the clerk should have issued a prophylactic order sealing the specific documents ECF20-1 and ECF67-13 in both the ROA and TXND ECF. There is no conceptual problem with having multiple orders sealing specific documents as long as the docket entry clearly notes the supporting order. If an unsupported seal is removed, any clearly supported seals must remain.

10. [5CC26](#) Motion to Correct Garbled Records in ROA on 13 May 2026

A. ROA Shows That [ECF20](#) and [ECF67](#) Improperly Sealed

On analyzing the ROA I found that there were several errors in the ROA. On 28 Apr 2026 I contacted several TXND clerks inquiring about what policies and mistakes permitted the error of having [ECF20](#) and [ECF67](#) sealed without any court order.

I also asked about what written orders, rules and procedures governed these actions by the clerks (and requested a copy of any such documents), [Exhibit A](#). In the Motion to Correct Garbled Records [5CC26](#) on 13 May 2025, I explained that another motion was pending to correct the improper sealing of [ROA20pgSealed](#) and [ROA67pgSealed](#) which had been sealed 'temporarily' by the clerks without any court direction and no court order concerning the sealing of documents documents with unredacted PII, ECF20-1 and ECF67-13.

B. [5CC26](#) Identifies Illegible Records in the ROA, [ECF10-9](#), [ECF16-1 vol-692973_Part4.pdf](#) pages 9-11 contains an illegible copy of [ECF10-9](#) (possible font assignment problems) which is a common problem when PDF files are combined and then updated. However such errors make it impossible to submit an appeal as critical records are not accessible to us for citation due to the tedious and unreliable process to producing volumes. The garbled records are most easily recognized in [ROA10-9pg182](#).³

Similarly, [vol-692973_Part4.pdf](#) pages 144-148 text is garbled (possible font assignment problems) and does not match [ECF16-1](#) which is pages 294-298 in ECF. This is most easily verified with the links in [ROA16-1pg182](#). The legible documents were attached as [5CC37-3](#) and [5CC37-5](#) and the illegible ROA documents were attached as [5CC37-4](#) and [5CC37-6](#).

Each of these exhibits were critical exhibits in demonstrating the cause of action for the specific relief they related to.

The suggested relief was a small supplement to the ROA with just those portions of the ROA which had been garbled in the volumes of the ROA transmitted to us. Of course a better solution is to simply grant us (and all other pro se parties with electronic filing abilities) access to the electronic ROA provided to attorneys as described in [5CC15](#).

11. Court Unseals [ECF20](#) and [ECF67](#) Without Notice

It appears that Chief Deputy of Operations Colt Fisher met with Magistrate

³ The actual [5CC26](#) motion incorrectly cited [ECF10-10](#) which was not mangled. However, [5CC36-2](#) corrected this error. It does demonstrate the tedious nature of analyzing ROA as transmitted to pro se parties.

Rutherford on 19 May 2026 and they may have discussed the concerns I had raised in the emails ([Exhibit A](#)). However, the result is clear, after over a year of ignoring this problem, on 19 May 2026 the court verbally ordered that [ECF20](#) and [ECF67](#) be unsealed without any correction of sealing ECF20-1 and ECF67-13 which contained unredacted PII as discussed in the preceding motions and email discussions.

12. ECF Provides Public Access to Documents With Unredacted PII

On 10 Jun 2026 I confirmed that the documents with unredacted PII were accessible on Pacer due to the courts order. See [Exhibit F](#) the docket of 10 Jun 2026 from a Pacer Login unrelated to this case which shows public access to ECF20-1 and ECF67-13. [Exhibit G](#) and [Exhibit H](#) are the Pacer Transaction Receipts for public access to ECF67-13 and ECF20-1. The files were indeed provided with unredacted PII and saved in a 'locked' archive along with their sister 'free look' documents.

13. [5CC31](#) Clerk Denial of Motion to Correct Garbled Records [5CC26](#)

On 21 May 2026 the Clerk Denied our Motion to Correct Garbled Records [5CC26](#) without any explanation. In retrospect, the clerk was probably aware of TXND's plan to introduce an unauthorized (a.k.a. fake) ROA which attempted to correct the garbled records⁴ and which was sent to me on 28 May 2026 without any authorization or approval of the USCA5.

It altered the ROA page numbers and, as it was not certified, any references to this counterfeit ROA would be incomprehensible to USCA5. Any appeal relying on this fake ROA would be stricken as the page references would be nonsense.

⁴ [ECF16-1](#) was fixed in [vol-702883_Part4.pdf](#) page 1, but [ECF10-9](#) remained garbled in [vol-702883_Part3.pdf](#) page 42.

14. TXND Creates Unauthorized (Counterfeit) ROA with Unredacted PII

On 28 May 2026 TXND court created an unauthorized ROA (and contrary to my requests in [Exhibit A](#)) which were sent to me via email (see [5CC37-2](#) and [5CC37-3](#)) though it is doubtful that this unauthorized ROA was ever sent to USCA5 as there was never any certification of the transmission to USCA5 as in [5CC15](#). The unauthorized ROA likely was an artifact only for pro se parties who were denied access to the actual ROA on USCA5 ECF (as described in [5CC15](#)).

It is clear in the docket for this unauthorized ROA ([DocketSheet-107860.pdf](#)) that [ROA20pgSealed](#) and [ROA67pgSealed](#) were unsealed and thereby exposed ECF20-1 and ECF67-13 to public access even though they were known to have unredacted PII.

15. Urgent Request [ECF97](#) to Strike ECF20-1 and ECF67-13

On 29 May 2026 I filed an urgent UNOPPOSED Motion to Strike [ECF97](#) to strike ECF20-1 and ECF67-13 from TXND ECF as they had unredacted PII.

16. Urgent Request to Strike the Unauthorized (Counterfeit) ROA [5CC32](#)

On 30 May 2026 I asked USCA5 to strike the new / improper ROA as it permitted public access to unredacted PII (as well as breaking existing references to the certified original ROA of [5CC15](#) and to instead have TXND court submit the appropriate supplement to the certified ROA where [ROA20pgSealed](#) and [ROA67pgSealed](#) are correctly unsealed but with ECF20-1 and ECF67-13 stricken from the ROA as [ROA24-1pg573](#) and [ROA69-1pg1571](#) provide public access to everything in ECF20-1 and ECF67-13 but with the PII correctly redacted.

17. Order ECF98 Denies ECF97

Continues Public Access to Unredacted PII

The Court Order [ECF98](#) of 1 Jun 2026 Denied [ECF97](#) with an electronic order which seems to have confused the general process for balancing the public's right to access against the general desire by parties for restricted access. However, it neglected the clear and specific requirements for protection of privacy by Congress and the Supreme Court for PII embodied in [FRCP 5.2](#) and [FRAP 25](#) (a)(5).

18. [5CC32](#) Motion to Strike Counterfeit ROA Changed to Opposed Exhibit I is 5CC ECF notice of a docketing change which shows that at 2:43PM on 2 Jun 2025 [5CC32](#) was altered from Unopposed to Opposed. No justification was given even though [5CC32](#) had a Certificate of Conference which stated that an email response from AUSA Parker on 29 May 2026 stated:

Defendants will not oppose sealing materials that contain PII

The court can only guess whether there was some undocumented phone call from an unauthenticated party (potentially a North Korean hacker trying to undermine trust in U.S. courts).

However, while AUSA Parker could have had a change of circumstances to justify that specific change, the correct way for AUSA Parker to alter her position to Opposed would be to file a Letter to the court and describe the change of circumstances which could easily warrant the docket entry adjustment to Opposed. This is just what Mr. Padis did in [ROA21pg552](#) (in response to [ROA20pgSealed](#)).

However, as AUSA did not file such a letter, we can only speculate if she made a phone call and what her reasons were for not documenting the change of status. It is also relevant to note that AUSA did not actually file any timely response

opposing [5CC32](#) so she may have decided to use a phone call to avoid sanctions for claiming 'Opposed' when she had no intention of filing a response.

If she made the phone call we can only speculate if she participated in the plot to support the illegal order dismissing the appeal ([5CC33-1](#)) a few minutes later.

Of course there is also the possibility that the clerk decided to alter the opposed status based on a whim or to comply with an illegal order to support the illegal upcoming order to dismiss the matter.

In any case, changing such critical statuses without any supporting documentation seriously undermines the rule of law and makes a sham of due process.

19. Clerk Orders Dismissal Based on [5CCLR 42.3](#), Ignores Required Notice

On 2 Jun 2026 the clerk issued an order [5CC33-1](#) which dismissed this appeal in violation of [5CCLR 42.3.1.2](#) which requires a specific notice for 'Appeals without Counsel' 15 days before any dismissal can be issued.

Further [Exhibit J](#). shows that this order was entered at 2:45PM on 2 Jun 2025, two minutes after the unusual and unsupported alteration of the status of [5CC32](#) from Unopposed to Opposed (without any supporting justification).

20. MTR [5CC35-1](#) Contests Clerks Order [5CC31](#) Denying [5CC26](#)

On 4 Jun 2026 we submitted an MTR [5CC35-1](#) to contest the order [5CC31](#) (of 21 May 2026) which denied the Motion to Correct Garbled Records [5CC26](#) without cause. It had been delayed by the need to prepare emergency motions ([ECF97](#) and [5CC32](#)) to minimize public access to unredacted PII and was submitted exactly 14 days after 21 May 2026, the latest date for a timely MTR).

21. [5CC35-1](#) Stricken, Clerks Memo [5CC36-1](#) Declares No Action Taken

[5CC35-1](#) Redocketed as [5CC36-2](#) With Exhibits Following

On 5 June 2026 the clerks ‘unfiled’ [5CC35-1](#) for no valid reason and noted that no action would be taken while the [5CC33-1](#) Order remained pending. Order [5CC33-1](#) was not yet final as it was a clerks order and 14 days had not passed. The MTR contesting the dismissal [5CC37-1](#) was timely filed on 9 Jun 2026 and the [5CC33-1](#) Order will remain pending until the MTR [5CC37-1](#) and this motion are decided.

22. MTR [5CC37-1](#) Challenges Dismissal, Dismissal Order is Pending

On 9 Jun 2026, MTR [5CC37-1](#) was filed, just 7 days after the [5CC33-1](#) Order of 2 Jun 2026, well within the 14 day guidelines suggested by [5CCLR 27.1](#) and FRAP 40(a)(1).

There was no notice prior to the dismissal order as required by [5CCLR 42.3.1.2](#) for Appeals without Counsel. As such, the dismissal order is pending the decision on MTR [5CC37-1](#).

23. [FRCP 72\(a\)](#) Objections to Public Access to PII in [ECF100](#)

On 13 Jun 2026, I filed [ECF100](#) with [FRCP 72\(a\)](#) objections to the continued public access to ECF20-1 and ECF67-13 in TXND ECF.

Public access to ECF20-1 and ECF67-13 and their unredacted PII continues to this date as demonstrated in [Exhibit F](#), [Exhibit G](#), and [Exhibit H](#). This is contrary to [FRCP 5.2](#).

24. AUSA Parker Files Response [5CC38](#) Opposing MTR [5CC37-1](#)

[5CC38](#) Opposition Based on False and Misleading Statements

There were both false and misleading statements in AUSA Parker’s opposition

[5CC38](#) of 22 Jun 2026 to [5CC37-1](#) of 9 Jun 2026 (3 days late according to [FRAP 27\(a\)\(3\)\(A\)](#) which allows 10 days for such responses).

A. [5CC38](#) Attempts to Conceal ‘No Action Taken At This Time’

[5CC38](#) first admits that on 19 May 2026 in a letter from the clerk [5CC27-2](#) states:

We are taking no action on this motion.

but then goes on to explain:

The Clerk explained, in relevant part, that Carr’s motion for an extension of time would not be granted because it did not specify how much time was needed and instead was based on unspecified date(s) this Court ruled on three separate motions, two of which had not been filed

which is an accurate summary of the clerks inability to ‘stay the briefing schedule’ (from [5CC38](#)) or toll the briefing deadlines (from [5CC25](#) redocketed [5CC27-1](#)).

However, the conclusion is not that the motion to toll the briefing deadlines was denied but instead put on hold until the motion could be considered by a judge or panel (as in the docketing text for [5CC27-1](#) which states:

No action will be taken at this time

Clearly the motion [5CC27-1](#) was being deferred until a judge could be assigned to weigh the merits of the motion in a considered and nuanced review and at that time the judge could indeed ‘stay the briefing schedule’ or toll the briefing deadlines (which the clerk could not do).

B. [5CC38](#) Makes False Claim that Pending Motion [5CC27-1](#) Was Denied

AUSA Parker goes on in [5CC38](#) to falsely claim:

the Clerk denied Carr’s request to stay briefing in this appeal

This is simply false. The clerk actually listed [5CC27-1](#) as:

No action will be taken at this time

While this status is needlessly vague and ambiguous it is clearly not a denial (which would have permitted a MTR within 14 days as was done with actual denials), a more accurate restatement would be:

Administrative deferral by the clerk; no ruling on the merits has occurred

The entry 'no action taken at this time' is simply an administrative placeholder signifying that the document has been received but is not yet positioned for judicial review. Because the clerk lacks the legal authority to adjudicate motions or grant the relief sought, this entry carries no dispositive weight and cannot be construed as a denial on the merits.

Claiming [5CC27-1](#) was denied is simply false.

C. [5CC38](#) Incorrectly Cites [5CCLR 42.3.2](#) When It Does Not Apply
[5CC38](#) quotes from [5CCLR 42.3.2](#) with:

In all other appeals when appellant fails to order the transcript, fails to file a brief, or otherwise fails to comply with the rules of the court, the clerk must dismiss the appeal for want of prosecution⁵

Ignoring the cited [5CCLR 42.3.1.2](#) which states:

42.3.1.2 Appeals without Counsel. The clerk must issue a notice to appellant that 15 days from the date of the notice the appeal will be dismissed for want of prosecution, unless the default is remedied before that date. If the default is remedied within that time, the clerk must not dismiss the appeal.

Considering the [5CCLR 42.3.2](#) qualifier of ‘**In all other appeals**’ in context, it only applies to appeals which are not:

- [5CCLR 42.3.1.1](#) Appeals with Counsel
- [5CCLR 42.3.1.2](#) Appeals without Counsel

⁵ We added the bold in this quote.

Presumably [5CCLR 42.3.2](#) only applies to appeals which are neither with or without counsel (perhaps a joint appeal where one or more parties are pro se and one or more parties are represented by counsel).

However, it is clear that all parties in this appeal are pro se and, hence, that [5CCLR 42.3.1.2](#) applies and the clerk must provide explicit notice before dismissing the appeal which the clerk did not do (as explained in [5CC27-1](#)).

D. False and Misleading Statements Sanctionable

FRCP 11 Does Not Apply But USCA5 Has Standards For Filings

While there are not the clear and explicit standards prohibiting false and misleading statements of [FRCP 11](#), this court has its own standards for sanctionable conduct and [FRCP 11](#) could serve as a guide as the Supreme Court has endorsed [FRCP 11](#).

25. 5CC42 Denies MTR 5CC37-1 of Appeal Dismissal 5CC33-1

A. The Clerk Cannot Deny MTR of Clerk's Dismissal Order

While the Clerk is granted limited, delegated authority to act on specific procedural motions, that authority does not extend to adjudicating or denying a timely filed MTR of its own actions. The Clerk was required to route MTR [5CC37-1](#) to a single circuit judge for review.

B. Timing of Denial Suggests Collusion with DoJ

On 23 Jun 2026 in [5CC42](#) the clerk denied MTR [5CC37-1](#) as well as Motion to Strike [5CC32](#) with out any discussion or stated cause. It is worthy of note that the opposing response [5CC38](#) to MTR [5CC37-1](#) was filed the day on before 22 Jun 2026 which was 3 days late according to [FRAP 27\(a\)\(3\)\(A\)](#) which requires

responses within 10 days. However, instead of striking [5CC38](#) as it was not timely, the clerk seems to have relied on its support to justify an immediate decision (the next day) and thereby precluded any reply which would surely have demonstrated the false and misleading statements in [5CC38](#). It is odd that the clerk would wait three days for the late response in [5CC38](#) and then issue decision the day after the response thereby precluding any reply which according to [FRAP 27\(a\)\(4\)](#) must be within 7 days.

It suggests that the clerks knew that there was not the required notice for prior to the dismissal as required under [5CCLR 42.3.1.2](#) and asked USATXN to put together some false and misleading response to make the [5CC33-1](#) order appear valid, though it was not. Of course no reply would be permitted as it would allow us to challenge the false and misleading statements in [5CC38](#) making it clear that the [5CC33-1](#) order was indeed invalid.

We seek review of these denials. As [5CC33-1](#) was filed on 23 Jun 2026, these motions will be timely as they will be filed before 7 Jul 2026 as required by [5CCLR 27.1](#) and FRAP 40(a)(1).

IV. Arguments

We are requesting that a panel of judges review the decisions and orders of the clerks in this matter to reopen the appeal and resolve critical issues so that the appeal can be properly submitted.

1. Order [5CC42](#) Denied Two Critical Motions [5CC37-1](#) and [5CC32](#)

A. MTR [5CC37-1](#) Challenged Clerks Order [5CC33-1](#) Dismissing Appeal

a. The Clerk Cannot Deny MTR of Clerk's Dismissal Order

- [5CCLR 27.1](#) Mandates Judicial Review by a Single Circuit Judge

Under the express terms of [5CCLR 27.1](#), while the Clerk is granted limited, delegated authority to act on specific procedural motions, that authority does not extend to adjudicating or denying a timely filed MTR of its own actions. [5CCLR 27.1](#) explicitly establishes the exclusive path for reviewing a Clerk's order:

The clerk's action is subject to review by a single judge upon a motion for reconsideration

By the literal terms of the local rules, a motion for reconsideration of a clerk-entered order **must** be routed to and reviewed by a single circuit judge. The Clerk lacks any delegated power under [5CCLR 27.1.1](#) through [5CCLR 27.1.4](#) to unilaterally deny or dispose of an MTR contesting its own dismissal.

- [FRAP 27\(b\)](#) Consistently Distinguishes Clerk Actions from Judicial Review

This separation of power is rooted in [FRAP 27\(b\)](#), which governs the disposition of procedural motions. [FRAP 27\(b\)](#) permits a court of appeals to authorize its clerk to act on specified types of procedural motions, but explicitly guards a litigant's right to independent review with:

A party adversely affected by the court's, or the clerk's, action may file a motion to reconsider, vacate, or modify that action.

Allowing the Clerk's office to evaluate, reject, or deny a MTR of its own underlying order would create an impermissible, self-insulating loop. It would

effectively strip the appellant of the absolute right to judicial oversight guaranteed by both [FRAP 27\(b\)](#) and [5CCLR 27.1](#).

- **Conclusion: The Purported Denial is Vacant of Legal Authority**

Because our MTR was timely submitted within 7 days, the Clerk's office was procedurally obligated to submit the motion to a single circuit judge for determination on the merits. Any direct administrative denial issued by the Clerk's office itself exceeds the scope of the Clerk's delegated authority under [5CCLR 27.1](#), is procedurally improper, and must be vacated so that the motion can be properly referred to a judicial panel or single judge as required by law.

- b. Order Dismissing Appeal Violated [5CCLR 42.3.1.2](#)**

On 2 Jun 2026 the clerk issued an order [5CC33-1](#) which dismissed this appeal with:

Under 5th Cir. R.42.3, the appeal is dismissed as of June 2, 2026, for want of prosecution. The appellant failed to timely file appellant's brief.

However, there was no notice as required by [5CCLR 42.3.1.2](#) for Appeals without Counsel and MTR [5CC37-1](#) was filed on 9 Jun 2026 contesting the dismissal.

On 23 Jun 2026 in [5CC42](#) the clerk denied MTR [5CC37-1](#) as well as Motion to Strike [5CC32](#) with out any discussion or stated cause. We seek review of these denials.

- B. Order [5CC42](#) Also Denied [5CC32](#) Which Sought ROA Clarity**

We had identified that two large groups of documents ([ROA20pgSealed](#) and [ROA67pgSealed](#)) with a total of 133 pages and 25 documents which had been sealed by mistake and were not in the ROA. Instead only two single page exhibits ECF20-1 and ECF67-13 with unredacted PII should have been sealed as they had

been replaced with properly redacted [ROA24-1pg573](#) and [ROA69-1pg1571](#).

This should have been a simple supplement to the ROA to correct these errors, but TXND court decided to instead send an entirely new ROA (not authorized or certified by USCA5) as described in [Exhibit A](#) (an email thread) which they did in [5CC37-2](#) (the email sent with the new ROA's docket as one of several volumes).

Of course USCA5 does not routinely generate a second ROA because of the problems with existing references to the ROA. This created significant confusion for us as we could not develop any appeal until it was clear which ROA to use.

[5CC32](#) sought to strike the new ROA (which was likely unnecessary as USCA5 had never recognized the existence of the unauthorized ROA) and instead supplement the ROA with those documents which ought to be unsealed.

However, [5CC32](#) was denied by the clerk without any explanation or justification.

2. Three Critical Motions Were Left as 'No Action Taken'

A. [5CC14-1](#) Prophylactic Motion to Seal ECF20-1 and ECF67-13

We are also seeking a prompt resolution to [5CC14-1](#) (initially docketed as [5CC13](#) on 16 Feb 2026 with the clerk's memo as [5CC14-2](#) on 24 Feb 2026) which was a prophylactic motion to seal ECF20-1 and ECF67-13 to prevent future violations of [FRCP 5.2](#) Privacy Protection with public access to unredacted PII. This motion was submitted unopposed on 16 Feb 2026 and was in response to the docketing notice [5CC6](#) on 26 Jan 2026. It was redocketed as [5CC14-1](#) on 24 Feb 2026 with clerk's memo [5CC14-2](#) and docketing text:

No action will be taken at this time

It has since become clear that ECF20-1 and ECF67-13 were not sealed by any order of the TXND court so that these documents with unredacted PII are now available to the public. After more than four months of delay, it is time that this motion be acted on.

Such prophylactic motions were suggested in [5CC6](#) docketing notice in the event that the review of the ROA authorized by [FRAP 10\(e\)](#) unsealed documents which had not been properly sealed. However, a USCA5 clerk incorrectly deferred [5CC14-1](#) by redocketing it as ‘no action taken’ in memo [5CC14-2](#) rather adding a prophylactic order to insure that unredacted PII was not released to the public during the review of the various documents which were thought to be sealed. There is no conceptual reason a document can’t be sealed multiple times with different orders as long as the orders are clearly specified in the docket entries.

Indeed such documents were unsealed with [ROA20pgSealed](#) and [ROA67pgSealed](#) when the court discovered that there were no court orders to seal the documents, but this had the effect of also unsealing ECF20-1 and ECF67-13, the very documents I had tried to protect in from public access as they have unredacted PII. We are seeking prompt correction of this improper public access through full implementation of the relief sought in [5CC14-1](#).

B. Ignored [5CC27-1](#) Critical Motion To Amend Caption, Toll Brief Filing [5CC27-1](#) was a lengthy and complex set of consolidated motions (25 pages) which was initially filed on 7 May 2026 as [5CC25](#) but was redocketed as [5CC27-1](#) by [5CC27-2](#) which included some superficial discussion of a few of the reliefs sought but ignored the major reliefs such as amending the caption and tolling deadline to

submit an appeal brief. It is clear that the issues to be decided warranted the careful review of a USCA5 judge and so was redocketed on 19 May 2026 with docketing text:

No action will be taken at this time

Even though this request that the brief schedule be tolled was still pending on 2 Jun 2026 in [5CC33-1](#) the clerks ordered the dismissal even though this request to toll the brief was still pending. The motion to clarify central caption issues [5CC27-1](#) must be resolved before any briefing schedule can be determined and we ask that this motion be referred to a panel to resolve the caption issues so that we can begin preparing our appeal.

a. [5CC27-1](#) was Filed Timely

The initial briefing schedule was established on 2 Mar 2026 with [5CC16](#) with the appeal brief being due 13 Apr 2026. However, as the TXND court had claimed that my wife and her sister were not considered in the complaint due to lack of representation, I endeavored to find representation for the other appellants (and proposed appellants). That turned out to be impossible so on 12 Apr 2026 I filed [5CC20-1](#) seeking an extension of time of 40 days to file the brief. This relief was granted in part in [5CC24](#) with an extension until 13 May 2026. When I filed [5CC27-1](#) on 7 May 2026 which requested the time to file the appeal brief be tolled was timely and should have tolled the brief schedule until [5CC27-1](#) was resolved. It was still pending when the [5CC33-1](#) Order dismissing the appeal was issued on 2 Jun 2026.

b. Major Changes to the Caption Required the Tolling of Time

[5CC27-1](#) asked that four appellants and 6 appellees be added to the caption. While some of the updates to the caption were very well founded (e.g. my wife) others were more speculative (but not absurd in my own judgment) and clearly these issues needed to be resolved by a judge or panel. This was an opposed motion so the meaningless comment of ‘no action taken’⁶ only seems to have emboldened the appellees to ignore the motion as the clerks had ignored the substance of most of the reliefs. The appellees did not file any response opposing the motion.

However, the clerks and their procedural authority does not support the resolution of more complex and nuanced issues. These issues must be resolved by a judge or panel and appellees seem to have foregone their right to contest the more speculative of the reliefs I requested.

C. [5CC26](#) to Correct Garbled Records In ROA Denied [5CC31](#)

MTR [5CC35-1](#) Contesting Denial Deferred by [5CC36-1](#), No Action Taken

[5CC26](#) was submitted on 13 May 2026 to correct two records which while legible in the TXND ECF as [ECF10-9](#) and [ECF16-1](#) were illegible in the ROA sent to us. As we could not prepare an appeal with these critical exhibits not correctly shown in the ROA, we sought a supplement to the ROA with correct copies of these exhibits.

However, on 21 May 2026 [5CC26](#) was denied without any justification in [5CC31](#).

As these exhibits were critical to our appeal, we filed MTR [5CC35-1](#) on 4 Jun

⁶ The phrase ‘no action taken at this time’ when interpreted literally is effectively meaningless. There are countless instances when no action is taken with respect to a matter and it would hopelessly clutter the docket to record every instance when no action is taken.

2026 (just within 14 days the delay being due to other filings) but [5CC35-1](#) was redocketed as [5CC36-2](#) with ‘No action will be taken at this time’ as the appeal had been dismissed on 2 Jun 2026 with [5CC33-1](#). Of course we submitted a timely MTR [5CC37-1](#) contesting [5CC33-1](#) which was denied with [5CC42](#). This Motion to Vacate attempts to overturn [5CC33-1](#) and [5CC42](#) so that it will be proper for this panel to also consider the MTR [5CC36-2](#) which contests the clerks order [5CC31](#) denying [5CC26](#). [5CC26](#) requests the critical corrections to the ROA which must be resolved before any appeal can be prepared. It is not possible to prepare an appeal brief when our copy of the ROA does not have legible copies of our critical exhibits exactly as they were filed in TXND ECF.

**3. TXND Granted Public Access ECF20-1, ECF67-13 with Unredacted PII
USCA5 Asked to Correct PII Access and Order Supplements to ROA**

When TXND court unsealed [ROA20pgSealed](#) and [ROA67pgSealed](#) it did not consider the motions which had properly requested the sealing of ECF20-1 and ECF67-13, [ROA24pg570](#) and [ROA69pg1567](#) resulting in public access to ECF20-1 and ECF67-13.

At this time ECF20-1 and ECF67-13 are available for public access via TXND ECF which is a clear violation of [FRCP 5.2](#) and [FRAP 25](#) (a)(5). [Exhibit F](#), [Exhibit G](#), and [Exhibit H](#) demonstrate this access while [Exhibit B](#), [Exhibit C](#), [Exhibit D](#), [Exhibit E](#), and [Exhibit F](#) discuss the process in TXND which has permitted these violations to continue.

Further, this court is asked to order that the ROA be supplemented with:

- The correctly unsealed [ROA20pgSealed](#) and [ROA67pgSealed](#) less the sealed

ECF20-1 and ECF67-13 which have been replaced with properly redacted [ROA24-1pg573](#) and [ROA69-1pg1571](#)

- The new additions to the TXND docket when the pending motions are finally resolved (from [ECF97](#) to the final decision and order).

V. Conclusion and Prayer for Relief

To ensure these procedural issues are corrected by the appropriate authority, we respectfully request that the Clerk immediately route this motion either to a single judge or directly to a three-judge motions panel as provided under the FRAP and 5CCLR. We ask that the Court exercise its authority to rectify the administrative oversights that caused the premature dismissal of our appeal.

Accordingly, we request that the Court enter an order:

- Directing the Clerk to immediately restore this appeal to the active docket.
- Vacating the prior dismissal entry so that the record accurately reflects our compliance with the rules.
- Assigning or referring the underlying appeal to a three-judge panel for full consideration of the substantive relief we seek.
- Granting any further relief necessary to protect our right to a determination on the merits.

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: 1. July 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

/s Tanapon Lawichai

Tanapon Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand

Date: 21 Apr 2026

Location: Phuket, Thailand

Location: Lopburi, Thailand

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Required Certificates of Compliance

The undersigned hereby certifies under penalty of perjury:

1. Certificate Of Interested Persons

The undersigned certifies that 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 Conference Compliance⁷

These Consolidated Verified Motions to:

- Re-Open the Appeal and Refer to a Three-Judge Panel
- Compel Action and
- Supplement the ROA

are OPPOSED.

The conference was held via an email from AUSA Parker on 2 Jun 2026 which stated:

Defendants oppose all your other proposed motions

As such, appellees / defendants are considered to be OPPOSED to these motions.

3. [FRAP 32\(g\)\(1\)](#) Length Compliance

These consolidated motions comply 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 7,152 words (which is less than twice the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software⁸.

4. [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).

⁷ According to the Fifth Circuit Court's [Electronic Noticing and Filing Options Available to Pro Se Parties](#): All parties filing motions must also conduct a conference with all parties regarding the motion, the filer must contact all parties, advise what the motion will seek and ask each if they are opposed or unopposed to the motion

⁸ LibreOffice Writer does not have an ability to count words in a document excluding sections but instead can count words in the entire document (not useful or correct for this purpose) or in the selected section. By selecting everything below the Table of Contents but above the first signature block I can get the word count and then manually enter the count in the certification. The certified word count was accurate on 30 Jun 2026 at 1PM.

5. 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 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.

6. [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: 1. July 2026

Location: Irving, TX