

In the United States Court Of Appeals, 5th Circuit

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	Case No. 26-10025 Verified Motion to • Compel Action, • Reconsider and • Supplement the ROA Certificate of Conference – OPPOSED
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Verified Motion to

Compel Action,

Reconsider [5CC42](#) denying 5CC32 and

Supplement the ROA

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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

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

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. Introduction

We are requesting that a panel of judges provide relief with supplements to the ROA which:

- unseal [ROA20pgSealed](#) and [ROA67pgSealed](#) (133 pages, 25 documents) but strike ECF20-1 and ECF67-13 (2 documents, 2 pages) with unredacted PII
- correct two garbled exhibits in the ROA, [ECF10-9](#) and [ECF16-1](#),
- document TXND recent actions which unsealed [ROA20pgSealed](#) and [ROA67pgSealed](#) but did not strike ECF20-1 and ECF67-13 as requested.

We also seek an order that ECF20-1 and ECF67-13 be struck in TXND ECF as they have unredacted PII but are available for public access in TXND ECF at this time. There are replacement exhibits [ROA24-1pg573](#) and [ROA69-1pg1571](#).

There are four original motions seeking relief each of which have been deferred pending judicial review or denied under varied circumstances (last 3). They are:

- [5CC13](#) a motion to seal ECF20-1 and ECF67-13 with unredacted PII,
- [5CC26](#) a motion seeking to correct two garbled records in the ROA,
- [5CC32](#) a motion to strike a new ROA with ECF20-1 and ECF67-13, and
- [ECF97](#) a TXND motion to strike ECF20-1 and ECF67-13.

II. Legal Authority

1. Clerk Has No Authority to Deny MTR of its Own Order

Under [5CCLR 27.1](#), the Clerk's authority is strictly ministerial and confined to unopposed, routine, or non-dispositive procedural matters. 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 order.

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

There was a previous set of consolidated motions seeking this relief on 1 Jul 2026, [5CC43-1](#), which sought to vacate [5CC33-1](#) and [5CC42](#) (reopening the appeal) and

also sought to resolve the pending ROA and caption issues so that the brief schedule could be set and this appeal could proceed promptly. However, due to the complexity of contesting the processing of five preceding motions, it exceeded the length constraints (more than 20 pages) and was denied in [5CC43-13](#) which provided ten days to resolve the defect.

This is the second and last motion in the series of motions seeking the varied relief [5CC43-1](#) sought. The first motion was [5CC44](#) which asked to reopen the appeal and also asked for the relief requested in [5CC27-1](#) (still pending judicial review at this time) to update the caption and toll the briefing schedule. As with [5CC43-1](#), this motion will meet the length requirements of [FRAP 32\(g\)\(1\)](#) and also be submitted before 11 Jul 2026 as required by [5CC43-13](#).

Below are the descriptions of the select motions, responses, and orders in this matter.

1. Motion to Correct [ROA24pg570](#) Attempted Correction with ECF24-1

On 19 Apr 2024 filed a Motion to Seal and Substitute [ROA24pg570](#) to seal ECF20-1 as it had unredacted PII and replace it with a fully redacted [ECF24-1](#).

2. [ROA24pg570](#) Misunderstood By Court

The court issued an order [ROA26pg577](#) 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 temporary seal by the clerk on [ROA20pgSealed](#) permanent.

3. Motion to Correct [ROA69pg1567](#) Correction with [ECF69-1](#)

On 19 Apr 2025 I filed a Motion Restricting Unredacted Document [ROA69pg1567](#) which asked that ECF67-13 be sealed as it contained unredacted PII.

4. [ROA69pg1567](#) Misunderstood By Court

The court issued an order [ROA89pg21](#) 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 [ROA69pg1567](#) of:

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

which had the effect making the seal on [ROA67pgSealed](#) permanent.

5. USCA5 Clerk Ignores USCA5 Policies, Takes No Action on [5CC14-1](#)
[5CC6](#) docketing notice explained about the USCA5 policy of unsealing documents during [FRAP 10\(e\)](#) processing. The clerk initially assigned [5CC14-1](#) as 'no action taken' possibly observing that there were two seals in place [ROA20pgSealed](#) and [ROA67pgSealed](#). But not checking if there were any orders supporting the seals (there were none)

6. [5CC26](#) Motion to Correct Garbled Records in ROA on 13 May 2026
[vol-692973_Part4.pdf](#) pages 9-11 contains an illegible copy of [ECF10-9](#) which is a common problem when PDF files are combined and then updated. Similarly, [vol-692973_Part4.pdf](#) pages 144-148 text is garbled and does not match [ECF16-1](#). The legible documents from TXND ECF were attached as [5CC37-3](#) and [5CC37-5](#) and the illegible ROA documents were attached as [5CC37-4](#) and [5CC37-6](#).

7. Court Unseals [ROA20pgSealed](#) and [ECF67](#) Without Notice

On 19 May 2026 the court verbally ordered that [ROA20pgSealed](#) and [ROA67pgSealed](#) be unsealed without any correction of sealing ECF20-1 and ECF67-13 which contained unredacted PII as discussed in the preceding motions.

8. [5CC31](#) Clerk Denial of Motion to Correct Garbled Records [5CC26](#)

On 21 May 2026 the Clerk Denied our Motion to Correct Garbled Records [5CC26](#) with no explanation.

9. TXND Creates Unauthorized ROA with Unredacted PII

On 28 May 2026 TXND court sent us an unauthorized ROA via email (see [5CC37-2](#) and [5CC37-3](#)) which had unsealed [ROA20pgSealed](#) and [ROA67pgSealed](#) and thereby granted public access to unredacted PII in ECF20-1 and ECF67-13.

10. 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.

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

On 30 May 2026 I asked USCA5 to strike the unauthorized ROA as it permitted public access to unredacted PII (along with being unauthorized and breaking existing references to the certified original ROA of [5CC15](#)). USCA5 was asked 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 with their unredacted PII.

12. Order ECF98 Denies ECF97

The Court Order [ECF98](#) of 1 Jun 2026 Denied [ECF97](#) apparently neglecting 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\(a\)\(5\)](#).

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

On 4 Jun 2026 we submitted a timely MTR [5CC35-1](#) to contest the order [5CC31](#) which denied the motion to correct garbled records [5CC26](#) without cause.

14. [5CC35-1](#) Redocketed as [5CC36-1](#), Declares No Action Taken

On 5 June 2026 the clerks ‘unfiled’ [5CC35-1](#) with no justification and noted that no action would be taken as there was the [5CC33-1](#) Order dismissing the appeal.

15. [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 [5CC43-7](#), [5CC43-8](#), and [5CC43-9](#). This is contrary to [FRCP 5.2](#).

16. [5CC42](#) Denies MTR [5CC32](#) Without Explanation

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

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. Clerks Order [5CC42](#) Denied [5CC32](#) Without Cause

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 opposed motion. [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

We are seeking judicial review and reconsideration of [5CC42](#) denial of [5CC32](#) as we are entitled to access to accurate copies of the ROA which requires a clear determination of which ROA is authorized. The court could order the clerk to supplement [5CC15](#) with the correct docket for the authorized ROA. In the alternative we could be given access to USCA5 ECF electronic ROA as described in [5CC15](#) for attorneys.

In any case the ROA needs to be supplemented with [ROA20pgSealed](#) and [ROA67pgSealed](#) which are correctly unsealed but with ECF20-1 and ECF67-13 stricken.

2. Two Motions Were Left as ‘No Action Taken’ or Pending

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) 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 unopposed 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.

The same supplement to the ROA requested for [5CC32](#) would resolve the ROA problems, but we are seeking an order from USCA5 striking ECF20-1 and ECF67-13 in TXND ECF as well which is the natural relief sought from [5CC14-1](#).

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

MTR [5CC35-1](#) Contested Denial In [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 in our 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 timely filed MTR [5CC35-1](#) on 4 Jun 2026 but [5CC35-1](#) was redocketed as [5CC36-2](#) with ‘No action will be taken at this time’. We are seeking judicial review for a ruling on MTR [5CC36-2](#).

We are seeking a supplement to the ROA with legible copies [ECF10-9](#) and [ECF16-1](#). As the garbled records are likely the result of the preparation of the ROA for sending by email, an alternative would be granting us access to USCA5 ECF electronic ROA as described in [5CC15](#) for attorneys.

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\(a\)\(5\)](#). USCA5 is asked to order that those documents be stricken.

Further, as these problems came to light since the NOA and raise several appealable questions about:

- the sealing of documents without court order
- the unsealing of documents with unredacted PII
- the failure of TXND court to correctly supplement the ROA with corrections

we request that the ROA also be supplemented with recent motions, orders, and objections in this matter in TXND when they are resolved.

V. Conclusion and Prayer for Relief

To ensure these procedural issues are corrected by the appropriate authority, we respectfully request that the Clerk route this motion with [5CC44](#) so that these administrative oversights can be promptly addressed and resolved once this appeal is reopened. This will allow prompt submission of our appeal brief.

Accordingly, we request that the Court enter an order:

- Assigning this motion with [5CC44](#) to the same judge or 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: 5. July 2026

Location: Irving, TX

Other Signatories

/s Air Carr

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/s Buakhao Von Kramer

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Date: 19 Aug 2025
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/s Tanapon Lawichai

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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 on 2 Jun 2026 AUSA Parker 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

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 2,428 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software¹.

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).

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.

¹ 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 5 Jul 2026 at 10PM.

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: 5. July 2026

Location: Irving, TX