In the United States Court Of Appeals
for the Fifth Circuit

26-10025

Brian P. Carr,
Rueangrong Carr, and
Buakhao Von Kramer
Appellants
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

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

Appellant's Opening Brief
(Provisional Single-Issue Filing)

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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

CFRS: Code of Federal Regulations Section

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

DoJ: Department of Justice

FCR: Findings, Conclusions, and Recommendations

FRAP: Federal Rules of Appellate Procedure

FRCP: Federal Rules of Civil Procedure

IG: Inspector General

LR: TXND Local Rule

LPR: Lawful Permanent Resident

MTD: Motion to Dismiss

MSJ: Motion for Summary Judgment

MTR: Motion to Reconsider

NOA: Notice of Appeal

Abbreviation: Full Name or Phrase

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

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

USPS: United States Postal Service

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.

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Statement Regarding Oral Argument

Pursuant to 5CCLR 28.2.3, I respectfully submit that oral argument is not necessary in this appeal. The various issues presented for review are purely legal and statutory, involving the clear application of cited statutes and controlling Supreme Court precedent. The facts and legal arguments are fully and adequately presented in the brief, and the decision process would not be significantly aided by oral argument.

I. Preliminary Statement and Reservation of Right to Supplement

I submit this Appellant's Opening Brief in direct compliance with the court's order 5CC58-2 which provided less that one week to submit the appeal and while there are three pending corrections to the ROA, see pending 5CC45-1, 5CC32. Of particular importance is that the TXND clerk has provided us with two different ROAs with different pagination starting with ECF20 which is sealed in the original ROA and unsealed and included in the second (and possibly unauthorized) ROA. When there are no adequate references to the ROA, the TXND ECF documents will be referenced.

To preserve my constitutional right to due process and a fair hearing, I explicitly reserve the right to amend, rewrite, and supplement this brief to provide corrected page numbers, expand upon outstanding immigration and sanctions issues preserved in my Notice of Appeal, and fully align the text once this Court enters final orders resolving the underlying ROA and caption defects.

II. Statement of Jurisdiction

The District Court possessed subject-matter jurisdiction over the underlying civil action under 28 USCS 1331, as the claims arose under the Constitution and the laws of the United States.

This Court possesses appellate jurisdiction under 28 USCS 1291 to review the final decisions of the District Court. I filed a timely NOA on 12 Jan 2026 (5CC1) challenging the following final orders rendered by the District Court:

1. The Order ECF62 on 21 Mar 2025 accepting FCR ECF61 of 27 Feb 2025
2. The Final Judgment ECF63 on 21 Mar 2025 dismissing the civil action
3. The Order ECF95 on 15 Dec 2025 accepting the second FCR ECF91 of 10

Nov 2025 and denying all timely post-judgment motions for relief.

III. Statement of the Issues Presented for Review

1. Whether the District Court committed reversible error by adopting a FCR (ECF61) that dismissed my claims against USPS based on sovereign immunity, when Congress has explicitly waived the agency's immunity under 39 USCS 401, and when the Supreme Court in Dolan v. U.S. Postal Serv., 546 U.S. 481 (2006) affirmed that sovereign immunity does not shield the Postal Service from reimbursing fees associated with its pre-approved special guaranteed delivery services.

IV. Statement of the Case

This appeal arises from a civil action brought to remedy a series of failures by federal agencies, including the USPS. I purchased a "Guaranteed Delivery" special service from the Postal Service, as documented in the record at ROA18-3pg534 The Postal Service failed to meet its binding delivery guarantee.

Following a formal administrative appeal through proper internal agency channels, USPS explicitly verified the default and officially approved an administrative refund of $26.35, marking the transaction as "Dispute Paid" (ROA18-8pg548). Despite this formal agency adjudication, the Postal Service failed to execute delivery of the approved funds or credit my account, retaining the money without a lawful basis.

The defendants filed a MTD, arguing that federal sovereign immunity completely barred the action. On 27 Feb 2025, the Magistrate issued an FCR (ECF61) recommending total dismissal, relying on Hale v. USA, No. 22-20426 (5th Cir.

2023) to assert that the Postal Service enjoys absolute immunity absent an explicit waiver. The District Court adopted this report in full on 21 Mar 2025 (ECF62) and entered Final Judgment (ECF63). I filed a series of post-judgment motions seeking to correct these legal misapplications, which the District Court summarily denied on 15 DEC 2025 (ECF95). This timely appeal followed.

V. Summary of the Arguments

1. Sovereign Immunity Does Not Apply to USPS

The District Court committed reversible error by granting the MTD based on a total misapplication of federal sovereign immunity. The Postal Reorganization Act contains an explicit "sue-and-be-sued" clause under 39 USCS 401(1), which creates a broad presumption that the Postal Service's immunity is waived. While the Federal Tort Claims Act preserves immunity for standard clerical negligence or "loss, miscarriage, or transmission of letters," the United States Supreme Court explicitly ruled in Dolan that this exception does not extend to separate, distinct financial transactions where the agency has agreed to special guaranteed delivery services.

Furthermore, because the Postal Service had already administratively approved the refund and declared the dispute paid, my claim is not an action challenging a delayed delivery, but rather an equitable enforcement action to recover an adjudicated sum certain due. The lower court completely ignored these settled statutory facts, resulting in a denial of due process.

2. The Removal of Mrs. Carr and Mrs. Von Kramer Was Improper

Summary goes here

The District Court reversibly erred by adopting the FCR that sua sponte removed my wife and her sister as active Pro Se plaintiffs. The lower court based this severe procedural sanction on a fundamental misinterpretation of FRCP 11(a) and state spousal-representation rules, transforming a signature baseline into an absolute bar against unrepresented co-plaintiffs filing joint, consolidated pleadings.

I raised explicit, detailed objections to this improper removal in our Rule 60 Motion ECF73 and our Reply ECF75, and the briefs supporting our Motion for Leave to Submit a Second Amended Complaint ECF76. The record conclusively establishes that all three parties appeared strictly Pro Se, and subsequently cured any perceived signature defects by submitting physical wet-ink signatures on the docket ECF64, ECF66.

By ignoring these timely corrections and completely misapplying controlling case law, the lower court stripped my family members of their natural rights to self-representation without a fair hearing.

3. Ignoring Requests to Join by Mrs. Carr's Sons Was Improper

.The District Court committed a reversible error by failing to address the explicit requests of my wife's sons, Rujipas Lawichai (*Tin*) and Tanapon Lawichai (*Earth*), to join this action as additional co-plaintiffs. I formally presented their requests to the lower court in our Motion for Leave to Submit a Second Amended Complaint ECF76.

These new plaintiffs are suffering direct, real-world injuries stemming from the defendants' prolonged delays. Specifically, because USCIS unlawfully withheld my wife's citizenship certification for over two years, her sons were similarly

delayed in an immigration visa queue and they are seeking relief in their queue position for immigration visas in their category (unmarried adult children).
The Magistrate Judge completely ignored these distinct, non-frivolous familial claims and recommended a blanket dismissal of the action without evaluating the joinder under FRCP 15(a)(2) or FRCP 20. This total failure to consider or adjudicate the status of processing family members constitutes a structural denial of due process and a plain error of law.

4. DoS Not Protected by Sovereign Immunity

DoCNR Challenge Well Founded

The District Court reversibly erred by applying a blanket doctrine of sovereign immunity and the Doctrine of Consular Non-Reviewability (DoCNR) to dismiss our claims against DoS. I formally established before the TXND court in ECF73 and ECF75 that 5 USCS 702 provides an explicit statutory waiver for non-monetary relief arising from unlawful agency actions. Our claims do not challenge active visa denials or seek to compel visa issuance, rendering the Supreme Court decision in *Department of State v. Munoz* 602 U.S. 899 (2024) inapplicable.

Instead, as detailed in our moving briefs in ECF76 and the proposed Second Amended Complaint ECF84-1, we seek specific performance under 28 USCS 1361 to remedy systemic due process failures. Specifically, consular officers regularly deny visa applications without considering the evidence presented by the applicants, even extensive evidentiary packets. Instead they applied criteria completely decoupled from statutory requirements under 8 USCS 1201. Because the visa application processing services (under the fee for services model) were denied without a fair hearing, we seek a decree mandating that DoS evaluate presented evidence in a lawful manner and provide a fair hearing, along with a credit for future services to offset repeated application fees for services never provided in accordance with statutes.

5. USCIS Improperly Left Mrs. Carr Stranded in Thailand

The District Court reversibly erred by dismissing our claims against USCIS based on a total failure to evaluate specific statutory violations that left my wife stranded abroad. As detailed in our Motions ECF73 and Verified Reply ECF75, USCIS violated clear administrative mandates under 8 USCS 1186a and 8 CFRS 216.4(b)(1) by failing to adjudicate her Form I-751 petition to remove conditions on residency within ninety days of filing. This delayed processing forced my wife to rely on a confusing, multi-page extension letter that caused severe distress and logistical uncertainty.

Furthermore, USCIS completely abdicated its non-discretionary duties by failing to provide my wife with valid continuous documentation to work and travel freely after her temporary extension letter expired. This operational failure directly resulted in my wife being trapped in Thailand, completely separated from her husband due to the agency's documentation abandonment. The lower court's blanket dismissal on sovereign immunity grounds completely ignored these explicit statutory violations, which we fully preserved for review throughout our moving briefs in ECF76 and our proposed Second Amended Complaint ECF84-1.

6. USCIS Improperly Denied Citizenship to Mrs. Carr

The District Court reversibly erred by dismissing our claims against USCIS regarding the handling of my wife's Form N-400 naturalization application. I established before the trial court in ECF73 and ECF75 that USCIS approved her citizenship eligibility on 31 Jan 2023, following a completed joint interview ECF84-1. Instead of administering the oath of citizenship, the agency falsified internal records to state the interview was canceled, scheduled an impossible second interview while she was known to be traveling abroad, and denied the application for "failure to appear." The lower court's dismissal based on sovereign immunity ignored these procedural actions, which violated the statutory processing timeline mandated under 8 USCS 1447.

7. IRS Violations of Due Process and Statutory Mandates

The District Court reversibly erred by dismissing our claims against the IRS based on the lack of consideration in FCR ECF91 which simply states that ECF84-1:

> would not cure the problems that led to dismissal.

with not a word concerning the IRS.

I established in ECF84-1 that the agency violated explicit procedural and statutory protections during its collections process for the 2023 tax year. Specifically, the IRS issued an immediate CP504 property seizure notice ECF67-16 while our administrative appeal was actively pending and completely disregarded the 30-day notice period mandated under 26 USCS 6331.

Furthermore, once the agency recognized its penalty calculations were incorrect, it dropped the ongoing appeal without providing a formal computation or addressing residual costs. These actions violated our Fifth Amendment right to a fair hearing. We seek specific performance under 28 USCS 1361 to compel the regularization of the IRS appeals process, the provision of clear estimation tools for annualized income, and the recovery of minor costs arising from these failures, as set forth in ECF84-1.

8. IGs and DoJ Have Joint Mandate Against Criminal Violations

IGs Must Report Federal Crimes, DoJ Must Prevent Future Crimes

The lower court's adoption of the FCR recommending dismissal based on a lack of subject-matter jurisdiction constitutes a plain error of law. Under 5 USC § 404 (IG Act of 1978), federal IGs possess a non-discretionary statutory obligation to report to the Attorney General whenever they have reasonable grounds to believe federal criminal law has been violated. In our moving papers ECF84-1, I documented a pervasive practice where the IGs of USPS, DHS, DoS, and TIGTA deliberately act as gatekeepers to insulate systemic falsified documents (federal crimes) from DoJ review.

The primary example of this administrative gatekeeping is documented in the USPS IG 2017 Audit Report (DR-AR-18-001, ROA18-7pg542), which uncovered over 1.9 million improper "Stop the Clock" scans where packages were fraudulently recorded as delivered while still at the post office to falsify public delivery records. This intentional manipulation of electronic data constitutes a clear, systemic violation of 18 USCS 1001.

Yet, the USPS IG explicitly stated on the record that it did not refer these matters to DoJ because the conduct does "not meet the threshold for prosecution" ROA10-1pg170 ECF84-1 (pg17). The statutory authority to decline prosecution rests solely with DoJ, not with the investigating IG. By routing these criminal reports back to the very local managers whose bonuses depend directly on false profitability and efficiency benchmarks, the IGs systematically conceal and encourage structural fraud and falsification of government records.

9. Abuse of Discretion, Unsupported / Analyzed Denial of Sanctions

TXND Court insulated the Defendants' misconduct from judicial review by issuing a blanket denials completely devoid of factual analysis or legal scaffolding.

10. Abuse of Discretion in Denying Recusal

The TXND Court denied recusal with 'the mere fact of any ruling adverse to Plaintiff is simply insufficient to establish bias' without any consideration of the specific adverse rulings and their number and lack of foundation.

VI. Arguments

1. Sovereign Immunity Does Not Apply to USPS

A. Ignored Controlling Statutory Refund Authority

The lower court's adoption of the FCR (ECF61) rests on a fundamental legal error of treating my claim as if it were a tort suit for generic postal transit delays.

Congress has explicitly provided that the Postal Service has the power "to sue and be sued in its official name" under 39 USCS 401(1).

Further, while the court quoted from Dolan, and the restriction of the FTCA, 28 USC Chapter 171 (not providing for general losses from late delivery of mail or damaged mail by USPS), Dolan went on to state:

> losses of the type for which immunity is retained under section 2680(b) are at least to some degree avoidable or compensable through postal registration and insurance.'...

> (allowing indemnity claims for loss or damage of "insured, collect on delivery (COD), registered with postal insurance, or Express Mail"); 39 CFRS 111.1 (2005) (incorporating by reference the Domestic Mail Manual). The same was true when Congress enacted the FTCA in 1946. See 39 USC section 245 (1940 ed. and Supp. V) (setting rates and conditions for mail insurance); 39 USC section 381 (1946 ed.) ("For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails ..."). As Kosak explains, one purpose of the FTCA exceptions was to avoid "extending the coverage of the Act to suits for which adequate remedies were already available," 465 US 858 - an objective consistent with retaining immunity as to claims of mail damage or delay covered by postal registration and insurance.

Here the Supreme Court is saying that the FTCA did not extend to USPS delivery problems (delays or damage) beyond that which was already in place citing 39 USCS 381 (1946 ed.) where Congress authorized the Postmaster General to create special services like Guaranteed Delivery where the customer paid extra for limited indemnification such as refund of purchase price in the case Guaranteed Delivery. The Supreme Court explained that those special services would continue unchanged.

In summary, if a customer has a problem with late delivery or damaged mail they can not seek payments for their damages under the FTCA (as always) but if they paid extra for special services (like Guaranteed Delivery) they can get a refund as promised when they purchased the service (in this case a refund of $26.53)

This statutory language establishes that the Postal Service operates much like a private commercial enterprise and is generally subject to ordinary legal processes.

B. Pre-Approved Administrative Realities Under 39 USCS 401

The crucial point that the District Court failed to address is that my claims do not ask the court to sit as an initial reviewer of a postal mishap. As demonstrated by the record at ECF18-8, the administrative process is already complete: the Postal Service reviewed the transaction, admitted its failure, and formally approved the monetary refund. By withholding payment after declaring the dispute paid, the agency is violating its own governing statutes.

Because the cash was never delivered, I am seeking an alternative, equitable commercial remedy: a credit for future postal services. This remedy falls directly within the broad powers of an appellate court under 28 USCS 2106 to modify or vacate orders to achieve justice. The District Court's total failure to analyze these distinct statutory boundaries and factual admissions requires reversal.

2. The Removal of Mrs. Carr and Mrs. Von Kramer Was Improper

A. TXND Reversibly Erred by Misinterpreting FRCP 11(a) Rule Used To Strike Plaintiffs

The lower court's structural dismissal of the family counts rests entirely on a severe misapplication of FRCP 11(a). In the FCR, the court altered the controlling text of Rule 11(a)—which mandates that every pleading be signed by "at least one" attorney or by a party personally if unrepresented—to declare instead that *every* single Pro Se party must independently execute a single electronic document file. As detailed in our Rule 60 Motions ECF73 (pg12-13) and further elaborated in ECF75 (pg6), this mechanical interpretation creates an operational impossibility within the CM/ECF framework. Because shared ECF accounts are strictly prohibited, a consolidated electronic document can physically only be uploaded through the portal of a single individual.

I properly submitted the Amended Complaint ECF29 through my authorized electronic-filing account. Under FRCP Rule 5(d)(3)(C), a filing made through a person's electronic account, paired with their name on a signature block, legally constitutes that person's valid signature. I accompanied this file with an explicit Certification of Electronic Signatures, affirming under penalty of perjury that I had received explicit permission from my wife and her sister to affix their electronic symbols after translating the contents into Thai. This format perfectly tracked the procedural baseline of LR 11.1(d).

Even if the court perceived a lingering technical defect in the electronic format, FRCP 11(a) explicitly commands that a court "must strike an unsigned paper unless the omission is promptly corrected after being called to the... party's attention". The lower court never provided our family with notice or an opportunity to amend. Instead, it bypassed the rule's exclusive remedy—striking the standalone paper—and deployed the unauthorized sanction of permanently expelling two live plaintiffs from the docket, an error we vigorously challenged before the trial court in ECF84-1 (pg60) ECF73 (pg16) and ECF75 (pg6).

B. Pleadings Explicitly Preserved Pro Se Status of All Plaintiffs

The Magistrate Judge manufactured a fictional barrier to entry by asserting that I was acting as an unlicensed attorney attempting to represent the separate legal interests of my family members. This assertion directly contradicts the plain, qualified language of our pleadings. Paragraph 12 of both the original complaint and the amended complaint explicitly records that "Mrs. Carr is... a Plaintiff appearing Pro Se in this matter". Paragraph 13 identically affirms that "Mrs. Von Kramer is... a Plaintiff appearing Pro Se in this matter".

As argued in ECF73 (pg17) and ECF75 (pg11), the inclusion of the conditional qualifier stating that I would handle clerical tasks and provide coordination "to the degree that it is legally permissible" was explicitly dependent on the court's ultimate permission. It did not override or cancel their unequivocal statements of Pro Se status. Multiple unrepresented individuals who suffer integrated, shared injuries arising from a unified nucleus of administrative overreach have every legal right to pool resources and join together in a single, consolidated complaint, a foundational principle we incorporated into the proposed Second Amended Complaint ECF84-1 and the accompanying index of briefs ECF76.

C. Plaintiffs Promptly and Timely Cured All Perceived Signature Defects

The lower court's refusal to accept our cured physical signatures constitutes a fatal denial of due process. As soon as the court's structural objections were made clear in the FCR, my wife and her sister took immediate, extraordinary measures to satisfy the court's preference for physical ink signatures. My wife completed her formal request to remain in the suit, affixing her original wet signature directly to page 58 of a printed copy of the operative Amended Complaint. This document was formally filed as ECF64.

Coordinating these identical signatures for my sister-in-law, Buakhao, required traversing immense structural hurdles. She resides in a remote region of Thailand, possesses extremely limited English literacy, and was forced to navigate complex international mail channels at significant personal expense ($50 / 1,700 Thai Baht), as documented in ECF73 (pg11). Despite these barriers, she successfully executed and returned a wet-ink copy of the complaint's signature page, which was filed on the district docket as ECF66.

Because the underlying lawsuit was initiated collectively with physical signatures on the face of the original complaint ROA3pg28, these subsequent post-judgment submissions completely cured any imaginary defects under FRCP 11(a). This deep record of prompt, explicit corrections was fully brought to the district court's attention in ECF73 (pg11-12) and ECF75 (pg14). By ignoring these filings and declaring in its final order ECF95 that no valid objections or modifications were warranted, the district court committed a plain, reversible error of fact and law.

D. Case Law Protects Spousal Representation, Familial Assistance Court Ignored Prevailing Consent

To justify its sweeping dismissal, the lower court relied on a selective, distorted quotation from *Monroe v. Smith,* 2011 WL 2670094. The FCR cited *Monroe* for the proposition that a non-attorney husband cannot represent his wife's interests in federal court. However, as we explicitly demonstrated to the trial court in ECF73 (pg18-19) and ECF75 (pg11), the actual record in *Monroe* involved a husband and wife who were physically separated across different state prison facilities, where the wife never attempted to join the lawsuit and never provided her consent. The *Monroe* court explicitly grounded its removal decision on the absolute *absence* of the wife's participation or explicit authorization.

The legal union of marriage is a foundational institution that confers reciprocal, constitutional due process rights of mutual assistance and joint advocacy when both spouses explicitly consent. In this civil action, my wife and her sister have consistently, explicitly, and under penalty of perjury requested and authorized my clerical coordination and joint representation (ECF64, ECF66). By transforming a protective doctrine meant to shield non-consenting parties into an aggressive weapon to sever valid family claims, the lower court violated our fundamental due process rights—an overreach thoroughly documented in ECF73, ECF75, and the supporting briefs in ECF76.

3. Court Erred by Failing to Adjudicate Active Joinder Requests of Sons

The lower court's order of dismissal is fatally flawed because it completely omitted any legal analysis or formal ruling regarding the joinder requests of Rujipas Lawichai and Tanapon Lawichai. I formally moved for leave to amend the operative complaint to add these two new family plaintiffs in ECF76.

This motion included their signed authorizations and declarations detailing their direct personal stakes in the litigation. FRCP Rule 15(a)(2) states:

> a party may amend its pleading only with ... the court's leave. The court should freely give leave when justice so requires.

Further, FRCP Rule 20(a)(1) explicitly permits the permissive joinder of plaintiffs if they assert any right to relief jointly or severally arising out of the same transaction, occurrence, or series of transactions.

The violations of lawful statutes and rules as well as constitutional individual rights by USCIS resulted in a more than two year delay in my wife's citizenship. While the court can not directly restore my wife's right to vote for those two years, the delay also prevented her sons from applying for immediate family member immigration visas. There is a queue for such visas and the court can compensate both my wife and her sons by adjusting their queue position.

By failing to provide any reasoned justification for denying their entry into the suit, the lower court violated fundamental requirements of due process in the form of a decision by the adjudicator.

A. Direct, Non-Speculative Injuries From Unlawful Delay of Citizenship

The Magistrate Judge's blanket recommendation to dismiss the entire action on sovereign immunity grounds completely insulated the distinct, actionable injuries suffered by my wife's sons from judicial review. As explicitly detailed in our moving briefs ECF76 (pg16), the sons' injuries are concrete, quantifiable, and directly caused by the violations by USCIS.

USCIS approved Mrs. Carr's citizenship eligibility on January 31, 2023, but refused to issue her physical certification for over two years, in violation of lawful statutory mandates documented in our verified proposed complaint ECF84-1. Because of this specific, unlawful withholding, my wife was prevented from filing her Form I-130 immigration petitions on behalf of her children as a United States citizen.

When she finally obtained her citizenship on February 28, 2025, and filed the subsequent petitions, her sons were put into a visa allocation queue spanning several years. Had the USCIS complied with their statutory mandates under 8 USCS 1447 in early 2023, the sons' visa applications would have been earlier in the queue. The court was not asked to allocate an immigration visa directly (which would be contrary to lawful statutes) but instead alter the queue position for her sons to where it should have been had USCIS followed its lawful statute mandates. There was also a request for compensatory adjustments to the queue position to address my wife's loss of citizenship for over two years but that would be subject to the judgment of the court as to what is fair and appropriate. The district court erred by refusing to acknowledge it.

B. The Court Effectively Sanctioned a Combat Deployed Soldier

Earth Was Deployed on Combat Assignment And Had Limited Access

The district court's structural rigidness regarding physical signature timing operated as an unconstitutional barrier to entry for *Earth*. As certified on the record in ECF76 (pg23), *Earth* is a member of the Royal Thai Army and was actively deployed on a restricted-access combat assignment during the precise window the lower court demanded physical ink signatures on amended papers.

He provided his explicit consent electronically via secure electronic text channels under LR 11.1(d), which I formally filed as an exhibit (ECF71-1) which is a picture of a hand written note in Thai where *Earth* asks to join the matter. *Tin* provided an equivalent signed printed request which is ECF71-6 but both were simply ignored by the court by systematically rejecting all electronic signature verification. That was particularly troublesome for *Earth* while he was physically deployed in a hostile area with restricted logistical capabilities and was a gross violation of due process. Pro Se litigants cannot be compelled to perform the absolute impossible.

As established in our supporting due process briefs ECF76 (pg6,9), the interests of justice demand that the 14-day local objection windows be liberally modified or automatically extended to accommodate foreign nationals and active military personnel. The district court's total silence on this unique hardship constitutes an abuse of discretion requiring reversal.

4. DoS Not Protected by Sovereign Immunity

DoCNR Challenge Well Founded

A. The APA Waives Immunity for Specific Performance

We Seek Future Service Credits and Lawful Processing

The TXND courts' dismissal of the DoS claim based on a lack of subject-matter jurisdiction constitutes a plain error of law. DoS is not insulated by sovereign immunity from our claims because the Administrative Procedure Act (APA embodied in 5 USCS 551-59) contains an explicit waiver of the federal government's immunity for actions seeking relief other than money damages. Under 5 USCS 702:

> An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States...

In our Motion ECF73 (pg15) and our Verified Reply ECF75 (pg11), our family does not seek a monetary judgment or cash refunds from the public treasury. We seek an order to compel DoS to provide a fair hearing that complies with statutory requirements.

Our requested relief includes a credit for future services so that future visa applications are processed under a statute-mandated framework without the duplicated payment of fees for services which were never provided in accordance with law. A credit for future services is a form of specific performance, not money damages. The lower court failed to evaluate this controlling statutory waiver which we was fully developed in ECF76.

B. Doctrine of Consular Non-Reviewability Does Not Apply DoS Claim Different from *Department of State v. Munoz*

To shield DoS from judicial review, the defendants relied on a selective expansion of the Doctrine of Consular Non-Reviewability, a position the district court accepted without independent analysis. This controversial doctrine applies exclusively to the substantive merits of a field consular officer's exercise of discretion to grant or deny a specific visa application. The Supreme Court's ruling in *Munoz* addressed an unrepresented spouse attempting to challenge the underlying national security justification for a visa refusal to **force visa issuance**.

Our lawsuit stands in sharp contrast to *Munoz*. We are not asking the federal courts to compel DoS to issue any visas; indeed, my wife and her sister were ultimately granted non-immigrant visas, as recorded in ECF75 (pg11). Instead, we challenge the unlawful process by which the applications were handled prior to issuance.

Consular interviewers consistently ignored the extensive packets of evidence prepared under 8 USCS 1201 demonstrating strong ties and an absolute lack of intent to overstay. Interviewers instead fabricated unfounded rules, such as claiming a non-immigrant visa cannot be issued while an immigrant application is pending. Because DoS operates outside of normal administrative oversight, interviews have degenerated into an arbitrary lottery where statutory standards are ignored. Our claims center on the unconstitutional requirement to pay repeated application fees to support these unlawful interviews, a systemic procedural failure completely outside the scope of the *Munoz* decision.

C. Application Fee Injury is Jointly Attributed to USCIS and DoS Court Erred by Dismissing Inter-Agency Procedural Failures

The lower court committed an error of law by failing to analyze the unique, inter-agency nature of the financial injuries suffered while my wife was stranded in Thailand. As detailed in our proposed Second Amended Complaint ECF84-1 and our supporting briefs in ECF76, my wife was stranded abroad because USCIS unlawfully allowed her continuous lawful permanent resident documentation to expire.

The most efficient method for my wife to return home was to apply a second time for a non-immigrant visa through DoS. Because both agencies actively contributed to this logistical crisis - USCIS through its documentation abandonment and DoS through its arbitrary interview processing - the resulting second application fee is a joint injury.

We brought these explicit claims before the trial court under 28 USCS 1361 to compel both agency heads to perform their statute mandated duties including due process. TXND court's dismissal under a generalized theory of sovereign immunity without any analysis or due consideration, completely ignored this concrete record, constituting a plain error requiring reversal.

5. USCIS Improperly Left Mrs. Carr Stranded in Thailand

A. USCIS Violated Statutory Mandates, Failed to Adjudicate I-751

The lower court committed a plain error of law by failing to address the explicit timeline violations committed by USCIS under the governing statutes. Under 8 USCS 1186a and 8 CFRS 216.4(b)(1) the agency is required to adjudicate a jointly filed Form I-751 petitions within a strict ninety-day window or otherwise waive the interview requirement to finalize the permanent resident status. Instead of executing this mandatory statutory timeline, USCIS allowed my wife's I-751 to linger indefinitely without any formal administrative action.

As thoroughly documented before the trial court in our Second Amended Complaint ECF84-1, this processing breakdown forced my wife to navigate daily life with a highly confusing, multi-page temporary extension letter. This inadequate documentation created extreme inconvenience, rendering her status incomprehensible to employers and transit officials alike. This procedural delay inflicted severe emotional distress upon my wife, who was terrified of being deported without cause or notice, solely due to the agency's failure to follow its own explicit legislated deadlines, a core due process violation fully raised in ECF73 (pg34).

B. USCIS Failed Its Duty to Maintain Valid Travel Papers

The District Court reversibly erred by ignoring the harm caused by the agency's failure to provide valid LPR documentation. USCIS has a non-discretionary statutory obligation in INA Section 264 (d) which is 8 USCS 1304(d) to ensure that LPRs are provided with valid evidence of their status to provide freedom to work and travel internationally. As we stated in ECF76, USCIS allowed my wife's temporary extension letter to expire while she was physically abroad and failed to issue any follow-up documentation or alternative passport stamp.

This directly resulted in my wife being stranded in Thailand, unable to board a commercial flight home. The lower court's silent dismissal of this logistical crisis constitutes a clear abuse of discretion requiring reversal.

The relief sought is a credit for future services for one half of the expense of the second application for a non immigrant visa. DoS is asked to provide the other half of credits for future services as they improperly denied the original visa application as discussed above.

6. USCIS Improperly Denied Citizenship to Mrs. Carr

A. USCIS Violated Statutory Timelines Approving Citizenship

Falsification of Interview Records Is a Federal Crime

The lower court committed an error of law by failing to analyze the procedural violations committed by USCIS after approving my wife's naturalization. Under 8 USCS 1447, the agency is bound by strict statutory timelines to finalize citizenship applications once an examination is conducted. On 30 Jan 2023, USCIS conducted a joint Form I-751 and Form N-400 interview, formally approving both applications on 31 Jan 2023 in ROA10-5pg177, ECF84-1.

However, instead of scheduling her oath ceremony promptly as required by 8 USCS 1448 and 8 CFR 337.2, generally within a month, the agency delayed for over six months and on 1 Sept 2023, altered the records to state that the completed January interview had been canceled due to unforeseen circumstances, ROA10-6pg178 in ECF73 (pg56). This alteration of government records is a plausible federal crime under 18 USCS 1001 and seems to have had the calculated effect of delaying my wife's citizenship. I raised these explicit timeline and record defects before the trial court in our Motions ECF73 (pg56-57).

B. USCIS Defied Due Process, Scheduled Interview Conflict Refusal to Reschedule an Interview Precluded Fair Hearing

The District Court erred by ignoring the bad-faith scheduling mechanisms that resulted in the formal denial of my wife's citizenship application. After altering her interview records, USCIS issued a notice scheduling a second Form N-400 interview for 11 Oct 2023 ECF84-1 (pg41) after USCIS had been notified that we were leaving for an extended international trip on 10 Oct 2023, ECF84-1.

As detailed in ECF84-1, we made multiple timely requests via telephone and certified written submissions to reschedule the second interview due to our inability to reschedule this complex multi-country visit with new European visas. USCIS flatly refused these requests and subsequently denied her naturalization application on October 14, 2023, citing a willful "failure to appear" ECF84-1 (pg46). To deny an application for failing to appear when USCIS knew it was impossible violates the core due process requirement of a meaningful opportunity to be heard. The lower court's failure to review this structural defect requires reversal.

As my wife later submitted a new N-400 application for citizenship and received her Naturalization Certificate on 28 Feb 2025 ECF84-1 pg48 (more than two years after her original approval), we are seeking relief of a credit for future services with USCIS for the second application fee as well as the modified queue position for her sons described above.

7. IRS Violations of Due Process and Statutory Mandates

A. The IRS Issued Seizure Notices While an Appeal Was Active

Collections Continued Despite Pending Administrative Appeal

The lower court committed an error of law by failing to analyze the procedural violations committed by the IRS during its collection actions. On 3 Sep 2024, I submitted a Form 2210 and an appeal letter to contest an unfounded penalty notice regarding our 2023 estimated taxes, paying the correctly computed penalty of $340.81 ECF84-1 (pg59). On 10 Oct 2024, the IRS formally notified us that our appeal was forwarded to the Appeals unit ECF67-15, ECF84-1 (pg60).

Despite this active administrative review, the IRS issued a CP504 Final Notice on 11 Nov 2024, ECF67-16, demanding immediate payment under threat of property levy ECF84-1. Advancing collection actions while an independent appeal is pending violates under 26 USCS 6330(e). along with principles of procedural due process. Although IRS Appeals subsequently remanded the matter on 18 Nov 2024 because the agency failed to justify the penalty ECF84-1 (pg61), the collection branch ignored the remand. I raised these explicit due process deficiencies before the trial court in ECF84-1 (pg62).

B. The Agency Disregarded the Mandated 30-Day Seizure Notice

Immediate Threat of Levy Extorted Compliance Under Coercion

The District Court erred by ignoring the explicit statutory notice violations committed by the IRS. Under 26 USCS 6331, the IRS is legally prohibited from seizing property or issuing a levy unless it provides the taxpayer with a mandatory 30-day notice period. The CP504 notice issued on 11 Nov 2024, ECF67-16, completely omitted this statutory window, demanding immediate payment to avert the seizure of our home, vehicle, and joint business accounts ECF84-1 (pg67). This statutory omission forced our family to immediately pay the disputed $753.70 under direct administrative duress to protect our personal and business assets ECF84-1 (pg61). On 18 Feb 2025, the IRS finally admitted that our original 3 Sep 2024 calculation of $340.81 was correct and subsequently sent a refund check ECF84-1 (pg64). However, the agency issued this refund without any explanation, calculation, or accounting for our ongoing appeal, effectively abandoning the review process once its error was exposed. The lower court erred by shielding this non-compliant administrative process from judicial review.

C. Mandamus Is Required to Compel Lawful IRS Processing

Specific Performance Sought to Correct Systemic Due Process Failures

The TXND court's summary dismissal of the IRS count without any specific mention of the IRS or the issues presented is a clear appearance of bias and undermines the due process requirement of a fair hearing. Even under a generalized theory of sovereign immunity our arguments and requested remedies should have a fair consideration. Because we seek specific performance and regularized administrative corrections rather than money damages, our claims fall within the clear waiver of 5 USCS 702. As detailed in our proposed complaint, the

IRS appeals and collections infrastructure is systemically broken, relying on intimidation to collect un-owed penalties while systematically burying valid appeals ECF84-1 (pg62-64).

We seek specific mandamus performance under 28 USCS 1361 to compel the IRS to provide clear, accessible computation tools for taxpayers with uneven annualized income ECF84-1 (pg64). Furthermore, we seek an order requiring the agency to grant automatic abeyance of penalties for first-time violations when requested, until proper estimation tools are deployed. Finally, we seek full specific performance to ensure the recovery of all residual administrative costs and minor damages directly caused by the agency's non-compliant notices, a record fully preserved across our moving papers in ECF84-1.

8. IGs and DoJ Have Joint Mandate Against Criminal Violations

IGs Must Report Federal Crimes, DoJ Must Prevent Future Crimes

None of the IG, CIGIE, or DoJ claims were addressed specifically by the court. However, the proposed complaint ECF84-1, had specific counts which addressed each claim as well as supporting briefs. Rather than repeating these same arguments which were before the court, we will simply cite the arguments presented to the court and summarize the essential points of each argument.

A. USPS IG Colluded with USPS to Perpetuate Criminal Violations

Complaint ECF84-1 explicitly incorporated ECF75-2 a Verified Brief defending Count 1 and Count 2 against USPS and USPS OIG and ECF67-3 a Verified Brief addressing Sovereign Immunity and Executive Discretion. It also refers to ECF75-7 a Verified Brief discussing the role IG's and the DoJ in enforcing lawful statutes and the Constitution. These briefs made it clear that falsifying delivery times were indeed federal crimes and, as such, must be reported to DoJ. Executive discretion and sovereign Immunity do not extend to violating federal criminal statutes or ignoring clear and specific lawful federal statutes. Exhibits cited include ROA11-3pg193 challenging failure to report to DoJ systemic falsified delivery times and USPS IG response ROA10-1pg170 claiming USPS IG can determine whether falsified delivery times should be prosecuted.

B. DoS IG Must Report Falsified Government Records to DoJ

Complaint ECF84-1 goes on to explicitly incorporate ECF75-8 (Verified Brief defending Counts 3, 4, and 5 against DoS and DoS OIG), ECF75-5 (Verified Brief on the Right to Representation), ECF71-8 (Verified Brief concerning Pro Se Representation nuances), and ECF75-6 (an extensive challenge to the Doctrine of Consular Non-Reviewability).

As the DoS interviewers fabricated reasons for denying the visa applications in the video / audio record, these records contradicted the written denial form. When two or more records explicitly contradict each other one or more must be false. These common falsifications of government records are a de facto crime and must be reported to DoJ (but were not). In ROA10-4pg174 DoS confirms that one specific reason for denying the visa (can not have pending immigration visa) was false.

C. DHS OIG Failed to Report Known Falsifications

Complaint ECF84-1 refers explicitly to the Verified Brief supporting the DoS and DHS OIG Counts, ECF75-8, which demonstrates that DHS OIG was notified of falsified records and other serious irregularities and, apparently, did not notify DoJ of these problems. Instead DHS OIG apparently insulated USCIS from corrective actions to prevent such violations in the future.

D. TIGTA Did Not Report False IRS Notices and Other Violations

Complaint ECF84-1 also refers explicitly to the Verified Brief supporting the IRS and TIGTA Counts, ECF76-5, which demonstrates that TIGTA was notified of false IRS Notices and other serious irregularities and, apparently, did not notify DoJ of these problems. Instead TIGTA apparently insulated the IRS from corrective actions to prevent such violations in the future.

E. CIGIE Deflected Inter-Agency Administrative Malfeasance

Complaint ECF84-1 also refers explicitly to the Verified Brief supporting the CIGIE and DoJ counts, ECF73-3. It also refers to the correspondence where the USPS Board of Governors attempted to shift investigative accountability for falsified delivery records over to CIGIE in ROA10-2pg172 and ROA10-3pg173.

F. Department of Justice Abdicated Non-Discretionary Prevention Duties

Complaint ECF84-1 also refers explicitly to the Verified Brief supporting the CIGIE and DoJ counts, ECF73-3. It also reaffirms that the Department of Justice possessed an explicit, non-discretionary constitutional duty to coordinate with reporting IGs to prevent ongoing federal crimes and protect individual constitutional rights. The core jurisdictional briefing establishing these bounds against the DoJ is located at ECF67-3 which was previously referred to concerning Sovereign Immunity and Executive Discretion.

9. Abuse of Discretion, Unsupported / Unanalyzed Denial of Sanctions

A. The District Court's Declining Decision

The District Court systematically insulated the Defendants' misconduct from judicial review by issuing a blanket denial completely devoid of factual analysis or legal scaffolding. In its order, the court stated verbatim:

> The Court does not find Defendants' conduct sanctionable and declines to issue sanctions under its inherent authority. Similarly, the Court declines to issue sanctions under Texas Disciplinary Rule of Professional Conduct 4.01 for false statements or Local Rule 83.3(b)(3) for unethical behavior.

B. Failure to Evaluate Merits Constitutes an Abuse of Discretion

The trial court's reliance on a brief, unreasoned summary to dismiss serious charges of administrative misconduct - such as the submission of false statements and legally baseless arguments - constitutes a clear abuse of discretion under established Fifth Circuit protocols.

- **Categorical Oversight Omission**: The court altered the phrasing of our moving papers from "legal and factual issues" to "legal and factual inaccuracies", shirked its underlying responsibility to evaluate the record, and altogether failed to differentiate between benign typographical errors and intentional, material misrepresentations designed to mislead the tribunal.

- **Disregard of FRCP 11(c)(2) Mandates**: FRCP 11(c)(2) motions were explicitly codified by the Supreme Court to reduce the traditional reluctance of lower courts to enforce sanctions and ensure proper baseline briefing rather than leaving enforcement entirely to unguided judicial whim. *Tollett v. City of Kemah*, 285 F.3d 357, 363 (5th Cir. 2002) states:

  > An abuse of discretion occurs where the "ruling is based on an erroneous view of the law or on a clearly erroneous assessment of the evidence"

- **The Evidentiary Default**: By failing to address the underlying merits of the first Motion for Sanctions (ECF79), the court essentially excused the fact that the former defense counsel did not file an individual response to defend their actions, treating the underlying behavior as completely unreviewable.

The total failure to apply standard legal criteria or execute a searching review of the record cannot be shielded behind a claim of absolute judicial discretion.

10. Abuse of Discretion in Denying Recusal

A. The District Court's Verbatim Disposition

The District Court summarily brushed aside our motion to recuse under 28 USCS 455(a), using a boilerplate standard to conclude without individual evaluation:

> Here, Plaintiff's allegations of 'collaboration' are wholly unfounded. And the mere fact of any ruling adverse to Plaintiff is simply insufficient to establish bias. The District Judge should find that Plaintiff is not entitled to relief under Rule 59(e) and DENY his motion (ECF No. 67).

B. Standard of Law under 28 USCS 455(a)

The statutory threshold for judicial disqualification is an objective one. Under established 28 USCS 455(a), a judge:

> shall disqualify [themselves] in any proceeding in which '[their] impartiality might be reasonably questioned.' The core test mandates recusal if a reasonable person, knowing all the underlying circumstances, would harbor genuine doubts regarding the court's complete impartiality.

C. Appearance of Bias via Unreasonable Procedural Deference

We argue that the court's continuous pattern of total deference to the Government, paired with its failure to enforce basic procedural requirements, establishes a clear appearance of bias:

- **Systemic Disregard of Mandatory Rules**: The court repeatedly accepted untimely filings from the Government without requiring a showing of good cause, while simultaneously holding pro se plaintiffs to hyper-technical, unprominent rules to strip away co-plaintiffs from the action.

- **Concealment of Material Facts**: The court's findings systematically omitted key facts regarding administrative failures across USCIS, USPS, and the DoS. Choosing to completely ignore explicit causes of action (such as FOIA non-compliance) rather than evaluating their merits moves the needle from standard courtroom administration to an appearance of deep-seated favoritism.

- **Premature Adoption of Orders**: The court accepted the Magistrate Judge's FCR before the statutory 14-day window for filing objections had run for all served parties. Rushing to adopt a dismissal order while plaintiffs are actively compiling verified objections creates an objective appearance of collusion to terminate the litigation prematurely.

When a court repeatedly misapplies clear statutory boundaries to shelter government defendants from answering for electronic record falsifications, a detached observer cannot maintain confidence in the court's neutrality.

VII. Conclusion and Prayer for Relief

For the reasons set forth above, I respectfully request that this Court:

1. Vacate the District Court's orders at ECF62, ECF63, and ECF95 to the extent they dismiss my claims against the United States Postal Service.

2. Remand this matter to the District Court with instructions to reinstate the USPS claims.

3. Order that I be granted explicit leave to file a full, comprehensive Supplemental Opening Brief within thirty (30) days of a final order resolving my pending motions regarding case caption corrections (5CC27-1) and record legibility (5CC26).

Verification of Appeal Brief

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: 16 Aug 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
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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

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

This appeal brief complies with the type-volume limitation of FRAP 32(a)(7)(B)(i) because, excluding the parts of the document exempted by FRAP 32(f), this document contains 7,866 words (which is less than the nominal 13,000 words for an appellant brief), as determined by LibreOffice Writer word processing software[1].

3. 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).

4. 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.

5. 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

1 LibreOffice Writer counted words in the selected section which was everything after the 'Statement Regarding Oral Argument' to the signature block. The certified word count was accurate on 16 Aug 2026 at 4PM.

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