

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
Motion to Stay Briefing Schedule,
Compel Correction, and
For Judicial Review
Certificate of Conference – OPPOSED

Motion to Stay Briefing Schedule, Compel Correction, and
For Judicial Review

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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

MTD: Motion to Dismiss

MSJ: Motion for Summary Judgment

MTR: Motion to Reconsider

Abbreviation: Full Name or Phrase

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 and Procedural Impasse

We respectfully move this Court to stay the current briefing schedule established by the clerk's docket update [5CC71du](#), which requires Appellees to respond by 16 Sep 2026. While we submitted a preliminary brief [5CC71](#) which covered a few of the primary issues to comply strictly with the compressed timeline (brief filed on 17 Aug 2026 as required by the court) under order [5CC58-2](#) (filed on 10 Aug 2026) the appeal cannot safely or legally proceed to an adjudication on the merits.

The ROA remains in a state of uncorrected structural flux, and the case caption continues to improperly exclude my wife, her sons, and her sister. Further new issues were brought before the court in [5CC84-1](#) and other motions which require additional defendants including the IRS and the TXND court did not address the issues so that six additional appellees are requested for consideration.

In addition there are new issues of law raised concerning sealing of improperly redacted PII (after the defect is corrected with an alternative document) and this court is asked to direct TXND to finally resolve these issues and supplement the ROA with new records.

To prevent a severe breakdown of due process, we request a formal stay of all briefing until this Court corrects the active case caption and compels TXND to certify a single correct ROA, resolve pending unredacted PII issues, and supplement the ROA with the new records.

II. Conflicting and Duplicate Versions of ROA

The primary barrier to a final brief is that the TXND clerk has generated and distributed two separate, materially different ROAs. We documented this error in our motion [5CC61](#) as well as its predecessors [5CC32](#) and [5CC26](#). Each of these

ROAs has its own defects which prevent preparation of a final brief.

- The original ROA has 25 documents and 133 pages sealed in [ECF20](#) and [ECF67](#) without any supporting judicial order, as elaborated in [5CC61](#) (pg8).
- The subsequent conflicting ROA version unseals these documents but does so at the cost of exposing unredacted PII to the public record, creating a clear violation of [FRCP Rule 5.2](#) and [FRAP Rule 25\(a\)\(5\)](#).

USCA5 cannot reliably review a case where there are two ROA paginations. We cannot provide fixed page citations when there are two ROAs with no clarification of which to use.

III. Unreadable and Garbled Text Layers in [vol-692973 Part4](#)

As brought to USCA5's attention in the motion [5CC61](#) as well as its original predecessor motion [ECF26](#), [vol-692973 Part4](#) of the first ROA contains 2 critical exhibits which are garbled, corrupted, and unsearchable. This defect completely blocks the extraction of accurate quotes and prevents reliable record citation in compliance with FRAP rules. We cannot make our appellate arguments when critical portions of the underlying ROA are unreadable. While the second ROA corrected one of these errors by altering the volume boundaries, the other remains.

IV. Ongoing Public Exposure of Unredacted Privacy Data

The second ROA, exposes unredacted social security numbers and birth dates within exhibits ECF20-1 and ECF67-13, as detailed in our motion [5CC58-3](#) originally raised in our motion [5CC32](#). Although properly redacted replacement copies were filed as [ECF24-1](#) and [ECF69-1](#), the lower court failed to execute a permanent sealing order on the non-compliant exhibits, as outlined in [5CC58-3](#) (pg5). USCA5 has an independent jurisdictional duty under [FRAP Rule 25\(a\)\(5\)](#) to stay proceedings and remove these non-compliant, unredacted records from

public view.

V. Supplement ROA, Recent TXND Issues Concerning Sealed Documents
[5CC46-1](#) identified new errors in TXND processing of PII documents and sealing documents without any court order. [5CC46-1](#) requested that the outstanding motions be resolved by TXND and then that the ROA be supplemented with the new records.

1. TXND Continuing Public Exposure of Unredacted Privacy Data

When the original ROA was contested concerning the numerous TXND ECF documents sealed without any supporting court order (possibly justifying the second ROA), TXND also unsealed the documents in TXND ECF but did not take into consideration the two exhibits, ECF20-1 and ECF67-13, which were previously requested to be sealed as they had unredacted PII (and replacements were provided with correct redaction). At this time the TXND docket shows that those exhibits are still publically accessible and were previously accessed by a 'public' / unrelated PACER account without any restrictions.

There are pending TXND motions to fully correct these defects. [5CC46-1](#) specifically requests that the lower court resolve:

- [ECF97](#) Motion to Strike
- [ECF98](#) Order Denying Motion to Strike
- [ECF100](#) Objections to Order Denying Motion to Strike
- [ECF101](#) Motions for Process Improvements for Seal / Strike Documents
- [ECF102](#) Order Denying Motion to Strike But Suggesting the Court Could Seal Documents

However, the TXND court has not actually ordered the exhibits with unredacted PII sealed at this time even though the requested correctly redacted documents were filed again, this time as [ECF103](#) and [ECF103-1](#)

2. Issues of Law Raised by the Denial of Motion to Strike [ECF97](#)
USCA5 is asked to order TXND to fully resolve the outstanding motions and supplement the ROA with the new records so that we can appeal the incorrect standards applied by TXND of balancing the public's right to access with respect to PII where the public's rights are specified by law.

VI. Unresolved Case Caption Defects and Exclusions

1. Procedural Lineage of the Caption Dispute

The various defects in the case caption is a long standing issue. We previously raised these arguments in [5CC46-1](#), which arose as a child motion of [5CC43-1](#) (it was too long as it consolidated several motions) and [5CC44](#) to compel explicit action on [5CC25](#) (subsequently redocketed as [5CC27-1](#)). Despite this extensive history, active clerk docketing notices continue to omit my wife, her sons, and her sister, and omitting new proposed defendants / appellees as requested in [5CC84-1](#) and other TXND motions.

2. Matrix of Necessary Caption Corrections

The caption modifications requested in the underlying motion [5CC27-1](#) include a diverse range of procedural strengths and statutory requirements:

- **Immediate Family Members (Unassailable Footing):** The standing of my wife is firmly established under [FRAP Rule 3\(b\)\(2\)](#) regarding pro se spousal filings. Her sons, Rujipas and Tanapon Lawichai, and her sister, Buakhao Von Kramer, constitute essential, non-discretionary additions under [FRCR Rule 19\(a\)\(1\)](#). As we are all immediate family members there are numerous

intertwined immigration visa and fee-service injuries.

- **Sanctioned Defense Counsel (Necessary Adverse Parties):** To properly sever and review the lower court's denial of sanctions, the targeted defense attorneys - Mr. Padis and AUSA Parker - must be formally listed as Appellees to defend their personal records under [FRCP Rule 11](#).
- **The Internal Revenue Service and TIGTA:** These tax administration agencies are central to an independent, active section of the appellate brief contesting parallel data falsification patterns, making their inclusion vital.
- **Other Requested Parties:** Additional administrative changes concerning the lower court judges are fully detailed and preserved for this Court's review within the text of [5CC27-1](#).

3. Essential Schedule and Length Relief

Because the underlying motion [5CC27-1](#) seeks substantial administrative modifications - including the consolidation of diverse familial claims, the integration of new agency responses, and the allowance of a single joint appeal - Appellants require a corresponding expansion of standard briefing boundaries.

Proceeding under default time and volume constraints while these multi-layered interests remain unresolved blocks a fair hearing. Appellants therefore seek to preserve and continue their explicit requests for an extended preparation timeline of 80 days and an expanded brief length of 65,000 words, as detailed in [5CC27-1](#).

VII. Specific Remedies and Relief Sought

We respectfully request that this Court enter an order providing the following explicit relief:

1. **Stay the Briefing Schedule:** Immediately freeze the active 16 Sep 2026,

response deadline and halt all downstream briefing obligations.

2. **Compel Correction of the Record:** Direct TXND court clerk to resolve the conflicting ROA dockets, remove the corrupted text layers in Volume 1-4, permanently strike or seal exhibits ECF20-1 and ECF67-13, and integrate the compliant, redacted versions ([ECF24-1](#) and [ECF69-1](#)), resolve the pending motions concerning unredacted PII, and supplement the ROA with the new records concerning sealing of documents (what standards apply) and PII.
3. **Correct the Case Caption:** Order the clerk to update the case management system to properly index and reflect all additional appellants and appellees in the case caption.
4. **Grant Leave for an Amended Opening Brief:** Grant us appropriate time and length consideration to prepare an Amended Opening Brief after the ROA is fully corrected and the caption issues are resolved.
5. Grant such other relief concerning the ROA and preparation of the appeal as the Court determines appropriate.

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: 21 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
SARAPEE, CHIANG MAI 50140
THAILAND

Date: 20 Aug 2025

Location: Bangkok, Thailand

/s Rujipas Lawichai

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

Date: 20 Apr 2026

Location: Phuket, Thailand

/s Tanapon Lawichai

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

Date: 21 Apr 2026

Location: Lopburi, Thailand

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Certificate of Counsel / Pro Se Party

The undersigned hereby certifies under penalty of perjury:

1. Certificate Of Interested Persons

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

1. Brian P. Carr, Appellant
2. Rueangrong Carr, Appellant
3. Buakhao Von Kramer, Appellant
4. Tanapon Lawichai, potential Appellant
5. Rujipas Lawichai, potential Appellant
6. United States of America, et al., App appellees
7. Tami C. Parker, Counsel for Appellees with appealed motion for Sanctions, potential Appellee
8. George Monroe Padis, previous Counsel for Appellees with appealed motion for Sanctions, potential Appellee
9. TXDN Magistrate Rebecca Ann Rutherford with misconduct complaint and

motion to recuse, potential Appellee

10.TXDN Judge Karen Gren Scholer with misconduct complaint and motion to recuse, potential Appellee

2. Certificate of Contact / Conference Compliance

In compliance with [5CCLR 27.4](#), I contacted AUSA Parker via email concerning this motion and on 2 Jun 2026 AUSA Parker stated:

Defendants oppose all your other proposed motions

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

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

This motion complies with the type-volume limitation of [FRAP 27\(d\)\(2\)\(A\)](#) because, excluding the parts of the document exempted by [FRAP 32\(f\)](#), this document contains 1,395 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 was used to count the words in the selected section below the Table of Contents but above the first signature block. The certified word count was accurate on 20 Aug 2026 at 11PM.

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: 21 Aug 2026

Location: Irving, TX