

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

CIGIE: Council of the Inspectors General on Integrity and Efficiency

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

DHS: Department of Homeland Security

DoJ: Department of Justice

DoS: Department of State

Abbreviation: Full Name or Phrase

FRAP: Federal Rules of Appellate Procedure

FRCP: Federal Rules of Civil Procedure

IG: Inspector General

IRS: Internal Revenue Service

LPR: Lawful Permanent Resident

MTD: Motion to Dismiss

MSJ: Motion for Summary Judgment

MTR: Motion to Reconsider

NOA: Notice of Appeal

OIG: Office of the Inspector General

PACER: Public Access to Court Electronic Records

PII: Personal Identifying Information

ROA: Electronic Record on Appeal

TIGTA: Treasury Inspector General for Tax Administration

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

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 simply cite ECFxxx to accurately describe the document referred to and provide easy access to a copy of the document, e.g. [ECF10-5](#) has link to an important exhibit which was provided previously.

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

I. Introduction and Request for Panel Review

We respectfully ask Judge Catharina Haynes to reconsider the order issued on 10 Aug 2026, [5CC58-2](#) and [ECF104](#), which reopened this case and set a rapid briefing timeline. While we filed a preliminary brief [5CC71](#) to meet the court's strict 17 Aug 2026 deadline, forcing the appeal forward before fixing the underlying ROA and case caption deprives us of a fair hearing.

If the single judge declines to adjust the order, we request that this motion be referred to a three-judge panel for full review. We cannot safely file our final arguments while the record remains broken and my wife and her sister are completely excluded from the case caption.

II. Setting Briefing Timelines on a Broken Record is Premature

The order to reopen creates a severe procedural conflict by demanding compliance with appellate rules while the record itself is in total flux. As we showed the court in [5CC45-1](#), [5CC61](#) and [5CC72](#), the TXND clerk sent us two separate, conflicting versions of the record.

- The first version seals 25 documents in [ECF20](#) and [ECF67](#) without any written judge's order.
- The second version unseals these files but exposes unredacted social security numbers and birth dates in exhibits ECF20-1 and ECF67-13, violating [FRCP 5.2](#).

Furthermore, [vol-692973 Part4](#) of the first ROA contains completely garbled text layers that block us from reading or quoting the filings. Forcing the government to reply by 16 Sep 2026 based to a preliminary brief written against a broken record simply delays the real issues. The court must settle the ROA issues before any final briefs can be written.

III. TXND Sealed Documents Without Court Order, PII Violations

While the predecessor motion to [5CC45-1](#), [5CC32](#) identified the ROA errors of improperly sealed documents and unsealed PII, they did not call out an additional problem of these same errors in TXND ECF as they were not yet apparent. Additional errors by TXND court have come to light and should be reviewed by USCA5.

1. Overview of Clerk Actions Regarding [ECF20](#) and [ECF67](#)

The ROA remains in a state of flux because the lower court improperly managed the electronic docket, transitioning from one constitutional defect to another without any supporting judicial authorization. Originally, TXND clerk's office placed temporary, informal "clerk seals" on two large document groupings: entry [ECF20](#) and entry [ECF67](#), which combined encompass 25 discrete documents totaling 133 pages. This blanket sealing was an administrative reaction after being alerted that two separate unredacted exhibits containing sensitive PII had been inadvertently uploaded.

This informal sealing should have been resolved when the subsequent motions ([ECF24](#) and [ECF69](#)) to substitute correctly redacted versions (entries [ECF24-1](#) and [ECF69-1](#)) were adjudicated. Instead, the court failed to address the root administrative problem, ensuring that the temporary, unauthorized seals remained in place until I called attention to the large number of sealed records without any court order in the ROA.

At that point the court verbally unsealed the entire set of documents in both TXND ECF and the ROA without considering the original 2 exhibits with unredacted PII.

2. Overview of [ECF97](#) Motion to Strike

To correct the new public exposure of PII, I filed an unopposed motion to strike [ECF97](#). This filing explicitly invoked the mandatory protections governing electronic records, requesting that the court immediately strike the two exhibits with unredacted PII, ECF20-1 and ECF67-13. The Certificate of Conference includes USATXN statement:

"Defendants will not oppose sealing materials that contain PII".

3. Overview of [ECF98](#) Administrative Denial

TXND Magistrate denied the motion to strike in an electronic order [ECF98](#). The court's rationale was based on an elaborate, exhaustive, document-by-document, line-by-line justification under the USCA5 balancing-test paradigm. The court stated:

"To the extent Plaintiff seeks to shield records from public view, he has not satisfied the standard for sealing materials filed with the Court... To seal materials filed with the Court, Plaintiff must file a motion that: (1) clearly identify what information is to be sealed... (2) brief why the risks of disclosure outweigh the public's common law right of access as to each

document; and (3) demonstrate why no other viable alternative to sealing exists as to each document."

The order relied explicitly on USCA5 case law, specifically [*Le v. Exeter Financial Corp.*, 990 F.3d 410 \(5th Cir. 2021\)](#) and [*June Medical Services, L.L.C. v. Phillips*, 22 F.4th 512 \(5th Cir. 2022\)](#), completely disregarding that the exhibits contained PII protected by clear and specific federal rules.

4. Overview of [ECF100](#) Objections and the Primacy of Federal Rules

Our response to the denial was objections [ECF100](#). These objections articulated a fundamental constitutional and statutory conflict: explicit Federal Rules control over discretionary judicial balancing guidance.

Federal Rules Override Public-Access Balancing Tests for PII

The objections stated that under [FRCP 5.2](#) and [FRAP 25\(a\)\(5\)](#), the clear and specific requirement to shield social security numbers and full birth dates from the electronic public docket. The objections asserted that when a federal rule specifies exactly how a piece of private data must be formatted and restricted, a lower court judge has no legal discretion to apply a common-law balancing test to override that rule. A single judge or magistrate cannot declare that the public interest in viewing an individual's PII outweighs a direct act of Congress designed to protect citizens from identity theft within the court's own ECF.

5. Overview of [ECF101](#) with Suggested Process Corrections

Docket entry [ECF101](#) provided TXND with a framework for sample standing orders and simple clerical procedures. These suggestions were explicitly designed to resolve these persistent systemic problems within the district courts, simultaneously enhancing long-term judicial efficiency and protecting litigant

privacy. Under the proposed process corrections:

- Clerical Authority: Court clerks would be granted explicit, narrow administrative standing authority to immediately process and grant unopposed motions to seal or strike documents containing obvious PII violations, eliminating the multi-month bottlenecks caused by awaiting formal judicial assignment.
- Automated Redaction Links: The electronic case filing system would automatically link replacement exhibits (such as [ECF24-1](#) and [ECF69-1](#)) to the original entries, instantly overriding the defective files on the public-facing docket.
- Standardized Memorandums: The court would utilize standardized text-only entries to record the transition, ensuring a transparent, clear procedural history in the record hidden / ambiguous docket entries which clearly are not sufficient.

These proposed process improvements had guard rails including requiring that only the original filer could request corrections of documents they filed and requiring an explanation of for the incorrect filing with the obvious potential sanctions for negligence rather than honest mistakes. The proposed process also included corrections for the other common reasons for sealing / striking documents: documents filed in the wrong case and wrong document selected for filing.

6. Overview of [ECF102](#) Order and Deferred Sealing Relief

The court issued an order docketed as entry [ECF102](#) which agreed with the core legal reasoning expressed in [ECF98](#), yet simultaneously offered to consider sealing the documents at some unspecified later time with:

However, based on the information included in the Objection, the Court ORDERS Plaintiffs to file redacted versions of the challenged documents.

See ECF Nos. 20-1, 67-13. The Court further ORDERS the Clerk of the Court to seal the unredacted versions of ECF Nos. 20-1, 67-13 pending further order of the Court.

The order acknowledged the privacy risks but asserted that because certain aspects of the file were currently restricted, an immediate judicial intervention was unnecessary. However, the order concluded with an explicit offer to revisit and potentially order the permanent sealing or striking of the files at an unspecified later stage of the litigation, creating an indefinite procedural delay that leaves the underlying record unresolved during this appeal.

7. Overview of ECF103 and ECF103-1 Redacted Submissions

To ensure a clean record was physically before the adjudicators, the correctly redacted documents were submitted again under entries [ECF103](#) and [ECF103-1](#). These submitted exhibits are identical to the exhibits previously submitted as [ECF24-1](#) and [ECF69-1](#). Despite the filing of these requested files TXND has still failed to issue any formal judicial order striking or sealing the unredacted files at ECF20-1 or ECF67-13.

IV. Necessity for Record Supplementation and Central Question for Appeal

Establishing the Procedural Gap in the Current ROA

The structural failure of the lower court brings a clean, highly significant question of first impression directly to this court:

Does USCA5's general guidance for balancing the public interest in accessing court records control over explicit, clear, and specific federal statutory rules enacted to protect personal identifying information (PII)?.

This is a pure question of law that dictates the boundaries of a lower court's

administrative discretion. We will firmly argue that federal rules enacted via the Rules Enabling Act, [28 USCS 2072](#), [E-Government Act of 2002, Public Law 107-347. Section 205\(c\)\(3\)](#) and [Public Law 108-281](#) specifically [FRCP 5.2](#) and [FRAP 25\(a\)\(5\)](#), possess the force of statutory law and completely control the disposition of electronic records. When a strict privacy rule states that a document containing a social security number may include only the last four digits, it creates a mandatory, non-discretionary obligation upon the clerk and the judge.

Discretionary balancing tests are designed to handle ambiguous common law data disputes, not to override direct statutory commands. Because the federal rules are explicit, clear, and absolute, TXND's insistence on a line-by-line balancing analysis was a clear error of law. This represents a winning issue on appeal that will not only correct our individual record but will establish an essential, stabilizing precedent for litigants across the circuit..

V. Reopening the Case Without Settling the Caption Violates Due Process

The order to reopen fails to address our pending motions to correct the caption, leaving my wife, her sons and her sister outside the case management system. We previously detailed this failure in [5CC46-1](#), [5CC27-1](#), and [5CC72](#).¹

- My wife has an unassailable right to be named as an appellant under [FRAP 3\(b\)\(2\)](#) since this is a joint pro se filing by spouses.
- Her sons and her sister are essential additions under [FRCP 19\(a\)\(1\)](#) because their personal visa applications and fee-refund claims are core injuries in this lawsuit.

By ignoring these caption defects and others listed in the cited motions, the clerk's office continues to treat this as a solo appeal. This cuts off my family members

¹ Additional versions of these motions were [5CC43-1](#), [5CC44](#) and [5CC25](#).

from participating in their own case, which violates basic due process.

VI. Preserving Essential Schedule and Brief Length Relief

To present a complete, unified family appeal that covers all government defendants - including the widespread fraud sections involving the IRS outlined in our original motion [5CC27-1](#) - we cannot be restricted to default court limits. The order to reopen should have granted the necessary time and space expansions required to manage such a complex, multi-agency dispute. We ask the court to continue and grant our explicit requests in [5CC27-1](#) for an 80-day preparation time and a 65,000 word brief limit.

VII. Summary of Relief Sought

We respectfully request that Judge Haynes, or a three-judge panel, enter an order providing the following relief:

1. **Vacate the Clerk Timeline:** Void the current 16 Sep 2026 response deadline and stay all active briefing.
2. **Order TXND to Resolve Pending Motions:** Direct TXND to resolve all pending motions and also strike ECF20-1 and ECF67-13 which have unredacted PII and which have been replaced with correctly redacted [ECF24-1](#) and [ECF69-1](#),
3. **Supplement ROA With New Motions and Orders:** Supplement the ROA with the recent motions and orders in TXND ECF.
4. **Order Record Correction:** Direct TXND to:
 - fix the corrupted text layers in [vol-692973_Part4](#), with a supplement to the ROA with corrected exhibits at new page numbers is suggested,
 - specify the version of the ROA which is correct and correct the sealed documents. For the first ROA this would be supplementing the ROA with the unsealed 25 documents in [ECF20](#) and [ECF67](#) while also

striking ECF20-1 and ECF67-13 which have unredacted PII and which have been replaced with correctly redacted [ECF24-1](#) and [ECF69-1](#),

5. **Correct the Case Caption:** Order the clerk to update the case title to properly include my wife, her sons, her sister, the IRS, TIGTA, and the other requested parties as necessary parties.
6. **Reset the Briefing Schedule:** Grant us a full 80 days from the date the record and caption are officially corrected to submit a complete, final Amended Opening Brief up to 65,000 words.
7. Grant such other relief 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: 23 Aug 2026

Location: Irving, TX

Other Signatories

/s Air Carr

/s Buakhao Von Kramer

Rueangrong Carr
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Irving, TX 75061

Buakhao Von Kramer
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THAILAND

Date: 19 Aug 2025
Location: Irving, TX

Date: 20 Aug 2025
Location: Bangkok, Thailand

/s Rujipas Lawichai

/s Tanapon Lawichai

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

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

Date: 20 Apr 2026
Location: Phuket, 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 2,065 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software².

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.

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

² LibreOffice Writer was used to count the works in the selected section below the Table of Contents but above the first signature block. The certified word count was accurate on 23 Aug 2026 at 2PM.

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Date: 23 Aug 2026

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