

In the United States Court Of Appeals, 5th Circuit

Brian P. Carr,
Rueangrong Carr,
Buakhao Von Kramer,
Rujipas Lawichai, and
Tanapon Lawichai
Appellants

versus

United States of America; United States
Department of Justice; United States Postal
Service; United States Postal Service
Office of the Inspector General; United States
Postal Service Board of Governors; United
States Department of State; United
States Department of State Office of the
Inspector General; Council of the Inspectors
General on Integrity and Efficiency; United
States Citizenship & Immigration Services;
United States Department of Homeland Security
Office of the Inspector General; Social Security
Administration; Internal Revenue Service;
Treasury Inspector General for Tax
Administration; Tami C. Parker; and George M.
Padis
Appellees

Case No. **26-10025**

Verified Emergency

Motion for

Panel Reconsideration of [5CC85-1](#)

Certificate of Conference – OPPOSED

Verified Emergency Motion for Panel Reconsideration of [5CC85-1](#)

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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

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

Abbreviation: Full Name or Phrase

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

TXNDLR: TXND Local Rules

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. Overview and Emergency Posture

Clerk Errors Have Prevented Due Process and Fair Hearing

In this matter there were numerous USCA5 Clerk errors which prevented the prompt resolution of the case caption and ROA issues as well requests to stay the briefing schedule which resulted in unwarranted procedural sanctions and violations of our due process right to a fair hearing. The caption issues have been decided but the duplicate ROAs (with different pagination and both with errors) remains a block to any appeal brief which is fully compliant with 5CCLR rules concerning record citation.

To correct the repercussions of these clerk errors we are seeking a short stay of the briefing schedule for the TXND court to correct the fundamental ROA defects (perhaps about 2 days) and then an unfettered opportunity to refine our appeal brief to permit a fair hearing of the important issues, preferably 40 days but 15 days might be adequate with a corrected ROA.

II. Authority

1. Standard for Reconsideration of Panel Orders

Panel rehearing or reconsideration of panel orders is governed by [FRAP 40\(a\)\(1\)](#) and [5CCLR 27.2](#). Reconsideration is appropriate to correct clear legal error, address significant procedural errors, or prevent manifest injustice when circumstances prevent a party from complying with court directives.

2. Emergency Motion Certificate Provided Pursuant to [5CCLR 27.3](#)

Within the 'Certificate of Counsel / Pro Se Party' there is the required Emergency Motion Certificate Provided Pursuant to [5CCLR 27.3](#)

III. Background of USCA5 Motions and Orders

1. Appeal Dismissed Through Clerk Error

In Clerk Order [5CC33-1](#) the appeal was dismissed in error on 2 Jun 2026 even though there were outstanding requests to:

1. stay the briefing schedule,
2. correct the caption,
3. correct the ROA, and
4. provide time and length relief.

The dismissal in [5CC33-1](#) was a direct violation of [5CCLR 42.3.1.2](#) which dismissed the appeal rather than providing the required 15 day notice specifically mandated in the local rule.

2. [5CC58-2](#) Reopened Case With Unwarranted Procedural Sanctions

Appeal While Caption and ROA in Flux Denies Due Process

Six Days is Insufficient For a Well Considered Appeal

The case was reopened in Order [5CC58-2](#) on 10 Aug 2026 but there was no consideration of the caption and ROA issues and we were required to file the rushed, placeholder six day brief [5CC71](#) in just six days.

The rushed placeholder brief [5CC71](#) covered a few of the more important issues but was not thoroughly considered nor were the arguments as concise and

persuasive as we could provide with more time.

3. Caption Resolved But Other Relief Ignored

2 Weeks To Update Brief, No New Arguments

The recent panel Order [5CC85-1](#) decided the caption issues and added six parties to the matter but did not address:

1. stay of the briefing schedule,
2. corrections to the ROA.

Instead it permits us only 2 weeks to update our rushed placeholder brief but with an unwarranted procedural sanction of not permitting new legal arguments which is particularly problematic as adding four new appellants (my wife, her sons, and her sister) requires that they have due process to raise their own concerns.

IV. Arguments

1. Duplicate ROAs And Local Rules Prevents Fair Hearing

Appeal briefs must only address legal issues which were before the trial court. However with duplicate ROAs with different pagination and each with there own errors (neither is correct and accurate) we cannot reliably cite either ROA as required by [5CCLR 28.2.2](#) which states:

Record References. Every assertion in briefs regarding matter in the record must be supported by a reference to the page number of the original record, whether in paper or electronic form, where the matter is found using the record citation form as directed by the Clerk of Court

Our entire appeal could be rejected by the merits panel based on the lack of

citations to the correct ROA.

2. There Are Two Distinct Irreconcilable ROAs from TXDN Clerk

A. 15 Apr 2026 ROA Improperly Seals 23 Documents, 131 Pages

On 15 Apr 2026 I received the original ROA with [DocketSheet-106607](#). In this ROA the important [ECF20](#) and [ECF67](#) which are a total of 25 documents and 133 pages is omitted as they had been improperly sealed in TXND ECF without any court order.

Two critical motions [5CC26](#) and [5CC32](#) of 30 May 2026 identified critical omissions and errors in the 15 Apr 2026 ROA and requested supplements to correct the defects.

B. 28 May 2026 2nd ROA Exposes Unredacted PII to Public Access

On 28 May 2026 the TXND Clerk sent a second ROA with [DocketSheet-107860](#) as can be seen in [5CC37-3](#). While this ROA unseals the 25 documents and 133 pages which were not properly sealed in TXND ECF, it also improperly exposes to public access two exhibits which have been identified as having unredacted PII, i.e. ECF20-1 and ECF67-13.

C. First ROA Must Be the Certified as the Correct ROA

There are four critical initial motions presented to the USCA5 which rely on the original ROA:

1. [5CC13](#): Seal two exhibits ECF20-1 and ECF67-13 with unredacted PII, a prophylactic measure suggested by USCA5 as USCA5 routinely unseals improperly sealed documents,

2. [5CC25](#): Stay the briefing schedule, correct the caption, and provide time and length relief,
3. [5CC26](#): Correct 2 records in the original ROA which were garbled, and
4. [5CC32](#): Unseal 25 documents, [ECF20](#) and [ECF67](#), which were sealed without court order while striking the two exhibits with unredacted PII, ECF20-1 and ECF67-13

Each of these motions relied on the original 15 Apr 2026 ROA and include numerous references to the record based on its pagination. These fundamental requests for relief contained numerous references to the original ROA and would be become nonsense were a second ROA adopted.

Only Appellate Judicial Order Can Replace an Entire ROA

In general appellate courts refrain from generating new ROAs (with different pagination) as it makes the appellate record substantially incomprehensible unless all later filings specify that they are using the second ROA which greatly increases the complexity of every filing, e.g. a quote from a previous filing must note which ROA was used by the previous filing and map each such record reference to the new ROA.

3. Due Process and Adequate Opportunity to Prepare Briefs

The Due Process Clause of the Fifth Amendment guarantees a fair opportunity to present an appeal. Under [FRAP 31](#)(a)(1), an appellant is ordinarily afforded 40 days after the record is filed to serve and file a brief. It denies due process to restricting preparation time to 6 days even though:

- structural record defects impedes accurate page citations and
- the caption is in flux and impairs the right to meaningful appellate review.

We are now permitted according to Order [5CC85-1](#) to update the previous six day brief [5CC71](#) but we are prevented from adding any new arguments to reflect the new parties and we still have no way of reliably citing the record as there has been no definitive declaration of which ROA is correct.

4. Briefing Schedule Support Due Process

Changes to the Case Caption Necessitate New Briefing Schedule

[FRAP 31](#)(a)(1) provides the briefing schedule for a case and states:

The appellant must serve and file a brief within 40 days after the record is filed.

This 40 day period starts from the availability of the ROA which is presumed to be complete and accurate. Corrections to the caption such as adding four Appellants (my wife, her sons, and her sister) are problematic as they are entitled to a fair hearing but can not reliably submit any appeal brief until they are included in the case caption.

The case caption is dependent on both the NOA (what issues are raised) and the ROA (to determine which issues are appealed from and by whom) as described in [FRAP 3](#)(b) and (c).

5. Six Days Insufficient to Prepare Complex Brief

Collapsing 55 Separate Appeals To Single Appeal Requires Time

Order [5CC85-1](#) decided the caption issues determining that there were 5 appellants and 11 appellees. As separate and independent appeals this would be 55 appeal briefs which would be impossible to properly complete in six days.

Joint appeals provide great efficiency for the court and all parties though there remains the requirement that each claim must establish each injured parties (the plaintiffs) as well as the duty to perform and failure to perform for each defendant and the specific relief(s) sought from the court to ameliorate the damages.

The proposed verified amended complaint [ECF84-1](#) had 341 numbered paragraphs, each a separate affirmed statement, and 66 reliefs sought. There were 13 separate briefs referred to in [ECF84-1](#) which supported the different claims as the different elements of each claim are not readily apparent from the extensive statements and reliefs.

While the court might prefer that such a complex set of issues be reduced and refined to a handful legal questions to be resolved, due process requires that each of us (the appellants) be provided with a fair hearing for each claim against each defendant / appellee.

I estimated in my initial request for time and length relief that there are actually about 20 distinct claims each with a handful of interesting legal questions.

A. Six Day Placeholder Brief [5CC71](#) Provided Under Protest

The preliminary statement of [5CC71](#) clearly stated that it was impossible to produce an adequate appeal brief under the constraints of six days and without a single accurate ROA or decided case caption. I chose a handful of the more relevant claims but the decision was not a careful consideration of the importance and merits of each claim but rather which ones had already been well argued and could be easily included via cut and paste.

B. Important Claims Were Omitted Without Due Process

I am required in my appeal brief to preserve each claim that was presented to TXND and which I wish to have considered. However, that simply was not possible in six days. In [5CC85-1](#) I did not include the following important issues due to the constraints just listed:

1. Motion [ECF76](#) raises a legal question as to the adequacy of [FRCP 72](#) notices for pro se parties elaborated in [pages 6-15](#) where it appears that TXND intentionally concealed the notice.
2. In Proposed Complaint [ECF84-1](#) there is a challenge to USCIS and denial of applications for 'failure to appear' when there seems to have been systemic failure to provide timely notice in [pg41pr210](#). The exhibit cited [ECF16-1](#) is garbled in both ROAs but the systemic failure to provide timely notice before denials has potentially far reaching consequences.
3. In proposed complaint [ECF84-1](#) there are numerous explicit claims concerning FOIA requests which were ignored / denied by most of the defendants but one particularly important request is listed in [pg49pr238](#) with ROA garbled record [ECF10-9](#) as DoS and USCIS routinely deny due process to applicants (commonly foreign nationals) by never providing access to evidence against them. Of course each such denial is a violation of due process with even more far reaching consequences. However, due to diverse and sheer number of such claims the FOIA claims were not included in the first rushed placeholder brief.

C. Number, Complexity of Claims Can Not Prevent a Fair Hearing

It is a violation of due process to restrict us in time to prepare our brief and then the number of legal questions raised because it is inconvenient for the court. As clerk errors were responsible of the delays we should not be penalized and denied a fair hearing.

V. Relief Requested

Appellants respectfully request that this Court grant the following specific relief:

1. **Immediate Stay of Briefing Schedule:** Stay the deadline to file our opening brief pending the resolution and issuance of a single, corrected, and unified ROA.
2. **Order to Supplement and Correct the ROA:** Direct the TXND Clerk to issue a single Supplemental ROA for the original ROA sent on 15 Apr 2026 with [DocketSheet-106607](#) containing:
 - The entirety of [ECF20](#) and [ECF67](#) but excluding ECF20-1 and ECF67-13;
 - Separately extracted, legible copies of documents ECF10-9 and ECF16-1; and
 - Inclusion of district court post-appeal filings ECF97 through ECF104.
3. **Establishment of Standard Briefing Window:** Reset Appellants' deadline to file their opening brief to 40 days following the entry and distribution of the corrected Supplemental ROA pursuant to [FRAP 31\(a\)\(1\)](#), or, in the alternative, grant no less than 15 days from the date the corrected ROA is issued.

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 Sep 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

/s Tanapon Lawichai

Rujipas Lawichai
 Ban Tha Sala 1 Moo 7
 Si Mueang Chum, Maesai,
 Chiang Rai 57130 Thailand
 Date: 20 Apr 2026
 Location: Phuket, Thailand

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. Emergency Motion Certificate

Pursuant to [5CCLR 27.3](#), Appellant Brian P. Carr certifies that an emergency panel review order is required in this matter to avoid immediate and irreparable harm. In support of this certificate, I show:

- 1. Nature of the Emergency and Irreparable Harm:** We are pro se litigants proceeding without counsel. The duplicate ROAs with conflicting pagination and each with their own errors created an unusable record. We were permitted to file an "improved" brief under a restricted schedule that prohibits the addition of new legal arguments after six parties were added to the case. Proceeding under these conditions creates a procedural obstacle that denies us due process to file an unfettered, accurate initial brief. Failure to resolve these record defects and stay the schedule will force us to brief a

multi-year case on a fundamentally corrupted record, permanently compromising the integrity of this appeal.

2. **Exact Date by Which Court Action is Requested:** Court action is required on or before 1 Oct 2026. Our current restricted period to file the initial brief expires on 1 Oct 2026. The opposing response brief is due 16 Oct 2026, and could be submitted as early as 2 Oct 2026. Therefore, a ruling must be issued by October 1, 2026, to prevent the irreversible progression of the briefing schedule and denying us any opportunity to properly present the various legal questions raised before TXND, i.e. no fair hearing of the issues.

3. **Contact Information for Counsel/Parties:**

Appellant (Pro Se): Brian P. Carr
Address: 1201 Brady Dr., Irving, TX 75061
Email: carrbp@gmail.com
Website: <https://governmentoflaw.info/>

Counsel for Appellees (United States of America):
Tami C. Parker
Assistant United States Attorney
United States Department of Justice / U.S. Attorney's Office
801 Cherry Street, Suite 1700 Fort Worth, Texas 76102
Telephone: (817) 252-5230
Facsimile: (817) 252-5458
Email: tami.parker@usdoj.gov

4. **Notice to Appellee and Clerk's Office:** Pursuant to [5CCLR 27.3](#), Appellant has provided notice of this emergency filing. USATXN has explicitly stated via email on 9 Sep 22 that:

Defendants oppose an emergency motion for panel reconsideration.
We do not oppose some of the relief sought in the motion, namely any correction of the record that is needed.

Appellant will further notify the Clerk's Office by telephone at 504-310-

7700 immediately upon the electronic docketing of this motion.

2. 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

3. Certificate of Contact / Conference Compliance

In compliance with [5CCLR 27.4](#), I contacted AUSA Parker via email concerning this motion and AUSA Parker stated via email on 9 Sep 22 that:

Defendants oppose an emergency motion for panel reconsideration. We do not oppose some of the relief sought in the motion, namely any correction of the record that is needed.

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

4. 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 2,072 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software¹.

1. 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).

2. 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.

3. 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

¹ 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 Sep 2026 at 12PM.

Irving, TX 75061

Date: 23 Sep 2026

Location: Irving, TX