

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
Reconsider Withdrawal of [5CC45-1](#)
and to Submit [5CC45-1](#) for Judicial Review**
Certificate of Conference – OPPOSED

**Verified Motion to: Reconsider Withdrawal of [5CC45-1](#) and
Submit [5CC45-1](#) 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

NOA: Notice of Appeal

PACER: Public Access to Court Electronic Records

PII: Personal Identifying Information

Abbreviation: Full Name or Phrase

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 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.

One Exhibit Added to the Record With This Motion

This motion itself has an [Exhibit A](#) which is attached as it has not been included in any previous motion. These email communications from 27 Jul 2026 to 6 Aug

2026 with the USCA5 Case Management Clerk concern the withdrawal of [5CC45-1](#).

It is expected that future motions may also refer to this same exhibit.

I. Introduction

We respectfully request reconsideration of the administrative withdrawal of the motion [5CC45-1](#), now designated as a restricted document. The withdrawal appears to have resulted from a misunderstanding in the process of separating the overlapping motions that originated with [5CC43-1](#).

[5CC45-1](#) was not intended to be withdrawn as moot. It addresses substantial and unresolved defects in the Record on Appeal (ROA) that directly affect our ability to prepare and file a complete Opening Brief. Those defects have not been corrected by the withdrawal of the predecessor motion [5CC43-1](#) and they remain unresolved.

We respectfully requests that [5CC45-1](#) be restored to active status, or otherwise redocketed as necessary, and submitted to the Court for judicial review together with [5CC46-1](#), its sibling motion. The two motions were created from the same effort to replace the rejected [5CC43-1](#), but they address different aspects of the relief that had been combined in that motion.

II. The Withdrawal of [5CC45-1](#) Appears to be Administrative Error

The history of these filings is important because [5CC45-1](#) was not an independent

motion that became moot. It was one of two replacement motions created after [5CC43-1](#) was rejected as exceeding the stated length limitation.

The clerk's correspondence confirms that the motions were being separated and organized for judicial review. However, on 4 Aug 2026, the Case Management Clerk advised us:

I worked with my supervisor to review your motions, so we've got them straightened out. I'm docketing your motions now and will be submitting them to the court to review.

The same correspondence specifically recognized the unresolved ROA problem and asked whether Appellant had obtained a complete, working copy of the ROA from the district court, see [Exhibit A](#).

I responded the same day that we had not obtained a complete, corrected, and ungarbled ROA and expressly requested that [5CC45-1](#) be submitted for judicial review rather than withdrawn. I explained that none of the substantive ROA corrections, docket adjustments, or PII issues requested in [5CC45-1](#) had been resolved. [Exhibit A](#).

The subsequent administrative withdrawal of [5CC45-1](#) therefore appears inconsistent with the understanding reflected in the preceding correspondence. We respectfully request correction of the administrative withdrawal of [5CC45-1](#).

III. [5CC45-1](#) and [5CC46-1](#) are Sibling Replacements for [5CC43-1](#)

[5CC43-1](#) attempted to bring together the pending motion issues so that the Court could resolve the underlying matters and allow the appeal to proceed. The filing was rejected as exceeding the applicable length limitation.

The two subsequent motions, [5CC45-1](#) and [5CC46-1](#), divided the substantive matters that had been combined in [5CC43-1](#).

[5CC46-1](#) primarily addresses the caption and related procedural matters. It is accompanied by [5CC46-2](#), a preliminary Opening Brief. [5CC45-1](#) primarily addresses the ROA and related record-access problems.

Consequently, [5CC46-1](#) cannot reasonably be treated as a replacement for [5CC45-1](#). The preliminary brief accompanying [5CC46-1](#) does not provide reliable ROA citations because we were provided two different versions of the ROA by the district court, with substantially different docket contents. We therefore can not determine with certainty which ROA docket should be used for citations in the final brief. However, this particular problem is only elaborated in [5CC45-1](#) (to meet document length constraints).

This problem was expressly identified in the correspondence with the Case Management Clerk. The Clerk recognized that without a complete ROA, accurate ROA citations cannot be prepared and noted that the preliminary brief is essentially a placeholder until the ROA is fixed. [Exhibit A](#).

Thus, withdrawing [5CC45-1](#) does not eliminate the ROA problems. It eliminates the motion specifically asking the Court to address them.

IV. The Substantive ROA Issues in [5CC45-1](#) Remain Unresolved

[5CC45-1](#) identifies several record defects that directly affect preparation of the appeal.

1. Volume 4 of the electronic ROA contains garbled or unreadable text layers that prevent reliable extraction and citation of the underlying record.
2. Appellant received two different ROAs from the district court through email, containing substantially different docket information. We need the Court to identify which ROA is the authorized record and have the correct ROA docket filed with the certification establishing that it is the record to be used for the appeal.
3. The two ROAs presented different problems concerning sealed documents and unredacted PII. One ROA contained numerous sealed documents without an identified sealing order, 25 documents and 133 pages in [ECF20](#) and [ECF67](#). The other ROA unsealed those materials but also made available two one page exhibits containing unredacted PII, ECF20-1 and ECF67-13. Correctly redacted versions of those exhibits exist as [ECF24-1](#) and [ECF69-1](#).
4. Related PII and sealing issues remain in the district court record.
5. [5CC45-1](#) requested supplementation of the ROA with subsequent TXND decisions and related proceedings concerning sealing and access to the record so that USCA5 has the relevant procedural history.

These matters were not resolved by the withdrawal of [5CC45-1](#). They remain material to the preparation of the appeal.

V. The ROA Problems Prevent a Complete Opening Brief

The ROA defects are not merely technical or collateral matters.

An appellate brief must identify the portions of the record supporting its factual and procedural assertions. We cannot reliably provide fixed ROA page citations when there are two materially different ROA dockets and when portions of the electronic ROA contain garbled text layers.

The preliminary brief filed as [5CC46-2](#) therefore expressly proceeded with provisional and incomplete ROA references while reserving the right to correct the brief after the ROA is resolved.

This is not an attempt to delay preparation of the appeal. It is an effort to obtain a usable appellate record so that the Opening Brief can accurately cite the record that the Court will review.

The Case Management Clerk recognized this practical problem in the correspondence attached as [Exhibit A](#), stating that without ROA citations a brief is insufficient, but without a complete ROA accurate citations cannot be created.

VI. Request for Relief

We respectfully requests that the Court:

1. Reconsider and vacate the administrative withdrawal of [5CC45-1](#);
2. Restore [5CC45-1](#) to active status, or redocket it in an equivalent manner that permits judicial consideration;
3. Submit [5CC45-1](#) to the Court for judicial review together with [5CC46-1](#), recognizing that the two motions address different portions of the relief originally presented in [5CC43-1](#);
4. Consider the ROA corrections and related record issues presented in [5CC45-1](#) before requiring Appellant to file a final Opening Brief with corrected ROA citations; and
5. Grant such other relief concerning the ROA and preparation of the appeal as the Court determines appropriate.

We are not seeking to restore [5CC43-1](#) itself. The purpose of this motion is to ensure that the substantive ROA relief separated from that rejected filing remains before the Court for judicial review.

The withdrawal of [5CC45-1](#) should not be permitted to leave unresolved the very ROA problems that the motion was filed to correct.

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: 7. August 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. 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. 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 1.127 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.

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

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 7 Aug 2026 at 4PM.

Date: 7. August 2026

Location: Irving, TX