

Email Correspondence: 25-11355 Carr v. USA

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Correspondence from 6 Aug 2026

Email From Brian Carr, 6 Aug 2026, 11:15 AM

From: Brian Carr carrbp@gmail.com

To: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>

Subject: Re: 26-10025, Carr v. USA - Clarification on Motion 5CC45 and Status of ROA / PII Corrections, previously Re: 25-11355, Carr v. USA

Date: August 6, 2026, 11:15 AM

Good morning Rebecca,

Thanks for getting back to me on the withdrawal of [5CC45-1](#) with its critical ROA corrections. It appears that there may have been crossed emails as I didn't get your morning email of 5 Aug 2026 8:01AM until the EOD.

I am concerned that if the judge reopens the appeal as requested he could indeed assign a briefing schedule of 40 days (or even 30 days even though we asked for more) from the date of the reopening.

I am also concerned that while the clerks may be able to fix most of the ROA errors without judicial intervention, they can not order the correction of the TXND ECF record by striking the documents ECF20-1 and ECF67-13 and supplementing the ROA with the recent errors in [ECF97](#), [ECF99](#), and [ECF102](#).

Also, if the briefing schedule is based on the date of the order reopening the appeal, then we will have to resubmit the ROA corrections (as we did before) and the matter could well be dismissed again as we can not submit a proper brief without a correct and authorized ROA docket for citations to the ROA (and we have two contradictory ROA dockets at this time, both of which have critical errors).

You suggested:

When motions are withdrawn, they automatically become restricted as they're essentially moot and no longer require a ruling. -The same thing happens when we take no action on a document. I don't think I can change that, but again, you could always file a motion later.

I believe that you can correct the error of withdrawing [5CC45-1](#). Perhaps you can check with your supervisor about how to do that and consider redocketing [5CC45-1](#) like was done with 5CC25 which became [5CC27-1](#) with an explanatory memo as [5CC27-2](#).

If it is really not possible for you to correct an improperly withdrawn motion, I could submit a Motion to Reconsider/Vacate the administrative action withdrawing [5CC45-1](#), but that would just add more motions for the judge to review. I think it would be best if you could correct the error on your own so that the chain of motions and updates gets simpler rather more complex.

Thanks for your help with this,
Brian

Correspondence from 5 Aug 2026

Email From Brian Carr, 5 Aug 2026, 1:22 PM

From: Brian Carr carrbp@gmail.com

To: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>

Subject: Re: 26-10025, Carr v. USA - Clarification on Motion SCC45 and Status of ROA / PII

Corrections, previously Re: 25-11355, Carr v. USA

Date: August 5, 2026, 1:22 PM

Good afternoon Rebecca,

Yesterday I inadvertently described the motion groupings incorrectly. Here is the corrected mapping, and I want to be clear that I am requesting judicial review of the relief requested in [5CC45-1](#).

My earlier email incorrectly grouped later motions together. After reviewing the docket, I believe the procedural relationships are more accurately summarized as follows:

- The motion identified as [5CC43-1](#) should be considered together with the clerk's action in [5CC43-13](#) and my subsequent motion [5CC47](#). The purpose of [5CC47](#) is not to revisit the substantive relief requested in [5CC43-1](#). Rather, it requests review of the document-length standard applied in [5CC43-13](#). Because [5CC47](#) addresses the procedural basis on which [5CC43-1](#) was found insufficient, the judge will likely benefit from reviewing those documents together.
- I also note that docket entries [5CC44](#) and [5CC45-1](#) were withdrawn in your docket updates. While [5CC46-1](#) did in fact replace [5CC44](#), [5CC45-1](#) and [5CC46-1](#) (via [5CC44](#)) were the replacements for the rejected [5CC43-1](#). As such [5CC45-1](#) warrants judicial review as it addresses ROA issues not otherwise addressed.

Accordingly, my previous reference to those filings should be understood only as part of the procedural history rather than as independent motions requiring separate disposition.

My objective is simply to ensure that the judge has the complete procedural context for the remaining motions.

Thank you again for your assistance and patience in working through this unusually complicated motion history.

Respectfully,

Brian P. Carr

From: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>

To: Brian Carr carrbp@gmail.com

Subject: RE: 26-10025, Carr v. USA - Clarification on Motion 5CC45 and Status of ROA / PII
Corrections, previously Re: 25-11355, Carr v. USA

Date: August 5, 2026, 8:01 AM

Good morning,

Thank you for letting me know about the ROA. If the court grants the motion to reopen, I'll talk to our records person and work to get that resolved.

2. I'll talk to my manager about submitting that. We can always file it later if the motion to reopen is granted, or if we can get the ROA fixed, that relief may not be necessary.

3. When motions are withdrawn, they automatically become restricted as they're essentially moot and no longer require a ruling. The same thing happens when we take no action on a document. I don't think I can change that, but again, you could always file a motion later.

Regarding the ROA issues, I do understand. Without ROA citations, a brief isn't sufficient, but without a complete ROA, you can't create accurate ROA citations. I noted that the brief is essentially a placeholder until the ROA is fixed.

Very Respectfully,
Rebecca Jeanfreau

Correspondence from 4 Aug 2026

Email From Brian Carr, 4 Aug 2026, 7:50 PM

From: Brian Carr carrbp@gmail.com

To: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>

Subject: RE: 26-10025, Carr v. USA - Clarification on Motion 5CC45 and Status of ROA / PII
Corrections, previously Re: 25-11355, Carr v. USA

Date: August 4, 2026, 7:50 PM

Good evening / morning Rebecca,

Thank you for working through these complex motion sequences with your supervisor to get them properly submitted for judicial review.

In response to your question regarding the Record on Appeal (ROA), **no, I have not yet been able to obtain a complete, corrected, and ungarbled copy of the ROA from the district court.**

Because these foundational record issues remain outstanding, I need to clarify the status of Motion [5CC45](#):

1. **Agreement on 5CC44:** I have no objection to 5CC44 being marked as withdrawn, as it was superseded by [5CC45-1](#) and [5CC46-1](#) (with provisional brief [5CC46-2](#)).
2. **Objection to Withdrawal of [5CC45-1](#):** I respectfully request that [5CC45-1](#) be submitted to the court for judicial review rather than withdrawn. None of the substantive ROA corrections, docket adjustments, or PII issues requested in [5CC45-1](#) have been resolved.

3. **Removal of 'RESTRICTED' Tags:** Both [5CC45-1](#) and [5CC45-2](#) now bear a 'RESTRICTED' designation. Because the original filings were already publicly disseminated and archived online, restricting them at this stage creates unnecessary confusion. I request that [5CC45-1](#) be submitted for judicial review without the RESTRICTED tag.

Outstanding ROA & PII Issues (From [5CC45-1](#))

Until the following items are resolved by judicial review or clerk action, Appellant cannot finalize a complete Opening Brief with fixed page citations:

- Garbled ROA Text Layers: Volume 4 of the electronic ROA contains unreadable, garbled text layers that prevent accurate extraction and legal citation.
- Two Different ROA's Provided: The lower court provided us with two distinct ROA's via email with substantially different dockets. We require clear direction as to which docket is correct by the having one of the ROA dockets filed with the certification that that is the correct ROA docket to use.
- Unresolved ROA Docket with sealed documents: Both of the ROA's we provided had uncorrected problems with sealed documents. The first ROA had numerous documents sealed ([ECF20](#) and [ECF67](#), 25 documents and 133 pages) with no court order to seal them. The second ROA had unsealed those documents but also unsealed two exhibits with unredacted PII ([ECF20-1](#) and [ECF67-13](#)). Correctly redacted versions of those two exhibits are in both ROA's as [ECF24-1](#) and [ECF69-1](#).
- Unredacted PII in Lower Court Filings: This same confusion about sealing records exists in the lower courts records and has not been resolved and USCA5 is asked to assist in encouraging TXND to correctly resolve this issue.
- TXND Recent Orders: The ROA needs to be supplemented with recent District Court decisions regarding sealing and record access so the Court of Appeals has the complete record of proceedings.

Because these uncorrected record defects directly impact the citation structure and scope of the appeal, I cannot complete a final brief until [5CC45-1](#) is judicially reviewed and the ROA is formally corrected.

Thank you again for your patience and assistance in ensuring these issues are properly presented to the Court.

Very respectfully,
Brian P. Carr
Pro Se Appellant

Email From Clerk Jeanfreau, 4 Aug 2026, 8:46 AM

From: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>
To: Brian Carr carrbp@gmail.com
Subject: RE: 25-11355, Carr v. USA
Date: August 4, 2026, 8:46 AM

Good morning,

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. I remember that you had issues with the ROA being garbled. Were you ever able to get a complete, working copy of the ROA from district court?

Thank you for your patience. I'm happy to assist you.

Very Respectfully,

Rebecca Jeanfreau
Case Management Clerk
Northern/Western Texas Divisions of the
U.S. Fifth Circuit Court of Appeals
600 S. Maestri Place, Suite 115

New Orleans, LA 70130
504-310-7645

Correspondence from 28 Jul 2026

Email From Brian Carr, 28 July 2026, 2:38 PM

From: Brian Carr carrbp@gmail.com
To: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>
Subject: Re: 25-11355, Carr v. USA
Date: July 28, 2026, 12:58 PM

Good afternoon,

I understand that all the reliefs together are a heavy lift. However, once the case is reopened (which is important) there is nothing else to be done. The other reliefs provide everything needed to perfect the appeal so what is the point of reopening the appeal to then wait until the other reliefs are resolved. If the briefing schedule is not tolled (as requested) wouldn't the appeal just be dismissed again while we are waiting for resolution of the ROA and caption issues (which is where we were when the case was dismissed)?

Anyway, I understand that it is a tough situation. I trust that you and your manager can work out a good solution to this problem. Thanks for your attention to this matter.

Wishing you all the best,

Brian

Email From Clerk Jeanfreau, 27 Jul 2026, 1:43 PM

From: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>

To: Brian Carr carrbp@gmail.com

Subject: 25-11355, Carr v. USA

Date: July 27, 2026, 1:43 PM

Good afternoon,

Let me send this along to my manager and see what she suggests. I think the first priority is to get the motion to reopen before the court, but I do also want to address the other reliefs so we can get as much docketed as possible.

Very Respectfully,

Rebecca Jeanfreau
Case Management Clerk
Northern/Western Texas Divisions of the
U.S. Fifth Circuit Court of Appeals
600 S. Maestri Place, Suite 115
New Orleans, LA 70130
504-310-7645

Email From Brian Carr, 28 July 2026, 12:58 PM

From: Brian Carr carrbp@gmail.com
To: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>
Subject: Re: 25-11355, Carr v. USA
Date: July 28, 2026, 12:58 PM

Good afternoon Rebecca,

Thank you for taking the time to work through the docket with me. I appreciate your efforts to make sure the court understands exactly what relief remains pending.

After reviewing the docket again, I think the easiest way to view the motions is to start with the original motions and then treat the later filings as requests for reconsideration, requests for rulings, or updates to those original motions rather than as entirely new requests for relief.

From my perspective, I am requesting judicial review of the original motions together with all related docket activity that followed, including any clerk actions, "no action taken" memorandum, denials, motions for reconsideration, and requests for rulings. I believe the judge should be able to review the entire procedural history of each original motion and determine what relief, if any, should ultimately be granted.

As I currently understand the docket, the principal matters remaining before the court include:

- The motion sequence beginning with 5CC13 and all related filings.
- The motion sequence beginning with 5CC25 (later redocketed as 5CC27-1), including the subsequent requests for rulings contained in 5CC44 and 5CC46-1.
- The motion sequence beginning with 5CC26 concerning correction and supplementation of the record, including the later filings through 5CC36-2 and the renewed request for a ruling contained in 5CC45-1.
- The original motion 5CC32 together with its subsequent procedural history.
- The request in 5CC45-1 to supplement the Record on Appeal with the recent TXND orders and related docket entries so that the appellate record reflects the complete proceedings below.

I am not asking the court to ignore the intervening docket activity. Rather, I believe each original motion should be considered together with every subsequent filing affecting that motion so the judge has the complete procedural history available.

I also believe that 5CC43-1 raised a broader procedural suggestion regarding motion practice. As the docket became more complex, multiple motions, clerk memorandum, denials, and requests for rulings accumulated around a relatively small number of original requests for relief. It may be helpful for future cases if related motions can be tracked through a more structured process so both the parties and the court can more easily determine which issues remain pending. That observation was intended only as a suggestion for improving the administration of motion practice and not as a separate request for relief.

Finally, I continue to request judicial review of all pending motion practice, including the responses filed by the United States where those responses are relevant to the disposition of the underlying motions. I believe the judge should have the complete record of each motion sequence before making a decision.

If it would be helpful, I would be happy to prepare a simple chart listing each original motion, the subsequent related filings, and the relief ultimately requested. I suspect that would make the remaining docket much easier to review.

Thank you again for your assistance.

Best regards,
Brian Carr

Correspondence from July 27, 2026

Email From Brian Carr, 27 July 2026, 10:10 PM

From: Brian Carr carrbp@gmail.com
To: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>
Subject: 25-11355, Carr v. USA
Date: July 27, 2026, 10:10 PM

Oh, it is late and I forgot to ask about 25-11355. My recollection is that the case number is 26-10025 so are we talking about the same case?

We should pick up on this tomorrow.

Brian

Email From Brian Carr, 27 Jul 2026, 10:08 PM

From: Brian Carr carrbp@gmail.com
To: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>
Subject: 25-11355, Carr v. USA
Date: July 27, 2026, 10:08 PM

Good evening / morning,

The docket is most confusing and I would be happy to work with you to straighten things out and get all the pending issues reviewed by a judge so we can move forward. There really aren't that many active issues, but the three or four initial / basic motions have all had so many docketing changes / denials / MTR / left pending that you have to carefully trace each one. The intent was to get judicial review of each of the initial motions as well as a recent request to supplement the record.

As a resource you can look at: https://governmentoflaw.info/3_23-cv-02875-S/TimeLine.html which has quick access to each motion (if that is helpful to you) as well as my take of what the docket text ought to say.

One point of confusion is the essential motion [5CC25](#) which was redocketed as [5CC27-1](#) with a confusing memo as [5CC27-2](#) which said 'no action taken' which meant it was waiting for a 'motion for ruling' as the clerks didn't deny it. The motion for ruling on [5CC27-1](#) was first in [5CC43-1](#) which was too long (it combined the resolution of all the pending motions) so it was broken into two motions, the first of which [5CC44](#) included a ruling request for [5CC27-1](#). It was delayed as there wasn't an appeal attached so it became [5CC46-1](#) with a preliminary appeal as [5CC46-2](#). So, [5CC46-1](#) should have an active request for a ruling on several caption changes as well as tolling the briefing scheduled, length and time exceptions, etc. You see that I disagree with your statement that: the court denied your motion to amend the caption previously.

There was another motion to amend the ROA which was to correct garbled records which was [5CC26](#). Oddly enough it was denied in [5CC31](#) without explanation. There was an MTR [5CC35-1](#) to contest [5CC31](#) but [5CC35-1](#) was redocketed as [5CC36-2](#) with a memo as [5CC36-1](#) which stated 'no action taken'. As an opposed motion [5CC36-2](#) was not denied but just waiting for a motion for ruling which was in [5CC43-1](#). However, [5CC43-1](#) was too long and [5CC36-2](#) was again addressed in [5CC45-1](#) (asking for a ruling on [5CC36-2](#)) which should be actively before the court now. Of course that relates back to [5CC26](#) the original motion to correct the garbled records and the surprising denial in [5CC31](#). All of them should be pending judicial review.

Whew. That was tiring and it late. Do you want to digest those two tomorrow. If you see any gaps in my chains please let me know and we can sort it out.

If you want you could trace through another pending original motion, [5CC32](#), which also should still be pending judicial review (with its own path of to get into [5CC45-1](#)). Just give me a heads up if you need help tracing its path as well as the new request to supplement the ROA with recent TXND decisions.

Wishing you the best,
Brian

Email From Clerk Jeanfreau, 27 July 2026, 1:43 PM

From: Rebecca Jeanfreau <[USCA5 Clerk Jeanfreau email address]>

To: Brian Carr carrbp@gmail.com

Subject: 25-11355, Carr v. USA

Date: July 27, 2026, 1:43 PM

Good afternoon,

You filed three motions in your appeal earlier this month. The issue we're having is that there's overlap between these motions, and your docketing text indicates reliefs you did not add. I'm trying to make sure the court knows exactly what you're requesting. Can you please tell me exactly what reliefs you're seeking with these motions?

Between the three motions, we have:

- Reopen case
- Supplement ROA
- For reconsideration
- Ruling on motion (FYI, this one doesn't seem necessary given the other reliefs requested)
- File separate briefs (you are the only appellant in the case, and since the court denied your motion to amend the caption previously. I don't think we can keep this relief)
- Reopen the case again
- Amend caption
- For reconsideration (of a clerk decision to not file a document from 5/7/2026 – but that document also had multiple reliefs, so I need to know which parts you're looking to have

reconsidered, and to make sure they don't overlap with the other reliefs requested more recently)

- Vacate DC judgment
- File brief in excess word count

Please let me know what you are asking with each motion, and I'll do my best to get it docketed and sent to the court to review.

Very Respectfully,

Rebecca Jeanfreau
Case Management Clerk
Northern/Western Texas Divisions of the
U.S. Fifth Circuit Court of Appeals
600 S. Maestri Place, Suite 115
New Orleans, LA 70130
504-310-7645