

Judicial Council of the Fifth Circuit (JD5C)
Misconduct Complaint Against Judge Karen Gren Scholer TXND
Statement of Facts

Introduction

This is a complaint against U.S. District Judge Karen Gren Scholer concerning her misconduct in a case which was assigned to her in the United States District Court, Northern District Of Texas (TXND), 3:23-cv-02875-S. Judge Scholer confirmed numerous demonstrably false and misleading statements in the orders she filed in ECF. These are federal crimes under [18 USC § 1001](#).

Only One False Statement Refuted in Detail

Not Accidental Mistakes As No Correction Made After Errors Called Out

Only one of the most obvious false statements is called out in this Statement of Facts though there are numerous other false and misleading statements in the record. It is also clear in the record that these are not simple mistakes which would not be crimes as [18 USC § 1001](#) requires ‘knowingly and willfully’. Judge Scholer was given the opportunity to correct the original false statement in FCR [ECF61](#) based on the refutation in the Motion to Rescind and Recuse [ECF73](#) which was denied in Judge Scholer’s Order [ECF95](#). However, in FCR [ECF91](#), that false statement was replaced with another false statement quoting from defendants’ Motion to Dismiss (MTD) [ECF15](#) which was previously shown to be false in the original Motion For Sanctions [ECF30](#). No correction was made. Judge Scholer confirmed every statement in both FCR’s in her Order [ECF95](#).

Entire Record Available on The Internet

It appears that the full record in this matter is not yet available to this judicial council¹, but the entire record is available on the internet for the convenience of the

¹ While the Notice of Appeal (ECF96) was filed on 12 Jan 2026, the 5th Circuit Court case number 26-10025 was

court and any other interested parties. Specifically, there is a web page at https://governmentoflaw.info/3_23-cv-02875-S/TimeLine.html which has descriptions of each document filed in the preceding matter along with a link to the actual document. It has also has descriptions and links to the separate four complaints submitted to the Texas Bar Association as well as this document itself ([5CCrSS](#)). This electronic version is recommended to the council as it makes access to the different documents referred to much less tedious.

Defense Attorneys Apparently Colluded with Court to Conceal Violations

It is a little surprising that government attorneys would make false statements violating [FRCP Rule 11](#) to conceal violations by the agencies they were tasked to defend. It is more surprising that the court would apparently collude to conceal these same violations through criminal violations of [18 USC § 1001](#) but that is what the facts show.

Magistrate Rutherford Falsely States That USCIS Denied Visas

There were numerous false and misleading statements in the FCR and the more important of these criminal violations of [18 USC § 1001](#) are described in the Motion to Rescind and Recuse, [ECF73](#). The most egregious is the court's claim that USCIS denied non immigrant visa applications which is actually a function of Department of State (DoS) Bureau of Consular Affairs (BCA). Specifically in FCR [ECF61](#) in a footnote the court states:

Rueangrong and Buakhao allege that United States Citizenship and Immigration Services (USCIS) violated their due process rights by initially denying their visa applications before approving them.

However, a review of the Complaint [ECF29](#) and the DoS Counts 3 and 4, on pages 12 to 21 and paragraphs 59 to 123 reveals that it is DoS BCA who processes these

not assigned until 26 Jan 2026 and the record (ROA) is not expected until 10 Feb 2026

non immigrant visa applications. Just reviewing the section headers in [ECF29](#) demonstrates that non immigration visas are the purview of DoS. The claim that USCIS denied visas and then approved them is simply false.

False Statement Highly Material, Precludes Appeal Based on DoCNR

In the proposed 2nd Amended Complaint ([ECF76-1](#)) there is an extensive discussion of the Doctrine of Consular Non Reviewability (DoCNR) and raising the question of can Department of State (DoS) Bureau of Consular Affairs (BCA) deny a non immigrant visa to the wife of U.S. citizen²:

- without providing either the U.S. citizen or foreign national wife any element due process,
- in direct violation of clear and specific statutes INA 214(b)³, and
- based on falsified government records ([18 USC § 1001](#)).

However, none of these issues can easily be raised on appeal, as, according to the trial court, it was USCIS (a different defendant with different claims) who denied the visas.

Judge Scholer Claimed to Have Verified Every Challenged Statement

Judge Scholer's Order [ECF95](#) was notably brief as it disposed of a surprisingly complex case and numerous legal arguments with only:

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The Court reviewed de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and

2 This challenge to DoCNR was suggested in [Kleindienst v. Mandel](#), 408 U.S. 753 (1972) concerning non immigrant visas and was considered more recently in [Department of State v. Munoz \(S. Ct. 2024\)](#) with respect to immigrant visas.

3 This failure of DoS was mentioned tangentially in [Department of State v. Munoz \(S. Ct. 2024\)](#) citing DoS OIG investigations and reports.

Recommendation of the United States Magistrate Judge.

Accordingly, Plaintiffs' motions (ECF Nos. 64, 65, 67, 71, 73, 76, 79, 83, 84, and 85) are DENIED.

As such, Judge Scholer is stating that she had confirmed the accuracy of every statement in both FCR's including the ones which are demonstrably false and which were challenged in the Objections [ECF92](#). Judge Scholer could not actually confirm the false statements in both FCR's so the broad claim of confirmation is false.

Conclusion

The Judicial Council of the Fifth Circuit is asked to promptly consider the violations of Judge Scholer and impose sanctions appropriate for the violations of the [18 USC § 1001](#) and the damages which resulted. Referral to appropriate authorities is also an option.

As the violations and complaints for Magistrate Rutherford and Judge Scholer are closely related to each other it is suggested that they should be considered together along with the anticipated separate appeals of the denied motions for sanctions for Mr. Padis (ECF79) and AUSA Parker (ECF83)⁴ as the apparent collusion seriously undermines the credibility of U.S. courts to provide fair and just decisions.

Request for Prompt Resolution of Violations

It is also requested that these violations be promptly resolved rather than waiting for the related appeal to be resolved. The trial court has prevented any reasonable appeal of the actual issues by concealing the valid legal questions via false and misleading statements. The normal appeals process could well take several years

⁴ See Notice of Appeal, [ECF96](#), with explicit complaints of denial of Motions for Sanctions.

and during that time the questions of truthfulness and fairness of Magistrate Rutherford and Judge Scholer can be challenged as their obvious false statements are now public record (and available to all on the internet). Rather than having every pro se party and every government adversary party challenging Magistrate Rutherford and Judge Scholer for bias and dishonesty for the years of delay, it would be better to promptly resolve these questions so that the court can put this unpleasant situation behind it and proceed with restoring public trust.

Verification of Statement of Facts

I, Brian Carr, the undersigned Statement of Facts, hereby affirm under penalty of perjury in both the United States and Thailand that:

1. I have reviewed the above Statement of Facts 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 in accordance with normal redaction procedures to remove sensitive personal information or other sensitive information as identified in the redaction.

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: 27. Jan. 2026

Location: Irving, Texas