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** **Emergency Verified Motion to Vacate Clerk Order 5CC131, Decide Motions 5CC119, 5CC127, 5CCxc0, and Expedite Petition 5CC112-1** Certificate of Conference – OPPOSED

Emergency Verified Motion to Vacate Clerk Order 5CC131,

Decide Motions 5CC119, 5CC127, 5CCxc0, and

Expedite Petition 5CC112-1

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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

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

Abbreviation: Full Name or Phrase

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 simple 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. Certificate of Emergency (5CCLR 27.3)

Pursuant to 5CCLR 27.3, we certify as *pro se* Appellants that an emergency exists requiring expedited judicial action on this Motion prior to 25 Nov 2026 for the following reasons:

1. **Unlawful Administrative Interception of Motions Seeking Judicial**

Review: On 18 Nov 2026, Deputy Clerk Rebecca L. Jeanfreau entered Clerk Order 5CC131, summarily denying Motion 5CC127. Motion 5CC127 explicitly requested judicial review by a circuit judge or panel regarding structural record defects and our unresolved procedural motions 5CC119, 5CC127, 5CCxc0,[1] and Petition 5CC112-1.

2. **Persistent Administrative Non-Action on Motion 5CC119:** On 10 Nov 2026, we filed Motion 5CC119, a Verified Motion for Judicial Review of Clerk Update 5CC114-2 under 5CCLR 27.2 and Motion to Compel Docketing and Expedite Decision. The Clerk's Office has held Motion 5CC119 in administrative limbo without transmitting it to a judge or panel, delaying a ruling until the appeal is transferred to the merits queue and treated as moot.

3. Clerk Update 5CC114-9 of 9 Nov 2026 indefinitely and improperly deferred Emergency En Banc Petition 5CC112-1 of 6 Nov 2026 to correct due process violations in brief preparation and submission of briefs through resubmission of all briefs with due process corrections while the matter is in the administrative queue for assignment to a Merits Panel for review.

   This would correct the due process defects and allow the Merits Panel to review complete and compliant briefs without unreasonable impact to the court's schedule. However, this requires prompt resolution of Petition 5CC112-1 as requested in Motion 5CC119 which has been derailed by clerk errors.

1 Motion 5CCxc0 was submitted on 18 Nov 2026 via email to Pro_se@ca5.uscourts.gov but has not yet been docketed. The links point to the original pdf file, but the file specified in the links will be adjusted to the actual filed document with USCA5 headers when it is filed and I receive notice of the filing.

4. **Prevention of Irreparable Harm and Due Process Violation:** If Clerk Order 5CC131 is not vacated and Motions 5CC119, 5CC127, 5CCxc0, and implicitly Petition 5CC112-1 are not immediately transmitted to a circuit judge or panel prior to 25 Nov 2026, we will suffer an improper administrative cutoff of our procedural rights without judicial review.

II. Certificate of Contact / Conference Compliance

(5CCLR 27.4 & 5CCLR 27.3)

I hereby certify that on 14 Nov 2026, advance written conferral was conducted with lead counsel for Appellees, Assistant U.S. Attorney Tami C. Parker, regarding the underlying Motion for Extension of Time and the provisional nature of the tendered reply brief exhibit. Counsel for Appellees confirmed by email that Appellees **AGREE** to a 14-day extension of time, but **OPPOSE** all other procedural relief.

On 14 Nov 2026, advance written notice of this anticipated Emergency Motion to Vacate Order 5CC131 and expedite other pending actions was also transmitted via email to AUSA Tami C. Parker (tami.parker@usdoj.gov), and a telephonic conference attempt was initiated on 19 Nov 2026. Opposing counsel's position is recorded as **OPPOSED**.

III. Introduction and Relief Requested

We ask that the Court issue an order:

1. **Vacating Clerk Order 5CC131** as an unauthorized administrative action entered without statutory or delegated authority under 28 USCS 956, FRAP 27(b)-(c), and 5CCLR 27.1;

2. **Order an Immediate Stay of Proceedings in this Matter Until 02 Dec 2026:** providing the unopposed extension of 14 days and also providing time for the requested Emergency En Banc Petition 5CC112-1.

3. **Directing Immediate Transmission** of Motions 5CC119 (filed 10 Nov 2026), Motion 5CC127 (filed 17 Nov 2026), and 5CCxc0 (expected filing date of 18 Nov 2026 with notice today) to a single circuit judge or three-judge panel for formal judicial determination; and

4. **Establishing an Expedited Ruling Schedule** requiring a judicial determination on or before 25 Nov 2026 and adjusting the Emergency status of Petition 5CC112-1 to reflect the 2 Dec 2026 required date.

IV. Procedural Background and Administrative Impasse

1. Emergency En Banc Petition 5CC112-1 of 6 Nov 2026

Due Process Corrections

Emergency En Banc Petition 5CC112-1 of 6 Nov 2026 (redocketed as 5CC114-1) sought to correct due process violations in brief preparation and submission of briefs through resubmission of all briefs with due process corrections while the matter is in the administrative queue for assignment to a Merits Panel for review.

This would correct the due process defects and allow the Merits Panel to review complete and compliant briefs without unreasonable impact to the court's schedule. However, for this resubmission to protect the court’s schedule, a decision date of 18 Nov 2026 was requested.

Unfortunately, this required prompt resolution of Petition 5CC112-1 which has been derailed by clerk errors necessitating additional motions to preserve its

viability.

2. Clerk Update 5CC114-9 of 9 Nov 2026

Deferred Resolution Indefinitely with No Action Taken

Clerk Update 5CC114-9 of 9 Nov 2026 improperly deferred resolution of Petition 5CC112-1 indefinitely by claiming that no interlocutory en banc petitions could ever be considered irrespective of FRAP 40 and without citing any corroborating rules or decisions.

3. Expedited Motion 5CC119 of 10 Nov 2026

Expedited Motion 5CC119 was submitted **o**n 10 Nov 2026 seeking judicial review under 5CCLR 27.2 of the clerk's update 5CC114-9 deferring our en banc petition (5CC112-1). Motion 5CC119 explicitly requested an expedited judicial ruling to vacate 5CC114-9. Rather than routing Motion 5CC119 to a circuit judge, the Clerk's Office held the motion without judicial transmission.

4. Motion 5CC127 of 17 Nov 2026

Sought Extension of Time, Maintain Viability of Petition 5CC112-1

Motion 5CC127 of 17 Nov 2026 requested judicial review, a non-standard extension of time, and leave to tender our reply brief under protest until Motion 5CC119 is resolved. The extension of time was intended to protect the viability of Petition 5CC112-1.

5. Clerk Order 5CC131 of 18 Nov 2026

On 18 Nov 2026, USCA5 Clerk Jeanfreau entered Clerk Order 5CC131, stating in full:

> The court has denied the motion to extend time to file reply brief and to file

a corrected brief.

No circuit judge or panel was identified as having authored or authorized this order. Further the signature was exclusively that of Clerk Jeanfreau.

Notice was not provided until after 2:00PM, precluding same-day emergency filing window under 5CCLR 27.3).

The order the relief sought in Motion 5CC127 never asked to file a corrected brief, but sought judicial review under 5CCLR 27.2 and leave to tender our reply brief under protest while Motion 5CC119 awaits decision.

Under 28 USCS 956, FRAP 27(b)-(c), and 5CCLR 27.1, the Clerk's Office exercises only limited, delegated administrative authority over routine procedural motions. The clerk has no authority to deny a motion that explicitly requests judicial review by a circuit judge or panel, nor to decide substantive requests to stay briefing or preserve record objections.

When a party files a motion under 5CCLR 27.2 invoking judicial review, the clerk's duty is strictly ministerial: to docket the motion and transmit it promptly to the court for judicial determination. Entering Clerk Order 5CC131 to summarily deny an opposed Motion 5CC127—without identifying any presiding judge or panel—exceeds delegated clerk authority and usurps the judicial function.

V. Grounds To Vacate Clerk Order 5CC131 and Compel Judicial Review

1. No Delegated Clerk Authority Under FRAP 27(c) and 5CCLR 27.1 Mandatory Judicial Review 5CCLR 27.2, Panel Review FRAP 27(c)

Under 5CCLR 27.2, any party adversely affected by an administrative action or order of the clerk is entitled to formal review by a single judge or panel upon motion. Moreover, under FRAP 27(c), the Court of Appeals may review any action taken by a single judge on a procedural motion.

Both motions 5CC119 and 5CC127 were brought under 5CCLR 27.2. The Clerk's Office cannot insulate its own administrative actions from review by holding Motion 5CC119 without action while entering unattributed denials like Clerk Order 5CC131. Both motions must be placed before a circuit judge or three-judge panel for immediate judicial adjudication—and to the extent Clerk Order 5CC131 reflects an unattributed single-judge denial, we formally invoke panel review under FRAP 27(c).

2. Prevention of Administrative Preclusion, Preservation of Due Process

The ongoing pattern of administrative delay—holding Motion 5CC119 without action while entering summary orders like Clerk Order 5CC131—forces briefing to close under defective record conditions and threatens to render our interlocutory due process challenges moot.

To preserve our constitutional right to due process and ensure a complete, reviewable record and maintain the viability of Petition 5CC112-1, this Court must vacate Clerk Order 5CC131 and require a formal judicial ruling on Motions 5CC119, 5CC127, and 5CCxc0.

VI. Relief Sought

We respectfully ask that the Court grant the following emergency relief on or before 25 Nov 2026:

1. **Vacate Clerk Order 5CC131**: Set aside and vacate Clerk Order 5CC131 entered on 18 Nov 2026.

2. **Compel Immediate Judicial Transmission**: Direct the Clerk's Office to transmit Expedited Motion 5CC119 (filed 10 Nov 2026), Motion 5CC127 (filed 17 Nov 2026) and emergency motion 5CCxc0 (expected filing date of 18 Nov 2026) immediately to a single circuit judge or active three-judge panel for formal judicial determination.

3. **Stay Merits Queue Transfer**: Order that the appeal remain in interlocutory status and stay any administrative transfer to the merits screening queue until formal judicial orders are entered on Motions 5CC119, 5CC127 and 5CCxc0.

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: 19 Nov 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*

_____

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

/s *Tanapon Lawichai*

_____

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:

3. 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

4. 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.

5. 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 1,480 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software[2].

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

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 11 Nov 2026 at 1PM.

1201 Brady Dr
Irving, TX 75061
Date: 19 Nov 2026
Location: Irving, TX