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 for Panel Reconsideration of Order 5CC137-2 and to Expedite Judicial Review** Certificate of Conference – OPPOSED

Emergency Verified Motion for Panel Reconsideration of Order 5CC137-2 and to Expedite 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

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

Abbreviation: Full Name or Phrase

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 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.

Exhibits Added to the Record With This Motion

Exhibit 1 includes the text from the various emails which were required to submit

motions to USCA5 since Clerk Order 5CC117 removed our privileges to file electronically with USCA5 ECF.

I. Certificate of Emergency (5CCLR 27.3)

Appellants certify that this Emergency Verified Motion for Panel Reconsideration requires immediate judicial determination on or before **25 Nov 2026** to prevent severe due process harm and administrative preclusion. Order 5CC137-2 (entered 19 Nov 2026) misunderstood the core relief sought in Motion 5CC119 by limiting its ruling strictly to the ancillary issue of electronic filing privileges (Clerk Order 5CC117), while completely omitting adjudication of the primary request for judicial review of Clerk Action 5CC114-9 (which deferred Emergency Petition 5CC112-1). Expedited resolution is necessary to align this matter with pending emergency motions 5CC119, 5CC127, 5CC138) prior to the expiration of critical procedural windows.

II. Certificate of Contact / Conference Compliance (5CCLR 27.4 and 5CCLR 27.3)

Pursuant to 5CCLR 27.4 and 5CCLR 27.3, I attempted to contact AUSA Tami C. Parker via a phone call on 20 Nov 2026 and left a message regarding the relief requested in this motion. AUSA Parker has stated previously that Appellees oppose the underlying motions for reconsideration and to expedite.

III. Introduction and Relief Requested

Through a clerical docketing error, the Panel in Order 5CC137-2 overlooked the

essential content of Motion 5CC119. Motion 5CC119 sought formal judicial review under 5CCLR 27.2 of Clerk Action 5CC114-9, which deferred Appellants' Emergency Petition for Rehearing En Banc 5CC112-1.

Instead of evaluating the substantive due process grounds raised in Motion 5CC119, the Panel's order evaluated only the secondary, last-minute challenge to Clerk Order 5CC117 regarding ECF privileges. This misunderstanding may have stemmed directly from the Clerk's abbreviated docket text entry, which replaced Appellants' proposed docket description with a truncated reference to ECF status alone.

Appellants respectfully request that the Panel:

1. Reconsider and vacate Order 5CC137-2.

2. Formally adjudicate the primary relief requested in Motion 5CC119 regarding Clerk Action 5CC114-9.

3. Transmit Emergency Petition 5CC112-1 and related pending motions (5CC127, 5CC138) for immediate judicial or en banc review on or before 25 Nov 2026.

IV. Background

Errors Led to Non Compliant, Incomplete Appeal Brief 5CC100

In this matter there were numerous clerk errors and mistakes which led us being deprived of any opportunity to prepare a compliant brief which addresses the numerous claims in a matter which now has 5 appellants and 13 appellees.

The details of the filings and errors are described in great detail in Affirmed Statement 5CC112-2 which shows that USCA5 could benefit greatly from published written processes with Standard Procedural Documents through increased judicial efficiency and decreased rework (correcting mistakes) as well as improved due process. A brief overview follows with the development of this case.

A. Case Dismissed Prematurely, Incorrectly Cited Default

Early Motions Sought Required Relief, No Required Notice

Motion 5CC25 of 7 May 2026 sought broad relief including: a stay, caption corrections, time, and length. It has never been addressed or decided though the caption relief was granted after the arguments in the 7 day non compliant Brief 5CC71 established.

Motion 5CC32 of 30 May 2026 sought correction of the duplicate ROAs (with different pagination). The problem with two ROAs with different pagination is that it precludes the submission of any compliant brief as 5CC28 requires all record references include the precise ROA page number for each such reference. Until there is a single authenticated ROA no litigant can know for certainty what ROA page number to include with any record reference.

Motion 5CC32 and its ROA corrections has been 'addressed' on multiple occasions with highly ambiguous decisions which grant, carry with case, and deny the relief. However, what is required is a clear and specific Order that directs the creation of a single accurate, correct and authenticated ROA.

However, the case was dismissed prematurely with Clerk Order 5CC33-1 without

the 15 day notice mandated in 5CCLR 42.3.1.2 for **Appeals without Counsel** and while multiple motions were pending seeking relief of critical issues in order to prepare a brief.

B. Case Reopened, No Caption Relief

Reopening the case was problematic as the clerk erroneously insisted that:

> brief must be attached for motion to reopen to be submitted to the court

in 5CC44du. This led to the creation of the first Placeholder Brief 5CC46-2 of 8 Jul 2626 which was a single issue brief (USPS) produced in one day in order to preserve the various objections in its accompanying challenges to the dismissal. It also had the unfortunate side effect of making it appear that the case was in default when, in fact, there had never been any default.

Further, when the case was reopened in Judge Order 5CC58-2 there was a highly abbreviated appeal preparation time of only 7 days, presumably under the incorrect assumption that the default had been remedied when in fact there was never a default, only clerk error. Further, there was no consideration of the long pending requests for relief in motions 5CC45-1 and 5CC46-1.

The 7 day non compliant Brief 5CC71 was submitted on 17 Aug 2026 under protest as there was not sufficient time and the duplicate ROAs (with different pagination) prevented compliance with local rules.

C. Panel Review Provides Caption Relief, 14 Days, No New Arguments

Panel Order 5CC85-1 of 17 Sep 2026 provided caption relief with 8 new parties

and provided 14 days to update the 7 day brief, but with no new arguments. There were new 5 appellants and 13 appellees. However, I was not permitted to adequately represent the claims of my immediate family members.

I stopped working on the replacement brief when I ran out of time and length. There were numerous claims for my family member and IRS which were left out. The non compliant 14 day Brief 5CC100 of was filed on 1 Oct 2026 under formal protest.

1. Emergency Petition 5CC112-1 Submitted, Pending

The Appellees Response Brief 5CC111 was accepted on 28 Oct 2026 and our Reply Brief was due on 18 Nov 2026. I submitted Emergency Petition for Rehearing En Banc 5CC112-1 6 Nov 26 with ruling is needed by 18 Nov 2026 (the date my Reply Brief was due) so that the correction briefing schedule could run and complete in parallel with the administrative.

Clerk Memo 5CC114-9 deferred any action on Petition 5CC112-1 (no action taken) on 9 Nov 2026.

I filed Expedited Motion 5CC119 on 10 Nov 2026 for judicial review of Clerk Memo 5CC114-9 which had sidelined Petition 5CC112-1.

Oddly enough, Clerk Order 5CC117 revoked my ability to file electronically just a few hours before Motion 5CC119 which is why the 5CC117 relief was just stuck in the motion itself with minimal integration.

D. Motion 5CC127 For Judicial Review, Extension of Time

Emergency Petition 5CC112-1, Motion 5CC119 At Risk From Delays

5CC119 Sidelined Through Clerk Not Scheduling

As Emergency Petition 5CC112-1 had a requested decision date that coincided with completion of the Briefing Stage (and the submission of my Reply Brief) on 18 Nov 2026 both were at risk due to clerks delay in scheduling Motion 5CC119. Were they heard after 18 Nov 2026 they could be considered moot.

However, the requested decision date was not really a hard and fast date as it coincided with the completion of the briefing stage, a somewhat amorphous date, and the benefits of Petition 5CC112-1 would still accrue as long as it wasn't long delayed into the administrative queue period.

On 17 Nov 2026 I filed Motion 5CC127 for a non-standard extension of time for my Reply Brief. I also attached as an exhibit a non compliant Reply Brief which shared the same failings as the 14 day Brief 5CC100 of 1 Oct 2026.

Motion 5CC127 asked for an extension until both Petition 5CC112-1 and Expedited Motion 5CC119 were decided.

E. Clerk Improperly Accepts Exhibit 5CC126 As Reply Brief

Denies Motion 5CC127

Even though the email submitting the documents was completely clear, the clerk accepted Exhibit 5CC126 as our Reply Brief. Motion 5CC127 was filed without any exhibit violating the email explanations and the pro se email process. The

content of the emails text and docket entries are listed in Exhibit 1.

Pro se litigants can only send one main document each day and that is the first document. In this case it was Motion 5CC127 and any following documents are exhibits.

Further, Clerk Order 5CC131 on 18 Nov 2026 denied Motion 5CC127 without cause or authority as it was clearly a judicial request and clerks can only decide procedural matters and certainly not opposed motions requesting judicial consideration.

This necessitated corrective Emergency Motion 5CC138 to vacate Clerk Order Motion 5CC127.

V. Grounds for Relief

Ministerial Limits of Clerk Authority,

Overlooked Primary Issue in Motion 5CC119

Under 28 USCS 956 and 5CCLR 27.1, the Clerk of Court possesses delegated authority over routine procedural matters only. Opposed motions seeking substantive judicial review of administrative actions or seeking en banc review fall outside clerk authority and require panel adjudication.

When Motion 5CC119 was submitted, the primary relief sought was judicial review of Clerk Action 5CC114-9 under 5CCLR 27.2 to compel docketing and decision on Emergency Petition 5CC112-1. However, due to administrative docket text entry that highlighted only the secondary challenge to Clerk Order 5CC117,

Panel Order 5CC137-2 adjudicated solely the ECF privilege termination while leaving the primary due process and en banc challenges unaddressed.

Reconsideration is necessary to correct this misapprehension, vacate Order 5CC137-2, and ensure that Motion 5CC119 and Petition 5CC112-1 are formally submitted to the court for full judicial review.

VI. Relief Sought

Appellants respectfully request that the Court enter an order:

1. Reconsidering and vacating Panel Order 5CC137-2 entered on 19 Nov 2026.

2. Formally adjudicating the primary request for judicial review in Motion 5CC119 concerning Clerk Action 5CC114-9.

3. Transmitting Emergency Petition for Rehearing En Banc 5CC112-1 and related pending motions (5CC119, 5CC127, 5CC138 to a panel or full court for expedited determination on or before 25 Nov 2026.

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: 22 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:

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., 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

2. Certificate of Contact / Conference Compliance

In compliance with 5CCLR 27.4, I contacted AUSA Parker via email on 14 Nov

2026 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.

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 1,632 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software[1].

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

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 11 Nov 2026 at 1PM.

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

Date: 22 Nov 2026
Location: Irving, TX