

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs</p> <p style="text-align: center;">versus</p> <p>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 Defendants</p>	<p style="text-align: center;">Civil No. 3-23CV2875 - S</p> <p style="text-align: center;">Verified¹ FRCP 60 Motion for Process Corrections</p> <p style="text-align: center;">Certificate of Conference - OPPOSED</p>
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FRCP 60 Motion for Process Corrections

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Abbreviations Used in This Document

Basic Abbreviations Used

The following abbreviations are utilized throughout this document to ensure concise, clear arguments and explanations:

- 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
- MTR: Motion to Reconsider
- PACER: Public Access to Court Electronic Records
- PII: Personal Identifying Information

- ROA: Electronic Record on Appeal
- TXND: United States District Court for the Northern District of Texas
- TXNDLR: TXND Local Civil Rules
- 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

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.

Existing Records and Decisions Are Not Attached as Exhibits

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. Introduction

This motion seeks ancillary relief to improve the court's process to seal or strike a document where the document was filed with mistakes which require correction.

This request for an improved process is justified by two documents, ECF20-1 and

ECF67-13, each of which contain unredacted personal identification information (PII). While the mistakes were identified promptly and prompt efforts were made to correct the errors, the process for sealing or striking documents was dysfunctional as explained in [ECF100](#), a motion to strike ECF20-1 and ECF67-13 which was filed on 29 May 2026, more than two years after [ROA24pg570](#) was filed (on 19 Apr 2024) to correct ECF20-1. As of the date of this filing, ECF20-1 and ECF67-13 are available for public access contrary to [FRCP 5.2](#) Privacy Protection.

To correct the process defects which permitted these errors, it is suggested that the court adopt sample motions to seal or strike documents (by the original filer only) along with standing orders to permit TXND clerks to directly seal or strike such documents (as described in the standing order) along with sample memorandum to permit the clerks notify all parties of the actions taken by the court (through the clerks).

Similarly, sample notices are proposed for updates to motions Opposed / Unopposed status as they are unwieldy and inaccurate in the current process.

II. [FRCP 60](#) Motion is Authorized And Timely

A. [FRCP 60](#) Motion for Process Corrections is Timely

[FRCP 60](#) states:

(1) Timing. A motion under Rule 60(b) must be made within a reasonable time - and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

As the final order resolving the previous set of [FRCP 60](#) motions [ROA95pg2491](#)²

² Each link to a district court document such as [ROA95pg2491](#) provides access to the relevant document as filed

was filed on 15 Dec 2025, this motion is within the required time for a [FRCP 60](#) motion of one year.

B. [FRCP 60](#) Motion for Process Corrections is Authorized

1. Court Improperly Handled PII in Proceedings

[FRCP 60](#) states:

- (b) Grounds for Relief from a... **Proceeding**. On motion and just terms, the court may relieve a party... from a... proceeding for the following reasons:...
- (6) any other reason that justifies relief.³

The proceeding we are seeking relief from was the improper processing of unredacted PII by the court. In particular, there were two motions to seal ECF20-1 and ECF67-13, [ROA24pg570](#) and [ROA69pg1567](#), which were resolved with the court with orders [ROA26pg577](#) and [ROA89pg21](#), but the court appears to not have understood that the clerks had sealed two groups of documents (without written authorization) and it was necessary for the court to unseal the groups and seal the specific exhibits with PII violations.

2. Court has Jurisdiction to Provide Ancillary Prospective Relief

While I try to prepare each document for filing with proper diligence, it is inevitable that there will be mistakes and errors in the documents submitted to ECF. The relief sought will provide prospective relief to all parties in this situation as it is expected to reduce the time to correct such errors from multiple years to just hours. This will greatly improve the efficiency of the process for the court and all parties.

in the district court in ECF as in [document 95](#). There is also the mandated page number in the ROA (e.g. 2491 in the case of 95) which links to the identical excerpted document but with the ROA case number and page number in the footer. Both links should be accurate.

3 Bold added by plaintiffs.

As the ROA has been submitted to the Fifth Circuit Court of Appeals, the court cannot vacate or change the judgment without appellate leave beyond the limited scope of [FRAP 10\(e\)](#). However, as the requested relief is prospective for all future parties in similar situations, there is no change to the judgment. Only relief in prospective proceedings.

The court always has jurisdiction to publish sample motions and standing orders together with the associated directions for the clerks and sample memorandum to notify parties when the standing orders are applied. There is no need for an 'indicative decision' or even remand for such prospective relief.

III. Process Improvements Required to Support Existing Workloads

Both the TXND court and Fifth Circuit have a well publicized problem with too great a workload and not enough resources which is actually a quite common problem in many organizations.

The default action by organizations which have an excessive workload is to work harder, faster, and longer which commonly does not lead to better results but instead more errors and worse productivity due to the need to rework. Of course the recommended solution is to work smarter and better. However, this is mere platitude until you consider the details of how to work smarter and better.

Six Sigma methodology has demonstrated substantially improved productivity and efficiency in numerous organizations based on developing written processes for all steps of the work flow and consistently reducing errors through corrections in the workflow. They have demonstrated that correcting errors after they occur (rework fixing the mistakes) is far more costly than preventing the errors in the first place.

This has been demonstrated in large technology manufacturing and service companies such as Xerox and Verizon, but also in government agencies such as Veterans Affairs⁴, Department of Homeland Security (DHS)⁵, and the IRS⁶. The nominal goal of Six Sigma is reducing errors to 3.4 in a million⁷ and it is unlikely that governmental agencies will be able to achieve that goal, but government agencies have found Six Sigma process improvements can significantly improve productivity and reduce errors. Government agencies have also found that public scrutiny of their documented processes improves the effectiveness of the processes by helping to identify and correct flaws.

IV. TXND Clerks Lack Written, Approved Process for Sealing Documents

In [ECF100-1](#) is an email thread from 13 Apr 2026 to 22 May 2026 with TXND Dallas Appeals Coordinator Angelina Monserrate and other parties including Chief Deputy of Operations Colt Fisher concerning the ROA. It dealt with my concerns about unsealing ECF20-1 and ECF67-13 and generating a new ROA which will likely need to be stricken. It culminated with a phone conversation with Mr. Fisher on 27 May 2026.

In the discussion with Mr. Fisher it became apparent that TXND clerks do not have any published guidelines or written authorizations to seal any documents in ECF. There appears to be some ad hoc suggestions provided to the different clerks but

4 see [Improving Veteran Services Through Lean Six Sigma](#) from International Society of Six Sigma Professionals (ISSSP). Also see [Glob Adv Integr Med Health](#). 2024 Oct 13;13:27536130241290798. doi: 10.1177/27536130241290798

5 [DHS Lean Six Sigma Tactics Lead To Increased Airport Efficiency And Reduced Flyer Wait Times](#) by Newcastle Systems

6 IRS [Using Lean Six Sigma to Streamline Engineering Processes](#)

7 [Six Sigma Method](#) by NIH NCBI

there is no methodology to insure that all clerks have access to the same guidelines or that the court is kept aware of the current suggestions provided to clerks.

V. Series of Cascading Errors and Rework From Faulty Process

A. Critical Documents Sealed in Error

The lack of any process resulted in the improper sealing of [ROA20pgSealed](#) (which included a critical challenge to the delays of declaring moot the Motion to Dismiss [ROA15pg304](#)) as well the second exhibit [ROA20-2pgSealed](#) , another critical exhibit demonstrating that USCIS had indeed left my wife as an apparent illegal after approving both her 10 year green card and citizenship in [ROA10-5pg177](#) on 1 Jan 2023, more than a year before.

Similarly [ROA67pgSealed](#) was sealed without any written authorization by the court even though the critical motion was accompanied with 21 exhibits. 125 pages were sealed without any authorization. Only the one page exhibit 67-13 had unredacted PII and this was corrected with the replacement [ROA24-1pg573](#).

B. Initial Filings Left Too Many Documents Sealed

3. ECF20-1 Sealed But All Of [ROA20pgSealed](#) Sealed As Well

[ROA20pgSealed](#) had an exhibit ECF20-1 which was not properly redacted (my error). On discovering the problem I called the clerk and asked them to seal ECF20-1 as I prepared a motion to formally seal the improperly redacted ECF20-1. The clerk could not temporarily seal a single exhibit and so instead temporarily sealed [ROA20pgSealed](#) and all exhibits so that only the parties could access the document. The clerk also added an annotation that the security change was temporary until the pending motion to seal was processed.

The necessary motion to seal ECF20-1 was [ROA24pg570](#) which was filed the same day that I noticed the error. While the motion was not prepared in a well considered and properly reviewed manner, the point of the motion was quite clear with:

move seeking orders from the court:

1. Sealing Doc 20-1 in this matter.

Indeed [ROA24pg570](#) was filed just hours after I discovered the violation of [FRCP 5.2](#) Privacy Protection. The required Certificate of Conference was filed in [ROA25pg575](#) the next day and the motion to seal was UNOPPOSED. Of course the motion had a properly redacted replacement [ROA24-1pg573](#).

The motion [ROA24pg570](#) was resolved in the Order [ROA26pg577](#) with:

DENIES as moot... their Motion to Correct Typographical Errors (ECF No. 24).

It appears the court did not understand the relief sought in [ROA24pg570](#) as the court's denial as moot had the effect of leaving [ROA20pgSealed](#) and all its exhibits permanently sealed but without the required supporting court order (the clerks can not permanently seal any documents). It did not seal ECF20-1 as requested.

4. ECF67-13 Sealed As Well As All Of [ROA67pgSealed](#) (125 pages)

On discovering that ECF67-13 had unredacted PII, I again called the clerk and asked that ECF67-13 be sealed. The clerk instead sealed all of [ROA67pgSealed](#) which was 125 pages with 20 other attached files noting that this was a temporary seal that would be removed when my motion was processed.

Motion [ROA69pg1567](#) formally requested the sealing of ECF67-13 but was

similarly prepared in a rush just hours after I discovered my mistake. However, the motion did clearly state:

I ask the court to direct the clerk to permanently lock ECF 67-13 so that only parties to this matter will be able to access the document

It also provided a correctly redacted [ROA69-1pg1571](#) as a replacement and had an attached Certificate of Conference which stated:

The conference was held via an email discussion with AUSA Owen on 18 Apr 2025 with her response of UNOPPOSED

However, again the court apparently did not understand the nature of the temporary (and unauthorized) sealing of [ROA67pgSealed](#) by the clerk and, in Order [ROA89pg21](#) stated:

ELECTRONIC ORDER granting in part [69] Motion to Amend/Correct... he seeks leave to file redacted documents in place of documents that contain personal identifying information. To the extent Plaintiff seeks leave to file redacted documents for public access, his motion is granted

The court appears to have noticed that [ROA67pgSealed](#) was already sealed but did not recognize that this was a temporary seal and not authorized by the court. The court did not take the required actions of removing the temporary sealing of [ROA67pgSealed](#) and adding a permanent seal on ECF67-13.

C. [ROA20pgSealed](#) and [ROA67pgSealed](#) Not Properly Sealed, Unsealed

As I reviewed the ROA of 15 Apr 2026 I noticed that over 130 pages of critical documents were sealed without any order of the court and was preparing a motion to unseal improperly sealed documents while retaining the seal on ECF20-1 and ECF67-13 as explained in the Motion to Correct Garbled Records ([5CC26pg2](#)).

However, the court unsealed the records on 19 May 2026 through a verbal order by

Magistrate Rutherford to the Chief Deputy of Operations Colt Fisher to unseal the two groups of documents [ROA20pgSealed](#) and [ROA67pgSealed](#) because the clerks had sealed [ROA20pgSealed](#) and [ROA67pgSealed](#) without any written authorization from the court.

Sadly the court did not look at the motions which should have unsealed those groups of documents while also sealing ECF20-1 and ECF67-13 which contain unredacted PII.

D. Additional Rework Because of Earlier Errors

After the matter was appealed with Notice of Appeal the court recognized the error of sealing too many documents and attempted to correct that error with an unauthorized replacement ROA which required further correction as it did not seal the documents with unredacted PII (ECF20-1 and ECF67-13) requiring a motion to strike the improper ROA [5CC32](#) as well as a motion to strike the documents again from TXND ECF in [ECF97](#). [ECF97](#) was cursorily denied in [ECF98](#) which required [FRCP 72\(a\)](#) Objections to Strike [ECF99](#) in order to seal those same two documents with the unredacted PII.

VI. Conferences Introduce Errors, No Benefit to Court

Each of the motions to seal [ROA24-1pg573](#) and [ROA69-1pg1571](#) were UNOPPOSED (which delayed their submission) and yet the court took no advantage of that with [ROA26pg577](#) and [ROA89pg21](#) being delayed until all the pending motions were resolved. This delay could have contributed to the court's improper handling of motions to seal documents with unredacted PII (the extensive temporary seals were now old and not fresh in the court's mind).

Further, when [ROA67pgSealed](#) was submitted as OPPOSED, defendants did not submit any response, an apparent violation of [TXNDLR 7.1](#) which states:

(e) Time for Response and Brief. A response and brief to an opposed motion must be filed within 21 days from the date the motion is filed

When a party states they are opposed to motion they are committing to filing a timely response as the local rule does not say ‘Any response’ which would allow for the response being optional. Indeed the court must delay processing opposed motions waiting 21 days for the response before giving the default relief when no such response is forthcoming.

This lack of response required a further motion to clarify that [ROA67pgSealed](#) was actually unopposed in [ROA71pg1700](#) but court again delayed with summary denial in [ROA91pg2388](#) and [ROA95pg2491](#) making the conference results and its update irrelevant.

In contrast, with [ROA73pg1700](#) where USATXN had stated they were ‘not filing any response’ was UNOPPOSED but the USATXN submitted a response with [ROA74pg1769](#). Sanctions were requested in [ROA75pg1776](#) for these violations of [TXNDLR 7.1](#) but the court again delayed with summary denial in [ROA91pg2388](#) and [ROA95pg2491](#) making the conference results irrelevant.

It is suggested that conference results would be more meaningful if there was a simple way for parties to send Sample Notices which revise the listed Opposed / Unopposed status without additional motions which cause an explosion in the number of pending motions, further increasing the courts workload and increasing the chances of error as the court is faced with a multitude of pending motions.

VII. Relief Sought

A. Proposed Standing Order Guidelines for Process Corrections

The extensive motion practice described above for sealing two documents with unredacted PII could have been circumvented if the clerks had had the guidance, authority, and resources to resolve these very common problems. We ask that the court issue standing orders and sample motions as described below.⁸

The TXND Clerk will maintain a set of publicly accessible standing orders and sample motions to seal / strike documents which require PII or data corrections. These public forms must be easily accessible on the TXND website.⁹

Clerks and administrative staff are prohibited from placing any temporary or permanent seal on a document based on an informal phone call or email request. If a party identifies a record issue via telephone, staff must refer the caller directly to the sample motions. Staff may assist the caller in identifying which sample motion fits their specific scenario, but no docket modifications can occur without a formal written filing.

B. Requirements for Record on Appeal (ROA) Preparation

There will also be standing orders for preparation of any ROA. Before the compilation and transmission of the ROA to the appellate court, the clerk must conduct a systematic review of all active restrictions. All temporary or administrative seals must be reviewed and removed if there is no supporting written order from a judge.

8 A standing order was issued on 15 Aug 2023 by Judge Ada E. Brown as [Standing Order on Filing Materials Under Seal](#) though it is not clear what purpose that standing order served.

9 Initially these orders and sample motions will apply only to the judges who have issued the standing orders. However, if the orders and sample motions are found to be useful, it is plausible that TXND could formally adopt them for the TXND court.

However, staff must also perform an audit for any motions requesting seals for unredacted PII that may have been filed in conjunction with a temporary seal. Any document identified as having unredacted PII in such a motion must be sealed according to the mechanics of [FRAP 10\(e\)](#) and [FRAP 25\(a\)\(5\)](#) to preserve statutory privacy rights while the record is transferred.

C. Sample Motions to Seal / Strike

The suggested four sample motions to be released are Motions to Seal / Strike Document:

1. With Unredacted PII (with attached correctly redacted document), the docket entry for the sealed / stricken file will refer to the corrected document number,
2. Filed in Wrong Case (with reference to the case and document number where it has been correctly filed), the docket entry will refer to the ECF document correct location.
3. where Wrong Document Selected for Filing (the result of choosing the wrong file to upload before filing), the correct file may be attached to the motion or the motion can refer to the document where the correct file was uploaded to ECF, the docket entry will refer to the ECF document where the file can be accessed.
4. With some other problem not listed above

Each of the first three sample motions are specifically exempted from any conference requirements. The four sample motions can only be filed by the party who initially filed the document to be sealed / stricken.

These standing orders would direct that the clerks review submitted motions (based

on a sample motion) and if they matched the specified criteria then the clerks would take the actions specified in the order, correcting the problem without further involvement of the court. There would also be a sample memorandums for the clerk to complete and file in ECF so that all parties would be notified of the action taken.

If a non-filer wishes to seal / strike the document of another, they should confer with the filing party and the filing party can seal / strike the document if they agree. If they don't agree then a standard motion to seal / strike is required and such issues must be resolved by the court.

D. Each Sample Motion Would Explicitly Mention Sanctions

All of the sample motions suggested are to permit parties to correct errors in their own filings. However, with every filing it is the responsibility of the filer to insure compliance with [FRCP 11](#) with the explicit risk of sanctions. It is known that all humans make mistakes and due process guarantees the right to attempt to correct mistakes but this does not guarantee the right to be forgiven for negligence. As such every sample motion should include a required explanation for the cause of the error.

1. Clerks Review Explanation for Error, Exempt Sanctions if Satisfied

The clerk is directed to review the explanation and if they are completely satisfied with the explanation they will unequivocally record that the court granted the motion and no sanctions will be made.

2. Sample Motion Includes Notice of Sanctions

After the Explanation there will also be two check boxes where the filer can accept options where, in the event that the court finds the explanation inadequate:

- The filer accepts that if the court does not find the explanation satisfactory, the court can order sanctions of up to 8 community service hours as a sanction for failing to abide by [FRCP 11](#) and the court does not need to issue an Order to Show Cause under [FRCP 11\(c\)\(2\)](#).
- The filer understands that if the court does not find the explanation satisfactory, the court can issue an Order to Show Cause for violations of [FRCP 11](#) which will provide an additional opportunity for the filer to explain / demonstrate that the violations were inadvertent but the court will have the full range of potential sanctions if the court does not agree.

3. Sanctions Limited, Hoped to be Uncommon

There is a general concern that if it is very easy to correct mistakes then parties will be careless and the clerks will be needlessly burdened with correcting errors which should not have occurred (more work for clerks rather than less). It is hoped that the threat of sanctions for negligence will result in sanctions never being applied as everyone will be appropriately careful. Of course, if the clerk did not accept the explanation they just use a different memorandum to grant the relief but direct the motion to the judge in the matter to consider sanctions. It is hoped that this will largely result in only admonishment (“don’t do this again”) rather than more serious sanctions such as community service.

E. Sample Notices to Amend OPPOSED / UNOPPOSED

It is completely possible that a non-filing party may wish to alter their position from the Certificate of Conference due to changing circumstances. The clerk should be able to adjust the docket and document the reason with the memorandum based on a Notice from the non-filing party if the notice is provided prior to the

due date for any response.

After a party has failed to file a timely response opposing a pending motion, the party who submitted the original motion should be able to file a Notice of default and the clerk could then note the motion is actually unopposed and available for default judgment.

VIII. Conclusion

The court is asked to publish standing orders for clerks to process sample motions to seal / strike along with sample memorandums for clerks to use to document their updates to the docket so that all parties are aware of the status of each document.

Similarly the court is asked to provide standing orders to allow the clerks to update the docket based on sample notices provided by the parties to update the Opposed / Unopposed status of each motion with sample memorandum to insure that all parties have notice of the updates.

Respectfully submitted,

Verification of Motion

I, the undersigned Plaintiff, hereby affirm under penalty of perjury in both the United States and Thailand that:

1. I have reviewed the above motion 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: 17. Jun. 2026

Location: Irving, Texas

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Certificate of Conference

This Motion for Process Corrections is OPPOSED

The conference was held via an email from AUSA Parker on 2 Jun 2026 which stated:

Defendants oppose all your other proposed motions

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

CERTIFICATE OF SERVICE

On the recorded date of submission, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system 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