

On Fri, Apr 5, 2024 at 4:06 PM Padis, George (USATXN) <George.Padis@usdoj.gov> wrote:

Hi Brian,

Sorry, this isn't let's make a deal. But thanks for sharing those documents.

You have the federal government's written consent to file an amended complaint by this email. So please file the amended complaint; otherwise I will file a certificate of conference indicating the federal government has consented to the filing of an amended complaint—which should moot all pending motions.

I am asking if you would be willing to extend the federal government's deadline to respond to the amended complaint from 14 to 30 days. If you are opposed, that is fine, and I will file a motion for an extension as an opposed motion.

Best,

George

George M. Padis

Assistant U.S. Attorney

(214) 659-8645

From: Brian Carr <carrbp@gmail.com>

Sent: Friday, April 5, 2024 3:58 PM

To: Padis, George (USATXN) <GPadis@usa.doj.gov>

Subject: Re: [EXTERNAL] Re: Carr v. United States, No. 3:23-cv-2875-S (N.D. Texas)

Hi George,

Sorry for the confusion concerning your previous request, but I am not vary familiar with the rules and terminology in this matter.

To restate your position, you are accepting that my Motion to Amend the Complaint is valid under rule FRCP Rule 15(a)(1)(b) (as stated in the Motion itself, your reference to Rule 15(a)(1)(2) appears to be a simple typo).

However, you are likely to contest the Motion to Amend the Complaint as a minimum with a request for an extension in the time to file an Answer in this matter from the 14 days specified in FRCP Rule 12(a)(4)(A) to 30 days.

I have discussed this matter with my wife, Air, and we decided that we would agree to ...

[***** Redacted by Plaintiffs in accordance with FRCP Rule 408, 18 Apr 2024,
*****]

If you and USCIS can agree to the above relief, we will agree to allowing you and the other Defendants to Answer the Amended Complaint in 30 days after the resolution of your Motion to Dismiss (assuming your motion is denied).

In any case, we will continue to argue for the other relief in our Motion for Partial Summary Judgment. We also recognize that this is a complex case and understand that 30 days is appropriate for a proper response to all the facets of this complex Complaint.

For your convenience I am attaching:

- AirGCexp20201113redacted.pdf, a redacted copy of Air's green card which 'expired' on 13 Nov 2020.
- In Doc 18-6 there is a USCIS green card extension letter which 'expired' on 13 Nov 2022 (referred to in Complaint (Doc 11-1) para 147 and 152 when Air was stranded in Thailand).
- RCi-551exp20240102.pdf Copy of temporary I-551 Stamp in passport 'evidencing permanent residency' which lists expiration date of 2 Jan 2024. An interesting legal question is whether this I-551 expired on 31 Jan 2023 when the I-751 was adjudicated (no longer pending).

As all documents showing Air's legal status have 'expired', we are concerned about recent threats to deport millions of 'illegals' on 'Day One' as well as the ambiguities under the pending Texas SB4 law and the deportation of illegal aliens.

If you can not agree to our requested relief, in our opposition to any extension in the time for you to file an Answer, those documents will be relied on in arguing that USCIS must provide proof of Air's legal permanent resident status as soon as possible. Of course if our Motion for Partial Summary Judgment is granted in its

entirety, then we have no problem with your request for 30 days to Answer the Amended Complaint. ... So many moving parts. :-(

...

Sorry for the previous confusion in this matter. I hope that you and USCIS will be able to agree to our requirements so that we can shift to a more leisurely pace in arguing the numerous interesting legal issues in this complex case.

Thanks for your attention in this matter and wishing you best,

Brian (and Air)

Attached Files:

D:\brian\personal\Statmnt23\DoJcmplnt\AirGCexp20201113redacted.pdf

D:\brian\personal\Statmnt23\DoJcmplnt\RCi-551exp20240102.pdf

On Tue, Apr 2, 2024 at 6:40 PM Brian Carr <carrbp@gmail.com> wrote:

Thanks for confirming our discussion. The main document I mentioned in our discussions is Doc10-51797forMSC2091582908-ioe9752855294.pdf (or just Doc10-5 in the record). That was the approval of both the I-751 and N-400. That document is a little dog eared, but the text of interest is:

We have approved your I-751, Petition to Remove Conditions on Residence. Our records also indicate we have approved your Form N-400 Application for Naturalization. Because we also approved your N-400, you will not receive a new Permanent Resident Card (also known as a Green Card). Instead, once you have taken the Oath of Allegiance, you will receive a Certificate of Naturalization, which will be proof of your U.S. citizenship. If you have questions regarding this process, please contact the USCIS contact center at 800-375-5283.

The later denial is Doc10-10USCISdenyN400-20231013.pdf. Intervening documents of relevance in the record are 10-6, 10-7, and 10-8.

Of course I would like to have this matter resolved as soon as possible. I propose a compromise of a 21 day extension as settlements work faster / better than litigation. To be clear, I will consent to a 21 day extension but oppose a 30 extension.

I believe that I already submitted a Motion to Amend Complaint to adopt Doc 18-1 as the Amended Complaint. If you would like you can notify the court that I have agreed to an extension to 21 days from today's date for your response to that

motion. I think the Motion for Partial Summary Judgment stands on its own and has its own required response date (21 days from submission).

Thanks again,

Brian

On 4/2/2024 1:59 PM, Padis, George (USATXN) wrote:

As discussed, the government consents in writing to the filing of an amended complaint. Under Rule 15(a)(1)(2), you can go ahead and file the amended complaint.

Please let me know if you oppose an extension of the deadline to respond to the amended complaint from 14 days to 30.

Thanks,

George

George M. Padis

Assistant U.S. Attorney

(214) 659-8645

From: Brian Carr carrbp@gmail.com

Sent: Tuesday, April 2, 2024 9:21 AM

To: Padis, George (USATXN) GPadis@usa.doj.gov

Subject: Re: [EXTERNAL] Re: Carr v. United States, No. 3:23-cv-2875-S
(N.D. Texas)

Hi George,

My wife (nickname Air) and I are headed out for errands this morning, but after lunch I should be available for most any time. Let me know if there is any time this afternoon that works for you.

Wishing you the best,

Brian

On 4/2/2024 9:11 AM, Padis, George (USATXN) wrote:

Brian,

Do you have time today for a call? I am trying to get an understanding of your claims, which I found hard to decipher from your complaint. It may make sense for the government to consent to the filing of an amended complaint (and thereby avoid some unnecessary motion practice).

Please let me know a few times that work.

Thanks,

George

George M. Padis
Assistant U.S. Attorney
(214) 659-8645

From: Brian Carr [<carrbp@gmail.com>](mailto:carrbp@gmail.com)
Sent: Monday, March 4, 2024 1:09 PM
To: Padis, George (USATXN) [<GPadis@usa.doj.gov>](mailto:GPadis@usa.doj.gov)
Subject: Re: [EXTERNAL] Re: Carr v. United States, No. 3:23-cv-2875-S (N.D. Texas)

Mr. Padis,

Thanks for ensuring a timely response in this matter. To be precise, Mr. Barr, Mr. Joubert, the receptionist, and I were present at the time of service. Mr. Joubert handed the packet to Mr. Barr and Mr. Barr handed us (myself) a copy of his business card. As Mr. Joubert and I were discussing the completion of the affirmation of service, Mr. Barr walked to the receptionist window and slid the packet through the slot at the bottom (so he did not actually hand the packet to her as I misstated previously). At that time I overheard some discussion of what she should do with the packet. It is also my recollection that the receptionist was a person of color, possibly with some African heritage and a little heavy.

There almost certainly were videos of the service (given the security of the office) but I am not sure if the videos would be retained or be easily accessible. I strive to be accurate in all

things but would be interested to see whether my recollection of events is accurate.

I hope you find the more complete and accurate description of service helpful. Wishing you the best,

Brian

On 3/4/2024 9:50 AM, Padis, George (USATXN) wrote:

Mr. Carr,

Thank you for your response. We will get our response to your complaint on file in a timely manner. Do you know who / Was it you who handed the packet to the receptionist and observed the conversation between the receptionist and Mr. Barr?

Thanks again,

George

George M. Padis
Assistant U.S. Attorney
(214) 659-8645

From: Brian Carr carrbp@gmail.com

Sent: Sunday, March 3, 2024 9:56 PM

To: Padis, George (USATXN) GPadis@usa.doj.gov

Subject: [EXTERNAL] Re: Carr v. United States, No. 3:23-cv-2875-S (N.D. Texas)

Dear Mr. Padis,

Thank you for contacting me about your lack of access to the Summons and Complaint in this matter (and the lack of record of service). I am sorry that your office seems to have misplaced the copies of the Summons and Complaints which were correctly served on 09 Jan 2024.

I have attached a copy of the service document as Doc10service.pdf for your convenience which was retrieved from ECF as [Doc 10](#).

Service to the US Attorney for the Northern District of Texas was completed on the morning of 9 Jan 2024 by handing Brian Barr, CPA, the packet of summons and complaint who then handed the packet to the receptionist who had asked Mr. Barr to come out and accept service. Mr. Barr then advised the receptionist about what to do with the packet. I

am not sure what happened after that but you should be able to talk with Mr. Barr and the receptionist that morning to find where the papers went. It is also possible the receptionist was a temp as she did not seem familiar with the procedure for accepting the process

Further, in accordance with FRCP 4(i)(1)(A), as the US Attorney was not actually available for service, a copy of the summons and complaint were sent by certified mail to the US Attorney with tracking number 9589071052701312288855 and arrived at 12:21PM 12 Jan 2024. Perhaps your mail room can track that copy of the summons and complaint as well.

Of course I find working with paper copies most tedious and so recommend you access Doc 11-1 which is an electronic copy of the Complaint. I attempted to share that document with you directly but as your email is not registered with google for google drive access, that wasn't possible. However, I shared the folder with all the ECF files to date as '[eDocket](#)' on Google Drive and the Complaint itself is an exhibit to [Doc 11](#), [Doc 11-1](#) which is available on [Google Drive](#) for no fee.

I am sorry that you were brought into this so late, but I believe that as service was completed on 9 Jan 2024, you have until 11 Mar 2024 to respond. I appreciate that this is not a lot of time (only a week really).

You might consider asking for an extension to answer in this matter as the Summons and Complaint seem to have been misdirected in your office, but I would oppose any extension unless some relief was provided for my wife.

Please understand my wife and I were most distraught after USCIS had unlawfully left my wife stranded in Thailand in late 2022, unable to return to take her citizenship test. You should also understand that for older Thai people who were not exposed to English during their formative years (i.e. she came from a poor family, a share cropper farmer with nine kids) the English and Civics test is incredibly hard.

When she finally was able to return to the US and take the test on 30 Jan 2023 we were crushed when we were told informally that not only did she fail the citizenship tests, they also would not approve her I-751 application removing the

conditions on her 'green card' (which had left her stranded in Thailand in the first place).

While she had met all the statutory requirements to continue her permanent residence, USCIS would not provide her with any documentation to allow her to work and travel freely. Of course that is the unlawful part as explained in the [Complaint](#).

However, a week later we were elated when we received formal notice that both her I-751 and N-400 were approved (see [Doc10](#) exhibit [Doc10-5](#) called I797forMSC2091582908-ioe9752855294.pdf in the complaint and previous emails to DoJ and the Attorney General. That is a pretty dog eared copy that is hard to read, but the important text is in paragraph 163 of the [Complaint](#).

Basically USCIS was not going to give her a new green card as she was instead going to get her citizenship. We were so relieved.

However, that formal notice seems to have been a ruse to deny her a new green card while also not allowing her to take the citizenship test again, possibly as retribution for my numerous complaints to the IG, my US Representative and numerous other parties about USCIS's unlawful denial of my wife's freedom to work and travel freely.

USCIS completed the charade on 14 Oct 2023 when they denied her N-400 citizenship application for failure to appear through what was clearly retaliation ([Complaint](#) paragraphs 185-209).

This has left my wife without any documentation of her permanent resident status or ability to work and travel freely. Her 'green card' has an expiration date of 13 Nov 2020 and the letter approving her I-751 and 'removing conditions' is hardly convincing to employers or, local law enforcement in the event Governor Abbot borrows from Trump's promise to send the National Guard from Red states to Blue states to deport 'illegal' aliens, perhaps Abbot will send the Texas National Guard into Blue counties (like Dallas) to deport 'illegal' aliens.

Would my wife be able to explain to National Guardsmen from West Texas that her 'green card' was still valid as USCIS had 'removed the conditions'?

So, I would be happy to join in a motion to extend the deadline to answer this complaint (which is certainly quite complex) if it included a joint motion for summary judgment to have my wife take the 'Oath of Allegiance' with the judge or magistrate in this matter and an order directing that USCIS promptly provide my wife with a 'Certificate of Naturalization' as promised over a year ago.

Thanks again for contacting me. I hope that we can agree to some resolution to the current predicament. Wishing you all the best,
Brian Carr

P.S. If [you] register your appearance in this matter with ECF, you will automatically get notice of the other supporting documents which I expect to file in the days ahead.

On 3/1/2024 3:56 PM, Padis, George (USATXN) wrote:

Dear Mr. Carr:

I am the Deputy Civil Chief for the Northern District of Texas. I have been made aware of the above-captioned civil action, but the U.S. Attorney's Office has no record of having been served in this case. See Fed. R. Civ. P. 4(i)(1)(A) (requiring that among other things a party must deliver a copy of the summons and the complaint to the United States attorney).

If you reply with a summons and a copy of the complaint, I will email you a letter confirming that I am accepting service on behalf of the U.S. Attorney. Please note that my authority to accept service is limited to the United States attorney, and I am not authorized to accept service for the Attorney General of the United States.

Truly yours,
George (Deputy Civil Chief, USAO NDTX)

George M. Padis

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