

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

Brian P. Carr,
Rueangrong Carr, and
Buakhao Von Kramer
Plaintiffs
versus

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

Civil No. 3-23CV2875 - S

Affirmation Supporting
Creative Sanctions

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Meritless Pleadings Too Common, Creative Alternatives Required

Mr. Carr complains about numerous false and misleading statements by Mr. Padis as well as numerous pleadings which were totally devoid of merit and clearly indicative that Mr. Padis was just trying to delay this matter.

However, Mr. Carr is not implying or inferring that Mr. Padis has any malicious or malevolent intent. Mr. Carr assumes that Mr. Padis has too many cases and not enough time to properly respond to all of them in a timely fashion. Unfortunately, the normal response to this is to juggle cases, making minimal responses as required to push off the deadline for each case until the next deadline.

This juggling of cases is not improper per se. However, if it leads to generating meritless Rule 56(d) Motions (as herein) or Motions to Dismiss, then it needlessly

wastes the time of both court and the other parties to the case.

<https://www.law.cornell.edu/uscode/text/28/1927>

Mr. Padis has informally defended his pleadings claiming that 'everybody does it', which could well be the case, but that does not negate the need for creative sanctions to deter pleadings which waste the time of the court and other parties.

Community Service as an Alternative When Costs Not Applicable

In this regard, this court is asked to consider holding Mr. Padis personally liable for community service based on 28 USC section 1927 which states:

Any attorney or other person admitted to conduct cases in any court of the United States or any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

as well as FRCP Rule 56(h) Summary Judgment, Bad Faith which states:

Affidavit or Declaration Submitted in Bad Faith. If satisfied that an affidavit or declaration under this rule is submitted in bad faith or solely for delay, the court - after notice and a reasonable time to respond - may order the submitting party to pay the other party the reasonable expenses, including attorney's fees, it incurred as a result. An offending party or attorney may also be held in contempt or **subjected to other appropriate sanctions.**¹

FRCP Rule 11 includes:

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper - whether by signing, filing, submitting, or

¹ Bold added by Plaintiffs.

later advocating it - an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not violated [Rule 11\(b\)](#) has been violated, **the court may impose an appropriate sanction²** on any attorney, law firm, or party that violated the rule or is responsible for the violation.

In that regard, Mr. Carr is retired and not averse to community service. Mr. Padis personal time is significantly more limited and the cost of Mr. Padis' professional time is loaded (with significant adjustments for training, experience and supporting staff and facilities). As such Mr. Carr is suggesting a factor of four such that for every four hours of Mr. Carr's time wasted preparing defenses against spurious

² Bold added by Plaintiffs.

filings by Mr. Padis, Mr. Padis should be required to provide the community with one hour of community service (personal time to be clear). This could be in the form of Pro Bono legal aid (perhaps helping indigents caught up in Texas SB4 in Texas courts if SB4 becomes law and the U.S. government is not a party to the matter), but any form of the well established community service would be sufficient.

Similarly, if Mr. Carr files meritless pleadings, Mr. Carr would readily accept a requirement for community service at the same ration of 4 hours of community service for every hour USATXN spends defending against the pleadings.

Creative Requirement for Early Filings to Balance Delays

If the court finds sufficient grounds, the Court could compute the inappropriate delay and require USATXN file all future papers early, in half the normal time allotted with a four day minimum until the computed delay is reversed.

For example, a Response due in 21 days would be due in 11 days. If the Response was filed in 9 days, that would be a credit of 12 days reducing the remaining days of early filings. If, however, with or without leave of the court the filing was made in 13 days, 2 days would be added to remaining balance. Mr. Carr can submit a possible worksheet / formula for computing delay and reversal though the actual sanctions are clearly a matter of court's discretion.

Mr. Carr hereby affirms under penalty of perjury in both the United States and Thailand that as an individual:

I have reviewed the above affirmation and believe all of the statements to be true to the best of my knowledge.

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: 8 May 2024

Location: Irving, Texas