

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

Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs 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 Asserting Citing 'Not Precedent' Cases Prima Facie Grounds for Sanctions
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Affirmation Asserting
Citing 'Not Precedent' Cases
Prima Facie Grounds for Sanctions

Mr. Carr has considered why a court would explicitly add the text 'this opinion should not be published and is not precedent'. Indeed there are extensive discussions about the value of citing such cases one of which is [linked](#). While other courts have tried dictating sanctions for citing 'not precedent' cases, the results seem to have been largely ineffective. However, if the sanctions were simplified, creative, and substantially automated perhaps they could result in an effective deterrence. Disbarment for a minor mistake seems inappropriate, but 8 hours of community service might be a much more effective remedy for minor mistakes.

Mr. Carr expects that the normal justification for a 'not precedent' case would be

the facts of the case are so unusual that it is not likely that the conclusions would be applicable to any other case. A clear example of that is [Starrett](#) where Starrett claimed the Defendants 'remotely monitored and controlled his thoughts, movements, sleep, and bodily functions'. These extreme and unusual allegations resulted in extreme conclusions such as 'delusional' and 'fantastical'.

For parties who are not trying to resolve pending issues but instead are raising meritless issues to delay or harass these 'not precedent' decisions are highly attractive. They provide extreme conclusions and these vexatious parties don't bother demonstrating that the case is applicable.

Mr. Carr would suggest that citing any case which clearly states it 'is not precedent' indicates de facto improper pleadings and for a first offense the default sanction would be one day of community service and one day of early responses for each case cited in all pleadings which are currently pending when the sanctions are decided.

If there is a repeat offense it would be up to the court to choose sanctions in line with the delay caused by the flawed pleadings (early answers) and damages caused through costs or, if costs are not applicable due to government or pro se parties, then community service with an adjusted number of hours.

As Mr. Padis cites two 'not precedent' cases, [Aguilera v. Holder, 354 F. App'x 882, 884 \(5th Cir. 2009\)](#) and [Starrett v. Lockheed Martin Corp. et al., 735 F. Appx 169, 170 \(5th Cir. 2018\)](#) without providing any foundation for how they are applicable, 16 hours of community service and 2 days of early filings are recommended.

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
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Irving, TX 75061

Date: 8 May 2024

Location: Irving, Texas