

**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 Demonstrating AUSA Padis Misleading Summaries Justify False Conclusions
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Affirmation Demonstrating

AUSA Padis Misleading Summaries Justify False Conclusions

AUSA Padis summarizes by selectively including minor details which were included for context only and completely omitting the important and relevant facts. When just citing minor details is not enough to mislead the court, AUSA Padis even gets the unimportant details wrong causing further confusion. These false and misleading restatements are then used to reach false conclusions.

I have broken the summaries of AUSA Padis into sections adjusting their external references to be consistent and clear. After each AUSA Padis section I have made an accurate summary of the same claims to demonstrate how unimportant details are cited while important statements are omitted.

AUSA Padis Misstates Department of State Claim

AUSA Padis states:

Plaintiff Brian Carr is a U.S. Citizen who married Plaintiff Rueangrong Carr in Thailand and petitioned, as her spouse, for her to receive lawful-permanent-resident status in the United States (commonly known as a green card), which was expedited and approved within four months' time. (ECF 1 para 60, 74).

Plaintiff Von Kramer is Mrs. Carr's sister, and in 2019, she desired to travel to the United States. (ECF 1 para 90). But her request for a non-immigrant tourist visa was initially denied; however, her fourth application for a visa was granted in 2022 (about three years later). (ECF 1). Plaintiffs allege they complained to the State Department's Office of Inspector General (OIG) about the challenges Von Kramer encountered in attempting to obtain a visa, but the OIG refused to report or investigate allegations of (what Plaintiffs allege constituted) various federal crimes. (ECF para 125-39).

I would instead summarize this claim with:

Mr. Carr, a U.S. citizen, married Mrs. Carr in Thailand in 2018 and applied for an immigration visa. On learning that there was an expected one year delay for his wife's visa and his mother likely would not survive until then, he applied for non immigration visa (\$160 fee) so that his wife could meet his mother. This visa application was denied without Due Process with a form letter citing INA 214(b) but no reference to the evidence considered. Mr. Carr complained to the DoS OIG of the denial without Due Process but the matter was referred to BCA which took no action to correct the deficiency.

Mrs. Von Kramer in 2019 applied three times for a non-immigrant visa so that she could receive her Social Security Surviving Spouse benefits but they were all denied with the same form letter and no Due Process.

In 2022 Mrs. Carr was unlawfully stranded in Thailand by USCIS and she and Mrs. Von Kramer applied for non-immigrant visas which were granted allowing Mrs. Von Kramer to start receiving Social Security benefits.

AUSA Padis Misstates USCIS Claim

AUSA Padis states:

In 2022, Plaintiff Rueangrong Carr applied for naturalization. ECF 1 para 204. At her scheduled naturalization interview, she initially was unable to write a sentence in English and failed the government and history (civics) portions of the naturalization test. ECF 1 She was then scheduled for another interview to retake those portions of the naturalization test, but she did not show up - resulting in the denial of her naturalization application. ECF 1 It appears that Mr. and Mrs. Carr had a previously scheduled international vacation that conflicted with the scheduled interview, ECF 1 para 194, but their request to reschedule the interview was denied, ECF 1 para 197.

I would instead summarize this claim with:

In 2020 Mrs. Carr submitted the mandatory I-751 application for a ten year green card but it was unlawfully delayed with an extension that expired in 2022. In 2022 she also submitted an N-400 application for citizenship. On 31 Jan 2023 USCIS notified her that both her I-751 and N-400 were approved (ECF 10-5) but USCIS unlawfully did not provide her with a 10 year green card or schedule the Oath of Allegiance for her to become a citizen. USCIS has unlawfully left her as an apparent 'undocumented alien' (a.k.a. an 'illegal') at a time when there is pending Texas SB4 for vigilantes to deport just such 'illegals' without Due Process. USCIS is also unlawfully denying Mrs. Carr her rights as a U.S. citizen.

AUSA Padis Misstates USPS Claim

AUSA Padis states:

In addition, Mr. Carr in 2021 purchased overnight shipping from the USPS to deliver his passport from the Thai Embassy in Washington, D.C. to his home in Irving, Texas. (ECF 1 para 27). **The package allegedly arrived a day late**, and now **Mr. Carr wants his money back**.¹ (ECF 1) Mr. Carr complained to his Congressman, who allegedly had been informed that a refund had been paid. ECF 1 para 37-38. Plaintiffs now complain that the USPS official who reported the refund to Mr. Carr's Congressmen had been misled by "numerous falsified documents." ECF 1 para 39.

Two claims above have been highlighted (bold) as they each are false. The first makes it appear that mailing was not 'guaranteed delivery' which grants a refund of the purchase price if the precise delivery time is not met. The second changes a credit for money back (which is what is sought) to 'money back' which is generally not admissible under sovereign immunity.

I would instead summarize this claim with:

In 2021 Mr. Carr purchased a 'click-n-ship' label with 'Guaranteed Delivery' for, in this case, 12 noon on 15 Apr 2021. The package arrived a few minutes late entitling him to a refund to his credit card of \$26.35, but the driver had improperly scanned the package as delivered at 11:35am while the driver was still at the Post Office, an extraordinarily common problem (USPS OIG 2017 audit, ECF 18-7). The falsified delivery time delayed Mr. Carr's application for a refund and may have contributed to the fact that while the appeal showed 'Dispute Paid' no credit has ever posted to his account.

¹ I added the Bold to highlight the two false statements by AUSA Padis.

AUSA Padis Misstates Ancillary Relief

AUSA Padis states:

Plaintiffs allegedly notified various government agencies including the U.S. Department of Justice about the circumstances of their challenges in obtaining a visa for Plaintiff Von Kramer, naturalization for Mrs. Carr, and timely delivery (or a refund) of a package for Mr. Carr. See, e.g., ECF 1 para 248-53. But to date, the federal government has not taken (in Plaintiffs' view) appropriate or timely action to correct allegedly inaccurate records and fix supposedly broken systems (such as USCIS's automated phone system). See ECF 1 reliefs 27-47, 49-53 ("USCIS must immediately disable hang ups by the automated phone system and instead fail over to a human representative.").

I would instead summarize this claim with:

As each of the primary agencies, USPS, DoS, and USCIS have plausibly falsified government records, Mr. Carr has complained to USPS OIG, USPS BoG, DoS OIG, DHS OIG, and CIGIE about these federal crimes and asked that the plausible allegations of federal crimes be reported to the DoJ as mandated in the IG Act of 1978. It appears that none of complaints were forwarded to the DoJ and when they were reported directly to DoJ, DoJ did not fulfill its mandate to 'uphold the law'. For plausible allegations of federal crimes this minimally requires the DoJ to refer the matter another party and monitor the result to insure that future violations do not occur and the injured parties get appropriate redress when possible.

Conclusion

AUSA Padis also added the incorrect adverb of 'allegedly' in numerous locations but as the Amended Complaint is Verified it should have been 'affirmed under penalty of perjury'. To call such statements allegations is false.

It is clear that AUSA Padis selected minor details which were included in the Complaint for context and omitted the central facts in order to mislead the court. AUSA Padis has been aware of the critical USCIS Notice and Decision of 31 Jan 2023 since 3 Mar 2024 when I sent him a copy and informed him of my wife's plight, but at no time has AUSA Padis addressed that certified USCIS document (ECF 10-5) in any pleading to the court.

The AUSA Padis later broad and conclusory claims (lacking any specificity) after this false and misleading summary are themselves false ignoring the critical elements of each claim to reach the false conclusions.

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

1. I have reviewed the above affirmation 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 or other redactable information (as cited in the redaction) 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: 7. Jun. 2024
Location: Irving, Texas