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 Plaintiffs' Response Opposing Defendants' Motion For Leave To File Notice Of Supplemental Authority (ECF 44)

Response Opposing Supplemental Authority Leave

Table of Contents

I. Summary

I am opposed to this Motion for Leave to File Supplemental Authority in general as my wife has been left in dire circumstances unlawfully by USCIS and the latest motion by USATXN only delays relief for my wife.

While USATXN's Supplemental Authority does include interesting quotes from the new Supreme Court decision Department of State v. Munoz (S. Ct. 2024), they, in general, have nothing to do with the Complaint actually before the court.

We have diverse challenges to the Doctrine of Consular Non Reviewability (DoCNR) and the new Supreme Court decision does not really address any of them. As such, an appeal to the 5th Circuit Court is likely no matter how the court decides and the Motion to Dismiss itself is premature as USATXN has not addressed the actual primary causes of action.

The Complaint itself has nine counts and three primary causes of action and USATXN has attempted to mislead the court by addressing issues which are not actually in the Complaint. It is easy to claim a Complaint has no merit when you use misleading and false summaries to reach false conclusions and skirt around the actual issues.

Given the likelihood of appeal to the Fifth Circuit, this court must address each of the nine counts and three primary causes of action in detail. It can not ignore a cause of action or count as USATXN has done else the matter will surely be remanded causing extended delays and significant harm to my wife and her dire circumstances.

Further, once the record is established for the appeal, USATXN will have no opportunity to present any arguments against the unaddressed counts or causes of actions as there are strict rules that arguments can only be brought up to the appellate court if they were previously properly presented to the trial court.

Our pleadings have been lengthy and not necessarily well organized, but, in general, we have presented the arguments necessary to withstand an appeal.

II. Legal Standards

A. Restrictions of FRAP Rule 28(j) Not Applicable

For an unexplained rationale USATXN has restricted itself to 'must not exceed 350 words' from the rules of federal appellate practice. This does not apply to matters under consideration by a trial court for a Motion to Dismiss (MTD). When under appellate review, the appellate court can only address issues presented to the court and, intrinsically, a Citation of Supplemental Authorities which occur after the Notice of Appeal could not have been considered by the court and must, in general, be remanded for consideration by the trial court. While it is acceptable to call such decisions to the attention of the appellate court they are kept brief as they are not really relevant in an appeal.

In contrast, for matters subject to a Motion to Dismiss, it is incumbent on each party to raise all arguments in a timely fashion as they can not be raised on appeal if they weren't presented to the trial court. This can present a significant challenge to the Defendants who have not yet answered the Complaint as the Complaint itself can raise numerous arguments available on appeal.

However, the motion at hand was raised under Local Rule 56.7 which is appropriate for Supplemental Authorities as cited in Highland Capital Mgmt., L.P. v. Bank of Am., Nat'l Ass'n, Civil Action No. 3:10-CV-1632-L (N.D. Tex. Aug. 23, 2013) but there are no such restrictions for the length of the motion itself, the supplement, or the Response.

B. Inclusion of the Supreme Court Opinion Inappropriate

Appellate records are routinely large and difficult to manage. Including a 47 page decision, no matter how relevant is excessive. In the alternative, USATXN could instead have simply provided the court with the Supreme Courts web link to the decision as in https://www.supremecourt.gov/opinions/23pdf/23-334_e18f.pdf to Department of State v. Munoz (S. Ct. 2024). USATXN could also have emailed the decision / pdf file, to the court's clerk and Plaintiffs.

It is suggested that the court strike Doc 44-2 from the record and, as long as it is described as Department of State v. Munoz (S. Ct. 2024), all parties will know how to access the decision directly.

III. Argument and Authorities

A. Excessive Delays Harm Plaintiff Rueangrong Carr

I am opposed to the delay created by this largely irrelevant motion which only serves to delay other more pressing matters.

There are three motions before the court at this time,

- ECF 30, Plaintiff's Motion for Sanctions
- ECF 31, Defendant's Motion to Dismiss
- ECF 32, Plaintiff's Motion to Reconsider, which includes

- Delay of Motion for Partial Summary Judgment ECF 18

Quoting from the pending Motion to Reconsider (ECF 32),

> Even though USCIS informed Mrs. Carr on 31 Jan 2023 (over a year ago) that her I-751 application (for a ten year green card) and N-400 application (for citizenship) were both approved (ECF 10-5)[1] and she only needed to take the Oath of Allegiance to become a citizen, the reality is that at this time she has not been permitted to take the Oath of Allegiance to become a citizen and is an apparent 'undocumented alien' (a.k.a. 'illegal').
>
> All USCIS documents of her lawful permanent resident status have expired (ECF 24-1, 18-6, 20-2), and, contrary to law[2], with no ten year 'green card' she has realistic fears of being deported at any time by ICE (she doesn't trust U.S. immigration), vigilantes (under Texas SB4), or National Guardsmen (to deport millions of illegals who are poisoning the blood of our nation on day one).

USATXN has been aware of my wife's plight since 3 Mar 2024 (ECF 28-1) but has never mentioned any of the four USCIS documents which are the foundation of my wife's plight. It is misleading to summarize the current Complaint without mentioning those fundamental documents and false to claim a failure to state a claim without considering those documents.

Further, if the court grants the MTD and does not address those documents, then the matter will surely be remanded to address those concerns causing significant

---

1 ECF 10-5 USCIS Notice of Decision states:
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.

2 INA 264 is 8 USC section 1304 which in (d) states: (d) Certificate of alien registration or alien receipt card
Every alien in the United States who has been registered and fingerprinted under the provisions of the Alien Registration Act, 1940, or under the provisions of this chapter shall be issued a certificate of alien registration or an alien registration receipt card...

delays in the relief sought.

B. There Are Significant Differences from Relief Sought by Munoz

1. Summary of Munoz

Munoz was eventually provided with the rationale for the visa denial of her husband and given the opportunity to present evidence which was considered in reaffirming the visa denial. Munoz was asking the court to overturn the findings of the 'trial' tribunal which courts are hesitant to do (and wisely so). Congress clearly has the right to exclude criminals from entering the U.S. and the final determination should generally be left to the 'finder of facts'.

Specifically Munoz stated "Whatever the procedure authorized by Congress is, it is due process as far as an alien denied entry is concerned." and it appears that Munoz was provided due process and DoS was following the procedures specified by Congress.

2. Non Immigrant Visas Significantly Different

This is in direct contrast to non immigrant visas where interviewers routinely do not follow the procedures specified by Congress as seen in the briefs submitted with Munoz by previous consular officers citing the DoS OIG ISP-I-19-14, Inspection of Embassy Bogota, Colombia, p. 16 (Apr. 2019) (finding consular managers in Bogota required visa adjudicators to maintain an average of 30 in-person interviews per hour).

Indeed, that sort of disregard for Congress's clearly stated intent was experienced by my wife and sister in law and justifies the relief sought.

3. Unlawful Denial of Non Immigrant Visa, No Due Process Hearing

Both my wife and sister in law have received tourist / business visas so they are not asking the court to override any DoS determinations. However, they each had prior non immigrant visa applications were unlawfully denied:

- They were not given any opportunity to provide any evidence (the interviewer did not give them the opportunity to show the extensive documentation I had helped them prepare). The relevant statute for denial was INA 214(b)[3] which basically says we had to show that we would not overstay our temporary visits but that implicitly says that the interviewer has to allow us to present the evidence required by INA 214(b).
- The written decision denying the prior visa applications contained no reference to any evidence considered.
- The verbal explanation of the justification for denying the visa always varied and was never supported by statute.
- The interview itself was almost certainly recorded so that the differences between the video and written records could be construed as the crime of falsification of government records.[4]
- I was not permitted to represent my wife or sister in law in the interviews even though we had requested this as I am more familiar with American law. We were asking that I be allowed to be present during the interview as a

---

3 INA 214(b) is 8 USC 1184 - Admission of nonimmigrants states:
(b) Presumption of status; written waiver
Every alien ... shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a non immigrant status under section 1101(a)(15) of this title.

4 18 USC Section 1001 states:
(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully -
(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;
(2) makes any materially false, fictitious, or fraudulent statement or representation; or
(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;
shall be fined under this title, imprisoned not more than 5 years or, ...

supplement rather than replacement.

4. Damages Sustained By Mrs. Carr

In 2018 my wife's non immigrant visa was denied resulting in a delay in her meeting her new family, in particular, my mom who was over 90 and whose health was failing and my young grandchildren who were developing at a rapid rate. These specific damages turned out to be less significant and hard to measure, but I also had concerns that maintaining a permanent resident status had its own hurdles and it was not certain that we could keep her permanent resident status.

In 2022, USCIS unlawfully left my wife stranded in Thailand[5] (after the death of her own mother and an emergency trip to Thailand) and she had to apply again for a non immigrant visa in order return to our home. The $160 visa fee was the least expensive alternative for her return. This cost is attributed by myself half to DoS ($80) for the original unlawful denial and half to USCIS ($80) for their failure to provide my wife with statutorily mandated proof of permanent resident status.

5. Damages Sustained By Mrs. Von Kramer

In 2019 my sister in law applied three times for a non immigrant visa and it was denied unlawfully as described above. Along with the three application fees ($480 total) there was a refund fee for her round trip tickets of $143. However, this is not most significant of the damages.

My sister in law is the widow of a deceased pre-1968 U.S. Army veteran and, hence, able to collect surviving spouse benefits from SSA. Congress restricts the ability of foreign nationals to receive SSA benefits while residing overseas (there

5 8 CFR Section 216.4 states
'Upon receipt of a properly filed Form I-751, the alien's conditional permanent resident status shall be extended automatically, if necessary, until such time as the director [of USCIS] has adjudicated the petition.'

are other exceptions for spouses of pre-1968 veterans) until they have established a 'lawful presence' according to SSA standards, 'have an enduring and close attachment to the United States for at least 5 years' SSA POM RS 02610.025. Her denied visas delayed her ability to begin the 'lawful presence' requirement.

6. Relief Sought Different From Munoz

The current non immigrant visas for my wife and sister in law have expiration dates so it is possible that they will need to apply again[6]. We also have other friends and family members who we wish to host. We are seeking credits for future services for the extra fees we had to pay for the incorrectly denied visa applications.

In addition, for my sister in law we are seeking a simple declaration of this court that she was improperly prevented from visiting the U.S. in 2019, 2020, and 2021 and asking that SSA consider that in its 'lawful presence' determination.

We are asking that DoS OIG and DoJ coordinate with DoS to correct the deficiencies in the current non immigrant process. In particular:

- Insuring that the applicant is permitted to present the evidence required to justify the visa requested
- Insuring that each visa denial has a written description of the evidence considered
- Allowing a representative (as a supplement to the applicant) of:
  - family member,
  - friend,
  - tour sponsor, or
  - employer

  If the representative has U.S. ties, this would resolve the purported

6 ECF 45-1 and ECF45-2 have redacted copies of my wife's and sister in law's current non immigration visas.

'unsettling collateral consequences' (cited in Munoz) of how to allow interested U.S. citizens their own due process in the application.

- Foreign nationals without any close ties to a U.S. resident could find significant challenges in seeking relief from the courts due to the difficulties of establishing venue.

7. Summary of Comparison to Munoz

There are significant differences between the cause of action and relief sought from Munoz and these new challenges to DoCNR should be explored.

C. Doctrine of Consular Non Reviewability Based on False Premise

1. Due Process of Law to All Persons

The flaw is the premise that Congress has a plenary power (or absolute power) to exclude aliens. The constitution confers no such power on Congress or any other part of the U.S. government. While Congress certainly can deprive aliens of the fundamental liberty to travel freely (i.e. Congress can exclude aliens) it can only do so through 'due process of law'. This requires Congress to pass lawful statutes empowering the executive branch to exclude aliens within the requirements of 'due process of law'. This implicitly authorizes some form of judicial review of every decision to exclude an alien.

To restate this, the DoCNR completely ignores the constitutional requirement to the federal government that

'No **person** shall be ... deprived of life, liberty, or property, without due process of law'.[7]

2. Person and Citizen Are Not Synonyms

The authors of the constitution used both 'person' and 'citizen' [8]including both in

7 Bold added by Plaintiffs.

8 Indeed the word citizen itself was largely a creation of the American Revolution as a replacement for ‘British

Article I, Section 2, which includes:

> No **Person** shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a **Citizen** of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.
>
> Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers, which shall be determined by adding to the whole Number of **free Persons**, including those bound to Service for a Term of Years, and **excluding Indians** not taxed, three fifths of all **other Persons**.[9]

Clearly the framers were careful in their choice of 'person' or 'citizen'.

3. Americans Had Suffered Grievously During American Revolution

The framers of the constitution had succeeded in the American Revolution but with great losses of all kinds. The American Revolution was particularly devastating because a significant portion of the population remained loyal to the king ('Tories') and caused significant suffering for the rebels as well as suffering themselves from the rebels according to the tides of the war.

Further, this was the first of 'modern' citizen armies and the large human losses which result from citizen armies were unprecedented. In their experience there had only been royal armies which were small (due to the expense) and generally did not harm the royal subjects of either side (it is royal subjects who support the armies thru royal taxes). Royal subjects were treated more like livestock or chattel as they could be sold and traded as needed through sovereign treaties.

---

subject (of the Crown)'. There had been citizens and citizen armies in Roman and Greek histories, but the English language did not have any common term for citizens.

9 Bold added by Plaintiffs

The French Revolution (a plausible repercussion of the French assisting the American Revolution against the British) resulted in significantly greater citizen armies and new levels of devastation in the Napoleonic wars.

4. Constitutional Framers Wanted to Create a Lasting Peace

In defining the individual freedoms enshrined in the constitution, they were seeking to create a lasting peaceful government to avoid the devastation they had just experienced. As such the right to democratically elected representatives and a fair hearing before the loss of life, liberty or property were of great importance to them.

The colonists had rankled against their treatment by the British Army and Admiralty Courts. As British subjects they had had due process and elected representatives in England, but as colonists the British Army and Admiralty Courts did not respect those rights. A loyal British subject in the colonies could be required to house and feed British soldiers without any due process. If the local commander needed to house his soldiers, he would simply declare who would provide for them. It is also important to remember that with the smaller royal armies, the soldiers were largely the dregs of society, drunkards and petty thieves who had no alternative to conscription. Housing and feeding the soldiers was not a minor inconvenience.[10]

5. Violence Is The Result of the Unheard

Most Americans can not really appreciate the importance of these fundamental rights but Blacks who had been raised under the Supreme Court doctrine of

10 The British also suffered greatly from the American Revolution and other British colonies benefited with respect to elected representatives and due process. No other British colonies rebelled in the manner of the American Revolution.

'Separate but Equal' knew it very well as stated by Martin Luther King with 'a riot is the language of the unheard'.[11] The American Revolution was the result of violations of the traditional British elected representatives and due process. Anger and violence such as riots and revolutions result when people are not given the opportunity to be heard.

6. The Meaning of Citizen Changed Over Time

When the constitution was enacted the guarantee of due process basically only applied to white, adult, male, Christian property owners. Of course that was a rather lengthy and unwieldy description. Fortunately, there was a much more concise description which was citizen, a term also used in the constitution selectively. The authors of the constitution chose 'No person' for the due process right. I will use the term ‘proper’ citizens to describe ‘white, adult, male, Christian property owners’ with the ‘proper’ in quotes to reflect my disdain for that unreasonably reduced group.

The choice of ‘person’ was largely aspirational as due process had never been provided to non-whites, native Americans, women, slaves, non Christians or the destitute, only proper British subjects, now citizens according to their state.

The original constitution had several contradictions, slavery being, perhaps, the most divisive unresolved issue: are slaves people entitled to due process or property with no rights at all. That issue divided the country leading to the Civil War, a dispute with significantly greater suffering and losses than the American Revolution.

11 Martin Luther King, Grosse Pointe High School - March 14, 1968

As seen below, after rampant disregard for people of color before the Civil War, starting in 1865 there were a series of amendments and acts thru 1871 which eliminated the blatant contradictions and provided liberty and justice for all (except the Indians). There was no change to the due process clause as it already included all persons, a little beyond even the lagging citizenship rights.

However, the Whites in the South violently resisted these reforms with organization such as the Klu Klus Klan (causing the Equal Rights Act of 1870 and Enforcement Act of 1871). It seems that the citizens of the U.S. were not ready for broad promises of liberty and justice for all as the Republicans of the North lost interest preserving the expanded rights and returned to the use of 'proper' citizens leading to The Chinese Exclusion Act of 1882 and Doctrine of 'Separate But Equal' Plessy v. Ferguson, 163 U.S. 537 (1896). The Doctrine of Consular Non Reviewabilty was invented by the Circuit Courts out of nothing but their desires and expediency. DoCNR was unsupported by anything in the constitution or statutes.

Year	**Act / Amendment / Decision**	**Effect**
1850	CA Act For The Government And Protection Of Indians	Vagrant Indians sold as Indentured Servant, Indian Children sold Indentured to Whites
1855	CA "Greaser" Act[12]	Vagrants sold as indentured servants for hard labor.
1856	Dred Scott v. Sandford, 60 U.S. 393 (1856)	Slaves remain property even in states banning slavery
1865	13th Amendment	Abolish slavery
1868	14th Amendment	Citizenship expanded (including slaves, not Indians)

12 Machine readable text for the "Greaser" Act is hard to find so I have included the text in ECF 45-3.

Year	Act / Amendment / Decision	Effect
1870	42 USC section 1981	Equal rights under the law
1871	42 USC section 1983 - Enforcement Act of 1871	Civil action for deprivation of rights, Response to Ku Klux Klan
1882	The Chinese Exclusion Act	Excluded Chinese Laborers
Late 1800s	Doctrine of Consular Non Reviewabilty	Invented by Circuit Courts, Denies Due Process to Aliens
1896	Plessy v. Ferguson, 163 U.S. 537 (1896)	Creates 'Separate but Equal', negates Equal Rights Law of 1870
1920	19th Amendment	Gives women right to vote
1924	Indian Citizenship Act	Grant citizenship to all Indians
1942	EO 9066, Public Law 77-50	Japanese Incarceration
1944	Ex parte Mitsuye Endo, 323 U.S. 283 (1944)	Strike down EO966
1954	Brown v. Board of Education of Topeka, 347 U.S. 483 (1954)	Strike down 'Separate But Equal', mandatory segregation via National Guard
1964 1967 1973 1990	2 USC section 1311 Civil Rights Act Age Discrimination in Employment Act Rehabilitation Act Americans with Disabilities Act	Restrict discrimination race, religion, color, or national origin, also sex for employment Restrict Age Discrimination in Employment Disability Protections Disability Protections
1993	Religious Freedom Restoration Act	Free exercise of religion protected

After the tragic losses of WW1, the United States returned to the dream of liberty and justice for all and extended liberties and full citizenship to women and native Americans. There was a brief relapse during WW2 with the incarceration of Japanese (1942), but that was promptly corrected in 1944.

Then in 1954 the heinous (and false) Doctrine of Separate but Equal was overturned and another series expansions of rights followed until the promise of liberty and justice for all was realized with the sole exception of DoCNR.[13]

7. DoCNR Was Created Out of Expediency, Not Founded in Law

In 1882 the exclusion of the courts from judicial review overseas (e.g. consular activities) was an essential expediency. Communication with the consulates could take weeks. There was no way for the U.S. courts to provide timely oversight. Indeed it could be argued that Congress chose to not provide judicial oversight for consular activities by not creating judges / magistrates to provide the oversight (e.g. a part time Magistrate at each Consulate).

It is not clear that the judges who created the DoCNR and 'Separate But Equal' had any choice. It should be understood that all such judges were surely 'proper' citizens and could well have agreed with sentiment of the masses (i.e. 'proper' citizens of the time) that people of color (a.k.a. 'niggers', 'greasers', 'coolies', and 'Indian Savages'[14]), non Christians (a.k.a. heathens and other derogatory slurs), and the destitute (a.k.a. vagrants, people of low moral character who undermine the proper functioning of society) were vermin who needed to be controlled and exploited for profit if possible or eliminated if there was no profit in it. The view of women was more moderated as every 'proper' citizen had a mother and many had sisters and daughters. The affection for these women tended to moderate the aversion against women in general.

13 That I know of, though, realistically there are probably numerous other injustices seeking correction.
14 'Indian Savages' was used in the Declaration of Independence but by the late 1800's Indians and Savages were synonyms for most people and they would say 'Indians' in polite company but think 'savages'.

According to my usual rules of thirds, one third of the judges probably agreed with the masses that due process did not apply to such vermin and due process would hinder the exploitation of these groups. Another third probably thought that such exploitation was wrong, but did not believe that any order protecting these groups would be respected. If there was no Eisenhower to order the 101st Airborne to enforce segregation, then it would just weaken the court to make an order that the President and Congress would just ignore. They instead went along with 'supporting' the exploitation of these groups. The last third disagreed and advocated another course but were outvoted.

However, we are in a different time. Munoz was able to get due process through court orders so the foundation of DoCNR is exposed as unfounded. It is time for DoCNR to be sent to the trash bin of history with 'Separate But Equal' and the Dred Scott decision.

It is interesting that Congress has designated the DoJ as the sole agency responsible for upholding the law, but not upholding the constitutional rights of individuals. On reflection, that is almost certainly because every agent of the federal government (from judge to officer to employee) must take an oath to support the constitution and, thus, we are each responsible for insuring constitutional rights are upheld.

8. It is Time for DoCNR to Join Its Contemporary, Separate But Equal

Even if DoCNR was based on the inability of the court to provide timely oversight, that justification has past. Since the year 2000 there have been enough fiber optic cables connecting every continent so that consulate officers and judges now have

'instant' access to government records around the world and video conferences can eliminate the need for judges or witnesses to travel. It is time for the courts to step up and take on their role of monitoring the DoS to insure that due process is provided to all persons, even foreign nationals who are outside the U.S..

Of course, there will still be significant venue problems for any foreign national who does not have family, friends, or business contacts residing in the U.S., but Congress has no obligation to provide access to the courts to foreign nationals outside the U.S.. Further, with the widespread access to high speed data around the world, most foreign nationals who have a serious need could likely develop a contact in the U.S. to be a party to the suit and file the suit initially.

To be clear, the federal government has the right to deprive anyone: citizens, permanent residents, and other foreign nationals from life, liberty, and property as long as it is done with due process of law. So Congress certainly has the ability to restrict the fundamental right of movement and travel from aliens, barring entry to the U.S. and deporting them as appropriate.

If it is necessary to determine any factual criteria for admittance or denial, DoS must allow the applicant to present the evidence required for acceptance which is, apparently, not the usual procedure at this time.

The primary and fundamental requirement for such restrictions is due process but the requirement of due process can not be over-ridden by Congress under any circumstances.

9. Even If DoCNR is Valid, The OIG and DoS Must Support Due Process

Every agent of the federal government must swear an oath to support the constitution and the Fifth Amendment due process right applies to all human beings (borrowing from the extended DoJ mission) by a clear choice of the framers of the constitution.

We seek ancillary relief that DoJ work with DoS OIG and DoS Bureau of Consular Affairs to insure that all people get the fair hearings required by due process in future visa interviews.

IV. Conclusion

The court is asked to review the Supreme Court recent decision in Munoz and conclude that the new decision supports the relief we are seeking. The 9th Circuit was able to get due process for Munoz (demonstrating that due process is possible at this time) and while she did not get the requested relief, she and her husband did have a 'fair' hearing. Further, as due process is 'the procedure authorized by Congress' (quoting Munoz) non immigrant visa process must be corrected as denying visas without reviewing any evidence is not what Congress required.

The court is further requested to deny the MTD in its entirety, reverse the delay in the Motion for Partial Summary Judgment, and grant my wife the relief in the form of implementing the USCIS decision of 31 Jan 2023.

Respectfully submitted,

Verification of Response

The Plaintiff hereby affirms under penalty of perjury in both the United States and Thailand that as an individual:

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 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. Jul. 2024
Location: Irving, Texas

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 were enrolled in the court's electronic case filing (and service) system.

/s *Brian P. Carr*
Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Case, Statute, and Other Index