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 Verified[1] Consolidated[2] FRCP Rule 60 Motions for LR 7.1, LR 7.2, and LR 11.1 Relief Certificate of Conference - OPPOSED

FRCP Rule 60 Motions for LR 7.1, LR 7.2, and LR 11.1 Relief

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1 The Verification of Motion is listed in the Table Contents toward the end of this document.

2 These consolidated motions are actually a consolidation of three groups of motions seeking LR 7.1, LR 7.2, and LR 11.1 relief. Each group is requesting relief for the four proposed motions as well as this matter as a whole. The result is a consolidation of 15 motions.

Introduction

The Plaintiffs each apologize to the court for not raising objections to the Recommended Findings of 26 Feb 2025 (ECF 61) earlier but we were surprised by the exclusion of Rueangrong Carr (hereafter Air which is her nickname) and Buakhao Von Kramer (Buakhao) at this late date (suit filed on 28 Dec 2023 with original signatures for all Plaintiffs, ECF 3). As Buakhao's legal residence is in Thailand and she was residing at her Chiang Mai residence on 26 Feb 2025, it has taken us some time to coordinate a response.

Summary

LR 7.1, LR 7.2, and LR 11.1 Relief

The Court is asked to rescind its order dismissing all claims (without prejudice) and grant the Plaintiffs time to file two Amended Complaint and other Motions as well as relaxing the page limit restrictions of LR 7.2 in this matter for any motion which broadly deals with more than two counts (there are nine now) or more than ten reliefs (there are 56 now).

In addition we are seeking LR 7.1 relief providing additional time to respond when any litigant is overseas and LR 11.1 guidance from the court on how pro se plaintiffs can collaborate and electronically file a paper with the electronic signatures of multiple parties.

Motion to Fully Contest the Order Dismissing This Action

There are numerous errors in the Findings and Recommendations the most serious of which results in the removal of two Plaintiffs, Mrs. Carr and Mrs. Von Kramer from the matter without consulting them or giving them any opportunity to be heard. A few of these errors will be briefly discussed in this motion but to really adequately address the errors an exception to LR 7.2(c) page limitations is required. There are 56 reliefs requested in the Amended Complaint and none of them were properly addressed in the Findings and Recommendations of 26 Feb 2025 (ECF 61) or the Order of 21 Mar 2025 (ECF 62). The Order improperly dismissed all 56 reliefs. We will submit an opposition motion which will discuss all 56 reliefs covering the standard topics of ‘stating a claim’, ‘sovereign immunity’, ‘executive discretion’ and, as appropriate, the 'Doctrine of Consular Non Reviewability' (DoCNR).

28 USC § 455 Motion for Recusal of Magistrate Rutherford

An additional motion will be presented asking that a different Magistrate be assigned to this case to avoid the appearance of bias or impropriety. Magistrate Rutherford appears to have collaborated with Defendants to defer the matter until they could ameliorate their constitutional and criminal violations. Each or the errors discussed in the previous motion will be discussed along with the apparent coordination of the defendants to ameliorate their errors in February of 2025 which also coincided with the courts improper termination of this matter.

Further, we request a review of Magistrate Rutherford's decision to not issue an ‘Order to Show Cause’ for sanctions for serious of allegations of criminal falsification of government records to trick the Plaintiffs and delay the proceedings, flagrantly violating Texas Disciplinary Rules of Professional Conduct (ECF 30-2) TDRPCE Rule 4.01 'Truthfulness in Statements to Others' and 18 USC § 1001 (falsification of government records).

Third And Fourth Amended Complaints

We would like to add new Defendants of the Internal Revenue Service (IRS) and The Treasury Inspector General for Tax Administration (TIGTA) as well as new Plaintiffs, my wife's sons Rujipas Lawichai and Tanapon Lawichai.

Further relief is sought of providing us with meaningful results from FOIA requests for both individual records and cumulative data. Many of these FOIA requests have been pending or ‘in process’ for over two years.

The Fourth Amended Complaint will reference separate affirmed briefs for every relief (including the new reliefs) with discussions of ‘stating a claim’, ‘sovereign immunity', 'executive discretion' and, as appropriate, the 'Doctrine of Consular Non Reviewability' (DoCNR).

Anticipated Other Amended Complaints

Once the results of the various FOIA requests for cumulative data are made available to the Plaintiffs, the Plaintiffs anticipate adding new Plaintiffs as a class action suit with the assistance of legal aid organizations such as National Immigration Litigation Alliance which was awarded costs in Garcia Perez v. USCIS, No. 2:22-cv-00806 (W.D. Wash., filed June 9, 2022) where USCIS agreed to revise its Employment Authorization Documents (EAD) administrative procedures to comply with clear and specific statutes and constitutional due process.

FRCP Rule 60 Motion for LR 7.2 Relief is Timely

Order of 21 Mar 2025 (ECF 62) Was Premature

FRCP Rule 60 states:

> (1) Timing. A motion under Rule 60(b) must be made within a reasonable time - and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

FRCP Rule 59 (Amending a Judgment after trial) has the most stringent requirement for filing a motion to alter an order with:

> (b) Time to File a Motion for a New Trial. A motion for a new trial must be filed no later than 28 days after the entry of judgment.

This motion is within the required time FRCP Rule 59(b) which clearly is a reasonable time for a FRCP Rule 60 motion.

The order of the court on 21 Mar 2025 (ECF 62) finding that 'No objections were filed.' and accepting the Recommendations of 26 Feb 2025 (ECF 61) was premature as we had not had enough time to respond.

Mrs. Carr's Response to the Recommendations of 26 Feb 2025 (ECF 61)

We were in the process of preparing our concerns to the recommendations of the court of 26 Feb 2025 on 21 Mar 2025. My wife completed her requests to the court on 23 Mar 2025 with my clerical assistance in translating, printing, and mailing.

ECF 64 is my wife's request to the court to remain in this suit in the first two pages (original signature on the first page on 23 Mar 2025) with a signed copy of the current Amended Complaint (ECF 29) with her physical signature on page 58 in an effort to comply with the court's Orders on 22 Apr 2024 (ECF 26).

ECF 65 is a request for assistance from my wife listing her experiences and the relief she is most focused on. It is signed on page 13. Both were filed on 28 Mar 2025

Mrs. Von Kramer Also Responded

I also assisted Buakhao in preparing a request to remain in the suit, but she was in Thailand making coordination more difficult and I forgot that she does not have experience with clerical work. Her signed copy signed copy of the current Amended Complaint (ECF 29) with her physical signature on page 56 was filed on 7 Apr 2025 as ECF 66. I was not able to print and mail the papers for Buakhao as she was in Thailand so that other papers we wanted to include with original signatures did not get in the packet mailed to the court.

Attached as ECF 67-4 is an unsigned electronic copy of Buakhao's request for assistance listing her experiences and the relief that is most important to her. The signature page for that document was included as in ECF 66 as page 60.

Attached as ECF 67-5 is a short electronic document which is Buakhao's request that the Amended Complaint be filed with her original signature. The signed version of that document did not get into the packet

.It should be noted that the postage on her legal papers was almost $50 (1,700 Thai Baht) making some alternative desirable.

Request for Leave to File Four Additional Motions for Relief

We are seeking permission to file four subsequent motions for relief each of which would, with the court's permission, represent all three Plaintiffs (or perhaps five for the last Amended Complaint). The motions would:

- Identify and analyze errors in the decision. These are quite numerous and an overview of the problems for a few of these errors will be included later in this motion.
- Asking Magistrate Rutherford to consider recusal under [28 USC § 455](28 USC § 455) to avoid the appearance of bias based on:
  - delaying the case and any decision until Air became a citizen,
  - coordinating the change in AUSA representative with an early rejection of a Motion for Partial Summary Judgment and forcing a new Motion to Dismiss with the forced filing of an Amended Complaint,
  - improperly removing two Plaintiffs without proper justification and almost an entire year after the purported error occurred, and
  - the numerous other errors which create the impression that Magistrate Ruthford is not impartial but instead representing the government

The timing of various decisions by the court create the appearance of back channel communication (likely between the court and government clerks) and, to a certain extent, collusion with the government.

As Judge Scholer has had so little involvement in the case, there is not sufficient basis for the appearance of bias. She can recuse or not based on her own judgment.

- Leave to file two Amended Complaints. The first which must be filed within four months which would:
  - add new Defendants of the IRS and TIGTA
  - add two new Plaintiffs who are Air's sons, Rujipas Lawichai (hereafter Tin which is his nickname) and Tanapon Lawichai (hereafter Earth which is his nickname). Earth has not been mentioned previously in this matter, but he is a Sergeant and trainer in the Thai Artillery who would like to enlist in the U.S. Army if possible. Of course there must be physical signatures for Earth and Tin
  - add all the pending FOIA requests previously submitted by myself which have not been answered as yet with distinct reliefs for each.

- The next Amended Complaint must follow within two months and would add references to the appropriate topic based briefs submitted previously as well as updates such as acceptance notices for I-130 Petitions for Alien Relatives and queue status.

Exception to LR 15.1 Requested for later Amended Complaints

It is unusual to seek leave to file an Amended Complaint without also submitting the proposed Amended Complaint as an attachment (see LR 15.1 Motions to Amend), but in this case the entire Amended Complaint was dismissed without prejudice. We are seeking additional time to submit new Amended Complaints which will correct all the defects cited by the court. It would simply increase delays and administrative overhead to file a new suit with the same Plaintiffs and Defendants and then include in the record the numerous documents which have been presented to the court in this matter.

LR 7.2 Relief, Relaxed Restrictions on Page Limitations

For motions in this matter which cover broad topics, we would like to eliminate the page limit restrictions as well as permitting the use of topic related briefs which can be referred to by any motion. The elimination of page limit restrictions could be triggered for any motion that discusses more than two counts (there are now nine) or more than ten reliefs (there are now 56).

All parties should be able to submit separate Briefs dealing with general topics such as "Sovereign Immunity 'Credit for Future Services' comparison to 'Cash Payment'". There also could be separate briefs for select groups of 'Credit for Future Services' briefs (for a specific defendant) showing how the general topic applies to the specific defendant.

The ‘Credit for Future Services’ is a good example of a topic that needs to be fully analyzed as it appears to be a novel legal therory to supplement the current and incomplete understandings of 'Sovereign Immunity'.

These same briefs would be used across all future motions so that each motion itself can be more clear, concise and persuasive. Each stand alone brief is expected to mostly be between 2 and 8 pages each. There are expected to be about 20 of such briefs. With the fourth amended complaint requested it is expected that these briefs will be referred to in the complaint itself.

With such stand alone affirmed briefs covering 'State a Claim', 'Sovereign Immunity', 'Executive Discretion', and 'Doctrine of Consular Non Reviewability' (DoCNR) then it should be possible to address the 9 (and later 11) counts in less than 15 pages each for a total of less than 150 pages (possibly significantly less, maybe even 75 if I have time to get really clear and concise).

However, considering the alternative of 56 (or even 168) motions of 25 pages each (1400 pages or more) to independently address each of the reliefs sought, each making the same arguments with no reference to other motions, the record would be exceedingly unwieldy and needlessly repetitive.

I am certain that even if all the stand alone affirmed briefs were added together with the page count for each of the consolidated motions, it would not even get close to 1,400 total pages for separate motions for each relief.

LR 7.1 Relief, Additional Time to Respond

In those cases where a physical signature is required of a party and the party is currently outside the country, the court is asked to extend filing requirements by one month. Buakhao's copy of the Amended Complaint with her physical signature was delayed in customs for over a week and it is unknown how long the delay will be when customs is tasked with imposing tariffs on all incoming shipments of goods (though not legal papers at this time).

Further, Earth has recently been deployed to a new location in Thailand. It is likely close to Cambodia due to the increased military tensions between Thailand and Cambodia (according to the press), but such deployments are always classified

/ sensitive so we can not expect to know the actual location. However, when Earth is deployed in this fashion it is also not clear how the court or other parties can contact him.

We request that after Earth has joined this matter, any of the Plaintiffs be able to file a notice to any motion paper or order of the court informing all parties that Earth is deployed and deferring any response from Earth until such time as Earth can be contacted and can respond.

LR 11.1 Relief For Pro Se Plaintiffs to Affirm Signature of Another

TXND Local Civil Rules LR 11.1 does not provide any method for a pro se plaintiff to file an electronic document and also certify the signature of another person (the text of the rule is listed below with a full analysis). Indeed Air and Buakhao have / are filing two additional copies of the Amended Complaint (ECF 29 and 64) as the court questioned their signatures in the Recommendations of 27 Feb 2025 (ECF 62).

Later in this motion it is argued that multiple pro so litigants can join together in a single combined complaint, but the court is asked to provide a mechanism for one plaintiff to certify the signature of the other plaintiffs.

Specifically, we ask that with the explicit concurrence of the other Plaintiffs and the Court, that any plaintiff be able to electronically sign papers for the other Plaintiffs based on their affirmed agreement. We could also keep and / or attach excerpts from our Line (a messaging app popular in SE Asia) chat sessions according to the wishes of the court.

Improper Removal of Plaintiffs Without Due Process

FRCP Rule 11(a) Does Not Apply

Magistrate Rutherford incorrectly applied FRCP Rule 11(a) requirement that each pleading be signed by at least one party to the Amended Complaint (ECF 29) to justify removing two Plaintiffs from the matter without any justification.

Magistrate Rutherford incorrectly cited FRCP Rule 11 with:

> [FRCP Rule 11] requires that every pleading, motion and other paper must be signed by an attorney or by a party personally if the person is unrepresented.

However, FRCP Rule 11(a) actually states:

(a) Signature. Every pleading, written motion, and other paper must be signed by **at least one** attorney ... or by **a** party personally if the party is unrepresented. ... The court **must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention**.[3]

Magistrate Rutherford alters 'at least one' to instead be 'an' and ignores the singular nature of 'a party' and 'the party'. Only one party to a suit must sign a paper to be properly submitted to the court and included in the record.

Further, notice must be provided to the party before the remedy of striking the document can be applied.

Mr. Carr Properly Signed the Amended Complaint Electronically

While only one party needs to sign a paper for submission to the court, Mr. Carr

3 Bold added by Plaintiffs

did, in fact, properly sign the proposed Amended Complaint (ECF 18-1)

FRCP Rule 5(d)(3)(C) states:

> (d) Filing. ...
> (3) Electronic Filing and Signing. ...
> (C) Signing. A filing made through a person's electronic-filing account and authorized by that person, together with that person's name on a signature block, constitutes the person's signature.

ECF 18, 18-1, and 29 were all submitted electronically by Mr. Carr via his ECF account and have his signature block. See ECF 29 page 56. As such, Mr. Carr had signed each document on submitting them to ECF.

Mrs. Von Kramer and Mrs. Carr Signed the Amended Complaint

TXND Local Civil Rules LR 11.1 states:

> (a) What Constitutes Electronic Signature. [REPEALED]
> (b) Requirements for Electronic Signature. [REPEALED]
> (c) Certification of Signature of Another Person. By submitting a document by electronic means and representing the consent of another person on the document, **an attorney** who submits the document certifies that the document has been properly signed.
> (d) Requirements for Another Person's Electronic Signature. **An attorney** who submits a document by electronic means that is signed by another person - including by a moving party under LR 40.1 – must:
>
>> (1) include a scanned image of the other person's signature, **or represent the consent of the other person in a manner permitted or required by the presiding judge**; and
>> (2) maintain the signed paper copy of the document for one year after final disposition of the case.

With the original Complaint, there was no problem as the Complaint included the actual physical signature of all Plaintiffs (ECF 3, pages 54 and 55). However, with the proposed Amended Complaint (ECF 18-1), electronic signatures were required, but the local rules provided little guidance. LR 11.1 appears to only provide the requirements for an attorney without any guidance for a pro se party.

As such, Mr. Carr attempted to 'represent the consent of the other person in a manner permitted or required by the presiding judge' with an affirmed statement made under penalty of perjury that:

> In accordance with TXND LR 11.1(d), on the recorded date I received permission from Mrs. Carr and Mrs. Von Kramer to sign this document electronically on their behalf after having provided them with the relevant sections of the document in English and translated into Thai (relying on Google Translate). …

When the court granted leave to submit the Amended Complaint, Mr. Carr assumed that his representation of the consent of the other parties was sufficient.

Mr. Carr Ordered to File the Amended Complaint Violating Local Rules

The proposed Amended Complaint (ECF 18-1) was submitted as an attachment to ECF 18, Motion for Leave to Amend, which was submitted by Mr. Carr on 28 Mar 2024 with his electronic signature correctly included. However, instead of notifying Mr. Carr of any perceived defects in the proposed Amended Complaint, Magistrate Rutherford instead ordered in ECF 26 (dated 22 Apr 2024):

> 1. Plaintiffs must file their Amended Complaint on the docket by April 30, 2024.

with a footnote that ordered:

> Plaintiffs included their proposed Amended Complaint as an appendix.... Plaintiffs should file this same proposed Amended Complaint as a separate docket entry titled "Amended Complaint."

Magistrate Rutherford required Plaintiffs file the unaltered pleading in violation of TXND Local Civil Rules which states:

> LR 15.1 Motions to Amend. …
> (b) When Filed by Electronic Means. When a party files by electronic means a motion for leave to file an amended pleading, the party must attach the proposed amended pleading to the motion as an exhibit. If leave is granted, the amended pleading will be deemed filed as of the date of the order granting leave, or as otherwise specified by the presiding judge, and **the clerk will file a copy of the amended pleading.**[4]

Once the Plaintiffs had submitted a proposed Amended Complaint as an appendix, it is the clerk who should have filed the amended pleading under order of the court. In ECF, it is not possible for multiple parties (such as ' Plaintiffs' in the order) to file a document as each filing must be made from the account of a single individual (shared accounts are prohibited, presumably for accurate auditing and compliance with FRCP Rule 11).

FRCP Rule 11 Remedy Not Applied

FRCP Rule 11(a) was cited as the basis for removing Plaintiffs but notice of the problem as required by FRCP Rule 11 was not provided to the Plaintiffs. Further the only remedy in FRCP Rule 11 of striking the unsigned document (ECF 29?) would require the striking of other documents as well. Striking a specific document also requires the striking of documents both before and after which are dependent on the specified document. Striking ECF 29 would require also striking the Motion to Dismiss, ECF 30, as well as the instant order granting dismissal of the entire matter as ECF 30 refers extensively to the Amended Complaint, ECF 29, the document to be struck. Indeed striking a central document like ECF 29 would

4 Bold added by Plaintiffs.

require striking virtually every filing in the matter after ECF 18. The only surviving documents would be the original Complaint (ECF 3), the original Motion to Dismiss (ECF 15, which was previously dismissed as moot in Order ECF 26, but that order would need to be struck), and possibly the original Motion for Partial Summary Judgment (one portion of ECF 18) and the Motion for Sanctions (ECF 30).

Magistrate Rutherford Removes Plaintiffs Without Proper Cause

The Court Ignores Clear Qualifiers in the Complaint

In ECF 61 page 1, the court claims that:

> The Amended Complaint states that "to the degree that it is legally permissible, Mr. Carr will represent" Rueangrong Carr (Rueangrong) and Buakhao Von Kramer (Buakhao) in this matter. Am. Compl. ¶¶ 12, 13 (ECF No. 29).

But in both Complaints (ECF 3 and 29) the paragraph for Mrs. Carr (12) states:

> Mrs. Carr is ... **a Plaintiff appearing Pro Se in this matter** ... and to the degree that it is legally permissible, Mr. Carr will represent Mrs. Carr.

and the paragraph for Mrs.Von Kramer (13) states:

> Mrs. Von Kramer is ... **a Plaintiff appearing Pro Se in this matter**. ... and ... has also requested that Mr. Carr represent Mrs. Von Kramer to the degree that it is legally permissible ...[5]

In both the original complaint and amended complaint it is clear that all the Plaintiffs are appearing pro se in this matter and that Mr. Carr will only represent the other Plaintiffs with the permission of the court. Further, there are the signatures of all three plaintiffs in both complaints making it clear that all three plaintiffs wish to be considered in this matter.

5 Bold added by Plaintiffs.

Court Incorrectly Cites Restrictions on Spousal Representation

Monroe Cited Refutes Removal Of Spouse

In the Findings of the court (ECF 61), Magistrate Rutherford misconstrues case law with:

> Brian is not authorized to represent any other party in this action, including his wife, Rueangrong, or Rueangrong's sister, Buakhao Von Kramer.1 Monroe v. Smith, 2011 WL 2670094, at *2 (S.D. Tex. July 6, 2011) ("Because Plaintiff is not an attorney, he cannot represent his wife's interests in this action").

The court goes on to conclude that because Mr. Carr submitted the Amended Complaint without the physical signatures of the other two Plaintiffs they must be removed from the matter. However, Monroe actually says the reverse.

In Monroe v. Smith, 2011 WL 2670094 (S.D. Tex. July 6, 2011) both spouses were in Texas prisons and separated (in accordance to Texas prison rules) with Monroe complaining that he was unable to correspond with (write to) his wife. This was the basis of the complaint.

It appears that his wife never attempted to join the matter as the court in Monroe went on with:

> She had the chance to file to join this action, (D.E. 6, 11, 15), but has never availed herself of this opportunity

with the conclusion that Monroe could initiate the action but the consent of a spouse is required for him to be able to represent her.

As noted above, in this case both my wife and Buakhao specifically and consistently asked that I represent them with their physical signatures on the original complaint and electronic signatures in the Amended Complaint.

According to Monroe, this is sufficient for my wife. In later sections it will be shown that this is also sufficient for Buakhao.

Monroe Text Based On Long History of Pro Se Rulings

The text quoted from Monroe was actually derived from:

> "[B]ecause pro se means to appear for one's self, a person may not appear on another person's behalf in the other's cause."

Martin v. City of Alexandria, 198 Fed. Appx. 344, 346 (5th Cir. 2006) (per curiam). This is a Fifth Circuit decision, but sadly it was also declared as 'not precedent' and is not widely published. As such it is no more significant than a quote from Shakespeare's Hamlet. It was an error for the court in Monroe to cite this irrelevant case. It was also a violation of Fifth Circuit orders to not explicitly state that Martin is not precedent.

However, the above quote was a direct quote from Iannaccone v. Law, 142 F.3d 553 (2d Cir. 1998) which was precedent and is widely cited and available. It includes a history of Pro Se representation with:

> Thomas Paine, arguing in 1777 for a Pennsylvania Declaration of Rights, who said that to plead one's cause was "a natural right," pleading through counsel was merely an "appendage" to the natural right of self-representation. See [Faretta v. California, 422 U.S. 806 (1975)]

and

> …. on September 24, 1789, ... section 35, which reads as follows: "That in all the Courts of the United States the Parties may plead and manage their own causes personally or by the assistance of such Counsel or Attornies at law as by the rules of the said Courts respectively shall be permitted to manage and conduct causes therein."

which makes it clear that Pro Se self representation is a fundamental right which can not be denied under normal circumstances. Seeking assistance from counsel is optional.

Iannaccone was ground breaking in clarifying that each person can only represent their own interests and not the interests of another.

This does not mean that Pro Se parties can not join together to produce a single complaint as long as each party is allowed to advocate for their own interests. Indeed, in Monroe the court removed Monroe's spouse from the proceeding solely because she did not choose to join the matter.

Pro Se Parties Can Join Together in A Single Complaint

While it is certainly possible for several Pro Se parties to join together in a single suit with numerous separate Complaints this is tedious for all parties.

It is also possible for several Pro Se parties to join together in a single Complaint which includes the consolidated allegations (or affirmed statements in this case) and consolidated legal arguments and relief. Such a consolidation benefits all parties, plaintiffs, defendants, and the court, by reducing the confusion which would result from multiple conflicting complaints. It supports the possibility of a single consolidated Answer and greatly reduces the work of the court.

Each party can share their legal expertise, recollections, records, opinions and desires with the other parties. Indeed, among several Pro Se parties it is likely that one or more plaintiff(s) could advise and assist the others in preparing papers and responses. This is not a problem as long as no party:

- Falsely claims to be an attorney or
- Accepts remuneration for legal services or advice

While this could become a problem with 'friends' representing the interests of others, it is unlikely to present a problem within family and certainly not spouses under the umbrella of multiple Pro Se parties conferring and consolidating their claim.

Marriage is Legal Union Which Permits Representation with Consent

I intend to raise a legal challenge to any restrictions the court may choose to apply to spousal representation with consent. This will be elaborated in the requested later motions. The summary is that when the constitution was written and even in 'Separate but Equal' times Plessy v. Ferguson, 163 U.S. 537 (1896) and the DoCNR, men had an absolute right to represent their wife who were in a nebulous legal status, part person and part chattel or livestock. Women were counted in the census to measure the number of voters, but not actually allowed to vote, similar to slaves.

With later decision such as Brown v. Board of Education of Topeka, 347 U.S. 483 (1954) and the 19th Amendment, such inequities were resolved and women were raised to a more equal status allowing women to even become Supreme Court Justices. The question is were the rights intrinsic to the legal union or marriage reduced or eliminated or were they adjusted and enhanced in this transition.

I will argue that individual rights were enhanced while strengthening the institution of marriage. The result is both spouses have an inalienable right to each represent the other with the consent of the other.

Close Family Members Can Represent Each Other With Consent

There are similar arguments that the traditional absolute right of a father to represent his unmarried adult daughters has been enhanced so that each can represent the other with the consent of the other. Further, in the event of the death of the father, this right was normally conferred on the eldest son (often the sibling of the unmarried daughter). In Thailand it is also the case that sibling relationships are extended through marriage (making families very large and complex) as it was in historical America. If Buakhao, a widow whose father has passed, chooses to consider me as her eldest brother and seeks my representation, then I have a right to represent her.

As these rights of representation were founded in the Firth Amendment due process clause, Congress has no right to restrict them. While the original rights were vested only in adult white male Christian property owners, we as a nation have progressed by extending these rights to all people. As such any immediate family member can represent other family members (even family members extended through marriage) with their consent.

Sovereign Immunity Does Not Apply to USPS

Dolan Clearly Permits Refunds for 'Guaranteed Delivery' Failures

The court in ECF 61 states:

> the Postal Reorganization Act (PRA) establishes the USPS as "an independent establishment of the executive branch" that "enjoys federal sovereign immunity absent a waiver." Hale v. U.S., 2023 WL 1795359, at *1 (5th Cir. Feb. 7, 2023 (internal quotation marks omitted) (quoting Dolan v. U.S. Postal Serv., 546 U.S. 481, 483–84 (2006)).

citing Dolan v. Postal Service, 546 U.S. 481 (2006) which goes on to say:

> losses of the type for which immunity is retained under section 2680(b) are

> at least to some degree avoidable or compensable through postal registration and insurance. …
> (allowing indemnity claims for loss or damage of "insured, collect on delivery (COD), registered with postal insurance, or Express Mail"); 39 CFR § 111.1 (2005)... The same was true when Congress enacted the FTCA in 1946. ... See 39 USC § 245 (1940 ed. and Supp. V) ("For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails ..."). As Kosak explains, one purpose of the FTCA exceptions was to avoid "extending the coverage of the Act to suits for which adequate remedies were already available," ... an objective consistent with retaining immunity as to claims of mail damage or delay covered by postal registration and insurance.

In the 1940 edition of 39 USC § 245, USPS was authorized to establish a system where senders can be indemnified for certain losses. This system is now embodied in 39 CFR § 111.1 which incorporates the Domestic Mail Manual by reference with 604 9.2.3:

> A full refund (100 percent) may be made when: …
> * Fees are paid for Certified Mail services, USPS Tracking, or USPS Signature Services, and the article fails to receive the extra service for which the fee is paid.

Indeed we did purchase such a service through 'Guaranteed Delivery' (ECF 18-3) and, after an administrative appeal, the refund of $26.35 was approved with 'Dispute Paid' (ECF 18-8). As explained in Dolan we can seek a refund for services which we paid for and were not provided and 'for which adequate remedies were already available' under 39 CFR § 111.1.

However, while USPS approved our refund with 'Dispute Paid', it appears USPS never actually credited our account with this payment.

Indeed, this court could order USPS to determine if the payment was ever made. If not, the court could order USPS to make the payment as USPS has already authorized the payment but not completed the process specified in 39 CFR § 111.1.

The FTCA Supports Simple Tort Claim Against USPS

As an alternative, the court could order USPS to make the payment under 28 USC Chapter 171 (FTCA tort claims) as this is not actually a claim for late delivery which was resolved when USPS authorized the payment, but instead a failure to pay an amount due, a simple tort claim which the FTCA does support as there is no exception for accounting and payment breakdowns.

Credit for Future Services Not Protected By Sovereign Immunity

In this case, the court is asked to order USPS to make a credit for future services. This is, apparently, a novel legal theory, which I would like to develop fully. Unfortunately the court rejected the claim by simply declaring:

> That Brian **allegedly** seeks "a credit for future services" rather than money damages does not change this result.[6]

It is unclear why the court adds '**allegedly**' before 'seeks' as the Amended Complaint is verified so that there are no allegations, only affirmations. Also any review of the Amended Complaint will show with certainty that I did, in fact, seek "a credit for future services". The addition of unnecessary and false doubt for a simple fact creates the appearance that the court is attempting to discredit my truthfulness and accuracy. In fact, I always strive to be truthful and accurate in everything I include in legal papers (so verifying the complaint is no burden) as well as clear, concise, and persuasive.

6 Bold added by Plaintiff.

However, the absence of any case law to support the conclusion of the court suggests that this is a novel challenge to existing case law. There are, in fact, substantial differences between a cash payment (which infringes on Congressional control of the purse) and a credit for future services (which is dependent on Congressional authorization of the services). Indeed there will be a separate section discussing this novel legal theory.

Plaintiff Denied Due Process From Misapplication of LR 7.2

In its recommendations of 27 Feb 2025, the court goes on at great length with:

> Brian does not respond to Defendants' arguments regarding sovereign immunity and instead merely - and improperly - refers to briefing he filed in response to Defendants' earlier motion to dismiss. See Resp. 3 (ECF No. 34) ("The restrictions on Sovereign Immunity are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here"); Black Cat Expl. & Prod., LLC v. MWW Cap. Ltd., 2015 WL 12731751, at *2-3 (N.D. Tex. Apr. 29, 2015) (finding improper plaintiff's attempt to incorporate by reference its preliminary injunction reply brief into its motion for remand reply brief); see also Hudson Specialty Ins. Co. v. Talex Enterprises, LLC, 2020 WL 1318802, at *2 (S.D. Miss. Mar. 20, 2020) (noting that the commentary to Federal Rule of Civil Procedure 10 explains that "Rule 10 only permits the incorporation of contents from pleadings [and] does not authorize parties to incorporate by reference the contents or earlier motions or other papers"). Thus, the District Judge should dismiss Brian's claims. See Bearden v. United States Dep't of Agric., Rural Hous. Serv., 2023 WL 6462861, at *2-3 (N.D. Tex. Oct. 2, 2023) (granting defendant's motion to dismiss when plaintiff "fail[ed] to identify any waiver of immunity by the government").

Basically the court is saying that because I violated LR 7.2 page length restrictions by attempting to reference previous motion papers, the court is going to ignore my arguments against sovereign immunity and dismiss all claims which are based these arguments. LR 7.2 does not explicitly prohibit referencing previous motions papers making the prohibition too obtuse to be enforced with pro se plaintiffs.

Further LR 7.2 restrictions never justifies dismissal of a claim because of the incorrect form of presentation; this would be a fundamental violation of due process.

The Court Can Not Dismiss Pro Se Claims Based on Inadvertent Errors

The roots of Pro Se individuals representing themselves run very deep and place requirements on the courts, the legislature and government as a whole from dismissing legitimate pro se claims based on inadvertent errors and violations of obscure and confusing procedures. The foundation of due process as understood by the American colonists was an order of the British King in the thirteenth century.

Iannaccone v. Law, 142 F.3d 553 (2d Cir. 1998) cited by the court in this matter in reference to pro se representation states:

> First, history. Under the English common law with its complicated forms of action and veritable maze of writs and confusing procedures, the right to retain counsel in civil proceedings became a necessity. By the middle of the thirteenth century, lawyers so monopolized the courts in London that the King was forced to decree that, except for a few special causes, litigants were entitled to plead their own cases without lawyers. See Note, The Right to Counsel in Civil Litigation, 66 Colum. L.Rev. 1322, 1325 (1966).
>
> Second, mistrust of lawyers made appearance in court without benefit of counsel the preferred course. See A.L. Downey, Note, Fools and Their Ethics: The Professional Responsibility of Pro Se Attorneys, 34 B.C. L.Rev. 529, 533 (1993). Lawyers had no position of honor or place in society in

> early colonial days. The pioneers who cleared the wilderness looked down upon them. For example, the Massachusetts Body of Liberties of 1641 expressly permitted every litigant to plead his own cause and provided, if forced to employ counsel, the litigant would pay counsel no fee for his services. See Charles A. & Mary R. Beard, The Rise of American Civilization 100-01 (College ed.1930).
>
> Third, informality. In early colonial days, the rule of informality was a necessity in court proceedings since most presiding judges were not lawyers. See The Right to Counsel in Civil Litigation, supra, at 1328. By the time of the Revolution, legal proceedings had become more technical and reliance on precedent had evolved, both of which required people trained in legal interpretation. As the decades of the 18th century passed, legal questions became more complex and the need for skilled attorneys was recognized. Enough individuals had gone into law so that by the time the First Continental Congress commenced, 24 of the 45 delegates were lawyers, and in the Constitutional Convention, 33 of the 55 members were lawyers. See Beard, supra, at 101. Nonetheless, the number of lawyers although growing was still few, many judges were still laymen, and the legal process still remained sufficiently simple to permit persons whether rich or poor to plead their own causes. See The Right to Counsel in Civil Litigation, supra, at 1329.

The result of those early concessions by British kings is that judges implicitly must assist pro se litigants who do not have the legal knowledge to properly present their claim. Judges must help them establish their legal claims within the limits of the law.

Certainly the court can not misconstrue and incorrectly apply rules and the law in order to deny valid claims of pro se litigants. This court's misapplication of LR 7.2 and its obscure tenets is grossly improper and warrants recusal.

LR 7.2 Does Not Authorize Dismissal of Claim From Simple Error

Plaintiff Informally Requested Relief from LR 7.2

I my response (ECF 34) to the Defendants' 2nd Motion to Dismiss (ECF 31) I did indeed request leniency from LR 7.2 on page 1 with:

> I apologize to the court for the length of the various responses, but with the many facets of this case and lack of specificity in USATXN's criticisms a full response is required. To aid the court, a high level summary is included in this Response with a more detailed analysis in separate affirmations as well as references to the Plaintiffs' previous Response (ECF 18) to the Defendants' previous Motion to Dismiss (ECF 15).

While it appears that I could have combined this response with a LR 7.2 Motion for less restrictive page restrictions, this could result in an explosive growth in the number of pending motions with every motion and response requiring an additional set of LR 7.2 Motions. I don't believe this would lead to prompt and just resolution of pressing matters as in my previous challenge to the use of 56(d) Motions in 5th Circuit Courts versus 56(d) Responses in 3rd Circuit Courts.

Court Ignores Mrs. Carr's Plight as an Apparent Illegal Alien

It is also important to note that at the time my wife was terrified that ICE (immigration police in her vernacular) would arrest her without cause or notice and deport her (perhaps to a harsh maximum security prison in El Salvador).

My response (ECF 34) also included:

> Even though USCIS informed us 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) 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 has been left as an apparent 'undocumented alien' (a.k.a. an 'illegal').

I filed the response as quickly as possible in the hope that my wife could get some relief from the court and no longer be an apparent illegal alien. I did not want to delay the resolution of these matters by filing extraneous LR 7.2 Motions to support full and proper analysis of the complex issues.

Had I known that the court was going to ignore our plight and take almost a year to resolve any matter, then I would have been more conscientious in following the arcane 'veritable maze of writs and confusing procedures' which seem to have been developed by this court.

LR 7.2 Does Not Mention Any Restrictions on Referring To Other Motions

TXND Local Civil Rules LR 7.2 states:

Briefs. ...

(c) Length. Unless another local civil rule provides otherwise, a brief must not exceed 25 pages (excluding the table of contents and table of authorities). A reply brief must not exceed 10 pages. Permission to file a brief in excess of these page limitations will be granted by the presiding judge only for extraordinary and compelling reasons.

It is important to note there is no prohibition to referring to arguments discussed in other motion papers in the rule itself.

The court cites Saffran v. Boston Sci. Corp, No. 2-05-cv-547 (E.D. Tex. July 9, 2008, ECF 195) which is another court with its own unique rules. The actual text cited comes from a minor footnote which states:

> BSC incorporates multiple arguments by reference into this motion.

> Procedurally, this eviscerates the court's page limit restriction. BSC did not ask for, nor did the court grant, leave to incorporate more than 100 pages of argument by reference. Moreover, by incorporating arguments by reference without specifically identifying them, BSC leaves the court to speculate which specific arguments BSC intended to incorporate into the Motion.

In Saffran, that court chose to ignore the arguments by reference primarily because, it appears, the court had previously considered these arguments and could not figure out which specific arguments were to be revisited. In contrast, in this case the court quoted myself with:

> The restrictions on Sovereign Immunity are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here

This is less than 4 pages and it is very clear which argument is referred to, sovereign immunity. This could hardly be described as "eviscerates the court's page limit restriction".

Further, in Saffran that court had already decided those extensive issues (over 100 pages) and was being asked to revisit them (in their entirety it seems) providing an unauthorized ‘second bite at the apple’. It was reasonable for that court to decline the ‘second bite’.

However, in the Court’s Orders on 22 Apr 2024 (ECF 26) ‘DENIES as moot Defendants’ Motion to Dismiss (ECF No. 15).’ so that the arguments in the cited ‘Response of 18 Mar 2024 (ECF 18)’ were never considered.[7] This delay in resolving critical issues also creates the appearance that the court was assisting USATXN in delaying this matter until USCIS had time to ameliorate their

7 It is important to note that I had objected to delays created by finding the first MTD, ECF 15, moot as my wife was in dire circumstances as an apparent illegal alien even though USCIS had approved my wife’s citizenship on 31 Jan 2023 (ECF 10-5).

violations of due process and criminal statutes as well as INA and their administrative procedures.

To dismiss a claim without ever considering the party's arguments violated due process and is an overreach of the application of LR 7.2.

For the court's convenience a new affirmed brief from Mr. Carr is attached as ECF 67-3 which discusses the background and limits of sovereign immunity. It is expected that this affirmed brief will be referred to in the next two motions and in the amended complaints to come as well.

Obscure Case Law Relied on to Improperly Justify Dismissal

The court continued with:

> Black Cat Expl. & Prod., LLC v. MWW Cap. Ltd., 2015 WL 12731751, at *2-3 (N.D. Tex. Apr. 29, 2015) (finding improper plaintiff's attempt to incorporate by reference its preliminary injunction reply brief into its motion for remand reply brief);

Black Cat Expl. & Prod., LLC v. MWW Cap. Ltd., 2015 WL 12731751 (N.D. Tex. Apr. 29, 2015) states:

> Defendants also take issue with Plaintiff's attempt to incorporate by reference its preliminary injunction reply, (Doc. 11), into its reply on motion for remand. ... Based on these infirmities, Defendants request the Court to strike all but ten paragraphs from Plaintiff's reply brief, and the supporting appendix. (Doc. 18, 19). …
>
> Because Plaintiff ... and because Plaintiff has failed to conform to the Local Rules of the Northern District of Texas, Defendants' motion to strike Plaintiff's reply and appendix, (Doc. 18, 19), is GRANTED, subject to Paragraphs 2 and 3 below. The Clerk of Court is hereby directed to strike Documents 18 and 19 from the docket sheet. …

> Plaintiff is ORDERED to refile its reply brief and appendix, which must conform to and comply with all Northern District of Texas' Local Rules.

A critical distinction is that it was the Defendants attorneys who raised the concerns about incorporation by reference and asked that the offending documents be struck, not the court itself at a much later date. Further, the relief in Black Cat was to strike the offending documents and allow the Plaintiffs (also represented by attorneys) to refile their reply.

The court in Black Cat did not simply refuse to consider the claim and dismiss the matter.

The refusal to consider and dismissal of the claim by this court is a violation of the due process right to be heard. The court could (and did) admonish myself and the court could have considered sanctions, even community service after a proper order to show cause. However, refusal to consider arguments and dismissal without hearing is not a constitutional option for inadvertent errors of arcane local rules and a veritable maze of writs and confusing procedures of the court.

Court Cites Unknown Authority For Inexplicable Reasons

The court continues with:

> see also Hudson Specialty Ins. Co. v. Talex Enterprises, LLC, 2020 WL 1318802, at *2 (S.D. Miss. Mar. 20, 2020) (noting that the commentary to Federal Rule of Civil Procedure 10 explains that "Rule 10 only permits the incorporation of contents from pleadings [and] does not authorize parties to incorporate by reference the contents of earlier motions or other papers").

As best I can determine there is no official commentary on FRCP Rule 10. There are numerous businesses (such as WestLaw) which have written countless commentaries on various topics. However, these commentaries are not based on law but rather the opinions of contractors hired by the business.

Hudson did indeed include the quoted material, but that was an error of Judge David Bramlette of a different and generally unrelated court. Further, as these businesses almost always copyright their commentaries and other material, it is likely a violation of the businesses' 'Terms of Service' to publish the text verbatim without a proper reference (at least a copyright notice for the business).

It was an error for this court to continue the violations of copyrighted material. It was also an error to cite as precedence an opinion which has no more precedence than a quote from Shakespeare's Hamlet.

No Response is Different From A Response Which is Ignored By the Court

The court concludes with:

> See Bearden v. United States Dep't of Agric., Rural Hous. Serv., 2023 WL 6462861, at *2-3 (N.D. Tex. Oct. 2, 2023) (granting defendant's motion to dismiss when plaintiff "fail[ed] to identify any waiver of immunity by the government").

The Bearden decision stated:

> Here, Bearden failed to respond to USDA's motion to dismiss; more than 21 days have passed since the date USDA filed its motion to dismiss. …
>
> In her Original Petition, (ECF No. 1-5), Bearden fails to identify any waiver of immunity by the government.

Of course the court in Bearden could grant the Motion to Dismiss when the plaintiff never responded to claims of sovereign immunity.

In contrast to Bearden, I responded in detail and at length to every claim made by USATXN. While the court improperly refused to consider my broad discussion of sovereign immunity there were, in fact, several specific references to sovereign immunity to include:

> The U.S. Attorney for the Northern District of Texas (hereafter USATXN) makes broad criticisms such as failure to state a claim and sovereign immunity and malformed Doctrine of Exhaustion of Remedies and Executive Discretion challenges. Each of these claims are meritless supported only by misleading summaries and false conclusions. [from page 1 of ECF 34] …
>
> Rule 12(b)(1) Unfounded Challenge of Sovereign Immunity
>
> In USATXN's 'II. Legal Standards - A. Rule 12(b)(1)' makes numerous citations concerning Sovereign Immunity but all the claims are conclusory and there are no specific references to any particular count (there are nine). As such there is a detailed discussion of each count which addresses Sovereign Immunity and demonstrates that Sovereign Immunity does not apply to any count. This entire challenge by USATXN is unfounded.
>
> The restrictions on Sovereign Immunity are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here. [from page 3 of ECF 34] …
>
> III. A. Sovereign Immunity for Investigating Alleged Crimes
>
> In the title of this section, USATXN states the entirety of this confusing claim of Sovereign Immunity with:
>
> Plaintiffs have not shown that the federal government has waived sovereign immunity for claims seeking non-monetary relief ordering federal law enforcement to investigate alleged crimes.
>
> It then cites the usual Sovereign Immunity cases, but adds:

> Plaintiffs have identified no such waiver for their claims for non-monetary relief - meaning Defendants retain sovereign immunity from all of Plaintiffs' claims.
>
> This is troubling as nowhere in the complaint is 'federal law enforcement' mandated to investigate any alleged crimes. [from page 4 of ECF 34][8]

There were also four Affirmed Briefs referred to in the response (ECF 34) each of which supported their relevant counts directly addressing ‘stating a claim’, sovereign immunity, and executive discretion:

> 34-1 Affirmation of Mr. Carr supporting Count 1 and Count 2
> 34-2 Affirmation of Mr. Carr supporting Count 3, 4 and Count 5
> 34-3 Affirmation of Mr. Carr supporting Count 7 and Count 8
> 34-4 Affirmation of Mr. Carr supporting Count 6 and Count 9

Each of those affirmations discussed how sovereign immunity did not apply to the specific counts.

None of these references to sovereign immunity were addressed by the court in its recommendations (ECF 61).

Clearly Bearden does not apply as I responded to every challenge by DoJ citing sovereign immunity. The court simply ignoring all these affirmative challenges to sovereign immunity does not justify dismissing all claims but does suggest an appearance of bias and a basis for considering recusal.

8 The complaint does go on to explain that IG’s are required to report crimes to DoJ and DoJ is required to monitor the results of any investigations and corrections. The actual investigation and correction can all be done by local management under DoJ supervision. The duty of the IG’s and DoJ to perform these roles has clear statutory mandates.

Updates to the Complaint

New Defendants IRS and TIGTA

In May 2024, my wife and I received a CP30 notice from the Internal Revenue Service (IRS) which stated that we owed $1,055.19 in penalties for failing to pay estimated taxes. I promptly contacted the IRS and sent in the requested Form 843 (an abatement request) with supporting documentation.

There were delays in processing this appeal, but in late August 2024 the IRS notified me that our Form 843 was denied but that we could submit a Form 2210 with the breakdown of income received through the year. I completed and submitted the Form 2210 with another appeal request in 03 Sep 2024. The computed penalty of $340.81 was paid before submission.

In early October 2024 my appeal was forwarded to 'Appeals' but on 11 Nov 2024 the IRS sent us a CP504 Final Notice that we must pay $753.70 immediately or they would seize (or Levy) our property. Of course we paid the $753.70 immediately as that was a comparatively paltry sum when compared to having our car, house, or joint business accounts seized.

However, this seizure notice was illegal as it violated our rights to due process before seizure of our property as our appeal was still pending. Further, the wording of the CP504 violated statutory mandated 30 day notice, making the CP504 a falsified government record (and a crime under 18 USC § 1001).

On 17 Dec 2024 I requested assistance from the IRS, Treasury Inspector General for Tax Administration (TIGTA), CIGIE, DoJ, and USATXN via email but we have not received any response to date (see ECF 67-1).

On 18 Feb 2025, the IRS notified us that they had reviewed our form 2210 of 03 Sep 2024 and agreed that amount due was $340.81. (see ECF 67-2).

On 24 Feb 2025 the IRS sent us a check for $758.72 but without any explanation or computation of the amount due. This substantially resolves most of the amount claimed but does not include minor damages and costs.

We are also seeking that the IRS collection and appeal process be corrected to prevent violations of constitutional rights (due process) and federal crimes such as falsifying government records.

Explicitly Add FOIA Requests

The Court Did Not Address FOIA Requests in Amended Complaint

In the Amended Complaint there are numerous references to FOIA requests to include:

Paragraph	**Defendant**
47	USPS OIG
118-123	DoS
200-203	USCIS
236	Duty to Perform for all FOIA requests

There are also specific FOIA Reliefs:

Relief	**Defendant**
10	DoS
51	USCIS

None of the defendants specifically addressed any of the FOIA claims (which were properly stated, not protected by sovereign immunity or executive discretion or DoCNR) which is acceptable as they raised these defenses against all claims.

However, the court did not specifically address these claims which was an error. The court improperly removed my wife and Buakhao from the suit, but as I initiated the FOIA requests that is irrelevant. The court cited only sovereign immunity for denying the USPS 'credit for future services' (also an error as discussed above), but did not mention any of the FOIA requests. It is not proper to dismiss an entire case without addressing every claim or relief requested.

There are countless cases where FOIA requests were ordered by the court and even specific statutes that grant the court this authority. The FOIA office of the potential defendant, the IRS, cited the authority of the court to provide the relief sought. The court should immediately order the requested FOIA relief.

FOIA Non Responses Made During the February 2025 Blitz

Court Ignores Mrs. Carr's Dire Circumstances for Over a Year

It is clear that the defendants were coordinating their responses with USCIS and my wife's citizenship as there was a blitz of activity by all defendants during the period after my wife passed her citizenship test and before she received her Certificate of Naturalization. Both DoS and IRS sent status notices that my FOIA requests which had been languishing without any response for long periods, over two years in the worst cases, would continue to languish for an undetermined period. This very busy period (the February 2025 Blitz) was also when the IRS resolved my appeal and made a refund.

While it is completely reasonable for the different defendants (and potential defendants) to coordinate their responses through AUSA Owen so that they were all in a stronger position when the strongest and clearest claim against USCIS was ameliorated, the court itself should not have any awareness of these events.

From the court's perspective, the court had simply left my wife in the dire circumstances of being an apparent illegal alien and terrified of being deported by ICE without notice or cause even during times of heightened discrimination against Asians and Hispanics. The court simply ignored my wife's plight for over a year without taking any action to provide just relief.

Apparent Collusion by the Court with Defendants

While it is possible that the Court simply ignored my wife's plight for almost a year and then suddenly and without any discernible cause decided to take up the matter and dismiss the case just as the problems at USCIS were resolved, this does not seem likely.

What seems more likely to me is that the court was concerned about my wife's dire circumstances and, through back channels such as the clerks in the various offices, cut a deal with DoJ to provide the relief my wife desperately required but on their schedule and without any involvement by myself or my wife. Due process requires that my wife and I be involved in any such deals (if there were such a deal). The appearance of this sort of collusion warrants recusal.

Potential Class Action Suits Delayed Unnecessarily

Further, as noted in previous motion papers, there could well be dozens or even thousands of other permanent residents left in the same dire circumstances. This matter should not have been delayed for over a year but rather the FOIA requests should have been promptly answered so that appropriate legal aid agencies could apply to convert this case into the appropriate class action suits against USPS, DoS, USCIS, and, now, the IRS.

Outstanding FOIA Requests to be Added to Future Amended Complaint

I apologize to the court for not explicitly listing all the FOIA requests which were outstanding in the current Amended Complaint but I did not expect the court to prematurely dismiss the matter before discovery. I was planning on pursuing the FOIA problems in discovery, now significantly delayed.

I intend to correct that error and add the missing FOIA requests to the future Amended Complaints for the following defendants: USPS, DoS, USCIS, and IRS (a potential defendant at this time). There are two classes of FOIA requests for each defendant, one for all the records concerning the plaintiffs, and another for cumulative data to determine the number of people in similar circumstances. There are indications that the number of people will be in the thousands but the FOIA cumulative results should be relied on to make that determination.

The Court's False and Misleading Findings Used to Justify Dismissal

In a footnote on page 3 of the Findings (ECF 61) the court states:

> Rueangrong and Buakhao **allege**[9] that United States Citizenship and Immigration Services (USCIS) violated their due process rights by initially denying their visa applications before approving them. Am. Compl. Counts 3, 4, 5, 6, 8. Rueangrong also alleges that USCIS violated her due process rights because USCIS gave her conflicting information regarding the status of her citizenship application before ultimately denying her application. Id.

9 Bold added by Plaintiffs. The court incorrectly uses 'allege' here and again fails in its responsibility to be truthful and accurate as the Amended Complaint is a verified complaint and all statements are affirmed under penalty of perjury. The accurate word to replace 'allege' is 'affirm'.

Count 7.

There is no mention of the second count 8 which would normally be count 9 (a most inconvenient error in the Amended Complaint). Further, the court confuses USCIS and DoS as only DoS issues visas. The court also omitted any reference to the controversial Doctrine of Consular Non Reviewabiilty (DoCNR) which was central to the DoS disputes.

The Court Rejected Plaintiffs' Second Amended Complaint to Correct Errors

The Court Relies on Those Errors to Conceal False Findings

On 19 Nov 2024, we submitted a Second Motion to Amend (ECF 49) to correct 'typographical and clerical errors' such as “having two count 8's and no count 9” and 'the addition of a table of contents, reference table, and time line table, none of which are formal parts of the record but added for the convenience of the court and other parties.' The defendants did not cite any problems with the amended complaint but the court decided in ECF 53 on 31 Dec 2024:

> ELECTRONIC ORDER denying [49] Motion to Amend/Correct. Plaintiff represents that the purpose of his proposed amended complaint is to correct "typographical and clerical errors" and to add facts "based on events that happened after the date of the [earlier] pleading." He further states that the proposed amendment "do[es] not impact any of the claims in the pending Motion to Dismiss." Therefore, the amendment is denied as unnecessary. (Ordered by Magistrate Judge Rebecca Rutherford on 12/31/2024)

However, a cursory review of the proposed Second Amended Complaint (ECF 49-1) demonstrates that, as we had suggested, ECF 49-1 had several improvements to aid the court in correctly analyzing the various counts and arriving at accurate and just findings.

For example, a review of the table of contents on page 1 of ECF 49-1 makes it obvious that DoS issues visas not USCIS. The refusal of the court to take advantage of these tools to clarify an admittedly long and complex complaint makes it appear that the court was not really interested in accurately deciding the actual issues which were raised. Rather, it appears that the court intended to make the matter go away with false and misleading findings.

Further, ECF 49-1 clearly has a 9th count which the court completely omitted in its findings in ECF 62.

The Court Criminally Falsifies the Findings to Justify Dismissal

18 USC § 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, ...
>
> (b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

Litigants Have Lesser Standard of Truthfulness in Their Papers

Paragraph (b) is important in this case as it says that the plaintiffs and defendants can falsify anything they submit to the court without violating this statute. There are less stringent requirements for pleadings submitted to the court, but the court itself is held to the higher standard of 18 USC § 1001.

It is also important to note that we, the plaintiffs, have verified everything we have submitted to the court after the original complaint (ECF 3). That means that at the bottom of every such paper there is a statement that we affirm under penalty of perjury that everything we submit is true to the best of our knowledge.

The Court is Held to the Higher Standard of 18 USC § 1001

However, judges are held to the standard of 18 USC § 1001) in their findings and other papers.

The Court Falsifies Visas Denials To Conceal DoCNR Challenges

The court's states in ECF 61:

> Rueangrong and Buakhao **allege**[10] that United States Citizenship and Immigration Services (USCIS) violated their due process rights by initially denying their visa applications before approving them. Am. Compl. Counts 3, 4

However, even a cursory review of the headers for Counts 3 and 4 in ECF 29 (pages 12-20, para 59-123) shows that it is DoS responsible for accepting or denying visa applications. This reference to USCIS is **false**.

This obvious false statement appears to be intended draw attention away from the

10 Bold added by Plaintiffs. The court incorrectly uses ‘allege’ here and again fails in its responsibility to be truthful and accurate as the Amended Complaint is a verified complaint and all statements are affirmed under penalty of perjury. The accurate word to replace ‘alleges’ is ‘affirms’

significant challenges to the Doctrine of Consular Non Reviewabilty (DoCNR).

DoS in granting or denying visas is governed by different statutes from USCIS and it is clear that the visa statutes provide the required exemptions for sovereign immunity. This is clear from the case law cited below.

In our response (ECF 34) to defendants MTD (ECF 31) we clearly stated our intent to challenge the DoCNR and that, given the DoJ position supporting the DoCNR, an appeal to the Fifth Circuit Court is likely and it is plausible that the Supreme Court could consider the matter.

It is also important as two of the proposed challenges to DoCNR relied on my status as a husband who wished to travel with his wife and a brother-in-law who wished to host my sister-in-law, a widow of US pre-1968 veteran so she could initiate her social security surviving spouse benefits.

Sovereign Immunity obviously does not apply to these claims and so the improper removal of my wife and Buakhao from this matter does not eliminate these important challenges.

Plaintiffs Have Novel Legal Challenges to DoCNR

These challenges were suggested in Kleindienst v. Mandel, 408 U.S. 753, 766 (1972) and supported by Sandra Munoz v. State Department (9th Cir. 2022, 21-55365) and were not addressed by the recent results in Department of State v. Munoz (S. Ct. 2024).

Of course the most interesting challenge is based on Buakhao herself arguing that as an alien she:

- is not a vermin to be exploited for profit or eliminated if exploitation is not possible
- but instead a human being or person entitled to due process in accordance with the Fifth Amendment.

There are several valid challenges to DoCNR that should be heard and the court falsely concealing the basis for these claims warrants recusal.

It is likely that the controversial DoCNR will be appealed to the Fifth Circuit Court in this matter. This court is required to directly address DoCNR in its decision and findings so that the appeal can bear fruit and not be remanded to this court for some decision to review.

Social Security Administration Declaratory Relief Ignored

The court having incorrectly removed Buakhao from the suit should not prevent her from being heard on the declaratory relief she is seeking to aid her continued Social Security Survivor Benefits. This relief is also ignored improperly by the court.

The Court Omits and Misconstrues USCIS Failures

USCIS Violated Statutes and Left Mrs. Carr Stranded in Thailand

The court does not address an entire cause of action which is part of Count 7. The Amended Complaint (ECF 29) para 147 - 153 explains how Mrs. Carr was left stranded in Thailand and had to get a tourist visa from DoS in order to return home. This was explained ECF 34-3 as part of our Response (ECF 34).

In 2020, USCIS unlawfully refused to adjudicate my wife's I-751 application for 10 a ten year 'green card' within 90 days as required in 8 CFR 216.4(b)(1)[11] (see ECF 29, para 147). Further, in 2022 USCIS allowed the unlawful 2 year extension of her 2 year 'green card' to expire and left my wife stranded in Thailand even though 8 CFR 216.4 requires USCIS to automatically extend her current 'green card' until the I-751 has been adjudicated.[12] See ECF 29 para 151 to 153.

As a result, we had to apply for a second time for a non immigration visa from DoS on an emergency basis. Half of the cost of this application is attributed to USCIS. However, instead of seeking any payment, we are seeking a credit for $80 for future services with USCIS. This is a paltry sum considering the distress of being stranded in Thailand and having to make emergency visa interviews and travel reservations.

However, the primary relief is corrections in USCIS procedures requiring them to actually follow the statutes and provide Due Process in all their dealings with applicants. Good governance is of immeasurable value in and of itself.

Mrs. Carr was left an Apparent Undocumented Alien (a.k.a. an 'illegal')

Mrs. Carr Unlawfully Denied the Privileges of Citizenship

Even though USCIS informed my wife on 31 Jan **2023** (over two years ago) that her I-751 application (for a ten year green card) and N-400 application (for citizenship) were both approved (ECF 10-5[13]) and she only needed to take the Oath

11 8 CFR 216.4(b)(1) states:

... The [USCIS] director must either waive the requirement for an interview and adjudicate the petition or arrange for an interview within 90 days of the date on which the petition was properly filed.

12 8 CFR 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.,

13 ECF 10-5 is a scanned image of a somewhat dog eared original and the text is fine print that can be hard to read.

of Allegiance to become a citizen, the reality is that for over two years she was not been permitted to take the Oath of Allegiance to become a citizen and was an apparent 'undocumented alien' (a.k.a. an 'illegal').

All USCIS documents of her lawful permanent resident status expired (ECF 24-1, 18-6, 20-2), and, contrary to law[14], with no ten year 'green card' she had realistic fears of being deported at any time by ICE (she doesn't trust U.S. immigration), vigilantes (under Texas SB4), or National Guardsmen (on day one to deport millions of illegals who are poisoning the blood of our nation).

In addition, for over two years my wife has been deprived of the rights of citizenship which were authorized in the USCIS decision of 31 Jan 2023 (ECF 10-5) which includes the right to vote but also to assist her two sons in seeking better employment and her sister in providing more secure travel to maintain her Social Security benefits.

Court Assists USATXN in Concealing Mrs. Carr's Plight

At no time has USATXN ever recognized the USCIS formal notice that my wife's citizenship was approved on 31 Jan **2023** (ECF 10-5) even though it is a USCIS document which I provided to AUSA Padis via email on 3 Mar 2023 (see email thread in ECF 28-1) informing him of my wife's dire circumstances and asking his

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The USCIS decision of 30 Jan 2023 in ECF 10-5 stated:

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.

14 INA 264 is 8 USC § 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...

assistance in resolving this critical need.

The court has assisted USATXN in leaving my wife as an apparent illegal alien in these difficult times when many legal residents are being deported without cause or notice. The Motions For Partial Summary were not given due consideration but simply denied as 'premature' even though the Response by USATXN was woefully inadequate failing to meet any of the standards for 56(c) Responses.

The Court Conceals Serious Violations

For the first time the court recognizes my wife's plight with a highly misleading summation in a footnote on page 3 of the Findings (ECF 61):

> Rueangrong also **alleges**[15] that USCIS violated her due process rights because USCIS gave her **conflicting information** regarding the status of her citizenship application before ultimately denying her application. Id. Count 7.

While it is true that '**conflicting information**' could be used to describe our concerns, I believe a more accurate summation is:

- violations of individual constitutional rights (due process),
- criminal falsification of government records,
- violations of clear and specific statutes mandating things USCIS must do for applicants, and
- apparent 'whistle blower' retaliation, ignoring normal USCIS administrative procedures to deny applicants benefits to which they are entitled because they complained to the IG, Congress and management (USCIS Director)

As most of the actions of USCIS in this matter **conflict** with:

15 Bold added by Plaintiffs. The court incorrectly uses 'alleges' here and again fails in its responsibility to be truthful and accurate as the Amended Complaint is a verified complaint and all statements are affirmed under penalty of perjury. The accurate word to replace 'alleges' is 'affirms'

- the constitution,
- criminal statutes,
- clear and specific statutes in the INA and
- administrative procedures

then all that is conflicting information (what USCIS is required to do and what USCIS actually does).

However, the courts summary of our USCIS concerns as ‘conflicting information’ makes it apparent that the court is trying to obscure the crimes and violation of USCIS rather than provide prompt and fair justice. This appearance further justifies recusal.

The Court’s Effort to Conceal Are a Crime Under 18 USC § 1001

Further, this effort to conceal the nature of USCIS actions constitutes a crime as 18 USC § 1001 states:

> (a) ... whoever, in any matter ... knowingly and willfully -
> (1) falsifies, **conceals**, or covers up by any trick, scheme, or device **a material fact**; …[16]

The court should rescind the Order of 21 Mar 2025 (ECF 62) to avoid violating 18 USC § 1001 (3):

> [whoever] makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; [commits a federal crime]

USCIS Citizenship Denial was Improper

The first problem with the denial is that the USCIS tribunal had no jurisdiction to revisit an issue which had been resolved on 31 Jan 2023 with the final decision declaring that my wife had passed both the I-751 (10 year green card) and N-400

16 Bold added by Plaintiffs.

(citizenship) interviews on 30 Jan 2023 (ECF 10-5).

USCIS attempted to establish jurisdiction on 1 Sep 2023 with an erroneous notice that the interview of 30 Jan 2023 had been canceled (ECF 10-6), obviously a crime under 18 USC § 1001 as everyone knew that the interview had been completed. Falsifying records does not grant jurisdiction.

My wife's N-400 application for citizenship was denied on 13 Oct 2023 (ECF 10-10) because my wife 'did not appear as requested'. However, the denial for 'failure to appear' was improper as there was no evidence of notice and timely notice is required by due process.

USCIS scheduled the interview on 6 Sep 2023 (ECF 10-7) for 11 Oct 2023 with the normal 33 days notice if by mailing, but USCIS did not actually mail the notice until 12 Sep 2023 and it did not arrive until 15 Sep 2023 (ECF 16-1, an email from USPS with the mail for 15 Sep 2023 and the apparent postmark of 12 Sep 2023).

USCIS had not mailed the notice soon enough to provide the required 33 days notice if by mailing and the notice did not arrive with the required 30 days notice. Notice was not timely and so the interview could not be denied for failure to appear.

Further, USCIS had scheduled the interview for a date when USCIS had been informed that we would be out of the country. We made numerous efforts to reschedule the interview with the first on 19 Sep 2023. All these requests were refused (ECF 10-8 and ECF 30-7).

There was no mention of the attempts to reschedule or their denial in the decision on 13 Oct 2023 (ECF 10-10), a serious failure by the tribunal in this matter.

This is just a brief overview of the problems with denial with a much more complete challenge in the Amended Complaint (ECF 29, para 187 to 201 and 210 to 222, pages 40 to 41) as well as our Response (ECF 34).

We also attend to elaborate on these problems in the requested later motions.

Material Facts about the Denial Concealed By Court

The court's conclusory statement:

> Rueangrong also alleges that USCIS violated her due process rights because USCIS gave her conflicting information regarding the status of her citizenship application before ultimately denying her application.

is a travesty of justice as there were numerous serious challenges which the court attempted to conceal in its 'conflicting information' before dismissing her claims. This is another 18 USC § 1001 violation by the court and grounds for recusal.

Conclusion

The court is asked to rescind the Order of 21 Mar 2025 (ECF 62), provide the LR 7.1, LR 7.2, and LR 11.1 Relief and grant permission to file the four Motions for Relief.

Respectfully submitted,

Verification of Motion

We, the undersigned Plaintiffs, hereby affirm under penalty of perjury in both the United States and Thailand that as individuals:

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 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. Apr. 2025
Location: Irving, Texas

/s *Air Carr*

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061

Date: 7. Apr. 2025
Location: Irving, Texas

/s *Buakhao Von Kramer*

Buakhao Von Kramer
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140 THAILAND

Date: 6 Apr 2025
Location: Chiang Mai 50140 Thailand

CERTIFICATION OF ELECTRONIC SIGNATURES

In accordance with the general procedures specified in TXND LR 11.1(d) and in light of the absence of any specific procedure for pro se litigants, on the recorded date, I received permission from Mrs. Carr and Mrs. Von Kramer to sign this document electronically on their behalf.

/s *Brian P. Carr*

____

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Alphabetical Index

Certificate of Conference

This Motion for Sanctions is OPPOSED

The conference was held via an email discussion with AUSA Owen's initial response on 10 Mar 2025. As the form of these motions changed over time her position remained the same, OPPOSED on 28 Mar 2025.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

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

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061