

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

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<p>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</p>	<p>Civil No. 3-23CV2875 - S Verified<sup>1</sup> <a href="#">FRCP Rule 60</a> Motion to Amend Motions for Relief (ECF 67) As UNOPPOSED Certificate of Conference - UNOPPOSED</p>
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**[FRCP Rule 60 Motion to Amend](#)  
Consolidated Rule 60 Motions for Relief (ECF 67) As UNOPPOSED**

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<sup>1</sup> The Verification of Motion is at the end of this document.

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### **Summary**

This [FRCP Rule 60](#) Motion to Amend requests that the court recognize that the original [FRCP Rule 60](#) Motions for Relief (ECF 67) is UNOPPOSED due to the failure of the Defendants to file a timely response as required by [LR 7.1](#).

#### **This [FRCP Rule 60](#) Motion to Amend is Timely**

[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.

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 made while we were preparing our objections (which are numerous) to the Findings, Conclusions and Recommendations (ECF 61) of 26 Feb 2025.

This motion (ECF 71) is timely as it is filed well within a year of the orders on 21 Mar 2025 (ECF 62 and ECF 63).

#### **Original [Rule 60](#) Motions (ECF 67) Within [FRCP Rule 59](#) Time Requirements**

The original [FRCP Rule 60](#) Motion for [LR 7.2](#) Relief (ECF 67) was timely being filed on 7 Apr 2025 as were the responses of the my wife (Mrs. Carr), ECF 64 and ECF 65 on 28 Mar 2025 and Buakhao (my sister-in-law, Mrs. Von Kramer), ECF 66 on 7 Apr 2025 as well the prior Motion to Amend (ECF 69) of 13 Apr 2025.

They all meet the more stringent timeliness requirement of [FRCP Rule 59](#).

[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.

All of the prior filings cited above were within the required 28 days. This is particularly relevant as [FRAP Rule 4](#) Notices of Appeal cite this deadline for filing motions which extend the time for a Notice of Appeal with:

Appeal as of Right - When Taken

(a) Appeal in a Civil Case.

(1) Time for Filing a Notice of Appeal.

(A) In a civil case, ... the notice of appeal required by [Rule 3](#) must be filed with the district clerk within 30 days after entry of the judgment or order appealed from. ...

(4) Effect of a Motion on a Notice of Appeal.

(A) **If a party files in the district court any of the following motions** under the Federal Rules of Civil Procedure - and does so within the time allowed by those rules - **the time to file an appeal runs for all parties from the entry of the order disposing of the last such remaining motion: ...**

**(vi) for relief under [Rule 60](#) if the motion is filed within the time allowed for filing a motion under Rule 59.**<sup>2</sup>

The filing of the original Consolidated [Rule 60](#) Motions (ECF 67) clearly extended the time for filing a Notice of Appeal until all timely post order motions are resolved, making this Motion for Relief timely.

### **Court Closed Case, No Effect on [Rule 60](#) Motions or Responses**

At this time, this matter is listed in ECF as closed. However, while the court certainly may close matters after final orders at its discretion, this has no effect on the constitutional due process right of any party to file timely [FRCP Rule 60](#) motions for relief. Similarly, defendants had an absolute constitutional right to file timely responses to these motions but did not do so.

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<sup>2</sup> Bold added by Plaintiffs.

**Defendants Improperly Claimed Opposition to ECF 67 Motions for Relief**

In the email exchange prior to submission of ECF 67, defendants stated on 28 Mar 2025 'I am opposed.' which was the basis of classifying ECF 67 as OPPOSED.

**No Timely Response by Defendants**

However, any opposition to ECF 67 was due on 28 Apr, but has not been filed yet.

TXND Local Civil Rules LR 7.1 states:

(e) Time for Response and Brief. A response and brief to an opposed motion must be filed within 21 days from the date the motion is filed.

21 days after 7 Apr 2025 is 28 Apr 2025. No opposing response has been received to date.

The use of 'A response' in the rule instead of 'Any response' is indicative that a response is required by the opposing party if they stated that they are opposed to the motion. To claim opposition without the intent to file an opposing response could be construed as intentionally misleading the court and attempting to delay the matter.<sup>3</sup>

**Meaning of 'Opposed to a Motion' in Local Rules.**

Being opposed to a motion is not about having general, non specific concerns or misgivings but instead about having clear and specific issues which will be raised in an opposing response. General concerns and misgivings are not sufficient.

For example, I am opposed to slavery, mass shootings, burning of widows on their husband's funeral pyre, and terrorism. However, in the context of local rules,

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<sup>3</sup> If a motion is assumed to be opposed because of no ability to get a response from the adversely affected party, then the lack of response within the required time frame will demonstrate that the motion is, in fact, unopposed and no reply is required or authorized.

'opposed' means having a legal basis for objecting to specific relief(s) requested in the motion and the intent to file a response opposing the motion with the legal basis for the objections.

**Defendants Stated That No Opposing Response Will be Filed**

On 6 May 2025 via email AUSA Owen stated 'I am not filing any response' making it clear the ECF 67 is 'UNOPPOSED' and the court is justified in considering ECF 67 'UNOPPOSED'.

That intention to not file any response was made broadly with respect to this Motion to Amend as well as the expected next three [Rule 60](#) Motions for Relief (as described in the Consolidated [Rule 60](#) Motions for Relief, ECF 67). All such motions will be listed as 'UNOPPOSED' based on that email response. The court does not need to delay any decisions waiting for an opposing response.

**Conclusion**

As there is no adverse response or opposition to the Consolidated [Rule 60](#) Motions for Relief (ECF 67) the court is asked to grant all the relief sought as well as such other and further relief that the court deems proper.

Respectfully submitted,

**Verification of Motion**

I, the undersigned Plaintiff, hereby affirm under penalty of perjury in both the United States and Thailand that:

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*

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Brian P. Carr  
1201 Brady Dr  
Irving, TX 75061

Date: 10. Jun. 2025  
Location: Irving, Texas

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**Certificate of Conference**

This Motion for Relief Amending ECF 67 is UNOPPOSED

The conference was held via an email discussion and on 6 May 2025 via email AUSA Owen stated 'I am not filing any response'.

/s Brian P. Carr

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Brian P. Carr  
1201 Brady Dr  
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**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

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