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] Reply Supporting Consolidated[2] FRCP Rule 60 Motions To Reverse Dismissal of Matter And Recusal (ECF 71)

Reply Supporting FRCP Rule 60 Motions To Reverse Dismissal of Matter And Recusal

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

2 The consolidated motions were a consolidation of nine motions to reverse the dismissal of each of the original nine counts as well as two motions to add two new counts (and two new defendants). The result is a consolidation of 11 motions. This Reply supports each of the separate motions. There is a pending FRCP Rule 60 Motion for LR 7.2 relief from page limit restrictions (ECF 67) for any motion which addresses more than two counts, but the court has not ruled on that request for relief so that it is necessary to consolidate separate motions (one for each count) to remain in compliance with the LR 7.2. For this Reply the page limit restriction is 10 pages per motion which is 110 pages.

Introduction

Court and Defendants Misconstrue Appeal Options and Relief Requested

Both the court and defendants have concluded that the due process right of appeal is eliminated as the exceedingly short period for objections (14 days) has passed. Actually the fundamental requirement for appeal from this court is that any objections must be presented to the trial court before the matter is submitted for appeal and not that objections must be submitted to the trial court within 14 days.

Fortunately, FRCP Rule 60 Motions for Relief can correct delays in raising objections (FRCP Rule 72(b) 14 days) presuming some explanation for why the objections were delayed.

There were several errors which contributed to this forgivable error. The first is

that I failed to read the 'end note' under the title 'Instructions for Service'. This is clearly an excusable error as all humans make mistakes and the appropriate objections were made in the subsequent FRCP Rule 60 Motions for Relief with full explanations for the delay.

Further, the court and defendants seem to have confused constitutionally protected free speech (explanations and advice) with representation (speaking or submitting briefs on their behalf without their explicit consent) and practicing law without a license, a criminal offense. One of the result of these errors is that my wife's sister, Buakhao still has not been properly notified of the magistrate's recommendations and the 14 day requirement for objections, making the judge's adoption of the recommendations premature (the 14 days hasn't started).

Court's Acceptance of Recommendations was Premature

Notice Provided by Magistrate Was Inadequate

Proper Notice Required by 5th Circuit Court

The court cited Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996) which revised the 5th Circuit Court's rule for magistrate recommendations to be:

> failure to object timely to a magistrate judge's report and recommendation bars a party, except upon grounds of plain error ..., from attacking on appeal not only the proposed factual findings ..., but also the proposed legal conclusions, accepted ... by the district court, **provided that the party has been served with notice** that such consequences will result from a failure to object …[3]
>
> Mindful of Thomas v. Arn 's reminder that a failure to object to a magistrate judge's report and recommendation may be excused in the "**interests of**

3 The parenthetical comments about the previous rule's text have been removed to leave only the current rule.

justice", 474 U.S. at 155, 106 S.Ct. at 475[4]

Citing Thomas v. Arn, 474 U.S. 140 (1985) which states:

the Court of Appeals may excuse the default in the interests of justice

Required Notice Was Intentionally Inconspicuous

The magistrate's Findings, Conclusions, and Recommendation (FCR, ECF 61) had the following text as an end note which was intended to meet 5th Circuit Court mandated notice requirements above while at the same time being deceptively inconspicuous.

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

A copy of this report and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district judge, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

This required notice was placed below the signature block which leads the reader to unconsciously conclude that it is not important. Further it is single spaced which would violate the courts rules LR 7.2 (for briefs) which states:

The text must be double-spaced...

To place place this sole block of single spaced text below the signature clearly

4 Bold added by Plaintiffs.

suggests to the reader that the block is irrelevant legal boilerplate text.

Further, the block is 13 lines long with many irrelevant and confusing references. Single spacing such a large block of text has the effect of further discouraging the reader from reading that section. The section header starts with the misleading 'INSTRUCTIONS FOR SERVICE' which also suggests the block is unimportant.

In addition, according to the cardinal rule of deceptive presentation, the critical information is buried in the middle (after the irrelevant instructions for service and among the pedantic explanations of what specific means).

Plaintiffs Not Given Adequate Notice of the 14 Day Requirement

As Notice Was Successfully Hidden, Plaintiffs did not see or Read Notice

As a result, I never read the critical notice until I received the Defendants Response (ECF 74) on 14 Jul 2025. This is readily apparent as in the original FRCP Rule 60 Motions for Relief (ECF 67) of 7 Apr 2025 there is a section titled 'Order of 21 Mar 2025 (ECF 62) Was Premature' on page 6 where I complained that the delay of only 22 days from the FCR of 27 Feb 2025 (ECF 61) to the acceptance Order (ECF 62) was inadequate.

As ECF 67 was a verified motion, it is clear that on 7 Apr 2025 I was unaware of the 14 day requirement for objections. The notice was obviously insufficient in this case.

Court Rules for 72(b) Deprive Pro Se Parties From Due Process

Due Process is a Complex Multi-Faceted Requirement for a Fair Hearing

Due process is a concise statement of the rights that had been developed in English

law over centuries before and during colonization. In has numerous facets which can be summarized as a requirement that every individual be given a fair hearing for any matter that impacts their life, liberty or property. Individuals can not be required to do the impossible and, inversely, can not be punished for failing to do that which is impossible. There is a separate brief in ECF 71-8 on due process and pro se representation with a section "Due Process Restricts the Government's Ability Deprive Any Person" (page 7) which develops this theme in depth. The conclusion is that no aspect of the government can deprive individuals of a fair hearing and the courts can not create rules which don't support a fair hearing.

For Efficiency and Expedience Courts Deprive Pro Se Parties of Due Process

The actual text of FRCP Rule 72(b) is:

> Rule 72. Magistrate Judges: Pretrial Order …
> (b) Dispositive Motions…
> (2) Objections. Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.

The rule itself only guarantees the right of parties to submit objections within 14 days (with permissive language using 'may'). There is no statement barring appeal if objections are not raised within 14 days. Nor does it prevent parties from raising objections to the trial court after 14 days presuming some simple explanation for the delay. This does not intrinsically prevent a fair hearing as the courts can liberally accept objections after 14 days.

However, 5th Circuit Court rules and this courts apparent requirements that detailed and specific objections must be submitted to the judge within 14 days are unrealistic. There is no guidance from the local court on how to apply for

additional time to prepare such objections or how to request exceptions and provide those general objections as a pro se party is able to state them.

From ECF 71-8 it is clear that the court must provide a fair hearing even to the poor and uneducated who may not be able to concisely and specifically state their objections. It is the responsibility of the court to identify appropriate legal theories to support the claims of pro se parties, not to deny justice simply because a pro se party is not erudite and does not elaborate their claim fully.

The notice provided by this court as cited above is woefully inadequate as it does not provide for "the Court...s may excuse the default in the interests of justice" as stated in Thomas v. Arn, 474 U.S. 140 (1985). In particular, the essential right of appeal of final orders must be supported through:

- adequate notice of the requirement to submit objections to magistrate FCR's
- time to provide notice of objections, and
- time to perfect the objections.

To collapse the whole process into 14 days, while desirable from the perspective of judicial efficiency, does not support due process requirements, especially for pro se parties who can be poor and uneducated, but still deserving of a fair hearing.

Due Process Requirements for 72(b) Notices

To insure that all parties are notified of the requirement to promptly raise objections, this court (and on appeal the 5th Circuit Court and Supreme Court if applicable) must require all 72(b) Notices:

- be in the main body of the order (above the signature block).
- be in the largest font used in the order
- be double spaced and start with the essential elements of the notice e.g. no extraneous directions on service.

- have a section header in a bold font with a short and clear message like:
  WARNING: You must file notice of any objections within 14 days
- include a reference to another widely available source (such as the local rules, e.g. LR 72.2) where the details of specificity and manner of service should be added to keep the notice short and understandable.
- make it clear that it is only necessary to state the intent to raise objections within the specified time and that extensions in time to 'perfect' the objections are automatically granted once notice is received.
- explain that if there are problems in service (e.g. the party was on vacation and did not receive the FCR in a timely fashion) then the party can submit an FRCP Rule 60 Motion for Relief which affirms the delay in service and includes the notice of objections. In this case the order accepting the FCR will routinely be rescinded and court will wait for timely objections for consideration.

Requirements for Providing Due Process to Pro Se Parties

There are several measures the district court must take to provide a fair hearing to pro se parties (as required by due process). Over the years the various courts have determined the appropriate times to notify other parties of the intent to appeal a final order and the time to perfect the actual appeal.

FRCP Rule 72 FCR's have the same breadth as final orders (indeed they can be adopted as the final order) so that any effort to restrict later objections must also provide with sufficient time to allow thoughtful notice of objections (mirroring notices of appeal) as well thorough preparation of the objections to be considered (mirroring the perfecting of an appeal).

Just because the FCR was generated by a magistrate does not mean the issues and time constraints are substantially different. Indeed, if the appeals courts wish to require every objection to be considered by the trial judge before they will consider it on appeal (an expectation well supported in case law), then the trial judge must

insure that parties are provided with the same careful and considerate opportunities to object.

If the trial judge prevents the parties from properly preparing and presenting their objections, then this is tantamount to denying the right to appeal as the appeals courts have uniformly required that they will only review objections which were timely submitted to the trial court. FRCP Rule 72 FCR's may have greatly increased judicial efficiency but this expedience is only permitted as long as the due process right to appeal is preserved.

While the trial court could be flexible in granting exceptions to the 14 day rule for FRCP Rule 72 objections, this would lead to numerous rescinding of otherwise final orders which is also a problem for due process. Indeed the courts seem to have consistently pursued the path of developing an arcane 'veritable maze of writs and confusing procedures' with the effect of creating a lesser form of nobility, attorneys, who collude to insure that all hard working non attorneys have to pay their 'tax' of attorney fees built into insurance premiums and complying with the ever more complex statutes and rules created by attorneys.

From ECF 75-1 and Iannaccone v. Law, 142 F.3d 553 (2d Cir. 1998)[5] it is clear that the framers of the constitution wished to protect individuals from such onerous and byzantine rules through the constitutional requirement for due process. The courts can not create rules for pro se individuals which prevent them from having a fair hearing. While the FRCP Rule 72 permissive 14 day rule is not de facto

5 cited by this court indirectly through Monroe v. Smith, 2011 WL 2670094 which quoted the obscure not precedent Martin v. City of Alexandria, 198 Fed. Appx. 344, 346 (5th Cir. 2006) which quoted verbatim from the widely cited Iannaccone v. Law, 142 F.3d 553 (2d Cir. 1998).

unconstitutional, but any court rule which prevents a pro se individual from having a fair hearing is unconstitutional.

It is unconstitutional for an appeals court to deny any hearing on an issue just because the trial court made it virtually impossible for a pro se individual to raise the issue before the trial court with daunting local rules for FRCP Rule 72 proceedings. If the pro se party successfully navigated the arduous process to perfect an appeal then they deserve a hearing on the issue.

As the Supreme Court stated in Thomas v. Arn 'the Court of Appeals may excuse the default in the interests of justice' without qualifications. The appeals court could:

- decide the issue if that would not unduly impact the rights of other parties or
- remand the matter to the trial court to properly rule on the apparent objections (declaring that the trial court's local rules were too arduous but still giving the trial court the opportunity to decide the apparent objections).

In any case, for every such objection which was not ruled on by the trial court, the appeals court must admonish the trial court on violating due process and judicial protocol.

Further, the appeals court must insist that the trial court revise:

- The standard FRCP Rule 72(b) notice so that parties are aware of the quicker, easier and cheaper process for raising timely objections (versus the formal appeal process),
- The standard notice must also refer to instructions on how to file FRCP Rule 60 Motions for Relief in the event a party is not able submit timely Notice of

Objections,

- The period to submit notice of objections must be increased to the FRCP Rule 59 period of 28 days or the FRAP Rule 4 period for a Notice of Appeal of 30 days. Pro se parties often do not have the staff to monitor ECF filings or their mail continuously and small delays in actual service should not routinely create the confusion of rescinded orders,
- The local rules must make it clear that only the Notice of Objections is required within 14 / 28 / 30 days and an automatic extension of time to 'perfect' the objections will be provided. This extension must be the same time as allowed to perfect an appeal or longer at the discretion of the court. The notice must include the number of days automatically provided to perfect the objections. Further, the rules must provide for the granting of additional extensions at the discretion of the court according to the situation. Such extensions should be granted liberally 'in the interests of justice'.
- The local rules must also recommend prompt submissions of the perfected objections (even though there is ample time) as the court can not provide relief or justice until the objections are filed.
- The requirements for the actual objections must be in the local rules or another widely available document. The requirements for objections must be clear and simple making them much more attractive to parties so that no party will ever choose not to raise objections before appeal,
- Any requirements for specificity in objections must be corrected to encourage the party to be as specific as possible noting that justice will be quicker and more fair if the court can better understand the objection (time spent clarifying the objections will be returned several fold in a better judgment),[6]

6 The current notice of this court includes specificity requirements which are described in a convoluted and threatening manner presenting an apparently insurmountable barrier with the likely effect that the losing party

- While the clerks of the court can not provide legal advice, the court can prepare a reference (link) or brochure which the clerks are directed to provide to any party who seeks to pay the fee for a Notice of Appeal. The document should describe the alternative of Notice of Objections (if FRCP Rule 72 FCR is pending) or FRCP Rule 60 Motions for Relief (if there are objections which have not been raised before the trial court). The document should have sample forms that the applicant can easily fill out and quickly get alternative relief.
- The local rules must specify that any FRCP Rule 60 Motion for Relief under paragraph (b)(1) is justified if the applicant affirms that any error in submitting timely notice of objections or perfecting the objections was inadvertent[7] and the motion is submitted within the time that a Notice of Appeal would be accepted. This liberal acceptance of FRCP Rule 60 Motions is to prevent the due process violations of denying a fair hearing because of complex local and appellate rules which are not comprehensible to pro se individuals. There can not be an arcane 'veritable maze of writs and confusing procedures' which prevent pro se individuals from receiving a fair hearing.

Motion For Relief to Rescind Order and Recuse Unopposed

The Certificate of Conference for our first consolidated objections (ECF 67) explained that AUSA Owen's response on 10 Mar 2025 and 28 Mar 2025 was OPPOSED. However, even though she had said she was opposed (see ECF 75-1) she did not submit any Response.

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be overwhelmed and not take the required prompt action of filing the notice of objections. This temporarily creates the appearance of judicial efficiency but at the expense of due process and constitutional individual rights. The colonists became rebels due, in part, to the highly efficient military tribunals who similarly made decisions without any effort to provide a fair hearing. To paraphrase Martin Luther King, 'a revolution is the language of the unheard'

7 USATXN's violations of LR 7.1(a), not submitting a Response when required and then submitting a Response when not permitted should not be ignored based on the unsupported allegation that it was 'inadvertent'.

As a result, on 9 Jun 2025 I submitted a motion (ECF 71) to note that the prior motion (ECF 67) was actually UNOPPOSED as Defendants had not responded. Further, in ECF 75-1 there is the email interchange I had with AUSA Owen concerning her intention to submit a Response and on 6 May 2025 she stated 'I am not filing any response **unless otherwise requested/ordered by the Court**'[8] in reference to ECF 67, ECF 71 and the anticipated two more motions described in ECF 67 which are this motion (ECF 73) and the expected Motion for Leave to Submit a Second Amended Complaint.

The cryptic condition for future responses by USATXN of 'unless otherwise requested/ordered by the Court' remains ambiguous as I can not imagine ordinary circumstances where a court would order USATXN to submit any response. Responses opposing any motion are generally optional and it would be inappropriate judicial bias for the court to request or order any party to file an opposing response (though it could suggest some level of collusion and back channel communications, possibly through the clerks in various offices).

For the First Time USATXN Claims that Our Objections Were Not Timely

In USATXN's Response (ECF 74) of 14 Jul 2025 there is a claim that the Judge's Order of 21 Mar 2025 (ECF 62) was not premature[9] which raises the question of why USATXN did not make this contrary claim with respect to ECF 67 where the opposing Response was due by 28 Apr 2025. Indeed ECF 67 was amended to be

8 Bold added by plaintiffs.

9 In ECF 74 AUSA Parker claimed that we did not raise any objections within 14 days which is the inverse of our claim that the Order (ECF 62) was premature. The actual text from ECF 74 is:

Here, the Magistrate Judge specifically explained that Plaintiffs had 14 days to object to any part of the FCR. (Doc. 61 at 8.) The Magistrate Judge also explained that failure to object would bar Plaintiffs from appealing the factual findings and legal conclusions reached by the court, except upon grounds of plain error. (Id.) Plaintiffs did not file objections within 14 days, and did not seek an extension of that deadline. Thus, review of the FCR was for plain error. Serrano, 975 F.3d at 502. This Court undertook that review and properly found no error in the FRC. (Doc. 62.)

UNOPPOSED on 9 Jun 2025 with ECF 71.[10] Why wait until 14 Jul 2025 to make this contrary claim?

Failure to Timely Respond or Object Precludes Later Objections

In accordance to the Laches doctrine, by not raising timely objections to the claim that the Judge's Order dismissing this matter (ECF 63) of 21 Mar 2025 was premature as claimed in ECF 67 of 7 Apr 2025, USATXN lost the right to object to the claim. Further, ECF 67 also asked for relief from various local rules and specifically asked that parties be granted an automatic 30 day extension for any deadline when any party is outside the country at any time during the period as was the case for my wife's sister, Buakhao, when the FCR (ECF 61) was filed. As ECF 67 was UNOPPOSED (no Response opposing the motion), it would make our objections to the FCR timely as ECF 67 included numerous and specific objections to the FCR and was timely submitted when the requested 30 day extension is included (39 days after FCR, adequately within the 14 days with a 30 day extension).

USATXN Response Contrary to Prior Conference, No Justification

In ECF 75-1 there are the emails exchanged between myself and AUSA Owen (form 9 Mar 2025 to 13 May 2025) in which AUSA Owen on 6 May 2025 stated 'I am not filing any response unless otherwise requested/ordered by the Court' which in context clearly states she will not be filing any response for this motion (ECF 75) or the expected FRCP Rule 60 Motion for Leave to Submit a Second Amended Complaint which will follow.

AUSA Parker admits that she received notice of these conference results on 13 Jun

10 ECF 71 itself was listed as UNOPPOSED and was indeed UNOPPOSED as no opposing response was filed by 30 Jun 2025.

2025 but falsely alleges that the email only referred to past motions. Perhaps she did not actually read the email addressed to her or the several preceding emails (shown in ECF 75-1) where the four FRCP Rule 60 Motions for Relief after the original (ECF 67) are discussed in detail.

AUSA Parker goes on to claim to have 'inadvertently' not responded to my email (ECF 74 Response) even though she has still not responded. In truth, she could have responded at any time and certainly should have responded before submitting the Response, ECF 74, where she claims the failure was inadvertent.

Why didn't she send a responding email before she typed the claim of inadvertent error? Then she at least could have stated the date when she corrected the error. Perhaps she inadvertently decided to not send an email to me to maximize my surprise when she violated the agreed upon conference results and filed an unexpected opposing response.

It is also possible she has not responded to the email because her email response would be a government record where it would be a crime (18 USC § 1001) to conceal a material fact such as what AUSA Owen meant when she claimed that USATXN would not file any opposing responses 'unless otherwise requested/ordered by the Court'.

In conclusion, in the email of 13 Jun 2025 I informed AUSA Parker that AUSA Owen had stated USATXN would not file any responses to the three FRCP Rule 60 Motions that we had discussed and that I was preparing. I had offered that AUSA Parker could alter USATXN's position at any time by just responding to the

email. To date she was not responded or altered that position so the next FRCP Rule 60 for Leave to submit the Second Amended Complaint will also be listed as UNOPPOSED unless AUSA Parker decides to notify me of a new position for USATXN.

Sanctions Requested for Violations of LR 7.1(a) Motion Practice Conference

It is clear that TXND Local Civil Rules LR 7.1(a) Motion Practice Conference requirements are designed to allow the court to efficiently distinguish between OPPOSED motions and UNOPPOSED motions. However, USATXN has made false claims in these email conferences (18 USC § 1001) creating confusion and wasting this court's time as well as ours (and potentially violating our due process rights as there can not be a fair hearing where the opposing party makes a mockery of the rules of the proceeding with impudence).

The court could also make a determination as to what AUSA Owen meant with no opposing responses 'unless otherwise requested/ordered by the Court'

AUSA Owen No Longer in Government Service

When I sent the email to AUSA Parker (ECF 75-1) I copied the previous USATXN representatives and I received an automated response 'from' AUSA Owen which said 'I have left government service.' which makes her prior enigmatic comment all the more intriguing. Was she fired for colluding with the court via back channel communication or was she fired / resigned for refusing to violate her oath of office to defend the constitution or refusing to commit federal crimes or violate the Texas Disciplinary Rules of Professional Conduct (ECF 30-2). Of course there are uncountable other possibilities all of which are pure

speculation, but the court could use the Order Show Cause hearing to resolve such questions and their impact on our due process rights.

AUSA Padis On Extended Leave

I similarly copied AUSA Padis on the same email (ECF 75-1) and received an automated response of 'I am on extended leave until 9/30/2025' which suggests that AUSA Padis was offered a "deferred resignation" under the Department of Government Efficiency (DOGE) DoJ plan. This makes it all the more important for the court to resolve whether or not there were serious federal crimes of falsifying government records (18 USC § 1001)[11] or violations of the Texas Disciplinary Rules of Professional Conduct (ECF 30-2) which may have impacted our due process rights. Holding the Order to Show Cause hearing for sanctions previously requested becomes all the more important.

The Notice Incorrectly Claims Appeals is Barred

Defendants in ECF 74 states:

> Here, the Magistrate Judge specifically explained that Plaintiffs had 14 days to object to any part of the FCR. (Doc. 61 at 8.) The Magistrate Judge also explained that failure to object would bar Plaintiffs from appealing the factual findings and legal conclusions reached by the court, except upon grounds of plain error.

The actual text of FRCP Rule 72(b) is:

> Rule 72. Magistrate Judges: Pretrial Order …
> (b) Dispositive Motions…
> (2) Objections. Within 14 days after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations.

11 AUSA Padis had sent an email to me claiming that this 'Office has no record of having been served in this case.' in order to delay this matter when actually there were records that the service was completed but that the service improper (wrong person made service but that was a mistake in USATXN records as the service was proper).

The rule itself only guarantees the right of parties to submit objections within 14 days (with permissive language using 'may'). There is no statement barring appeal if objections are not raised within 14 days. Further, we are not raising an appeal at this time but instead asking the court to reconsider its order based on timely FRCP Rule 60 motions. We have an absolute constitutional right to file timely FRCP Rule 60 motions and the defendants had an absolute constitutional right to file opposing responses, though the defendants declined to file any response with the original and primary motion (ECF 67).

Preservation Rule, Must Raise Objections to Trial Court Before Appeal

A review of the case law concerning such objections to expedited magistrate rulings makes it clear that the appeals courts do not want to resolve every objection from the hasty magistrate decisions but instead rely on the district judge to properly consider the objections before the matter is appealed.

This follows the general principle that appeal courts can only consider issues which were before the trial court. If a party has concerns which it does not present to the trial court, then those concerns are beyond the reach of the appeals court. This principle is designed to promote judicial efficiency (as the trial court has access to the evidence, witnesses, etc.) and justice (opposing parties should be able to address concerns promptly).

These general principles were developed from the British common law principle of Laches and is now embodied in the 'preservation rule'. This rule is widely referred to and known by most jurists but seldom clearly stated. The Michigan Supreme Court explained in Walters v Nadell, 481 Mich 377 (2008):

> a litigant must preserve an issue for appellate review by raising it in the trial court, such that a failure to timely raise an issue waives review of that issue on appeal.[12]

FRCP Rule 60 Motion for Relief Can Correct FRCP Rule 72(b) Errors

Numerous Justifications Listed in FRCP Rule 60

Timely FRCP Rule 60 Motions for Relief can raise issues which were not previously brought before the trial court and provide relief from a final judgment or order. Justifications for FRCP Rule 60 relief include:

> (1) mistake, inadvertence, surprise, or excusable neglect; …
> (6) any other reason that justifies relief.

Original FRCP Rule 60 Included Several Valid Justifications

With the original motion (ECF 67) there are several justifications for the relief:

- The court successfully hid the required **FRCP Rule 72**(b) Notice (14 days) so there was not the required notice - surprise
- The Plaintiffs were unaware of the 14 day requirement for notice of objections - inadvertence
- Buakhao was out of the country when the court had challenged the lack of her original signature on ECF 29 (so the requested 30 day extension whenever this occurs was applicable) so her individual response (ECF 66) and our group response (ECF 67) was timely (14 days plus 30 days) – any other reason
- Buakhao is illiterate in written English and the court challenged my assisting her resulting in her never receiving proper notice of the FCR (ECF 61). The order is completely incomprehensible to her (the notice could have been in verbal Swahili and been equally understandable to her). The 14 day period to raise objections has not started as yet for Buakhao and so the court's acceptance of the FCR was premature as there was no verified proper notice - mistake

12 Quotations removed by Plaintiffs.

There Was No Res Judicata As Motions Were Timely

While the right of appeal is a fundamental due process right, justice also requires that there be an end to litigation with issues finally resolved (a less publicized facet of due process) sometimes referred to Res Judicata. Examples are the requirements that FRCP Rule 60 Motions for Relief must, in general, be within a year of the final order or judgment and the first such motion must be within 28 days to maintain the right to appeal the decision (as in this case). The order does not become truly final until the right to file FRCP Rule 60 Motions or Notice of Appeal has expired.

USATXN ignores the fact that the two motions which are contested, ECF 67 and ECF 71 are FRCP Rule 60 motions which were timely submitted before there was any finality to the Order. Such motions are intended to provide an opportunity to correct errors in 'Final' Orders before they become final. There is no requirement that objections be raised before the 'final' order as these motions are intended to correct those and other errors before any appeal is submitted.

ECF 67 Requested Leave to Amend the Complaint

The Court Left Mrs. Carr An Apparent Illegal for Over 2 Years

The court had delayed the hearing on the Motion to Dismiss (ECF 31, 24 May 2024) for almost a year leaving my wife in dire circumstances. After USCIS had provided a final decision and notice that my wife's 10 year green card and citizenship applications were both approved (ECF 10-5) on 31 Jan 2023, USCIS instead refused to provide my wife with her citizenship as promised or the promised 10 year green card. USCIS illegally left my wife as an apparent illegal (with no documentation at all) for over two years.

Mrs. Carr Became Citizen The Day After the FCR

After an interminable period of terror about being deported with out cause or notice, we reapplied for citizenship and my wife passed the citizenship test again (ECF 71-2) on 10 Feb 2025 and received her Naturalization Certificate (ECF 71-3) on 28 Feb 2025, the day after the court filed the FCR (ECF 61) on 27 Feb 2025. This and numerous other responses by other defendants (USPS, DoS, and IRS) during this February blitz (ECF 67) raised concerns of apparent collusion between the courts and defendants.

New Circumstances Require Additional Plaintiffs

We were in the process of preparing the amended complaint which would reflect that my wife was no longer an apparent illegal, but would add two new defendants (her sons) whose immigration visa applications were delayed by the illegal delays in citizenship for my wife by USCIS. There are also two new defendants, the IRS and TIGTA who began property seizure while an appeal was pending and without the statute mandated 30 day notice.

All Defects in ECF 29 Will Be Addressed in the Amended Complaint

USATXN ignores the fact that ECF 67 requested relief so that we could submit a second amended complaint, the remaining FRCP Rule 60 motion.

Of course the amended complaint would also correct all the defects identified by the court. As the FCR (ECF 61) dismissed without prejudice and the Order (ECF 62) itself was still appealable, the Order was not yet final (Res Judicata) and it was quite proper to seek leave to amend the complaint with a justification for the delay as ‘excusable neglect’.

Numerous Errors to Warrant FRCP Rule 60 Motion for Relief

Plaintiff Failed to Read Hidden End Note

The first and, perhaps, most important, error is that I failed to read the 'end note' under the title 'Instructions for Service'. This is clearly an excusable error (inadvertence or excusable neglect under FRCP Rule 60(b)(1)) as all humans make mistakes and the appropriate corrections were made in the subsequent FRCP Rule 60 Motions for Relief.

The Court Misapplied Rule 11 to Remove Parties, Not Strike Documents

The Amended Complaint (ECF 29) Was Approved By The Court

In the court's order of 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."[13]

ECF 18-1 and ECF 29 Were Correctly Signed By Mr. Carr

I had 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.

13 Bold added by Plaintiffs.

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

The Other Plaintiffs Also Correctly Signed ECF 18-1 and ECF 29

The referenced Amended Complaint (ECF 18-1 and ECF 29) was also properly signed by my wife and her sister in accordance with local rules. There is a confusing definition of terms with TXND Local Civil Rules LR 1.1 stating:

> Definitions. Unless the context indicates a contrary intention, the following definitions apply in these rules: …
> (c) Attorney. The word "attorney" means either:
> (1) a person licensed to practice law ... or
> (2) a party proceeding pro se in any civil action.

According to the court's rules, each of us are considered attorneys within the scope of this civil action (unless the context indicates a contrary intention).[14]

In this context, LR 11.1 states:

> (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 ... must:
> (1) ... or **represent the consent of the other person** in a manner permitted or required by the presiding judge; ...[15]

14 This is the first time I have referenced LR 1.1. I apologize to the court and other parties for this omission and the new arguments which are being raised for the first time, but this is the first filing I have made since I read LR 1.1. It is also possible that the court and USATXN were unaware of LR 1.1 and its unusual inference that pro se parties are recognized as attorneys by the court within the limited scope of the civil matter in which they are parties. This is slightly similar LR 83.11 and its exemptions for DoJ attorneys.

15 Bold added by Plaintiffs.

So, as I (an attorney within this matter it seems) submitted ECF 18-1 and ECF 29 electronically I needed to certify that the document was properly signed and represent the consent of the other person. Each document has a section with:

> CERTIFICATION OF ELECTRONIC SIGNATURES
> 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 ...

I believed that I had fully complied with LR 11.1(d) and that the court agreed when it ordered that we 'should file **this same** proposed Amended Complaint'.

FRCP Rule 11 Application By Court is Nonsense

Almost a year later the court appears to have changed its mind and then created a nonsense justification to dismiss an otherwise solid complaint. The court in ECF 61 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. … Rueangrong and Buakhao did not personally sign the Amended Complaint … But Brian, who is not an attorney, is not authorized to give legal advice or sign pleadings on behalf of others.
>
> Accordingly, the Court should dismiss without prejudice all claims Brian brings on behalf of Rueangrong and Buakhao.

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**.[16]

16 Bold added by Plaintiffs

FRCP Rule 11(a) simply allows the court to strike any document if the party who submitted the document did not sign the document. Of course it is clear that I signed the document by submitting the document from my ECF account with my signature block in the document. Further, it is also clear that the court accepted the document and did not strike the document because of problems with the signatures.

It is absurd that almost a full year later the court should change its mind (and without any arguments from USATXN) and then question whether my wife or her sister 'personally signed' the complaint. The reference to FRCP Rule 11(a) is irrelevant to this matter.

It is also clear from a careful review of local rules, that I am an attorney (for the purposes of certifying signatures in this matter) and that my wife and her sister actually did personally sign ECF 18-1 and ECF 29 as there are the correct certifications of their electronic signatures.

Recusal and Criminal Investigation Warranted

The egregious challenges to personal signatures and the concealing of material facts (violating 18 USC § 1001) appear to warrant 28 USC §§ 351-364 complaints which should be forthcoming once the FRCP Rule 60 Motion to Amend the Complaint is completed.

Physical Signatures Provided to Court In Compliance

As the prior court's order (ECF 26 dated 22 Apr 2024) stated:

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

and the court's recent FCR expressed concern about the personal signatures for my

wife and her sister, they each submitted this same proposed Amended Complaint with their physical signatures to the clerks who filed them as ECF 64 (for my wife) on 28 Mar 2025 and ECF 66 (for her sister) on 7 Apr 2025. The court is asked to forgive the delay due to 'surprise' as it seems exceedingly prejudicial for the court to raise such concerns on it own (no concerns raised by USATXN) at this late date.

USPS Claim Not Precluded By Sovereign Immunity

USPS Can Offer Refunds for Select Services

It is a simple well known fact that USPS offers a select few services under various names where refunds are available if the package is not delivered within the 'Guaranteed Delivery' time. At the time of the disputed delivery such refunds were available for 'Overnight Express' packages, but not First Class mail or Priority Express mail.

FCR had Plain Error Dismissing USPS Claim

It was a 'plain error' for the court to dismiss this claim due to sovereign immunity (whether properly briefed or not). In USATXN's Response (ECF 74, 14 Jul 2025), she states:

> these claims are barred by sovereign immunity or were improperly briefed. (Doc. 61 at 6-7). Carr has not, and cannot, show plain error in these conclusions. That is because sovereign immunity does bar his claim for damages for negligent transmission of the mail. Dolan v. U.S. Postal Serv., 546 U.S. 481, 483-84, 489 (2006).

USPS Does Offer Guaranteed Delivery with Potential Refunds

Any adult in the U.S. has heard numerous advertisements and seen fliers at the Post Office where 'Guaranteed Delivery' is offered for select services with a refund for failed delivery times. It is not reasonable to presume that all these claims of refunds are actually fraudulent as the USPS has never been authorized by

Congress to make any such refunds. This simple observation requires the court to actually read decision in Dolan.

Dolan Explicitly Affirms USPS Ability to Offer Refunds

Dolan is not easy reading, but the essence is that even before the FTCA, Congress had authorized the USPS to offer refunds for select services in 39 USC § 245 (1940 ed. and Supp. V). When Congress opened many government agencies to common tort and contract law claims through the FTCA, Congress explicitly did not open USPS to additional claims for delivery problems beyond those already provided for in 39 USC § 245 (1940 ed. and Supp. V).

To restate more simply, any USPS delivery guarantees and refunds before the FTCA would continue but the FTCA did not add any new relief. If First Class mail and Priority Express did not have refund options before the FTCA then they didn't gain anything but likewise those services which already had refund options such as 'Guaranteed Delivery' and 'Overnight Express' continued to have the same refund options.

USPS Follows Good Practices and Clearly States When Refunds Available

It is also worth noting that USPS is careful in its advertisements and clearly specifies that normal delivery times for First Class and Priority Express mail are estimates and not guaranteed (i.e. no refunds) and in such services as Overnight Express and Guaranteed Delivery the guarantee is limited to a refund of the initial charges. This is just good business practice as USPS does not wish to cheat its customers with false promises. Angry customers are not good customers but those customers are also voters and USPS depends on good standing with Congress and the voters.

By Not Reading Dolan The Court Made Plain Error

Dolan clarified that the FTCA did not increase the USPS exposure to tort and contract law claims, but also did not reduce the existing ability of USPS to offer refunds for specific services. It was a Plain Error for the court to find in its FCR (ECF 61) that USPS was protected via sovereign immunity from the affirmed refund claims as both common sense and the actual decision in Dolan say the reverse.

It Was Plain Error To Dismiss Based on Inadvertent Error

No Cases Cited Warranted Refusal to Consider Arguments

It seems that a majority of the causes of action were dismissed without proper consideration based on:

> With respect to Brian's causes of action regarding various agencies' alleged failure to investigate crime, 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")[17]

First it is important to note that there are no causes of action to investigate crimes. There are causes of actions to report federal crimes (IGs and CIGIE (5 USC § 404 or the IG Act of 1978) as well as DoJ to enforce the law (28 USC Part II - Department Of Justice), but nothing to investigate crimes. The court then cited several cases where legal arguments were raised referring to previous papers but in each case the reference was treated as an inadvertent error and the offending party opportunity had the option of correcting the error, the matter was not dismissed

17 This excerpt is from the FCR (ECF 61) page 7.

based solely on what was presumably an inadvertent error.

In the sole case where a matter was dismissed it was because the plaintiff failed to submit any response to a MTD (no response is not the same as the court rejecting a response because it was a reference to another brief). I also presume that if that court were to learn that the plaintiff had been in a hospital in a coma until now, then that court would grant a FRCP Rule 60 (b)(6) Motion for Relief allowing the plaintiff respond opposing the MTD.

Inadvertent Error Caused By Dire Circumstances

It is important to note that the inadvertent error of referring to other briefs occurred when I was concerned about my wife's status as an apparent 'illegal'. 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), she was actually left as an apparent 'undocumented alien' (a.k.a. an 'illegal'). She was terrified that immigration police (a.k.a. I.C.E.) would deport her without cause or notice, perhaps to a high security prison in El Salvador.

I could have filed LR 7.1 and LR 7.1 motions for more time and less stringent page restrictions but I was concerned about my wife and her dire circumstances. Had I known that the court was going to ignore her plight for more than a year I would have filed those motions and the court would not have had that excuse to ignore valid causes of action.

1st FRCP Rule 60 Motion (ECF 67) Was Timely And Unopposed

In this case, we responded to the FCR (ECF 61) with timely objections and

properly stated opposition to the dismissal in our first FRCP Rule 60 motion (ECF 67) which was unopposed and should be granted as USATXN has not offered any timely explanation for the lack of response to that motion.

The court can not deny our right to a fair hearing based on what is an absurd application of page length restrictions and obscure court decisions precluding references to previous filings. Obviously this was an inadvertent error caused by wife's dire circumstances and it was a Plain Error for the court to dismiss those claims without first providing us an opportunity to correct the error (as was done in the other cases cited).

The Court 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 my wife (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 her sister (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 ...[18]

In both the original complaint and amended complaint it is clear that all of us are

18 Bold added by Plaintiffs.

appearing pro se in this matter and that I will only represent my wife and her sister with the permission of the court. Further, there are the signatures for each of us in both complaints making it clear that each of us wishes to be considered in this matter.

Possible Federal Crime by Court

Making False or Misleading Statements Violates 18 USC § 1001

18 USC § 1001 states:

> (a) ... whoever ... knowingly and willfully ...
> (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; …
> shall be fined under this title, imprisoned not more than 5 years or, …

Paragraphs 12 and 13 quoted above make it clear that both my wife and her sister were appearing pro se in this matter (without conditions or equivocations) and the section about 'to the degree that it is legally permissible' were conditional and certainly did not override the clear statements about being pro se.

To intentionally conceal the unequivocal pro se status of my wife and her sister in the recommendation to dismiss an otherwise valid claim would certainly qualify as a federal crime.

Three Causes of Action Simply Ignored by Court

After delaying this matter for almost a year it appears the court was in a rush to get it off the docket and did so without due care and consideration. There are at least three causes of action which it simply ignored or intentionally hid to avoid addressing complex issues.

FOIA Requests Ignored Though Court Has Clear Jurisdiction

As stated in this motion (ECF 73), there are several affirmations of outstanding FOIA requests which I initiated and where there is a clear and uncontested duty to perform with specific relief sought. None of the defendants specifically addressed any of the FOIA claims and the court simply ignored these causes of action. This alone is Plain Error which justifies rescinding the Order (ECF 62), but these FOIA are critical matters which should be promptly answered. There could well be dozens or even thousands of similarly damaged individuals with respect to USPS, DoS, USCIS, and the IRS. These FOIA requests warrant prompt answers and for USPS, DoS, and USCIS the court should order immediate answers.

DoS and Doctrine of Consular Non Reviewability Ignored

The entire cause of action against DoS where DoS interviewers for non immigrant visas completely ignore the statute mandated requirements for issuing visas and deny visas without considering any proper evidence, all under the umbrella of the Doctrine of Consular Non Reviewability (DoCNR). However, DoCNR is extremely controversial with attacks suggested in Kleindienst v. Mandel, 408 U.S. 753 (1972) which depend on citizen rights to due process. These citizens rights were expressly addressed in Sandra Munoz v. State Department (9th Cir. 2022, 21-55365) and the controversy expanded in Department of State v. Munoz (S. Ct. 2024). There were challenges to non immigrant visas not addressed in the Supreme Court but it is obvious that non immigrant visas are the correct bellwether for DoCNR resolution.

However, as it is my citizenship which is the basis for the base challenge to DoCNR it obvious why the court did not address DoS and their visa denials. Whatever decision this court makes in this matter it will likely be appealed to the

5h Circuit Court. Because of the controversial DoCNR it is possible that the issue could be considered by the Supreme Court. This is important as the various class action expansions from the FOIA results would be enticing for legal aid organizations. While they could get awarded costs as 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) there would also be the possibility of appearing before the Supreme Court (another important boon for legal aid organizations).

The possibility of such high profile attention to this matter may also have contributed to the court's desire to bury the matter without proper consideration but due process is not driven by the desires of the court but instead the rights of individuals to a fair hearing.

However, this ignoring of a critical cause of action is another Plain Error in the FCR (ECF 61) warranting the relief sought in the instant motion (ECF 73).

Fees Paid Warrants Continuation of All Counts

Court Attempts to Undermine Marriage and Family Irrelevant

In its haste to dispose of this matter, the court also ignored the fact that for the counts against USCIS and DoS (and their relevant IGs) the fundamental damage was fees paid and the fundamental relief was a credit for future services. It is important to remember that I was the person who paid the fees. The court may choose to consider the legal union of marriage and family as irrelevant, but, if that is the case, then the fees weren't paid jointly by the marriage or family but instead by myself personally. The credits for future services were also sought for the marriage or family, but if the court wishes to undermine the institution of marriage

and family then the credit would be at my discretion. As such, the improper removal of my wife and her sister is irrelevant. Each count stands undeterred.

Pro Se Parties Can Join Together in A Single Complaint

The court and defendants seem to have confused constitutionally protected free speech (explanations and advice) with representation (independently speaking on their behalf without their consent, or, in particular, without getting their consent to sign papers electronically on their behalf) and practicing law without a license, a criminal offense.[19]

While the court and USATXN have recently (after almost a year of silence) decided to object to pro se parties working together providing each other shared advice, expertise, and technical assistance, the reality is that this is quite common and intrinsic to due process, not some abhorrent practiced to be quashed.

It is certainly possible and desirable for several pro se parties to join together in a single Complaint with 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, desires,

19 There are generally no federal statutes concerning practice of law but instead the courts routinely rely on the states. In Texas there is Section 38.122 of the Texas Penal Code which states:

Sec. 38.122. FALSELY HOLDING ONESELF OUT AS A LAWYER. (a) A person commits an offense if, with intent to obtain an economic benefit for himself or herself, the person holds himself or herself out as a lawyer, unless he or she is currently licensed to practice law ...

and technical expertise with the other parties. This sharing is guaranteed by free speech but also due process.

The poor and uneducated are entitled to a fair hearing by due process, but as we progress toward a society where attorneys are a lesser form of nobility riding on the backs of hard working individuals then pro se parties must be provided with whatever deference is necessary to insure a fair hearing even if they can't afford the luxury of an increasingly expensive attorney.

Oddly enough, this court (through its local rules) seems particularly supportive of having similarly situated parties assist each other. From the court's local rules it is clear that pro se parties are considered attorneys in an extremely limited fashion in their ability to attend conferences, appoint a lead attorney / party, and even sign documents electronically for other persons (even people not party to the suit). Of course this consideration is limited to the current civil suit only and not to any other action.

Preservation Rule Justifies Arguments About Representation

In this particular case it is very easy, plaintiffs can help and assist each other in any fashion they choose (it is unregulated). However, in accordance with the Preservation Rule, I have raised specific arguments which would be of interest if the matter were appealed, possibly to the Supreme Court.

As the court broadly denied the ability of spouses to represent each other with consent (far beyond any other court's decisions) and extended that broad denial to close family members, I elaborated on the contrary so that on appeal the various appeals courts can make their determination if they agree with this court's anti-

marriage and anti-family stance.

It is clear that close family members can assist each other if they are all in the same suit (acting as attorneys on their own behalf) but this court denied this representation far beyond any previous court decision. According to the Preservation Rule I elaborated on the alternative providing fodder for any appeals court to consider.

This is also similar to my previous arguments against rule 56 motions versus the more efficient rule 56 response. While it is almost certain that the 5th Circuit Court will concur with rule 56 motions, the Supreme Court might accept this matter for consideration just to have the rare opportunity to settle this long standing dispute between the appeals courts.

Conclusion

All the issues raised above are available to the court for consideration. If this court decides against any or all of the arguments we have raised, each such issue will be preserved for appeal (the trial court was given the opportunity to rule based on its own best judgment). The court may or may not decide to revise its **FRCP Rule 72** procedures but this series of FRCP Rule 60 motions will preserve our right to appeal and give the 5th Circuit Court the opportunity to review the decisions of this court.

The court is asked to reverse the dismissal of this action in the Order of 21 Mar 2025 (ECF 62), recuse the current judges because of the appearance of bias and personal knowledge (back channel communication through various clerks), grant leave to submit a new Amended Complaint, and reverse the Order declining to

consider sanctions (ECF 59).

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 in accordance with normal redaction procedures to remove sensitive personal information or other sensitive information as identified in the redaction.

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: 28. Jul. 2025
Location: Irving, Texas

/s *Air Carr*

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061

Date: 28. Jul. 2025
Location: Irving, Texas

/s *Buakhao Von Kramer*

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

Date: 28. Jul. 2025
Location: Chiang Mai, Thailand

CERTIFICATION OF ELECTRONIC SIGNATURES

In accordance with the local rules and procedures specified in 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.

TXND Local Civil Rules LR 1.1 states:

> Definitions. Unless the context indicates a contrary intention, the following definitions apply in these rules: …
> (c) Attorney. The word "attorney" means either:
> (1) a person licensed to practice law ... or
> (2) a party proceeding pro se in any civil action.

However, LR 11.1 states:

> (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 ... must:
> (1) ... or **represent the consent of the other person** in a manner permitted or required by the presiding judge; ...

/s *Brian P. Carr*

_____

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Case, Statute, and Other Alphabetical Index

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