

**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 Brief of Mr. Carr Supporting Count 6 and 9 Against CIGIE and DoJ
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**Brief of Mr. Carr Supporting Counts 6 and 9
Against CIGIE and DoJ**

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Introduction

Standard Challenges and Defenses Discussed

This verified affirmation will present the legal arguments which demonstrate that both Count 6 and Count 9 have valid claims to be considered by the court. The basic form of a claim is to demonstrate that the defendants:

- had a duty to perform certain acts,
- that they did not perform the required acts,
- that the plaintiffs were damaged by their failure to act, and
- that the court can remedy the problem through valid orders.

Each element of the above will be discussed for each count to address the standard challenge of ‘failure to state a claim’ which means that one or more of the above elements is not alleged (the traditional form) or affirmed in this case as this is a verified complaint and brief.

As all of the defendants are government agencies, another standard challenge which will be addressed is sovereign immunity which really means that government agencies can only be ordered to perform actions which are authorized by Congress or the constitution with a special focus on the disbursement of government funds (the power of the purse) which the constitution specifically reserves for Congress (and not the courts).

There is also an extension of sovereign immunity which is executive discretion which says that when Congress gives conflicting or ambiguous statutes then it is up to the senior executive to decide what is the best course and the courts shouldn’t

micro-manage decisions in areas where the executives are assumed to have the best knowledge and experience (that is what they were hired for).

The statutes and case law for sovereign immunity and executive discretion are discussed in ECF 67-3, a verified brief on that topic, which also discusses the difference between a credit for future services and direct payments from the federal government.

Count 6, CIGIE Illegally Conceals and Supports Federal Crimes

CIGIE Bound By Statutes Requiring Reporting of Federal Crimes

Each IG member of CIGIE as well as OIG staff working with the CIGIE are bound by statute to report federal crimes to DoJ as well as monitoring their assigned agencies for violations of constitutional rights for individuals and lawful statutes.

They are also required to promote high standards of integrity so that illegal orders to not report federal crimes (itself a *prima facie* crime of obstruction of justice) must be addressed and forcefully opposed.

CIGIE Ignored Well Documented Complaints of Violations

However, when CIGIE was presented with complaints of such violations they took no action and instead provided tacit approval of these flagrant violations of the rule of law and our constitutional government.

Plaintiffs Damaged Through CIGIE Inaction

We were damaged by this through the failure of the different cited IGs to report and correct the deficiencies which we identified in their monitored agencies, specifically a prompt refund (from USPS), ability to travel freely and start Social

Security surviving spouse benefits (DoS), the right to enjoy the benefits of citizenship as well as immigration benefits (USCIS), and improper penalties collected through property seizure proceedings while an appeal was pending (IRS).

Ancillary Relief Sought To Prevent Future Violations

We are seeking relief of CIGIE institute programs to train IGs and OIG staff on their responsibilities to report federal crimes and support and defend the constitution through assisting DoJ in enforcing the law, particularly constitutional rights of individuals.

We will benefit from having monitored agencies perform required services in accordance with clear and specific statutes (as we are seeking credit for future services). Of course, good governance is a substantial benefit to all people.

Count 9, DoJ Must Uphold the Law

DoJ has by convention as well as court decisions and congressional statutes been given the overall responsibility of upholding the law as well as prosecuting federal crimes at its discretion (and within the framework of upholding the law). However, in the cases of USPS, DoS, USCIS, IRS, and their relevant OIG's as well as CIGIE, DoJ has simply ignored violations of clear and specific federal statutes, federal criminal statutes and even the constitutionally guaranteed rights of individuals.

Obviously DoJ does not have the resources to investigate and correct every violation of lawful statutes or the constitution, but with the cudgel of the threat of prosecution it can partner with other agencies (particularly relevant OIG's) as well as the problem agencies and monitor the results to ensure that there are not

violations in the future and that relief is provided to any victims if possible.

In the other counts, DoJ was always contacted and informed of the problems and took no action. The inaction of the DoJ led to continued damages to ourselves. The relief we are seeking is simply an order of the court that DoJ partner with other agencies whenever it is aware of violations and seek prompt prevention of future violations as well as prompt redress for any victims.

Count 6, CIGIE Illegally Conceals and Supports Federal Crimes

CIGIE Bound By Statutes Requiring Reporting of Federal Crimes

Each IG member of CIGIE is bound by the requirement to report federal crimes to DoJ in [5 USC § 404 \(IG Act of 1978\)](#) as well as [5 USC § 424](#) (CIGIE) which requires the council to 'continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse'² as well as an Integrity Committee which 'shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members.'

As all IG's and OIG staff members are required to report all federal crimes to DoJ

2 [5 USC § 424](#) states:

- (c) Functions and Duties of Council. -
 - (1) In general. - The Council shall -
 - (A) continually identify, review, and discuss areas of weakness and vulnerability in Federal programs and operations with respect to fraud, waste, and abuse; ...
 - (B) in consultation with the Office of Special Counsel and Whistleblower Protection Coordinators from the member offices of the Inspector General, develop best practices for coordination and communication in promoting the timely and appropriate handling and consideration of protected disclosures, allegations of reprisal, and general matters regarding the implementation and administration of whistleblower protection laws, in accordance with Federal law.
 - (d) Integrity Committee. - (1) Establishment. -
 - The Council shall have an Integrity Committee, which shall receive, review, and refer for investigation allegations of wrongdoing that are made against Inspectors General and staff members of the various Offices of Inspector General described under paragraph (4)(C).

(a clear and unambiguous mandate) the failure to report such crimes is clearly ‘wrongdoing’ (as well as a potential crime of obstruction of justice) and so must be referred for correction which CIGIE did not do.

CIGIE Ignored Well Documented Complaints of Violations

IG's are not permitted to simply look away when plausible allegations of federal crimes are reported to them. In the two cases which were brought to CIGIE attention with USPS IG and DoS IG, the CIGIE took no action to correct their failure to report federal crimes to DoJ and we suffered the damages cited in Counts 1, 3, and 4.

Plaintiffs Damaged Through CIGIE Inaction

In contrast, had the CIGIE since its inception actively insisted that each IG and OIG report crimes to the DoJ and DoJ had done its job of insuring future compliance with federal criminal statutes and eliminating future violations of individual constitutional rights, none of the damages would have occurred.

For example, had the USPS OIG 2017 audit (see ECF 18-7 DR-AR-18-001) been reported to DoJ as 1.9 million federal crimes of falsifying government records and had DoJ done its job of insuring the suggested corrections were implemented, then the USPS problems with falsified documents and broken business processes would almost certainly not have led to the claim for a credit for future services of \$26.35 in 2021.

Ancillary Relief Sought To Prevent Future Violations

The relief sought from CIGIE is simply that they insure that in the future IG and OIG staff report federal crimes to DoJ as required by statute.

The widespread falsification of delivery times and other records in USPS must be curtailed. Similarly, the widespread lack of due process in visa denials and the intrinsic omission of required information (the evidence considered in the denial) must be corrected.

CIGIE is asked to participate with DoJ, USPS OIG, DoS OIG, and DHS OIG in the process of putting in place procedures to resolve the problems in USPS, DoS, and USCIS as well as other problem areas.

The dangers of illegal orders and widespread falsified records is discussed in my brief on that subject (ECF 76-4) and the Afghan fiasco. My standing in that particular matter is tenuous at best but the solutions proposed herein addresses much wider concerns. It is hoped that by adopting the principles of good governance not only can future fiascos be avoided, but we also develop senior Military Service Officers (MSOs) who could refuse orders to use Seal Team Six to assassinate federal judges or federal attorneys and, if necessary, collude to insure that any commander which orders such heinous crimes is held accountable for those crimes. That is only possible with strong support of the appropriate IGs, DoJ, and courts.

Sovereign Immunity and Executive Discretion Do Not Apply

The primary relief sought is strict adherence to foundational statutes and mandates as supported in Marbury v. Madison (1803) and the APA 5 USC § 702. The restrictions on 'sovereign immunity' are discussed at length in my brief on that topic (ECF 76-4).

Further, contrary to the broad claims of executive discretion by USATXN, it is not

applicable here as the relief sought is simply a mandate that IG and OIG staff members be required to report federal crimes to DoJ as dictated in clear and unambiguous statutes. Executive discretion is discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 4 to 6.

Conclusion

The court is asked to direct that CIGIE adapt its training and review standards to insure that all IG's and OIG staff report all federal crimes to DoJ. CIGIE is also asked to work with DoJ and relevant OIG's and their monitored agencies to insure future compliance with federal criminal statutes and individual constitutional rights with special training on how to deal with illegal orders as well special reporting mechanisms in CIGIE for OIG staff who are subjected to illegal orders.

Count 9, DoJ Did Not Uphold the Law

DoJ is Sole Federal Agency to Uphold the Law

The DoJ is given broad and exclusive powers to enforce the law, both the constitution and lawful congressional statutes in 28 USC Part II - Department Of Justice. The DoJ has adopted a DoJ Mission Statement with:

The mission of the Department of Justice is to uphold the rule of law, to keep our country safe, and to protect civil rights.³

Congress and the courts have wisely given the DoJ sole authority and responsibility to 'uphold the law' to include prosecution as necessary. It simply would not work to have multiple agencies with ambiguous responsibilities to

³ These is also an expanded mission statement with:

The mission of the Department of Justice is to enforce the law and defend the interests of the United States according to the law, to ensure public safety against foreign and domestic threats, to provide Federal leadership in preventing and controlling crime, to seek just punishment for those guilty of unlawful behavior, and to ensure the fair and impartial administration of justice for all Americans. In carrying out its mission, the Department is guided by four core values: (1) equal justice under the law; (2) honesty and integrity; (3) commitment to excellence; and (4) respect for the worth and dignity of each human being.

‘uphold the law’ and prosecute federal crimes.

However, that authority and responsibility to ‘uphold the law’ comes with a price. The constitution has three branches of government with Congress, the Courts, and the Executive branch. As the sole executive agency with authority and responsibility to ‘uphold the law’, DoJ is required to uphold all lawful statutes and court decisions.

DoJ Must Monitor Allegations of Federal Crimes

DoJ Can Refer Reported Allegations

This is not to say DoJ has no executive discretion. When faced with ambiguous or contradictory statutes, the DoJ can grant each agency executive discretion to choose the best solution for following the law just as the courts do in such situations. Of course, this never extends to violating clearly stated and unambiguous mandates of Congress such as federal crimes (which are never an option for a federal agency) or violating the Constitution, particularly individual rights guaranteed by the constitution.

That said, the DoJ still has significant executive discretion in how to ‘uphold the law’. The DoJ has to exist within the same budgetary constraints as any other agency. The DoJ has the authority to refer matters to other agencies such as the relevant OIG and even local management as long as DoJ monitors the results to insure that future violations are eliminated, thereby upholding the law.

The DoJ can also use the threat of prosecution as necessary to get recalcitrant individuals or agencies to comply, offering immunity for testimony (to quickly get

to serious crimes) and plea deals as necessary and appropriate.

However, executive discretion for DoJ does not extend to ignoring lawful statutes or court decisions. The relief sought does not violate DoJ executive discretion as the requested orders simply require the DoJ to ‘uphold the law’ in whatever fashion it finds most expedient.

DoJ Took No Action When Violations Reported

In each of the other counts, DoJ was notified of the specific violations and took no discernible action to prevent future violations or to provide redress. Indeed this suit was necessary because of the inaction of DoJ.

The relief sought of working with other agencies to prevent future violations benefits ourselves as well as other similar victims in the future. As the separate reliefs sought commonly included a credit for future services, the assistance of DoJ to insure that those services are provided in a lawful fashion in the future benefits us directly as we expect to be future consumers of the services.

Sovereign Immunity and Executive Discretion Do Not Apply

The primary relief sought is for DoJ to enforce the law as in its mission and charter which is supported in Marbury v. Madison (1803) and APA 5 USC § 702. The restrictions on 'sovereign immunity' and 'executive discretion' are discussed at length in my brief on that topic (ECF 76-4).

Conclusion

The court is asked to direct CIGIE and DoJ to work with USPS OIG, DoS OIG, and DHS OIG as well as their monitored agencies (USPS, DoS, and USCIS) to avoid future violations of criminal statutes and individual constitutional rights.

Further, whenever CIGIE and / or DoJ become aware of other federal crimes (e.g. falsified readiness reports for Afghan government units) then they are asked to diligently pursue all violations to insure a culture of falsified records or other crimes do not become ingrained in the agency under consideration.

Verification of Brief

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

1. I have reviewed the above affirmation and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered to remove sensitive personal information or other redactable information (as cited in the redaction) according to normal redaction procedures.

I hereby reaffirm that the above is true to the best of my knowledge under penalty of perjury in both the United States and Thailand.

/s Brian P. Carr

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

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