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] FRCP Rule 60 Motions for: • FRCP Rule 15(a)(2) Leave to Submit Second Amended Complaint, • Due Process Corrections to Court Rules, • And Expedited Decisions for Motions Certificate of Conference – OPPOSED

FRCP Rule 60 Motions for FRCP Rule 15(a)(2) Leave to Submit Second Amended Complaint

And Due Process Corrections to Court Rules

And Request for Expedited Decisions

Table of Contents

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

Introduction

This Motion is submitted in accordance with FRCP Rule 15(a)(2) which states:

> a party may amend its pleading only with ... or the court's leave. The court should freely give leave when justice so requires.

Justice particularly supports this amended complaint as the Order (ECF 63) which dismissed the matter is not final (still appealable) and the matter was 'dismissed without prejudice' (implying that there could be corrections such as the signed complaints, ECF 64 and ECF 66 which would correct the cited defects). After a delay of more than a year some of the requested relief is moot but new relief is warranted so an amended complaint would be appropriate as the Order is not yet

final.

USATXN Must Answer New Complaint in 14 Days

There have been substantial delays in justice with Mrs. Carr being denied the privileges of citizenship for over two years (ECF 10-5) which is least partially due to the last MTD (ECF 31, 14 May 2024) which completely ignored many causes of action such as denied FOIA requests and Mrs. Carr being left stranded in Thailand because USCIS ignored 8 CFR § 216.4 which requires USCIS to provide suitable documentation to permanent residents so that they can work and travel freely.

Indeed the previous MTD (ECF 31) dealt only in fiction addressing some imaginary complaint but not the clear and specific claims described in the actual complaint (ECF 29, MTD ECF 31 is critiqued in ECF 73). There have been enough delays and the court is asked to direct USATXN to submit a full, complete, and proper answer (not another MTD) to this proposed Second Amended Complaint within 14 days as specified in FRCP Rule 15(a)(2). The plaintiffs have suffered damages because of the delays and the new proposed plaintiffs are being denied their rights by each delay just as they were denied by the previous delays.

Due Process Corrections to Court Rules

In the previous FRCP Rule 60 Motions to Reverse, Recuse (ECF 73) of 21 Jun 2025, the USATXN Response (ECF 74) of 14 Jul 2025 was the first notice of FRCP Rule 72 14 day grace period to raise objections to the plaintiffs (the notice itself was successfully hidden at the end of the FCR (ECF 61)). This surprised the plaintiffs and they raised several objections to the form of the notice as well as local rules in their Reply (ECF 75) but USATXN did not have an opportunity to respond to the suggestions raised in the Reply (ECF 75) on 28 Jul 2025. This

motion is to insure that the court is properly briefed on the issues and that the issues are preserved for appeal.

Court is Asked to Promptly Decide All the FRCP Rule 60 Motions

This is the last of the series of FRCP Rule 60 Motions described in the first FRCP Rule 60 Motions for Relief from local rules (ECF 67). The first motion was within 28 days of the order and so have kept the Order dismissing the matter appealable.

In this motion and each of the other motions of the series there have been several factual errors identified in the Findings, Conclusions, and Recommendation (FCR, ECF 61) and, intrinsically, the Order (ECF 62 and ECF 63) itself. Such factual errors of material facts in a government document are prima facie criminal violations (18 USC § 1001) with the primary question of intent. When a factual error is identified if it is a mistake then it is expected that the source of the error will try to correct it as soon as possible. In this regard, the court is asked to decide all of the pending motions and also explicitly correct any factual errors in the form of corrected findings.

FCR Incorrectly Removed Two Plaintiffs Based on False Statement

For example in the FCR there is a statement that:

> Brian, who is not an attorney, is not authorized to ... sign pleadings on behalf of others

which is directly contradicted by LR 1.1 Definitions which states

> The word "attorney" means either: a person licensed to practice law ... or ... a party proceeding pro se in any civil action.

So it turns out that Mr. Carr **IS** an attorney with respect to local rules. Based on LR 1.1, LR 11.1 can be restated as:

> By submitting a document by electronic means and representing the consent of another person on the document, a… [pro se party] who submits the document certifies that the document has been properly signed.
>
> ... A ... [pro se party] who submits a document by electronic means that is signed by another person ... must:
> ... or **represent the consent of the other person** in a manner **permitted** or required by the presiding judge; …

So, not only is Mr. Carr an attorney (with respect to this matter and local rules) he is authorized to 'sign pleadings [electronically] on behalf of others [by representing the consent of the other person]'

As this false statement was the primary basis of much of the FCR, it warrants a specific call out of the error in the revised findings.

Overview of Proposed Second Amended Complaint

There are additions and corrections based on events that happened after the date of the pleading to be supplemented, FRCP Rule 15(d) and correct a clerical error as to the individual / office to represent Department of State (DoS) under FRCP Rule 15(c)(1)(C). It also includes corrections of typographical and clerical errors such as having two count 8s and no count 9.

The new complaint also consolidates the multiple complaints in the record and improves the clarity of the complaint through the addition of a table of contents and alphabetical index.

The complaint also adds section headers for the different FOIA requests and distinct reliefs to insure that they are properly considered. There are also the

addition of references to specific ECF documents to support affirmed statements.

The new complaint has references to separate briefs which have been added to the record to counter the normal challenges such as 'failure to state a claim', sovereign immunity, and executive discretion.

The new complaint adds two new defendants, the IRS and TIGTA, and two new plaintiffs, Mrs. Carr's two sons. The plaintiffs were preparing to amend the complaint with these supplemental changes when the order dismissing the matter was filed.

Due Process Corrections to Court Rules From ECF 75

As stated previously these arguments were raised in the plaintiffs' reply (ECF 75) but as that was not a proper motion, the court was not properly briefed on the issue. This motion will repeat the arguments and relief raised in the Reply almost verbatim as LR 7.2 has been interpreted to prohibit references to other motion papers and the relief sought in the original FRCP Rule 60 Motion for Relief from LR 7.2 constraints (ECF 67) has not been granted.

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 …[2]
>
> 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 justice**", 474 U.S. at 155, 106 S.Ct. at 475[3]

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:

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

3 Bold added by Plaintiffs.

The text must be double-spaced...

To place place this sole block of single spaced text below the signature clearly 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's Notice 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)[4] it is clear that the framers of the constitution wished to protect individuals from such onerous

4 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).

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 unconstitutional, 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),[5]

- 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[6] 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.

Resolution of Mrs. Carr Dire Circumstances as Apparent Illegal, New Relief

Of particular note, due to the long delay in deciding the MTD (ECF 31, 14 May

5 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 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'

6 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'.

2024) Mrs. Carr was left in dire circumstances as an apparent 'illegal' terrified of being deported without cause or notice even though USCIS had approved both her ten year card and citizenship (ECF 10-5) on 31 Jan **2023**, but contrary to law USCIS had refused to provide either.

The primary relief sought was the immediate issuance of Mrs. Carr's ten year green card followed shortly thereafter by her citizenship. However, Mrs. Carr on her own and her own expense received her citizenship (ECF 71-3) on 28 Feb 2025 via a new application and test (as detailed in the new complaint).

The primary relief of citizenship is now moot, but there is still the ancillary relief of adjusting the immigration visa application dates for immediate family members (specifically her two sons and Mrs. Von Kramer it happens) as some compensation for the over two years when Mrs. Carr was improperly denied the rights of citizenship. This relief had been somewhat speculative before, but now that Mrs. Carr is a citizen, the relief for her immediate family members is now immediate and known.

Mrs. Carr's sons, Rujipas Lawichai (Tin) and Tanapon Lawichai (Earth) now have current applications for immigration visas (ECF 71-4 on 2 May 2025, ECF 71-5 on 13 May 2025) but the queue for available immigration visas in their category is about 9 years. The previously speculative relief is now very real and sought from the court for these two new plaintiffs.

Similarly, Buakhao Von Kramer now has a current application for an immigration visa (ECF 71-7 on 30 May 2025) with a queue of about 17 years. An earlier

application date is sought for her immigration visa as well as the previous declaratory relief to minimize her need to regularly visit the US to get her Social Security surviving spouse benefits.

General Updates to the Complaint

Typographical and Clerical Errors Fixed

There are corrections of typographical errors such as a correction so that the 9 counts are numbered 1 to 9 rather having two count 8's and no count 9. No party benefits from retaining these typographical errors. They simply introduce confusion for all parties.

In addition there are now specific references to the ECF documents which have been added to the record, which support the affirmed statements that had only been general references in the original complaint. These references are not really additions to the record in this matter but simply aid all parties in understanding and verifying the different affirmed statements in the Second Amended Complaint.

There is also the addition of a table of contents, reference table, and a time line table (exhibit), none of which are not formal parts of the record but added for the convenience of the court and other parties.

Consolidates Multiple Complaints (and Proto Complaints) in the Record

This proposed complaint also is expected to replace the eight complaints or proto complaints which are in ECF at this time (though the Thai pro se complaints are not labeled as complaints, but Thai people are not very litigious and have only a single word for complaint, motion, request, pleading, answer, etc.). The complaints to be merged are: ECF 3, ECF 29, ECF 64, ECF 65, ECF 66, ECF 67-4,

ECF 71-1, and ECF 71-10.

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 had been $340.81 which was already paid. (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.

In addition we are asking the IRS provide better advice and, hopefully, better tools concerning how to compute the required estimated income tax payments when there is 'Annualized Income' (i.e. income varies widely during the year). Until such times as the improved advice or tools are available, the IRS must grant abeyance of penalties for first time violations in these particular cases if the taxpayer requests the abeyance (as we did for the $340.81 penalties).

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

Paragraph	Defendant
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 elsewhere), 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 have been 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.

The new complaint has distinct FOIA sections for the following defendants: USPS, DoS, USCIS, and IRS. 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.

Conclusion

The court is asked to grant leave to submit the proposed Second Amended Complaint (which is attached to this motion as the first exhibit) and direct the clerk to file a copy of the amended pleading attached as the in accordance with LR 15.1 with a title of 'Second Amended Complaint'.

The court is also asked to direct USATXN to submit a full, complete, and proper answer (not another MTD) to this proposed Second Amended Complaint within 14 days as specified in FRCP Rule 15(a)(2).

Further, the court is requested to grant the relief sought in the series of FRCP Rule 60 Motions described in the first motions for relief from local rules (ECF 67) as well as the motions to reverse dismissal and recuse and reconsider sanctions (ECF 71) and the instant motion.

Each court that considers this matter is requested to revise its local rules (be they magistrate or judge specific rules or en banc court rules) to insure that FRCP Rule 72 specific rules are not unconstitutional and that the parties are provided with adequate and correct notice of their rights to file Notice of Objections or FRCP Rule 60 Motions before filing a Notice of Appeal.

Respectfully submitted,

Verification of Motion

We, the undersigned plaintiffs and proposed 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: 27. August 2025
Location: Irving, TX

/s *Air Carr*

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061
Date: 19 Aug 2025
Location: Irving, TX

/s *Buakhao Von Kramer*

Buakhao Von Kramer
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND
Date: 20 Aug 2025
Location: Bangkok, Thailand

/s *Rujipas Lawichai*

Rujipas Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand
Date: 19 Aug 2025
Location: Phuket, Thailand

/s Tanapon Lawichai

Tanapon Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand

Date: 19 Aug 2025
Location: As ordered by Thai Army while deployed on combat assignment

CERTIFICATION OF ELECTRONIC SIGNATURES

In accordance with TXND LR 11.1(d), on the recorded date I received permission from Rueangrong Carr, Buakhao Von Kramer, Rujipas Lawichai, and Tanapon Lawichai to sign this document electronically on their behalf after sending them a copy of the Proposed Second Amended Complaint via Line (a secure and reliable messaging app popular in Japan, Thailand and other countries) and received their consent electronically via Line.

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.

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; …

Based on LR 1.1, LR 11.1 can be restated as:

> By submitting a document by electronic means and representing the consent of another person on the document, a… [pro se party] who submits the document certifies that the document has been properly signed.
>
> ... A ... [pro se party] who submits a document by electronic means that is signed by another person ... must:
> ... or **represent the consent of the other person** in a manner **permitted** or required by the presiding judge; …

/s *Brian P. Carr*

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Brian P. Carr
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Alphabetical Index

Certificate of Conference

These Motions for Leave to Amend, Due Process Corrections to Court Rules, and Expedited Decisions for Motions are OPPOSED.

The conference was held via an email discussion with AUSA Parker with the

initial email sent to her on 19 Aug 2025 and the final response from USATXN on 25 Aug 2025 with the conclusion that:

> The Federal Defendants do oppose Plaintiff's motions. We oppose the motion for leave to file an amended complaint because (1) judgment has already been entered in this case and (2) an amended complaint would be futile for all the reasons set forth in Defendant's motion to dismiss and the Court's order granting that motion. Included as reasons for futility, whether mentioned in the motion to dismiss or appropriate to the proposed complaint, are a lack of subject matter jurisdiction and failure to state a claim for, among other reasons, failure to exhaust and statute of limitations. The Federal Defendants also believe that Mr. Carr cannot represent any of the other putative plaintiffs. The proposed addition of new plaintiffs and new claims only exacerbates the futility of the claims in this case, as opposed to rectifying the deficiencies in the claims.
>
> The Federal Defendants also oppose any motion for an expedited response because Plaintiff has not shown a need for expedited briefing. The Northern District of Texas carries one of the heaviest dockets in the country. Each litigant also seeks his or her day in court as expeditiously as possible. Plaintiff's belief that he has waited long enough, while understandable, is not a sufficient basis to expedite this litigation and move it to front of what is a substantial queue.

The motion for Due Process Corrections to Court Rules was added on 26 Aug 2025 and an email describing the addition was sent to AUSA Parker prior to the addition, but no response was received to date so that motion is also OPPOSED.

/s Brian P. Carr

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Brian P. Carr
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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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