

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

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs versus United States, US Department of Justice, USPS, USPS OIG, USPS BoG, US CIGIE, Department of State, Department of State OIG, USCIS, DHS OIG, and SSA Defendants</p>	<p style="text-align: center;">Civil No. 3-23CV2875 - S</p> <p style="text-align: center;">Verified¹ FRCP Rule 60 2nd Motion For Sanctions Under FRCP Rule 11(c) for * Making False Statement in Response, * LR 7.1 (a) Conference Violations and * Apparent Criminal Collusion Between AUSA Parker and Mr. Padis</p> <p style="text-align: center;">Certificate of Conference - OPPOSED</p>
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[FRCP Rule 60](#) 2nd Motion For Sanctions Under [FRCP Rule 11\(c\)](#)

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Introduction

The Court is asked to sanction AUSA Parker, the current USATXN counsel as well as Mr. Padis, the previous USATXN counsel, for:

- Making a false statement in a Response filed with the court,
- LR 7.1 (a) Conference Violations and
- Apparent Criminal Collusion Between AUSA Parker and Mr. Padis

Making a False Statement in a Response Filed With the Court

Ms. Parker claimed in her Response (ECF 74) an 'inadvertent' failure to respond to my email (shown in ECF 75-1) concerning [LR 7.1](#) conference results with the clear intent to mislead the court that I had not followed court rules when, in fact, Ms. Parker had failed without explanation to follow the rules ([LR 7.1](#) conference requirements) on taking over from AUSA Owen and ignoring the results of prior conferences completed with AUSA Owen.

While AUSA Parker claimed to have ‘inadvertently’ not responded to my email (ECF 75-1), she has still has not ever responded to that email. In truth, she could have responded at any time and actually made countless decisions to not respond at any particular time. Of particular importance is when she was preparing her Response (ECF 74) and decided to claim the failure to respond was ‘inadvertent’, she could have instead simply responded with an email to myself and the court with an apology to myself and the court as she was asking the court to revise a

previously correctly filed UNOPPOSED motion (ECF 73) to instead be considered OPPOSED.

LR 7.1(a) Conference Violations

The LR 7.1(a) and the mandatory conference is intended to allow the court to promptly resolve motions where there is no dispute through the categorization of UNOPPOSED and OPPOSED motions. Just because AUSA Parker did not agree with conference results of her predecessor, substituting counsel does not automatically reverse all previous results and decisions of her predecessor. Indeed, out of politeness I had informed her in that email that several yet to be filed motions were UNOPPOSED and offered her the opportunity to revise those conference results.

However, after she ignored my offer and I filed the UNOPPOSED motion (ECF 73), instead of lying to the court that her error was inadvertent and misleading the court that there was not a proper conference, she should have initiated a conference for a Motion to Amend the UNOPPOSED motion (ECF 73) to instead be listed as OPPOSED with her proposed opposition / response as an exhibit. In that fashion the court would be adequately briefed and the court could decide whether or not to consider her opposition / response even though it was submitted improperly according to LR 7.1 (but such mistakes happen on sudden substitutions of counsel and are truly inadvertent).

Apparent Criminal Collusion Between AUSA Parker and Mr. Padis

When on 2 Sep 2025 AUSA Parker claimed in a government email (Exhibit 2) that:

I will take no further action with respect to attempting to forward your proposed motion to Mr. Padis at this time.

she was stating she was going to indefinitely retain those time sensitive legal papers addressed to Mr. Padis. This is a prima facie claim that she was violating [18 USC § 1702](#) and, potentially, [18 USC § 1709](#). Of course it is likely that she was colluding with Mr. Padis to later falsely claim to the court that he never received proper service as required by [FRCP Rule 5](#) and [FRCP Rule 11\(c\)\(2\)](#). In this case, her criminal violations would also likely include [18 USC § 1001](#) with concealing a material fact (that she had actually forwarded the prior electronic document to Mr. Padis and he had asked that she retain paper document).

Of course this raises all sorts of ethical concerns as Mr. Padis had likely previously been AUSA Owen's supervisor and AUSA Parker had likely been Mr. Padis' supervisor.² As Mr. Padis was no longer a government employee, this scheme was improper in numerous ways for all parties. It also raises the question of the ethics of Ms. Owen's dismissal / resignation after refusing to file any response in this matter unless directed by the court. Were illegal orders involved in these developments?

History of Previous Motion For Sanctions

In the Order (ECF 59) of 27 Feb 2025, this court denied our previous Motion for Sanctions (ECF 30), which relied on [FRCP Rule 11\(c\)\(3\)](#), whereas this motion relies on [FRCP Rule 11\(c\)\(2\)](#) as well as [FRCP Rule 11\(c\)\(3\)](#). The court's inherent ability to sanction parties who appear before it was extended to include the process defined in [FRCP Rule 11\(c\)\(2\)](#) which formalizes the briefing of the court so that failure to consider sanctions when clearly appropriate is more readily appealable (the court does not need to Order to Show Cause to get briefed on the issue).

² This is based on the relative age and experience of each party as well as their job titles and their publicly available backgrounds.

[FRCP Rule 11](#)(c)(2) supports sanctions against any person (unrepresented party or attorney) who submits a paper to the court. For AUSA Parker, this would be her Response (ECF 74). For AUSA Padis this would be his Motion to Dismiss (MTD, ECF 15) submitted on 08 Mar 2024. The previous Motion for Sanctions (ECF 30) was timely but the court declined to consider sanctions under [FRCP Rule 11](#)(c)(3) which we believe was an abuse of discretion so that this motion is under [FRCP Rule 11](#)(c)(2) to encourage the court to actually consider the seriousness of the violations.

As Magistrate Rutherford seems to have routinely falsified findings it is not surprising that the court would decline to investigate the allegations, but it is hoped that a new judge will provide a fair hearing on the matter. It is also important to note that the court can apply whatever sanctions it deems appropriate though I have made suggestions for creative sanctions such as community service for government attorneys and pro se parties where costs are not effective.

USATXN Response Contrary to Prior Conference, No Justification

In ECF 75-1 there are the emails exchanged between myself and AUSA Owen (from 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 the following motions which were ECF 73 and ECF 76.

AUSA Parker admits that she received notice of these conference results on 13 Jun 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 to that email. 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 has not offered any explanation for why USATXN altered its position and decided to oppose these motions.

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 should conduct a 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](#))³ or violations of the Texas Disciplinary Rules of Professional Conduct (ECF 30-2) which may have impacted our due process rights. Holding a hearing for sanctions previously requested becomes all the more important.

FRCP Rule 11(c)(2) Has Special FRCP Rule 5 Service Requirements

FRCP Rule 11(c)(2) states:

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates [Rule 11\(b\)](#). The motion must be served under [Rule 5](#), but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

While [FRCP Rule 5](#) states:

(b) Service: How Made. ...

(2) Service in General. A paper is served under this rule by: ...

(C) mailing it to the person's last known address - in which event service is complete upon mailing;

As ECF can only be used file documents with the court, a motion for sanctions under [FRCP Rule 11\(c\)\(2\)](#) must first be served on the opposing party via another means before filing the motion via ECF. The most expedient method of service is commonly U.S. mail if the party has not accepted some other form of service.

Then the opposing party must be given 21 days to correct the defect before the

³ 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).

motion can be filed with the court via ECF.

FRCP Rule 11(c)(2) Added to Encourage Formal Consideration of Sanctions

The FRCP Rule 11 Notes of Advisory Committee on Rules - 1983 Amendment states:

Experience shows that in practice Rule 11 has not been effective in deterring abuses. ... The new language is intended to reduce the reluctance of courts to impose sanctions ... by emphasizing the responsibilities of the attorney and reenforcing those obligations by the imposition of sanctions.

The early service requirements for FRCP Rule 11 are tedious but by relying on this explicit process to require the court to consider the appropriateness of sanctions it is hoped that the court will overcome its general aversion to the application of sanctions.

Motion for Sanctions for AUSA Padis Mailed

Before mailing the 1st Motion for Sanctions in this series, I checked if AUSA Padis would accept service via email but there was no prompt reply. As mailing was a minor expense and insured that the 21 day delay started promptly I mailed the papers the next day. Attached as Exhibit 2 are the emails exchanged with AUSA Parker and Mr Padis from 08 Aug 2025 to 08 Sep 2025. It is important to note that only after the document had been mailed did I learn that AUSA Padis' extended leave of absence had been terminated and that he was no longer a DoJ employee, he was now Mr. Padis working for a law firm.

**AUSA Parker Illegally Retains Mail Directed to Mr. Padis
Retention of Misdirected Mail of Another Person is a Federal Crime**

As the 1st Motion for Sanctions was already mailed to Mr. Padis at his previous address as AUSA Padis, the motion papers were forwarded by USATXN staff to AUSA Parker. However, instead of simply forwarding the motion papers to Mr.

Padis as is normal practice for personal mail for a former employee (and actually required for such misdirected mail), AUSA Parker stated on 1 Sep 2025:

I will take no further action with respect to attempting to forward your proposed motion to Mr. Padis at this time.

even though Mr. Padis had not accepted service of the electronic copy of the motion. This is a prima facie claim that she was violating [18 USC § 1702](#) and, potentially, [18 USC § 1709](#). Of course it is also likely that she was colluding with Mr. Padis to later falsely claim to the court that he never received proper service as required by [FRCP Rule 5](#) and [FRCP Rule 11\(c\)\(2\)](#). In this case, her criminal violations would also likely include [18 USC § 1001](#) of concealing a material fact (that she had actually forwarded the prior electronic document to Mr. Padis and he had asked that she retain paper the document making service / delivery deniable).

AUSA Parker Improperly Threatens Retaliatory Motions

AUSA Parker also threatened that the defendants would introduce motions opposing the sanctions against Mr. Padis who no longer had any ties to the government. These threatened motions themselves appeared to have little to no merit and appeared to be more of an intimidation tactic. It also raises the question of why the defendants would commit scarce resources to oppose sanctions which no longer have anything to do with the defendants.

There are Numerous Ethical Questions Raised, Hearing Required

There are numerous questions raised about the relationships between the various attorneys and why AUSA Parker would go to such lengths to protect a now private attorney (Mr. Padis) and conceal the justifications for Ms. Owen's refusal to file any Response opposing the previous [FRCP Rule 60](#) Motions for Relief (ECF 67, ECF 73 and ECF 76). It is clear that the court must hold hearings as necessary to

fully comprehend the actual ethical questions and conflicts of interest faced by the attorneys and what sanctions, if any, are appropriate.

Conclusion

The court is asked to consider the actions of AUSA Parker and Mr. Padis and impose sanctions appropriate for the violations and the damages which resulted. community service has been suggested as a possible sanction, but the court is, of course, to choose whatever sanctions it deems appropriate.

The court is also asked to provide such other and further relief as it deems appropriate.

Respectfully submitted,

Verification of Motion

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

1. I have reviewed the above motion and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered 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: 17. Sep. 2025

Location: Albany, NY

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Certificate of Conference

This Motion for Sanctions under [FRCP Rule 11\(c\)](#) is OPPOSED.

While this is a timely [FRCP Rule 60](#) Motion For Relief (as required for a ‘closed’ case), it is also a Motion for Sanctions under [FRCP Rule 11\(c\)](#) (the specific relief sought). In [LR 7.1](#), there is not a specific listing for [FRCP Rule 60](#) Motions For Relief but it is also a Motion for Sanctions Under [FRCP Rule 11\(c\)](#) which is listed in [LR 7.1](#) as conference required. A preliminary email was sent to the opposing attorneys but there was no response. As this motion will be provided to proposed sanctioned attorneys at least 21 days before it is submitted to the court (to comply with [FRCP Rule 11\(c\)\(2\)](#)), it is assumed that if the motion is filed with the court it was because the parties could not agree on an alternative and it is OPPOSED.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

CERTIFICATE OF SERVICE

In accordance with [FRCP Rule 11\(c\)\(2\)](#) requirement for preliminary service not including the court and [FRCP Rule 5](#) service by mailing, on 17. Sep. 2025 I mailed this document to Mr. Padis (previously an AUSA in this matter) in a USPS Priority Mail Flat Rate Envelope with a prepaid shipping label addressed to:

George M Padis
Sbaiti & Company, PLLC
2200 Ross Ave Ste 4900W
DALLAS, TX 75201-2790

Referencing Personal and Confidential

by placing the envelope into a blue United States Postal Service mail box or by handling the envelope to a USPS clerk or other employee.

Further, in accordance with [FRCP Rule 11\(c\)\(2\)](#) requirement for preliminary service not including the court and [FRCP Rule 5](#) service by mailing, on 17. Sep. 2025 I mailed this document to AUSA Parker in a USPS Priority Mail Flat Rate Envelope with a prepaid shipping label addressed to:

ASSISTANT UNITED STATES ATTORNEY
TAMI PARKER
FLOOR NUMBER 3
1100 COMMERCE ST
DALLAS TX 75242-1074

referencing 3:23-CV-02875-S

by placing the envelope into a blue United States Postal Service mail box or by handling the envelope to a USPS clerk or other employee.

Further, 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