

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRIAN P. CARR, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Civil Action No. 3:23-CV-02875-S

**DEFENDANTS' OBJECTION TO PLAINTIFF'S "FRCP
RULE 60 MOTION FOR SANCTIONS UNDER RULE 11(C)"**

Plaintiff Brian P. Carr, pro se, has filed a second motion for sanctions in this case, again claiming that Defendants' first motion to dismiss, which was rendered moot by the filing of an amended complaint, was based on a falsified factual basis, legally unsound, and filed for the purpose of delay. (Doc. 79). Plaintiff further complains that other actions by former counsel for Defendants were undertaken solely for purposes of delay, and he seeks "creative sanctions" to address his concerns related to the handling of this litigation. (*Id.* at 7-8). For the reasons set forth below, this motion should be denied.

Argument¹

Plaintiff's second motion for sanctions is entirely without merit and vexatious. More than a year prior to filing the instant motion, on May 8, 2024, Plaintiff filed a

¹ This Court has already reviewed the merits of this case and entered judgment. (Docs. 59, 60). Moreover, Plaintiff has flooded this action with more than a dozen pleadings since that time which recount the arguments in this case, and in some instances, provide a procedural history. (See, e.g., Docs. 67, 70, 71, 73). Therefore, Defendant has not included a background section in the instant response and instead presumes this Court is more than sufficiently knowledgeable of this case's history.

motion for sanctions that raised essentially the same substantive arguments as the instant motion regarding former counsel for Defendants. (Doc. 30). Those arguments were fully briefed. (Doc. Nos. 30, 34-5, 35, and 39). The United States Magistrate Judge then carefully considered those arguments, and in an opinion issued on February 26, 2025, rejected them. (Doc. 59.) Plaintiff may disagree with the decision, but he has not and cannot demonstrate any error. Indeed, his new motion merely rehashes, using more words but citing to no *evidence* in support thereof, the same arguments that have been previously considered and rejected. (*Compare* Doc. 79 with Doc. 30.) Plaintiff's renewed motion for sanctions should be denied for the same reasons set forth in Defendants' response to his initial motion for sanctions,² and in this Court's decision on that original motion. (Doc. 59.)

Plaintiff does raise one new argument in this second motion for sanctions: Plaintiff contends that the delays in adjudicating this case in what he deems to be an accurate and timely manner was due to "apparent collusion" between the Court and DOJ "to delay and subvert justice through violations of local rules, lawful statutes (including criminal statutes) and individual constitutional rights (due process)." (Doc. 79 at 3, 4.) He further complains that the Magistrate Judge's denial of his first motion for sanctions was due to "apparent bias" and that "[t]he court should recuse itself and new justices should issue consider [sic] this motion for sanctions." (Doc. 79 at 39, 40-41.) To the extent Plaintiff seeks sanctions against former counsel for Defendants for allegedly "colluding" with this Court, his claim is both baseless and vexatious. This Court has already ruled that former counsel for Defendants' actions did not violate any ethical rules. (Doc. 59.)

² Defendant's response to Plaintiff's original motion for sanctions is attached hereto as an exhibit and is incorporated by reference herein.

Plaintiff's disagreement with this conclusion, and frustration that the Court (1) does not agree with his interpretation of the law and rules of litigation and (2) has not moved with sufficient alacrity, is not evidence of collusion between the Court and Defendants or any sanctionable conduct.

Conclusion

This Court reviewed, and then adopted, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge on March 21, 2025. (Doc. 62.) Plaintiff could have filed an appeal if he concluded—wrongly—that the decision was legally infirm. It was not and he did not. Instead, since entry of Judgment in this case, Plaintiff has filed more than 10 post-judgment pleadings, most of which are lengthy, repetitive, argumentative, legally unsound, and include dozens of pages of exhibits and/or mini briefs that do not support his late-filed challenges to the Court's decisions. Each month brings a new filing, many of which chastise, castigate, and cast scurrilous accusations against Defendants, Defendants' counsel, and the Court. But no matter how often Plaintiff raises the same arguments, or how he attempts to repackage them, his arguments lack merit for the reasons already articulated by this Court. Plaintiff's second motion for sanctions should be denied.

Respectfully submitted,

NANCY E. LARSON
ACTING UNITED STATES ATTORNEY

s/ Tami C. Parker

Tami C. Parker
Assistant United States Attorney
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102
Texas Bar No. 24003946
Telephone: 817-252-5200
Facsimile: 817-252-5458
Email: tami.parker@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

On October 20, 2025, 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, the foregoing document was served via U.S. mail to the Plaintiff, pro se, listed below:

s/ Tami C. Parker

Tami C. Parker