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

BRIAN P. CARR,	§	
	§	
Plaintiff,	§	
	§	
v.	§	Case No. 3:23-cv-02875-S-BT
	§	
UNITED STATES, et al.,	§	
	§	
Defendants.	§	

FINDINGS, CONCLUSIONS, AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

On March 21, 2025, the District Judge dismissed without prejudice all claims *pro se* Plaintiff Brian Carr attempted to bring himself and on behalf of his wife, Rueangrong Carr, and his sister-in-law, Buakhao Von Kramer, as recommended by the United States Magistrate Judge. *See* Order (ECF No. 62); J. (ECF No. 63). Thereafter, Brian Carr and Rueangrong Carr submitted multiple filings seeking reconsideration of the Court's decision, sanctions, and other relief. *See* ECF Nos. 64, 65, 67, 71, 73, 76, 79, 83, 84 & 85. For the reasons set forth below, Brian Carr and Rueangrong Carr are not entitled to any of the relief requested, and the District Judge should DENY the pending motions.

Background

Plaintiff initiated this action on December 29, 2023. Compl. (ECF No. 3). The government filed a motion to dismiss (ECF No. 15); Plaintiff filed a response (ECF No. 18) and then an amended complaint (ECF No. 29). In the amended

complaint, which was the operative pleading, Plaintiff sought damages from the United States Postal Service (USPS) for allegedly delaying delivery of a package. Am. Compl. at 2, 7–9 (ECF No. 29). He also sought an order from the Court mandating that various federal agencies, including the U.S. Department of Justice, initiate criminal investigations into the circumstances surrounding Mrs. Carr's and her sister's various attempts to obtain immigration benefits. *See id.* at 9–45. The government filed a motion to dismiss the amended complaint. Mot. (ECF No. 31).

On February 27, 2025, the Magistrate Judge issued Findings, Conclusions, and Recommendation (FCR) recommending dismissal of the claims Plaintiff asserted on his own behalf because he failed to identify an applicable waiver of the federal government's sovereign immunity for his claims. FCR at 5–8 (ECF No. 61). And because Mr. Carr is not an attorney, and therefore he is not authorized to give legal advice or sign pleadings on behalf of others, the Magistrate Judge also recommended dismissal of the claims Plaintiff attempted to bring on behalf of Mrs. Carr and her sister. *Id.* at 1–3. When Plaintiff did not timely object to the recommendation, the District Judge reviewed the FCR for plain error and, finding none, accepted the recommendation and dismissed the complaint. Order (ECF No. 62); J. (ECF No. 63).

Plaintiff then submitted various motions and other filings seeking reconsideration of the Court's decision and other relief. *See* ECF Nos. 64, 65 & 67. The government initially advised Plaintiff that it opposed the relief requested but did not intend to file any response. *See* ECF No. 71 at 5, 8. When a new attorney

entered her appearance for the government, Plaintiff reached out to inquire whether counsel would continue the practice of opposing motions without filing a formal response. *See* ECF No. 73 at 65. Counsel did not respond, and Plaintiff proceeded to submit additional filings. *See* ECF Nos. 76, 79, 83, 84 & 85.

Legal Standards and Analysis

The Federal Rules of Civil Procedure do not specifically recognize motions for reconsideration. *Greenidge v. Cater*, 2024 WL 4183523, at *1 (N.D. Tex. May 21, 2024) (Lindsay, J.) (citing *Shepherd v. Int'l Paper Co.*, 372 F.3d 326, 328 (5th Cir. 2004)). Such motions are usually analyzed under Rule 59(e) or Rule 60(b), depending on the timing of filing. *See Demahy v. Schwarz Pharma, Inc.*, 702 F.3d 177, 182 n.2 (5th Cir. 2012) (per curiam) ("A motion asking the court to reconsider a prior ruling is evaluated either as a motion to 'alter or amend a judgment' under Rule 59(e) or as a motion for 'relief from a final judgment, order, or proceeding' under Rule 60(b)" and "[i]f the motion was filed within twenty-eight days after the entry of the judgment, the motion is treated as though it was filed under Rule 59, and if it was filed outside of that time, it is analyzed under Rule 60.") (internal citations omitted).

Rule 59 Motions

Plaintiff and Mrs. Carr submitted three filings within twenty-eight days of the District Judge's order of dismissal. *See* ECF Nos. 64, 65 & 67. Each of these filings seeks reconsideration of various findings and conclusions supporting the

Court's order of dismissal. The Court construes those filings as motions to alter or amend the judgment under Rule 59(e). *Demahy*, 702 F.3d at 182 n.2.

A. Legal Standard

A Rule 59(e) motion "is appropriate (1) where there has been an intervening change in the controlling law; (2) where the movant presents newly discovered evidence that was previously unavailable; or (3) to correct a manifest error of law or fact." *Id.* at 182 (citing *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003)). But "[a] motion under Rule 59 cannot be used to raise arguments or claims 'that could, and should, have been made before the judgment issued.'" *Id.* (quoting *Marseilles Homeowners Condo. Ass'n v. Fidelity Nat. Ins. Co.*, 542 F.3d 1053, 1058 (5th Cir. 2008) (per curiam)). District courts enjoy discretion in deciding whether to reopen a case under Rule 59(e). *Weber v. Roadway Exp., Inc.*, 199 F.3d 270, 276 (5th Cir. 2000) (citing *Edward H. Bohlin Co. v. Banning Co.*, 6 F.3d 350, 355 (5th Cir. 1993)). "Reconsideration of a judgment after its entry is an extraordinary remedy that should be used sparingly." *Templet v. HydroChem Inc.*, 367 F.3d 473, 479 (5th Cir. 2004). In striving to strike a balance between the need for finality and the need to render just decisions on the basis of all the facts, "the Fifth Circuit has observed that Rule 59(e) favors the denial of [these motions]."

Greenidge, 2024 WL 4183523, at *1 (cleaned up) (citing *S. Constructors Grp., Inc. v. Dynalectric Co.*, 2 F.3d 606, 611 (5th Cir. 1993)).

B. Mrs. Carr's Requests

Here, Mrs. Carr filed a "Request to File Amended Complaint" (ECF No. 64) and a "Request for Assistance" (ECF No. 65), written almost entirely in a language other than English. She also filed cover letters (in English) for her Requests, which explain that she authorized Brian Carr to sign the amended petition on her behalf, *see* ECF No. 64 at 1 ("I agreed that my husband, Brian, should sign the amended petition on my behalf electronically[.]"); ECF No. 65 at 7 ("My husband, Brian, signed the amended petition electronically . . . , and I had previously agreed that he could electronically sign on my behalf."), and ask the Court to reconsider its decision to dismiss the claims Plaintiff attempted to bring on her behalf. But, as explained in the FCR accepted by the District Judge (ECF No. 62), Brian Carr is not a licensed attorney and is not authorized to represent any other party in this action, including his wife. FCR at 2 (ECF No. 61). And although Mrs. Carr's proposed amended pleading—attached to her "Request to File Amended Complaint"—now includes her signature, it is apparent that she still seeks to have Plaintiff prosecute claims on her behalf. *See* Request at 4, ¶ 12 (ECF No. 64) ("Mr.

Carr is Mrs. Carr's spouse and to the degree that it is legally permissible, Mr. Carr will represent Mrs. Carr."). This is not permitted.[1]

In her "Request for Assistance" (ECF No. 65), Mrs. Carr advises that because she obtained the primary relief she sought from the Court in her amended pleading—United States citizenship—she would now like to pursue "other relief." Specifically, she requests leave to amend her petition to assert a new claim seeking a green card for her oldest son and "to have his visa approved faster." Request at 12–13 (ECF No. 65). But this "Request" does not establish that relief is warranted under Rule 59(e). Mrs. Carr does not point to any intervening change in the controlling law, present newly discovered evidence that was previously unavailable, or show that there was any manifest error of law or fact in the Court's order dismissing the claims Plaintiff attempted to bring on Mrs. Carr's behalf.

Further, the decision to allow amendment of a party's pleadings is within the sound discretion of the district court. *Foman v. Davis*, 371 U.S. 178, 182 (1962); *Norman v. Apache Corp.*, 19 F.3d 1017, 1021 (5th Cir. 1994) (citation omitted). As Mrs. Carr admits she desires to bring new claims against new parties—in essence a new lawsuit—the Court should exercise its discretion to deny leave to amend. The proper avenue to pursue new claims is a new lawsuit.

[1] The District Judge should also deny any request by Plaintiff to reconsider the decision to prohibit him from representing Mrs. Carr. *See* Mot. at 71-8 (ECF No. 71).

The District Judge should find that Mrs. Carr is not entitled to relief under Rule 59(e) and DENY her motions (ECF Nos. 64 & 65).

C. Plaintiff's Requests

On April 7, 2025, Plaintiff filed a "Verified Consolidated FRCP 60 Motions for LR 7.1, LR 7.2, and LR 11.1 Relief" (ECF No. 67). On June 10, 2025, he filed a "Verified FRCP 60 Motion to Amend" his April 7 filing to revise the certificate of conference to reflect that the government did not "oppose" the filing. *See* Mot. at 2 (ECF No. 71). To the extent his June 10 filing can be construed as a motion, it should be DENIED as unnecessary because the record speaks for itself. Furthermore, Plaintiff is not entitled to relief under Rule 59(e) "by default" merely because the adverse party failed or declined to file a response.

Despite its length (56 pages), Plaintiff's April 7 filing falls short of satisfying any of the requirements justifying the "extraordinary remedy" of reconsideration under Rule 59(e). Instead, Plaintiff apologizes for failing to timely file objections to the Magistrate Judge's FCR and then asks for wide-ranging relief, including permission to file additional amended complaints—and a proposed class action—that greatly expand the scope of his lawsuit, for plaintiffs to be allowed to "join together" with only one certified signature, and for an exemption from the page limit requirements and response deadlines imposed by the Court's local rules. Mot. at 3–5, 20, 36–37, 39–40 (ECF No. 67).

The FCR specifically explained that Plaintiff had fourteen days to object to any part of the Magistrate Judge's factual findings and legal conclusions. FCR at 8

(ECF No. 61). The FCR also explained that failure to object would bar Plaintiff from appealing the findings and conclusions reached by the Court, except upon grounds of plain error. *Id.* Plaintiff did not file objections within the time permitted. Accordingly, the District Judge reviewed the FCR for plain error and found none. Order (ECF No. 62). Like Mrs. Carr's filings, Plaintiff's April 7 filing does not point to any intervening change in the controlling law, present newly discovered evidence that was previously unavailable, or show that there was any error—much less a manifest error—of law or fact with respect to the Court's order of dismissal. Plaintiff seeks to bring new claims against new defendants rather than pursue the claims the Court dismissed without prejudice. The proper avenue to pursue new claims is a new lawsuit, not an order amending the judgment under Rule 59.

Plaintiff also seeks the undersigned's recusal under 28 USC § 455 based on the undersigned's alleged "collaborat[ion]" with the government. Mot. at 5, 8 (ECF No. 67); *see also id.* at 39 (accusing the undersigned of using "back channels such as the clerks in the various offices [to] cut a deal with DoJ to provide the relief [Mrs. Carr] desperately required but on their schedule and without any involvement by myself or my wife"). Section 455(a) "requires a federal judge to disqualify [herself] in any proceeding in which '[her] impartiality might be reasonably questioned.'" *IQ Prods. Co. v. Pennzoil Prods. Co.*, 305 F.3d 368, 378 (5th Cir. 2002) (quoting 28 U.S.C. § 455(a)). The test under § 455(a) is an objective one. *Id.* The movant must show that, "if the reasonable man, were he to know all the circumstances, would harbor doubts about the judge's impartiality." *Id.*

(footnote and internal quotation marks omitted). "[R]eview should entail a careful consideration of context, that is, the entire course of judicial proceedings, rather than isolated incidents." *Andrade v. Chojnacki*, 338 F.3d 448, 455 (5th Cir. 2003). "[J]udicial rulings, routine trial administration efforts, and ordinary admonishments (whether or not legally supportable)" are not valid bases for a motion to recuse for personal bias. *Liteky v. United States*, 510 U.S. 540, 556 (1994) ("A judge's ordinary efforts at courtroom administration—even a stern and short-tempered judge's ordinary efforts at courtroom administration—remain immune [from establishing a bias]."). Likewise, "opinions formed by the judge on the basis of facts introduced or events occurring" during current or prior proceedings are not grounds for a recusal motion "unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Id.* at 555. The disqualification decision is within the "sound discretion" of the judge. *In re Deepwater Horizon*, 824 F.3d 571, 579–80 (5th Cir. 2016) (per curiam) (quoting *Sensely v. Albritton*, 385 F.3d 591, 598 (5th Cir. 2004)). Here, Plaintiff's allegations of "collaboration" are wholly unfounded. And the mere fact of any ruling adverse to Plaintiff is simply insufficient to establish bias.

The District Judge should find that Plaintiff is not entitled to relief under Rule 59(e) and DENY his motion (ECF No. 67).

Rule 60 Motions

Because more than twenty-eight days passed between the Court's dismissal of Plaintiff's case and his other filings seeking reconsideration, the Court construes

those filings (ECF Nos. 73, 76, 79 & 83) as motions for relief from judgment under Rule 60(b).

A. Legal Standard

Rule 60(b) provides that upon motion, a court may relieve a party from a final judgment or order for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence that, with reasonable diligence, could not have been discovered earlier; (3) fraud, misrepresentation, or misconduct by an opposing party; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged, or it is based on an earlier judgment that has been reversed or vacated, or applying the judgment prospectively is no longer equitable; or (6) any other reason that justifies relief. Fed. R. Civ. P. 60(b)(1)–(6). A Rule 60(b) motion must be made within a reasonable time, and no longer than one year after judgment was entered under subsections (1), (2), and (3). *See* Fed. R. Civ. P. 60(c)(1). "'[R]elief under Rule 60(b) is considered an extraordinary remedy,' and the 'desire for a judicial process that is predictable mandates caution in reopening judgments.'" *Haygood v. Dies*, 2023 WL 2326424, at *4 (5th Cir. Mar. 2, 2023) (per curiam) (internal quotation marks and footnotes omitted) (quoting *Carter v. Fenner*, 136 F.3d 1000, 1007 (5th Cir. 1998)). The moving party carries the burden of showing entitlement to relief under any provision of Rule 60(b), and the district court has considerable discretion in determining whether that burden has been satisfied. *See Lavespere v. Niagara Mach. & Tool Works, Inc.*, 910 F.2d

167, 173 (5th Cir. 1990), *abrogated on other grounds by Little v. Liquid Air Corp.*, 37 F.3d 1069, 1075 n.14 (5th Cir. 1994).

B. Plaintiff's Motions

On June 21, 2025, Plaintiff filed a "Verified Consolidated FRCP 60 Motions To Reverse Dismissal of Matter and Recusal" (ECF No. 73), in which Plaintiff again asks the Court to "rescind" its order of dismissal and for leave to amend his complaint to add new claims and new defendants. Mot. at 4. Plaintiff also reurges his request for the Magistrate Judge and the District Judge to recuse based on errors that are "so egregious as to suggest bias (or incompetence)" or the "appearance of collusions." *Id.*

The District Judge dismissed Plaintiff's complaint in part because, as a non-attorney, he could not represent the interests of others in federal court. FCR at 1–3 (ECF No. 61). It was also dismissed in part because Plaintiff failed to demonstrate a waiver of sovereign immunity. *Id.* at 5–8. The FCR explained that Plaintiff had fourteen days to object to any part of the Magistrate Judge's factual findings and legal conclusions and that failure to object would bar Plaintiff from appealing the findings and conclusions reached by the Court, except upon grounds of plain error. *Id.* at 8. That Plaintiff has suggestions for the Court about how to make the instructions more prominent does not change the result. Plaintiff did not file objections within the time permitted.

Plaintiff's motion does not show that any of the Rule 60(b) requirements apply. He does not establish any mistake, inadvertence, surprise or excusable

neglect (Rule 60(b)(1)); newly discovered evidence (Rule 60(b)(2)); fraud, misrepresentation, or misconduct by the government (Rule 60(b)(3)); or any other reason justifying relief (Rule 60(b)(6)). He does not show the judgment is void for any reason or that it was based on an earlier judgment that has been reversed or vacated (Rule 60(b)(4), (5)). The District Judge should find that Plaintiff is not entitled to relief under Rule 60 relief and DENY his motion (ECF No. 73).

C. Plaintiff's Motions for Sanctions

Plaintiff has also filed two "Consolidated Verified FRCP Rule 60 Motions For Sanctions Under FRCP Rule 11(c)," in which he accuses the government of lying, delaying the litigation, and "colluding" with the Court. *See* Mots. (ECF Nos. 79 & 83). These motions raise substantially identical arguments as Plaintiff made in an earlier sanctions motion that was considered and rejected. *See* Order (ECF No. 59) (explaining that Plaintiff requested the Court issue "creative sanctions" against the government because its Motion to Dismiss contained legal and factual inaccuracies and was filed for purposes of delay, and that counsel made false statements over regarding the Motion). Plaintiff has not shown he is entitled to reconsideration of this Order—or that he is otherwise entitled to sanctions.

Other Matters

As explained above, Plaintiff's requests for leave to amend are really requests to bring new claims against new parties—in essence a new lawsuit. The Court should exercise its discretion to deny Plaintiff's requests for leave to amend (ECF Nos. 76 & 84). *Foman*, 371 U.S. at 182; *Norman*, 19 F.3d at 1021. Plaintiff's

proposed 87-page amended complaint would not cure the problems that led to dismissal. Plaintiff is not a lawyer and, despite his interpretation of the law, may not represent his wife, her sister, or his wife's children (who are citizens and residents of Thailand).

The District Judge should terminate as MOOT any request for the Court to "expedite" its decisions, *see, e.g.*, ECF Nos. 76 & 85.

Finally, the District Judge should warn Plaintiff that he is unnecessarily burdening the Court by filing multiple, lengthy, motions, with attached sub-briefs urging the same arguments again and again. If he continues this conduct, it could lead to a finding that he is a vexatious litigant, and the Court may impose appropriate sanctions.

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, 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. Crim. P. 59(b). 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 findings, conclusions, 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 court, except upon grounds of plain error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

SO RECOMMENDED.

November 10, 2025.

REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE