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] Consolidated[2] FRCP Rule 60 Objections to FCR ECF 91

FRCP Rule 60 Objections to FCR ECF 91

Table of Contents

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

2 These consolidated Objections are a consolidation of eleven sets of Objections for the denial of ECF 64, ECF 65, ECF 67, ECF 71, ECF 73, ECF 76, ECF 79, ECF 83, ECF 84, and ECF 85. as well as the proposed sanctions for being vexatious.

Introduction

There are four main sections of these Objections.

The FRCP Rule 60 Motions in ECF 76 Were Timely and Justified

The court makes a challenge in 'A Legal Standards' declaring that there was no 'entitlement to relief' for the Motions in ECF 76 and concludes that they should be denied. However, the court overlooks the obvious 'inadvertence' from the mistake I made when I did not read the required notice of 14 days to file objection. This human error on my part was not caused by inexcusable neglect but rather the inconspicuous placement of the notice.

Improper Removal of Two Plaintiffs Without Fair Hearing or Cause

Next is a discussion of the standing of the two other plaintiffs in this matter,

Rueangrong Carr, my wife, and Buakhao Von Kramer, her sister. The court has previously apparently removed my wife and her sister from this matter without giving either of them any opportunity to present their claims and without any stated cause. The court continues this injustice by falsely stating that there is some imaginary defect which continues into the proposed amended complaint. This will be thoroughly discussed and it will be clear that there is no basis for this false conclusion.

The Court Makes False and Misleading Statements to Dismiss Every Claim

The court also includes numerous false and misleading statements to support its contention that there are defects in all the remaining claims in this matter. However, this amended complaint has 11 defendants and 11 counts with 66 reliefs. Each is well supported and the broad sweeping defects claimed by the court are simply false. In truth, the court simply makes false and misleading summarizations of a few of the claims and then concludes that this is the entirety of the complaint suggesting dismissal, but the court overlooks numerous valid claims.

We will refute several of the court's false and misleading conclusions by citing the actual statements in the complaint and the supporting documents in the record. It will be clear that the court was simply wrong.

We will also highlight a few of the claims which the court simply ignored (or attempted to conceal in the more extreme cases). Of course we will not even attempt to discuss all 86 reliefs which are sought as that is too tedious for this early stage. Once the defendants have answered and the disputed facts separated out from simple facts, the court will be able to resolve every relief sought. Admittedly some of the 86 reliefs are ancillary and may, after careful consideration, be rejected

by the court as not adequately justified by the facts.

The Court Makes Unfounded Criticisms of the Plaintiffs' Filings

The court concludes with broad general criticisms of my past filings in this matter and threatens sanctions but this is unfounded and an abuse of discretion.

FRCP Rule 60 Motions in ECF 76 Were Timely and Justified
Motions in ECF 76 Were Made While Decision Was Appealable

FRCP Rule 60 states:

> (1) Timing. A motion under Rule 60(b) must be made within a reasonable time - and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

FRCP Rule 59 (Amending a Judgment after trial) has the most stringent requirement for filing a motion to alter an order with:

> (b) Time to File a Motion for a New Trial. A motion for a new trial must be filed no later than 28 days after the entry of judgment.

The first FRCP Rule 60 Motion for Relief (ECF 67) was timely (7 Apr 2025) within the required 28 days. This is particularly relevant as FRAP Rule 4 Notices of Appeal cite this deadline for filing motions which extend the time for a Notice of Appeal with:

> Appeal as of Right - When Taken
> (a) Appeal in a Civil Case.
> (1) Time for Filing a Notice of Appeal.
> (A) In a civil case, ... the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from. …
> (4) Effect of a Motion on a Notice of Appeal.
> (A) **If a party files in the district court any of the following motions**

> under the Federal Rules of Civil Procedure - and does so within the time allowed by those rules - **the time to file an appeal runs** for all parties **from the entry of the order disposing of the last such remaining motion**: … (vi) **for relief under Rule 60 if the motion is filed within the time allowed for filing a motion under Rule 59**.[3]

The filing of the original Consolidated Rule 60 Motions (ECF 67) clearly extended the time for filing a Notice of Appeal until all timely Rule 60 Motions are resolved, making the Motions in ECF 76 timely.

FRCP Rule 60 Motions in ECF 76 Were Justified By Inadvertence

As the court explained in the FCR (ECF 91) in '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;[4]

It is clear in the first FRCP Rule 60 Motions (ECF 67) that I made a mistake in my failure to read the 'end note' under the title 'Instructions for Service' in my claim (incorrectly) that the Order (ECF 62) was premature. This is clearly an excusable error (inadvertence or excusable neglect under FRCP Rule 60(b)(1)) as all humans make mistakes and the appropriate corrections were made in the subsequent FRCP Rule 60 Motions for Relief.

Case Law Supports Inadvertence By Parties As Justification for Relief

The courts have expanded the scope of FRCP Rule 60 Motions to the correction of errors committed by a party to the proceeding as in Application of Levis, 46 F Supp.527. More generally, the widely cited Pioneer Investment Services Co. v. Brunswick Associates Ltd. Partnership, 507 U.S. 380 (1993) states:

> (a)... Congress plainly contemplated that the courts would be permitted to

3 Bold added by Plaintiffs.

4 This is substantially just a quote from FRCP Rule 60 , bold added by Plaintiffs.

> accept late filings caused by inadvertence, mistake, or carelessness, not just those caused by intervening circumstances beyond the party's control. This flexible understanding comports with the ordinary meaning of "neglect."... the phrase "excusable neglect," as used in several of the Federal Rules of Civil Procedure, is understood to be a somewhat "elastic concept."...
>
> The determination of what sorts of neglect will be considered "excusable" is an equitable one, taking account of all relevant circumstances... Thus, in determining whether respondents' failure to timely file was excusable, the proper focus is upon whether the neglect of respondents... was excusable...
>
> the lack of any prejudice to the… [other parties] or to the interest of efficient judicial administration, combined with the good faith of respondents... weigh strongly in favor of permitting the tardy claim... it is significant that the notice of the...[due] date in this case was outside the ordinary course in... [such] cases. **Normally, such a notice would be prominently announced** and accompanied by an explanation of its significance, **not inconspicuously placed in a notice** regarding a creditors' meeting...[5]

It is clear in the first FRCP Rule 60 Motions on 7 Apr 2025 (ECF 67) that I did not read the required notice of 14 days to submit objections where I mistakenly cited the Order of 21 Mar 2025 (ECF 63) as premature as the FCR (ECF 61) was on 27 Feb 2025. USATXN did not file any opposing responses until 14 Jul 2025 (ECF 74) when they opposed ECF 73 of 21 Jun 2025 without any explanation of why they did not raise that issue earlier.

Inconspicuous Placement of the Court's Notice Contributed to the Mistake

In the FRCP Rule 60 Motions under consideration (ECF 76) there is an entire section describing how the required notice appears to be designed to be especially inconspicuous. It is apparent that the court didn't want parties to read the notice, but putting in a required notice and then hiding it does not meet the requirement of

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providing notice to the parties. In the current FCR (ECF 91) the notice is more prominent, but there are still several aspects which make it apparent that the court is trying to hide the essential notice from parties who might be inclined to submit objections.

LR 7.2 Page Limitations Relief

There was a previous consolidated FRCP Rule 60 Motions for LR 7.1, LR 7.2, and LR 11.1 Relief (ECF 67) submitted on 7 Apr 2025 which was unopposed but is still pending. This pending motion is particularly relevant as it was timely submitted in accordance with FRAP Rule 4 Notices of Appeal and, as such, also makes timely each of the motions to which these objections apply; any decision of the court to these objections will be appealable as they were timely submitted to the court (relative to the Order dismissing the matter, ECF 63).

Consolidated Sets Of Relief Required to Comply with Local Rules

This is a consolidation of 12 sets of objections to comply with the page limitations of LR 7.2 as the relief previously requested in ECF 67 has not been granted. This consolidation of separate objections was necessary as it is not really possible to discuss and defend the over 11 separate motions, 11 causes of action and about 86 total causes of actions in a mere 25 pages as specified in LR 72.2 and LR 7.2.

The proposed complaint is 86 pages which sounds lengthy, but considering that there are 11 counts that is only eight pages per count and just over a page each for the 67 reliefs. To adequately state the claim with: duty to perform (listing applicable statutes), failure to perform (with exhibits), harm which resulted (with exhibits) and the requested relief requires more than a single page each.

False and Misleading Claims Can Be Brief, Refutations Require Details

USATXN and the court itself have repeatedly made broad, non specific challenges (which are also false or misleading) but which are quite brief. However, to refute the false or misleading challenges for each of the primary 20 causes of actions requires systematically citing the details of the each cause of action which can not be done in one half page each. Of course 25 pages for each of the 12 sets of objections (300 pages) is quite adequate and these sets of objections will not require that many pages.

Correct, Clear, and Concise But Also Compelling and Convincing

My goal is to be correct (truthful and also accurate so that any reader will be left with a true impression) while also being clear and concise (avoiding needless repetition) but especially compelling and convincing. These objections are against an FCR (ECF 91) which dismissed the entire proposed complaint (now corrected as ECF 84-1) which fully elaborates each cause of action and refutes the various false and misleading statements by USATXN and the court. It also refers to written instruments in accordance with FRCP Rule 10(c) which are briefs to support the standard defenses required for each cause of action. As such, these briefs can be referred to in these objections so that there not be needless repetition of lengthy arguments but instead just brief summaries with a reference to the correct brief.

Section Headers and Table of Contents Allow Focus on Sections of Interest

It is hoped that section headers describing the different portions of this brief can allow the reader to skip the actual text for issues which are of interest. Further, many arguments in this brief will be only summaries allowing an interested party to read the full details of a cause of action or claim in a separate brief. This is used to avoid needless repetition and excessive details and aid in being clear and concise

while also be convincing, even compelling.

Two Plaintiffs Removed Without Cause or Fair Hearing

Improper Removal Used to Conclude no Basis for DoS and USCIS Claims

The Court Uses Obfuscation to Create Fictional Challenges

The Magistrate Judge has attempted to remove my wife and her sister from the complaint through improper obfuscation. First challenging their electronic signatures in one of the previous complaints, ECF 29, and then extending it (amazingly enough) to instead be my attempting to bring claims on their behalf.

In FCR (ECF 91) in Background, the court states:

> 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.

Further, in section "B. Mrs. Carr's Requests" the FCR (ECF 91) states:

> Brian Carr is not a licensed attorney and is not authorized to represent any other party in this action, including his wife

In section "B. Plaintiff's Motions" it goes on with:

> 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.

None of these statements are true.

Actual Suit Started With Physical Signatures And Filed With Clerk

A review of the complaints in this matter shows that the original complaint, ECF 3, was submitted on 29 Dec 2023 with physical signatures on page 54 and 55. We initiated the suit together, each appearing pro so. I did not bring the suit on behalf

of others, we all signed the complaint.

Amended Complaint Submitted Electronically, Correct Electronic Signatures

The Court Approved the Amended Complaint, Violated Local Rules

The Motion for Leave to Submit the Amended Complaint (ECF 18) was filed on 28 Mar 2024 under FRCP Rule 15(a) and the court's leave with the proposed amended complaint as ECF 18-1. The court accepted the Amended Complaint on 22 Apr 2025 (ECF 26) but instead of following the normal procedure in LR 15.1(b)[6] and having the clerk file the Amended Complaint, the court directed:

> Plaintiffs must file their Amended Complaint on the docket by April 30, 2024.

with a footnote which stated:

> Plaintiffs included their proposed Amended Complaint as an appendix to their combined Motion for Partial Summary Judgment and Response to Defendants' Motion to Dismiss. Plaintiffs should file this same proposed Amended Complaint as a separate docket entry titled "Amended Complaint."

There was no explanation as to why the court deviated from the procedures specified in the local rules nor any justification for why the court specified an impossible task where all plaintiffs (plural) must perform a single task with:

> Plaintiffs should file this same proposed Amended Complaint as a separate docket entry titled "Amended Complaint."

As ECF 18-1 was an electronic document, it could be only filed electronically in ECF by a single party. So I filed ECF 18-1 as ECF 29 but I was not following the

6 TXND Local Civil Rules LR 15.1 Motions to Amend states:

(b) When Filed by Electronic Means. When a party files by electronic means a motion for leave to file an amended pleading, the party must attach the proposed amended pleading to the motion as an exhibit. If leave is granted, the amended pleading will be deemed filed as of the date of the order granting leave, or as otherwise specified by the presiding judge, and the clerk will file a copy of the amended pleading.

literal order of 'Plaintiffs'. However, if we each had filed the document there would have been three copies of the complaint each labeled "Amended Complaint" which would have violated the order as well. Of course there would not have been any such confusion if the court had followed the procedure specified in LR 15.1(b) where the clerk is directed to file the entry.

The Court Later Challenges the Signatures in the Approved Complaint

The Court Waited Almost A Full Year To Change Its Mind

The Defendants Never Challenged the Signatures,

In FCR (ECF 91) in Background, quoting from FCR ECF 61 on 27 Feb 2025 the court stated the absurd:

> 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.

The court was for the first time challenging the electronic signatures of my wife and her sister where I had stated in the Certification of Electronic Signatures in ECF 18-1 on 28 Mar 2024:

> In accordance with LR 11.1(d), on the recorded date I received permission from Mrs. Carr and Mrs. Von Kramer to sign this document electronically on their behalf.

It is important to note that this challenge to jurisdiction was made sua sponte (of the court's own accord) without any briefing by the parties. Were such a sua sponte challenge to have been raised in the court's decision on 22 Apr 2024 (ECF 26) instead of accepting the Amended Complaint (ECF 29) that would have been a reasonable exercise of judicial discretion. However, that would have been a

challenge to ECF 18-1 before it became the 'live' complaint and we could have corrected any error by providing the court with whatever signatures and certifications it required and no claims would have been rejected for this absurd challenge 'on behalf of another person'.

The Court Misunderstands Local Rules for Electronic Signatures

LR 11.1(d) Appears to Prohibit Pro Se Parties and Electronic Signatures

LR 11.1 Electronic Signature states:

> (a) What Constitutes Electronic Signature. [REPEALED]
> (b) Requirements for Electronic Signature. [REPEALED]
> (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 - including by a moving party under LR 40.1 – must:
> (1) include a scanned image of the other person's signature, or represent the consent of the other person in a manner permitted or required by the presiding judge; and
> (2) maintain the signed paper copy of the document[7]

A casual reading of the rule suggests that it is not possible for a pro se party submit an electronic document with the signature of another person as the rule only specifies how an attorney can do it, not what a pro see party can do. However, this is an error.

7 Bold added by Plaintiffs.

Actual Rule Supports Pro Se Parties and Electronic Signatures

That trivial reading is clearly in error. At this time, this court generally requires pro se parties to file electronically and it would be a violation of due process to prevent pro se parties from freely submitting evidence to support their case which includes the electronic signatures of another person.

Of course the rule only really specifies what an attorney can do and does not specify that a pro se party can not do the same thing. In the Amended Complaint (ECF 29), when I certified the electronic signatures of my wife and her sister, I was following the procedure specified in LR 11.1 with a focus on 'in a manner permitted or required by the presiding judge'. When the court had accepted the Amended Complaint I presumed that the court had in fact approved the electronic signatures. It would be absurd for the court to come back almost a year later and attempt to rescind its acceptance of the complaint in ECF 26 by claiming the electronic signatures were not proper.

I did not expect that the court completely misunderstood LR 11.1 and was planning on using its misunderstanding to later throw the case out because of purported errors.

LR 11.1 Depends On A Surprising Definition of Attorney

Knowing that there must be some method for a pro se party to include the electronic signature of another person, I searched the local rules for all occurrences of the word attorney and soon found the answer in LR 1.1 Definitions.

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 by the highest court of any state or the District of Columbia; or
> (2) a party proceeding pro se in any civil action.

Based on this surprising definition for attorney, LR 11.1(d) can instead be read 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…
> represent the consent of the other person in a manner permitted or required by the presiding judge;

So, it turns out that my certification of the electronic signature of another person was exactly correct in ECF 29 and the full explanation of the electronic signatures are included in the proposed 2nd Amended Complaint, ECF 76-1 now ECF 84-1.

Court Continues Effort to Remove Plaintiffs Based on False Statements

In FCR (ECF 91) in Background, the court made the now obviously false claim:

> the Magistrate Judge also recommended dismissal of the claims Plaintiff attempted to bring on behalf of Mrs. Carr and her sister.

The suit was brought via the original complaint, ECF 3, which had the physical signatures of all three of us. Further, as soon as my wife and her sister were told that court seems to have ordered in its original order (ECF 26) that all three of us should submit same document as three different identical documents, they mailed signed copies of the original Amended Complaint, now ECF 64 (with my wife's physical signature) and ECF 66 with her sister's physical signature. Clearly the suit was brought by all three of us, each on our own behalf (as pro se parties).

None of the claims were made on behalf of another person.

Other Claims Dismissed Improperly Citing Sovereign Immunity

False and Misleading Statements to Support Sovereign Immunity

This is a rather large and complex complaint with (in ECF 29) 9 defendants, 9 counts, 253 affirmed statements, 8 primary causes of action, and 55 reliefs sought. However, instead of seriously considering each of the counts and primary causes of action, the defendants and the court have relied on deceptive summaries with numerous obviously false and misleading statements to conclude that none of the causes of action or reliefs sought are well founded in the law.

However, after a careful review of all the affirmed statements and reliefs sought in the 2nd Amended Complaint (with two new defendants and counts) along with the 12 briefs discussing 'failure to state a claim', sovereign immunity and the related executive discretion and other topics, it is clear that every primary cause of action is well founded and worthy of consideration.

Each of the false claims cited by the court will be discussed in detail and then a couple of the more interesting primary causes of action will be discussed in depth.

USPS Not Protected By Sovereign Immunity

The Court Falsely Alters the Claim to Make it Appear Invalid

In the FCR (ECF 91) in ‘Background’, the court made the obviously false claim:

> 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).[8]

8 Bold added by plaintiffs.

However, the actual summary from ECF 29 para 3 is:

> Mr. Carr purchased a guaranteed delivery Express Mail label from the United States Postal Service (hereafter USPS). The package was delivered late but a postal employee falsified the delivery record to indicate that package was delivered on time... Mr. Carr was unable to get the guaranteed refund of $26.35.

It is false or at least misleading in the FCR (ECF 91) to claim that we are seeking damages for a delayed delivery. It is clear in the case law that damages for delayed delivery of normal U.S. Mail is precluded by sovereign immunity so this wording is particularly important. It is more accurate to say we are seeking the contractual refund guaranteed for failure to meet the specified service level (delivery time) which is clearly authorized by Congress.

Not Seeking Cash Payment But Instead Credit for Future Services

The courts summary is also false in saying that we are seeking damages which implies cash payment under tort law. However, to avoid challenges of sovereign immunity, we are in each case (USPS, DoS, and USCIS) actually seeking a credit for future services. This substantial difference will be discussed below as it preserves both our damages and relief for all four primary causes of action and claims.

The Court Falsely Challenges Our Veracity With 'Alleges'

The 'allegedly' is a subtle and undeserved insult to our veracity (and also misleading). ECF 29 is a verified complaint which means that every statement is affirmed to be true to the best of our knowledge under penalty of perjury. There are several affirmed statements and exhibits which demonstrate conclusively that the package was delivered late and a refund was authorized for the late delivery but payment has not been made according to our records.

USPS Routinely Falsifies Delivery Times / Records

The complaint also refers to a USPS OIG 2017 Audit Report (ECF 18-7) which describes how 1.9 million packages were falsely scanned as delivered even though the package was still at the Post Office. This is, of course, contrary to service standards for delivery and, as such, each falsified delivery time is a crime under 18 USC § 1001.

USPS Tracking Records Clearly Indicate Falsified Delivery Time

In addition, there is the tracking record for the package (ECF 18-7) which conclusively demonstrates that the specific package was scanned as delivered while still at the post office; it takes more than seven minutes for a package which is scanned as out for delivery to be transported and delivered to our address.

Supreme Court Verifies Congress Authorized Refunds in Special Cases

It is also clear that sovereign immunity does not apply to 'guaranteed delivery' packages as explained in Dolan v. Postal Service, 546 U.S. 481 (2006) which says that USPS was authorized to provide special services with associated refunds in 39 USC § 381 (1946 ed.) as now embodied in 39 CFR § 111.1 (2005) (incorporating by reference the current Domestic Mail Manual).

Sovereign immunity only covers actions (especially disbursements) which are not authorized by Congress, but clearly Dolan found that these specific disbursements were authorized by Congress. Of course there is no such coverage for damages caused by late delivery of 1st class or even priority mail.

This is just a summary of the validity of the USPS cause of action. However, the full detail of the USPS cause of action is in the proposed Second Amended Complaint, now ECF 84-1 which demonstrate that the court's summarization of the

USPS claim was completely false and misleading.

DoS, USCIS, 3 OIGs, CIGIE, and DoJ Claims Mangled Beyond Recognition

Seven Causes of Action Falsely Summarized in Four Lines

In the FCR (ECF 91) in 'Background', the court made the obviously false claim:

> 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.

This grossly inaccurate summary of 8 counts and 10 causes of action is completely false in every clause and premise. Only a couple of the obvious errors will be described in this section and the following section will have an analysis of a two causes of action for USCIS which makes it apparent how totally false the court's 'background' statement is.

USPS OIG and DoJ Relief Completely Misstated

USPS OIG Refused to Report Federal Crimes Or Insist on Corrections

As discussed above, USPS had a serious problem with falsified delivery records with the 2017 OIG Audit (ECF 18-7) with over 1.9 million packages being falsely scanned as delivered while the package was still at the Post Office.

However, when we reported our problem with falsified delivery records as well as incorrect records of our refund (claiming 'dispute paid' but we had no records of any payment), USPS OIG consistently refused to report the federal crimes to DoJ as mandated by 5 USC § 404 commonly known as the IG Act of 1978.

There were indications that there was an illegal order by the USPS Board of

Governors (BoG) to the USPS IG to not refer any problems with delivery or tracking to DoJ, but the relief sought was that USPS OIG must report all federal crimes to DoJ and the DoJ must work with USPS OIG and USPS to correct all deficiencies, i.e. enforce the law and deter future violations while seeking to make redress as possible to damaged parties.

Since 2017 USPS Management Has Not Funded Corrections

Possible Conflict of Interest And Additional Federal Crimes

In this case, the corrections are quite straight forward as the 2017 USPS OIG Audit itself included a series of recommendations for how USPS could reduce falsified delivery times. These recommendations included altering the scanners to not allow scanning of packages as delivered while still at the Post Office. Unfortunately, to date USPS management had not chosen to fund the corrections so the problems continued until 2021 when my package was incorrectly scanned.

It happens that USPS Management benefits from falsified delivery records through increased bonuses so it is not surprising that they would not find the resources to correct the problem. However, the role of DoJ becomes essential in resolving the problem. The DoJ was asked to work with USPS OIG and USPS to resolve the problem; it was suggested that the threat of prosecution could be necessary and sufficient to encourage USPS management to take the hit to their bottom line (and annual bonuses) and spend the money to fix the problem.

No Prosecution Recommended For USPS

I also noted that it would be absurd to consider holding criminal trials for an estimated 40,000 postal workers and the resulting incarceration (no aspect of that process is remotely feasible), but that with deals of immunity for testimony as well

as other plea deals, it should be possible to quickly fix the overall problem with the result of a small number of senior executive being dismissed and some portion of USPS management being required to return some improper bonuses. Of course these are only recommendations as clearly the decision to prosecute resides solely with DoJ. The court could recommend that DoJ use the threat of prosecution to encourage prompt resolution.

Four DoS Causes of Action are For Non Immigration Visas

DoS Ignored INA 214(b) Visa Requirements, Falsified Records

The basic causes of action against DoS was the failure of DoS to obey the INA statutes for non immigrant (tourist) visa applications. Note that non immigration visa applications do not provide the 'immigration benefits' as described by the court. Indeed Buakhao had not sought any immigration benefits in ECF 29.

INA 214(b)[9] mandates a review of the evidence presented by the applicant in a visa interview to determine if the applicant was likely to overstay. The problem is that the interviewers never permitted my wife or her sister to present any of the prepared evidence. There was only a short conversation as led by the interviewer with the result announced without the applicant having any opportunity to present any evidence.

The rationale for denials was stated verbally (and so recorded in the video recording the interview, hence a government record subject to 18 USC § 1001).

9 INA 214(b) is 8 USC § 1184- Admission of nonimmigrants which states:
(b) Presumption of status; written waiver
Every alien ... shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a non immigrant status under section 1101(a)(15) of this title.

The verbal rationale was always complete nonsense such as 'your travel plans are not firm enough' even though Buakhao had round trip flight tickets and an invitation with specific dates which the interviewer did not permit her to show.

There was also a written denial which simply stated that the applicant did not present evidence to qualify under INA 214(b).

Of course this interview violated due process as the applicant was not permitted to present any evidence. It also violated INA 214(b) as the interviewer did not review any evidence but simply decided based on their 'gut' feeling. Further, as the video record contradicted the written record then one or both violated 18 USC § 1001.

DoS OIG Audit Documents DoS Violations of INA 214(b)

The serious deficiencies with DoS non immigrant visa processing are described in Department of State v. Munoz (S. Ct. 2024) which explained that DoS OIG:

> has documented numerous deficiencies in consular processing across several continents. See, e.g., ISP-I-19-14, Inspection of Embassy Bogota, Colombia, p. 16 (Apr. 2019) (finding consular managers in Bogota required visa adjudicators to maintain an average of 30 in-person interviews per hour)...

It is absurd to imagine that with an average of 2 minutes per application the interviewer can base their decision based on anything other than appearance (clothes and other indicators of financial status), quality of speech (and education level), and general demeanor. This denies a fair hearing to the poor and uneducated who are not given any opportunity to present their case. This superficial evaluation violates due process as well as INA 214(b).

Criminal Investigations Not Sought, Instead Enforce the Law

Immigration and Non Immigration Visas Completely Different

The court's summarization is false in that Buakhao never applied for immigration benefits. She applied for tourist visas and finally received her visa allowing her to get Social Security Benefits which she was able to receive once she was able to visit U.S..

The relief we sought for DoS OIG was that they report the falsified records to DoJ (crimes under 18 USC § 1001) as required by 5 USC § 404 (commonly referred to as the IG Act of 1978) and then work with DoJ and DoS to insure that DoS corrected its visa procedures to obey the constitution (due process), INA 214(b) and 18 USC § 1001. DoJ was only asked to enforce the law, preventing future violations and DoS OIG was asked to assist in the reforms after reporting federal crimes.

In this light, the court's claim that we asked that the court mandate that DoJ:

> initiate criminal investigations into the circumstances surrounding Mrs. Carr's and her sister's various attempts to obtain immigration benefits.

is complete nonsense. We simply asked that DoS correct its non immigrant visa processes to comport with the constitution and lawful statutes with the assistance and guidance of DoJ and DoS OIG.

Lawful Visa Processing Benefits All Individuals

Indeed, had the DoJ and DoS OIG promptly addressed the problems with DoS as found in Bogota, Columbia in April of 2019, Buakhao's visa application could have been correctly granted in October of 2019 negating this entire of cause of

action. However, all three of us are still concerned about DoS visa processing as Buakhao will need to have her visa renewed and we would like to invite other friends to visit us but we hesitate to subject our guests to the capricious visa processing by DoS.

The Court Misstates / Conceals USCIS Failures

In the FCR (ECF 91) 'Background', the court is continuing USATXN's effort to conceal my wife's plight as an apparent illegal with:

> 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.

USCIS Violated Statutes and Left Mrs. Carr Stranded in Thailand

The court does not address an entire cause of action which is part of Count 7. The proposed 2nd Amended Complaint (now ECF 84-1) para 166-175 explains how Mrs. Carr was left stranded in Thailand and had to get a tourist visa from DoS in order to return home. The broad standard challenges of standing, sovereign immunity, and executive discretion made by USATXN are addressed in the Verified Brief (ECF 67-3).

USCIS Did Not Provide 10 Year Green Card Required By Statute

In 2020, USCIS unlawfully refused to adjudicate my wife's I-751 application for 10 a ten year 'green card' within 90 days as required in 8 CFR 216.4(b)(1)[10] (see ECF 84-1, para 168). Further, in 2022 USCIS allowed the unlawful 2 year extension of her 2 year 'green card' to expire and left my wife stranded in Thailand even though 8 CFR 216.4 requires USCIS to automatically extend her current

10 8 CFR 216.4(b)(1) states:
... The [USCIS] director must either waive the requirement for an interview and adjudicate the petition or arrange for an interview within 90 days of the date on which the petition was properly filed.

'green card' until the I-751 has been adjudicated.[11] See ECF 84-1 para 170-175.

Mrs. Carr Left Stranded in Thailand

As a result, we had to apply for a second time for a non immigration visa from DoS on an emergency basis. Half of the cost of this application is attributed to USCIS. However, instead of seeking any payment, we are seeking a credit for $80 for future services with USCIS. This is a paltry sum considering the distress of being stranded in Thailand and having to make emergency visa interviews and travel arrangements. The credit for future services is discussed below in more depth.

Relief Sought is USCIS and DoS to Obey Lawful Statutes

However, the primary relief is corrections in USCIS and DoS procedures requiring them to actually follow the statutes and provide Due Process in all their dealings with applicants. Good governance is of immeasurable value in and of itself.

Mrs. Carr was left an Apparent Undocumented Alien (a.k.a. an 'illegal')

Mrs. Carr Unlawfully Denied the Privileges of Citizenship

Even though USCIS informed my wife on 31 Jan **2023** (almost three years ago) that her I-751 application (for a ten year green card) and N-400 application (for citizenship) were both approved (ECF 10-5) and she only needed to take the Oath of Allegiance to become a citizen, the reality is that for over two years she was not been permitted to take the Oath of Allegiance to become a citizen and was an apparent 'undocumented alien' (a.k.a. an 'illegal').

ECF 10-5 is a USCIS Notice of a final decision and order which stated:

11 8 CFR 216.4 states
... Upon receipt of a properly filed Form I-751, the alien's conditional permanent resident status shall be extended automatically, if necessary, until such time as the director [of USCIS] has adjudicated the petition.,

> We have approved your I-751, Petition to Remove Conditions on Residence. Our records also indicate we have approved your Form N-400 Application for Naturalization. Because we also approved your N-400, you will not receive a new Permanent Resident Card (also known as a Green Card). Instead, once you have taken the Oath of Allegiance, you will receive a Certificate of Naturalization, which will be proof of your U.S. citizenship.

However, USCIS refused to schedule an appointment for my wife to take the Oath of Allegiance for over two years and all her other USCIS documents of her lawful permanent resident status expired (ECF 24-1, 18-6, 20-2), and, contrary to law[12], with no ten year 'green card' she had realistic fears of being deported at any time by ICE (she doesn't trust U.S. immigration), vigilantes (under Texas SB4), or National Guardsmen (on day one to deport millions of illegals who are poisoning the blood of our nation), perhaps to a harsh maximum security prison in El Salvador.

In addition, for over two years my wife was deprived of the rights of citizenship which were authorized in the USCIS decision of 31 Jan 2023 (ECF 10-5) which includes the right to vote but also to assist her two sons in seeking better employment and her sister in providing more secure travel to maintain her Social Security benefits.

Court Assists USATXN in Concealing Mrs. Carr's Plight

At no time has USATXN ever recognized the USCIS formal notice that my wife's citizenship was approved on 31 Jan **2023** (ECF 10-5) even though it is a USCIS document which I provided to AUSA Padis via email on 3 Mar 2023 (see email thread in ECF 28-1) informing him of my wife's dire circumstances and asking his

12 INA 264 is 8 USC § 1304 which in (d) states:
(d) Certificate of alien registration or alien receipt card
Every alien in the United States who has been registered and fingerprinted under the provisions of the Alien Registration Act, 1940, or under the provisions of this chapter shall be issued a certificate of alien registration or an alien registration receipt card...

assistance in resolving this critical need.

Defendants' FRCP Rule 56(d) Affidavit Woefully Inadequate

ECF 18 was a combined response and a Motion for Partial Summary Judgment (MfPSJ) on 29 Mar 2024 where I asked the court to end my wife's plight of being an apparent illegal alien. AUSA Padis responded with a FRCP Rule 56(d) Motion[13] (ECF 22) and 56(d) Affidavit (ECF 23) on 17 Apr 2024 which was woefully inadequate and did not meet any of the requirements specified by FRCP Rule 56(d) which states:

> (d) When Facts Are Unavailable to the Nonmovant. If a nonmovant shows by affidavit or declaration that, for specified reasons, it cannot present facts essential to justify its opposition, the court may:
> (1) defer considering the motion or deny it;

However, the relevant portion of the required affidavit (ECF 23) only stated:

> 3. Plaintiffs filed a motion for partial summary judgment before Defendants received a ruling on Defendants' motion to dismiss and before Defendants' deadline to file an answer.
> 4. If Defendants' motion to dismiss is denied, Defendants intend to seek discovery to respond to the allegations in the complaint (or the contemplated amended complaint), including serving written discovery on each Plaintiff and taking the depositions of each Plaintiff. Defendants may need to rely upon an administrative record, which has not yet been assembled or filed in this case.
> 5. Completing the above-mentioned discovery is necessary to fully respond to the assertions that Plaintiffs rely upon in their motion.
> 6. Defendants cannot at this time present facts essential to justify its opposition to Plaintiffs' motion.

13 The text of FRCP Rule 56(d) does not support a separate motion to oppose a Motion for Summary Judgment (MSJ) as it needlessly increases the number of motions being considered and causes needless delays. Of course this court and the Fifth Circuit Court have a long history of FRCP Rule 56(d) motions. However, in the 3rd Circuit Court there is also a long history of FRCP Rule 56 Responses (in opposition to the MSJ). The needless confusion about this rule and the response to an MSJ will likely be raised on appeal and the correct meaning of FRCP Rule 56(d) could be decided by the Supreme Court.

Contrary to the law concerning such FRCP Rule 56(d) responses, nothing in the affidavit is specific to this particular matter. In the widely cited Areizaga v. ADW Corp., No. 3:14-cv-2899-B (N.D. Tex. Jun 28, 2016) this court found:

> The nonmovant, however, must "present specific facts explaining his inability to make a substantive response ... and specifically demonstrating how postponement of a ruling on the motion will enable him, by discovery or other means, to rebut the movant's showing of the absence of a genuine issue of fact" and defeat summary judgment. Washington, 901 F.2d at 1285 ... (construing former FED. R. CIV. P. 56(f)). The nonmovant "may not simply rely on vague assertions that additional discovery will produce needed, but unspecified, facts." Raby, 600 F.3d [552] at 561 (quoting SEC v. Spence & Green Chem. Co., 612 F.2d 896, 901 (5th Cir. 1980)). "Rather, a request to stay summary judgment under [Rule 56(d)] must 'set forth a plausible basis for believing that specified facts, susceptible of collection within a reasonable time frame, probably exist and indicate how the emergent facts, if adduced, will influence the outcome of the pending summary judgment motion.'" Id. (quoting C.B. Trucking, Inc. v. Waste Management Inc., 137 F.3d 41, 44 (1st Cir. 1998)). The party requesting the additional discovery or extension also must show that relevant discovery has been diligently pursued. See Wichita Falls Office Assocs. v. Banc One Corp., 978 F.2d 915, 919 (5th Cir. 1992). "If it appears that further discovery will not provide evidence creating a genuine issue of material fact, the district court may grant summary judgment." Raby, 600 F.3d at 561 (quoting Access Telecom, Inc. v. MCI Telecomm. Corp., 197 F.3d 694, 720 (5th Cir. 1999)).

The defendants' affidavit did not meet any of these requirements. At no time has USATXN ever referred to ECF 10-5 where USCIS notified my wife that her citizenship was approved on 31 Jan 2023. Indeed the evidence of my wife's plight is four documents from USCIS which I had included in the record which demonstrate that wife was promised citizenship but instead left an apparent illegal alien (see ECF 24-1, ECF 18-6, and ECF 20-2).

The Court Denied Relief Without Addressing Mrs. Carr's Plight

However, before I had time to Reply / Respond to AUSA Padis woefully inadequate FRCP Rule 56(d) Motion / Response the court ruled that our MfPSJ was denied 'as premature' (ECF 26) on 22 Apr 2025 (5 days after AUSA Padis FRCP Rule 56(d) Motion). Within a few hours of the courts premature refusal to provide any relief to my wife's plight, DoJ substituted lead counsel (ECF 27), replacing AUSA Padis with AUSA Owen, a likely response to my pending accusations of falsifying government records to delay proceedings against AUSA Padis. Such coordination creates the appearance of collusion between this court and the DoJ.

Court Delays Any Decision While Mrs. Carr is in Dire Circumstances

On 14 May 2024 I submitted a FRCP Rule 54(b) Motion to Reconsider (ECF 32) and another MfPSJ (ECF 33) on 15 May 2024. The Court simply ignored these requests for almost a year. No serious consideration was given to the my wife's plight or her concerns about being improperly deported without cause or recourse (perhaps to a maximum security prison in El Salvador). Instead the court waited almost a year until USCIS had granted my wife the promised citizenship and then improperly removed her as a plaintiff. Of course the court should not have known that USCIS was granting my wife citizenship in the next few days which creates the appearance of collusion (personal knowledge) and warrants recusal.

The court has assisted USATXN in leaving my wife as an apparent illegal alien in these difficult times when many legal residents are being deported without cause or notice. The Motions For Partial Summary (part of ECF 19 and ECF 22) were not given due consideration but simply denied as 'premature' even though the Response by USATXN was woefully inadequate failing to meet any of the

standards for 56(d) Responses. This apparent collusion with Defendants warrants recusal.

USCIS Approves Citizenship, Denies Citizenship After 8 Month Delay

Plausible Whistle Blower Retaliation

While my wife was stranded in Thailand, I complained to DHS OIG, the director of USCIS, Congress, and others as USCIS was not meeting its statutory requirements. No party assisted us so we had to make our own arrangements with a DoS non immigrant visa application ($160 fee, but cheaper than the alternatives). However, after we returned and before my wife's N-400 citizenship interview on 23 Jan 2023 USCIS announced a 48 month extension letter which could have prevented her from being stranded (ECF 48-2).

On 30 Jan 2023 my wife had her joint N-400 citizenship test as well as the I-751 10 year green card interview and we were told verbally that she failed both (the I-751 interview was not completed as she could not understand English). She would not get her ten year card, extension for her 2 year green card, or citizenship. We were crushed.

However, the next day USCIS sent her the notice in ECF 10-5 that actually she had passed both. She would not get her ten year card as she would soon take her oath of allegiance. We were elated.

USCIS Refuses to Grant Promised Citizenship, Delays then Denies

However, over the next six months USCIS ignored all our requests to schedule the promised oath of allegiance. It is possible there were problems with the interview on 30 Jan 2023 but USCIS did not want to correct them properly with DHS OIG,

the USCIS Director, and Congress inquiring about the status of the case. Instead USCIS issued the decision in ECF 10-5 and then refused to honor the decision.

USCIS Denies Citizenship Improperly

On 13 Oct 2023 (ECF 10-10) denied my wife's N-400 application for citizenship. There were many problems with this denial:

- the USCIS tribunal had no jurisdiction to revisit an issue which had been resolved on 31 Jan 2023 with the final decision declaring that my wife had passed both the I-751 (10 year green card) and N-400 (citizenship) interviews on 30 Jan 2023 (ECF 10-5).
- USCIS attempted to establish jurisdiction on 1 Sep 2023 with an erroneous notice that the interview of 30 Jan 2023 had been canceled (ECF 10-6), obviously a crime under 18 USC § 1001 as everyone knew that the interview had been completed. Falsifying records and committing federal crimes does not grant jurisdiction to a USCIS tribunal to reopen a closed and final decision.
- My wife's N-400 application for citizenship was denied on 13 Oct 2023 (ECF 10-10) because my wife 'did not appear as requested'. However, the denial for 'failure to appear' was improper as there was no evidence of notice and timely notice is required by due process (especially for 'failure to appear' decisions).
- USCIS scheduled the interview on 6 Sep 2023 (ECF 10-7) for 11 Oct 2023 with the normal 33 days notice if by mailing, but USCIS did not actually mail the notice until 12 Sep 2023 and it did not arrive until 15 Sep 2023 (ECF 16-1, an email from USPS with the mail for 15 Sep 2023 and the apparent postmark of 12 Sep 2023).
- USCIS had not mailed the notice soon enough to provide the required 33 days notice if by mailing and the notice did not arrive with the required 30 days notice. Notice was not timely and so the interview could not be denied for failure to appear.
- Further, USCIS had scheduled the interview for a date when USCIS had been informed that we would be out of the country. We made numerous efforts to reschedule the interview with the first on 19 Sep 2023. All these

requests were refused (ECF 10-8 and ECF 30-7).

- There was no mention of the attempts to reschedule or their denial in the decision on 13 Oct 2023 (ECF 10-10), a serious failure by the tribunal in this matter (concealing material facts, a crime under 18 USC § 1001).
- The tribunal was the 'Field Office Director', a high level executive position, and clearly not unbiased as several of her subordinates had been reported to the DHS OIG for falsifying records. Such crimes could hardly reflect well on her own performance evaluation.
- The decision denying the N-400 application contradicts the prior decision in the matter (ECF 10-5) as well as the notice that the interview of 30 Jan 2023 had been canceled (ECF 10-6). Clearly there are multiple crimes under 18 USC § 1001.

This is just a brief overview of the problems with the denial with a much more complete challenge in the Amended Complaint (ECF 29, para 187 to 201 and 210 to 222, pages 40 to 41).

DHS OIG Notified of Possible Retaliation for Complaints

I complained to DHS OIG of the intervening delay in scheduling of the oath ceremony as well as the falsified documents in ECF 10-10 and ECF 10-6. I also suggested that this could be retaliation for the complaints I had made when my wife was stranded in Thailand.

The Court Conceals Serious Violations

FCR (ECF 61) Mentions USCIS Violations, Attempts to Conceal

The first FCR (ECF 61) had a demonstrably false summation in a footnote on page 3 of the Findings:

> Rueangrong and Buakhao allege that United States Citizenship and Immigration Services (USCIS) violated their due process rights by initially denying their visa applications before approving them.

Of course, both my wife and her sister only had applications for non immigrant

visas with DoS. Even a cursory review of the section headers in ECF 29 shows that the visa applications were with DoS (Count 3 and 4). Had the court carefully reviewed the Amended Complaint (ECF 29) such an error would not be possible.

However, if the court had instead read only the highly misleading MTD's by USATXN, then such an error is understandable. USATXN seems to have intentionally confused the details with the apparent intent of misleading the court into concluding that 'there is no there there'.

Of course basing a decision on a review of only the government's papers indicates an unacceptable bias and suggests recusal.

For the first time the court made some reference to my wife's plight with a highly misleading summation in a footnote on page 3 of the Findings (ECF 61):

> Rueangrong also **alleges**[14] that USCIS violated her due process rights because USCIS gave her **conflicting information** regarding the status of her citizenship application before ultimately denying her application. Id. Count 7.

It is clear that this summary was designed to conceal the actual circumstances of issuing a final decision granting citizenship (ECF 10-5) and then denying the application (ECF 10-10) several months later relying on several falsified documents.

FCR (ECF 91) Summary Taken From USATXN, Edited to be False

As mentioned above, FCR (ECF 91) 'Background' contains:

14 Bold added by Plaintiffs. The court incorrectly uses 'alleges' here and again fails in its responsibility to be truthful and accurate as the Amended Complaint is a verified complaint and all statements are affirmed under penalty of perjury. The accurate word to replace 'alleges' is 'affirms'

> 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.[15]

This is mostly a direct quote from the MTD (ECF 15) by AUSA Padis which states:

> that various federal agencies including the U.S. Department of Justice **initiate criminal investigations into the circumstances** surrounding their various attempts to obtain immigration benefits, *including naturalization for Mrs. Carr and a non-immigrant visa for Mrs. Von Kramer.*[16]

The omission of the italicized section in AUSA Padis statement makes the court's demonstrably false as it omits the fact that my wife and her sister were seeking naturalization and non-immigrant visas which are not immigration benefits.

In contrast, AUSA Owen had expanded the qualifiers in the 2nd MTD (ECF 31) which is the MTD referenced by the prior FCR (ECF 61) so that it read:

> that various federal agencies including the U.S. Department of Justice **initiate investigations into allegedly criminal circumstances** surrounding their various attempts to obtain immigration benefits. *Plaintiffs' efforts to obtain immigration benefits include seeking lawful-permanent-resident status (commonly known as a "green card") and naturalization for Mrs. Carr and a non-immigrant visa for Mrs. Von Kramer. Plaintiffs also seek a court order mandating that various federal agencies make numerous changes to administrative processes related to visa applications and internal investigations.*[17]

A Motion for Sanctions was initiated against Mr. Padis for his false and misleading statements in his MTD (ECF 15) whereas the qualifications added by Ms. Owen

15 Bold added by Plaintiffs.
16 Bold and italics added by Plaintiffs.
17 Bold and italics added by Plaintiffs.

were adequately truthful to not warrant a motion for sanctions. The bolded section from Ms. Owen is substantially less misleading and the italicized section contains sufficient breadth to qualify as strong advocacy while not being false or misleading.

However, when the courts own explanation in the first FCR (ECF 61) were challenged as being demonstrably false, the court revised this portion of the current FCR (ECF 91) to borrow from the most misleading / false MTD, ECF 15, even though the MTD for ECF 61 was from Ms. Owen (ECF 31). Further the court eliminated all references to non immigrant visas (and DoS) and naturalization. As such the courts alterations are demonstrably false and warrant recusal.

There Are Several Ancillary Causes of Action Not Addressed By The Court

Every Primary Defendant Has Outstanding FOIA Requests

In the 2nd Amended Complaint there are several references to FOIA requests to include:

Paragraph	**Defendant**	**Relief**
52-54	USPS and USPS OIG	
133-141	DoS	12-14
233-241	USCIS	53
324-329	IRS	

The FCR (ECF 91) simply ignored all of the FOIA claims (which were properly stated, not protected by sovereign immunity or executive discretion or DoCNR) with defendants only raising those standard challenges against all claims.

While an MTD may simply ignore certain claims, the court can not properly grant a MTD without addressing every claim. The court improperly removed my wife

and her sister from the suit, but as I initiated the FOIA requests that is irrelevant.

There are countless cases where FOIA requests were ordered by the court and even specific statutes that grant the court this authority. The FOIA office of USPS even cited the authority of the court to provide the relief sought in ECF 75-4. The court should immediately order the requested FOIA relief.

Novel Challenges to DoCNR Not Considered By Court

Both my wife and her sister applied again for non immigrant visas in 2022 and were granted the visas, but again there was no review of the extensive evidence they had with them. Traditionally DoS has opposed court review of visa applications based on the Doctrine of Consular Non Reviewability (DoCNR), but in this case we are not asking the court to overturn the visa denial (they already have valid visas). Instead we are seeking credits for future services and, in Buakhao's case, declaratory relief that she was illegally prevented from visiting the U.S. in 2019, 2020, 2021 for consideration by the Social Security Administration in its five year 'lawful presence' considerations. The credit for future services is significant and is discussed below in depth.

Supreme Court Considers Citizens' Rights As Challenge for DoCNR

In Kleindienst v. Mandel, 408 U.S. 753 (1972), DoCNR was opened for challenges based on the impact of citizens' rights and, of course, my status as a citizen relative are two branches of our numerous challenges to DoCNR. The court improperly removing my wife and her sister from the suit has no impact on my standing to challenge DoCNR as a citizen relative.

In our response (ECF 34) to defendants MTD (ECF 31) we clearly stated our intent

to challenge the DoCNR and that, given the DoJ position supporting the DoCNR, an appeal to the Fifth Circuit Court is likely and it is plausible that the Supreme Court could consider the matter.

Sovereign Immunity Does Not Apply to DoS Claims

It is also important as two of the proposed challenges to DoCNR relied on my status as a husband who wished to travel with his wife and a brother-in-law who wished to host my sister-in-law, a widow of a US Army pre-1968 veteran so she could initiate her social security surviving spouse benefits.

Sovereign Immunity obviously does not apply to these claims and so the improper removal of my wife and her sister from this matter does not eliminate these important challenges.

Credit for Future Services Different From Cash Payments

Sovereign Immunity Precludes Unauthorized Cash Payments

Credit for Future Services Substantially Different, Not Precluded

The court attempts to preclude our claims against USPS, DoS, and USCIS as if we are seeking refunds or disbursements while we are actually seeking a credit for future services (or credit for future taxes in the case of the IRS). This substantial difference will be discussed below as it preserves both our damages and relief for all four primary causes of action and claims.

This difference is important as the court can only order government agencies to perform acts which are authorized by Congress (the essence of sovereign immunity). Disbursements can only be authorized by Congress, but if an agency does not perform a service correctly under the fee for service model adopted by

USPS, DoS, and USCIS, the court can easily declare: that the service was not performed as required (e.g. did not meet guaranteed delivery time or did not provide a fair hearing as required by lawful statutes) and that the agency must perform the service correctly without an additional fee. This is discussed in the brief concerning Sovereign Immunity (ECF 67-3).

Removal of Plaintiffs Does Not Protect DoS Or USCIS

Every primary cause of action (USPS, DoS, USCIS, and IRS) survives the court's improper challenge of sovereign immunity as the relief sought is not getting our 'money back' (as improperly misstated by USATXN and the court) but rather credits for future services or future taxes (in the case of the IRS.

Actual Payments Made by Mr. Carr to DoS and USCIS

This is particularly significant for DoS and USCIS which the court attempted to dismiss through the improper removal of my wife and her sister. However, once their standing is removed the claims still continue as the fact is that in all cases but one, I was the person actually paid the fees to DoS and USCIS.[18] Similarly, the credits for future services were broadly applied to ourselves, family members, and friends so the court could direct the application of the credits to be at my discretion though I doubt the agencies would really care who directs the credits.

Novel Legal Theories Must Be Allowed Past Motion to Dismiss

It appears that the concept of 'credit for future services' has not been fully established in federal law, but novel legal theories must be permitted beyond the Motion to Dismiss stage so that the appellate courts can decide on the legal theory. The 'trial' court must make a determination of the facts such as whether an amount

18 The first visa application for Buakhao was arranged and paid for by her daughter, Yui. I arranged and paid for the next three. If the court feels this is significant, Yui can be added to the complaint at the court's discretion and her portion of the credit for future services could be directed at her discretion.

was paid for a particular service (guaranteed delivery mailing label in one case) and whether the service was provided (level of service standards met). Then the court can rule on the legal theory and the appellate court can decide whether the legal theory makes sense.

Appellate courts can not decide on legal theories without the context (that would be more like creating new law which is the domain of Congress) and the trial courts must provide that context through findings of facts. Hence, the trial court can not dismiss novel legal theories until the underlying facts have been established. In the above example, the court must make findings whether the service was paid for and whether the service was adequately provided. A suit dismissed with MTD does not provide those findings of facts and so was premature with the various novel legal theories being proposed.

The DoS Count Likely to Be Appealed

This is particularly relevant as the 'Doctrine of Consular Non Reviewability' (DoCNR) is central to USATXN's challenge to the DoS counts and DoCNR is likely to be appealed allowing other issues like 'credit for future services' to be heard as well.

Preserve Objection to FRCP Rule 56(d) Motions

For the sake preserving the right to appeal, I am repeating my objections to this court's acceptance of FRCP Rule 56(d) Motions instead of the rule's clear intent that there are FRCP Rule 56(d) Responses. The separate motion practice is common in the 5th Circuit Court while in the 3rd Circuit Court there are only responses with greater judicial efficiency and no explosion in the number of motions.

Objection to Local Rules LR 72.2 Addition of Reply

Similarly I am formally objecting to this court's 14 days for FRCP Rule 72 objections (too short, should be 30 days) while the 21 days for responses is reasonable as is the 14 days for replies. As noted previously, it is more important to alter the local rules to allow 30 days for a notice of objections to be filed and then an automatic extension of 6 months to perfect the objections. The 14 day period for objections is permissive in the sense that the court must allow that period, but each court can certainly allow a longer period. Further requests for extensions should be liberally granted but there is no documented process for asking for an extension. Explicitly supporting a notice of objections resolves those problems.

Objections to Denying of Motions for Sanctions (ECF 79 and ECF 83)

Sanctions Are An Essential Element of Our Adversarial Judicial System

Sanctions Are Under Utilized According to Supreme Court

The decision in the FCR (ECF 91) denying the two motions for sanctions (ECF 79 and ECF 83) was unfounded and largely repeated the Responses opposing sanctions (ECF 86 and ECF 87) submitted by AUSA Parker on 20 Oct 2025 and 29 Oct 2025. Further, the decision did not reflect the combined Reply supporting the two motions for sanctions (ECF 90) which was submitted on the same date and just hours before the FCR (ECF 91). It is clear that the court did not give proper consideration to the Reply (ECF 90) and so the text of the Reply is substantially repeated here.[19]

19 I apologize to the court and other parties for being repetitions and creating such a lengthy consolidated Objections document, but the page limitations of LR 7.2 and its restrictions on referring to other briefs require repetition of the text in every document rather than including by reference. I had sought the relief previously in ECF 67 on 7 Apr 2025 from the restrictions of LR 7.2 , but this motion for relief has not be decided.

Further, the absence of any Response by Mr. Padis suggests sanctions are appropriate, indeed essential, to deter future violations of FRCP Rule 11.

A review of the relevant FRCP Rule 11(c)(2) history and purpose makes it clear that these matters requires careful court consideration well beyond the court simply declining to consider sanctions.

Indeed it is the court's responsibility to be truthful and accurate in all its decisions, findings and orders. However, when the parties routinely make false and misleading statements the court is reduced to choosing the false arguments from the party which is the most eloquent liar, weaving the most complete web of falsehoods. While our adversarial system of justice depends on strong advocacy, the tendency to over zealous advocacy must be curbed so that the court can rely on substantial truthfulness in the arguments presented to it. The FRCP Rule 11(c)(2) Motions for Sanctions as well as the general ability of the court to sanction individuals are the primary tools to curb the destructive tendency to over zealous advocacy. The Supreme Court has long advocated increased utilization of sanctions as will be seen in the history of FRCP Rule 11(c)(2) motions. While sanctioning unacceptable behavior requires the time and attention of the court (both of which are in short supply), the return in more efficient and better quality results justifies the effort.

ECF 86 Submitted Late and Without 'Standing', Unfounded Opposition

ECF 86 was filed late according to LR 7.1 without any explanation or request for an exception. There was no response by the attorney named in the motion, Mr. Padis (no longer an AUSA). Further it was filed by AUSA Parker on behalf of all the Defendants without any explanation of how the underlying motion impacts the

Defendants sufficiently to justify consideration of their response.

This indicates an apparent lack of understanding of the actual law for FRCP Rule 11(c)(2) Motions for Sanctions which governs sanctions against individuals (attorneys or unrepresented parties) and not the parties being represented by an attorney.

While AUSA Parker claims that all the issues for sanctions were previously litigated and decided by the court, this is false. A review of the actual decision (ECF 59) shows an extensive discussion of jurisdiction with the conclusion that the prior motion was brought solely under FRCP Rule 11(c)(3). FRCP Rule 11(c)(3) is the discretion of the court and the court concluded by simply declining to consider sanctions.

Though theoretically plausible, it was a clear abuse of discretion for the court to simply ignore the very serious violations such as the federal crime of falsifying government documents (18 USC § 1001) and violating local court rules and Texas Bar Association standards for ethical behavior.

While abuse of discretion can be raised on appeal, this motion under FRCP Rule 11(c)(2) was filed to fully brief the court on the justification for sanctions (giving Mr. Padis a formal opportunity to present his defense) and encourage the court to resolve some of the factual issues such as violations of federal criminal statutes, Texas Bar Association standards and local rules.

The decision by Mr. Padis to not submit a response to this FRCP Rule 11(c)(2)

Motion for Sanctions indicates an acceptance that his behavior was indefensible and a hope that court will simply ignore his flagrant violation of the courts jurisdiction over individuals who file briefs which violate FRCP Rule 11.

The sanctionable conduct by Mr. Padis is based primarily on:

- the first MTD (ECF 15) which had numerous false and misleading statements for the purpose of delay,
- an email exchange in which Mr. Padis lied in a government email which is a criminal violation of 18 USC § 1001 (falsification of government records), and
- apparent collusion with the court deny a due process hearing on serious matters

While previous briefs cover the key issues, two of the more significant issues will be discussed in detail to demonstrate just how extreme the sanctionable actions were.

ECF 87 Response Had False and Misleading Statements is Sanctionable

AUSA Parker falsely misstates my challenge to her 'inadvertently failed to respond' (from ECF 74) to instead be a challenge to 'failure to respond' (ECF 87) omitting the 'inadvertently'. This is significant since the entire challenge was to her false claim of inadvertence as the failure to respond was clearly a decision, not inadvertent.

Further, her description of the email exchange about the preliminary service of the motion of sanctions for Mr. Padis which was finally submitted as ECF 86 has two primary falsifications. She misstates who the mail was addressed to and alters the sequence of events. Both of these falsifications make it appear that there is no

basis for the sanctions requested in ECF 87, but actually the falsifications could be sanctionable.

Mr. Padis himself failed to respond to ECF 87 even though he received preliminary service of the motion as required under FRCP Rule 11(c)(2) and was centrally involved in any collusion to hinder service through criminal interference with delivery via U.S. Mail.

The Courts Must Prevent False and Improper Filing of Papers

Congress Granted Courts' Ability to Manage Documents Filed in Court

The Supreme Court restricted 18 USC § 1001 to the executive branch in Hubbard v. United States, 514 U.S. 695 (1995) with:

> A straightforward interpretation of section 1001's text... leads inexorably to the conclusion that... the statute's reach simply does not extend to courts.

Congress then corrected 18 USC § 1001 in the False Statements Accountability Act of 1996 to explicitly include the judiciary in 18 USC § 1001 by extending the statute with:

> in any matter within the jurisdiction of the executive, legislative, or judicial branch

but to avoid hampering the courts' ability to grant some leniency to attorneys and pro se parties for strong advocacy in their papers submitted to the court, Congress included:

> (b) Subsection (a) does not apply to a party to a judicial proceeding, or that party's counsel, for statements, representations, writings or documents submitted by such party or counsel to a judge or magistrate in that proceeding.

The first addition clearly required that all court orders, decisions, findings, and

recommendations (such as the FCR in ECF 67) to be truthful and not misleading in accordance with 18 USC § 1001.

However, the addition of section (b) above also allowed the court to manage the conflict between attorneys and pro se parties desire to strongly advocate their position (an essential aspect of our adversarial litigation process) and the courts requirement that the attorneys and pro se parties do not lie to the court or even intentionally mislead the court (which reduces judicial efficiency and creates problems for all parties).

It was now squarely on the courts to sanction inappropriate behavior in order to prevent future violations. This is an area where the courts, according to the Supreme Court, were distinctly lacking.

Supreme Court Introduces FRCP Rule 11(c)(2) Sanctions For Deterrence

Before the Supreme Court and later Congress held the individual courts solely responsible for managing the filings submitted to the court, the Supreme Court had adjusted Motions for Sanctions in 1983 and 1993 and introduced FRCP Rule 11(c)(2) as a codified method for parties to insure the court was properly briefed on sanctions and not dependent on the court's discretion to issue an Order to Show Cause to determine if there was sanctionable behavior which warranted sanctions. The Supreme Court had found that lower courts were woefully remiss in using sanctions to reign in the excessive false and misleading statements by over zealous advocacy.

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

> Experience shows that in practice **Rule 11 has not been effective in deterring abuses**... There has been considerable confusion as to
> (1) the circumstances that should trigger striking a pleading or motion or taking disciplinary action,
> (2) the standard of conduct expected of attorneys who sign pleadings and motions, and
> (3) the range of available and appropriate sanctions...
>
> 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 text of the amended rule seeks to **dispel apprehensions that efforts to obtain enforcement will be fruitless by insuring that the rule will be applied when properly invoked**. The word "sanctions" in the caption, for example, stresses a deterrent orientation in dealing with improper pleadings, motions or other papers.[20]

In 1990 the Supreme Court set the standard for sanctions in Cooter & Gell v. Hartmarx Corp ., 496 U.S. 384 (1990) as:

> if a pleading is signed in violation of the Rule, the court "shall" impose upon the attorney or his client "an appropriate sanction..."

The FRCP Rule 11 Notes of the Supreme Court Advisory Committee on Rules - 1993 Amendment which specified the current form of FRCP Rule 11(c)(2) motions states:

> The court has available a **variety of possible sanctions** to impose for violations, such as ... requiring participation in seminars or other educational programs; ... **referring the matter to disciplinary authorities** (or, in the case of government attorneys, to the Attorney General, Inspector General, or agency head), etc...
>
> The court has significant discretion in determining what sanctions, if any,

20 Bold added by Plaintiffs.

> should be imposed for a violation, subject to the principle that **the sanctions should not be more severe than reasonably necessary to deter repetition of the conduct** by the offending person or comparable conduct by similarly situated persons...
>
> Since the purpose of Rule 11 sanctions is to deter rather than to compensate, the rule provides that ... If, for example, a wholly unsupportable count were included in a multi-count complaint or counterclaim ... any award of expenses should be limited to those directly caused by inclusion of the improper count, and not those resulting from the filing of the complaint or answer itself...
>
> the standard for appellate review of these decisions will be for abuse of discretion. See Cooter & Gell v. Hartmarx Corp ., 496 U.S. 384 (1990) (noting, however, that an abuse would be established if the court based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence).[21]

Further it is clear that the court's decision must be appropriate to deter future violations as FRCP Rule 11(c)(4) states:

> (4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated.

Courts Must Balance Strong Advocacy With Requirement for Truth

It is clear that it is the court's responsibility to manage parties strong advocacy of their position (which is required in our adversarial system of justice) versus the court's job of discerning the truth, both findings of fact and legal decisions. The Supreme Court has made it clear that FRCP Rule 11(c)(2) motions for sanctions require the court to reign in the excesses of over zealous advocacy which crosses the boundary of strong advocacy into false and misleading statements as described

21 Bold added by Plaintiffs.

here.

ECF 79 Is Valid Motion for Sanctions

ECF 86 Response Submitted Late and Without 'Standing'

ECF 86 was filed late according to LR 7.1 without any explanation or request for an exception. There was no response by the attorney named in the motion, Mr. Padis (no longer an AUSA). Further it was filed by AUSA Parker on behalf of all the Defendants without any explanation of how the underlying motion impacts the Defendants sufficiently to justify consideration of their response.

This indicates an apparent lack of understanding of the actual law for FRCP Rule 11(c)(2) Motions for Sanctions which governs sanctions against individuals (attorneys or unrepresented parties) and, except in rare circumstances, not the parties being represented by an attorney.

Several questions are raised by this strange situation. Why did AUSA Parker waste the government's scarce resources opposing a motion for sanctions that was not directed against the government but instead a person who is now a private individual, Mr. Padis? Could this relate to the unexplained reason for the prior counsel, AUSA Owen, to refuse to file any Responses 'unless otherwise requested/ordered by the Court' and her untimely termination of government service? Was there an illegal order which would require her to violate FRCP Rule 11 and was she terminated for her failure to subject herself to sanctions and violate the ethical standards for attorneys?

These questions do not need to be answered before any sanctions are implemented as the court (according to the Supreme Court Advisory Committee in 1993) has

the option of:

> referring the matter to disciplinary authorities (or, in the case of government attorneys, to the Attorney General, Inspector General, or agency head)...or...
>
> defer its ruling... until final resolution of the case in order to avoid immediate conflicts of interest and to reduce the disruption created if a disclosure of attorney-client communications is needed to determine whether a violation occurred

Indeed the court could order community service for direct violations and refer the matter for consideration of the more complex issues.

Court Did Not Carefully Consider Sanctions Against Mr. Padis

Previous Sanctions Motion Brought Under FRCP Rule 11(c)(3)

In the Argument section of AUSA Parker's Response (ECF 86) opposing the 1st Motion to Dismiss (ECF 79) she states:

> The United States Magistrate Judge then **carefully considered those arguments** [in ECF 30 concerning sanctions against Mr. Padis], 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**.[22]

This statement has a misleading claim that the court 'carefully considered those arguments' as well as a false statement the we 'cannot demonstrate any error.' Both of these claims could warrant sanctions against AUSA Parker.

Courts' Summary Finding is Abuse of Discretion

Apparently the court did not carefully consider any of the arguments in the previous Motion for Sanctions (ECF 30). A review of ECF 59 shows that after some analysis of statutes and jurisdiction for federal crimes and other matters but

22 Bold added by Plaintiffs.

no discussion of Mr. Padis' conduct, the court stated:

> **The Court does not find Defendants' conduct sanctionable** and **declines to issue sanctions** under its inherent authority. Similarly, the Court declines to issue sanctions under Texas Disciplinary Rule of Professional Conduct 4.01 for false statements or Local Rule 83.3(b)(3) for unethical behavior.[23]

There is no reference to any of the conduct described in ECF 30 making it unclear if the court even read any portion ECF 30 which complained of the MTD (ECF 15) as totally without merit, federal crimes of falsifying government documents (18 USC § 1001), and Texas Disciplinary Rule of Professional Conduct 4.01 (false statements) and Local Rule 83.3(b)(3) for unethical behavior violations.

It is an abuse of discretion to simply declare none of these violations as sanctionable conduct. In fact, every one of these violations are sanctionable and there is only the court declining to issue sanctions for conduct which includes serious violations.

The Supreme Court created FRCP Rule 11(c)(2) to dispel 'apprehensions that efforts to obtain enforcement will be fruitless by insuring that the rule will be applied when properly invoked.' This court displayed the same lack of enforcement decried by the Supreme Court and we are relying on FRCP Rule 11(c)(2) sanctions for the relief of insuring that sanctions will be applied as necessary to deter future violation as specified by the Supreme Court in FRCP Rule 11 guidance.

23 Bold added by Plaintiffs.

Every Claim of Sanctionable Conduct is Clearly Established

One False Claim of Frivolous Allegations is Particularly Egregious

Padis Argument of Frivolous Allegations is Completely False

Every claim of sanctionable conduct is thoroughly justified in the current 1st Motion for Sanction (ECF 79) which AUSA Parker attempts to refute with her unjustified claim that we 'cannot demonstrate any error'. However, rather than repeating all the arguments in ECF 79, I will focus on Padis 5th argument in the MTD (ECF 15, Argument E), Frivolous Allegations.

The first half of the argument is just quotes from Starrett v. Lockheed Martin Corp. et al., 735 F. Appx 169, 170 (5th Cir. 2018), a 'not precedent' decision which warrants sanctions on its own. There is no legal basis for quoting non precedent cases. Such cases are not binding on the court or any other court in the 5th Circuit. On appeal, any court which relied on such a non precedent decision would surely be reversed. It is misleading to use any quote from a non precedent case without clearly explaining that the case is not precedent. Pretending that the quote is relevant when, in fact, it is irrelevant, misleads the court, a sanctionable violation.

The second half of this argument was simply mixing up unimportant allegations (which were included to provide context) with unrelated reliefs. Of course you can make any serious and well stated claim sound 'frivolous' by randomly choosing words and phrases and mixing them until they are suitable nonsense. However, Starrett only concerns allegations which are on their face frivolous and not the relationship of the allegations and relief. This half of the argument is, therefore, irrelevant. It is also misleading and sanctionable.

The remainder of this entire argument was simply eight words describing allegations which 'infer conspiracy and false documents from administrative delays'. While such allegations might be unfounded and rejected by the court they certainly would not rise to the level of Starrett to be called frivolous.

Starrett Standard of Frivolous Not Met

In Starrett the criteria for frivolous allegations is 'fanciful, fantastic, or delusional' with specific examples as in:

> Starrett's 149-page complaint alleged that defendants conspired to use him for mind experiments, targeted him with "Remote Neural Monitoring," harassed him using "Voice to Skull" technology, and otherwise remotely monitored and controlled his thoughts, movements, sleep, and bodily functions.

It is clear that such fanciful and delusional allegations do not need to considered in depth by the court (even without citing a not precedent decision).

However, allegations which 'infer conspiracy and false documents from administrative delays' do not rise to the level of 'fanciful, fantastic, or delusional'. Were the delays simple administrative delays or were they the result of falsified documents? Were the delays the result of some improper collusion? Such questions of fact need to be considered by the court before it can dismiss a matter as they are not clearly fanciful or delusional.

There Are No Allegations in the Complaint As Described By Padis

The more serious problem is that there are no allegations in the complaint which 'infer conspiracy and false documents from administrative delays' as shown in our motion (ECF 79).

The Exhibit attached by AUSA Parker (ECF 86-1, a copy of ECF 39 submitted by AUSA Owen) **admits that there were no inference of false documents from administrative delays** but then claims there were inferences of conspiracy from administrative delays. However, analysis of this claim demonstrates that it is false as well. There was a claim of 'whistleblower retaliation' which is notably different from conspiracy which requires secrecy among multiple conspirators while 'whistleblower retaliation' only requires improper retaliation by a person with power over others. Further, the claimed administrative delays for N-400 interviews is simply false. There are no such allegations in the complaint.

The result is that nothing in the 'Frivolous Allegations' argument applies to anything in the complaint. Mr. Padis requested the dismissal of the entire complaint based on purported allegations which simply do not exist.

Sanctions Justified By 'Frivolous Allegations' Argument

The Supreme Court has made it clear that even if only one count or argument is sanctionable then sanctions are appropriate to deter future violations. Further, while the Supreme Court does allow that simple mistakes are forgivable, it does require such mistakes be corrected as soon as possible. In contrast AUSA Parker has continued the false claim supporting 'Frivolous Allegations' Argument (ECF 86-1) even when it has been thoroughly debunked in our motion for sanctions (ECF 79).

USATXN used these false and misleading arguments to delay and conceal serious transgressions by USCIS. My wife was an apparent 'illegal' terrified of being deported at any time without cause or notice even though her 10 year green card

and citizenship had both been approved (ECF 10-5) while USATXN pretended nothing was amiss.

The Court and Mr. Padis Callously Ignore Plight of Mrs. Carr

10 Year Green Card and Citizenship Approved, Nothing Provided

Decision of USCIS Approves Both Green Card and Citizenship

The most egregious omission by AUSA Padis and the court are their ignoring the USCIS final decision and order of 30 Jan 2023 in ECF 10-5 which stated:

> We have approved your I-751, Petition to Remove Conditions on Residence. Our records also indicate we have approved your Form N-400 Application for Naturalization. Because we also approved your N-400, you will not receive a new Permanent Resident Card (also known as a Green Card). Instead, once you have taken the Oath of Allegiance, you will receive a Certificate of Naturalization, which will be proof of your U.S. citizenship.

See the complaint, ECF 29 para 163.

Mrs. Carr Left as an Apparent Illegal

My wife's 10 year green card was approved along with her N-400 citizenship. However, USCIS did not provide my wife with a ten year green card and did not schedule the Oath of Allegiance or provide the Certificate of Naturalization, ECF 29 para 164-209

As a result, my wife had no documentation of her permanent resident status. All previous USCIS documentation had expired. See:

ECF 24-1 Mrs. Carr Permanent Resident Card, redacted, expired 13 Nov 2020
ECF 18-6 USCIS 24 month extension letter, expired 13 Nov 2022
ECF 20-2 USCIS A-551 passport stamp, expired 2 Jan 2024

My wife could not work or travel freely and, in light of Texas SB4 (which was in

effect for four hours and is still pending) she was terrified of being deported without notice or cause by ICE or National Guardsmen sent into blue counties to deport illegals or even vigilantes (Texas SB4).

Further, while her citizenship was approved over a year before the MTD (ECF 15), she was prevented from voting or helping her sons find better work (Thailand was still suffering from the Covid-19 closures and its economic impact) all of which is in violation of USCIS responsibilities under the INA.

AUSA Padis Knew Mrs. Carr Was in Dire Straits, Rights Violated

AUSA Padis can not claim ignorance of these facts as they were called out in the early email exchange in ECF 28-1 (Redacted Email Thread 1 Mar 24 to 18 Apr 24) where AUSA Padis lied (falsified a government record) trying to trick us into a delay as explained in ECF 30-4.

USCIS has clearly failed to perform its required duties under the INA and there was a compelling case for relief, but AUSA Padis callously made false (failure to state a claim) and misleading statements (omitting critical details like the N-400 approval cited above in ECF 10-5).

It is clear that AUSA Padis was simply creating meritless delays without regard to the impact on the court or other parties.

FRCP Rule 11(c)(2) Sanctions Target Individual, Mr. Padis Did Not Respond

The decision by Mr. Padis to not submit a response to this FRCP Rule 11(c)(2) Motion for Sanctions indicates an acceptance that his behavior was indefensible and a hope that court will simply ignore his flagrant violation of the court's

obligation to sanction attorneys who file briefs which violate FRCP Rule 11.

ECF 83 Is Valid Motion for Sanctions

ECF 87 Response Has False and Misleading Statements, is Sanctionable

As will be described below, the Response (ECF 87) Opposing the Motion for Sanctions (ECF 83) is without merit. Further the Response itself has false and misleading statements and is itself sanctionable.

Parker Claimed 'Inadvertence' When Clearly She Decided Not to Respond

AUSA Parker Did Not Respond to Notice of Current Conference Results

On 6 May 2025 in an email AUSA Owen stated with respect to the pending motions which were ECF 67, ECF 73, and ECF 76 (see ECF 75-1):

> I am not filing any response unless otherwise requested/ordered by the Court

On 13 Jun 2025 AUSA Parker took over from AUSA Owen (ECF 72) and on the same day I sent an email informing that prior counsel had stated USATXN would not be filing any response to the pending motions which were ECF 67, ECF 73, and ECF 76 (see ECF 75-1) with:

> I hope you have had a good week.
>
> I noticed that you have been added to this matter and may be taking responsibility for the DoJ response in this matter. As you may already be aware there are three FRCP Rule 60 motions pending (as described in ECF 67). On 6 May 2025, Ms. Owen stated 'I am not filing any response' in our discussion of these motions. Are you planning on filing any responses (opposing these motions)?
>
> Thanks for your attention to this matter.
>
> Wishing you all the best, Brian ...

I believe that on reading this email AUSA Parker could have answered the email with something like:

> Thanks for the heads up. At this time, USATXN intends to file responses opposing each of these motions. ...

I estimate that AUSA Parker could have sent such a response in less than two minutes which is approximately the time it would take to open and read the preceding email. Further, stating current intentions does not really obligate USATXN as AUSA Parker could revise these intentions at any time. Also, such a timely response would be good time management as it preserves future options without requiring task switching which often takes up more time than the task itself. As USATXN has too much work and not enough staff (as always), efficient time management is required to keep up with the workload.

Certificate of Conference (ECF 73) Correctly States UNOPPOSED

However, AUSA Parker has not ever responded to the email (to date) so that when I filed the next motion (ECF 73) on 21 Jun 2025, the Certificate of Conference stated:

> On 6 May 2025 via email AUSA Owen stated 'I am not filing any response'. However, on 13 Jun 2025 DoJ submitted Notice of Substitution of Counsel (ECF 72) designating AUSA Tami Parker as lead counsel.
>
> Also on 13 Jun 2025 I sent an email to AUSA Parker ... informing her that the current DoJ response was 'not filing any response' which is UNOPPOSED and asking AUSA Parker if DoJ would be 'filing any responses (opposing these motions)?'
>
> AUSA Parker has not sent any response to date.

AUSA Parker Falsely Claims Inadvertence

After ECF 73 was filed, AUSA Parker still did not respond to my email (which had

offered she could revise USATXN position at any time). Instead AUSA Parker filed a Response (ECF 74) on 14 July 2025 opposing the motion claiming:

> The undersigned AUSA entered an appearance in this case on June 13, 2025. (Doc. 72.) Mr. Carr emailed the undersigned that same day inquiring whether she would take the same position of "no response" as the former AUSA. The undersigned inadvertently failed to respond to that email. Plaintiffs filed the instant omnibus motion for reconsideration on ten days later, on June 23, 2025. (Id.) Mr. Carr did not seek to confer on this specific motion but indicated in the certificate of conference that the motion was "unopposed" based on the correspondence with the former AUSA and the nonresponse to the June 13th email. (Id. at 65.)

Of course AUSA Parker's claim of 'inadvertently failed to respond' is clearly false.

As explained in Iannaccone v. Law, 142 F.3d 553 (2d Cir. 1998) no part of the government can infringe on self representation and it is a fact that all humans make mistakes. As such inadvertence is uniformly an exception to virtually all rules, penalties and sanctions.

However, in this case AUSA Parker made countless decisions to not respond to the email at different times. Indeed, before typing / entering the false claim that she "inadvertently failed to respond to that email" she could have instead responded to the email at that time, possibly even apologizing for her delayed response. She could have even have given the court notice of that email and asked that the court not decide the motion without considering her response.

Instead she implies that I did not properly confer on the specific motion with:

> Mr. Carr did not seek to confer on this specific motion

while a review of the earlier email exchange in ECF 75-1 makes it clear that I did in fact confer with AUSA Owen concerning the specific motion as well as others. Substitution of counsel does not override all previous conferences and I had, in fact, offered AUSA Parker the opportunity to take a different position. Indeed, this is another false statement made by AUSA Parker and, as such, is sanctionable (decisions can be sanctionable while mistakes are generally not sanctionable).

AUSA Parker Falsely Misstates My Concerns About Inadvertence

In AUSA Parker's Response (ECF 87) opposing the motion for sanctions against her (ECF 83) she makes additional false statements apparently trying to conceal that she had decided not to respond to my email of 13 Jun 2025 (in ECF 75-1) by stating that I was complaining of her failure to respond. In fact I was complaining that her claim of 'inadvertently' not responding was false, she had decided not to respond as discussed above.

In ECF 87 AUSA Parker states:

> He further complained about Defense Counsel's failure to respond to his email regarding how oppositions to his motions would be handled. (...[ECF 75] at 16.) Plaintiff essentially asserts that it was unfair for Defendants to start filing written objections without specifically notifying him they would do so.

The actual text in ECF 75 at 16 states:

> AUSA Parker goes on to claim to have 'inadvertently' not responded to my email (ECF 74 Response) even though she has still not responded. 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.

This is significant since the primary challenge was to her false claim of

inadvertence as the 'failure to respond' was clearly a decision, not inadvertent.

Substitution of Counsel Does Not Invalidate Completed Conferences

In TXND Local Civil Rules LR 7.1(a) Motion Practice Conference there are requirements for the representatives of the parties to confer and try to resolve any differences without excessive litigation. AUSA Owen and I followed those procedures with the results listed in the 'Certificate of Conference' in ECF 73. While AUSA Parker was not required to respond to my email which explained the conference results for the motions which were being prepared, her substitution of counsel did not automatically invalidate any completed conferences and she did, in fact, have to respond to my email if she wished to confer further and reach new results.

Unresolved Meaning of 'unless otherwise requested/ordered by the Court'

It is also important to note that the full text concerning future opposing responses by AUSA Owen via email on 6 May 2025 was:

> I am not filing any response unless otherwise requested/ordered by the Court

The cryptic condition for future responses of 'unless otherwise requested/ordered by the Court' remains ambiguous as I can not imagine ordinary circumstances where a court would order USATXN to submit any response. Responses opposing any motion are generally optional and it would be inappropriate judicial bias for the court to request or order any party to file an opposing response (though the cryptic condition could suggest some level of collusion and back channel communications, possibly through the clerks in various offices).

I suggest that the court conduct a hearing to determine what the full meaning of that condition was as well as the circumstances of AUSA Owen's departure; was

she terminated for refusing to obey an illegal order. If so, it would be highly relevant for the court to institute sanctions for interference in the orderly resolution of disputes in our adversarial process. The court could refer the matter to disciplinary authorities such as the 'Attorney General, Inspector General, or agency head' as recommended by the Supreme Court.

AUSA Parker Falsely Summarizes Mr. Padis Email Exchanges

AUSA Parker in ECF 87 attempts to revise the description of the preliminary service for Mr. Padis to make it appear that there was nothing sanctionable but she does this only by making false statements as to what transpired. These falsifications are themselves sanctionable.

False Summarization by AUSA Parker

In ECF 87 in the 'Background' AUSA Parker states:

> Plaintiff emailed a copy of his motion to Defendants and former AUSA Padis. Carr also mailed a copy of the pleading to the U.S. Attorney's Office suggesting the counsel for Defendants could "forward it on." (Doc. 83-1.) After back and forth between Plaintiff and former AUSA Padis, **Padis informed Plaintiff that he had received a copy of his motion and would not argue to the contrary. (Doc. 83-1 at PageID 2339.) Counsel for Defendant then explained to Carr that she would take no further action.** *Although the pleading was sent to the United States Attorney Office, in an ongoing case and seeking sanctions in that case, Carr now complains that counsel's failure to forward his pleading to a person no longer at the U.S. Attorney's Office violated federal criminal law with respect to mail.*[24]

There are at least two false statements in the above 'background'

24 Bold and Italics added by Plaintiffs.

Actual Events Suggest Criminal Violations by AUSA Parker

Mr. Padis Falsified Documents And Pretended No Service

It is important to note that in March of 2024 Mr. Padis (who was then an AUSA) attempted to trick us into giving him a delay of almost 60 days by pretending there were problems in the initial service under FRCP Rule 4 in this matter as described above. While he actually had access to two copies of the summons and complaint he made it appear no such copies had been delivered.

I was concerned that Mr. Padis would again try to avoid justice by trickery and making it appear that service of the new motion was not proper.

Court Declined to Consider Sanctions Under FRCP Rule 11(c)(3)

The prior motion was ignored by the court when it simply declined to consider sanctions. FRCP Rule 11(c)(3) motions for sanctions are exclusively at the discretion of the court. However, as the Supreme Court noted with respect to FRCP Rule 11(c)(2) motions:

> The text of the amended rule seeks to dispel apprehensions that efforts to obtain enforcement will be fruitless by insuring that **the rule will be applied when properly invoked**.[25]

It was essential that I properly invoke FRCP Rule 11(c)(2) to insure a response.

25 Bold added by Plaintiffs.

FRCP Rule 11(c)(2) Motions Require Proper FRCP Rule 5 Service

As the prior motion for sanctions under FRCP Rule 11(c)(3) had been fruitless (the court simply declined to consider sanctions), I was particularly cautious to make sure the required preliminary service under FRCP Rule 5 for a FRCP Rule 11(c)(2) motion was 100% solid and was concerned Mr. Padis would try to surreptitiously avoid service thereby invalidating the motion itself. This care is in the timeline:

Preliminary Email to Determine if Electronic Service Possible

- On 28 Aug 2025 I emailed an electronic copy of ECF 79 (but not yet filed with the court) to AUSA Parker inquiring about electronic service under FRCP Rule 5. See ECF 83-2, last email. At that time I believed that AUSA Padis was still on an extended leave of absence until 30 Sep 2025.
- As there was not a prompt response from AUSA Parker, I remembered the problems I had had with service to AUSA Padis and concluded that it was a waste of time seeking electronic service as under FRCP Rule 5 service by mailing is effective as of the date of mailing. I prepared the document for mailing which was a minimal expense.

FRCP Rule 5 Service By Mail on 29 Aug 2025

- On 29 Aug 2025 I mailed a paper copy to AUSA Padis at his last known address (in accordance with FRCP Rule 5) which was:

  George M Padis (Assistant United States Attorney)
  Texas Bar No. 24088173
  1100 COMMERCE ST FLOOR NUMBER 3
  DALLAS, TX, 75242-1001

  (see Certificate of Service in ECF 79, ECF 79 was filed in ECF on 27 Sep 2025). It is important to note that as the motion was mailed to Mr. Padis at his last known address the effective date of service was 29 Aug 2025.

- Later on the evening of 29 Aug 2025 AUSA Parker informed me that AUSA Padis no longer worked for DoJ and that she would investigate what she could do with the electronic copy of the motion (to be ECF 79). See ECF 83-2.
- Later that evening on 29 Aug 2025 I informed AUSA Parker that it was no longer important as I had already mailed the motion papers to Mr. Padis at the last address on file. I did note that the papers would probably be forwarded to her and that she could forward it on.
- On 1 Sep 2025 I sent another electronic copy to Mr. Padis at his new law firm and copied AUSA Parker. This copy was the same as the copy later filed as ECF 79 with complete service information.

AUSA Parker Threatens to Interfere with Service, Retain Legal Papers

Threatens Punishing Motions to Deter Sanctions

- On 2 Sep 2025 AUSA Parker stated in an email (ECF 86-2):

  I see by your email dated September 1, 2025, that you have found an email address for former AUSA George Padis and forwarded a copy of your proposed motion for sanctions to him.

  I will take no further action with respect to attempting to forward your proposed motion to Mr. Padis at this time.[26]

  Should you ultimately file the sanctions motion, please take note for purposes of a certificate of ...[conference] that the Defendants are opposed to the motion. The motion lacks merit for the reasons already explained to you by the Court in response to your previous motions for sanctions. Briefly, as Defendants and the Court have explained, your disagreement with a position taken by an opposing side does not render that side's position sanctionable. Or false. Or criminal. Similarly, a party's good faith representation, even should the same turn out to be incorrect, is not sanctionable or criminal.

26 Bold added by Plaintiffs.

Given the previous motions for sanctions and the court's subsequent explanation for why the arguments lacks merit, please also take note that the Defendants will likely, in addition to filing a brief in opposition, file a motion to strike under Fed. R. Civ. P. 12(f) or a Rule 11 motion for filing a legally frivolous pleading.

Please provide Defendants with your position on any such motions.

Last, Defendants intend to file a miscellaneous motion seeking to have you barred from filing any further pleadings in this case until the Court has ruled on the motions currently pending before the court. By my loose count, there are at least 10 pending motions filed by Plaintiff since judgment was entered in this case. Each motion is extremely lengthy and repetitive. This course of conduct clutters the docket, results in unnecessary and significant wastes of resources by the Court and Defendants. In Defendants' view, your conduct has risen to the level of vexatious and harassive. Please provide Defendants with your position on this motion.

- On 2 Sep 2025 the mailed motion papers addressed to AUSA Padis were delivered to USATXN.

AUSA Parker Informed of Importance of Not Retaining U.S. Mail

- On 4 Sep 2025 at 4:13PM I responded to AUSA Parker stating (ECF 90-1):

On reflection, I am troubled by your statement:

> I see by your email dated September 1, 2025, that you have found an email address for former AUSA George Padis and forwarded a copy of your proposed motion for sanctions to him. I will take no further action with respect to attempting to forward your proposed motion to Mr. Padis at this time...

I would prefer that you fulfill your responsibility as lead attorney for a case where Mr. Padis is still listed as an attorney for the government (or was

when I checked and when I mailed the copy of the motion). I imagine that if Mr. Padis informs you that he does not need a paper copy, then it is possible you could decide that you do not need to forward the paper copy, but really it is up to you and Mr. Padis and your reading of the relevant law.

To be clear, I do not approve of your improperly delaying service under any circumstances and request that you take whatever actions are necessary to effectuate proper service under these circumstances.

If Mr. Padis sends you an email (at a government email address) saying that he has accepted electronic service via my email, then I would expect you are good, but that is your call.

AUSA Parker Falsely Claims Mail Was Addressed to AUSA Parker

- On 4 Sep 2025 at 4:41 PM AUSA Parker stated (ECF 90-1):

  I represent the Defendants in this case. I do not represent Mr. Padis, and he is not a party to this litigation. I have no legal obligation to "serve" Mr. Padis with anything that you forward to me. I considered doing so as a courtesy to you in this instance, but as noted, that is no longer necessary.

AUSA Parker Informed Mail Was Addressed to AUSA Padis

Personal Mail Can Not be Retained By Another Person

- On 5 Sep 202 5at 5:04 PM I responded to AUSA Parker stating (ECF 90-1):

  If the staff in your agency forwarded mail to you that was addressed to Mr. Padis then it is fine for you to read the mail and determine if it is professional mail which you can deal with or personal mail which you can not deal with.

  However, once you determine that you have received U.S. mail which was not addressed to you, you do not have the option of holding / retaining the mail or destroying it. By law you must return it to the USPS noting that it was sent to the wrong address. You have the option of providing the forwarding address (if you know it) or simply noting that Mr. Padis is 'not at this address'.

If, however, Mr. Padis or I have informed you that is fine for you to just keep the paper, then you really don't have any obligation to do anything with it. However, I have never said that it is OK for you to keep the paper that was sent to Mr. Padis (at the correct address at the time it was mailed according to court and bar association records).

So, if Mr. Padis has approved your keeping the paper or decides to send you such approval, can you please send the date when he first granted you such approval along with a quote from the email (or your recollection of the phone conversation).

If Mr. Padis has not granted such approval (and does not do so promptly), can you please return the misdirected mail to USPS with the appropriate annotation and let me know the date when ... you return it.

Mr. Padis Informed of Criminal Violations To Prevent Service

- On 5 Sep 2025 at 6:11 PM I emailed Mr. Padis stating (ECF 83-1):

  I presume you have seen the discussions of proper service and Ms. Parker retaining the mailed document.

  You could end all this discussion by letting me and Ms. Parker know that you accept the electronic copy of the document as served on 29 Aug 2025 (the date of mailing the paper document which is substantially delayed because of your failure to keep current addresses up to date). You could also let her know that you approve of her retaining the paper copy so that we can put this confusion behind us.

Mr. Padis 'Accepts' Service, Challenges Court Jurisdiction for Sanctions

- On 5 Sep 2025 at 8:01 PM Mr. Padis replied (ECF 83-1):

  I'm not sure I understand fully what you mean. I'm not a party to any proceeding, concerning which I would be "served." Nor am I counsel of record for any government matters anymore.

  If you wish to represent that I have received a copy of your improper

> motion, yes, I have been provided a copy. I will not assert that you have failed to "serve" or send me a copy of the motion.

AUSA Alters the Sequences of Events to Conceal Criminal Behavior

To reiterate the false claim in her response by AUSA Parker in ECF 87:

> Padis informed Plaintiff that he had received a copy of his motion and would not argue to the contrary. (Doc. 83-1 at PageID 2339.) Counsel for Defendant **then** explained to Carr that she would take no further action.[27]

It is clear that the events actually happened in the other order which supports the criminal concerns. Mr. Padis acknowledged service on 5 Sep 2025 at 8:01 PM, the last entry in the excerpts above. AUSA Parker claimed 'I will take no further action' on 2 Sep 2025 (ECF 86-2), two days before.

In fact AUSA Parker prompted my concerns[28] about criminal interference in her email on 2 Sep 2025 (ECF 86-2) with 'I will take no further action'. The exchange which followed clarified that she could not retain U.S. mail which was addressed to Mr. Padis without permission and ended two days later when Mr. Padis provided that permission by acknowledging that he had received a copy of the motion.

It was, in fact, a crime for AUSA Parker to retain the mailed copy without authorization though a two day delay is hardly actionable. However, her claim that the authorization on 5 Sep 2025 preceded her intention to retain U.S. mail addressed to Mr. Padis on 2 Sep 2025 is simply false.

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27 Bold added by Plaintiffs.

28 FRCP Rule 5 states:

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

(E) sending [it via ECF] ... but is not effective if the filer or sender learns that it did not reach the person …

While the exception for knowledge of 'not reach' applies only to (E), I was concerned that Mr. Padis would once again make false claims about service based on misreading the rule itself.

This false statement of the timing / order of these two events is highly material to the motion and the legal basis for sanctions and, as such, is itself sanctionable.

AUSA Parker Falsifies Address For Mail to Conceal Crime

AUSA Parker falsely claimed that 'the pleading was sent to the United States Attorney Office, in an ongoing case and seeking sanctions in that case' when in fact it was mailed to AUSA Padis at his last known address in accordance with FRCP Rule 11(c)(2) and FRCP Rule 5. FRCP Rule 11(c) sanctions only apply to individuals who file papers in a case (attorneys or parties without representation) and service must be provided to the individual. While it is possible for the court to extend the sanctions to law firms or parties in the case, this is rare (from Supreme Court guidance cited above). FRCP Rule 11(c) motions for sanctions are intended to deter future violations (also from Supreme Court guidance cited above) and are based on encouraging the individual attorney to carefully consider the truthful and accurate requirements of FRCP Rule 11 before filing a pleading or motion paper.

The actual case where the paper is filed is only really relevant in establishing jurisdiction (to apply sanctions) to the individual who filed the papers, Mr. Padis. As such, it was addressed to Mr. Padis as an individual, not USATXN as a department or agency.

U.S. Mail regulations are clear that mail must be routed to the person in the address. Within professional organizations (such as law firms and government agencies) it is acceptable to route the mail to the correct person in the organization who is handling the matter at that time. It is fine for AUSA Parker to open and process mail concerning a case that has been assigned to her.

However, if, as in this case, the person it is addressed to (i.e. the individual proposed for sanctions) is no longer with the organization and concerns what is now a personal matter (e.g. sanctions for a pleading submitted by the individual listed), the organization must return the mail to USPS for correct delivery to the individual listed..

It was acceptable and completely reasonable for USATXN to route the mail to AUSA Parker as she has been assigned the case where the sanctions originated. However, sanctions motions are separate from the case (and continue even after the case is closed, sometimes being held until the case is resolved so that the sanctions proceedings will not unduly impact the originating case). Once AUSA Parker realized the mail was incorrectly routed to her, she must route it to the correct person, Mr. Padis in this case. She can not retain the mail. Unless authorized to take some other action, she must return the mail to USPS (or route it through the USATXN mail room) with whatever address information is available ('not at this address' as a minimum).

An accurate replacement statement would be 'the pleading was sent to AUSA Padis as an individual for sanctions which arose from an ongoing case'. The difference is certainly too subtle for the USATXN mail room and also likely too subtle to warrant sanctions against AUSA Parker in this case. However, it does raise the question of why AUSA Parker appears to not understand underlying law for FRCP Rule 11(c)(2) motions for sanctions.

Mr. Padis and AUSA Parker Both Misconstrue Jurisdiction for Sanctions

As noted in the prior section, AUSA Parker appears to completely misunderstand

the court's jurisdiction for sanctions and particularly FRCP Rule 11(c) Motions for Sanctions.

Further, Mr. Padis seems to believe that by ignoring the motion he can avoid the courts authority to sanction individuals who file improper papers with the court under their signature. Mr. Padis only response appearing to oppose this motion was via email on 5 Sep 2025 where Mr. Padis replied (ECF 83-1):

> I'm not sure I understand fully what you mean. I'm not a party to any proceeding, concerning which I would be "served." Nor am I counsel of record for any government matters anymore.

Sanctions Required To Deter Blatant Challenges to Courts' Jurisdiction

It has been more than 30 years since the Supreme Court adjusted FRCP Rule 11(c)(2) motions for sanctions (amended 1993) in order to make it more effective at deterring improper filings. The Supreme Court cautioned that all courts must be diligent in sanctioning improper filings or the court will be buried in false and misleading papers. It is apparent that this court has been lax in this responsibility with the expected results of huge backlogs cases which it struggles to manage.

However, these expected results are caused by the court not sanctioning false or misleading papers. Instead of choosing which party has the most meritorious case, the court must choose between the attorneys who are the best liars presenting the most compelling fictional statement of the case. Truth is no longer the standard but instead plausible fiction.

Community Service Suggested As Alternative Sanction

This sad state of affairs makes it ever more important for the Court to assert its right and responsibility to sanction improper and even false filings submitted to the

court. Both Mr. Padis and AUSA Parker have extensive experience appearing before this court and apparently have no fear of sanctions from false or improper filings as they have never experienced of even heard of sanctions for these violations of FRCP Rule 11.

As stated in the original FRCP Rule 11(c) motion, disbarment, incarceration, or even substantial fines seem excessive to deter improper filings by government attorneys (similar to the absurdity of attempting to hold criminal trials and incarcerate an estimated 40,000 postal workers for falsifying government records / delivery records). However, appropriate community service remains an option for the court (a lesser form of incarceration) and as the court has been fully briefed in these matters (no need to manage an Order to Show Cause) the court could simply choose an amount of community service that it finds to be sufficient to discourage Mr. Padis and AUSA Parker from making improper filings in the future.

This would also benefit the court in that it is likely that were the court to declare that this is the standard sanction for similar improper filings, it is likely that all attorneys acting as counsel before the court would review their papers carefully to avoid such sanctions.

Sanctions Of Some Nature Justified Under FRCP Rule 11(c)(2)

Contrary to the claims by AUSA Parker, the court did not consider the actual sanctionable actions by Mr. Padis but instead relied on the courts discretion under FRCP Rule 11(c)(3) to not consider sanctions. However, FRCP Rule 11(c)(2) was created by the Supreme Court to insure that motions for sanctions are not simply ignored by the court but must receive serious consideration. While the court still has discretion to choose appropriate sanctions sufficient to deter future

transactions, it appears that this court has neglected sanctions for too long. Government attorneys seem almost unaware that they can be sanctioned for lying to the court or trying to mislead the court.

Courts Application of Sanctions Highly Biased and Misleading

The court has repeatedly sanctioned myself, my wife and her sister with very severe consequences (dismissal of claims) for minor inadvertent errors while refusing to sanction government attorneys even when they flagrantly violate the court's local rules as well as commit federal crime and serious ethical violation by falsifying government documents.

In the recent FCR (ECF 91), the court admonishes us (a form of sanctions) with:

> 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.

However, these sanctions are based on false and misleading statements.

Only a Few Adversarial Motions Before First FCR (ECF 61)

As to adversarial motions submitted by us before the FCR (ECF 67), they are:

- Two Motions for Partial Summary Judgments (MfPSJ, ECF 18 and ECF 33) which highlighted that my wife was in dire circumstances as an apparent 'illegal' even though USCIS had previously approved both her 10 year green card and citizenship (ECF 10-5). The court denied both motions (ECF 26 and ECF 43) as 'premature' without ever addressing the my wife's dire circustances or ECF 10-5. The second was a stand alone motion (not part of a response opposing the MTD (ECF 15) and Motion to Amend) and sought some consideration of my wife's dire circumstances.
- One Motion to Reconsider (ECF 32) the prior Order (ECF 26) which denied

the original MfPSJ (ECF 18). This motion was denied without considering any of the dire circumstances and simply concluded that it was 'premature'.

- One Motion for Sanctions (ECF 30) for the Motion to Dismiss (MTD ECF 15) submitted by AUSA Padis which, among other things included false and misleading statements to conceal my wife's dire circumstances. This was denied because it relied on FRCP Rule 11(c)(3) which is the court's discretion and the court declined to consider sanctions (irrelevant of the violations cited which were not discussed).

There Were Several Non Adversarial Motions to Correct Errors, Etc.

There were also several non controversial motions which were generally to correct and 'conform to the evidence'. They are:

- Original Motion to Amend (ECF 18) granted in Order (ECF 26) but with Plaintiffs filing the Amended Complaint (ECF 29) instead of the clerk as required in LR 15.1(b).
- Motion to restrict access (ECF 24) to an improperly redacted document (ECF 20-1) and replace it with a more completely redacted document ECF 24-1.
- One Motion to Supplement (ECF 48) concerning a recent USCIS settlement agreement (granted in ECF 56 Order)
- Motion to restrict access (ECF 69) to an improperly redacted document (ECF 67-13) and replace it with a more completely redacted document ECF 69-1
- Failed motion to amend (ECF 49) which corrected errors and 'conformed to the evidence' as circumstances had changed over six months and I did not want any decision to be based on incorrect information. It also added a Table of Contents and Alphabetical Index, valuable aids with such a long and complex document. It was denied in ECF 53 (Order) as unnecessary, but I don't consider it to be vexatious or overly repetitious.
- Pending Motion to Amend (ECF 76) which also corrects and conforms to the evidence with two new plaintiffs and two new defendants proposed
- Three motions to expedite, ECF 52, ECF 76, and ECF 85. It appears that all three were denied as moot, though I don't imagine that they were vexatious and it seems that they were actually granted as the motions referred to were

promptly addressed as requested

- Motion to Strike and Notice of Corrected Filings (ECF 84), ECF 76-1 was replaced with ECF 84-1. This was unopposed and corrected a previous brief which had incorrect headers (ECF 76-4 and ECF 81, corrected as ECF 82) striking the documents with the error. There was a failure in my normal quality assurance process and I apologized for the error and have corrected my habitual process with the hope that such errors will be less common in the future
- Notice of Delay (ECF 88) in Reply to ECF 86 for a few days due to unforeseen circumstances which was UNOPPOSED

Only Four Adversarial Motions Since First FCR (ECF 61)

After the first FCR (ECF 61) there were:

- Motion for Relief (ECF 67) which sought relief from page limitations (LR 7.2) as there were numerous counts and defendants in the suit and time to respond (LR 7.1) as Buakhao resides in Thailand and physical signatures can be most challenging with long delays. As the matter had been dismissed (ECF 63) this motion had to be an FRCP Rule 60 Motion for Relief for the intended follow on motions and it gave the broad basis for rescinding ECF 63 and recusal, but that was primarily describing the pending motions that would follow and was required to qualify as a FRCP Rule 60 Motion for Relief and support later motions.
- Motion to Rescind and Recuse (ECF 71) which is addressed by the current FCR (ECF 91) and challenges the prior FCR (ECF 61)
- Pending Motion to Amend (ECF 76) which is discussed above as non-adversarial
- Two motions for sanctions (ECF 79 and ECF 83). ECF 79 overlaps with the prior motion (ECF 30), but the prior motion had relied on the court's discretion under FRCP Rule 11(c)(3) where as this motion relied on FRCP Rule 11(c)(2) which the Supreme Court created to insure the court did not simply ignore motions for sanctions. ECF 83 dealt with AUSA Parker and her violations of federal criminal statues and attorney ethical standards. Both were denied in the recent FCR (ECF 91) but declined to consider sanctions without any discussion of the statements concerning actual

violations.

Admonishment of Vexatious Not Appropriate Sanction

Sanctions are intended to deter future violations but the court has not identified any specific filings or behavior which warrants sanctions. The substantial majority of all filings were intended to insure the record was complete and correct. There were 132 exhibits added to the record to support our claims with only a few errors. In every case I apologized for the error and tried to be more careful in the future. Clearly sanctions are not warranted for the minor mistakes which were corrected as soon as they were identified.

There were no adversarial motions which were repeated 'over and over again' (more than twice). However, it is true that in almost all adversarial motions, responses, and replies I brought up my wife's dire circumstances, being an apparent 'illegal' after USCIS approved both her 10 year green card and citizenship but then provided nothing (which could meet the repetitious complaint).

However, this was in response to the refusal of USATXN and the court to ever mention my wife's plight or the basis of her complaint, ECF 10-5. This might be the source of USATXN and the court's 'vexatious' comments, but that is really their discomfort with making false and misleading statements to try to conceal uncomfortable facts. The solution is not for me to be less strong in my advocacy, but rather for them to be more truthful and accurate in their own statements.

Conclusion

Removal of Two Plaintiffs As Sanctions for Inadvertent Errors

The court removed my wife and her sister for what appears to be inadvertent errors

in properly following the courts order in ECF 26 to 'file this same proposed Amended Complaint' without proper instructions on how three plaintiffs are supposed to file the same electronic document without any ability to provide electronic signatures for others. This was finally resolved in ECF 64 and ECF 66 (physical signatures on paper copies of the original for ECF 18-1 and ECF 29) but these submissions are denied without explanation. The court does not have the ability to remove plaintiffs via sanctions for inadvertent errors.

False Statements Used to Claim Sovereign Immunity for Five Counts

The proposed 2nd Amended Complaint (ECF 84-1) has separate briefs to explain the elements of the claims for USPS, USPS OIG, DoS OIG, DHS OIG, CIGIE, and DoJ with the relief sought and the explicit statutes which specify the duty to perform for each defendant but the court instead made false claims about the relief sought for each count and then claimed that there was no statute to support the relief sought. It is always possible to falsely claim sovereign immunity with false statements of the relief sought but to include such false claims in an FCR is a federal crime under 18 USC § 1001.

FOIA Requests Ignored to Dismiss All Counts

Each of the primary defendants USPS, Dos, USCIS, and the IRS have outstanding FOIA requests which have not been properly answered. Statutes are cited for the relief sought of proper answers to the FOIA requests which I submitted. As a minimum these claims can not be dismissed without addressing the FOIA requests.

Ignores Novel Legal Theories Challenging Existing Case Law

Two novel legal theories are presented to challenges DoS and the DoCNR as well as 'credit for future services' in the more recent 'fees for services' model used by USPS, DoS, and USCIS. Such challenges need to have the facts established by the

trial court so that the appeals court can apply the legal theory to these facts (as opposed to legislating broad novel laws which is the job of Congress). For USPS, DoS, USCIS, and the IRS needs to establish that I paid the fees in each case and whether the services were provided in accordance to existing statutes. The credit for future services would also recur to myself but are intended to be for close family members and friends as well, which includes my wife and her sister.

For DoCNR, Kleindienst v. Mandel, 408 U.S. 753 (1972) suggests citizen rights as a challenge to DoCNR for visas for non citizens. As such I present a unique challenge to DoCNR and its application to non immigrant visas by DoS. Can I invite and host my sister-in-law (Buakhao) to visit the U.S. so that she can apply for and initiate Deceased Spouse benefits from her deceased husband, a U.S. citizen and pre-1968 U.S. veteran (a special class of recipients for government benefits including spouses after the veteran are deceased).

To properly present these legal theories the trial court must establish the facts so that the appeals court can decide law in this particular case.

Similarly there seem to be challenges to the ability of spouses to represent each other with consent. The case survives whether spousal representation is permitted, but I am preserving my objections in the likely event that the matter is appealed (concerning DoCNR in particular). Also, immediate family members representing each other with consent is a challenge which I am preserving for appeal.

Sanctions Applied With Apparent Bias

The court has applied excessive sanctions against us even denying due process rights to a fair hearing for inadvertent errors. For government attorneys the court

refuses to consider sanctions even for federal crimes and serious violation of ethical standards.

These errors justify the rejection of FCR (ECF 91) in its entirety as well as such other and further relief as the court deems appropriate.

Respectfully submitted,

Verification of Motion

I 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 idenitifed 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: 24. Nov. 2025

Location: Irving, Texas

Alphabetical Index

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

_____

Brian P. Carr
1201 Brady Dr
Irving, TX 75061