Office of Chief Disciplinary Counsel (CDC)
State Bar of Texas

Brian P. Carr Complainant versus George Monroe Padis Bar Card Number: 24088173 Subject of the Complaint	Complaint Arising From Proceedings In United States District Court Northern District Of Texas (TXND) Civil No. 3-23CV2875 - S

Complaint Against George Padis, 24088173

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Introduction

Complaint Against George Padis

This is a complaint against an attorney, George Padis, who is a member of the Texas Bar Association with bar card number 24088173 and his misconduct in a case before the United States District Court, Northern District Of Texas (TXND), 3:23-cv-02875-S. Mr. Padis made demonstrably false statements in government emails (a federal crime under 18 USC § 1001) as well in court filings violating FRCP Rule 11.

At the time Mr. Padis was an Assistant U.S. Attorney (AUSA) for the Department of Justice (DoJ) but also Deputy Civil Chief in the Dallas Office Civil Division.

3:23-cv-02875-S is a suit against 9 government agencies alleging criminal violations of 18 USC § 1001 by four agencies as well as violations of individual constitutional rights through the deprivation of due process. Recently Mr. Padis has left government service and it appears that he is a partner at Sbaiti & Company.

Other Attorneys Apparently Colluded to Conceal Violations

There are three other attorneys who will receive similar complaints for criminal false statements under 18 USC § 1001 and who appear to have colluded to cover up the violations of the relevant agencies. They are:

- AUSA Tami C. Parker, Bar Card Number: 24003946
- U.S. Magistrate Rebecca Ann Rutherford, Bar Card Number: 24007968
- District Court Judge Karen Gren Scholer, Bar Card Number: 08441725

Federal Judges Are Not Exempt From Bar Association Ethical Standards

Bar Association Membership Optional for Federal Judges

Choosing Bar Association Membership Entails Acceptance of Ethical Standards

The judges in this matter, Rutherford and Scholer, are sitting judges but they are not subject to The State Commission on Judicial Conduct as they are federal judges and the Commission only has jurisdiction over state judges. As federal judges they are not specifically required to be members of the Texas Bar Association but almost all federal judges choose to maintain membership in the state bar. One of the reasons that state bar membership is expected of federal judges is that it provides a certain level of credibility as to training, knowledge, and ethics.

However, in order for this bar membership to remain meaningful there must be a mechanism to insure that all bar members meet the standards of the association.

All attorneys who are members of the Texas Bar Association should be held to the same standard of truthfulness and plausible claims and, if they do not, there should be some reasonable mechanism to resolve complaints even if the repercussions of violations is only suspension of their membership (which does not directly impact the employment or career for federal judges, but is likely to have sufficient repercussions to suitably discourage such ethical violations).

Complaints Against Federal Judges To Be Sent to 5th Circuit Court

It is expected that versions of the complaints about judges Rutherford and Scholer will be sent to the Clerk of 5th Circuit Court referencing Misconduct Complaints. These complaints will likely be routed to the Chief Judge of the 5th Circuit Court Jennifer Walker Elrod, Texas Bar Card Number 00785169 for initial processing. These complaints will be substantially identical to those filed with the CDC.

Notice of Appeal Expands Judge Elrod's Ability to Address Issues Promptly

Further, the required Notice of Appeal is planned to be filed on about 12 Jan 2026 as required to support later appeals of the criminally false and misleading decisions of Judge Scholer and Magistrate Rutherford. The primary content of the Notice of Appeal will be the two complaints sent to the Clerk of the 5th Circuit Court.

Important Questions Presented to Trial Court, Not Answered by Court

There are numerous important and interesting legal questions in 3:23-cv-02875-S which were properly presented to the court. However, instead of addressing the questions, the court criminally falsified and misled its decisions so that it is unclear if the questions can be resolved by appellate review.

Challenges to DoCNR Never Answered By the Court

For example, can Department of State (DoS) Bureau of Consular Affairs (BCA) deny a non immigrant visa to the wife of U.S. citizen[1]:

- without considering the evidence presented as required in INA 214(b) which is 8 USC § 1184,
- without permitting the citizen spouse to attend the interview,
- without permitting the U.S. citizen or applicant representation,
- without permitting the U.S. citizen or applicant access to the other evidence which DoS BCA uses to make a determination,
- providing the tribunal as little as two minutes on average to interview and process each application (which guarantees that the decision won't be based on evidence but instead superficial criteria such as quality of dress and speech which is not part of INA 214(b))[2]
- based on criteria outside the underlying statute, INA 214(b), and
- falsifying the decision records (video and written) with contradictory justifications?

This appears to be a proper question for appeal, but the answer would be the court did not address the question but instead lied and misled in its decisions to conceal the question.

This is an important challenge to the controversial Doctrine of Consular Non Reviewability (DoCNR, a creation of the circuit courts over a hundred years ago with no foundation in the constitution or statutes) but how can the circuit court decide a question which was properly presented to the court but which the court did not properly answer?

1 This challenge to DoCNR was suggested in Kleindienst v. Mandel, 408 U.S. 753 (1972) concerning non immigrant visas and was considered more recently in Department of State v. Munoz (S. Ct. 2024) with respect to immigrant visas.

2 This failure of DoS was mentioned tangentially in Department of State v. Munoz (S. Ct. 2024) citing DoS OIG investigations and reports.

There are ancillary questions for the court from the above question. If an agency follows the 'fee for service' model and the court determines the agency did not perform the service in a manner required by statute, can a court order the agency to correctly provide the service without additional payment?

If the plaintiffs have already successfully gotten a 'redo' at their expense (as in this case), can the court order a 'credit for future services' in the event that the plaintiffs need the service or another service in the future? None of these questions seem to have been addressed in current case law and suggest a novel legal theory which should be decided by the appellate court. However, the trial court has not answered the question but instead lied and misled to conceal violations by federal agencies.

Can the Appellate Court Decide Questions With Incomplete Record?

Can the appellate court decide based on the incomplete record where the DoJ had not answered? While the record has affirmed statements and numerous verified documents supporting the question there is no evidence or even answer by the government.

Must the appellate court instead remand the issue back to the trial court to consider each such question once the judges have been suitably sanctioned for their criminal violations?

Should the resolution of these issues be delayed with the normal appeal process which can take several years or should the misconduct complaints instead be fast tracked relying on the appellate jurisdiction provided by the Notice of Appeal so

that the 5th Circuit Court can simply order the required corrections (recuse, sanction, and immediate remand to new judges).

Additional Complaint Possible For Violations By Chief Judge Elrod

It is surprising that government attorneys and federal judges should collude to conceal criminal behavior by federal agencies, but that appears to be the case. However, this record suggests that the 5th Circuit Court might be tempted to cover up this uncomfortable situation. If Chief Judge Elrod or other judges in the 5th Circuit Court make false or misleading statements (violating 18 USC § 1001) to cover up these serious problems then it is likely there will be separate complaints to the CDC (or other appropriate bar associations) concerning these additional ethical violations. Any such new complaints to the CDC will, of course, reference these complaints.

Timeline of Attorneys Involved with This Matter

At the end of 2023, Mr. Padis was the Deputy Civil Chief when the underlying civil suit was filed and, surprisingly, was the lead attorney for DoJ. Just as it became apparent that there would be a motion for sanctions for Mr. Padis lying in a government email, a subordinate AUSA, Emily Harding Owen, Bar Card Number: 24116865, took over as lead attorney for DoJ.

The filings by AUSA Owen strongly advocated the government's position but did not stray into false, misleading, or frivolous claims. It is not anticipated that any complaints will be made against AUSA Owen.

There was a pause of almost a year with several motions pending before the court but no activity until the Findings, Conclusions, and Recommendation (FCR),

ECF67, of 27 Feb 2025. We had numerous concerns about the FCR, but oddly enough, AUSA Owen refused to submit any responses supporting the FCR (ECF75-1) with:

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

After about a month of AUSA Owen refusing to file any responses, AUSA Parker took over as lead attorney for DoJ. At that time via returned emails, I learned that Mr. Padis had apparently taken the Department of Government Efficiency (DOGE) DoJ offer of early resignation and was on extended leave of absence until 30 Sep 2025 and AUSA Owen had left government service.

It also appears that AUSA Parker had taken over as Deputy Civil Chief from the departing Mr. Padis, now no longer working for the government. It is plausible that AUSA Parker fired (or forced to resign) AUSA Owen for refusing to file any responses supporting the FCR and that AUSA Owen had refused to file any responses as supporting such a flawed FCR would violate her oath of office and attorney ethical standards.

Timeline Provided With Court Filings and Exhibits

There is an attached TimeLine.pdf which lists the various court filings and exhibits with dates and ECF document numbers provided for aid in navigating the various filings. If an investigating person would like access to my library of all filings in ECF, please send me an email at carrbp@gmail.com and I can send a temporary link to a google drive directory with all documents filed in ECF in this matter excluding those sealed for lack of proper redaction.

Background With USCIS Violations

The violations of U.S. Citizenship and Immigration Services (USCIS) is central to this matter and will be briefly described here.

Stranded in Thailand

I am a U.S. citizen and married my wife, Rueangrong Carr, a Thai national, in Thailand in 2018. She received an immigration visa and 'conditional' two year green card which expired in 2020 as we had not been married two years when we applied (ECF24-1). We applied for a ten year card as soon as possible (90 days before expiration) but USCIS did not adjudicate the application (waiving interview if necessary) within 90 days as required in 8 CFR § 216.4(b)(1) and the underlying statute INA 216.4(b) which is 8 USC § 1186b(d)(3).

Instead USCIS issued a 24 month extension letter ECF18-6 which expired in 2022 while my wife was on an emergency trip to Thailand due to the death of her mother and leaving her stranded and unable to return. USCIS claimed they could do nothing to help until my wife returned to the US. I complained to the USCIS Director, DHS OIG, and my congressional representative but no relief was provided so we got my wife a non immigration visa (tourist visa) at our expense to allow her to board flights and return but with considerable additional expense, stress, and inconvenience.

Shortly after we returned USCIS announced the creation of a 48 month extension letter (ECF48-2) which could have prevented my wife from being stranded but it did not help with any of our difficulties (too little and too late). It is also possible that the local USCIS office decided to retaliate for our 'whistleblower' complaints, but this is purely conjecture. However it would explain the later difficulties we

encountered.

Citizenship Approved, Instead Left As Apparent Illegal

Early in 2023 and just after we returned, my wife had her joint interview for her I-751 application (for a ten year green card) and N-400 (citizenship). There was some confusion about the results of the interview but the written decision of USCIS ECF10-5 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.

My wife would not receive her ten year green card but would instead become a citizen. We were elated.

However, even though USCIS is required to promptly administer the Oath of Allegiance (8 USC § 1448 and 8 CFR 337.2) generally within a month, my wife was not permitted to take the oath for over six months denying her the privileges of citizenship and instead leaving her as an apparent illegal terrified of being arrested and deported without notice or cause by ICE, national guardsmen from elsewhere or even vigilantes (Texas SB4 was active during this period and is still pending).

After more than six months, USCIS then issued several false documents which culminated in USCIS denying my wife's N-400 citizenship application but still refusing to issue a 10 year green card as the N-400 had been approved making her status as an apparent illegal permanent with no recourse. These were the circumstances which prompted our civil suit for relief.

Mr. Padis Falsely Claims in Email No Record of Service

The resulting suit, 3:23-cv-02875-S, was filed in late 2023 when it was clear that USCIS had left my wife in dire circumstances with no other recourse. A few days before the DoJ response to the Complaint was due, on 1 Mar 2024 Mr. Padis sent me an email which (ECF28-1) stated that this:

> Office has no record of having been served in this case…
>
> a party must deliver a copy of the summons and the complaint to the United States attorney…
>
> If you reply with a summons and a copy of the complaint, I will email you a letter confirming that I am accepting service on behalf of the U.S. Attorney.

Mr. Padis was falsely claiming that he did not have access to any copy of the complaint when in fact he had access to two physical copies and I and the court had records demonstrating that the copies were in fact delivered to the office.

However, I took his claim on face value (as it was in a government email and it is a crime to make false statements in a government record) and sent him electronic copies of the complaint and summons as well as the USCIS decision which granted my wife both a 10 year green card as well as citizenship (ECF10-5) and explained that instead of my wife getting her Certificate of Naturalization USCIS has instead left her as as apparent illegal and that she was terrified of being arrested and deported without cause or notice.

Mr. Padis never sent the promised letter accepting service but instead just responded to the complaint with a woefully inadequate Motion to Dismiss (MTD) on 8 Mar 2024, ECF15, which will be discussed in the next section due to its own false and misleading claims.

Mr. Padis Admits That Documents Were Delivered, Questions Propriety

Mr. Padis' claim that his 'office has no record of having been served in this case' was obviously false as it was a logical fallacy. Only an omniscient being could simultaneously check every part of a finite space (e.g. the office) and verify that no record in any form (e.g. a misfiled post-it note or a security video of the package being delivered) was present at any particular time.

In later discussion concerning sanctions for the obviously false statement in his government email (see email thread in ECF30-1) on 26 April 2024 Mr. Padis claimed:

> I indicated I believed that service was improper and offered to accept service

as one of the copies was incorrectly recorded by USATXN as having been served by myself rather than my friend who had agreed to deliver / serve and who did in fact hand the papers to the correct individual.

According to Black's Law Dictionary, 2nd Ed, 'service is the term for the delivery of a summons, writ or subpoena to the opposing party in a law suit.' This second claim via email is itself a false statement as:

> I indicated I believed that service was improper

is significantly different from his original claim that his:

> office has no record of having been served in this case

TDRPC Rule 4.01 Truthfulness Violated

Mr. Padis Lied to Delay Almost 60 Days

It is clear that Mr. Padis lied in his original email in order to get a delay of almost

60 days and then lied in later emails to avoid sanctions for his original false statements.

Such lies are not permitted by Texas attorneys as stated in Texas Disciplinary Rules of Professional Conduct, TDRPC 4.01 which states:

> Rule 4.01. Truthfulness in Statements to Others
> In the course of representing a client a lawyer shall not knowingly:
> (a) make a false statement of material fact or law to a third person;

The false statements made in those government emails are sanctionable in accordance with TDRPC 4.01 as well as being federal crimes under 18 USC § 1001.

MTD ECF15 Violated TDRPC 3.01 Requiring Meritorious Claims

Mr. Padis' MTD on 8 Mar 2024, ECF15, had numerous false and misleading statements violating FRCP Rule 11 as well as TDRPC 4.01 Truthfulness and TDRPC 3.01 requirements for meritorious claims.

TDRPC 3.01 Requires That Every Claim By Attorney Be Meritorious

TDRPC 3.01 states:

> Rule 3.01. Meritorious Claims and Contentions
> A lawyer shall not bring or defend a proceeding, or assert or controvert an issue therein, unless the lawyer reasonably believes that there is a basis for doing so that is not frivolous...

Previous Motions For Sanctions Covered Refutation of MTD in Detail

There were two Motions For Sanctions which discussed Mr. Padis lying in government emails and which refuted the defective MTD in full detail in ECF30 and ECF79. They demonstrate that there were no valid challenges to our

Complaint though ECF79 which was brought under FRCP Rule 11(c)(2) and has a more complete and thorough refutation.

Padis Claims Frivolous Allegations, Cites Allegations Not In Complaint

Entire Argument Reduced to Eight Words (Which Are False)

In MTD ECF15 Argument E titled 'The allegations in the complaint appear frivolous', Mr. Padis sought to have the entire complaint dismissed because the underlying allegations were frivolous but then only describes allegations which are not present in the actual complaint. When you take out the extraneous and misleading material, the argument only refers to allegations which

> infer conspiracy and false documents from administrative delays

and there are no such allegations in the complaint.

The First Half of The Argument Only Cites Not Precedent Case

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), which is a not precedent decision. Quoting from a case which the 5th Circuit Court has formally declared as 'Not Precedent' without expressly identifying the case as 'Not Precedent' is at best misleading as the court might rely on the case as precedent which it is not. On appeal the 5th Circuit will simply reject any arguments based on Starrett as it has been clearly identified as 'Not Precedent'. Any argument which relies on Starrett is clearly not meritorious.

However, Starrett does set the standard for frivolous allegations which are 'patently frivolous' when such claims are 'fanciful, fantastic, or delusional.' Needless to say

there are no such allegations in the complaint.

The Second Half of Argument Simply Mixes Up Relief and Allegations

The second half of this argument simply mixed 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 to the relief.

Indeed, the actual allegations listed as a predicate for the unrelated relief mentioned are quite mundane and do not even approach the 'patently frivolous' 'fantastic, or delusional.' standard set in the not precedent Starrett.

No Allegations In The Complaint Are Described By the Eight Words

Allegations 'infer conspiracy and false documents from administrative delays'

The remainder of this entire argument was simply eight words describing allegations which 'infer conspiracy and false documents from administrative delays'. If such allegations were to be in the complaint, they might be unfounded and rejected by the court but they certainly would not rise to the level of Starrett to be called 'patently frivolous', 'fantastic, or delusional.' However, there are no such allegations in the complaint.

Padis Admits No Infer False Documents From Administrative Delays

AUSA Padis admitted in later phone conversations that while there are numerous allegations of false documents in the complaint, none are based on administrative

delays (ECF79).

USATXN Falsely Claims Infer Conspiracy From Administrative Delays

Further, a text search of the Complaint ECF29 demonstrates that the word conspiracy never occurs in the complaint nor do any of the related words which contain the string 'conspir' (as confirmed by Mr. Padis in the same phone conversation).

Mr. Padis then tried to justify the 'frivolous' argument from just the remaining 'infer conspiracy ... from administrative delays' with another false statement.

Conspiracy and 'Whistleblower' Retaliation Are Not Synonyms

In USATXN's response (ECF35) of 28 May 2024 attempts to justify the use of 'conspiracy' with quotes from the Complaint ECF29 about:

> 'whistleblower' retaliation for [Mr. Carr's] previous reports of federal crime and malfeasance by USCIS

However, conspiracy is substantially different from 'whistleblower' retaliation. Conspiracy implies multiple parties taking improper or illegal actions in secret. 'whistleblower' retaliation implies an authority figure using their authority over another person to improperly or illegally punish / retaliate the person for reporting problems outside the organization.

Given that the entire argument is now reduced to five words, why couldn't Mr. Padis have used the accurate phrase 'whistleblower' retaliation rather than the false use of 'conspiracy'.

There is also problem that in the actual Complaint (ECF29) I simply state in the DHS OIG section that I complained to DHS OIG of additional federal crimes and malfeasance by USCIS which appeared to be 'whistleblower' retaliation for my previous reports to DHS OIG, the USCIS Director and Congress of such problems.

When 'whistleblower' retaliation is reported, the only elements which can be provided are prior reports of problems being followed by improper apparent punishment. The court was not asked to determine if there was actual 'whistleblower' retaliation but rather whether DHS OIG received any such report and whether it responded appropriately which are the actual allegations.

There Was No N-400 Delay Related to 'Whistleblower' Retaliation

In ECF35 USATXN falsely attempts to justify 'infer conspiracy... from administrative delays' by citing ECF29 and claiming that 'Plaintiffs allege Mrs. Carr's N-400 interview was delayed' when in fact there is no such allegation in the complaint. There are references that the N-400 was scheduled earlier than expected in accordance to published guidelines, but none about any delays scheduling the interview.

The foundation of the 'whistleblower' retaliation complaint to DHS OIG was instead the falsified documents filed by USCIS more than six months after they approved by wife's citizenship (ECF10-5) first saying that the prior interview was canceled in ECF49-5 (an obvious false statement as everyone knew that it had been completed) and then scheduling a sham interview at a date when USCIS knew my wife would be out of the country and rejecting all requests to reschedule so that they could then deny her application for 'failure to appear' (ECF10-10).

Entire Frivolous Allegations Argument is Meritless

After quoting from a not precedent case, Starrett, Mr. Padis used only eight words to describe allegations before continuing with unrelated garbled allegations and relief. Even so, the eight words do not describe any allegations in the complaint but instead are false statements by Mr. Padis. Mr. Padis claimed the entire case should be dismissed because of allegations which are not actually in the Complaint.

There are some indications that Mr. Padis is a pathological liar as he seems to be compelled to add some twist to every correction making additional false statements but never making a true statement of simple facts.

Apparent Collusion Between Mr. Padis and the Court

ECF79 also has a time line which explains apparent collusion between Mr. Padis and Magistrate Rutherford, but there is not evidence at this time to clearly establish actual collusion.

However, the evidence of false statements by Mr. Padis and Magistrate Rutherford is quite simple and clear. The apparent collusion could be ignored as it is difficult to establish actual collusion (intent is always hard to prove) and whatever suspension or other sanction the CDC deems appropriate could be justified by the clearly demonstrated false statements.

Conclusion

The CDC office is asked to consider the violations of Padis in conjunction with the court and impose sanctions appropriate for the violations of the TDRPC and the damages which resulted. Suspension could be considered for a period similar to the period where my wife was denied citizenship, her sister was denied social

security benefits, and her sons were denied the opportunity to seek better employment opportunities through immediate family member immigration.

Of course the sanctions should be primarily focused on deterrence rather than punishment and it is likely that any substantive suspension will have far reaching results with DoJ attorneys in Texas giving some thought and consideration before falsifying documents or motion papers and pleadings.

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

Respectfully submitted,

Verification of Complaint

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

1. I have reviewed the above Complaint and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered in accordance with normal redaction procedures to remove sensitive personal information or other sensitive information as identified in the redaction.

I hereby reaffirm that the above is true to the best of my knowledge under penalty of perjury in both the United States and Thailand.

/s *Brian P. Carr*

_____

Brian P. Carr
1201 Brady Dr

Irving, TX 75061

Date: 2. Jan. 2026
Location: Irving, Texas

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