

GOVERNMENT RELATIONS



December 12, 2022

The Honorable Marc Veasey
House of Representatives
Washington, DC 20515-4333

Dear Congressman Veasey:

This responds to your November 28 correspondence on behalf of Mr. Brian Carr, regarding the Inspector General of the U.S. Postal Service.

I understand your interest in ensuring that Mr. Carr's concerns receive appropriate attention. As you may be aware, the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is responsible for investigating complaints about an Inspector General. CIGIE conducts its investigations independently, and it has requested that all inquiries related to its functional responsibilities be referred to CIGIE for reply. Accordingly, by copy of this letter, I have forwarded your correspondence to that office for any action considered appropriate.

If I can be of assistance in other postal matters, please let me know.

Sincerely,

A handwritten signature in black ink that reads "Andrew P. Jones".

Andrew Jones
Government Relations Representative



United States Department of State
Washington, D.C. 20520

October 10, 2018

Brian Carr
Via Email: carrbp@gmail.com

Dear Mr. Carr:

We are writing in response to your letter to the Office of Inspector General concerning the nonimmigrant visa case of Mrs. Rueangrong Carr. Your letter was forwarded to the Visa Office, Outreach and Inquiries Division for our reply.

Visa applications are adjudicated in accordance with the provisions of the Immigration and Nationality Act (INA). The authority to issue or refuse visas is vested solely in consular officers abroad by section 104(a) of the INA. For this reason, the Department of State in Washington, D.C. cannot overturn consular decisions. We reviewed Department consular records and confirmed that Mrs. Carr was refused a nonimmigrant visa under section 214(b) of the INA on August 29, at the U.S. Consulate General in Chiang Mai, Thailand. Section 214(b) explicitly presumes every nonimmigrant visa applicant to be an intending immigrant and places the burden of disproving this presumption on the applicant.

Consular officers examine each application individually to determine whether the applicant qualifies for visa issuance according to U.S. immigration law and regulations. When determining eligibility for a visa, the officer takes into consideration the applicant's entire situation, including family, community, professional and economic ties to the applicant's home country as well as prior travel history and any ties to the United States.

You have clearly stated your wish for Mrs. Carr to visit the United States and we take seriously the assurances you offer on her behalf. However, it is the applicant alone who must establish eligibility for a visa. A refusal under section 214(b) is not permanent and Mrs. Carr may reapply for a visa at any time. We recommend that individuals reapply only if new evidence to overcome the previous grounds of refusal is available. We assure you that any future application will be given every possible consideration consistent with U.S. immigration law.

The Appointment Wait Times you found on our website are only estimates and may differ from day to day. For example, the appointment wait time for a visitor visa in Chiang Mai today is 21 calendar days.

You have also stated your frustration at being denied access to Mrs. Carr's visa interview.

U.S. embassies and consulates abroad establish entrance policies based on space limitations, security considerations, and resource management. In general, embassies and consulates do not grant access to third parties in connection with visa applications. As a U.S. citizen, you would be admitted to the American Citizens Services (ACS) section or the Passport section if you required their services.

Lastly, there is no provision in U.S. law that specifically precludes issuance of a nonimmigrant visa to an applicant with a pending immigrant visa case. However, such an applicant must still demonstrate that he or she has clear ties to a continuing life overseas and evidence that he or she intends only a temporary visit to the United States. Such evidence is required to overcome the provisions of section 214(b) of the INA.

We hope this information is helpful.

Sincerely,

A handwritten signature in blue ink that reads "Cristin Heinbeck". The signature is written in a cursive, flowing style.

Cristin Heinbeck
Outreach and Inquiries Division
Visa Services

I-797 | NOTICE OF ACTION DEPARTMENT OF HOMELAND SECURITY
U.S. CITIZENSHIP AND IMMIGRATION SERVICES



Receipt Number MSC2091582908		Case Type I751 - PETITION TO REMOVE CONDITIONS ON RESIDENCE
Received Date 08/24/2020	Priority Date	Petitioner A056 137 568 CARR, RUEANGRONG
Notice Date 01/31/2023	Page 1 of 1	Beneficiary A056 137 568 CARR, RUEANGRONG
RUEANGRONG CARR 1201 BRADY DR IRVING TX 75061		Notice Type: Approval Notice

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. If you have questions regarding this process, please contact the USCIS Contact Center at 800-375-5283.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

National Benefits Center
U.S. CITIZENSHIP IMMIGRATION SVC
P.O. Box 648003
Lee's Summit MO 64002



USCIS Contact Center: www.uscis.gov/contactcenter



Receipt Number IOE9752855294	USCIS Online Account Number 024798809175	Case Type N400 - APPLICATION FOR NATURALIZATION
Received Date 07/11/2022	Priority Date	Applicant A056 137 568 CARR, RUEANGRONG
Notice Date 09/01/2023	Page 1 of 1	

RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061

This is to advise you that, due to unforeseen circumstances, we have had to cancel the previously scheduled interview on Monday, January 30, 2023 at 08:45AM for the above applicant. We regret any inconvenience this may cause.

We will advise you of any further action taken on this case, including any rescheduled interview appointment information, under separate notice.

If you have any questions or comments regarding this notice or the status of your case, please contact the USCIS Contact Center toll free at 1-800-375-5283. If you are hearing impaired, please call the USCIS Contact Center TTY at 1-800-767-1833.

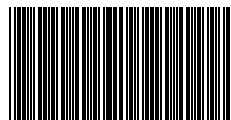
Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

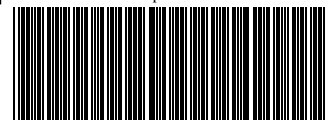
DALLAS TX FIELD OFFICE
U.S. CITIZENSHIP & IMMIGRATION SVC
6500 CAMPUS CIRCLE DRIVE EAST
IRVING TX 75063

USCIS Contact Center: www.uscis.gov/contactcenter

A Number



Receipt Number



THIS NOTICE DOES NOT GRANT ANY IMMIGRATION STATUS OR BENEFIT.



Receipt Number IOE9752855294	USCIS Online Account Number 024798809175	Case Type N400 - APPLICATION FOR NATURALIZATION
Received Date 07/11/2022	Priority Date	Applicant A056 137 568 CARR, RUEANGRONG
Notice Date 09/06/2023	Page 1 of 1	

RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061

Please come to:

6500 CAMPUS CIRCLE DRIVE EAST
LOBBY
IRVING, TX 75063
USA

On (Date): Wednesday, October 11, 2023
At (Time): 08:30AM

Failure to appear for the scheduled appointment without prior notification and without good cause may result in the denial of your application. (8 CFR 103.2) You are notified to appear before a USCIS officer regarding the application identified above at the date, time, and place indicated above. Waiting room capacity is limited. Please do not arrive any earlier than 30 minutes before your scheduled appointment time. The proceeding can take about two hours. If you cannot keep this appointment, call the U.S. Citizenship and Immigration Services (USCIS) Contact Center at 1-800-375-5283 (TTY 1-800-767-1833) as soon as possible to reschedule your appointment.

If you are applying for citizenship for yourself, you will be tested on your knowledge of the government and history of the United States. You will also be tested on reading, writing, and speaking English, unless on the day you filed your application, you have been living in the United States for a total of at least 20 years as a lawful permanent resident and are over 50 years old, or you have been living in the United States for a total of 15 years as a lawful permanent resident and are over 55 years old, or unless you have a medically determinable disability. For more information and to find study materials for the naturalization test, visit the Citizenship Resource Center at uscis.gov/citizenship.

You MUST BRING the following with you to the interview:

- This letter.
- Your Alien Registration Card ("green card").
- Any evidence of Selective Service Registration.
- Your passport and/or any other documents you used in connection with any entries into the United States.
- Those items noted below which are applicable to you:

If applying for NATURALIZATION AS THE SPOUSE of a United States Citizen;

- Your marriage certificate.
- Proof of death or divorce for each prior marriage of yourself or spouse.
- Your spouse's birth or naturalization certificate or certificate of citizenship.

If applying for NATURALIZATION as a member of the United States Armed Forces;

- Your discharge certificate, or form DD214.

If copies of a document were submitted as evidence with your N400 application, the originals of those documents should be brought to the interview.

PLEASE keep this appointment, even if you do not have all the items indicated above.

To request a disability accommodation, go to www.uscis.gov/accommodations or call the USCIS Contact Center at as soon as possible, even if you indicated on your application that you require an accommodation.

For questions about your application, you can use our many online tools (uscis.gov/tools) including our virtual assistant, Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting uscis.gov/contactcenter.

Please see the additional information on the back. You will be notified separately about any other cases you filed.

USCIS encourages you to sign up for a USCIS online account. To learn more about creating an account and the benefits, go to <https://www.uscis.gov/file-online>.

DALLAS TX FIELD OFFICE
U.S. CITIZENSHIP & IMMIGRATION SVC
6500 CAMPUS CIRCLE DRIVE EAST
IRVING TX 75063

USCIS Contact Center: www.uscis.gov/contactcenter

A Number



Receipt Number



26-10025.179

Subject: Your recent inquiry (receipt #IOE-97-528-55294)

From: USCIS <USCIS-CaseStatus@dhs.gov>

Date: 9/19/2023, 7:00 PM

To: airpk1961@gmail.com

U.S. Department of Homeland Security
USCIS
6500 Campus Circle Drive East
Irving, TX 75063

U.S. Citizenship and Immigration Services
Tuesday, September 19, 2023

Emailed to airpk1961@gmail.com

Dear Rueangrong Carr:

On 09/19/2023, you or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:

-- Applicant or Petitioner

Attorney Name:

-- Information not available

Case type:

-- N400

Filing date:

-- 07/11/2022

Receipt #:

-- IOE-97-528-55294

Referral ID:

T1B2622301513DAL

Beneficiary (if you filed for someone else):

-- Information not available

Your USCIS Account Number (A-number):

-- 056137568

Type of service requested:

-- Appointment Reschedule

The status of this service request is:

Thank you for contacting USCIS concerning the above-referenced application. Below is a summary of what we have found.

USCIS has reviewed your request for a rescheduled appointment, and we regret to inform you that your request has been denied based on the information provided. Failure to comply with your appointment notice or to appear for your scheduled interview may result in adjudication of your application based on the available information.

If your receipt number begins with IOE, please consider activating your USCIS online

26-10025.180

[Case 3:23-cv-02875-S-BT](#) [Document 10-8](#) [Filed 01/11/24](#) [Page 2 of 2](#) [PageID 158](#)
account at [myaccount.uscis.gov](#). You can use your account to get your current case status and to access every notice we send you. You can also send messages and receive answers through a secure inbox.

Address Changes: If you move, please provide us with an updated address. For more information about address changes, please visit our website at [uscis.gov/addresschange](#), and click on "How to Change Your Address." To ensure that all mail is delivered as addressed, please also ensure that you are registered with the U.S. Postal Service (USPS) to receive mail at the address of record you have provided to USCIS.

For questions about your application, you can use our many online tools ([uscis.gov/tools](#)) including our virtual assistant, Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting [uscis.gov/contactcenter](#). The USCIS website also provides detailed information about policies and procedures, and you can download and e-file forms from the website.

Subject: e OI request number 1, based on C2023277190
From: rian Carr <carr_p@gmail.com>
Date: 10/31/2023, 8:34 M
To: OI P uestions@uscis.dhs.gov

ear Sir / Madam:

I as surprised and disappointed that my original reedom o In ormation (OI) request o 01 Sep 2023 returned only the original I-751 and -400 applications. s such, I ould like to su mit three or more ne OI requests to get the records hich I am seeking. I ear that some o the con usion over hich records ere requested as caused y the rather restrictive limits placed y the online -639 orm itsel . s such, I ould ask that you rely on the original -639 to provide the required privacy act and other agreements and authori ations. herea er I hope that e can then clari y the records hich are requested directly via email.

his is the rst o my ne requests and concerns the misunderstanding o hich records ere requested previously.

**e era
o er me t D or a edacted de ca o orma o**

henever a record is redacted to remove personally identi a le in ormation (such as email address) I ask that the redaction include the government I o the employee or contractor and that there is a ta le o I s ith the matching o title and o description (could e a link to a pu licly availa le document).

hile this may appear to e a request that you generate ne records hich is not permitted, data ase records are electronic records hich are su ect to OI and these records are almost certainly availa le in the payroll and personnel data ases. hile almost all o the in ormation in these data ases is privileged, the employee I and o title should not e. his should e a simple data ase query ithout need to redact the results as only the requested in ormation should e returned. Iso, in cases here there are only a small num er o entries, it is possi le that the responding administrative person ould pre er to generate a ne document ith the requested in ormation, ut that is their option rather than doing an e cerpt o e isting data ases records to ul ll the request.

See the 9th Circuit ecision in E CE E O I ES I I E EPO I , v. U I E S ES EP ME O US ICE, Case: 18-17356, 12/03/2020, I : 11913401, ktEntry: 64-1 hich can e retrieved rom <https://www.courts.gov/document/cir-v-do-9th-cir-opinion> and states the use o a query to search or and e tract a particular arrangement or su set o e isting data rom the ... department data ase does not require the creation o a "ne " agency record under OI .

**e era
a a o o edac o a d t e d Docume t**

In the event that any responsive documents are found, I ask that you do not redact or withhold documents based on 5 U.S.C. Section 552 (b)(5) and (b)(6), but rather specify which section is applicable.

If (b)(6) is applied to a government employee or contractor, I ask that you identify the individual by government title. If the record includes information concerning another private individual, all identifying information should be redacted with (b)(6) private individual.

If (b)(5) is applied, I ask that you specify it is due to executive privilege. If so, please identify the executive who is familiar with the matter and made the determination invoking deliberative process privilege and include the document where the rationale for claiming executive privilege is explained to include the policy which was under deliberation.

If (b)(5) is applied, I ask that you specify it is due to attorney client privilege. If so, please identify the client and attorney. For each document so withheld, please include a description of the document with the general contents of the document so that a determination can be made whether attorney client privilege is actually applicable to the document.

If any documents need to be withheld because of active OIG or other investigations it is only necessary to identify the reference number for the investigation and the contact information for the status of the investigation (to allow notice when the investigation is completed).

Media

Media: all electronic documents are redacted documents

I would prefer that any electronic documents be retained in their machine readable format (easier to read and search) so ask that you edit them in their machine readable format (perhaps rich text format rather than pdf) to preserve the privacy of individuals, replacing their names and email / text addresses with their initials.

In addition, I would like copies of any and all attachments to emails except for those which were originally provided by myself. For the accepted attachments, it would be nice to just refer to the name of the person. There is also no need to provide multiple copies of a redacted attachment if they are attached to multiple documents as long as same name is used for each redacted attachment.

Record Source

The original online -639 as submitted for C2023277190 on 01 Sep 2023.

All emails, messages and other records to and from the OIG office concerning C2023277190 from 01 Sep 2023 to the present.

Thanks for your help with this.
Brian

26-10025.183

— Attachments:

USCIS oia_sps20231006.pdf	135
USCIS oia_ck20230909.pdf	143

October 13, 2023

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
6500 Campus Circle Drive East,
Irving, TX 75063



U.S. Citizenship
and Immigration
Services

RUEANGRONG CARR
1201 BRADY DR
IRVING, TX 75061-4749



IOE9752855294

RE: N-400, Application for Naturalization



A056-137-568

DECISION

Dear RUEANGRONG CARR:

On July 11, 2022, you filed a Form N-400, Application for Naturalization, with U.S. Citizenship and Immigration Services (USCIS) under section 319 of the Immigration and Nationality Act (INA).

After a thorough review of the information provided in your application for naturalization, the documents supporting your application, and your testimony during your naturalization interview, USCIS has determined that you are not eligible for naturalization. Accordingly, USCIS must deny your application for naturalization.

Generally, to qualify for naturalization, under INA 319, an applicant must:

- Be married to a U.S. citizen who has been a U.S. citizen during the 3 years immediately before filing Form N-400; or
- Have become a lawful permanent resident by being married to or by being the child of a U.S. citizen who battered or subjected him/her to extreme cruelty and this U.S. citizen has been a U.S. citizen during the 3 years immediately before filing Form N-400;
- Have been living in marital union with the citizen spouse during the 3 years immediately before filing Form N-400; except if he/she has been battered or subjected to extreme cruelty by his/her U.S. citizen spouse or parent;
- Be 18 years of age or older at time of filing Form N-400;
- Be lawfully admitted for permanent residence;
- Be a lawful permanent resident for at least 3 years at the time of filing Form N-400;
- Have resided continuously in the United States as a lawful permanent resident for at least 3 years before filing Form N-400;
- Be physically present in the United States for at least 1½ years at the time of filing Form N-400;
- Have resided continuously in the United States from the date of filing Form N-400 up to the time of administration of the Oath of Allegiance;
- Demonstrate good moral character for at least 3 years prior to the Form N-400 filing date, and during the period leading to administration of the Oath of Allegiance;
- Have resided for at least 3 months in the State or USCIS District where residency is claimed before filing Form N-400;

26-10025.185

- Demonstrate a basic knowledge of U.S. history and government;
- Demonstrate the ability to read, write, and speak words in ordinary usage in the English language; and
- Establish an attachment to the principles of the U.S. Constitution and be disposed to the good order and happiness of the United States.

Statement of Facts and Analysis Including Ground(s) for Denial

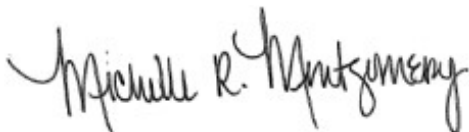
On November 13, 2018, you obtained conditional permanent resident status through your spouse and your conditions were removed on January 30, 2023. USCIS received your Form N-400 on July 11, 2022, and on January 30, 2023, you appeared for an interview to determine your eligibility for naturalization.

At the beginning of your naturalization interview, an Immigration Services Officer placed you under oath and then administered the naturalization test. At that time you were unable to write a sentence in ordinary usage of the English language, and answer 6 of 10 U.S. Government and history (civics) questions correctly. Since you did not achieve a passing score on the English or civics portions of the naturalization test, on October 11, 2023, you were scheduled for a second interview to retake these portions of the naturalization test. On October 11, 2023, you did not appear as requested. Further, you have not provided USCIS with a good reason for your absence. Your failure to appear at the second interview means you have not passed the English or civics testing requirements for naturalization. As a result, you are ineligible for naturalization since you have not demonstrated your ability to pass the English or civics requirements for naturalization. Therefore, USCIS must deny your application for naturalization. See INA 312 and Title 8, Code of Federal Regulations (8 CFR) section 312.5(a) and (b).

If you believe that you can overcome the grounds for this denial, you may submit a request for a hearing on Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings, within 30 calendar days of service of this decision (33 days if this decision was mailed). See attached 8 CFR 336.2 (a) and 103.8(b). Without a properly filed Form N-336, this decision will become final. See INA 336.

For questions about your application, you can use our many online tools (www.uscis.gov/tools) including our virtual assistant, Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting www.uscis.gov/contactcenter.

Sincerely,



Michelle R. Montgomery
Field Office Director

Attachment
(Applicable Law/Regulations)

To better assist you, the sections of the law referenced in your decision are provided below:

8 CFR 335.7

An applicant for naturalization who has appeared for the examination on his or her application as provided in § 335.2 shall be considered as failing to prosecute such application if he or she, without good cause being shown, either failed to excuse an absence from a subsequently required appearance, or fails to provide within a reasonable period of time such documents, information, or testimony deemed by the Service to be necessary to establish his or her eligibility for naturalization. The Service shall deliver notice of all such requests for appearance or supporting evidence, in writing, to the applicant either in person or to the applicant's last known address. In the event that the applicant fails to respond within 30 days of the date of notification, the Service shall adjudicate the application on the merits pursuant to § 336.1 of this chapter.

INA 336

(a) If, after an examination under section 335, an application for naturalization is denied, the applicant may request a hearing before an immigration officer.

(b) If there is a failure to make a determination under section 335 before the end of the 120-day period after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter. Such court has jurisdiction over the matter and may either determine the matter or remand the matter, with appropriate instructions, to the Service to determine the matter.

(c) The Attorney General shall have the right to appear before any immigration officer in any naturalization proceedings for the purpose of cross-examining the applicant and the witnesses produced in support of the application concerning any matter touching or in any way affecting the applicant's right to admission to citizenship, and shall have the right to call witnesses, including the applicant, produce evidence, and be heard in opposition to, or in favor of, the granting of any application in naturalization proceedings.

(d) The immigration officer shall, if the applicant requests it at the time of filing the request for the hearing, issue a subpoena for the witnesses named by such applicant to appear upon the day set for the hearing, but in case such witnesses cannot be produced upon the hearing other witnesses may be summoned upon notice to the Attorney General, in such manner and at such time as the Attorney General may by regulation prescribe. Such subpoenas may be enforced in the same manner as subpoenas under section 335(b) may be enforced.

(e) It shall be lawful at the time and as a part of the administration by a court of the oath of allegiance under section 337(a), for the court, in its discretion, upon the bona fide prayer of the applicant included in an appropriate petition to the court, to make a decree changing the name of said person, and the certificate of naturalization shall be issued in accordance therewith.

8 CFR 336.2

(a) The applicant, or his or her authorized representative, may request a hearing on the denial of the applicant's application for naturalization by filing a request with USCIS within thirty days after the applicant receives the notice of denial.



This section states authorized means of service by the Service on parties and on attorneys and other interested persons of notices, decisions, and other papers (except warrants and subpoenas) in administrative proceedings before Service officers as provided in this chapter.

(b) Effect of service by mail. Whenever a person has the right or is required to do some act within a prescribed period after the service of a notice upon him and the notice is served by mail, 3 days shall be added to the prescribed period. Service by mail is complete upon mailing.



Subject: Your recent inquiry (receipt #MSC-20-915-82908)

From: USCIS <USCIS-CaseStatus@dhs.gov>

Date: 10/27/2023, 7:30 PM

To: carr p@gmail.com

U.S. Department of Homeland Security
USCIS
6500 Campus Circle Drive East
Irving, TX 75063

U.S. Citizenship and Immigration Services
Friday, October 27, 2023

Emailed to carrbp@gmail.com

Dear Rueangrong Carr:

On 10/19/2023, you or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

Caller indicated they are:

-- Applicant or Petitioner

Attorney Name:

-- Information not available

Case type:

-- I751

Filing date:

-- 08/24/2020

Receipt #:

-- MSC-20-915-82908

Referral ID:

T1B2922301353MSC

Beneficiary (if you filed for someone else):

-- Information not available

Your USCIS Account Number (A-number):

-- 056137568

Type of service requested:

-- Non-Delivery of Permanent Resident Card

The status of this service request is:

Thank you for contacting USCIS concerning the above-referenced application. Below is a summary of what we have found.

You or your representative contacted U.S. Citizenship and Immigration Services (USCIS) because you have not received your denial, termination or revocation notice. We have enclosed a copy of the notice for your reference. Please note that we are not able to extend the period for you to file an appeal from this decision. Therefore, follow the instructions on your notice carefully and submit accordingly.

26-10025.189

Case 3:23-cv-02875-S-BT Document 10-11 Filed 01/11/24 Page 2 of 2 PageID 167

If your receipt number begins with IOE, please consider activating your USCIS online account at myaccount.uscis.gov. You can use your account to get your current case status and to access every notice we send you. You can also send messages and receive answers through a secure inbox.

Address Changes: If you move, please provide us with an updated address. For more information about address changes, please visit our website at uscis.gov/addresschange, and click on "How to Change Your Address." To ensure that all mail is delivered as addressed, please also ensure that you are registered with the U.S. Postal Service (USPS) to receive mail at the address of record you have provided to USCIS.

For questions about your application, you can use our many online tools (uscis.gov/tools) including our virtual assistant, Emma. If you are not able to find the information you need online, you can reach out to the USCIS Contact Center by visiting uscis.gov/contactcenter. The USCIS website also provides detailed information about policies and procedures, and you can download and e-file forms from the website.

26-10025.190

USPS Tracking®

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9589071052701312288862

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 7:32 am on January 12, 2024 in WASHINGTON, DC 20260.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

WASHINGTON, DC 20260

January 12, 2024, 7:32 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



[See Less ^](#)

Tracking Number:

[Remove X](#)

26-10025.191

9589071052701312288886[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 11:27 am on January 11, 2024 in ARLINGTON, VA 22209.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Front Desk/Reception/Mail Room

ARLINGTON, VA 22209

January 11, 2024, 11:27 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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WASHINGTON, DC 20226

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**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

COMPLAINT

The Plaintiffs, Brian P. Carr (hereafter referred to as Mr. Carr), Rueangrong Carr (hereafter referred to as Mrs. Carr) and Buakhao Von Kramer (hereafter Mrs. Von Kramer) appear pro se in this matter, as and for their complaint allege the following:

Introduction

1. This matter concerns the Defendants falsification of government records and, potentially, obstruction of justice through failure to report or correct federal crimes, and the Plaintiffs' [Fifth Amendment](#) right to due process of law.

Due Process Requirements

2. Almost all of the counts raised in this matter center around due process. Since the 70's the U.S. Supreme Court has expounded on the requirements of Due Process for administrative procedures such that it is not an obscure arcane right, but rather a central pillar of how the U.S. government must act when dealing with individuals. There is an excellent overview of 'due process' in Cornell Law LII Procedural Due Process which lists the ten key elements required for due process as:
 1. An unbiased tribunal.
 2. Notice of the proposed action and the grounds asserted for it.

3. Opportunity to present reasons why the proposed action should not be taken.
 4. The right to present evidence, including the right to call witnesses.
 5. The right to know opposing evidence.
 6. The right to cross-examine adverse witnesses.
 7. A decision based exclusively on the evidence presented.
 8. Opportunity to be represented by counsel.
 9. Requirement that the tribunal prepare a record of the evidence presented.
 10. Requirement that the tribunal prepare written findings of fact and reasons for its decision
- These elements are derived from Judge Henry Friendly's article titled "[Some Kind of Hearing](#)".

USPS Falsifies Delivery Record

3. In April of 2021, 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. As a result, Mr. Carr was unable to get the guaranteed refund of \$26.35. Mr. Carr appealed administratively with USPS and later with USPS Office of the Inspector General (hereafter USPS OIG), the Council of the Inspectors General on Integrity and Efficiency (hereafter CIGIE), USPS Board of Governors, and Department of Justice (hereafter DoJ) to correct the falsified documents and get the requested refund. No refund has been received.

Department of State Denies Non-Immigrant Visa Without Due Process

4. In 2018 and 2019 Mrs. Carr and her sister, Mrs. Von Kramer, applied for non-immigrant visas which were denied by the Department of State (hereafter DoS) through the Bureau of Consular Affairs (hereafter BCA) without due process. In particular, the denial was a form letter with no reference to the actual evidence and which contradicted the verbal explanations of the denial by the interviewer. This could be construed as falsification of government records through omission of required information. Further, in each case the denial was based on a rationale that was not supported by the evidence or law in the matter. As there was no administrative appeal available, Mr. Carr sought correction of the injustice through the DoS OIG, CIGIE, and DoJ. Later non-immigrant visas for Mrs. Carr and Mrs. Von Kramer were

approved in 2022 but both sisters suffered financial harm from the delay in receipt of the visas.

Mrs. Von Kramer Receives Survivor Benefits

5. Mrs. Von Kramer is the widow of a deceased American veteran and was able to visit the U.S. in 2022 and commenced receiving survivors' benefits from Social Security in May of 2023, but she must return to the U.S. every six months as she was not able to establish her 'lawful presence' in the U.S. in 2019, 2020, and 2021 as she planned.

USCIS Denies Citizenship Application Based on Falsified Documents

6. On 31 Jan 2023 as a result of a joint interview held on 30 Jan 2023 for a permanent green card (I-751) and for citizenship (N-400), the United States Citizenship and Immigration Service (USCIS) approved Mrs. Carr's I-751 application for a permanent green card while not actually providing the green card as her N-400 citizenship application was also approved.
7. However, instead promptly providing Mrs. Carr with a Certificate of Naturalization, on 01 Sep 2023, USCIS updated her N-400 record to note that the interview of 30 Jan 2023 was canceled due to unforeseen circumstances.
8. Mr. Carr complained to USCIS, the Department of Homeland Security (DHS) OIG and DoJ of falsified records (the interview had been completed and the N-400 had been approved). Even so, USCIS scheduled a 'second' N-400 interview for 11 Oct 2023, a date when USCIS had been informed that Mrs. Carr would be out of the country. Mr. and Mrs. Carr made numerous efforts to reschedule the interview which were refused. USCIS denied Mrs. Carr's N-400 application on 14 Oct 2023 for 'failure to appear'. Mr. Carr has since complained to DHS OIG of 'whistleblower' retaliation for his previous reports of federal crimes and other malfeasance by USCIS.

Jurisdiction and Venue

9. This Court has subject matter jurisdiction over this action pursuant to [28 USC § 1331](#) and [28 USC § 1367](#) and the Administrative Procedure Act (APA, 5 USC § 551–559), as a case arising under [18 USC § 1001](#), [18 U.S. Code § 1505](#), [18 USC § 1510](#), [18 USC § 201](#), [18 USC](#)

Ch 96 (RICO), 18 U.S. Code § 1038 (18 U.S. Code § 10), 5a USC IG ACT 1978, 39 USC, 8 USC Ch 12, 8 CFR Section 216.4 as well as the Fifth Amendment of the U.S. Constitution right to due process.

10. Venue is proper in this district pursuant to 28 USC § 1391 (b) because a substantial part of the events or omissions giving rise to the claim have occurred or will occur in this district and Plaintiffs Mr. and Mrs. Carr reside in this District and Mrs. Von Kramer, as a foreign national, receives her U.S. mail care of Mr. Carr.
11. Mr. Brian P. Carr (hereafter Mr. Carr) is a U.S. citizen and resident of Dallas County in the State of Texas and a Plaintiff appearing Pro Se in this matter. Mr. Carr's contact information is:

Brian P. Carr
1201 Brady Dr
Irving, TX 75061
carrbp@gmail.com
518-227-0129

12. Mrs. Rueangrong Carr (hereafter Mrs. Carr) is a U.S. Permanent Resident and resident of Dallas County in the State of Texas and a Plaintiff appearing Pro Se in this matter. Mr. Carr is Mrs. Carr's spouse and to the degree that it is legally permissible, Mr. Carr will represent Mrs. Carr. Mrs. Carr's contact information is:

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061
carrbp@gmail.com
518-227-0129

13. Mrs. Buakhao Von Kramer (hereafter Mrs. Von Kramer) is a citizen and resident of Thailand with a U.S. B-1 / B-2 non immigrant visa (business / tourist). Mrs. Von Kramer's U.S. mailing address is care of Mr. Carr, a resident of Dallas County in the State of Texas. Mrs. Von Kramer is a Plaintiff appearing Pro Se in this matter. Mrs. Von Kramer is the widow of Nikolaus Von Kramer, a German National, U.S. Army veteran (pre 1968), U.S. citizen, married to Mrs. Von Kramer on 12 January 2006, and died 26 April 2014. Mrs. Von Kramer is also Mrs. Carr's sister. Mrs. Von Kramer has also requested that Mr. Carr represent Mrs. Von Kramer to the degree that it is legally permissible. Mrs. Von Kramer's

contact information is:

Buakhao Von Kramer
c/o Brian Carr
1201 Brady Dr
Irving, TX 75061
carrbp@gmail.com
518-227-0129

14. Mrs. Von Kramer's legal residence is:

105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND

15. The United States government is the primary Defendant in this matter and is represented by the U.S. Attorney for the Northern District of Texas in her professional capacity with contact information:

United States Attorney
Northern District of Texas
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699

16. The U.S. Department of Justice (hereafter DoJ) is an agency of the United States, a Defendant in this matter and is represented by the Attorney General in his professional capacity with contact information:

Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

17. The United States Postal Service (hereafter USPS) is an agency of the United States, a Defendant in this matter and is represented by the Postmaster General in his professional capacity with contact information:

Postmaster General
USPS Headquarters
475 L'Enfant Plaza SW
Washington DC 20260-0010

18. The USPS Office of the Inspector General (hereafter OIG) is an agency of the United States, a Defendant in this matter and is represented by the USPS Inspector General in her

professional capacity with contact information:

USPS Inspector General
1735 North Lynn Street
Arlington, VA 22209-2005

19. The USPS Board of Governors (BoG) is the governing body of the USPS, an agency of the United States. The USPS BoG is a Defendant in this matter and is represented by the Chairman in his professional capacity with contact information:

USPS Board of Governors Chairman
475 L'Enfant Plaza SW
Washington DC 20260-0010

20. The U.S. Department of State (hereafter DoS) is an agency of the United States, a Defendant in this matter and is represented by the Secretary of State in his professional capacity with contact information:

Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

21. The DoS OIG is an agency of the United States, a Defendant in this matter and is represented by the DoS Inspector General in her professional capacity with contact information:

U.S. Department of State Inspector General
1700 North Moore Street (SA-39)
Arlington, VA 22209

22. The Council of the Inspectors General on Integrity and Efficiency (hereafter CIGIE) is an agency of the United States, a Defendant in this matter and is represented by the Executive Director in his professional capacity with contact information:

Executive Director
Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006

23. The U.S. Citizenship and Immigration Services (hereafter USCIS) is an agency of the United States, a Defendant in this matter and is represented by the USCIS Director in her professional capacity with contact information:

USCIS Director
20 Massachusetts Avenue, NW
Washington, DC 20529

24. The Department of Homeland Security (hereafter DHS) OIG is an agency of the United States which oversees USCIS, a Defendant in this matter and is represented by the DHS Inspector General in his professional capacity with contact information:

Department of Homeland Security Inspector General
245 Murray Dr.; Building 410;
Washington, DC 20528

25. The Social Security Administration (hereafter SSA) is an agency of the United States, a Defendant in this matter and is represented by the SSA Commissioner in her professional capacity with contact information:

Social Security Administration Commissioner
1300 D. Street SW
Washington, D.C. 20024

Count 1

USPS Falsifies Delivery Records, Refuses Credit

26. The Plaintiffs repeat and re-allege paragraphs 1 through 25, as if fully set forth herein.
27. On April 9, 2021 Mr. Carr purchased an 'Overnight Express' click'n'ship for \$26.35 with tracking number 9470103699300057573507 with guaranteed delivery to return his passport from the Thai embassy to his home address. The Thai embassy mailed his passport back and the shipment was accepted by USPS at 8:46PM on 13 April 2021 with guaranteed delivery by 12PM on 15 April 2021. This was longer than overnight as it was received late in the day.
28. However, the package did not arrive at the Irving Post Office until 11:18 AM 15 April 2021 and was 'out for delivery' at 11:29 AM. It was scanned as delivered at 11:35 while the driver was almost certainly still at the Post Office, a common practice for 'Stop the Clock' scans.
29. It is virtually impossible to make the drive from the Post Office to Mr. Carr's house in six minutes. Note that while 'Stop the Clock' scans have a relatively benign name, they are, in fact, crimes of falsifying government records as per 18 U.S. Code Section 1001 (a) (1).
30. Mr. Carr was anxious to get his passport and checked for the package several times on the

- morning of 15 April, 2021. When Mr. Carr received notice of the delivery at 11:35 AM via email, both Mr. Carr and Mrs. Carr went out to look for the package but could not find it.
31. Mr. Carr also called the Post Office about the missing package and was advised to not worry as there had been vehicle problems that morning and that his package would arrive soon. Mr. Carr asked if the record of delivery time would be corrected but received a non-committal answer. Mr. Carr also took a time stamped photo of the front porch area with no package present after it had been recorded as delivered.
 32. At 12:30PM the package was in Mr. Carr's mail box, delivered after the guaranteed delivery time (contrary to the 'Stop the Clock' delivery scan).
 33. That afternoon Mr. Carr initiated an online request for a refund (refund request number 6006595) which was denied in minutes as the package was falsely reported as delivered on time.
 34. Two weeks later Mr. Carr was permitted to appeal that arbitrary denial and explained about the illegal 'Stop the Clock' scan and on 5 May 2021 the status of the refund was changed to 'Dispute Paid'. However, the credit card which Mr. Carr used for the online 'click n ship' never posted the refund.
 35. On 9 June, 2021, Mr. Scott Hooper, District Manager, Dallas Customer Service and Sales, 951 W. Bethel Rd., Coppel, Texas, 75099-9998 replied to Mr. Carr's queries about the falsified delivery time via Congressman Veasey stating that Mr. Rodney Malone, Postmaster, Irving, TX found that "the guaranteed date and time for delivery of the Priority Express Mail was April 15, 2031, by noon. Mr. Malone retrieved data from the carrier's scanner and was able to confirm the package was scanned delivered on April 15, 2021 at 11:35 a.m.. Mr. Malone states the carrier has been trained in the proper disposition and scanning of Priority Express Mail. The signature was waived; therefore, allowing delivery directly to Mr. Carr's mailbox. Unfortunately, to be able to correct a scan in our system, it must be within the previous 21 calendar days."
 36. Mr. Carr contacted USPS customer service on numerous occasions as there had not been any refund but was only told to wait longer for the refund even though he had already waited far longer than the suggested waiting time.
 37. When Mr. Carr complained that the refund was due many months ago, the response was just a generic statement about submitting a new refund request (which would be denied as it was

- too late to initiate a new refund request). See service request 28670242 on 19 July 2021.
38. On 3 September 2021, Ms. Scarpelli of the USPS responded to Congressman Veasey stating that Mr. Carr's refund was paid on 5 May 2021 but on further investigation by Mr. Carr there were no details of the refund.
 39. After Mr. Carr made numerous attempts to find the transaction ID of the credit to his bank it became apparent that Ms. Scarpelli had been misled by the numerous falsified documents which resulted from the 'stop the clock' scan of his package and faulty USPS business processes to issue credits when a falsified delivery record indicates an 'on time' delivery.
 40. It appears that the Accounting Service Center approved the refund and passed it off to Customer Service to make the actual refund. However, because the tracking record had a falsified delivery time via the 'Stop the Clock' scan which was not corrected by management (a potential crime itself), customer service could not give the refund but referred Mr. Carr back to accounting services or asked Mr. Carr to start a new claim for a refund (which was not permitted at that time due to the delay).
 41. There are now numerous documents which are false due to the original falsified delivery time and thousands of others as documented by USPS OIG, to include quality reports to Congress and the U.S. public, profitability reports for individual post offices and regions, and bonuses paid to management of said post offices and regions. This is a prime example of how one uncorrected falsified document multiplies until it becomes hard to find any truthful and correct documents.

Count 2

USPS OIG Refuses to Investigate or Report Federal Crimes

42. The Plaintiffs repeat and re-allege paragraphs 1 through 41, as if fully set forth herein.
43. Mr. Carr visited the [USPS OIG web hotline](#) which stated "the USPS OIG Hotline CANNOT assist you with daily mail delivery and tracking problems" but also "the USPS OIG Hotline CAN assist you with ... Employee Misconduct".
44. Mr. Carr made several submissions to the Hotline which includes Submission 167800 on 18 May 2021, Submission 170675 on 27 May 2021, Submission 184761 on 19 July 2021, and Submission 209111 on 22 October 2021. However, even though he cited specific federal

crimes of falsifying government records, defrauding postal customers and USPS management uniformly unable to make any corrections, in all cases the complaint was simply referred back to USPS local management and with no correction or action taken. However, each complaint was closed as successfully resolved even though no corrections or actions were taken.

45. On 1 August 2021 Mr. Carr wrote directly to the USPS Inspector General inquiring as to the origin of the policy preventing any USPS OIG investigation of certain crimes of falsifying government records, e.g. 'Stop the Clock' scans of packages as delivered prior to actual delivery and, amongst other things, defrauding postal customers.
46. This letter seems to have been referred back to the USPS OIG Hotline where they suggested that Mr. Carr would need to file a Freedom of Information Act request to get the information he required.
47. Mr. Carr submitted the FOIA request on 19 October 2021 and received a statement from Tanya Hefley stating "However, we were advised, during processing, the OIG Hotline determines the best routing (OIG, Inspection Service, Postal Service, other agency, etc.) for an allegation on a case-by-case basis."
48. [A 2017 USPS OIG audit](#) found there were over 1.9 million improper 'stop the clock' scans out of the 25.5 millions which were analyzed. The result was that over 7 percent of the analyzed scans were improper. Extending this to the over 4 billion scanned packages during 2017, as many as 280 million of such scans defrauded customers by these 'improper' scans preventing 'guaranteed delivery' refunds. Further, the USPS OIG listed over about 1.4 million customer complaints in FY 2017 related to delivery.
49. In a [2020 Blog report by USPS OIG](#), "Specifically, 38 percent of the more than 1,100 packages that were selected at these units and that were in the facility before the carriers arrived for the day had been improperly scanned."
50. When Mr. Carr reported the details of the falsified delivery time to OIG case workers, it was not only 'likely' that a federal crime had been committed, but, in light of USPS OIG reports on the problem, it was 'beyond reasonable doubt.'
51. However, the reality is that improper 'Stop the Clock' scans are federal crimes and are not ever referred to the Attorney General as required by statute [5a USC IG Act 1978 Section 4](#).

52. On 1 August 2021 Mr. Carr wrote to the USPS IG directly complaining of an apparent illegal order preventing USPS OIG case workers from reporting known federal crimes (the well documented 'stop the clock scans' (a.k.a. falsified government records) to the Attorney General as required explicitly by the INSPECTOR GENERAL ACT OF 1978 which states in part that the 'Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'.
53. The USPS IG made no response but via U.S. Representative Marc Veasey, Ms. Kelly Delaney, Senior Attorney, Government Relations, USPS OIG, replied on 7 June 2022 in USPSoigRsps.pdf (an electronic document already sent to the relevant Defendants) and stated
- The OIG conducts investigations to determine whether evidence exists of misconduct or criminal activity by postal employees and, when appropriate, refers such matters for criminal prosecution. When employee conduct does not meet the threshold for prosecution, we typically refer such matters to Postal Service management officials for their determination of possible administrative action. ...
- We did not identify a violation that warranted referral for criminal prosecution.
54. Thus, the OIG is claiming the authority to decide which cases should be prosecuted while it is clear from 1978 IG Statute that Congress intended that the decision to prosecute is reserved solely for the Attorney General (or the DoJ realistically).
55. It is apparent that the USPS OIG has decided to allow the USPS to commit certain federal crimes with impunity thereby defrauding thousands of postal customers each year.
56. On 3 August 2022, Mr. Carr wrote to the USPS Board of Governors with USPSbdRqst.pdf (previously provided to relevant Defendants) complaining of apparent illegal orders preventing the USPS IG from properly reporting federal crimes to the DoJ as required by statute, possibly a crime itself of obstruction of justice.
57. There was no response from USPS BoG but on 14 Dec 2022 from Andrew Jones, USPS Government Relations Representative replied via Representative Veasey with BrianCarr.USPSreply.12-12-22.pdf (previously provided to relevant Defendants) which states 'the Council of the Inspectors General on Integrity and Efficiency (CIGIE) is

responsible for investigating complaints about an Inspector General. CIGIE conducts its investigations independently, and it has requested that all inquiries related to its functional responsibilities be referred to CIGIE for reply.' It claims that the complaint was forwarded to CIGIE but no response was forthcoming.

58. There are anecdotal reports of widespread falsification of records of all types within USPS which is the likely result of USPS OIG unlawfully granting USPS the ability to falsify delivery records with impunity.

Count 3

DoS Denies Mrs. Carr Visa without Due Process

59. The Plaintiffs repeat and re-allege paragraphs 1 through 58, as if fully set forth herein.
60. Mr. and Mrs. Carr had married on 23 June 2018 in Thailand and applied for an immigration visa via an I-130 petition submitted to USCIS on 17 July 2018.
61. However, they learned that the I-130 petition normally takes over a year to be processed. They were concerned that his mother was over 90 years old and her health was failing. It was unlikely that she would survive for more than a year. The couple wanted Mrs. Carr to be able to meet Mr. Carr's mother so they decided to apply for a non-immigration visa.
62. As a result, Mr. Carr completed the application for a non-immigration visa DS-160 for Mrs. Carr with the \$160 fee paid by Mr. Carr with his American credit card.
63. Mr. Carr requested that he be permitted to attend the interview as Mrs. Carr representative as he was more familiar with his mom's health and his finances. However, he was told that was not possible due to security and space concerns at the consulate.
64. As an alternative, Mr. Carr completed an I-864 affidavit of support showing assets of \$2,986,370.28 over 90% of which were in IRA accounts which could not be moved outside of the U.S. without complex and expensive tax implications. He also attached statements supporting those assets and an explanation that the couple had sufficient assets to live wherever they chose and that it would be incredibly stupid for them to overstay their visa as it would preclude freedom to travel in the future. They were not stupid people.
65. On 29 Aug 2018 Mrs. Carr had an interview for a B-1 / B-2 non immigrant visa (business / tourist) at the Chiang Mai Consulate in Thailand with appointment AA00843QZW.

66. The interviewer did not review any of the papers which Mr. Carr had prepared but instead did a cursory review of Mrs. Carr visa application record and noted the I-130 application to immigrate. The interviewer then informed Mrs. Carr that she could not get a tourist visa because she had an outstanding immigration visa application. The only way she could get a tourist visa would be to rescind her immigration application first and then reapply for a tourist visa. This deeply upset Mrs. Carr, presenting her with a sort of Sophie's choice dilemma. Needless to say, the interviewer's verbal claim was totally contrary to the published requirements and the law in these matters.
67. The actual denial letter had no references to any evidence presented or reviewed but simply cited section 214(b) and 'you did not overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties to your home country that will compel you to leave the United States at the end of your temporary stay'.
68. Mr. and Mrs. Carr were unlawfully denied their ability to travel freely due to denial of Mrs. Carr's visa application.
69. Mr. Carr complained to the DoS OIG with complaint H20190052 citing the lack of due process through the denial of the right to representation (Mr. Carr could not attend the interview), the denial of the opportunity for Mrs. Carr to present evidence, and the denial of the right to a written decision based solely on the law and evidence presented. Mr. Carr explained that the requirement that Mrs. Carr rescind her immigration application was not supported by the law and, as such, was unlawful.
70. On 10 October 2018 received a response via the DoS OIG in the form of a PDF file which
71. has been named DoSig2018rsps.pdf signed by Cristin Heinbeck, Outreach and Inquiries Division, Visa Services of DoS which stated in part:

there is no provision in U.S. law that specifically precludes issuance of a nonimmigrant visa to an applicant with a pending immigrant visa case. However, such an applicant must still demonstrate that he or she has clear ties to a continuing life overseas and evidence that he or she intends only a temporary visit to the United States. Such evidence is required to overcome the provisions of section 214(b) of the INA.
72. The DoS did not address the denial of the right to representation and the right to present evidence. Of course an applicant will not be able to overcome the provisions of section

- 214(b) if they are not permitted to present the evidence which is required by section 214(b).
73. As DoS OIG improperly abdicated its responsibility to oversee BCA and referred these serious violations of the Fifth Amendment rights of Due Process to BCA, Mr. Carr continued his efforts a just and lawful decision by writing several emails to the Chiang Mai Consulate General.
 74. Mr. Carr was able to persuade USCIS to expedite the I-130 immigration petition process and it was approved within four months (likely a record for such petitions in Thailand at that time).
 75. Mr. and Mrs. Carr were also subjected to unwarranted stress in getting the I-130 so quickly as was the staff at USCIS who had to deal with the constant concerns raised by Mr. Carr about every delay.
 76. Mrs. Carr was able to meet Mr. Carr's mother and that was a source of joy for all parties. Mr. Carr's mother died within a week of their arrival so the desire to visit promptly was well founded.
 77. Mr. and Mrs. Carr returned to Thailand after a roughly three month visit to the United States (so would not have 'overstayed' a tourist visa in any case).
 78. However, four years later USCIS failed in meeting its statutory mandate to allow Mrs. Carr to work and travel freely and left Mrs. Carr stranded in Thailand, unable to return to the U.S..
 79. As a result, Mrs. Carr had to make a second application for a tourist visa with DoS BCA with the interview on 12 Dec 2022 at the Chiang Mai Consulate with appointment AA00BCSFIT.
 80. Mr. Carr sent an explanatory email to the Chiang Mai Consulate General citing the previous letter from DoS stating that Mrs. Carr's previous visa application was denied unlawfully and explaining that USCIS had unlawfully left Mrs. Carr stranded in Thailand, attaching the supporting documents for this conclusion. Mr. Carr asked that an adequately trained interviewer be assigned to review Mrs. Carr's visa application so that there would not be further unjust and unlawful decisions.
 81. The Consulate General responded that all interviewers were properly trained and made their decisions independently of any input from the Consulate General but it is possible that an addendum was made to Mrs. Carr's file explaining the sensitivity of the application.

82. Mrs. Carr's second visa application was approved with no substantial input from Mrs. Carr, only an online review of the status of the application.
83. The cost of this second visa application fee was \$160 which Mr. Carr attributes half to USCIS for leaving Mrs. Carr stranded in Thailand and half to DoS BCA for unlawfully denying the first visa application.

Count 4

DoS Denies Mrs. Von Kramer Visa without Due Process

84. The Plaintiffs repeat and re-allege paragraphs 1 through 83, as if fully set forth herein.
85. Mrs. Von Kramer is the widow of an American veteran who died on 26 April 2014 (born 19 Nov 1944). Mrs. Von Kramer had promptly notified the U.S. embassy and Social Security of his death.
86. A member of the embassy staff had kindly mentioned to Mrs. Von Kramer that if she visited the U.S. regularly she could get survivor benefits from Social Security. She also explained that if Mrs. Von Kramer did not have friends or family in the U.S. it would be prohibitively expensive and not really possible.
87. As a result, after Mrs. Carr (her sister) had become a Permanent Resident of the U.S., Mrs. Von Kramer's younger daughter Yui Montira Moongram submitted a DS-160 visa application for Mrs. Von Kramer and paid the \$160 fee. Her first interview was held on 9 Sep 2019 at the Chiang Mai consulate.
88. Mrs. Von Kramer asked that Mr. Carr attend the interview. Mr. Carr inquired again and was told that only the applicant was permitted in the consulate due to security and space constraints.
89. Mr. Carr helped Mrs. Von Kramer prepare an extensive folder of papers (more than an inch thick) to demonstrate her financial resources and ties to Thailand. It included:
 - Round trip tickets to the U.S. with the first flight on 13 Oct 2019 on the same flight to the U.S. as Mr. and Mrs. Carr were taking.
 - A letter from Mr. Carr inviting Mrs. Von Kramer to stay at their house during her visit to the U.S..
 - A statement from one of Mr. Carr's retirement accounts showing over \$400,000 in assets (signed by Mr. Carr).

- A signed copy of Mr. Carr's passport ID page.
- A Thai bank statement showing a roughly \$30,000 balance in Mrs. Von Kramer's name for the last six months (and certified at the bank).
- Deeds to Mrs. Von Kramer's houses in Chiang Mai and Chiang Rai with pictures of the houses (they are nice houses) along with her and her dogs, two daughters, and other sister and brother (in different pictures).
- Deeds to some of her farm land (rice paddies in Chiang Rai where Mrs. Von Kramer was born).
- Title to her car along with pictures of her with the car and family members.
- University diplomas for her two daughters.
- Documentation of her daughters' long term employment as a nurse in Chiang Mai and Network Engineer in Bangkok together with pay stubs.
- Documentation of her marriage to Mr. Von Kramer and his death.
- An explanation by Mr. Carr of the requirements to get social security survivors' benefits which include several 'lawful' visits to the U.S. over a five year period (and a stipulation that any overstays would disqualify her from any future benefits).

First Visa Application Denied

90. Surprisingly enough, the interviewer verbally denied Mrs. Von Kramer first visa application based on her not having firm travel plans. This was not based on any evidence as Mrs. Von Kramer had copies of her flight tickets and invitation as described above.
91. Further, the written denial letter was identical to the one Mrs. Carr had received with no references to any evidence presented or reviewed but simply cited section 214(b) and 'you did not overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties to your home country that will compel you to leave the United States at the end of your temporary stay'.
92. Mrs. Von Kramer apologized to Mr. Carr at the end of the interview for not presenting her case well, but the real problem was the denial of her right to Due Process and representation.
93. Mrs. Von Kramer was raised in a very poor family with nine children and a sharecropper father. She had a limited education of only four years before she needed to start working to help support the family.
94. As a girl from a poor family in Thailand she was taught to be polite and not speak out. She

was not taught how to persuasively and clearly advocate for her position. However, Due Process is guaranteed to all persons who deal with the U.S. government and the right to representation is to insure that justice is not provided only to the rich and well educated.

Second Visa Application Denied

95. Mr. Carr completed a second DS-160 visa application for Mrs. Von Kramer with the interview on 30 Sep 2019 at the Chiang Mai Consulate (appointment AA009APPX1) and Mrs. Von Kramer paid the roughly \$160 fee in Thai Baht.
96. Mrs. Von Kramer was able to mention to the interviewer that she wanted to apply for Social Security but the interviewer falsely claimed that she could have her social security claims handled in Manila in the Philippines and did not need a U.S. visa for that. It is unclear if the interviewer was ignorant of Social Security rules and regulation or maliciously told her false information.
97. Mrs. Von Kramer mentioned her contact at the embassy who had explained the U.S. requirements for non citizens to receive Social Security benefits overseas to Mrs. Von Kramer, but the interviewer declined to call her.
98. The interviewer also did not read Mr. Carr's extensive explanation of Social Security rules and regulations applicable to Mrs. Von Kramer but instead denied her application based on the false claim that she could get her social security benefits in the Philippines.
99. The written denial letter was the same form letter as before with no mention of the actual evidence considered.

Third Visa Application Denied

100. Mrs. Von Kramer again apologized to Mr. Carr for not presenting her case well as she had not given the interviewer the extensive documentation which Mr. Carr had compiled.
101. Mr. Carr completed a third DS-160 visa application for Mrs. Von Kramer with the interview on 9 Oct 2019 at the Chiang Mai Consulate (appointment AA009BKKHR) and Mrs. Von Kramer paid the roughly \$160 fee in Thai Baht.
102. Before the interview, Mrs. Von Kramer practiced handing the packet of documentation to the interviewer as she had not done that in previous interviews. Mr. Carr also insured that she called attention to his affirmation which explained all the other attachments as well as the requirements for Social Security benefits paid to foreign nationals overseas.
103. In the actual interview, Mrs. Von Kramer did hand the packet to the interviewer and he did

spend a few seconds reading the first few pages, before closing the packet and informing Mrs. Von Kramer that she could not get a visa as she was a widow and too old with insufficient ties to Thailand. If she were to remarry she could reapply and might be eligible for a visa.

104. Of course this verbal rationale is completely contrary to the published rules and laws for non-immigration visas.

105. The written denial letter was the same form letter as before with no mention of the actual evidence considered.

106. It should be noted that if Mrs. Von Kramer were to remarry, she would no longer be eligible for SSA survivors' benefits, the central focus of the first few pages of Mr. Carr's affirmation.

107. It is also apparent that the DoS BCA has unpublished unwritten unlawful policies which are followed by interviewers such as:

- Immigration applicants should not be granted tourist visas irrelevant of the actual facts and circumstances.
- Widows of deceased American citizens (or more properly surviving spouses) should never be granted tourist / business visas irrelevant of the actual facts and circumstances

The last item may be intended to reduce drains on the overburdened social security system which could be considered an admirable goal, but it is up to Congress balance the complex trade offs of such matters.

108. Mrs. Von Kramer suffered financial loss due to these unlawful denials of visa applications to include three application fees (\$160 times 3, or \$480) but also the flight tickets she was not able to use. Her round trip fare via Expedia on China Southern Airlines was \$511.53 which was a bargain for non-refundable tickets, but Expedia was helpful in negotiating with China Southern Airlines due to the extenuating circumstances and was able to get a refund of the entire amount less the stated change fee of \$134.

109. Mrs. Von Kramer was also unable to establish a lawful presence in the United States during the years of 2019, 2020, and 2021 according to SSA policies concerning payments to non-citizens residing outside the United States.

Fourth Visa Application Approved

110. Mrs. Von Kramer made a fourth application for a tourist visa with DoS BCA with the interview on 12 Dec 2022 at the Chiang Mai Consulate with appointment AA00BCSFIT.

111. Mrs. Van Kramer was able to schedule her interview to be 15 minutes after Mrs. Carr time slot so that the two sisters went in together. It happened that Mrs. Carr was able to introduce Mrs. Von Kramer to Mrs. Von Kramer's interviewer with the statement 'She is my sister' before Mrs. Carr went on to her interview.

112. Mrs. Von Kramer was prepared with a more extensive folder of papers and had practiced presenting the papers with simple and brief explanations (e.g. "Here is an invitation letter from my brother-in-law, here is a picture of me with my sister and brother-in-law, here is a copy of my brother-in-law's passport page which he has signed for me, ...")

113. However, before Mrs. Von Kramer could start her presentation, the interviewer asked if she would be traveling with others. She answered that she would be traveling with her sister and brother-in-law and the interviewer replied 'Let me look into the status of the other members of your group'. He then briefly looked at records on his computer before telling Mrs. Von Kramer that her visa application was approved.

114. It is possible that Mrs. Von Kramer's interviewer may have read any notes or concerns about Mrs. Carr's visa application made by the Chiang Mai Consulate General in response to Mr. Carr's previous email.

SSA Conditionally Grants Survivors' Benefits

115. As a result, Mrs. Von Kramer was able to visit the United States briefly in 2022 and 2023, possibly establishing a lawful presence for those years according to SSA standards.

116. After a weekend trip to Cancun Mexico in January of 2023, Mrs. Von Kramer continued the process of applying for SSA survivors' benefits which started in May of 2023 and have continued with the requirement that Mrs. Von Kramer can not continue to receive benefits outside the U.S. if she is outside the U.S. for more than six months.

117. Mrs. Von Kramer has met SSA's requirements for payments and intends to continue her regular visits to the U.S. until SSA determines that she has established a lawful presence in the U.S. for five years.

DoS Refuses FOIA Requests

118. On 11 May 2023 via the DoS FOIA request web page Mr. Carr submitted two FOIA requests along with emails to FOIARequest@state.gov with required release forms for Mrs. Von Kramer and Mrs. Carr seeking all records related to the visa applications cited herein..

119. On 24 July 2023 responding to Case Number: F-2023-08493 Laura Stein, Deputy Director,

Office of Domestic Operations, Directorate for Visa Services (DoS) stated that even with authorizations for release of FOIA information from Mrs. Carr and Mrs. Von Kramer, the DoS would still be required by section 222(f) of the Immigration and Nationality Act (8 US section 1202(f)) to keep confidential any visa records that were not previously received from or sent to the subject of the request.

120. This misconstrues 8 US section 1202(f) which states:

(f) Confidential nature of records shall be used only for the formulation, amendment, administration, or enforcement of the immigration, nationality, and other laws of the United States,

121. However, the Fifth Amendment guarantees to all persons (including foreign nationals) the right to Due Process which certainly includes access to all the evidence presented against them. All such information must be released to the applicant in order to administer the immigration laws and the applicants' due process rights so 222(f) does not apply to applicants seeking access to records applicable to their case.

122. These requirements on administrative procedures even extend to properly classified information covered by the Classified Information Procedures Act (CIPA) which provides uniform procedures for prosecutions involving classified information.

123. In *Kiareldeen v. Reno*, see 71 F.Supp.2d 402, the court ruled in favor of an immigrant applicant facing deportation. On appeal, the court ruled that the reliance on secret evidence violated his due process rights because (1) it deprived him of meaningful notice and an opportunity to confront the evidence against him, and (2) exclusively hearsay evidence could not be tested for reliability.

Count 5

DoS OIG Refuses to Investigate or Report Federal Crimes

124. The Plaintiffs repeat and re-allege paragraphs 1 through 123, as if fully set forth herein.

125. In early October 2018 Mr. Carr submitted a complaint via the DoS OIG hotline (a web page) concerning malfeasance in the processing of visa applications as the DoS BCA did not provide due process, particularly the right to representation, lack of a written decision based on the evidence and the law, and right to appeal.

126. On 10 October 2018 he was assigned reference number H20190052 and a response which

included 'We have reviewed your complaint and determined that the appropriate office to address your concerns is the Bureau of Consular Affairs, Executive Office. Your information has been forwarded to that office.'

127. This was consistent with The DoS OIG hotline web page at <https://www.stateoig.gov/hotline> which states 'Please note: OIG does not investigate complaints about the denial of U.S. visas.'

128. In April of 2023 Mr. Carr again complained about the lack of due process in processing visa applications and received the same response (apparently a form email) with H20231749 on 20 April 2023 for Mrs. Carr and H20231753 on 18 April 2023 for Mrs. Von Kramer.

129. However, in the 2023 complaints Mr. Carr explicitly made a plausible allegation of falsifying government records (a federal crime) from omitting required information from the denial notices as required by Due Process. Specifically there was no reference to any of the actual evidence presented or considered.

130. The right to a written decision well founded on the evidence is particularly important (perhaps the foundation of due process) and 18 U.S. Code Section 1001 defines a federal crime (falsification of government records) as:

(a) ... whoever, in any matter within the jurisdiction of the executive... branch of the Government of the United States, knowingly and willfully --

(1) falsifies, conceals, or covers up ... a material fact;

131. This has been held to include the omission of required facts which would include the rationale for a particular visa denial. It would also include having contradictory records, e.g. the video recording which included absurd conclusions such as that Mrs. Carr could not receive a non-immigration visa while she had an outstanding immigration application and a written decision which has no explanation at all.

132. Mr. Carr asked that the matter be forwarded to the DoJ as DoS OIG was required to report all plausible allegations of federal crimes to the Attorney General by statute, i.e. the INSPECTOR GENERAL ACT OF 1978 which states in part that the 'Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'

133. Mr. Carr explained that if the DoS OIG did not have sufficient resources to investigate every

plausible allegation of a federal crime, it was acceptable to forward the complaints to another department for resolution (perhaps even local management) as long as the complaint was also forwarded to the DoJ.

134. Further, on 20 June 2023, Mr. Carr reported this malfeasance and, potentially, obstruction of justice within the DoS OIG to the DoS IG, Secretary Blinken (DoS), and CIGIE.

Count 6

CIGIE Takes No Action to Insure Lawful IG Compliance

135. The Plaintiffs repeat and re-allege paragraphs 1 through 135, as if fully set forth herein.

136. On 20 June 2023, Mr. Carr complained to the CIGIE about DoS IG not reporting federal crimes to the DoJ as required by statute.

137. On 9 August 2023 the CIGIE responded that it was closing the case IC23-083 with no action taken (a standard form letter email with no reference other than the date of complaint and case number).

138. On 9 Oct 2023, Mr. Carr complained to the CIGIE about USPS IG not reporting federal crimes to the DoJ as required by statute.

139. On 1 Nov 2023 the CIGIE responded that it was closing the case IC24-010 with no action taken (a standard form letter email with no reference other than the date of complaint and case number).

140. Mr. Carr was seeking that the council abide by its charter and insure that all Inspector Generals (IG) and staff under the different IGs are aware of the requirement to report all federal crimes to the Attorney General (AG) or, logically, the Department of Justice (DoJ), whenever they believe a federal crime has been committed within their purview / department(s) which they monitor. See the INSPECTOR GENERAL ACT OF 1978, Section 4, which states in part that the "Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law."

141. It appears the United States Postal Service (USPS), Department of State (DoS) and Department of Homeland Security (DHS) IG's have each decided that they can choose not to prosecute certain federal crimes, particularly those crimes which have been integrated into

the monitored departments normal procedures and which would be greatly disruptive to the monitored department to correct. They do this by refusing to report these crimes to the DoJ.

142. However, just because criminally illegal processes are integrated into the monitored department does not make them immune from prosecution. The decision to prosecute resides solely with the DoJ and failure of the IG to report federal crimes is at least malfeasance and could be construed to be obstruction of justice (another federal crime).

143. Mr. Carr was not asking for prosecution of any crime but only a directive from the CIGIE that all OIG personnel report all plausible allegations of federal crimes to DoJ even if they do not have sufficient resources to investigate the allegation and can not confirm that the crime is likely, much less prosecutable.

144. Further, it appears that the CIIGE has gone from a council which was intended to develop and enforce the highest standards adherence to the law to instead become a group that supports and encourages criminal behavior in their monitored departments and shares ideas and methods for supporting the criminal behavior. This could be construed as going beyond simple obstruction of justice to violating federal RICO criminal statutes, e.g. collusion between the illegal orders of the USPS BoG, USPS senior management, USPS IG, and CIGIE.

[18 USC § 1505](#) - Obstructions of proceedings (OIG Case)

[18 USC § 1510](#) - Obstruction of criminal investigations

Bribery to prevent communication with investigator

[18 USC § 201](#) - Bribery of public officials and witnesses

Illegal order to OIG case worker to not report federal crimes to DoJ,

Case worker (or IG) gets to keep job if they do not report federal crimes to DoJ

[18 USC Ch 96 \(RICO\)](#) -

145. Of course Mr. Carr is not arguing that the RICO charges would be prosecutable or even recommending / asking the DoJ to prosecute any party, only that DoJ insures that all agencies of U.S. government endeavor to obey all lawful statutes to include reporting all plausible allegations of federal crimes to the DoJ.

Count 7

USCIS Denies Citizenship After Approval

Initial Applications

146. The Plaintiffs repeat and re-allege paragraphs 1 through 145, as if fully set forth herein.

147. On 04 Aug 2020, USCIS received Mrs. Carr's I-751 application for a permanent green card (remove two year conditions) with receipt MSC2091582908. However, there was no interview with Mrs. Carr receiving an 18 month extension letter and later a 24 month extension letter (thus extending the original expiration of her 'green card' from 13 Nov 2020 to 13 Nov 2022).

148. On July 11, 2022, Mrs. Carr submitted her N-400 application for naturalization as USCIS timetables suggested her I-751 interview was imminent and there was a 9 month delay for N-400 interviews. This would allow her to complete her I-751 interview and get her permanent green card about six months before her N-400 interview. This would allow time for her to study for the English and civics exams without concerns about having an expired green card.

Mrs. Carr's emphatic desire for a permanent green card before citizenship

149. It is important to understand that Mrs. Carr was absolutely terrified of USCIS. As an older immigrant from a poor family with extremely limited education, only 4 years of schooling, and no formal exposure to English in her childhood, Mrs. Carr feared arbitrary, capricious and unjust actions by USCIS such as deporting her without cause or notice if she failed her citizenship test or leaving her stranded overseas, not able to return to the U.S..

150. Mr. Carr also came from a relatively poor family, but he was born in the U.S. and was very fortunate. Mr. Carr graduated from West Point and later received a graduate degree from M.I.T.. Mr. Carr could not believe that USCIS would take unlawful and illegal actions such as leaving Mrs. Carr stranded overseas unable to return to the U.S.. It turns out in retrospect that Mrs. Carr was more correct than Mr. Carr.

Unlawful Restrictions on Travel by USCIS, Stranded in Thailand

151. In September of 2022, Mrs. Carr returned to Thailand on an emergency basis as her mother's health was failing. Sadly Mrs. Carr arrived just after her mother's death but was able to participate in the funeral ceremonies which extended until December of 2022 as Thai traditions has the ashes from the cremation waiting 100 days before being taken back by the family.

152. Her green card and extensions expired on 13 Nov 2023 while Mrs. Carr was in Thailand on an emergency basis. Even though [8 CFR Section 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.', USCIS refused to provide Mrs. Carr with any documentation to allow her return to the United States. This is contrary to the above statute.

153. USCIS's suggestion for how Mrs. Carr was to return to the US was via an I-131A (for travelers who have 'lost' their documents to get a one time document allowing their return for a \$575 fee). Instead Mrs. Carr got a \$160 multiple entry B1 / B2, business / tourist visa and was able to return to the USA in late Dec 2022.

Rescheduling Original Interview

154. Further, USCIS scheduled Mrs. Carr's N-400 interview for 14 Dec 2022. Mr. Carr explained to USCIS that Mrs. Carr would be unable to attend as she was out of the country and could not return due to USCIS's refusal to provide her with proof of valid permanent resident status. On 21 Nov 2022 USCIS canceled the 14 Dec 2022 interview and later scheduled her joint interview for I-751 and N-400 for 30 Jan 2023.

A-551 Passport Stamp Instead of Green Card

155. Mrs. Carr was also able to come into a USCIS office on 3 Jan 2023 to get an A-551 stamp in her passport which was valid for one year but does not provide the full ability to travel and work freely of a traditional green card.

Improper Application of English Requirement to Older and Poor, Discriminates Against Buddhist and Islamic Cultures

156. Prior to the interview on 30 January 2022, Mr Carr initiated a complaint with the DHS OIG that the English requirements for naturalization were discriminatory based on religion, income, age and culture.

157. It is well established that the appropriate time to learn the sounds of English is soon after birth. Further the appropriate time to learn to recognize the shapes of English characters is before adolescence.

158. For example, in Thai language there is no 'th' sound. Further, the pair of plosive sounds d and t are not in the Thai language. The Thai language includes only the consonant that is

between d and t. As an adult Mr Carr cannot hear the sound that is between d and t nor can he pronounce it. Similarly, because Mrs. Carr was not exposed to English at an early age, she is unable to hear or pronounce the 'th' sound.

159. Similarly, the time to learn to recognize the characters of the English alphabet is before adolescence. While it is possible to learn to recognize a foreign alphabet at later years, the recognition will never be as quick, accurate or comfortable as if it was learned before adolescence.

160. The actual effect of the English requirement for citizenship is to discriminate against older individuals from poor families from Buddhist and Islamic countries.

Joint I-751 and N-400 Interview of 30 Jan 2023

161. There was a joint I-751 and N-400 application on 30 Jan 2023. The informal results were that Mrs. Carr failed the English and civics tests. The interviewer also canceled the 'final' portion of the I-751 interview which was an undocumented and possibly unlawful review of the 'criminal background' questions from some previous forms (not part of the I-751 application itself) as Mrs. Carr did not understand English and so could not personally answer those questions.

162. The results of the interview were given verbally and informally at the time of the interview. There was also a poorly written and ambiguous form letter with check boxes concerning the N-400 results.

163. However, the next day (31 Jan 2023) USCIS entered a formal written decision for the I-751 application (previously provided to relevant Defendants as I797forMSC2091582908-ioe9752855294.pdf.) which stated in part:

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. If you have questions regarding this process, please contact the USCIS contact center at 800-375-5283.

164. Mr. and Mrs. Carr were elated at this change in fortune as it was a complete reversal of the informal verbal results. They relied on the formal written decision as a final findings of

facts, decision, and order (to borrow from judicial terminology which is appropriate for a serious due process matter concerning the ability to vote and work and travel freely).

USCIS Denied I-751 Through False Statements

165. Within a couple of weeks Mr. and Mrs. Carr inquired at the specified contact number as to when the Oath of Allegiance would be scheduled and were told that the normal processing time for such matters was 4 or 5 months and that they should call back after that.

166. Mr. and Mrs. Carr would later learn that her I-751 was actually denied (no green card would ever be issued on that application based on the statement that Mrs. Carr's N-400 was approved). As more than thirty days have passed since this effective denial based on statements which USCIS believed to be false, there are no avenues within USCIS to actually get the permanent green card.

USCIS Unlawful Policies Justified as 'Enforcement'

167. The US government has had a long history of discriminating against foreign nationals with USCIS and its counterpart for visas in the Department of State each contributing through an unlawful disregard for due process.

168. However, during the Trump era with the appointment of Director Francis Cissna, confirmed 5 Oct 2017, USCIS went to new heights of illegally mistreating foreign nationals.

169. Specifically, the option of waiving the interview for an I-751 application was eliminated (previously about 90% had been waived) thus creating an untenable burden for USCIS which already had a 1-year backlog of applications. Further, the interviewer was now required to verbally confirm the prior criminal background questions.

170. As most I-751 applicants do not speak English and most USCIS interviewers speak only English, USCIS effectively stopped conducting interviews for I-751 applications.

171. Instead USCIS simply waited until the applicant later filed an N-400 application for citizenship, though not all applicants later filed N-400 applications. Then the interviews were combined with the verbal review of the criminal background questions conducted in English, assuming the applicant was able to pass the English test. Further, the criminal background questions were already part of the N-400 interview in any case.

172. However, if the applicant was unable to pass the English test, then USCIS was in a bind for the I-751 new criminal background portion of the joint interview. USCIS had to find a

creative solution to process this case.

173. It appears that USCIS chose to effectively deny the I-751 application by claiming it was approved along with the N-400 so that no permanent resident card was provided. However, USCIS would then refuse to provide either a permanent resident card or certificate of naturalization by later claiming in future case updates that the N-400 application had not been approved.

174. This meets the criteria of a federal crime because the effective denial of the I-751 application was based on a claim that USCIS believed was false. For future reference, this will be called 'effective denial based on false premises'.

USCIS Provides Incomplete or False Estimates of Interview Dates

175. When USCIS effectively ceased providing separate I-751 interviews, they did not provide notice to applicants nor did they provide accurate estimates for the dates when interviews would be scheduled. The actual scheduling of I-751 interviews was never unless the applicant submitted an N-400 application (citizenship) in which case both interviews were scheduled together almost immediately irrelevant of the normal queue for N-400 interviews.

176. This caused great uncertainty and fear for those applicants who were poorly educated with limited English ability and poor understanding of US government procedures such as Mrs. Carr.

177. The phone number provided by USCIS for questions and concerns was answered by an automated phone system which was distinctly unresponsive and would routinely hang up on applicants if they were not able to correctly formulate a request or question which the automated could respond to.

178. For most of the time when the I-751 application was pending scheduling an interview (and in a queue over two years long and growing), there were no requests or questions which the automated system could respond to. It was certain that the automated system would hang up on the applicant after about five minutes of struggling to find a way to speak to an actual person where they could explain their concern. This phone number was the only point of contact for applicants attempting to get information about the status of their application.

Criminal Background Questions Unlawful

179. Just after the interview of 30 January 2023, Mr Carr also initiated an IG complaint concerning the criminal background questions which were routinely included as part of the USCIS application policy.
180. In particular, there are no exceptions provided about classified information which cannot be released to the interviewer or records sealed by a lawful court order.
181. Further, it is overly broad to not restrict the questions to actual convictions for serious crimes. As stated the questions would include every minor traffic or even parking violation in the state of Texas where such violations are considered crimes. The truth is, no one remembers all the situations where they may have gone over the speed limit or parked a few inches too close or too far from the curb.
182. In fact, the only accurate answer to any of the criminal background questions is 'yes' with an explanation of 'I can neither affirm nor deny the existence of information relating to this question.'. Any other answer could risk violations of the law by providing either classified or sealed information. Further, no one remembers or even knows all the circumstances where they may have violated some minor traffic, parking, or zoning regulation.

USCIS Informed of Upcoming Travel Plans

183. In August, Mr. and Mrs. Carr contacted USCIS about scheduling a new A-551 stamp for Mrs. Carr's passport to preserve her limited ability to work and travel based on their travel plans to be out of the country from 10 Oct 2023 to 25 Dec 2023. They were told that they could not get a replacement A-551 stamp as they can only be issued within 30 days of expiration and the applicant must be in the US to get the stamp.
184. In August Mr. Carr also contacted his congressman, Representative Veasey, seeking assistance in getting the Oath of Allegiance scheduled as no action had been taken in the matter.

N-400 Interview of 30 Jan 2023 Canceled

185. However, on 01 Sep 2023 USCIS sent a notice (USCIScancel20230901-20230130.pdf previously provided to relevant Defendants) which states that "the interview of 30 Jan 2023 was canceled due to unforeseen circumstances" (sent under the N-400 receipt). Of course this is a completely false document (and hence a federal crime) as the N-400 interview was completed and this document contradicts several previous documents and verbal statements

as well as the final decision in the I-751 case.

186. On 5 Sep 2023 Mr. Carr and Mrs. Carr called USCIS at the prescribed number and spoke with Destiny, ID G010590.

They asked that Destiny send an email to the appropriate party to promptly schedule Mrs. Carr's Oath of Allegiance as stated in the cited I-751 approval notice and, in the alternative, if an N-400 was not actually approved, that Mrs. Carr be sent a new 10 year Permanent Resident Card.

Destiny explained that it is not uncommon for additional interviews to be required even after the I-751 and N-400 are approved and that Mrs. Carr could not be sent the approved Permanent Resident card. Implicitly her statement indicates that such formal approvals were actually effective denials based on false premises.

At that time Mr. Carr asked that Destiny take notes for details to include in the email she would send on their behalf.

Mr. Carr cited 18 U.S. Code Section 1001 which is one of many criminal codes for falsification of government records and states in part:

(a) ... whoever, in any matter within the jurisdiction of the executive... branch of the Government of the United States, knowingly and willfully --

(1) falsifies, conceals, or covers up ... a material fact; ... or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years

(3) prohibits taking any action based on a false document with the implicit exceptions that actions may be taken to: correct the false document or, if the individual is not authorized to correct the false document, to report the false document to their supervisor and / or the relevant OIG explaining that there is an existing false document and a possible federal crime when the document was created.

N-400 Interview Scheduled for 11 Oct 2023, Insufficient Notice

187. On 06 Sep 2023 USCIS scheduled an interview for 11 Oct 2023 as shown in

UscisI797intrvw20231011.pdf (document previously provided to relevant Defendants), but the actual notice was not received until 15 Sep 2023 when it was too late to respond until the next week as Mrs. Carr works Tuesday to Sunday and is not able to respond while she is working.

188. The arrival date of this notice is a critical issue as there must have been timely notice of the interview in order to justify the denial of the N-400 application for failure to appear. In USCISuspsMailArrivals20230915.pdf (previously provided to relevant Defendants) is an email from USPS which shows the mail which arrived at their address on 15 Sep 2023. The notice of 06 Sep 2023 seems to have been mailed on 12 Sep 2023 according to the postmark shown in the USPS email. As 30 days notice is required for such interviews, the notice on 15 Sep 2023 was not timely for an 11 Oct 2023 interview and the denial of the N-400 application for failure to appear must be overturned due to lack of notice.

189. In the contested decision there is no claim of any notice at all and it appears that USCIS routinely delays mailing documents a few days after the date of the 'notice'. In cases of mailed documents they adjust the 30 days to 33 days to allow for time in the mail, but there is no adjustment for delay in printing and actually mailing the notice. Given that this document took 9 days to arrive, a more realistic adjustment for mailing would be 45 days if mailed without the normal proof of mailing.

Complaint of Falsified Records, 01 Sep 2023 Cancellation

190. On 10 Sep 2023, Mr. Carr contacted the USCIS director and DHS IG reporting the contradictory records (was the interview held on 30 Jan 2023 which approved the I-751 and N-400 or was it canceled with no results). With contradictory records, one or more of them must be false, the foundation of the federal crime of falsification of government records.

191. Mr. Carr also asked for acknowledgement of the report within 7 days. No such acknowledgement has been received to date.

192. On 07 Oct 2023, Mr. Carr asked that DoJ assist in correcting these serious defects in USCIS and DHS IG. The reports of the crime and request for assistance have previously been provided to relevant Defendants. (Note: Mr. Carr was unaware of the scheduling of the

interview for 11 Oct 2021 on 06 Sep 2023 when he first reported the crime).

193. On 12 Sep 2023 Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with Umika, ID G20028112.

They complained of the 1 Sep 2023 I-797 Notice of the canceling of the 30 Jan 2023 N-400 interview due to unforeseen circumstances (described previously). They explained that the interview was held on that date and the 01 Sep 2023 document is a false record (and federal crime) which also contradicts the I-751 final decision of 31 Jan 2023 which stated that the N-400 application was approved at that interview. They advised Umika that she must either correct the false record or, if she did not have the authority to correct the record, she must contact either her supervisor or the IG or both to report the crime. Failure to do so on her part would itself be a crime under 18 U.S. Code Section 1001, part 3, which Mr. Carr read to her after asking her to take notes.

Mr. and Mrs. Carr also asked that Mrs. Carr immediately be sent the new 48 month extension letter which was publicly authorized by USCIS on 23 Jan 2023, one week before the interview (so USCIS was required to have mailed her a copy of the extension letter before the interview). The USCIS announcement was also about two months after they had complained to USCIS and the DHS OIG that USCIS had unlawfully left Mrs. Carr stranded in Thailand due to the absence of such a 48 month extension letter.

They also asked that USCIS send Mrs. Carr a permanent green card as soon as possible as there was now a record in the N-400 case indicating that her N-400 application had not been approved and so there was no basis for withholding the approved green card.

They also asked that the local representative contact the USCIS director in order to get copies of the emails which properly explained their complaints to date as that was the only method of sending written documents to USCIS for their consideration.

They also asked that the local representative call them back on Monday 18 Sep 2023 at 9AM as Mrs. Carr would be working during normal business hours on Tuesday through

Sunday and unable to take calls. No such callback was made. (Note: At this time, Mr. Carr was unaware of the scheduling of the interview for 11 Oct 2021 on 06 Sep 2023 and did not receive notice until 15 Sep 2023.)

First Request to Reschedule Interview

194. On 19 Sep 2023, Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with David, ID G009845. (Note: this request was timely as Mr. Carr only learned of the scheduled interview date on 15 Sep 2023)

They requested that the interview scheduled for 11 Oct 2023 be rescheduled as they had prior plans to be out of the country from 10 Oct 2023 to 25 Dec 2023.

Mrs. Carr asked if the interview could be scheduled for only a day or two earlier but they were told that it could not be scheduled earlier.

Their request to reschedule the interview was assigned ID T1B2622391513DAL.

Upon a lengthy description of the purpose of the ten week trip, David incorrectly summarized the reason for the trip as 'leisure' which raised concerns for Mr. Carr that their trip was not being given appropriate gravity. They asked that David request that USCIS reschedule for after the completion of their trip on 25 Dec 2023. It turned out that David was restricted to 80 characters in his request and so described the reason for rescheduling as Mrs. Carr will be out of the country from 10 Oct 2023 to 25 Dec 2023 to increase the likelihood that the individual who responded would be aware of the duration of their trip.

They also asked that Mrs. Carr be provided with a 12 month extension letter as her A-551 stamp would expire on 03 Jan 2023 and if there were health or other problems which delayed their return, she would no longer have proof that she was authorized to work and travel freely. David assigned sn 30214416 to a request that a local USCIS representative call Mrs. Carr from 2028382104 to discuss the extension letter.

Unsuccessful Call Back on 21 Sep 2023

195. The call back by the local USCIS representative was made on 21 Sep 2023 in the morning.

Mrs. Carr was not home (as she was working) but it was rescheduled for later that evening at 7:30PM when Mrs. Carr was likely to be home. Mr. Carr called Mrs. Carr and she came home a little early and was home by 7PM but the USCIS representative did not return the call as agreed upon. No further return calls were made for this request.

Request that Mr. Carr be Mrs. Carr's Authorized Representative

196. Due to the confusion of not being able to get any response from USCIS, on 25 Sep 2023, Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with Martha, ID G029811.

They asked about how to submit a G-28 appointment of Mr. Carr as the representative in this matter. They were told to mail the application to:

ATTN: N-400, G28 submission
850 NW Chipman Rd, Suite 5000
Lees Summit, MO 64063

An online G-28 request had been submitted on 24 Sep 2023 and the hard copy request was mailed on 26 Sep 2023. Martha also explained how to submit a document directly to USCIS on their web site and an electronic copy of the G-28 was submitted on 28 Sep 2023.

Martha also explained that USCIS responds to G-28 requests within 30 days. No response has been received to date on this G-28 request.

Denial of Reschedule Request, Not Sent to Authorized Email

197. While speaking with Martha on 25 Sep 2023, Mr. and Mrs. Carr also learned that on 19 Sep 2023, USCIS had denied their request to reschedule the interview and sent an email to airpk1961@gmail.com, an email address that is rarely monitored.

198. This was not proper. Before they were married Mrs. Carr had used that email and Mr. Carr had used carrbp@gmail.com. However, since their marriage they have shared their emails with both parties having full access to both email addresses. As they have a legal union, they are not required to maintain separate personal email addresses and now reference all

emails to carrbp@gmail.com which is regularly monitored. In rare cases when businesses insist on separate email addresses for separate persons, they provide Mrs. Carr's old email address, but that address is not regularly monitored. At no time have they agreed that USCIS should direct email notices to Mrs. Carr's old email address and none of the submissions to USCIS have authorized the use of that email address. The actual email from USCIS was previously provided to relevant Defendants as USCISnotReschedule20230919.pdf. It stated in part: "Type of service requested: -- Appointment Reschedule ... USCIS has reviewed your request for a rescheduled appointment, and we regret to inform you that your request has been denied based on the information provided. Failure to comply with your appointment notice or to appear for your scheduled interview may result in adjudication of your application based on the available information."

New request to Reschedule Interview

199. Due to the delay in their receipt of the denial of their request to reschedule the interview (sent on 19 Sep 2023, found on 25 Sep 2023), Mr. Carr uploaded a timely explanation of the reasons for rescheduling the interview on 27 Sep 2023 which has been previously provided to relevant Defendants as PostponeIntervieUntilAfter25Dec2023.pdf along with copies of the flight tickets, date restricted European visas, hotel reservations, required medical insurance coverage and European bus tour tickets, all of which are non-refundable. The document explains that the purpose of the trip is religious obligations, family obligations, business promotion, business training and education, and leisure. Planning for the trip was started in Feb 2023 and the leisure portion of the trip was to celebrate the approval of Mrs. Carr's N-400 application for naturalization as USCIS stated in I797forMSC2091582908-ioe9752855294.pdf on 31 Jan 2023.
200. On 2 Oct 2023, Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with Crystal, ID G027432.

Mr. and Mrs. Carr asked that Crystal submit a new request to reschedule the interview based on the documents submitted on 27 Sep 2023. Crystal explained that they could not make a new request to reschedule the interview until 15 days after the previous denial on 19 Sep 2023, i.e. 04 Oct 2023 (after the start of Mrs. Carr work week).

They explained that they had provided additional justification for rescheduling the interview which has been uploaded for USCIS to consider.

They asked that USCIS review the uploaded G-28, separately filed online and sent via mail and submitted electronically 28 Sep 2023. Crystal explained that USCIS has 30 days to act on G-28 requests.

201. On 10 Oct 2023, Mr. and Mrs. Carr called USCIS at the prescribed number and spoke with Antoinette, ID G0023588.

Mr. and Mrs. Carr asked that Antoinette submit a new request to reschedule the interview explaining that it was more than 15 days after the previous denial of the request to reschedule and explained that they had submitted additional documentation.

Antoinette contradicted the previous representative, Crystal, and stated that new requests to reschedule can only be made more than 30 days after a previous denial. As interviews are scheduled with the nominal 30 days notice (33 days if notice is by mailing), this would ensure that USCIS never reconsiders any denial of rescheduling no matter what the extenuating circumstances. As this claim also contradicts the previous representative it is likely that Antoinette's and possibly Crystal's claims are false and, hence, federal crimes.

Access to Case Records Unlawfully Denied

202. On 01 Sep 2023, Mr. Carr submitted a request for the entire record in the I-751 and N-400 cases via an online submission of a G-639 FOIA request. Mr. Carr asked for every email, message, or other records which reference the two receipts in this matter (MSC2091582908 and IOE9752855294) including both audio and video recordings. The request was assigned request ID NRC2023277190 and the response was made on 05 Oct 2023.

203. However, the response was only 32 pages and was only the original I-751 and N-400 applications. On 31 Oct 2023 a new FOIA request was submitted via email a copy of which was previously provided to relevant Defendants as USCISfoiRqst.pdf. Note that this is a violation of the applicant's due process right to have access to the evidence against the

applicant. Mr. Carr had requested access to every record which the tribunal relied on to deny the N-400 application, but was denied access to all such records. It is also possible that the claim that there were only two responsive documents was a federal crime of falsifying government records as it is clear that more records were requested and there was no justification for withholding the other documents.

USCIS Denies N-400 Citizenship Application for Failure to Appear

204. The Decision from USCIS dated 13 October 2023 previously provided to relevant Defendants as USCISdeny20231013.pdf states:

On July 11, 2022, you filed a Form N-400, Application for Naturalization, with U.S. Citizenship and Immigration Services (USCIS) under section 319 of the Immigration and Nationality Act (INA). After a thorough review of the information provided in your application for naturalization, the documents supporting your application, and your testimony during your naturalization interview, USCIS has determined that you are not eligible for naturalization. Accordingly, USCIS must deny your application for naturalization. ...

On November 13, 2018, you obtained conditional permanent resident status through your spouse and your conditions were removed on January 30, 2023. USCIS received your Form N-400 on July 11, 2022, and on January 30, 2023, you appeared for an interview to determine your eligibility for naturalization.

At the beginning of your naturalization interview, an Immigration Services Officer placed you under oath and then administered the naturalization test. At that time you were unable to write a sentence in ordinary usage of the English language, and answer 6 of 10 U.S. Government and history (civics) questions correctly. Since you did not achieve a passing score on the English or civics portions of the naturalization test, on October 11, 2023, you were scheduled for a second interview to retake these portions of the naturalization test. On October 11, 2023, you did not appear as requested. Further, you have not provided USCIS with a good reason for your absence. Your failure to appear at the second interview means you have not passed the English or civics testing requirements for naturalization. As a result, you are ineligible for naturalization since you have not

demonstrated your ability to pass the English or civics requirements for naturalization. Therefore, USCIS must deny your application for naturalization. See INA 312 and Title 8, Code of Federal Regulations (8 CFR) section 312.5(a) and (b).

If you believe that you can overcome the grounds for this denial, you may submit a request for a hearing on Form N-336, Request for a Hearing on a Decision in Naturalization Proceedings, within 30 calendar days of service of this decision (33 days if this decision was mailed). See attached 8 CFR 336.2 (a) and 103.8(b). Without a properly filed Form N-336, this decision will become final. See INA 336.

USCIS Refuses to Provide New Green Card

205. On 19 Oct 2023, Mr. and Mrs. Carr called USCIS at the proscribed number and requested that Mrs. Carr be sent a new Green Card as her I-751 was approved on 31 Jan 2023 but the Green Card was withheld as her N-400 was also approved and her Certificate of Naturalization was imminent. However, the purported Decision of 14 Oct 2023 clearly indicates that USCIS does not intend to provide Mrs. Carr with the promised Certificate of Naturalization in the foreseeable future.
206. This request resulted in a referral of T1B2922301353MSC which concerned 'Non Delivery of Permanent Resident Card'. It was answered on 27 Oct 2023 with the document previously provided to relevant Defendants as USCISnoGreenCard20231027.pdf which listed 'Type of service requested: -- Non-Delivery of Permanent Resident Card' but answered with: "You ... contacted U.S. Citizenship and Immigration Services (USCIS) because you have not received your denial, termination or revocation notice. We have enclosed a copy of the notice for your reference. Please note that we are not able to extend the period for you to file an appeal from this decision. Therefore, follow the instructions on your notice carefully and submit accordingly."
207. There was no notice attached and the text does not make sense with respect to the request for a green card from an approved application. It appears to be the standard form letter message for a denial of a request.
208. The form letter does mention the requirement to contest an unfavorable decision within 30 days and, of course, pay the \$700 fee first. However, as this decision referred to was an

approval which was illegally contorted by false pretenses to be an effective denial, the text of the response is not responsive to actual request.

209. It appears that when USCIS attempts to effectively deny an application by claiming approval based on false pretenses, there is no way to appeal or correct the error other than the federal district courts.

Legal Arguments

Lack of Jurisdiction

210. Of primary importance is the lack of jurisdiction for USCIS to revise or ignore a prior final decision.

211. It is well understood that in the interest of justice to all parties in an action, there must be some final closure of arguments and litigation. Final decisions are intended to provide that relief to all parties with the caveat that each party has 30 days to notify all other parties of any pending disagreements. This is normally done through a notice of appeal requirement, generally within 30 days after proof of service of the decision by the prevailing party.

212. If USCIS had any complaints or concerns with the findings of facts in the I-751 decision of 31 Jan 2023, they should have raised the concerns within 30 days of publication of the decision.

213. As there is no avenue for USCIS to submit a motion for reconsideration of a matter which was decided by USCIS, the only forum where USCIS can seek redress is a new action in the federal district courts.

214. To provide otherwise is to deny all applicants to USCIS from the justice of having any final decision.

Lack of Notice to Support Failure to Appear

215. Another fundamental principle of due process is that all participants must be given adequate and sufficient notice of any action. It is clearly a travesty of justice to deny an application because of failure to appear when there is no evidence of notice.

216. In particular, in this case there is compelling evidence showing that Mr. Carr did not receive notice of the upcoming interview until less than 30 days before the interview, i.e. 15 Sep 2023 for a hearing on 11 Oct 2023. As such, the improper denial must be overturned.

Lack of an Independent and Impartial Tribunal

217. One of the fundamental premises of due process is to have matters decided by an independent and impartial tribunal. It is important to recognize that Mr. Carr had filed numerous complaints with the DHS OIG concerning malfeasance and other unlawful activities by USCIS. His final complaints were for the federal crimes of falsifying government records by several employees who reported directly or indirectly to the director who made the final decision.
218. It is absurd to even consider that the Field Office Director, Ms. Montgomery, could be unbiased in resolving a matter in which several of her employees were accused of federal crimes which would surely reflect poorly on her own performance and future career opportunities.

Additional Federal Crimes by Ms Montgomery

219. One of the foundations of any government of law is to have accurate written records of all proceedings. That is almost certainly why Congress has decided to make it a serious federal crime to falsify any government record.
220. When Director Montgomery cited the approval of the I-751 application without mentioning the finding of an approval of the N-400 application, she falsified the record by omitting required facts..
221. When Director Montgomery stated 'Further, you have not provided USCIS with a good reason for your absence.' without mentioning the original request to reschedule she committed the crime of falsifying the record by failing to include required facts. Further, Director Montgomery does not mention the extensive documentation of substantial financial and personal impact required to change long standing plans in order to attend the interview. This evidence was provided to USCIS, and she falsified the record by omitting critical facts.
222. The entirety of her decision is based on timely notice and lack of response but she fails to discuss any of the factors which are critical elements of her decision.

Right of Appeal Prohibitive / Denied

223. The contested decision continues with the following text:
- If you believe that you can overcome the grounds for this denial, you may submit a request for a hearing on Form N-336, Request for a Hearing on a Decision in

Naturalization Proceedings, within 30 calendar days of service of this decision (33 days if this decision was mailed). See attached 8 CFR 336.2 (a) and 103.8(b). Without a properly filed Form N-336, this decision will become final. See INA 336.

224. An initial reading of this paragraph suggests that there are administrative procedures for appealing such bad decisions. However, while USCIS borrows heavily from judicial terminology in describing their processes and procedures creating the semblance of 'due process', the reality is USCIS does not provide any of the elements of due process.

225. In particular, the required fee to file N-336, request for a hearing, is a hefty \$700 while the fee for filing a new N-400 is only \$625. Similarly, the filing fee for a motion to reconsider is also \$700 as is the fee for filing a 'Notice of Appeal'. For a budget minded applicant, the filing fees with federal district courts are a much more affordable \$350 (admittedly heavily subsidized) so that applicants with limited assets may only be able to afford to file with the district courts rather than pursue the absurdly expensive administrative alternatives.

226. The likely reason that federal district courts are heavily subsidized is that justice should be provided to all persons and should not be restricted to the wealthy who can afford substantial fees.

Automated Phone System Prevents Applicants from Being Heard

227. It is a violation of due process for USCIS to restrict applicants to an automated phone system for all questions, concerns, requests, and evidence.

228. First of all, USCIS can not require all applicants to have phone access. They must provide a physical address where applicants and their representative or interpreter can ask questions and present concerns, requests, issues, and evidence. Appointments can not be required though substantial waits may be required without an appointment.

229. This in person access is required as each applicant must be permitted to be heard whether they have access to a phone or are technically savvy.

230. Further, it is a violation of due process when the automated phone system hangs up on applicants who are not able to correctly state their needs. The system must instead pass the request on to a human representative to hear the issues of the applicant.

231. While providing this human access can be a significant expense, it is required for the due process opportunity to be heard.

232.If USCIS chooses it can also provide online secure messaging to applicants and their representatives as a cost effective way of providing a reliable and less expensive method raising concerns and getting responses.

Difficult Appointment of Spouse as Representative

233.It is a violation of the due process for USCIS to restrict the ability of an I-751 applicant's spouse to represent the applicant.

234.Due process requires the right to representation though not necessarily by an attorney. As the spouse is an American citizen, they almost certainly have better English and U.S. government skills. As such they are ideal representatives for their immigrant spouses.

235.In fact it is completely legal and proper for a spouse to represent the other party as needed in a real legal union (a.k.a. marriage). In truth, one of the signs of a fake marriage would be the absence of the citizen spouse to represent the immigrant spouse.

Inclusive Assumptions for Freedom of Information Act Requests

236.As due process requires that the applicant have full access to all of the evidence presented against him or her, the FOIA default must be to provide all records including audio and video recordings which the tribunal has access to.

Plaintiffs Were Damaged by USCIS's Unlawful Decisions and Actions

237.The refusal of USCIS to provide Mrs. Carr with her Certificate of Naturalization harmed Mrs. Carr by limiting her ability to vote and enjoy other privileges of citizenship. Also, Mrs. Carr has close family members (which includes two sons, a brother, and two sisters including Mrs. Von Kramer) who have been denied their right to apply for immigration and be placed in the queue for Permanent Residence (Green Card) as well as, potentially, citizenship.

Count 8

DHS OIG Takes No Action To Address Criminal Behavior

238.The Plaintiffs repeat and re-allege paragraphs 1 through 237, as if fully set forth herein.

239.On 4 Dec 2022, Mr. Carr complained via DHS OIG Hotline that Mrs. Carr had been stranded in Thailand through the unlawful, knowing failure of USCIS to abide by the statutory mandates of 8 CFR Section 216.4 ... "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 has adjudicated the petition."

240. Mr. Carr was assigned case number HLCN1670132157186 but has not received any further response from DHS OIG.

241. On 5 Dec 2022 expanded on his complaint against USCIS and received case number HLCN1670226793068 but has not received any further response.

242. It is possible that the announcement on 23 Jan 2023 of a new 48 month extension letter was based on Mr. Carr's complaint on 4 Dec 2022 that Mrs. Carr was stranded in Thailand due to the expiration of her 24 month extension letter.

243. However, Mrs. Carr's freedom to work and travel freely was never restored as she never received the 48 month extension letter.

244. On 10 Sep 2023, Mr. Carr notified the DHS OIG directly through the IG of the federal crimes committed by USCIS. He also opened a complaint via DHS OIG Hotline and was assigned case number HLCN1694292030038.

245. On 13 Nov 2023, Mr. Carr notified the DHS OIG directly through the IG of the additional federal crimes committed by USCIS as well as the 'whistleblower' retaliation taken by USCIS against Mrs. Carr for Mr. Carr's widespread reports of federal crimes. Mr. Carr also opened another complaint via DHS OIG Hotline and was assigned case number HLCN1699850033209.

246. It is the DHS OIG's responsibility to not only insure that such serious malfeasance and deprivation of a person's constitutionally guaranteed rights do not happen but also that the harm from failures is redressed to the degree possible by the monitored agency (USCIS in this case).

Count 8

DoJ Takes No Action To Address Criminal Behavior

247. The Plaintiffs repeat and re-allege paragraphs 1 through 246, as if fully set forth herein.

248. On 3 Mar 2023 Mr. Carr notified the DoJ Attorney General via mail of the allegations raised against the USPS, USPS OIG, and USPS BoG. The DoJ had previously been copied on the allegations as they were raised to the relevant agencies.

249. The DoJ opened reference NM301959635 for the matter with email contact of criminal.division@usdoj.gov, referring the matter to the Postal Inspection Service.

250. On 20 June 2023 Mr Carr notified the DoJ via mail of federal crimes and malfeasance in the DoS and related agencies and asking assistance in correcting the unlawful actions. Mr. Carr did not request the prosecution of any party. The DoJ had previously been copied on the various complaints with the DoS agencies.

251. On 8 Sep 2023 Mr. Carr asked for the assistance of the DoJ with respect to the USCIS and related agencies. The DoJ had previously been copied on the various complaints with the USCIS agencies.

252. On 10 Oct 2023, Mr. Carr again asked the DoJ for assistance with the USPS problems clarifying that he was not seeking prosecution of any party but instead seeking to end the federal crimes and other unlawful practices.

253. On 25 Oct 2023, Mr. Carr again asked the DoJ for assistance in correcting the unlawful practices by CIGIE with respect to failing to maintain proper standards for IG's and OIG employees. He did not request the prosecution of any party, only assistance in preventing unlawful conduct. .

Relief Soughts

PRAYER FOR RELIEF

WHEREFORE, The Plaintiffs ask this Court to enter Orders:

USPS, OIG and DoJ Corrections

1. Directing USPS to provide a credit for future services for \$26.35 to Mr. and Mrs. Carr; In the alternative, USPS can provide a credit to Mr. Carr's credit card (the same card which was charged initially) or a check in that amount to Mr. Carr in the event that USPS finds it too cumbersome to add support for credits for future services to its online web services.
2. Directing USPS to update its dispute / credit process so that postal customers can get guaranteed refunds for late deliveries with a single visit / web form with the presumption that the delivery was late as attested by the customer (and notice that falsifying a government record is a federal crime).
3. Directing USPS OIG to do a preliminary investigation whenever USPS delivery records conflict with the customer's attestation. USPS OIG must refer the matter to DoJ in all cases

where there is clear evidence that either the customer or the delivery driver falsified a government record. Due to the automated nature of many USPS records, this determination could be automated to a substantial degree so that USPS OIG staff only need to get involved with cases where there are clear indications of falsification of government records.

4. Directing USPS to promptly correct all incorrect delivery records, certainly before they are accumulated and reported to Congress and the U.S. public or used for computing management bonuses.
5. Directing USPS OIG, DoS OIG, and DHS OIG to expeditiously investigate all plausible allegations of federal crimes. In the event that an OIG does not have sufficient resources to expeditiously investigate all plausible allegations of a federal crime sufficiently to determine if a federal crime is likely, it can refer the matter to local management or other parties for resolution, but it must report all such plausible allegations of federal crimes to DoJ which it does not investigate itself. If an OIG finds that any allegation of a federal crime is likely it must expeditiously report the matter to DoJ whether or not the crime is deemed to be worthy of prosecution. The determination of prosecution is reserved solely to DoJ.
6. Directing DoJ to investigate USPS BoG, USPS management, USPS IG, and USPS OIG management to determine if there were illegal orders preventing USPS OIG staff from reporting federal crimes to the DoJ. If there is evidence of such illegal orders, all such orders must be properly rescinded. Any penalties or prosecution is solely at the discretion of DoJ.
7. Directing DoJ to investigate USPS BoG and USPS management to determine if there were illegal orders encouraging falsifying delivery records (a.k.a. improper 'Stop the Clock' scans). If there is evidence of such illegal orders, all such orders must be properly rescinded. Any penalties or prosecution is solely at the discretion of DoJ.

Department of State Corrections

8. Directing DoS to provide a credit for future services of \$80.00 to Mr. and Mrs. Carr and \$624 to Mrs. Von Kramer. These credits can be used by the parties themselves, their family, or their friends. In the alternative, the DoS can provide checks in those amounts to the Plaintiffs in the event that DoS finds it too cumbersome to support these credits in their otherwise automated payment system.
9. Directing DoS to ensure that all visa denials include clear and specific references to the

evidence considered and rationale for denial. All visa denials must be reviewed by supervisors and corrected if there is not clear and specific references to the evidence considered and the rationale for denial. The applicant must be promptly informed of the rationale for the rejection in writing in any case. Any visa denials which are not corrected in this fashion should be referred to the DoS OIG and reported to the DoJ for any such omissions for decisions on prosecution for falsification of government records through omission of required facts.

10. Directing DoJ to work with DoS to ensure that all the elements of Due Process are properly implemented in the visa application review process with particular attention to the right to representation and the right to access all the evidence presented against the applicant.
11. The European Schengen visas could be considered as a starting point as they are able to provide fair and consistent visitor visas at an affordable rate, often relying on global firms who handle much of the burden of collecting and reviewing the required paperwork.
12. Directing DoS OIG to investigate whether there were unpublished unlawful policies or guidance provided to interviewers such as denying non immigrant visas to older widows of deceased American citizens or applicants with concurrent immigration applications. All such policies must be rescinded and any decisions on prosecution is reserved to the DoJ.
13. Directing DoS to evaluate all non-immigrant visa applications since 1 Jan 2018 to the present on a per country basis to determine the denial rate for applications where according the applicant was over 57 years old and marital status listed in the application would be indicative of eligibility for SSA survivors' benefits, specifically deceased spouse who was an American citizen or permanent resident with more than ten years residence and not remarried.
14. DoS is further directed that if the denial rate for the identified applicants is more than one standard deviation higher than all applicants for the specific country, then all identified applicants must be contacted and offered a credit for the prior denied visa application(s), adjusted for any increases in the application fees. Further, the prior applicant must also be provided with the SSA's preliminary determination of current eligibility for survivors' benefits based on the deceased spouse's work history and other dates provided by DoS from the visa application.

SSA Order

15. Directing SSA to reconsider the finding that Mrs. Von Kramer's does not have five years of lawful presence in the United States. As Mrs. Von Kramer was unlawfully prevented from visiting the United States in 2019, 2020 and 2021 with the stated goal of, among other things, establishing a lawful presence, the SSA is directed to credit her with having met the requirements of lawful presence for those three years. If her actions in 2022 and 2023 or later years meet the requirements for lawful presence, then Mrs. Von Kramer must be held to have established a lawful presence in the United States and granted the benefits thereof.
16. Any DoS identified applicants whose previous non-immigrant visas may have been improperly denied as determined above and who later are granted non-immigrant visas should also be given letters from the DoS stating that the applicant may have been denied prior visa applications unlawfully and asking that SSA credit the applicant with 'lawful presence' for the years when they may have been unlawfully denied the ability to visit the U.S. with the letter identifying the date of the first improper denial and the date of the first approved visa.

CIGIE Corrections

17. CIGIE must review its standards and policies to ensure that all IG's and OIG employees are aware of the requirements to expeditiously investigate and report federal crimes. In the event that a particular OIG does not have sufficient resources to expeditiously investigate all plausible allegations of a federal crime sufficiently to determine if a federal crime is likely, it can refer the matter to local management or other parties for resolution, but it must report all such plausible allegations of federal crimes to DoJ which it does not investigate itself. If a particular OIG finds that any allegation of a federal crime is likely it must expeditiously report the matter to DoJ whether or not the crime is deemed to be worthy of prosecution. The determination of prosecution is reserved solely to DoJ.
18. Directing the DOJ to investigate the failure of CIGIE to itself promptly investigate and report federal crimes. All such practices and policies which led to past failures must be rescinded. The decision on penalties and prosecution are reserved solely to the DoJ.

USCIS Corrections

Credit for Visa Fees when Stranded Overseas

19. Directing USCIS to provide a credit for future services with USCIS to Mr. and Mrs. Carr for

\$80 for use on their behalf as well as their family members and friends. This credit is half of the business / tourist visa application fee which was required in order for Mrs. Carr to return to the U.S. when she was stranded in Thailand in 2022. The fee was \$160, but DoS has been requested to provide the other half for their unlawful denial of such a visa to Mrs. Carr in 2017. In the alternative USCIS may choose to provide checks to all injured parties as an alternative to credits for future services in this and other reparations, but this is solely at the option of USCIS. It is possible that the total reparations requested may justify handling them as credits for future services.

Right to work and travel freely as well as right to vote

20. The primary relief sought is for Mrs. Carr to receive her Certificate of Naturalization as soon as possible. However, specific relief sought include orders directing:

A. Mrs Carr should receive her 48 month extension letter or a 1 year extension letter as soon as possible, specifically within one week of the date of issuance of the court's order.

B. Mrs Carr should receive her 10-year Permanent Resident Card as soon as possible. Specifically within one month of the court's order.

C. Mrs. Carr should have her Oath of Allegiance ceremony scheduled and completed within 1 month and her Certificate of Naturalization issued within 2 months of the court's order.

Credit for Delay in Granting Citizenship

21. Directing USCIS to credit Mrs. Carr with additional credits for the deprivation of the rights of citizenship to include the rights for close family members to seek immigration authorizations as well as the right to vote and such. As it is not possible retroactively grant Mrs. Carr the right to vote and others rights of being a U.S. citizen (such as the right to visit Europe without a European visa) the family members should be credited with twice the delay in her citizenship, i.e. their position in the queue for immigration visas should be adjusted as if their application was received earlier. The doubling of their credit in queue position corrects not only the delay in their application but also they get their citizenship rights (e.g. voting) earlier in compensation for the deprivation of Mrs. Carr's citizenship rights (e.g. voting). For Mrs. Carr the computation of the credit for family members immigration should be based on the delay in citizenship which should be from 13 Nov 2021 to the date when her Certificate of Citizenship is actually given to her. The 2021 is used because that is the earliest date that Mrs. Carr was eligible to become a citizen and is in

recognition of the unwarranted challenges and barriers USCIS placed on her citizenship. Indeed Mrs. Carr would have become a citizen on that date had USCIS permitted it.

Credit for Extraneous I-751 Fees

22. Directing that Mrs. Carr be given a credit for future services with USCIS for the extraneous I-751 application fees of \$680 which were duplicated with N-400 services (interview and biometrics). Mrs. Carr never received any I-751 specific services and should not have been charged for the services. This credit can be used for future services with USCIS for herself, her family, Mr. Carr's family, or Mr. or Mrs. Carr's friends.

Review of Other I-751 and N-400 Records

23. Directing that USCIS databases should be queried for all I-751 records processed since 1 Jan 2018 to determine how many other records were similarly falsified. In particular, how many I-751 applications by quarter were approved but with no permanent resident card or Certificate of Naturalization issued within 90 days.
24. If the identified applicants are found to have a statement in the I-751 approval that the corresponding N-400 had been approved then these applicants should be issued a Certificate of Naturalization as soon as possible if they have not already been issued said certificate.
25. All such applicants should be similarly credited for future services with USCIS for their use, their families use, or their friends use for the cost of the I-751 application fee. In addition, any relatives who apply for immigration visas based on their citizenship status should be credited with double the time of the original applicant's delay. The delay is computed to be from the date of the I-751 claim of N-400 approval to the actual date of issuance of a Certificate of Naturalization.
26. If the number of applicants and immigration credits are so large as to substantially impact current immigration queue members, USCIS is directed to apply to Congress to get sufficient additional slots for each country so as to preserve the integrity of the queue for that country.

Falsified Records Must Be Corrected

27. Further, all falsified records should be deleted (actually hidden to avoid potential database corruption) with new records of a falsified record being inserted at the same date and time of the deleted/hidden record. There should be an additional corresponding record at the current date and time which includes the content of the falsified record for later review.

28. All reports to Congress and other entities which relied on these falsified completion records must be revised to note the number of records which were previously recorded as processed, but were actually pending correction of the false resolution. The corrected resolutions should be added to current reports as approvals from previously denied falsified records (a new category).

Adjustments for Language / Cultural Differences

29. Just as USCIS has added exemptions for people with medical impairments, as well as exemptions based on age, USCIS is directed to extend these exemptions to consider the education opportunities presented to a particular individual before they were 21. They should also be extended to consider the difficulty in mastering English based on the nation of birth.
30. For example, there could be an annual review by country of the rate of application for citizenship as well as the rate of granting citizenship. Exemptions should be granted to individuals from countries like Thailand where mastering English is extremely difficult for those who are older and poorly educated. The exemptions should be granted based on age less years of formal training in English before they were 21 and sufficient to correct the rate of citizenship approvals to match those of countries such as Canada or the United Kingdom where the rate of granting citizenship is, presumably, highest.
31. The approval rate would be the number of approvals from a particular country divided by the number of permanent residents from that country who are eligible to apply for citizenship, not the number who actually apply. It is expected that there will be a large backlog of residents from Buddhist / Muslim countries who would like to be citizens but did not apply because the English and Civics test was too difficult for them to pass based on their lack of exposure to English in their youth.
32. For countries such as Thailand and other Buddhist / Muslim countries, this would likely mean eliminating the English and civics test for all N-400 applicants for a few years until the rate of granting citizenship matches that of Canada or the United Kingdom. This would be a valuable correction to eliminate the past unlawful discrimination against certain groups based on religion, race, culture, and age.

USCIS Must Correct Time For Legal Notice

33. USCIS be directed to allow more time for timely notices of actions. If USCIS wishes to

update its notice process to record and publish accurate records of the actual date of mailing of notices, 7 days could be added to the actual date of mailing for notices. Three days for first class mail is insufficient to be confident of prompt receipt.

34. As it generally takes USCIS 6 days to print a notice and prepare it for mailing, this would normally be 45 days after the date of the decision itself to allow for unforeseen delays in processing before and after mailing.
35. Of course, any denials based on assumed notice without an accurate record of delivery (signature required mailing or process server), would be conditional and must be easily contestable in the event that there was not actual timely delivery. The applicant must be able to contest the denial without any additional fees by explaining any extenuating circumstances which prevented timely notice or appearance (e.g. applicant was in the hospital and did not receive the notice or was not able to appear or answer while hospitalized).
36. For all cases where USCIS denied an application for failure to appear and there was not 45 days notice nor any record of the actual date of mailing, all such actions since 1 Jan 2018 must be remanded to USCIS for proper processing overturning all denials where there was not proof of timely notice.
37. The applicant must be given a credit for the filing fees for the original application as well as having the application opened again for proper consideration. All denial records must be updated to note the denial was overturned due to lack of notice. All reports to Congress and others which were based on the improper denial (showing an application was processed) must be corrected to show that the application was incorrectly denied and has been returned to an active status.

Adjustment of USCIS Fees for Appeal, Reconsideration

38. USCIS fees for N-336 requests to review, motions to reconsider, notice of appeal, and actual appeal filing must be reduced so that they are not prohibitive. It is suggested that no motion to argue or motion to reconsider should cost more than 5% of the federal district court filing fee (now \$350, hence no more than \$17.50). Actual appeal filing fees should not exceed half the district court filing fees, e.g. \$175. There must be no fee for N-336 and other motions to reconsider when the applicant is contesting presumptive / conditional denials for failure to appear as the applicant must be provided the opportunity to explain failures in

actual notice or extenuating circumstances which prevented appearance or answering (e.g. hospitalization).

39. The justification for this is to encourage applicants to seek redress with the USCIS rather than going directly to the district courts. It also furthers due process by making the proceedings fair and providing opportunities for applicants to be heard / argue their cases as necessary.

USCIS Must Restore Interview Waivers and
Cease Criminal Background Reviews for I-751 Applications

40. The administrative policies implemented by the prior USCIS director in the 2018 time frame must be rescinded. They do not provide any improvement in enforcement and greatly harm applicants' rights in these matters.
41. Mrs. Carr is requesting that interview waivers be resumed at an accelerated rate so that at least 2 months of backlog are eliminated each month. Realistically that means that three months of applications must be granted their permanent resident card each month without the optional interview and without further delay.
42. This should eliminate the current four year backlog within two years.
43. Once the backlog is reduced to three months the accelerated approvals can be eliminated and mandatory approvals without interview will only be for those applications which have languished in the queue for in excess of three months and the total number of pending applications exceeds the number of new applications.
44. If there are concerns about applicants not understanding the criminal background questions in English, USCIS can provide written copies of the criminal background questions translated into all the appropriate languages. However, these questions should only be applied to new applicants for immigration visas, not approved permanent residents.
45. USCIS should immediately begin with interview waivers for the oldest applications, but if USCIS wishes, it can send out new forms to potential waiver recipients asking for authorization to access all of their social media, mobile and credit rating records for both spouses. Failure to provide authorization or the appropriate accounts and addresses would result in a delay of any interview waivers. All applicants who authorized full electronic access to their records could be granted waivers before any applicant who did not provide such access.

46. Over time, USCIS could develop AI programs which very accurately identify fake marriages based on the contents or lack of social media and other records. Given the vast amount of information available through phone records (e.g. Google's timeline which could show the location of each spouse for every day and night of their purported marriage), social media and credit histories, the interview itself appears to be a highly ineffective and very expensive method of identifying fake marriages. A well trained AI program could identify fake marriages with substantially greater accuracy at a fraction of the cost of interviews.

Required Access Provided to Applicants

47. USCIS must immediately disable hang ups by the automated phone system and instead fail over to a human representative. Further, USCIS must send notices to all active applicants of the address where they can go without any appointment to ask questions and raise concerns. USCIS must respond to in person questions and requests.

48. Secure messaging systems are now relatively routine technology and should be offered as an addition to the MyUSCIS web page to provide a more reliable and cost effective alternative for those applicants who choose to use this option. It is absurd to require technically savvy applicants or their representatives to navigate the lengthy automated phone system to get to speak to a person who will reduce their input to 80 characters at great expense to USCIS and great information loss from incomplete or inaccurate transcription.

USCIS Must Guarantee Applicants' Right to Representation

49. USCIS must grant immediate approval to any spouse who files to become an applicant's representative. Further, the application form itself must be adjusted to allow that option on the application itself.

50. Pending I-751 applicants must be notified immediately of their ability to add their spouse as a representative via a simple phone call.

More Expansive FOIA Responses

51. USCIS must change its defaults for FOIA requests to provide access to every record including audio and video recordings which reference the requested receipt number.

DHS OIG Corrections

52. Directing DHS OIG to ensure that it promptly investigates and reports all federal crimes as described above. Further, while the decision to prosecute resides solely with the DoJ, the DHS OIG needs to ensure that serious malfeasance such as depriving foreign nationals of

their constitutional rights is promptly investigated and corrected. Further, the DHS OIG must ensure that appropriate and timely redress is provided to injured parties.

53. For example, if a foreign national is unlawfully stranded overseas, the DHS OIG must ensure that the offending agency corrects the defect promptly, perhaps sending a PDF file with the required extension letter via email to the stranded party in time to not hinder their travel plans. The 23 Jan 2023 approval of a 48 month extension letters was too late and was not provided to the injured party in this case.

DoJ Corrections

54. Directing the DoJ to investigate and track all plausible allegations of federal crimes as necessary to insure that the criminal behavior is not repeated and that injured parties receive appropriate redress. It is acceptable for local OIG's or even local management to complete the bulk of the investigations as long as the DoJ monitors the results and does not forego the option of criminal prosecution until adequate remediation is put in place to prevent future crimes and redress is provided to all injured parties.
55. Directing the DoJ to investigate all failures of OIG's to expeditiously report plausible federal crimes to the DoJ as described above. Any failures to report federal crimes must be investigated as potential 'obstruction of justice' crimes though prosecution remains the purview of the DoJ and can be used as a cudgel to insure future adherence as well as redress when appropriate.
56. Granting the Plaintiffs such additional relief as the interests of justice may require, together with their costs and disbursements in maintaining this action.

Respectfully submitted,

Is Brian P. Carr

Is Air Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061

DISTRICT MANAGER
DALLAS CUSTOMER SERVICE & SALES



June 9, 2021

Congressman Marc Veasey
JP Morgan Chase Bank Bldg.
1881 Sylvan Avenue, #108
Dallas, TX 75208-2084

Dear Congressman Veasey:

This letter is in response to your recent inquiry on behalf of your constituent, Mr. Brian Carr, regarding delivery of a Priority Mail Express® (9470 1036 9930 0057 5735 07) on April 15, 2021. Thank you for the opportunity to respond.

Please convey my apologies to Mr. Carr, for the manner in which the Priority Express Mail® envelope was handled. The Postal Service® is aware of the frustration and disappointment caused when we did not live up to our commitment. We work hard to offer good service to our customers, and it is genuinely disappointing to hear about instances when we simply do not meet the needs of our customers or achieve our service standards.

My office contacted Mr. Rodney Malone, Postmaster, Irving, TX, for assistance with this matter. Our records indicate the guaranteed date and time for delivery of the Priority Express Mail® was April 15, 2021, by noon. Mr. Malone retrieved data from the carrier's scanner and was able to confirm the package was scanned delivered on April 15, 2021, at 11:35 a.m. Mr. Malone states the carrier has been trained in the proper disposition and scanning of Priority Express Mail®. The signature was waived; therefore, allowing delivery directly to Mr. Carr's mailbox. Unfortunately, to be able to correct a scan in our system, it must be within the previous 21 calendar days.

If I can be of assistance in any other matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott Hooper".

Scott Hooper

Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Tammy L. Whitcomb, Inspector General
1735 North Lynn Street
Arlington, VA 22209-2005

Honorable Whitcomb

August 1, 2021

I am seeking information about the policy of the USPS Office of the Inspector General to refer all problems with delivery and tracking to USPS management.

While it is clear that you and prior USPS Inspector Generals found the 'stop the clock' (STC) scanning of packages as delivered before actual delivery to be a problem and have attempted to put in place procedures to restrict the practice, USPS management has not been receptive to reducing the practice.

I personally experienced an STC instance (TN 9470103699300057573507) which I reported on several occasions to USPS management who did nothing. I then reported it to the USPS OIG who simply referred the matter back to USPS management (also on several occasions including a refund which was promised but still not delivered).

I personally consider STC scans to be misconduct which the USPS OIG should investigate as falsifying government records and, potentially, consumer fraud are crimes. These crimes should not be investigated by local management who are often complicit in the practice as their Pay for Performance (PFP) gives them an incentive to rely on STC scans to increase local profitability.

However, USPS OIG seems to uniformly refer these STC complaints to USPS local management where no action is taken. While this is in line with policy of referring all delivery and tracking problems to local management, this policy makes no sense under these circumstances.

Can you please let me know where the policy of referring all problems with delivery and tracking back to USPS originated? I think that policy should be reviewed and, potentially, adjusted but this review really needs to start with the origin of the policy.

Thanks for your help and consideration of this matter.

Brian Carr



OFFICE OF INSPECTOR GENERAL
UNITED STATES POSTAL SERVICE

October 19, 2021

Mr. Brian Carr
1201 Brady Drive
Irving, TX 75061

via email: carrbp@gmail.com

RE: FOIA No. 2021-IGFP-00021

Dear Mr. Carr:

This responds to your October 8 Freedom of Information Act (FOIA) request to the U.S. Postal Service Office of Inspector General (OIG) for records related to the policy of the USPS OIG to refer all problems with delivery and tracking to USPS management.

FOIA is about records we have in our possession. The FOIA provides only for disclosing federal agency records and does not require government agencies to answer questions, conduct unreasonably burdensome research, or create records. Agencies need not add explanatory materials to any records disclosed in response to a FOIA request.

We searched with subject matter experts (SMEs) in the OIG Hotline and Office of Investigations and could find no specific policy related to your request. However, we were advised, during processing, the OIG Hotline determines the best routing (OIG, Inspection Service, Postal Service, other agency, etc.) for an allegation on a case-by-case basis. Even when an allegation is assigned within the OIG to an agent, upon further review, the agent may decide the issues raised are best addressed by Postal Service Management.

The OIG receives numerous complaints daily. The OIG understands every allegation is important to the complainant and to the Postal Service. Unfortunately, due to the influx of allegations which may vary daily and limited investigative resources, allegations must be prioritized for further investigative considerations. Even when allegations are determined to be better addressed by Postal Service Management, they are still maintained in an electronic database for further review to determine significant issues including fraudulent schemes and/or trends that will rise to the level of priority attention. Although a single allegation may not warrant immediate attention when the allegation is reported, several similar allegations over time received within the same area of responsibility or involving a specific individual may result in further investigative efforts to determine if a case is warranted.

If you have questions regarding the processing of this request, please submit them in writing to foia@uspsoig.gov. We will provide you an answer within two working days. You may also contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

26-10025.250

If you are not satisfied with our action on your FOIA request, you may file an administrative appeal. To do so, write to the attention of, Appeals Officer, 1735 N. Lynn Street, Arlington, VA 22209-2020, within 90 days of the date of this letter. We accept written appeals via U.S. Mail; e-mail to FOIA@uspsoig.gov; or fax to 703-248-4626. Include the initial request number (e.g., 20XX-IGXX-00XXX) and the date of this letter. Explain what specific action the FOIA Office took that you are appealing. Mark all correspondence "Freedom of Information Act Appeal."

Sincerely,

Tanya Hefley
Acting Manager – FOIA, Policy, and Records

Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Tammy L. Whitcomb, Inspector General
1735 North Lynn Street
Arlington, VA 22209-2005

Honorable Whitcomb

November 17, 2021

I am notifying you, an Officer of the United States, of on-going violations of statutory requirements and duties by your Office. In particular, federal crimes of falsifying government records (a crime under 18 U.S. Code Section 1001 (a) (1)) which your Office describes as 'Stop the Clock' tracking scans are not referred to the Attorney General as required under the INSPECTOR GENERAL ACT OF 1978, Section 4, which states in part that the "Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law."

In Appendix A, I describe in detail the problems I encountered as a result of an illegal falsified scan record and my inability to actually get a refund due to the falsified delivery scan and flawed business processes which effectively defraud postal customers (another crime though not as obvious). The pervasive nature of these falsified records (as routinely documented by the USPS OIG) and flawed business processes surely result in the defrauding of many thousands of USPS postal customers every year.

While I had contacted you previously on August 1, 2021 inquiring about the origin of the policy of referring all 'Stop the Clock' scans back to local USPS management, the response I received finally from the USPS OIG FOIA hotline stated that the USPS OIG considers 'each allegation on a case-by-case basis' but that is almost certainly incorrect.

That was not my experience with USPS OIG which I have described in full in Appendix B. The reality is that there is an apparently unwritten and undocumented guidance directing all problems with 'delivery and tracking' back to USPS management. This guidance almost certainly originated with the USPS Board of Governors and predates your appointment as Inspector General. However, this 'guidance' is just as certainly undocumented because it is an illegal order which violates the statutory requirement that the USPS OIG report all violations of Federal criminal law to the Attorney General.

Indeed, the Department of Justice and Inspector General offices were created to address the problem that local federal management was not, in general, in a position to address such local federal crimes due to their possible involvement in the crimes themselves.

I am also an Officer of the United States as a Regular Army Captain with an Honorable Discharge and so am keenly aware of the difficulties of dealing with illegal orders. I trust that you will be able to navigate these treacherous waters created by illegal orders. Indeed at West Point there was specific training on how to respond to illegal orders (and it is not to challenge the order head on as an illegal order). In that regard, I am also copying the USPS Postmaster General, USPS Board of Governors, and Attorney General on this correspondence.

I also have come to appreciate that the foundation of our democracy and government of law is civil servants identifying and challenging illegal orders and not permitting falsified records. Indeed, the prompt elimination and correction of these illegal 'Stop the Clock' scans and the resulting defrauding of many thousands of postal customers could be a first step in restoring the failing trust of Americans in their government be it Readiness Reports (in the military), Proof of Delivery (from the USPS) or election results.

I ask that you refer my allegations to the Attorney General but also notify the USPS Postmaster General, USPS Board of Governors and Attorney General that at some date in the future, perhaps January 1, 2022, you will require your Office to report all federal crimes to the Attorney General with specific attention to falsified delivery records or 'Stop the Clock' scans.

Thanks for your assistance with this matter and continued service to the United States.

Brian P. Carr

CC: Postmaster General Louis DeJoy
USPS - Headquarters
475 L'Enfant Plaza SW
Washington DC 20260-0010

Chairman Bloom
USPS Board of Governors
475 L'Enfant Plaza SW
Washington DC 20260-0010

Attorney General Merrick B. Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Appendix A. History of Interactions with USPS

I have made several requests for assistance in correcting a 'Stop The Clock' scan of a package (or a crime of falsifying government records) but have been unable to get the refund which was approved due to flawed business processes in USPS which seem to result in the defrauding of many thousands of USPS postal customers every year.

On April 9, 2021 I purchased an 'Overnight Express' click'n'ship with tracking number 9470103699300057573507 with guaranteed delivery to return my passport from the Thai embassy to my home address of 1201 Brady Dr, Irving, TX 75061. I used my personal account with USPS.com, userid brianpcarr and email brian@carrclan.us, to purchase the shipping label for \$26.35 on my visa card ending in 4280. The charge is listed on my statement ending April 15, 2021 as submitted on April 9 (completed on April 10).

I emailed the shipping label on April 9 to visa@thaiembdc.org at Visa Section, Consular Office, Royal Thai Embassy, 2300 Kalorama Rd., N. W., Washington, DC 20008. They mailed my passport back to me on the afternoon of April 13, 2021 using the shipping label I had provided. The shipment was received at the regional facility at 7:52PM and accepted at 8:46PM on April 13, 2021. At that time the guaranteed delivery was by 12PM on April 15, 2021 (longer than overnight as it was received late in the day, though current guarantees are even more lenient).

Apparently there was heavy traffic out of the D.C. area and the package did not arrive at the Irving Post Office until April 15, 2021, 11:18 AM. The delivery driver seems to have done a 'Stop the Clock' scan of the package as the package was 'out for delivery' at 11:29 AM and was scanned as delivered at 11:35 AM while the driver was likely still at the Post Office, a common practice for 'Stop the Clock' scans. It is virtually impossible to make the drive from the Post Office to my house in six minutes. Note that while 'Stop the Clock' scans have a relatively benign name, they are, in fact, crimes of falsifying government records as per 18 U.S. Code Section 1001 (a) (1).

As I was most anxious to begin processing the other online paperwork for my Thai visa and upcoming visit to Thailand, I checked for the package several times on the morning of April 15, 2021. When I received notice of the delivery at 11:35 AM, both my wife and I went out and looked for the package but could not find it.

I also called the Post Office about the missing package and was advised to not worry as there had been vehicle problems that morning and that my package would arrive soon. I asked if the record of delivery time would be corrected but received a non-committal answer. I also took a time stamped photo of our front porch area with no package present after it had been recorded as delivered.

At 12:30PM the package was in my mail box, delivered after the guaranteed delivery time (contrary to the 'Stop the Clock' delivery scan).

That afternoon I initiated an online request for a refund (refund request number 6006595) which was denied in minutes as the package was falsely reported as delivered on time. Two weeks later I was permitted to appeal that arbitrary denial and explained about the illegal 'Stop the Clock' scan.

On May 5, 2021 the status of the refund was changed to 'Dispute Paid'. However, the credit card which I used for the online 'click n ship' never posted the refund.

On June 9, 2021, Mr. Scott Hooper, District Manager, Dallas Customer Service and Sales, 951 W. Bethel Rd., Coppel, Texas, 75099-9998 replied to my queries about the falsified delivery time to Congressman Veasey stating that Mr. Rodney Malone, Postmaster, Irving, TX found that "the guaranteed date and time for delivery of the Priority Express Mail was April 15, 2021, by noon. Mr. Malone retrieved data from the carrier's scanner and was able to confirm the package was scanned delivered on April 15, 2021 at 11:35 a.m.. Mr. Malone states the carrier has been trained in the proper disposition and scanning of Priority Express Mail. The signature was waived; therefore, allowing delivery directly to Mr. Carr's mailbox. Unfortunately, to be able to correct a scan in our system, it must be within the previous 21 calendar days."

I contacted USPS customer service on numerous occasions as I did not get the refund but was only told to wait longer for the refund (even though I had already waited far longer than the suggested waiting time). When I complained that the refund was due many months ago, the response was just a generic statement about submitting a new refund request (which would be denied as it was too late to initiate a new refund request). See service request 28670242 on July 19, 2021.

I contacted the office of Congressman Veasey on August 19, 2021 seeking assistance in getting some resolution to the missing refund. On August 23, 2021, I was called by Vanessa K. Wallace of the Texas USPS consumer advocate office and sent her several documents which she requested at vanessa.k.wallace@usps.gov. Her final conclusion was that she was unable to access the records of the refund as they were out of the USPS Customer Service office in St. Louis and she referred the matter to them with no resolution of the matter.

On September 3, 2021, Ms. Scarpelli of the USPS responded to Congressman Veasey stating that my refund was paid on May 5, 2021 but that they could only give the details of the refund to me personally and that I should call Accounting Service Center or Customer Service to get the details.

I attempted to do this with service request 30518824 on September 14, 2021 which seems to have resulted in incident number INC000026481346 but could not get any information about the refund (transaction ID to contact my bank). On September 15, 2021 I called USPS accounting services at 1-866-974-2733 referring to the previous incident number INC000026481346 which Ms. Scarpelli cited and which was apparently opened previously when I had called on September 1, 2021 to find out the information about the refund on May 5, 2021. I spoke with about three representatives who kept referring me to another representative until on the fourth reference the accounting services system hung up on me (trying to refer to the same incident I had originally called about).

On September 16, 2021, I started again and spoke with Alex of Accounting Help Desk at Accounting Service Center. He found that the refund ID was 6006595 but could not give me the bank transaction details. He opened a new incident number 26497709 and said that someone would call me back with the information I required. Later I did get a return call by someone who passed the reference on to Marvin XF6HD0 of Customer Service who referred me back to accounting services but could not give me the details I was seeking.

There have been numerous service request since that time with one of the later being 00Dj0GyYH._500t0r8JyE:ref which suggested that I must contact the USPS Consumer Advocate via mail in order to resolve this matter as neither Customer Service or Accounting Services is able to resolve the matter. I sent that letter on October 7, 2021, but also copied the USPS Postmaster General and USPS Board of Governors via Chairman Bloom.

Unfortunately, the written request for assistance was ineffective as they apparently did not actually read content of my letter and simply opened another service request number 31513467 and 31513591 on October 18, 2021 which was referred back to Vannessa K. Wallace (ref:_00Dj0GyYH._500t0sYbpj) who called me on October 20, 2021 where we concluded that she still could not resolve my difficulty but would call the national office to ask how to proceed with this matter. That service request was closed as resolved even though I have not gotten the refund or any information about how to actually get the refund.

It appears that the Accounting Service Center approved the refund and passed it off to Customer Service to make the actual refund. However, because the tracking record had an illegally falsified delivery time (a crime) via the 'Stop the Clock' scan which was not corrected by management (another crime), customer service can not give the refund but refers me back to accounting services or asks me to start a new claim for a refund (which is not permitted at this time due to the delay).

Appendix B. USPS Office of Inspector General (USPSOIG) Interactions

On several occasions I have contacted USPS OIG via the web site: <https://www.uspsoig.gov/hotline> which states "the USPS OIG Hotline CANNOT assist you with daily mail delivery and tracking problems" but also "the USPS OIG Hotline CAN assist you with ... Employee Misconduct".

I made several submissions to the Hotline which includes Submission 167800 on May 18, 2021, Submission 170675 on May 27, 2021, Submission 184761 on July 19, 2021, and Submission 209111 on October 22, 2021. However, even though I cited specific crimes of falsifying government records and defrauding postal customers and that USPS management had been uniformly unable to make any corrections, in all cases the complaint was simply referred back to USPS local management (who I had contacted first) and the response was uniformly no correction or action taken (but the complaint was closed as successfully resolved even though no corrections or actions were taken).

On August 1, 2021 I wrote directly to the USPS Inspector General inquiring as to the origin of the policy preventing any USPS OIG investigation of the crimes of falsifying government records, e.g. 'Stop the Clock' scans of packages as delivered prior to actual delivery and, amongst other things, defrauding postal customers.

This letter seems to have been referred back to the USPSOIG Hotline where they suggested that I would need file a Freedom of Information Act request to get the information I required. I submitted the request and on October 19, 2021 I received a statement from Tanya Hefley stating "However, we were advised, during processing, the OIG Hotline determines the best routing (OIG, Inspection Service, Postal Service, other agency, etc.) for an allegation on a case-by-case basis."

However, the reality is that 'Stop the Clock' scans are federal crimes and are not ever referred to the Attorney General as required by statute.

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)**9589071052701312292920**[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was picked up at a postal facility at 6:02 am on January 17, 2024 in WASHINGTON, DC 20521.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

WASHINGTON, DC 20521
January 17, 2024, 6:02 am

Reminder to Schedule Redelivery of your item

January 17, 2024

Redelivery Scheduled for Next Business Day

WASHINGTON, DC 20521
January 14, 2024, 11:06 am

Arrived at Hub

WASHINGTON, DC 20018
January 14, 2024, 8:35 am

26-10025.258

Available for Pickup

GOVERNMENT MAILS ANNEX
3300 V ST
WASHINGTON DC 20018-1528
January 12, 2024, 11:08 am

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER
January 12, 2024, 7:49 am

Departed USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER
January 12, 2024, 5:55 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER
January 11, 2024, 1:42 am

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER
January 10, 2024, 12:43 am

USPS in possession of item

IRVING, TX 75061
January 9, 2024, 11:22 am

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[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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Product Information



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26-10025.259

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)



United States Department of State

Washington, D.C. 20520

NOTICE

We are returning the enclosed documents, as they were not addressed to the Executive Office of the Office of the Legal Adviser. We refer you to the procedures set forth in regulations at 22 C.F.R. § 172. Please review them carefully. In particular, 22 C.F.R. § 172.2(a) states that:

Only the Executive Office of the Office of the Legal Adviser (L/EX) is authorized to receive and accept summonses or complaints sought to be served upon the Department or Department employees. All such documents should be delivered or addressed to: The Executive Office, Office of the Legal Adviser, Suite 5.600, 600 19th Street NW., Washington DC 20522. (Note that the suite number is 5.600.)

In addition, in accordance with 22 C.F.R. § 172.3(a), only L/EX is authorized to receive and accept subpoenas, court orders or other demands or requests for official information or action.

UNCLASSIFIED

26-10025.261

DEPARTMENT OF STATE
U.S.A., WASHINGTON, DC
OFFICE OF THE LEGAL ADVISER

OFFICIAL BUSINESS
PENALTY FOR PRIVATE USE, \$300

L-H / EX

Brian P Carr
1201 Brady Dr
Irving, TX 75061



U.S. OFFICIAL MAIL
PENALTY FOR
PRIVATE USE
\$300
Media Mail - IMI
ZIP 20520
OMAS
01/26/2024
034A 0081800374

US POSTAGE
\$ 004.13

USPS Tracking®

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Tracking Number:

[Remove X](#)**9589071052701540345696**[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was picked up at a postal facility at 5:58 am on February 5, 2024 in WASHINGTON, DC 20521.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

WASHINGTON, DC 20521
February 5, 2024, 5:58 am

Available for Pickup

GOVERNMENT MAILS ANNEX
3300 V ST
WASHINGTON DC 20018-1528
February 2, 2024, 10:32 am

Arrived at Post Office

WASHINGTON, DC 20018
February 2, 2024, 10:21 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER
February 2, 2024, 1:10 am

Arrived at USPS Regional Origin Facility

COPELL TX DISTRIBUTION CENTER

26-10025.263

February 1, 2024, 1:24 am

Arrived at USPS Origin Facility

IRVING, TX 75061

January 31, 2024, 6:25 pm

USPS in possession of item

IRVING, TX 75061

January 31, 2024, 12:02 pm

Hide Tracking History

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Statement supporting I-129F Applications

I, Brian P. Carr, U.S. passport number XXXXX8830, swear that the following statements are true to the best of my knowledge subject to the penalties of perjury in the United States and Thailand.

1. I have concurrent visa / immigrant applications for my wife Rueangrong Carr, hereafter Air, Thai passport number XXXXX7528 to travel to the U.S.A. as immigrant / K3 visa / B1-2 visa.
2. The underlying I-130 application for Air was submitted in Bangkok on July 2, 2018. A copy of the appointment and payment receipt are attached.
3. On July 3, 2018 I learned that it would likely be nine months to a year before Air could visit the United States with that application. No previous publication of the State Department indicated such lengthy delays and some documents implied that I-130 petitions were processed promptly and there was no need for any I-129F applications for a K3 visa. As a result I am submitting this I-129F petition separately as nine months is too long for Air and I to not be able to visit my family.
4. I have sufficient investments that we can afford to live wherever we choose as indicated by the attached I-134 and investment assets of \$2,961,370.28 as June 30, 2018.
5. We have family in both Thailand and the U.S.A. and would like to visit them all on a regular basis. It is particularly important to visit my mother, Bertha N. Carr, SSAN XXX-XX-8786, DOB XXX XX, 1928, as she is over 90 years old and her health is frail. We also want to visit my grandchildren, REC XXXXXXXX, DOB XXX XX, 2014, SSAN XXX-XX-XXXX and XPC XXXXXXXX, DOB XXX XX, 2017, SSAN XXX-XX-3846 as they are 1 and 3 years old and change / develop very rapidly at that age.
6. As we have ties in both countries and sufficient assets to live in either location, it would be incredibly stupid for us to overstay a visa visit. There are serious consequences for overstaying and no benefit. My parents were divorced and my family was relatively poor when I was a teenager. I was fortunate as the U.S. Army provided me with an excellent education as I graduated from U.S.M.A. (West Point) in 1975 and received a Masters in Computer Science from M.I.T. in 1977. I fulfilled my obligation to the U.S. Army in 1982 and then worked prosperously as a computer programmer / software engineer until my recent retirement in January of 2018. I lived a relatively frugal lifestyle (having come from

a poor family) and managed my investments wisely. However, these assets are mostly in various I.R.A. accounts and can not be easily hidden / moved. It is absurd to imagine that I would 'disappear' with my wife and completely inconsistent with the past behavior of myself and that of my wife.

Other Supporting Statements

7. A copy of my passport's identity page is attached to demonstrate my U.S. citizenship (also submitted with I-130 petition mentioned previously).
8. I married XXXXXXXX BJB on June 6, 1977 in Needham, MA. There were two children of the marriage, XXXXXXXX DMC, born on XXX XX, 1982, and XXXXXXXX JDC, born on XXX XX, 1985. I was divorced from XXXXXXXX BJB on May 30, 1989 in Westchester County, NY 22499-87.
9. On August 16, 2003, I married XXXXXXXX KH in Vancouver, WA. There were no children in the marriage and we were divorced on February 13, 2006 in Lincoln County, WA 04-3-02728-9.
10. Copies of the above divorce papers were submitted with said I-130 petition.
11. Air had been previously married but her husband died on April 29, 2009. A copy of the translated certificate of death is attached. The originals were submitted with said I-130 petition.
12. I married Air on June 23, 2018 at our residence. A copy of the marriage certificate dated June 25, 2018 and translation are attached. The originals were submitted with said I-130 petition.
13. Two passport style photos of myself and Air were submitted with said I-130 application.

I certify that the above statements are true under penalty of perjury according to the laws of the United States and Thailand.

Location:

Brian P Carr

Date:

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Table of Contents

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Affirmation of Brian Carr

I, Brian P Carr, SSAN XXX-XX-9395, affirm that the following is true and accurate under penalty of perjury in accordance with the laws in Dallas, Texas, USA as well as Thailand.

Summary

1. It is my belief that my sister in law, Buakhao Von Kramer, hereafter referred to as Buakhao, is entitled to widow's benefits from United States Social Security. This affirmation and the affirmation of Buakhao as well as the attached exhibits should demonstrate this.
2. However, in order to receive payments, I have been told by the Social Security Administration that Buakhao must make a series of legal visits, first to apply for benefits in person in the United States and then a series of visits of about two week duration, one each year for five consecutive years. It is important to note that any illegal visits or if she overstays any visit will jeopardize her ability to collect Social Security payments.
3. In the event that Buakhao is denied entry to the United States without good cause, I believe that she is still entitled to receive payments but it will be necessary to get a United States court of law to so order. This evidence will be presented to the court in the event she is denied entry so that the court can make a determination of whether there was good cause for the denial, The reviewing officer can use this evidence and whatever other evidence is deemed appropriate to make a determination in whatever manner is normal

in such proceedings.

4. I am requesting that Buakhao be given a multiple entry visa valid for at least five years so that she can make five consecutive annual visits of duration of about two weeks. If Buakhao's request for a B-1 / B-2 visa is denied, I ask that you state in writing in English the specific rationale for the denial so that the court of law can make a determination if this is sufficient justification to deny Buakhao payment of her widow's benefits from Social Security.

Guarantee of Payment of Expenses

5. As Buakhao is not comfortable with written English, she was concerned about making the trip to America on her own. We agreed that she could travel with my wife, Rueangrong Carr, SSAN XXX-XX-6446, hereafter referred to as Air, and I on our next trip to the United States and that I would pay her expenses and take her to the airport for her return. She could then reimburse me for the expenses when we were next in Thailand. I sent an email to that effect which is attached as Exhibit D along with tickets for all three of us which is attached as Exhibit E.

I affirm that the preceding statements are true and accurate under penalty of perjury in accordance with the laws in Dallas, Texas, USA as well as Thailand.

Dated: ____ September 2019

Brian P. Carr
1000 Armeda Avenue
Irving, TX 75061
518-227-0129

Affirmation of Buakhao Von Kramer

I, Buakhao Von Kramer, affirm that the following is true and accurate under penalty of perjury in accordance with the laws in Dallas, Texas, USA as well as Thailand.

Eligibility for Social Security Widow's Benefits

1. I married Nikolaus Vonkramer, ssan XXX-XX-2615, hereafter referred to as Nikolaus, and the marriage was registered on 12 July 2006. Nikolaus was a German national, but also an American veteran and worker (permanent resident) A copy of the marriage certificate is attached as Exhibit A.
2. I remained married to Nikolaus until his death on 28 April 2014. A copy of the Report of Death of a U.S. Citizen or U.S. Non-Citizen National Abroad is attached as Exhibit B. I have not remarried since that time.
3. I promptly notified the U.S. embassy of Nikolaus' death and they notified the Social Security Administration so that the Social Security Disability benefits which he was receiving at the time were stopped, but as is normal in such cases one extra payments was made after his death. Attached as Exhibit C is a letter I received from the Social Security Administration which seeks repayment of the excess benefits paid after deduction of the death benefit.
4. Payment was required in the form of a check in U.S. dollars, but as a Thai citizen and resident I had no ability to make such a payment. In 2018 when I met my brother in law to be, Brian P. Carr, SSAN XXX-XX-9395, hereafter Brian, I asked him to make the payment.
5. I authorized Brian to act on behalf with the Social Security Administration.

In May of 2018 Brian paid the amount due and Exhibit D is a copy of the
Buakhao Von Kramer Affirmations

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cancelled check. In June of 2018 when Brian returned to Thailand to marry my sister, I repaid him in Thai Baht.

Travel Arrangements and Expenses

6. Brian explained to me that I was entitled to U.S. Social Security widow's benefits but that I needed to make a series of short (about two weeks) visits to the United States in order to receive payment in Thailand. When I expressed my concerns about traveling alone to the United States (there are no direct flights from Thailand to the United States) as I have difficulty reading English, we agreed that I could travel with him and his wife, Rueangrong Carr, SSAN XXX-XX-6446, hereafter Air, and that he could pay all of the expenses for my visit in the United States. He would take me to the airport so that I could return to Thailand on my own (but having changed planes with them previously). I would reimburse Brian for the expenses when he and Air returned to Thailand. Attached as Exhibit E is an email from Brian to that effect. Also attached as Exhibit E are the flight tickets for all of us.

Close Ties to Thailand and Sufficient Assets for Trip

7. I have strong ties to Thailand and can not visit for longer than about two weeks at any given time. I have two daughters who are very close to me and who have stable work in Thailand. I also own my own home and have two dogs who miss me greatly if travel without them.
8. Attached as Exhibit F is the deed to my house which I own in Chiang Mai.

9. Attached as Exhibit G is the deed to the farm land which I own in Chiang Rai in my home town of Ban Santhanon Thai.
10. Attached as Exhibit H is a statement from Bangkok Bank which shows government bonds worth 2,000,000 Thai Baht which is about \$60,000 U.S..
11. Attached as Exhibit I is the title to my car, a 2014 Toyota Camry which which I purchased in 2014.
12. Attached as Exhibit J are the university diplomas of my two daughters, Nuchmas Moonngam, hereafter Yin, who graduated from Chiang Mai University in 2006 with a degree in Nursing, and Montira Moonngam, hereafter Yui, who graduated from Mae Fah Luang University in 2009 with a degree in Computer Network Engineering. Yui also received a Masters Degree from King Mongkut's University of Technology Thonburi in 2015.
13. Yin worked for Maharaj Nakorn Chiang Mai Hospital from 2005 until 2013 and Sriphat Medical Center since then as a nurse. Yui has worked for Huawei as a network engineer since 2009. A copy of a recent paystub for Yui is attached as Exhibit K along with certification of Yin employment at Sriphat Medical Center.
14. Attached as Exhibit L is the deed to the house where my mom is staying in Ban Santhanon Thai in Chiang Rai which belongs to Yui.
15. Attached as Exhibit M are pictures of my house in Chiang Mai with me and my dogs. There is also a picture Yui's house in Ban Santhanon Thai.
16. From 2001 to 2005, I visited Germany several times with Nikolaus as well as other countries to include France and the Phillipines. We returned to Thailand as required by our respective visas. Attached as Exhibit N are copies of the relevant pages of my previous passports, XXX8810 (2001) and XXX7196 (2012).

17. Attached as Exhibit O is a copy of the room reservations we have made for our stay in New York.

I affirm that the preceding statements are true and accurate under penalty of perjury in accordance with the laws in Dallas, Texas, USA as well as Thailand.

Dated: ____ September 2019

Buakhao Von Kramer
105 - 3 M 5, T Yangnerng, A Sarapee
Chiang Mai 50140 Thailand
+66 018551759



Washington, D.C. 20520

July 24, 2023

Brian P. Carr
1201 Brady Dr.
Irving, TX 75061

Email: carrbp@gmail.com

Case Control Number: F-2023-08493
Subject of Request: Buakhao Von Kramer

Dear Mr. Carr:

This is in response to your request under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552, dated May 10, 2023, in which you requested visa records.

We are unable to provide any information in response to your request. Visa records are confidential under section 222(f) of the Immigration and Nationality Act, 8 U.S.C. § 1202(f). Consequently, disclosing the existence or absence of such records in response to your request would reveal information exempt from disclosure under Exemption 3 of the FOIA, 5 U.S.C. § 552(b)(3). In addition, disclosing the existence or absence of such records would reveal information in which the individual’s privacy interest outweighs any public interest in disclosure, making that information exempt from disclosure under Exemption 6 of the FOIA, 5 U.S.C. § 552(b)(6).

Consistent with section 222(f) certain limited information may be provided to the subject of the visa records. You may submit another request with one of the following valid forms of authorization from the subject of the request: (1) a completed and signed DS-4240, Certification of Identity (available at the following web address: <https://foia.state.gov/docs/DS-4240.pdf>), (2) a request that includes a notarized signature of the subject of the request, or (3) a valid signed and dated penalty of perjury statement that declares the following: “I declare, certify, state, or affirm under the laws of the United States of America, that the foregoing is true and correct.” For additional information concerning requests for visa records, please refer to the following web address: <https://foia.state.gov/Request/Visa.aspx>. Please note, however, that even if you provide such authorization, the Department would still be required by section 222(f) of the Immigration and Nationality Act (8 U.S.C. § 1202(f)) to keep confidential any visa records that were not previously received from or sent to the subject of the request.

You may contact our FOIA Requester Service Center or our FOIA Public Liaison for any further assistance and to discuss any aspect of your request via email at Foiastatus@state.gov or telephone at (202) 261-8484. Please be sure to refer to the case control number shown above in all correspondence about this case.

If you are not satisfied with the Department’s determination in response to your FOIA request, you may administratively appeal by writing to: U.S. Department of State, Appeals Officer, HST Room B266, 2201 C Street, NW, Washington, D.C. 20520, or faxed to (202) 485-1718. Appeals must be postmarked

26-10025.274

within 90 calendar days of the date of this initial agency decision letter. Please include a copy of this letter with your written appeal and clearly state why you disagree with the determinations set forth in this response.

Additionally, if you are not satisfied with the Department's determination in response to your request, you may contact the Office of Government Information Services ("OGIS") at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email address: ogis@nara.gov; telephone: (202) 741-5770; toll free number: 1-877-684-6448; facsimile: (202) 741-5769.

Sincerely,

Laura Stein

Laura Stein, Deputy Director
Office of Domestic Operations
Directorate for Visa Services

LS:cb

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Tracking Number:

[Remove X](#)**9589071052701540341407**[Copy](#)[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 10:11 am on January 11, 2024 in ARLINGTON, VA 22209.

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USPS Tracking Plus®

Delivered

Delivered, Left with Individual

ARLINGTON, VA 22209

January 11, 2024, 10:11 am

Out for Delivery

ARLINGTON, VA 22209

January 11, 2024, 7:03 am

Arrived at Post Office

ARLINGTON, VA 22201

January 11, 2024, 6:52 am

Arrived at USPS Regional Destination Facility

DULLES VA DISTRIBUTION CENTER

January 11, 2024, 1:13 am

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

January 10, 2024, 12:43 am

26-10025.276

Case 3:23-cv-02875-S-BT
USPS in possession of item

Document 13

Filed 02/27/24

Page 2 of 2

PageID 254

IRVING, TX 75061

January 9, 2024, 11:26 am

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Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Hi Buakhao,

As we discussed, here is a copy of our tickets to visit the U.S.. As you know, we are interested in staying in the U.S. for almost a year and so were looking for one way tickets. However, the cheapest fares we could find were round trips (cheaper than one way) which worked out great. These tickets are the best price I have ever seen for BKK to NYC round trip, just \$510 each. I have gotten your round trip ticket (and our one way tickets) and can easily pay for your accommodations and meals during your two week visit. We can take you to the airport when you need to return while we continue our stay in the U.S..

As to the expenses, if you want you can repay Air and I by helping out your nephews (Air's sons) Tin and Earth and your and Air's mom if something comes up. We have found that when we stay in the U.S. for an extended stay we sometimes lose access to our accounts (they get locked and then we can not access our accounts until we return to Thailand, geez). You could make payments we request as needed. That would be so awesome. At the end of the year, when we next visit Thailand we can make adjustments as needed so that things balance out (pay you the net balance or you pay us as needed).

While we are in the U.S. together (Oct 13 to 27), we will surely visit the KTD (previous email) and my son at DMCXXXXX at XXXXXXXXXX, NY 12205. We may also visit NYC, West Point (my alma mater), and M.I.T. (another of my alma maters) and Boston. So many fun places to go, but I am not sure we will have time to fit it all in, but surely we can visit more on later visits.

I do hope you visa goes smoothly. Please be assured that I can take care of your expenses during your two week visit and we can sort your repayment later when you are back in Thailand. Wishing you all the best,

Brian

On 6/29/2019 6:40 AM, Brian Carr wrote:

Hi Buakhao,

As you know, Air and I will be returning to Thailand on September 5 and expect to return to the U.S. about October 9. It would be great if you could join us on the flights to the U.S.. We will be visiting N.Y. and you could stay with us in Albany, NY while we visit my son, DMCXXXXX at XXXXXXXXXX, NY 12205.

You could also visit the KTD, the Tibetan Buddhist shrine and retreat center nearby in Woodstock, NY. You could stay there and practice meditation, make offerings, pray, and practice service, helping out with cooking and cleaning. The price at the KTD would be most affordable at \$48 a night for room and meals as described in the attached email. I understand that with your house and dogs in Thailand you can't stay in the U.S. for more than two weeks and so could only stay at the KTD for a week. You could likely stay for the KTD for free if you could commit to helping out with cooking and cleaning for three months, but even if you only stay for a week it is likely that you can get a reduced rate (possibly free) by helping with the cooking and cleaning (based on their needs at the time).

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We could take you back to the airport when you return to Thailand in mid October. However, we will want to get your tickets in a few weeks so this might be a good time to apply for your tourist visa to the U.S.. Wishing you all the best,

Brian

----- Forwarded message -----

From: **KTD Office** <office@kagyu.org>
Date: Fri, Apr 19, 2019 at 10:59 AM
Subject: Re: Cost of Visit to KTD in the Fall
To: Brian Carr <carrbp@gmail.com>

Hello Brian,

Thank you for your email. In order for anyone to stay at KTD they must be either registered for a teaching program or have applied for a personal retreat. Please find attached an application, and general information, for a personal retreat.

When on personal retreat students only pay for their room (meals are included):

private room - \$96 per night

dorm room - \$48 per night

Those wishing to volunteer at KTD stay for at least 3 months. Will ask management about a reduced rate if one volunteers while here on personal retreat.

Yours in Dharma,

Linda

Front Office

Karma Triyana Dharmachakra

335 Meads Mountain Road

Woodstock, NY 12498

845-679-5906 ext 3

office@kagyu.org

www.kagyu.org

On Thu, Apr 18, 2019 at 6:37 PM Brian Carr <carrbp@gmail.com> wrote:

Dearest Karma Yogi,

First off I would like to thank you for you wonderful support and service to the community. I have visited the KTD over the past twenty years, often to attend teachings by Llama Dudjam Dorjee. However my new wife and I were able to attend the Tibetan New Year celebration this

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year and it was wonderful (and her first experience of the KTD). Then it was such a treat to be able to receive the teachings of Khenpo Karthar Rinpoche this last weekend via the web at KTC Dallas (I helped with the A/V). That was awesome.

My wife's sister (and my new sister as well), Buakhao, would love to visit the KTD. She would like to make offerings, pray, chant, meditate, attend the teachings, and practice service (karma yoga) for a week in the fall. As she has a house and dogs in Thailand she really can't stay for longer than a week. Also, as she is Thai she is a little overwhelmed by prices in the U.S.. Do you know if she could stay at the KTD in dorm rooms for a lesser fee if she helped out as needed (she is comfortable with cooking and cleaning)? Thanks again for your continued loving service.

Brian

This email has been checked for viruses by Avast antivirus software.

<https://www.avast.com/antivirus>



Virus-free. www.avast.com



Brian Carr <carrbp@gmail.com>

Error on PAL FOIA submission

1 message

Brian Carr <carrbp@gmail.com>

Wed, Dec 20, 2023 at 7:07 AM

To: FOIARequest@state.gov

Cc: DoS FOIA Status <Foiastatus@state.gov>

Submitted as BrianPCarr with the above email but there was an error of "Something went wrong while processing your action. Please contact foiastatus@state.gov for assistance if the problem persists."

The text of the actual request was as follows:

I seeking data about the processing of non-immigrant B1 or B2 visas by the Department of State (DoS) Visa Services (VS). It is cumulative data without information concerning any particular candidate.

1. For each year from 1 Jan 2018 to 31 Dec 2023 (six years), can you please query the number of non immigrant visa application (DS-160) for B1 or B2 visas interviews conducted and completed. Can you also break down the number with number approved, number denied, and other (not approved or denied but also closed without rescheduling).

2. Can you also break down the first query results by the Country where the Passport or Travel Document was issued? As there may be numerous countries with a small number of applications it is acceptable to truncate the list with the 99 most common countries with all lesser countries grouped as 'Other' (e.g. Monaco and Luxemburg could be grouped together with other countries in the Other entry as they likely won't have a significant number of visa applications). This would be a simple Group By Clause in SQL in a traditional normalized database.

3. Please repeat the above queries 1 and 2 but count only records where the applicant is 56 years old or older.

4. Please repeat the above queries 1 and 2 but count only records where the applicant is 56 years old or older and has a marital status of widowed or widower.

5. Please repeat the above queries 1 and 2 but count only records where the applicant is 56 years old or older, has a marital status of widowed or widower and the deceased spouse has a different country of origin from the applicant.

6. Please repeat the above queries 1 and 2 but count only records where the applicant is 56 years old or older, has a marital status of widowed or widower and the deceased spouse has a country of origin of the United States.

While almost all of the information in these databases is privileged or confidential the cumulative totals are not and represent important measures of the performance of DoS visa services. As such they should be accessible under the FOIA as public interest into agency performance.

Also, while the FOIA does not require any agency to retain or produce new records, queries against existing databases to produce cumulative totals is not considered new records.

See the 9th Circuit Decision in THE CENTER FOR INVESTIGATIVE REPORTING, v. UNITED STATES DEPARTMENT OF JUSTICE, Case: 18-17356, 12/03/2020, ID: 11913401, DktEntry: 64-1 which can be retrieved from <https://www.eff.org/document/cir-v-doj-9th-cir-opinion> and states 'the use of a query to search for and extract a particular arrangement or subset of existing data from the ... [agency] database does not require the creation of a "new" agency record under FOIA.'

I prefer electronic documents via email bcarr@gmail.com, or ftp / web access. Downloading via PAL is perfect.

Your attention to this matter is appreciated.

Brian Carr

26-10025.281

--
This email has been checked for viruses by Avast antivirus software.
www.avast.com



Brian Carr <carrbp@gmail.com>

Status Update for Request #F-2023-13477 with U.S. Department of State

1 message

foiastatus@state.gov <foiastatus@state.gov>
To: carrbp@gmail.com

Thu, Dec 21, 2023 at 5:01 AM

Dear Brian Carr,

The status of your FOIA request #F-2023-13477 has been updated to the following status 'In Process'. To learn more, please log into the DoS FOIA Portal via the Application URL below.

<https://pal.foia.state.gov>

Regards,
U.S. Department of State

26-10025.283

Request Status

Request Details

Click on Request # to view request details.

Request # ↑↓	Request Description ↑↓	Received Date ↑↓	Estimate Delivery Date ↑↓	Fee Due ↑↓	Status ↑
F-2024-04752	seeking data about the processing of non-immigrant...	12/20/2023	2/5/2024	0.00	Assigned for Processing
F-2023-13477	requesting all records (including video and audio ...	12/21/2023	2/6/2024	0.00	In Process
F-2023-12502	detailed information concerning specific visa appl...	6/28/2023	8/10/2023	0.00	Closed
F-2023-10679	visa records for Rueangrong Carr	7/7/2023	8/30/2023	0.00	Closed
FP-2023-00325	I am representing my wife, Rueangrong Carr, a Tha...	2/5/2024	3/5/2024	0.00	Assigned for Processing
F-2023-08493	visa records for Buakhao Von Kramer	5/10/2023	6/23/2023	0.00	Closed

Showing 1 to 6 of 6 entries

Previous **1** Next

Refresh Export

USPS Tracking®

[FAQs >](#)

Tracking Number:

[Remove X](#)

9589071052701540345504

[Copy](#)

[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to an individual at the address at 1:02 pm on January 31, 2024 in WASHINGTON, DC 20006.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Left with Individual

WASHINGTON, DC 20006
January 31, 2024, 1:02 pm

Out for Delivery

WASHINGTON, DC 20006
January 31, 2024, 9:19 am

Arrived at Post Office

WASHINGTON, DC 20037
January 31, 2024, 9:08 am

Departed USPS Facility

WASHINGTON, DC 20037
January 31, 2024, 7:15 am

Arrived at USPS Facility

WASHINGTON, DC 20037
January 31, 2024, 6:51 am

26-10025.285

Departed USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

January 31, 2024, 6:19 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

January 30, 2024, 11:46 pm

In Transit to Next Facility

January 30, 2024

Arrived at USPS Regional Facility

RICHMOND VA DISTRIBUTION CENTER

January 29, 2024, 1:57 pm

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

January 25, 2024, 10:56 pm

USPS in possession of item

IRVING, TX 75061

January 25, 2024, 11:27 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)

ALERT: SEVERE WEATHER CONDITIONS ACROSS THE U.S. MAY DELAY FINAL DELIVERY O...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9589071052701540341414

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

The **Missing Mail Search Request** (<https://www.usps.com/help/missing-mail.htm>) for your item has been closed as of 11:00 pm on February 21, 2024.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Alert

Missing Mail Search Request Closed

February 21, 2024, 11:00 pm

Arrived at Post Office

IRVING, TX 75061

February 15, 2024, 5:50 am

In Transit to Next Facility

February 14, 2024

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

February 13, 2024, 11:52 pm

Missing Mail Search Request Initiated, Missing Mail Search Request ID MRC 24 1768 9452

February 13, 2024, 4:36 pm

Missing Mail Search Request Closed

26-10025.288

February 10, 2024, 11:00 pm

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

February 10, 2024, 9:04 pm

Departed USPS Regional Facility

WASHINGTON DC NETWORK DISTRIBUTION CENTER

February 10, 2024, 8:28 pm

Arrived at USPS Regional Destination Facility

WASHINGTON DC NETWORK DISTRIBUTION CENTER

February 10, 2024, 6:03 pm

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

February 10, 2024, 12:12 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC NETWORK DISTRIBUTION CENTER

February 9, 2024, 6:47 pm

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

February 8, 2024, 11:33 pm

Arrived at USPS Regional Destination Facility

WASHINGTON DC NETWORK DISTRIBUTION CENTER

February 8, 2024, 6:26 pm

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

February 7, 2024, 11:01 am

Arrived at USPS Regional Destination Facility

LINTHICUM HEIGHTS MD DISTRIBUTION CENTER

February 7, 2024, 12:39 am

Arrived at USPS Regional Origin Facility

COPPELL TX DISTRIBUTION CENTER

February 4, 2024, 11:11 pm

Missing Mail Search Request Initiated, Missing Mail Search Request ID MRC 24 1760 9277

26-10025.289

February 2, 2024, 9:36 am

Arrived at USPS Regional Facility

MERRIFIELD VA DISTRIBUTION CENTER

January 28, 2024, 6:55 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

January 23, 2024, 4:02 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC NETWORK DISTRIBUTION CENTER

January 22, 2024, 10:25 pm

Arrived at USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

January 21, 2024, 2:59 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC NETWORK DISTRIBUTION CENTER

January 20, 2024, 11:39 pm

Return to Sender Processed

WASHINGTON, DC 20037

January 19, 2024, 2:30 pm

Insufficient Address

WASHINGTON, DC 20006

January 19, 2024, 10:14 am

Delivered, Left with Individual

WASHINGTON, DC 20006

January 11, 2024, 10:13 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

January 11, 2024, 1:46 am

26-10025.291

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

January 10, 2024, 12:43 am

USPS in possession of item

IRVING, TX 75061

January 9, 2024, 11:22 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates



USPS Tracking Plus®



Product Information



See Less ^

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Antony Blinken <secretary@state.gov>
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520
USPS TN 9405 8301 0935 5005 8026 38

Diana Shaw <shawd@state.gov>
U.S. DoS Acting Inspector General
1700 North Moore Street (SA-39)
Arlington, VA 22209
USPS TN 9405 8301 0935 5005 8026 45

Executive Director Douglas Holt <douglas.holt@cigie.gov>
Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006
USPS TN 9405 8301 0935 5005 8026 21

FOIA@stateoig.gov
FOIA Officer
Office of Inspector General
U.S. Department of State
1700 North Moore Street, Suite 1400
Arlington, VA 22209
USPS TN 9405 8301 0935 5005 8026 14

FOIARequest@state.gov
Office of Information Programs and Services
A/GIS/IPS/RL, U.S. Department of State
2201 C Street, N.W., Suite B266
Washington, D.C. 20520-0000
USPS TN 9405 8301 0935 5005 8026 52

Dear Sirs / Madams,

June 20, 2023

To minimize confusion I am sending this request to the Secretary of State, the Inspector General (IG) of the Department of State (DoS), Office of Information Programs and Services (FOIADoS), the FOI officer of DoS OIG and Alan.Boehm the CIGIE Executive Director. As it is possible federal crimes may have been committed or may be committed concerning this matter, I am also copying the Attorney General.

First I will describe the problems in general terms and then there will a separate section for each recipient

with specific requests for action by the specific recipient. I ask that each recipient acknowledge receipt of this request within one week (preferably via email to carrbp@gmail.com) as well as an initial response within thirty days as to intended actions. Please note that with the federal crimes described, intention is an important element and the response made after notice can be a foundation of determining intent.

General Statement of Problem

It is apparent that the processing of non immigration visa requests by the Department of State, Bureau of Consular Affairs does not meet the requirements of Due Process as stated in the 5th Amendment of the U.S. Constitution (rights guaranteed for all persons including foreign nationals). Since the 70's the U.S. Supreme Court has expounded on the requirements of Due Process for administrative procedures but it is likely that the procedures for non immigration visa requests were established before these rulings and have not been revised to reflect the decisions of the Supreme Court. As such, with this notice of the illegal denial of the rights of foreign nationals, it becomes incumbent on respondents to make those corrections necessary to comply with Due Process requirements of the U.S. Constitution.

Of particular importance are the right to representation (having another person speak on their behalf if they so choose), the right of appeal, and the right to a written decision based on the evidence which they presented. The right to a written decision well founded on the evidence is particularly important (perhaps the foundation of due process) and 18 U.S. Code Section 1001 defines a federal crime (falsification of government records) as:

(a) ... whoever, in any matter within the jurisdiction of the executive... branch of the Government of the United States, knowingly and willfully --

(1) falsifies, conceals, or covers up ... a material fact;

This has been held to include the omission of required facts which would include the rationale for a particular visa denial. If there are administrative directives that the response be only the standard form letter without any reference to the evidence presented (or referenced in the video recordings) then the crime remains though intention can be deferred to the management which directed the illegal omission of required facts. Intention is questionable for long standing policies which could pre-date the Supreme Court guidance, but after this notice of the problem, the obvious solution is to consult with Assistant Attorney General for the Office of Legal Counsel, Christopher H. Schroeder, seeking guidance on how to revise administrative procedures so that they are lawful and provide due process to all persons.

As there are plausible federal crimes being alleged, the DoS Office of the Inspector General (OIG) is required to investigate the allegations and report all likely federal crimes, e.g. INSPECTOR GENERAL ACT OF 1978 which states in part that the 'Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'. However, previous reports to the DoS OIG hotline simply resulted in the matters being forwarded to the Bureau of Consular Affairs with no meaningful response. A liberal interpretation of federal criminal law suggests that this itself is the crime of falsifying government records (failure to correct known false records) and obstruction of justice.

When the DoS OIG specifically refused to investigate these matters, I initiated Freedom of Information Act (FOIA) requests on May 10, 2023 to get more complete information to provide in the current complaint, but I have received no response. For your convenience I have attached those FOIA requests as they list the specific visa applications which were improperly denied and the DoS OIG complaints which include the resulting damages.

Specific Actions Requested
Antony Blinken, Secretary of State

I request that you confirm that the Bureau of Consular Affairs does not permit representation in non immigrant visa application interviews and negative responses are form letters with no specific reference to the actual evidence presented by the applicant. After this confirmation, I ask that you contact the DoJ via Christopher H. Schroeder and seek guidance on how to revise the administrative processes to be in compliance with Supreme Court decisions in these matters as well as being compatible with other federal agencies.

DoJ IG Diana Shaw

The DoS OIG hotline web page at <https://www.stateoig.gov/hotline> states 'Please note: OIG does not investigate complaints about the denial of U.S. visas.' which violates the IG act of 1978 by overlooking federal crimes relating to the denial of U.S. visas. I ask that you have the web page and other publication corrected to note that the DoS OIG investigates all malfeasance and federal crimes within the DoS. I also ask that you direct all members of DoS OIG to follow these policies. Further I request that you report this particular matter to the DoJ so that a proper investigation of the matter can be completed to determine whether prosecution is warranted under the circumstances.

Alan Boehm, Executive Director
Council of the Inspectors General on Integrity and Efficiency (CIGIE)

As there clear indications of malfeasance and plausible allegations of other crimes within the DoS OIG, I ask that you work with the DoJ in correcting these serious problems. I further ask that you insure that the USPS IG is recused from this matter as there are virtually identical allegations against her which have not been successfully resolved (see DoJ reference number NM301959635).

DoS FOIA Officer and DoS OIG FOIA Officer

I ask that you provide all the requested information cited in the attached FOIA requests, previously sent via email on May 10, 2023. Further, in your administrative decisions concerning use of 5 U.S.C. Section 552 (b)(5) and (b)(6) to redact or withhold documents, I ask that you also comply with the due process requirements for administrative procedures.

For example, if you cite the 'deliberative process privilege' of (b)(5) as a form of executive privilege I ask that you disclose the identity of the executive who is familiar matter and who is actually making the claim of executive privilege along with a summary of the policy which was being deliberated.

Further, if you are using (b)(5) as a form of attorney client privilege, I ask that you disclose the identities of the client and attorney and that each document which is withheld be identified with the general nature and circumstances of the material in the document. This is the evidence required for a determination to withhold each document under the facts and circumstances of each document and is necessary in order to appeal the determination in any meaningful fashion.

Please note that failure to include required information in your determination to withhold could constitute the federal crime of falsification of government records.

Conclusion

I ask that all responses to these requests be sent via email to myself at carrbp@gmail.com and that all other recipients be copied via email as well. I ask the DoJ assign a new reference number for this matter and send the reference number to all recipients. This will allow for complete documentation of when notice was provided to each recipient as well the facts and circumstances for each complaint. Representative Veasey is being included in the CC list as his office assisted in complaints against the USPS and OIG.

Your prompt attention to this matter is greatly appreciated.

Brian P. Carr

CC email only:

criminal.division@usdoj.gov
Attorney General Merrick B. Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Jennifer.Ward@mail.house.gov
U.S. Representative Marc Veasey
JP Morgan Chase Building
1881 Sylvan Ave, Ste. 108
Dallas, TX 75208



**COUNCIL OF THE INSPECTORS GENERAL
ON INTEGRITY AND EFFICIENCY**
INTEGRITY COMMITTEE

August 9, 2023

Via Email
Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com

Closure of Integrity Committee Case 23-083

Dear Brian Carr:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency reviewed the allegations you submitted on June 20, 2023, and supporting documents, involving Covered Persons in the U.S. Department of State Office of Inspector General. We thank you for bringing your allegations to our attention, which we took very seriously.

The IC is charged with receiving, reviewing, and investigating, where appropriate, allegations of misconduct made against Covered Persons: Inspectors General (IG) and designated members of an IG's staff. The IC takes action on allegations of wrongdoing that involve abuse of authority in the exercise of official duties or while acting under color of office; substantial misconduct, such as gross mismanagement, gross waste of funds, or a substantial violation of law, rule, or regulation; or conduct that undermines the independence or integrity reasonably expected of such persons.

After thoroughly reviewing the allegations and supporting information provided, the IC determined, pursuant to Integrity Committee Policies and Procedures – 2018, paragraph 7.C., to close the matter and take no further action. This determination was made solely pursuant to the IC's authorities and is not binding on any collateral or other proceeding. Thank you for submitting this matter to the IC.

Sincerely,

Kevin H. Winters
Chairperson
Integrity Committee

Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Merrick B. Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Attorney General Merrick B. Garland,

March 3, 2023

I am writing to you to notify you of routine falsification of government records in USPS through scanning an item as delivered before it was actually delivered and the resulting consumer fraud of (\$26.35 in this specific instance) as well as malfeasance and possible obstruction of justice by the USPS Board of Governors and the USPS OIG. I ask your assistance in rectifying these problem.

The details of the falsified delivery record on April 15, 2021 and the resulting consumer fraud of \$26.35 are contained in the attached copy of correspondence of November 17, 2021 to the USPS IG finally delivered via my U.S. Representative Marc Veasey as well as the response from the USPS OIG from Ms. Kelly Delaney dated June 7, 2022.

In particular I am concerned that the USPS OIG is not meeting the statutory requirements of INSPECTOR GENERAL ACT OF 1978, Section 4, which states in part that the "Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law." Specifically, federal crimes of falsifying government records (a crime under 18 U.S. Code Section 1001 (a) (1)) are routinely routed to local USPS management without any report to the Attorney General when they are the nefarious 'Stop the Clock' tracking scans, a misleading label for the crime of scanning a package as delivered prior to delivery to falsify quality measures and defraud customers.

The USPS OIG in fact refers all reports of 'Stop the Clock' scans to local USPS management even though it is claimed that the hot-line workers consider 'each allegation on a case-by-case basis'. This suggests there is an undocumented verbal 'guidance' to refer all problems with 'tracking and delivery' to local USPS management. This guidance is undocumented because it constitutes an illegal order to violate the IG Act requirement to report all federal crimes to the Attorney General.

Contrary to the claims of Ms. Kelly Delaney that I am seeking criminal prosecution for the falsified records, I am actually requesting that they be referred to the Attorney General and Justice Department where an unbiased determination of the appropriate remedy can be made. It would be absurd to suggest that every USPS employee who ever did a 'Stop the Clock' scan be incarcerated. However, the senior management who encouraged and supported the practice might be candidates for dismissal and even fines to the degree that they profited from their illegal criminal actions.

I have also attached a copy of the August 3, 2022 correspondence to the USPS Board of Governors, finally delivered via my U.S. Representative Marc Veasey as well as the response from the USPS Government Relations Representative dated December 22, 2022 which referred the matter to the Council of the

Inspectors General on Integrity and Efficiency (CIGIE) which has not taken any apparent action concerning the matter.

I am an Officer of the United States as a U.S. Regular Army Captain with an Honorable Discharge and so am keenly aware of the difficulties of dealing with illegal orders. I hope that you will be able to navigate the complex ramifications of illegal orders.

I also have come to appreciate that the foundation of our democracy and government of law is civil servants identifying and challenging illegal orders and not permitting falsified records. Indeed, the prompt elimination and correction of these illegal 'Stop the Clock' scans and the resulting defrauding of many thousands of postal customers could be a first step in restoring the failing trust of Americans in their government be it Readiness Reports (in the military), Proof of Delivery (from the USPS) or election results.

Specifically, I am asking that the Department of Justice investigate the falsified delivery record in my case and arrange for my account with USPS be credited with \$26.35 after correcting the falsified delivery records. Further, I ask that you insure that after some future date, perhaps September 30, 2023, all falsified delivery records which are reported to the USPS OIG be reported to the Department of Justice where they will be investigated and an appropriate remedy taken.

I am also copying the USPS Postmaster General, USPS IG, USPS Board of Governors (via Chairman Martinez) and U.S. Representative Veasey on this correspondence. As I have previously had difficulties in getting any response, I request that you confirm receipt of this request to myself at carrbp@gmail.com.

Thanks for your assistance with this matter and for your service to the United States.

Brian P. Carr

CC: Chairman Roman Martinez IV
USPS Board of Governors
475 L'Enfant Plaza SW
Washington DC 20260-0010

Postmaster General Louis DeJoy
USPS - Headquarters
475 L'Enfant Plaza SW
Washington DC 20260-0010

Tammy L. Whitcomb, Inspector General
1735 North Lynn Street
Arlington, VA 22209-2005

U.S. Representative Marc Veasey
JP Morgan Chase Building
1881 Sylvan Ave, Ste. 108
Dallas, TX 75208

email: Jennifer.Ward@mail.house.gov of U.S. Representative Veasey's office



Brian Carr <carrbp@gmail.com>

Messages to Attorney General, reference NM301959635

Brian Carr <carrbp@gmail.com>

Mon, Oct 9, 2023 at 4:37 PM

To: criminal.division@usdoj.gov

Cc: "Ward, Jennifer" <Jennifer.Ward@mail.house.gov>, Executive Director Douglas Holt <douglas.holt@cigie.gov>, Integrity-Complaint <Integrity-Complaint@cigie.gov>

Respectfully Attorney General Garland:

This request is a continuation of a request mailed to the Attorney General on March 3, 2023 which was referred to criminal.division@usdoj.gov with reference NM301959635 with the assistance of U.S. Representative Veasey. The content of this email was also sent to that email address as a single email.

This matter requests assistance in correcting malfeasance and unlawful policies and procedures in the United States Postal Service (USPS) to include the Postmaster General (PG), Board of Governors (BoG), and Inspector General (IG).

Previously the matter was referred to the Postal Inspection Service (PIS) as they have jurisdiction to investigate fraud using the postal service. However, I believe this was inappropriate as any fraud which might be alleged would be BY the USPS to benefit the USPS. This is outside the stated jurisdiction of the PIS. Further, the PIS is not in any position to properly investigate and prosecute the PG or BoG (their bosses) or IG (an independent agency with jurisdiction to investigate PIS).

I am writing to request your assistance in correcting malfeasance and unlawful policies and procedures in USPS. While these violations have resulted in federal crimes of falsification of government records and, potentially, other federal crimes, I am not seeking prosecutions (which are at the sole discretion of DoJ) but rather assistance in getting the agencies to comply with lawful statutes and constitutional rights and to provide relief as appropriate to damaged parties.

The enforcement of lawful statutes and constitutional rights is at the discretion of the Department of Justice (DoJ) based on available resources, but this discretion is secondary to the federal courts and their ability to provide relief to injured parties. However, I believe that the best resolution can be reached by DoJ working directly with the agencies. If federal courts are brought into this matter, it is almost certain the DoJ will be called on to assist but the time table and direction of the corrections will be set by the courts for better or worse.

I ask that you route this request to the appropriate department for the requested assistance and provide me contact information to get the status of the request. As stated above, there are no requirements that you provide the requested assistance, but it is my hope that these issues can be resolved without involving the courts. Needless to say, if the DoJ chooses not to address my concerns, my only avenue for relief will be through the courts.

criminal.division@usdoj.gov should have access to the previous documents and emails under reference NM301959635. Several of these documents are attached for your convenience. They provides the details of unlawful policies and procedures as well as federal crimes. They also include the damages and the specific relief sought. I am also copying other recipients of the previous emails.

Your attention to this matter is appreciated.

Brian Carr

----- Forwarded Message -----

Subject:Request to Attorney General

Date:Sun, 9 Apr 2023 21:39:21 -0500

From:Brian Carr <carrbp@gmail.com>

To:Ward, Jennifer <Jennifer.Ward@mail.house.gov>

26-10025.300

Dear Ms. Ward,

Can you forward this request to your contact in the Department of Justice. I have attached a new Privacy Act form as USPSagBCarr.pdf as well as the other documents which were included in the March 3, 2023 request.

On March 3, 2023 I notified the Attorney General of federal crimes in U.S.P.S. and malfeasance in U.S.P.S. O.I.G. via first class mail. On March 23, 2023 I raised the issues again via the web form at: <https://www.justice.gov/doj/webform>. However, I have not yet received the requested confirmation of receipt or the identity of the appropriate department to which the request was forwarded.

I ask that I get a confirmation of receipt, contact information for the department processing the request, and the current status of the request (e.g. 'actively investigating' or 'closed, decline to investigate'). Thanks for your attention to this matter.

Brian

--

This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>



Virus-free. www.avast.com

7 attachments



USPSagBCarr.pdf
431K



USPSagRqst.pdf
25K



USPSbdRqst.pdf
24K



USPSOIGrqst.pdf
44K



USPSoigRsps.pdf
104K



BrianCarr.USPSreply.12-12-22.pdf
236K



USPSoigBCarr.pdf
436K



**COUNCIL OF THE INSPECTORS GENERAL
ON INTEGRITY AND EFFICIENCY**
INTEGRITY COMMITTEE

November 1, 2023

Via Email
Brian Carr
1201 Brady Dr
Irving, TX 75061
carrbp@gmail.com

Closure of Integrity Committee Case 24-010

Dear Brian Carr:

The Integrity Committee (IC) of the Council of the Inspectors General on Integrity and Efficiency reviewed the allegations you submitted on October 9, 2023, involving Covered Persons in the U.S. Postal Service Office of Inspector General. We thank you for bringing your allegations to our attention, which we took very seriously.

The IC is charged with receiving, reviewing, and investigating, where appropriate, allegations of misconduct made against Covered Persons: Inspectors General (IG) and designated members of an IG's staff. The IC takes action on allegations of wrongdoing that involve abuse of authority in the exercise of official duties or while acting under color of office; substantial misconduct, such as gross mismanagement, gross waste of funds, or a substantial violation of law, rule, or regulation; or conduct that undermines the independence or integrity reasonably expected of such persons.

After thoroughly reviewing the allegations and supporting information provided, the IC determined, pursuant to Integrity Committee Policies and Procedures – 2018, paragraph 7.C., to close the matter and take no further action. This determination was made solely pursuant to the IC's authorities and is not binding on any collateral or other proceeding. Thank you for submitting this matter to the IC.

Sincerely,

A handwritten signature in black ink that reads "K. H. Winters". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kevin H. Winters
Chairperson
Integrity Committee

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

BRIAN P. CARR, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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

DEFENDANTS' MOTION TO DISMISS

Plaintiffs Brian P. Carr and Rueangrong Carr (husband and wife) together with Mrs. Carr's sister, Buakhao Von Kramer sue Defendants the United States of America and several other federal agencies for allegedly having violated the Due Process Clause of the Fifth Amendment to the U.S. Constitution. Plaintiffs seek money back from the United States Postal Service (USPS) for an allegedly delayed delivery of a package and a court order mandating 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. Because Plaintiffs cannot meet their initial burden to identify an applicable waiver of the federal government's sovereign immunity, the Court should dismiss Plaintiffs' entire complaint. Even so, the Court lacks jurisdiction over any claim, and Plaintiffs fail to state a claim. For these reasons and those further explained below, Plaintiffs' entire complaint should be dismissed.

I. Background

Plaintiff Brian Carr is a U.S. Citizen who married Plaintiff Rueangrong Carr in Thailand and petitioned, as her spouse, for her to receive lawful-permanent-resident status in the United States (commonly known as a green card), which was expedited and approved within four months' time. Compl. ¶¶ 60, 74, ECF No. 1.

Plaintiff Von Kramer is Mrs. Carr's sister, and in 2019, she desired to travel to the United States. *Id.* ¶ 90. But her request for a non-immigrant tourist visa was initially denied; however, her fourth application for a visa was granted in 2022 (about three years later). *Id.* Plaintiffs allege they complained to the State Department's Office of Inspector General (OIG) about the challenges Von Kramer encountered in attempting to obtain a visa, but the OIG refused to investigate (what Plaintiffs allege constituted) various federal crimes. *See id.* ¶¶ 125–39.

In 2022, Plaintiff Rueangrong Carr applied for naturalization. *Id.* ¶ 204. At her scheduled naturalization interview, she initially was unable to write a sentence in English and failed the government and history (civics) portions of the naturalization test. *Id.* She was then scheduled for another interview to retake those portions of the naturalization test, but she did not show up—resulting in the denial of her naturalization application. *Id.* It appears that Mr. and Mrs. Carr had a previously scheduled international vacation that conflicted with the scheduled interview, *id.* ¶ 194, but their request to reschedule the interview was denied, *id.* ¶ 197.

In addition, Mr. Carr in 2021 purchased overnight shipping from the USPS to deliver his passport from the Thai Embassy in Washington, D.C. to his home in Irving, Texas. *See id.* ¶ 27. The package allegedly arrived a day late, and now Mr. Carr wants his money back. *See id.* Mr. Carr complained to his Congressman, who allegedly had been informed that a refund had been paid. *Id.* ¶¶ 37–38. Plaintiffs now complain that

the USPS official who reported to refund to Mr. Carr's Congressmen had been misled by "numerous falsified documents." *Id.* ¶ 39.

Plaintiffs allegedly notified various government agencies including the U.S. Department of Justice about the circumstances of their challenges in obtaining a visa for Plaintiff Von Kramer, naturalization for Mrs. Carr, and timely delivery (or a refund) of a package for Mr. Carr. *See, e.g., id.* ¶¶ 248–53. But to date, the federal government has not taken (in Plaintiffs' view) appropriate or timely action to correct allegedly inaccurate records and fix supposedly broken systems (such as USCIS's automated phone system). *See, e.g., id.* at 49–53, ¶¶ 27–47 ("USCIS must immediately disable hang ups by the automated phone system and instead fail over to a human representative.").

II. Legal Standards

A. Rule 12(b)(1)

Defendant moves to dismiss under Rule 12(b)(1) because Plaintiffs have not identified a waiver of sovereign immunity and because the federal government is not liable for the conduct of federal actors under 42 U.S.C. § 1983 or the Fourteenth Amendment. As the party asserting federal subject-matter jurisdiction, the plaintiff must bear "the burden of showing Congress's unequivocal waiver of sovereign immunity." *Freeman v. United States*, 556 F.3d 326, 334 (5th Cir. 2009). "At the pleading stage, [the] plaintiff[] must invoke the court's jurisdiction by alleging a claim that is facially outside of the discretionary function exception." *Id.* The Court may dismiss claims under Rule 12(b)(1) based on "(1) the complaint alone; (2) the complaint supplemented by undisputed facts evidenced in the record; or (3) the complaint supplemented by undisputed facts plus the court's resolution of disputed facts." *Willoughby v. United States ex rel. U.S. Dep't of the Army*, 730 F.3d 476, 479 (5th Cir. 2013).

B. Rule 12(b)(6) pleading standard

The Court should grant a motion to dismiss under Rule 12(b)(6) if the complaint fails to allege “sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face.” *Sullivan v. Leor Energy, LLC*, 600 F.3d 542, 546 (5th Cir. 2010). “Determining whether a complaint states a plausible claim for relief . . . [is] a context-specific task that requires the reviewing court to draw on its judicial experience and common sense.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). “[A] plaintiff’s obligation to provide the ‘grounds’ of his ‘entitlement to relief’ requires more than labels and conclusions, and a formulaic recitation of the elements of a cause of action will not do.” *Sullivan*, 600 F.3d at 546. The “[f]actual allegations must be enough to raise a right to relief above the speculative level.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007). In assessing the complaint, the Court accepts only “well-pleaded facts as true” and disregards “conclusory allegations, unwarranted factual inferences, [and] legal conclusions.” *Singh v. RadioShack Corp.*, 882 F.3d 137, 144 (5th Cir. 2018).

III. Argument & Authorities

The Court should dismiss Plaintiffs’ entire complaint because Plaintiffs fail to identify any waiver of the federal government’s sovereign immunity for the Fifth Amendment due process claims concerning which they seek mandatory injunctive relief. In addition, the Court lacks jurisdiction to consider any of their various grievances. Lastly, the complaint should be dismissed because the “allegations within the complaint ‘are so attenuated and unsubstantial as to be absolutely devoid of merit, . . . wholly insubstantial, . . . obviously frivolous, . . . plainly unsubstantial, . . . or no longer open to discussion.’” *Starrett v. Lockheed Martin Corp. et al.*, 735 F. App’x 169, 170 (5th Cir. 2018) (quoting *Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974)).

A. Plaintiffs have not shown that the federal government has waived sovereign immunity for claims seeking non-monetary relief ordering federal law enforcement to investigate alleged crimes.

As the party invoking federal subject-matter jurisdiction, Plaintiff must bear “the burden of showing Congress’s unequivocal waiver of sovereign immunity.” *Freeman v. United States*, 556 F.3d 326, 334 (5th Cir. 2009). Plaintiffs have identified no such waiver for their claims for non-monetary relief—meaning Defendants retain sovereign immunity from all of Plaintiffs’ claims.

B. The Court lacks jurisdiction over the late-delivery claim against the USPS.

Although Congress through the Postal Reorganization Act waives sovereign immunity for certain categories of claims, “the statute also provides that the [Federal Tort Claims Act or the] FTCA ‘shall apply to tort claims arising out of activities of the Postal Service.’” *Dolan v. U.S. Postal Serv.*, 546 U.S. 481, 484 (2006). The FTCA in turn limits the federal government’s waiver of sovereign immunity with certain exceptions, 28 U.S.C. § 2680, including (pertinent here) that the federal government retains sovereign immunity from “[a]ny claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter.” *Id.* at 485. Here, because Plaintiffs’ claim concerns an allegedly late-delivered package, that claim arises out of the allegedly “negligent transmission of letters or postal matter” such that the federal government retains sovereign immunity. *See id.* Therefore, Plaintiffs’ claims concerning the alleged one-day delayed delivery of Mr. Carr’s package should be dismissed for lack of jurisdiction.

C. The naturalization statute provides an adequate remedy of which Plaintiffs have not availed themselves, requiring dismissal of Plaintiffs’ naturalization-related claims.

Jurisdiction would be unavailable under any other federal statute or doctrine for Plaintiffs’ naturalization-related claims because the naturalization statute provides an

adequate remedy already. Under 8 U.S.C. § 1421(c), “[a] person whose application for naturalization under this subchapter is denied, after a hearing before an immigration officer under section 1447(a) of this title, may seek review of such denial before the United States district court for the district.” Moreover, judicial review under section 1421(c) “shall be de novo, and the court shall make its own findings of fact and conclusions of law and shall, at the request of the petitioner, conduct a hearing de novo on the application.” Moreover, as for timing, if USCIS fails to “make a determination” within 120 days “after the date on which the examination is conducted under such section, the applicant may apply to the United States district court for the district in which the applicant resides for a hearing on the matter.” 8 U.S.C. § 1447(b). In other words, the naturalization statute prescribes a hearing de novo before a federal district court and that a petition for naturalization may be filed in federal court within 120 days of the application having been denied. In addition to this establishing robust procedural protections for naturalization applicants more than sufficient for constitutional Due Process, the naturalization statute, therefore, provides “an adequate remedy to challenge any alleged delay in the adjudication of his naturalization application,” which precludes judicial review under any other federal statute that could possibly provide jurisdiction. *See, e.g., Tankian v. U.S. Citizenship & Immigr. Servs.*, 652 F. Supp. 3d 812, 818 (S.D. Tex. 2023).

D. Plaintiffs’ visa-related claims also fail to state a claim.

As for Mrs. Von Kramer’s alleged delays in obtaining a non-immigrant visa to travel from Thailand to the United States, these allegations fail to state a claim under the Fifth Amendment. To state such a claim, a plaintiff must first identify a protected liberty or property interest and then show that the government deprived him of that interest

without due process. *See Mendias-Mendoza v. Sessions*, 877 F.3d 223, 228 (5th Cir. 2017). Plaintiffs appear to claim a right to fair “administrative procedures” such that constitutional Due Process “is not an arcane right, but rather a central pillar of how the U.S. government must act when dealing with individuals.” *See* Compl. ¶ 2. Courts have rejected similar claims brought by other plaintiffs, however. *See Smith v. U.S. Dep’t of Homeland Sec.*, No. 3:21-cv-02694-E, Doc. 21 (N.D. Tex. Apr. 13, 2022) (citing *Nyika v. Holder*, 571 F. App’x 351, 352 (5th Cir 2014) & *Ohiri v. Gonzales*, 233 F. App’x 354, 356 (5th Cir. 2007)) (holding that “[b]ecause [the plaintiff] has no liberty interest in an adjustment of status, he has failed to state a claim for a due process violation”); *Bemba v. Holder*, 930 F. Supp. 2d 1022, 1029 (E.D. Mo. 2013) (dismissing the plaintiff’s Fifth Amendment due process claim based on the government’s delayed adjudication of a Form I-485 application, because there is no constitutionally protected liberty interest in adjustment of status). “[T]he failure to receive discretionary relief,” such as a non-immigrant tourist visa, “amount to a constitutionally protected deprivation of a property or liberty interest.” *Aguilera v. Holder*, 354 F. App’x 882, 884 (5th Cir. 2009) (per curiam). Plaintiffs’ constitutional claim cannot prevail.

No other claim could succeed either because it would be barred by the doctrine of consular nonreviewability. “The doctrine of consular nonreviewability has its basis in Congress’s plenary power ‘to exclude aliens altogether from the United States, or to prescribe the terms and conditions upon which they may come to this country.’” *Kleindienst v. Mandel*, 408 U.S. 753, 766 (1972). Accordingly, “the denial of visas to aliens is not subject to review by the federal courts.” *Centeno v. Shultz*, 817 F.2d 1212, 1213 (5th Cir. 1987). As such the Court lacks jurisdiction to review any decisions by the

consular officer in Thailand denying Mrs. Von Kramer’s applications for a visa, whether constitutional or statutory.

E. The allegations in the complaint appear frivolous.

Lastly, the “allegations within the complaint ‘are so attenuated and unsubstantial as to be absolutely devoid of merit, . . . wholly insubstantial, . . . obviously frivolous, . . . plainly unsubstantial, . . . or no longer open to discussion.’” *Starrett v. Lockheed Martin Corp. et al.*, 735 F. App’x 169, 170 (5th Cir. 2018) (quoting *Hagans v. Lavine*, 415 U.S. 528, 536–37 (1974)). Put another way, the Fifth Circuit has affirmed that claims against the federal government and its agencies are subject to dismissal under Rule 12(b)(1) when the claims are “patently frivolous,” and also under Rule 12(b)(6) when such claims are “fanciful, fantastic, or delusional.” *Starrett*, 735 F. App’x at 170. Such is the case here. Plaintiffs’ lengthy complaint appears to infer conspiracy and false documents from administrative delays without identifying a legal basis for the requested relief. And the broad scope of the requested relief is striking: ordering various federal agencies to open investigations into administrative issues—such as a delay in delivery of a package, the rescheduling of a naturalization interview to accommodate Plaintiffs’ international vacation, and the challenges a resident of Thailand experienced in obtaining a non-immigrant tourist visa from the State Department to travel to the United States—or to reorganize their systems and processes, all of which constitutes the “patently frivolous,” “fantastic, or delusional.” *See Starrett*, 735 F. App’x at 170.

IV. Conclusion

Because Plaintiffs fail to identify a waiver of sovereign immunity that could possibly justify the sweeping non-monetary relief they seek for the alleged constitutional violations, the Court should dismiss Plaintiffs’ entire complaint without prejudice. Even

so, the Court lacks jurisdiction over each claim because the USPS retains sovereign immunity from tort claims arising from late-delivered packages, the naturalization statute provides adequate remedies for the naturalization-related claims, and the consular nonreviewability doctrine precludes jurisdiction for the visa-related claims. Plaintiffs also fail to state a claim for violation of constitutional due process. In any event, the complaint may be dismissed as frivolous. For all of these reasons, Plaintiffs' entire complaint should be dismissed.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

/s/ George M. Padis

George M. Padis
Assistant United States Attorney
Texas Bar No. 24088173
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214-659-8600
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Attorneys for Defendants

CERTIFICATE OF SERVICE

On March 8, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I also hereby certify that on this same date, the foregoing document was served via U.S. mail to the Plaintiff, pro se, listed below:

/s/ George M. Padis

George M. Padis

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January 11, 2024, 10:45 am

Arrived at Post Office

WASHINGTON, DC 20018

January 11, 2024, 7:35 am

Departed USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

January 11, 2024, 4:27 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

January 11, 2024, 1:43 am

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

January 10, 2024, 12:43 am

26-10025.313

USPS in possession of item

IRVING, TX 75061

January 9, 2024, 11:25 am

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[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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WASHINGTON, DC 20528

January 11, 2024, 10:44 am

Arrived at Post Office

WASHINGTON, DC 20018

January 11, 2024, 7:37 am

Arrived at USPS Regional Destination Facility

26-10025.314

Case 3:23-cv-02875-S-BT Document 16 Filed 03/09/24 Page 3 of 4 PageID 292

WASHINGTON DC DISTRIBUTION CENTER
January 11, 2024, 1:41 am

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER
January 10, 2024, 12:43 am

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Delivered

Delivered, Left with Individual

WASHINGTON, DC 20024
January 11, 2024, 2:15 pm

Out for Delivery

WASHINGTON, DC 20024
January 11, 2024, 6:10 am

Arrived at Post Office

WASHINGTON, DC 20024

26-10025.315

Case 3:23-cv-02875-S-BT

Document 16

Filed 03/09/24

Page 4 of 4

PageID 293

January 11, 2024, 5:07 am

Arrived at USPS Facility

WASHINGTON, DC 20024

January 11, 2024, 3:54 am

Departed USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER

January 11, 2024, 2:05 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER

January 11, 2024, 1:42 am

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

January 10, 2024, 12:43 am

USPS in possession of item

IRVING, TX 75061

January 9, 2024, 11:23 am

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

See More ∨

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

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To: r rr

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Gohagan &
Company

000015246 126-064
Mr. Brian Carr
1201 Brady Dr
Irving, TX 75061 - 4749



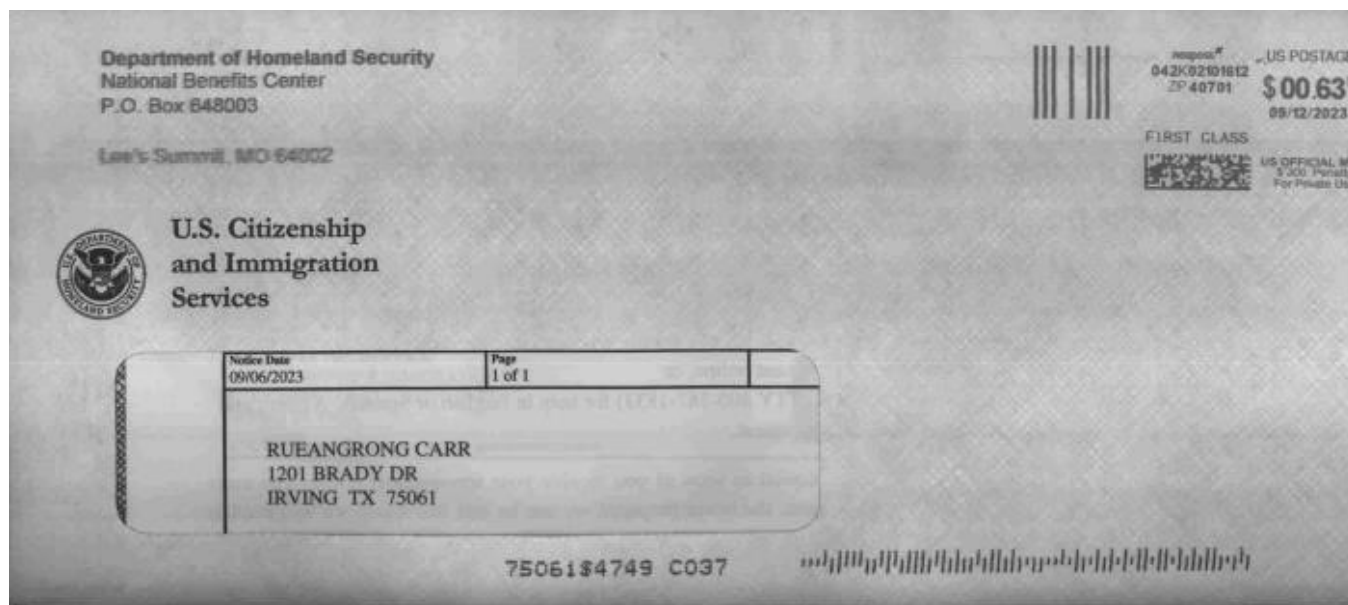
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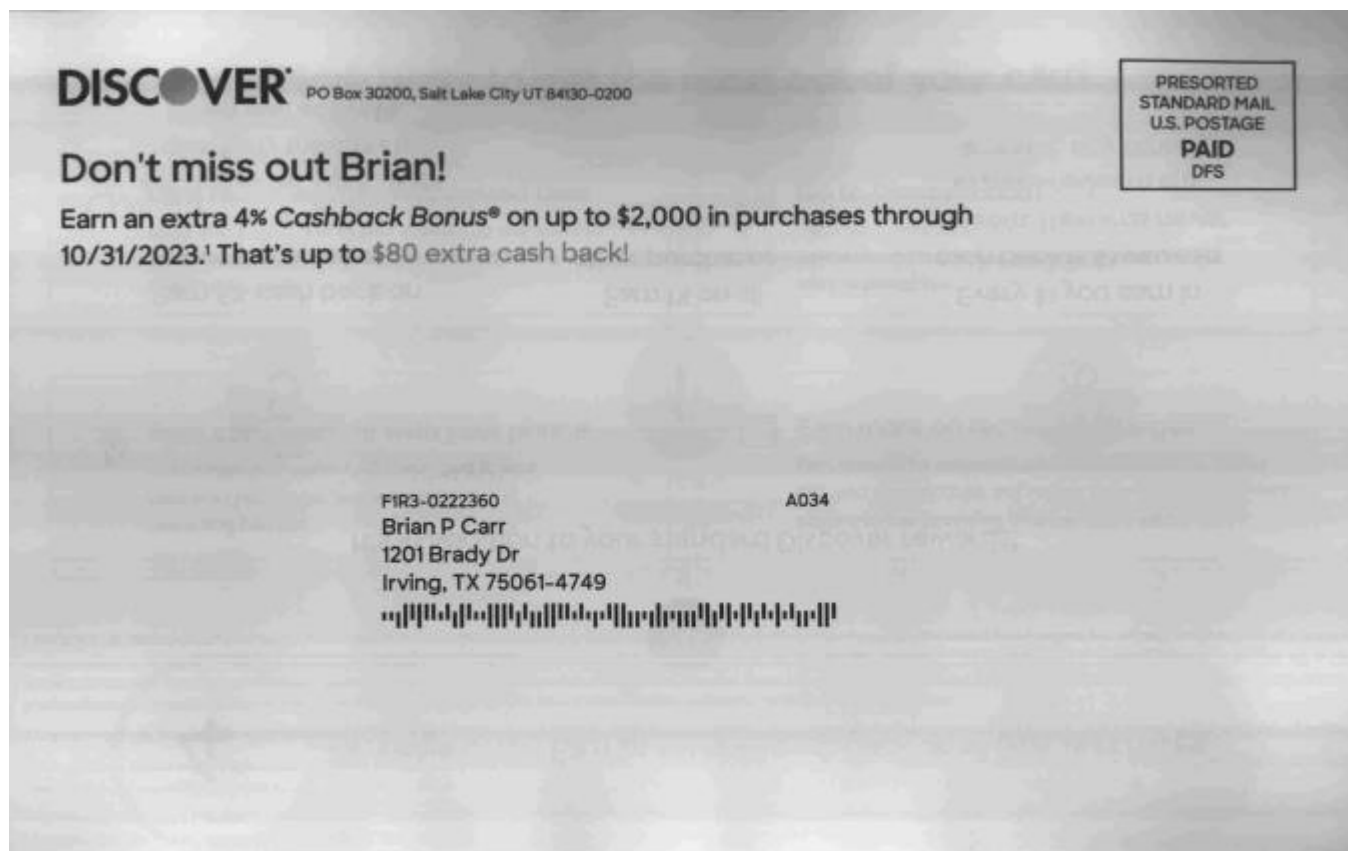
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R d r



A piece of mail that we do not have an image for is included in today's mail.

Arriving This Week

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Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Dear Sir / Madam:

I was surprised and disappointed that my original 'Freedom of Information' (FOI) request of 01 Sep 2023 returned only the original I-751 and N-400 applications. As such, I am submitting another FOI request to get the records which I am seeking.

General

Government ID for all Redacted Identification Information

Whenever a record is redacted to remove personally identifiable information (such as email address) I ask that the redaction include the government ID of the employee or contractor and that there is a table of ID's with the matching job title and job description (could be a link to a publicly available document).

While this may appear to be a request that you generate new records which is not permitted, database records are electronic records which are subject to FOIA and these records are almost certainly available in the payroll and personnel databases. While almost all of the information in these databases is privileged, the employee ID and job title should not be. This should be a simple database query without need to redact the results as only the requested information should be returned. Also, in cases where there are only a small number of entries, it is possible that the responding administrative person would prefer to generate a new document with the requested information, but that is their option rather than doing an excerpt of existing databases records to fulfill the request.

See the 9th Circuit Decision in THE CENTER FOR INVESTIGATIVE REPORTING, v. UNITED STATES DEPARTMENT OF JUSTICE, Case: 18-17356, 12/03/2020, ID: 11913401, DktEntry: 64-1 which can be retrieved from <https://www.eff.org/document/cir-v-doj-9th-cir-opinion> and states 'the use of a query to search for and extract a particular arrangement or subset of existing data from the ... [department] database does not require the creation of a "new" agency record under FOIA.'

General

Explanation of Redaction and Withheld Documents

In the event that any responsive documents are found, I ask that you do not redact or withhold documents based on '5 U.S.C. Section 552 (b)(5) and (b)(6)', but rather specify which section is applicable.

If (b)(6) is applied to a government employee or contractor, I ask that you identify the individual by government ID along with job title. If the record includes information concerning another private individual, all identifying information should be redacted with '(b) (6) private individual'.

If (b)(5) is applied, I ask that you specify if it was due to executive privilege. If so, please identify the executive who is familiar with the matter and made the determination invoking 'deliberative process privilege' and include the document where the rationale for claiming executive privilege is explained to include the policy which was under deliberation.

If (b)(5) is applied, I ask that you specify if it was due to attorney client privilege. If so, please identify the client and attorney. For each document so withheld, please include a description of the document with the general contents of the document so that a determination can be made whether attorney client privilege is actually applicable to the document.

If any documents need to be withheld because of active OIG or DoJ investigations it is only necessary to identify the reference number for the investigation and the contact information for the status of the investigation (to allow notice when the investigation is completed).

General

Maintain as electronic documents when redacting documents

I would prefer that any electronic documents be retained in their machine readable format (easier to read and search) so ask that you edit them in their machine readable format (perhaps rich text format rather than pdf) to preserve the privacy of individuals, replacing their names and email / text addresses with their IDs.

In addition, I would like copies of any and all attachments to emails except for those which were originally provided by myself. For the excepted attachments, it would be fine to just refer to the name of the PDF file. There is also no need to provide multiple copies of a redacted attachment if they are attached to multiple documents as long as same name is used for each redacted attachment.

Records Being Sought

* All emails, messages, and other records to or from USCIS referencing alien registration number A-056137568 or receipts MSC2091582908 or IOE9752855294 from 1 Nov 2018 to present. This also includes all audio and video recordings made concerning this matter, particularly interactions between the applicant and USCIS.

* The original online G-639 as submitted for NRC2023277190 on 01 Sep 2023.

* All emails, messages and other records to and from the FOI office concerning NRC2023277190 from 01 Sep 2023 to the present.

Thanks for your help with this.

Brian

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
National Records Center
P.O. Box 648010
Lee's Summit, MO 64064-8010



U.S. Citizenship
and Immigration
Services

Control Number: NRC2023277190

October 5, 2023

RUEANGRONG CARR
1201 BRADY DR
IRVING, TX 75061

Dear RUEANGRONG CARR:

This letter is in response to your request for records under the Freedom of Information Act (FOIA) or Privacy Act (PA), which was received in this office on September 1, 2023, regarding your I-751 and N-400.

We have completed the review of all documents and have identified 32 pages that are responsive to your request. Enclosed are 32 pages released in their entirety.

Documents responsive to your request may contain discretionary releases of exempt information. These discretionary releases do not waive our ability to invoke applicable FOIA exemptions for similar or related information in the future.

The enclosed record consists of the best reproducible copies available. Certain pages contain marks that appear to be blacked-out information. The black marks were made prior to our receipt of the file and are not information we have withheld under the provisions of the FOIA or PA.

The National Records Center does not process petitions, applications, or any other type of benefit under the Immigration and Nationality Act. If you have questions or wish to submit documentation relating to a matter pending with USCIS, please visit the Contact Us page at www.uscis.gov or call the USCIS Contact Center at 800-375-5283 (TTY 800-767-1833).

[How to Submit Questions or Changes](#)

NRC2023277190

Page 2

Questions concerning this FOIA/PA request may be mailed to U.S. Citizenship and Immigration Services, National Records Center, FOIA/PA Office, P.O. Box 648010, Lee's Summit, MO 64064-8010 or emailed to FOIAPAQuestions@uscis.dhs.gov. All FOIA/PA related requests, including address changes must be submitted in writing, and signed by the requester. Please include the control number listed above on all correspondence. For more information regarding the USCIS FOIA Program, please visit the USCIS website at www.uscis.gov/FOIA.

Sincerely,

A handwritten signature in blue ink that reads "Jarrod Panter". The signature is written in a cursive style with a large initial "J".

Jarrod T Panter
Acting Chief FOIA Officer
Freedom of Information Act & Privacy Act Unit

Enclosure(s)



Naturalization Interview Results

USCIS
Form N-652

Department of Homeland Security
U.S. Citizenship and Immigration Services

A-Number ▶ A-

0	5	6	1	3	7	5	6	8
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On 01/30/2023, you were interviewed by USCIS officer THOMAS.

- You passed the tests of English and U.S. history and government.
- You passed the tests of U.S. history and government and you are exempt from the English language requirement.
- USCIS granted your request for a Disability Exception. The requirement to demonstrate English language ability and/or knowledge of U.S. history and government is waived.
- You will have another opportunity to be tested on your ability to speak/ read/ write/ understand English.
- You will have another opportunity to be tested on your knowledge of U.S. history and government.
- Follow the instructions on Form N-14.
- USCIS will send you a written decision about your application.
- You did not pass the second and final test of your English ability/ knowledge of U.S. history and government. USCIS will not reschedule you for another interview for your Form N-400. USCIS will send you a written decision about your application.
- A) **Congratulations! Your application is recommended for approval.** At this time, it appears that you have established your eligibility for naturalization. If final approval is granted, you will be notified when and where to report for the Oath Ceremony.
- B) **A decision cannot yet be made about your application.**

It is very important that you:

1. Notify USCIS if you change your address.
2. Attend any scheduled interview.
3. Submit all requested documents.
4. Send any questions about your application in writing to the officer named above. Include your full legal name, Alien Registration Number (A-Number), and a copy of your Form N-652.
5. Attend your scheduled Oath Ceremony. Dress in proper attire to respect the dignity of this event (for example, do not wear jeans, shorts or flip flops).
6. Notify USCIS as soon as possible in writing if you cannot attend your scheduled interview or Oath Ceremony. Include a copy of the scheduling notice.

NOTE: Be advised that under section 336 of the Immigration and Nationality Act (INA), you have a right to request a hearing before an immigration officer if your application is denied, or before the U.S. district court if USCIS has not made a determination on your application within 120 days of the date of your examination.

Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Dear Sir / Madam:

I am seeking data about the processing of N-400 applications by USCIS. It is cumulative data without information concerning any particular applicant. All queries will be annual totals for the period from 1 Jan 2018 to 31 Dec 2023 (six years).

1. Please provide the yearly number of permanent residents who were eligible to apply for citizenship via the N-400 application during the particular year. While a precise total could be quite cumbersome to compute, it is acceptable to give approximate totals. For example, the total for a particular year could include all Alien ID / numbers which were assigned / activated before the end of year and had not been terminated (through granting citizenship, voluntarily gave up status, deported, deceased, etc.) by the end of the year.

If it is possible to distinguish between I-130 petitions (for spouse of U.S. citizen to immigrate), the I-130 based Alien numbers should be separated out and to qualify, the resident must also have been issued the alien number at least three years before the end of the particular year. There should be a separate total for I-130 aliens.

If it is not possible to separate out the I-130 applications aliens then they should be included with all other alien numbers.

For the general category of alien numbers, to be considered for a particular year, the alien number must have been issued at least five years before the end of the particular year.

It is understood that there are other requirements to file an N-400 citizenship application, specifically the periods of actual residence in the U.S., but it is felt that is not significant enough factor to warrant the cumbersome summing of periods of actual residence prior to the end of the particular year. As the actual residence requirement is generally only half of the period with a valid resident ID it is expected that over 95% of potential applicants will meet the residency requirement and that should be sufficient.

Please also break down the number of eligible aliens (with I-130 alien totals separated from others if possible) query by the Country where the resident was born. As there may be numerous countries with a small number of residents it is acceptable to truncate the list with the 99 most common countries with all lesser countries grouped as 'Other' (e.g. Monaco and Luxemburg could be grouped together with other countries in the Other entry as there likely won't be a significant number of residents with those birth countries. This would be a simple Group By Clause in SQL in a traditional normalized database. It is also recommended that this list of 99 countries be used in later queries as the later queries will have much smaller numbers and there could be substantial shifts in the countries considered.

3. I also request that you determine the number of new N-400 applications (I-130 separated from Others) accepted for each applicable year but also broken down by country of birth for the applicant as well.

4. I further request the number of pending applications (I-130 separated from Others), i.e. applications whose acceptance date is before the end of the particular year and which have not yet been completed or where the completion date is after the end of the particular year. Please also break down the I-130 and Others totals by country of birth as well.

5. I further request the number of approved N-400 applications during the particular year with I-130 separated from Others, but also broken down by the number of interviews held (not canceled interviews) prior to the approval.

I request that these approval totals be broken down by country of birth as well.

6. I also request the number of denied N-400 applications with I-130 separated from Others but also broken down by the number of interviews held (not cancelled interviews) prior to the denial. I further request that these denial totals be broken down by country of birth as well.

I also request a separate break down of denied applications (with I-130 separated from others) by the number of interviews canceled. I further request that these denial totals be broken down by country of birth as well.

I also request a separate break down of denied applications (with I-130 separated from others) by the number of interviews cancelled where the cancellation record was entered more than one month after the scheduled interview date. I further request that these denial totals be broken down by country of birth as well.

7. I request the number of closed applications which were neither approved or denied applications ('other') during the year but also broken down by the number of interviews held (not scheduled and cancelled interviews) prior to the closing. I also request that these other totals be broken down by country as well. If the total number of 'other' closed N-400 applications is less than 100 during the year, this analysis can be omitted with 'insufficient data for analysis'.

8. Lastly, I also request the number of processed N-400 applications broken down by decision (Approved, Denied, and Other) but also broken down by whether or not there was a concurrent I-751 application from the same applicant (accepted date of I-751 prior to the N-400 decision and I-751 not decided within one week before the N-400 decision, could be labeled 'no I-751' and 'have I-751') but also with the average, minimum, maximum, and standard deviation of delay from N-400 application acceptance date to the date of the decision. I further request that these processed totals be broken down by country of birth as well.

While almost all of the information in these databases is privileged or confidential the cumulative totals are not and represent important measures of the performance of USCIS. As such they should be accessible under the FOIA as public interest into agency performance.

Also, while the FOIA does not require any agency to retain or produce new records, queries against existing databases to produce cumulative totals is not considered new records.

See the 9th Circuit Decision in THE CENTER FOR INVESTIGATIVE REPORTING, v. UNITED STATES DEPARTMENT OF JUSTICE, Case: 18-17356, 12/03/2020, ID: 11913401, DktEntry: 64-1 which can be retrieved from <https://www.eff.org/document/cir-v-doj-9th-cir-opinion> and states 'the use of a query to search for and extract a particular arrangement or subset of existing data from the ... [agency] database does not require the creation of a "new" agency record under FOIA.'

I prefer electronic documents via email bcarr@gmail.com, or ftp / web access. Downloading via PAL is perfect.

Your attention to this matter is appreciated.

Brian Carr

Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Dear Sir / Madam:

I am seeking data about the processing of I-751 applications by USCIS. It is cumulative data without information concerning any particular applicant. All queries will be annual totals for the period from 1 Jan 2017 to 31 Dec 2023 (seven years, one year longer than similar FOIA requests).

1. I request that you determine the number of new I-751 applications (for removal of spousal conditional status for Permanent Residents) accepted for each applicable year.

Please also break down the number new applications total by the Country where the applicant was born. As there may be numerous countries with a small number of residents it is acceptable to truncate the list with the 99 most common countries with all lesser countries grouped as 'Other' (e.g. Monaco and Luxemburg could be grouped together with other countries in the Other entry as there likely won't be a significant number of residents with those birth countries). This would be a simple Group By Clause in SQL in a traditional normalized database. The list of 99 countries can be derived from larger databases such as the birth country of all current aliens and can be used in later queries as the later queries will have much smaller numbers and there could be substantial shifts in the countries considered. A consistent selection of 99 countries will simplify later analysis of the results.

2. I further request the number of pending I-751 applications for each year, i.e. applications whose acceptance date is before the end of the particular year and which have not yet been completed or where the completion date is after the end of the particular year. Please also break down totals by country of birth as well.

3. I further request the number of completed I-751 applications during the particular year broken down by whether there was a concurrent N-400 application from the same applicant (N-400 accepted date prior to the I-751 completion and not completed within one week before the I-751 completion) along with statistical measures of the delay in processing the I-751 applications (the number of days from the application acceptance date to the record date of the completion). The measures of interest are: average, minimum, maximum, and standard deviation. I request that these completion totals, concurrent N-400 status, and delay measurements be broken down by country of birth as well.

3. I also request the number of completed I-751 applications during the particular year where there was a concurrent N-400 application from the same applicant along with statistical measures of the delay in processing the I-751 application relative to the N-400 application date (i.e. the delay is from the N-400 application date to the I-751 completion date). The measures of interest are: average, minimum, maximum, and standard deviation. I request that these totals, and delay measurements be broken down by country of birth as well.

4. I also request the number of completed I-751 applications as well as the number of these applications which were completed without any interview. These totals should be broken down by the completion status of 'Approved', 'Denied', and 'Other'. I further request that these completion totals be broken down by country of birth as well.

5. I further request a break down of approved I-751 applications total by whether or not a 10 year Permanent Resident Card was provided to the applicant (could be labeled 'got card' and 'no card') together with the statistical measures of the delay in providing the actual card. Of course the delay statistics are not applicable to the 'no card' category. Also, as the databases are unlikely to have the actual delivery date, it is acceptable to use the date when the manufacture and delivery of the card was authorized or initiated. I further request that these totals and delay measures be broken down by country of birth as well.

6. I also request the number of approved I-751 applications where:

- 1) there was a concurrent N-400 application from the same applicant AND
- 2) (there was no actual card provided to the applicant OR
the card was not provided within three months of the I-751 approval date) AND
- 3) the applicant did not receive a Certificate of Citizenship within three months of the I-751 approval date.

As before, the database is unlikely to have the actual delivery date for any Certificate of Citizenship, but it is acceptable to use the date when the manufacture and delivery of said certificate was approved or initiated.

I further request that these approval totals be broken down by country of birth as well.

While almost all of the information in these databases is privileged or confidential the cumulative totals are not and represent important measures of the performance of USCIS. As such they should be accessible under the FOIA as public interest into agency performance.

Also, while the FOIA does not require any agency to retain or produce new records, queries against existing databases to produce cumulative totals are not considered new records.

See the 9th Circuit Decision in *THE CENTER FOR INVESTIGATIVE REPORTING, v. UNITED STATES DEPARTMENT OF JUSTICE*, Case: 18-17356, 12/03/2020, ID: 11913401, DktEntry: 64-1 which can be retrieved from <https://www.eff.org/document/cir-v-doj-9th-cir-opinion> and states 'the use of a query to search for and extract a particular arrangement or subset of existing data from the ... [agency] database does not require the creation of a "new" agency record under FOIA.'

I prefer electronic documents via email bcarr@gmail.com, or ftp / web access. Downloading via PA Request is perfect.

Your attention to this matter is appreciated.

Brian Carr



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New York

Sun, Oct 13 - Sun, Oct 27 **✓ Booked. No need to reconfirm.** Total: \$1,534.59 Price Match Promise: \$0.00

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Before you go

- **E-ticket:** This page can be used as an E-ticket. Before travelling, print a copy of your itinerary and take it with you!
- All passengers traveling to the US must provide valid travel documents and details of their full US destination address for US Immigration.
- Proof of citizenship is required for international travel. Be sure to bring all necessary documentation (e.g. passport, visa, transit permit). To learn more, visit our [Visa and Passport page \(Opens a new window\)](#).
- Remember to bring your itinerary and government-issued photo ID for airport check-in and security.

Contact the airline to confirm:

- Specific seat assignments
- Special meals
- Frequent flyer point awards
- Special assistance requests

Flight overview

Your reservation is booked and confirmed. There is no need to call us to reconfirm this reservation.

Travel dates

Oct 13, 2019 - Oct 27, 2019

Itinerary

7466217488427

Confirmation

ND3HE2 (China Southern Airlines)

26-10025.332

Ticket #

7847392253058 (BRIAN CARR)
7847392253059 (RUEANGRONG CARR)
7847392253060 (BUAKHAO VONKRAMER)

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🕒 Expires Thu, Aug 22 11:59am

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Free until Thu, Aug 22, 11:59p PDT

✈ Departure Sun, Oct 13

China Southern Airlines 8344

Bangkok (BKK)

1:20pm



Wuhan (WUH)

5:55pm

Cabin: Economy / Coach (K)

3h 35m duration

🕒 2h 30m stop Wuhan (WUH)

China Southern Airlines 8419

Wuhan (WUH)

8:25pm



New York (JFK)

10:30pm

Terminal: 4

Cabin: Economy / Coach (N)

26-10025.333

14h 5m duration

Total duration

20h 10m

Return Sat, Oct 26

China Southern Airlines 8420

New York (JFK)

3:20am

Terminal: 4

Cabin: Economy / Coach (T)

15h duration



Wuhan (WUH)

6:20am +1 day

Arrives on Oct 27, 2019

8h 15m stop Wuhan (WUH)

China Southern Airlines 3057

Wuhan (WUH)

2:35pm

Cabin: Economy / Coach (T)

3h 55m duration



Bangkok (BKK)

5:30pm

Total duration

27h 10m

Traveler(s)

[Back to top](#)

BRIAN CARR

RUEANGRONG CARR

BUAKHAO VONKRAMER

[Edit traveler information](#)

Update traveler details and make special requests. Please confirm all requests with your airline.

26-10025.334

Price summary

[Back to top](#)

Traveler 1: Adult ▼	\$511.53
Traveler 2: Adult ▼	\$511.53
Traveler 3: Adult ▼	\$511.53

Total	\$1,534.59*
--------------	--------------------

[View receipt](#)



All prices are quoted in **USD**.

Additional information

[Back to top](#)

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 ~~26-10025-335~~

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Tracking Number:

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Latest Update

Your item was delivered to the front desk, reception area, or mail room at 12:21 pm on January 12, 2024 in DALLAS, TX 75242.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Front Desk/Reception/Mail Room

DALLAS, TX 75242

January 12, 2024, 12:21 pm

Out for Delivery

DALLAS, TX 75242

January 12, 2024, 7:24 am

Arrived at Post Office

DALLAS, TX 75201

January 12, 2024, 7:13 am

Arrived at USPS Facility

DALLAS, TX 75201

January 12, 2024, 6:29 am

Departed USPS Regional Facility

DALLAS TX DISTRIBUTION CENTER

January 12, 2024, 6:14 am

26-10025.337

Arrived at USPS Regional Facility

DALLAS TX DISTRIBUTION CENTER

January 11, 2024, 1:34 am

Departed USPS Regional Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

January 11, 2024, 1:16 am

Arrived at USPS Regional Facility

DALLAS TX NETWORK DISTRIBUTION CENTER

January 10, 2024, 12:43 am

USPS in possession of item

IRVING, TX 75061

January 9, 2024, 11:16 am

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[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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Product Information



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9589071052701312288879

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Latest Update

Your item was picked up at a postal facility at 4:55 am on January 12, 2024 in WASHINGTON, DC 20530.

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26-10025.338

USPS Tracking Plus®**Delivered****Delivered, Individual Picked Up at Postal Facility**

WASHINGTON, DC 20530
January 12, 2024, 4:55 am

Available for Pickup

GOVERNMENT MAILS ANNEX
3300 V ST
WASHINGTON DC 20018-1528
January 11, 2024, 10:55 am

Arrived at Post Office

WASHINGTON, DC 20018
January 11, 2024, 10:41 am

Departed USPS Regional Facility

WASHINGTON DC DISTRIBUTION CENTER
January 11, 2024, 4:27 am

Arrived at USPS Regional Destination Facility

WASHINGTON DC DISTRIBUTION CENTER
January 11, 2024, 1:46 am

Arrived at USPS Regional Origin Facility

DALLAS TX NETWORK DISTRIBUTION CENTER
January 10, 2024, 12:43 am

USPS in possession of item

IRVING, TX 75061
January 9, 2024, 11:27 am

Hide Tracking History

[What Do USPS Tracking Statuses Mean?](https://faq.usps.com/s/article/Where-is-my-package) (https://faq.usps.com/s/article/Where-is-my-package)

See More 

Track Another Package

Enter tracking or barcode numbers

26-10025.339

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)



U.S. Department of Justice

Criminal Division

Office of Administration

Washington, D.C. 20530

June 5, 2023

Mr. Brian Carr
1201 Brady Dr.
Irving, TX 75061

Dear Mr. Carr:

Thank you for your inquiry to the U.S. Department of Justice, Criminal Division. Your inquiry has been forwarded to the Fraud Section of the Criminal Division for response. The Department of Justice cannot render private legal advice.

Your correspondence has been forwarded to the United States Postal Inspection Service (USPIS), the federal law enforcement agency that has the primary responsibility for investigating fraudulent schemes conducted via the United States mail. It will first determine whether a federal investigation is warranted and, if appropriate, refer the matter to a United States Attorney for determination regarding legal action

Thank you for contacting the Department of Justice, Criminal Division.

cc: United States Postal Inspection Service

Sincerely,

Correspondence Management Staff
Office of Administration

Reference Number: NM301959635

For further correspondence please email criminal.division@usdoj.gov. Should you wish to speak to a representative please call (202) 353-4641 and provide the reference number.

26-10025.341



Brian Carr <carrbp@gmail.com>

Messages to Attorney General, reference NM301959635

Brian Carr <carrbp@gmail.com>

Mon, Oct 9, 2023 at 4:37 PM

To: criminal.division@usdoj.gov

Cc: "Ward, Jennifer" <Jennifer.Ward@mail.house.gov>, Executive Director Douglas Holt <douglas.holt@cigie.gov>, Integrity-Complaint <Integrity-Complaint@cigie.gov>

Respectfully Attorney General Garland:

This request is a continuation of a request mailed to the Attorney General on March 3, 2023 which was referred to criminal.division@usdoj.gov with reference NM301959635 with the assistance of U.S. Representative Veasey. The content of this email was also sent to that email address as a single email.

This matter requests assistance in correcting malfeasance and unlawful policies and procedures in the United States Postal Service (USPS) to include the Postmaster General (PG), Board of Governors (BoG), and Inspector General (IG).

Previously the matter was referred to the Postal Inspection Service (PIS) as they have jurisdiction to investigate fraud using the postal service. However, I believe this was inappropriate as any fraud which might be alleged would be BY the USPS to benefit the USPS. This is outside the stated jurisdiction of the PIS. Further, the PIS is not in any position to properly investigate and prosecute the PG or BoG (their bosses) or IG (an independent agency with jurisdiction to investigate PIS).

I am writing to request your assistance in correcting malfeasance and unlawful policies and procedures in USPS. While these violations have resulted in federal crimes of falsification of government records and, potentially, other federal crimes, I am not seeking prosecutions (which are at the sole discretion of DoJ) but rather assistance in getting the agencies to comply with lawful statutes and constitutional rights and to provide relief as appropriate to damaged parties.

The enforcement of lawful statutes and constitutional rights is at the discretion of the Department of Justice (DoJ) based on available resources, but this discretion is secondary to the federal courts and their ability to provide relief to injured parties. However, I believe that the best resolution can be reached by DoJ working directly with the agencies. If federal courts are brought into this matter, it is almost certain the DoJ will be called on to assist but the time table and direction of the corrections will be set by the courts for better or worse.

I ask that you route this request to the appropriate department for the requested assistance and provide me contact information to get the status of the request. As stated above, there are no requirements that you provide the requested assistance, but it is my hope that these issues can be resolved without involving the courts. Needless to say, if the DoJ chooses not to address my concerns, my only avenue for relief will be through the courts.

criminal.division@usdoj.gov should have access to the previous documents and emails under reference NM301959635. Several of these documents are attached for your convenience. They provides the details of unlawful policies and procedures as well as federal crimes. They also include the damages and the specific relief sought. I am also copying other recipients of the previous emails.

Your attention to this matter is appreciated.

Brian Carr

----- Forwarded Message -----

Subject:Request to Attorney General**Date:**Sun, 9 Apr 2023 21:39:21 -0500**From:**Brian Carr <carrbp@gmail.com>**To:**Ward, Jennifer <Jennifer.Ward@mail.house.gov>

26-10025.342

Dear Ms. Ward,

Can you forward this request to your contact in the Department of Justice. I have attached a new Privacy Act form as USPSagBCarr.pdf as well as the other documents which were included in the March 3, 2023 request.

On March 3, 2023 I notified the Attorney General of federal crimes in U.S.P.S. and malfeasance in U.S.P.S. O.I.G. via first class mail. On March 23, 2023 I raised the issues again via the web form at: <https://www.justice.gov/doj/webform>. However, I have not yet received the requested confirmation of receipt or the identity of the appropriate department to which the request was forwarded.

I ask that I get a confirmation of receipt, contact information for the department processing the request, and the current status of the request (e.g. 'actively investigating' or 'closed, decline to investigate'). Thanks for your attention to this matter.

Brian








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This email has been checked for viruses by Avast antivirus software.
<https://www.avast.com/antivirus>



Virus-free. www.avast.com

7 attachments

-  **USPSagBCarr.pdf**
431K
-  **USPSagRqst.pdf**
25K
-  **USPSbdRqst.pdf**
24K
-  **USPSOIGrqst.pdf**
44K
-  **USPSoigRsps.pdf**
104K
-  **BrianCarr.USPSreply.12-12-22.pdf**
236K
-  **USPSoigBCarr.pdf**
436K



Brian Carr <carrbp@gmail.com>

Fwd: Request to DoS and IG et al to correct defects in non immigration visa application processing and providing due process

1 message

Brian Carr <carrbp@gmail.com>

Fri, Oct 6, 2023 at 6:23 PM

To: criminal.division@usdoj.gov

Cc: Antony Blinken <secretary@state.gov>, Diana Shaw <shawd@state.gov>, Executive Director Douglas Holt <douglas.holt@cigie.gov>, Jennifer.Ward@mail.house.gov, Rena Bitter <BitterR@state.gov>, hotline@stateoig.gov, Integrity-Complaint <Integrity-Complaint@cigie.gov>

Dear Sir / Madam:

I am writing to request your assistance in correcting malfeasance and unlawful policies and procedures in the Department of State (DoS) and DoS Office of the Inspector General (OIG). While these violations have resulted in federal crimes of falsification of government records and, potentially, other federal crimes, I am not seeking prosecutions (which are at the sole discretion of DoJ) but rather assistance in getting the agencies to comply with lawful statutes and constitutional rights and to provide relief as appropriate to damaged parties.

The enforcement of lawful statutes and constitutional rights is at the discretion of the Department of Justice (DoJ) based on available resources, but this discretion is secondary to the federal courts and their ability to provide relief to injured parties. However, I believe that the best resolution can be reached by DoJ working directly with the agencies. If federal courts are brought into this matter, it is almost certain the DoJ will be called on to assist but the time table and direction of the corrections will be set by the courts for better or worse.

I ask that you route this request to the appropriate department for the requested assistance and provide me contact information to get the status of the request. As stated above, there are no requirements that you provide the requested assistance, but it is my hope that these issues can be resolved without involving the courts. Needless to say, if the DoJ chooses not to address my concerns, my only avenue for relief will be through the courts.

I am forwarding the most recent email concerning these issues which was sent to the Secretary of State and DoS Inspector General (IG) as well as other individuals. It provides the details of unlawful policies and procedures as well as federal crimes. It includes the damages and the specific relief sought. I am also copying the other recipients the previous emails.

Your attention to this matter is appreciated.

Brian Carr

----- Forwarded Message -----

Subject: Request to DoS and IG et al to correct defects in non immigration visa application processing and providing due process**Date:** Tue, 20 Jun 2023 17:01:09 -0500**From:** Brian Carr <carrbp@gmail.com>**To:** Antony Blinken <secretary@state.gov>, Diana Shaw <shawd@state.gov>, Alan Boehm <Alan.Boehm@cigie.gov>, FOIA@stateoig.gov, FOIARequest@state.gov**CC:** criminal.division@usdoj.gov, Ward, Jennifer <Jennifer.Ward@mail.house.gov>

Dear Sir / Madam:

This afternoon I mailed a request to each of the listed recipients with the tracking numbers shown and containing the documents which are attached. For your convenience, the content of the main document is also below. The CC

26-10025.344

Case 3:23-cv-02875-S-BT Document 17-3 Filed 03/10/24 Page 2 of 5 PageID 322
individuals are receiving this email only.

Your attention to this matter is appreciated. Wishing you all the best,

Brian Carr

Brian Carr
1201 Brady Drive
Irving, TX 75061
carrbp@gmail.com
518-227-0129

Antony Blinken <secretary@state.gov>
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520
USPS TN 9405 8301 0935 5005 8026 38

Diana Shaw <shawd@state.gov>
U.S. DoS Acting Inspector General
1700 North Moore Street (SA-39)
Arlington, VA 22209
USPS TN 9405 8301 0935 5005 8026 45

Alan Boehm <Alan.Boehm@cigie.gov>
CIGIE Executive Director
Council of the Inspectors General on Integrity and Efficiency
1717 H Street, NW, Suite 825
Washington, DC 20006
USPS TN 9405 8301 0935 5005 8026 21

FOIA@stateoig.gov
FOIA Officer
Office of Inspector General
U.S. Department of State
1700 North Moore Street, Suite 1400
Arlington, VA 22209
USPS TN 9405 8301 0935 5005 8026 14

FOIARequest@state.gov
Office of Information Programs and Services
A/GIS/IPS/RL, U.S. Department of State
2201 C Street, N.W., Suite B266
Washington, D.C. 20520-0000
USPS TN 9405 8301 0935 5005 8026 52

Dear Sirs / Madams,

June 20, 2023

To minimize confusion I am sending this request to the Secretary of State, the Inspector General (IG) of the Department of State (DoS), Office of Information Programs and Services (FOIADoS), the FOI officer of DoS OIG and Alan.Boehm the CIGIE Executive Director. As it is possible federal crimes may have been committed or may be committed concerning this matter, I am also copying the Attorney General.

First I will describe the problems in general terms and then there will a separate section for each recipient with specific requests for action by the specific recipient. I ask that each recipient acknowledge receipt of this request within one week (preferably via email to carrbp@gmail.com) as well as an initial response within thirty days as to intended actions. Please note that with the federal crimes described, intention is an important element and the response made after notice can be a foundation of determining intent.

General Statement of Problem

It is apparent that the processing of non immigration visa requests by the Department of State, Bureau of Consular

26-10025.345

Affairs does not meet the requirements of Due Process as stated in the 5th Amendment of the U.S. Constitution (rights guaranteed for all persons including foreign nationals). Since the 70's the U.S. Supreme Court has expounded on the requirements of Due Process for administrative procedures but it is likely that the procedures for non immigration visa requests were established before these rulings and have not been revised to reflect the decisions of the Supreme Court. As such, with this notice of the illegal denial of the rights of foreign nationals, it becomes incumbent on respondents to make those corrections necessary to comply with Due Process requirements of the U.S. Constitution.

Of particular importance are the right to representation (having another person speak on their behalf if they so choose), the right of appeal, and the right to a written decision based on the evidence which they presented. The right to a written decision well founded on the evidence is particularly important (perhaps the foundation of due process) and 18 U.S. Code Section 1001 defines a federal crime (falsification of government records) as:

(a) ... whoever, in any matter within the jurisdiction of the executive... branch of the Government of the United States, knowingly and willfully --
(1) falsifies, conceals, or covers up ... a material fact;

This has been held to include the omission of required facts which would include the rationale for a particular visa denial. If there are administrative directives that the response be only the standard form letter without any reference to the evidence presented (or referenced in the video recordings) then the crime remains though intention can be deferred to the management which directed the illegal omission of required facts. Intention is questionable for long standing policies which could pre-date the Supreme Court guidance, but after this notice of the problem, the obvious solution is to consult with Assistant Attorney General for the Office of Legal Counsel, Christopher H. Schroeder, seeking guidance on how to revise administrative procedures so that they are lawful and provide due process to all persons.

As there are plausible federal crimes being alleged, the DoS Office of the Inspector General (OIG) is required to investigate the allegations and report all likely federal crimes, e.g. INSPECTOR GENERAL ACT OF 1978 which states in part that the 'Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'. However, previous reports to the DoS OIG hotline simply resulted in the matters being forwarded to the Bureau of Consular Affairs with no meaningful response. A liberal interpretation of federal criminal law suggests that this itself is the crime of falsifying government records (failure to correct known false records) and obstruction of justice.

When the DoS OIG specifically refused to investigate these matters, I initiated Freedom of Information Act (FOIA) requests on May 10, 2023 to get more complete information to provide in the current complaint, but I have received no response. For your convenience I have attached those FOIA requests as they list the specific visa applications which were improperly denied and the DoS OIG complaints which include the resulting damages.

Specific Actions Requested
Antony Blinken, Secretary of State

I request that you confirm that the Bureau of Consular Affairs does not permit representation in non immigrant visa application interviews and negative responses are form letters with no specific reference to the actual evidence presented by the applicant. After this confirmation, I ask that you contact the DoJ via Christopher H. Schroeder and seek guidance on how to revise the administrative processes to be in compliance with Supreme Court decisions in these matters as well as being compatible with other federal agencies.

DoJ IG Diana Shaw

The DoS OIG hotline web page at <https://www.stateoig.gov/hotline> states 'Please note: OIG does not investigate complaints about the denial of U.S. visas.' which violates the IG act of 1978 by overlooking federal crimes relating to the denial of U.S. visas. I ask that you have the web page and other publication corrected to note that the DoS OIG investigates all malfeasance and federal crimes within the DoS. I also ask that you direct all members of DoS OIG to follow these policies. Further I request that you report this particular matter to the DoJ so that a proper investigation of the matter can be completed to determine whether prosecution is warranted under the circumstances.

Alan Boehm, Executive Director
Council of the Inspectors General on Integrity and Efficiency (CIGIE)

As there clear indications of malfeasance and plausible allegations of other crimes within the DoS OIG, I ask that you work with the DoJ in correcting these serious problems. I further ask that you insure that the USPS IG is recused from this matter as there are virtually identical allegations against her which have not been successfully resolved (see DoJ reference number NM301959635).

DoS FOIA Officer and DoS OIG FOIA Officer

I ask that you provide all the requested information cited in the attached FOIA requests, previously sent via email on May 10, 2023. Further, in your administrative decisions concerning use of 5 U.S.C. Section 552 (b)(5) and (b)(6) to redact or withhold documents, I ask that you also comply with the due process requirements for administrative procedures.

For example, if you cite the 'deliberative process privilege' of (b)(5) as a form of executive privilege I ask that you

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Case 3:23-cv-02875-S-BT Document 17-3 Filed 03/10/24 Page 4 of 5 PageID 324

disclose the identity of the executive who is familiar matter and who is actually making the claim of executive privilege along with a summary of the policy which was being deliberated.

Further, if you are using (b)(5) as a form of attorney client privilege, I ask that you disclose the identities of the client and attorney and that each document which is withheld be identified with the general nature and circumstances of the material in the document. This is the evidence required for a determination to withhold each document under the facts and circumstances of each document and is necessary in order to appeal the determination in any meaningful fashion.

Please note that failure to include required information in your determination to withhold could constitute the federal crime of falsification of government records.

Conclusion

I ask that all responses to these requests be sent via email to myself at carrbp@gmail.com and that all other recipients be copied via email as well. I ask the DoJ assign a new reference number for this matter and send the reference number to all recipients. This will allow for complete documentation of when notice was provided to each recipient as well the facts and circumstances for each complaint. Representative Veasey is being included in the CC list as his office assisted in complaints against the USPS and OIG.

Your prompt attention to this matter is greatly appreciated.

Brian P. Carr

CC email only:

criminal.division@usdoj.gov

Attorney General Merrick B. Garland
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Jennifer.Ward@mail.house.gov

U.S. Representative Marc Veasey
JP Morgan Chase Building
1881 Sylvan Ave, Ste. 108
Dallas, TX 75208



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7 attachments



DoSrqst.pdf
36K



RCfoiRqst.pdf
95K



DoSfoiRC.pdf
51K



BVKfoiRqst.pdf
97K



DoSfoiBVK.pdf
49K

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DoSpaRC.pdf

87K



DoSpaBVK.pdf

93K

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Brian Carr <carrbp@gmail.com>

**Fwd: URGENT: Report of Federal Crime in USCIS,, DHS OIG Complaint
HLCN1694292030038, Re: CIS Ombudsman Request Number 2022056241**

1 message

Brian Carr <carrbp@gmail.com>

Fri, Oct 6, 2023 at 7:17 PM

To: criminal.division@usdoj.gov

Cc: Joseph Cuffari <joseph.cuffari@oig.dhs.gov>, "Kristen Fredricks, DHS OIG Chief of Staff" <kristen.fredricks@oig.dhs.gov>, Director USCIS Jaddou <Ur.M.Jaddou@uscis.dhs.gov>, cisombudsman <cisombudsman@hq.dhs.gov>, "Ward, Jennifer" <Jennifer.Ward@mail.house.gov>

Dear Sir / Madam:

I am writing to request your assistance in correcting malfeasance and unlawful policies and procedures in the United States Citizenship and Immigration Services (USCIS) and Department of Homeland Security (DHS) Office of the Inspector General (OIG). While these violations have resulted in federal crimes of falsification of government records and, potentially, other federal crimes, I am not seeking prosecutions (which are at the sole discretion of DoJ) but rather assistance in getting the agencies to comply with lawful statutes and constitutional rights and to provide relief as appropriate to damaged parties.

The enforcement of lawful statutes and constitutional rights is at the discretion of the Department of Justice (DoJ) based on available resources, but this discretion is secondary to the federal courts and their ability to provide relief to injured parties. However, I believe that the best resolution can be reached by DoJ working directly with the agencies. If federal courts are brought into this matter, it is almost certain the DoJ will be called on to assist but the time table and direction of the corrections will be set by the courts for better or worse.

I ask that you route this request to the appropriate department for the requested assistance and provide me contact information to get the status of the request. As stated above, there are no requirements that you provide the requested assistance, but it is my hope that these issues can be resolved without involving the courts. Needless to say, if the DoJ chooses not to address my concerns, my only avenue for relief will be through the courts.

I am forwarding the most recent email concerning these issues which was sent to the USCIS Director and DHS IG as well as other individuals. It provides the details of unlawful policies and procedures as well as federal crimes. It also includes the damages and the specific relief sought. I am also copying the other recipients the previous emails.

Your attention to this matter is appreciated.

Brian Carr

----- Forwarded Message -----

Subject:URGENT: Report of Federal Crime in USCIS,, DHS OIG Complaint HLCN1694292030038, Re: CIS Ombudsman Request Number 2022056241**Date:**Sun, 10 Sep 2023 10:39:33 -0500**From:**Brian Carr <carrbp@gmail.com>**To:**Joseph Cuffari <joseph.cuffari@oig.dhs.gov>**CC:**Director USCIS Jaddou <Ur.M.Jaddou@uscis.dhs.gov>, cisombudsman <cisombudsman@hq.dhs.gov>, Ward, Jennifer <Jennifer.Ward@mail.house.gov>, criminal.division@usdoj.govBrian Carr
1201 Brady Drive
Irving, TX 75061

26-10025.349

The Honorable Joseph Cuffari
Department of Homeland Security Inspector General
245 Murray Dr.; Building 410;
Washington, DC 20528
(202) 981-6000

Dear Honorable Cuffari,

Overview

I am writing to report a federal crime of falsification of government records (and possibly many others) by the staff in United States Citizenship and Immigration Services (USCIS). I ask that you investigate the complaint and, on confirmation that there are reasonable grounds to support the allegation, direct USCIS to take corrective action and refer the matter to the Department of Justice.

In the event that this email is first screened by a person other than the Honorable Cuffari, I ask that this matter promptly be called to his attention as it contains a report of federal crimes within USCIS (his purview). Further, if this report is not forwarded to him for his review, it could be construed as another federal crime of Obstruction of Justice (which is clearly within the purview of the Department of Justice (DoJ), also copied on this email).

As this email contains a notice of a plausible federal crime, I ask the Honorable Cuffari acknowledge receipt of this email within seven days (preferably via email to carrbp@gmail.com) as well as provide an initial response within thirty days as to intended actions.

Details of the Crime

The essence of the crime is documents provided by USCIS with contradictory facts, clearly one or both is false. The first document is the official notice that my wife's I-751 petition (for permanent Green Card) and N-400 petition (for citizenship) were approved (see I797forMSC2091582908-ioe9752855294.pdf) in Jan 2023 but the promised Oath of Allegiance was not scheduled. After numerous requests to have it scheduled no action was taken by USCIS until Sep 2023 with T1E2412301031DAL where her petitions were put back in the queue for a second interview (a redo of the original interview where her petitions were purportedly approved) indicating that her petitions were not approved but are still pending.

There are several federal criminal statutes concerning falsification of government records one of which is 18 U.S. Code Section 1001 (cited below) which is broadly applicable and paragraphs 1) and 3) both seem to apply to this matter.

Given the plausible federal crime being alleged, the Department of Homeland Security (DHS) Office of the Inspector General (OIG) is required to investigate the allegation and report all likely federal crimes, e.g. INSPECTOR GENERAL ACT OF 1978 which states in part that the 'Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'. A cursory review of the documents in this case should verify that there are contradictory facts in the record and that any competent employee would identify the contradictions.

You are requested to promptly (i.e. expeditiously) report this matter to the DoJ so that they can make the decisions as whether these matters should be further investigated and prosecuted.

Serious Deprivation of Constitutional Rights

Further, the apparent widespread nature of these crimes (discussed below) raises interesting questions of Due Process as guaranteed to all persons (including foreign nationals) in the Fifth Amendment. There were many updates to the procedures for foreign nationals in the Trump era and it is possible that some of these updates were not legal and in accordance with the Fifth Amendment requirements of Due Process.

In order to comply with the Fifth Amendment as defined by the the Supreme Court, all persons must be provided with 'due process' even in administrative proceedings. There is an excellent overview of 'due process' in https://www.law.cornell.edu/wex/procedural_due_process citing https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=5317&context=penn_law_review

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in Judge Henry Friendly's article titled "Some Kind of Hearing"

"procedures that due process requires....

...

7. A decision based exclusively on the evidence presented.
8. Opportunity to be represented by counsel.
9. Requirement that the tribunal prepare a record of the evidence presented.
10. Requirement that the tribunal prepare written findings of fact and reasons for its decision.

As discussed in the article, the Supreme Court has interpreted the Fifth Amendment due process requirement to cover virtually all administrative procedures which impact a person's life, but with less prohibitive requirements for less significant matters. The right to work and travel freely are most significant and the rights of citizenship (e.g. voting) are even more significant so that the requirements of Due Process are equally significant for USCIS and its concerns.

This particular situation is problematic as USCIS seems to provide final official 'orders' and 'findings of facts' from their tribunal (borrowing from judicial terminology) and then ignore these results with later interlocutory actions (e.g. email putting the petitions into the queue for a second interview). USCIS seems to simply ignore final decisions without any notice or justification.

I would argue that once a final decision is issued, USCIS can not do anything but follow through with the final decision and then turn to the courts if there are any problems which would warrant revoking the citizenship. Of course this is a complex issue and the DoJ should be consulted as there are certainly contrary arguments about USCIS's options after approving petitions.

The actual relief that I am seeking is similarly complex and is listed below in the preceding emails copied below.

Your prompt attention to this matter is appreciated along with acknowledgment of receipt of this email (7 days) and status of the various requests (30 days).

Brian P. Carr

----- Forwarded Message -----

Subject:URGENT: Report of Federal Crime in USCIS, Re: CIS Ombudsman Request Number 2022056241

Date:Fri, 8 Sep 2023 11:52:25 -0500

From:Brian Carr <carrbp@gmail.com>

To:Director USCIS Jaddou <Ur.M.Jaddou@uscis.dhs.gov>

CC:cisombudsman <cisombudsman@hq.dhs.gov>, Ward, Jennifer <Jennifer.Ward@mail.house.gov>, criminal.division@usdoj.gov

Dear Honorable Jaddou,

[Overview](#)

I am seeking assistance in scheduling the Oath of Allegiance for my wife's Naturalization. I am also seeking damages for the unwarranted delays in processing her I-751, Petition to Remove Conditions on Residence, and N-400 Petition for Citizenship. Finally I am asking that USCIS cease its illegal denial of 'due process' rights to foreign nationals as well as federal crimes such as falsification of government records.

In the event that this email is first screened by a person other the Honorable Jaddou, I ask that this matter promptly be called to her attention as it contains a report of federal crimes within USCIS (her purview). Further, if this report is not forwarded to her for her review, it could be construed as another federal crime of Obstruction of Justice (which is clearly within the purview of the Department of Justice (DoJ), also copied on this email).

As this email contains a notice of a plausible federal crime, I ask the Honorable Jaddou acknowledge receipt of this email within seven days (preferably via email to carrbp@gmail.com) as well as provide an initial response within thirty days as to intended actions.

As I have added a new cc recipient (DoJ), I have attached the previous attachments for their convenience.

[Federal Crimes, Falsification of Government Records](#)

In response to the notice that USCIS was scheduling new interviews for my wife (email from USCIS dated 1 Sep 2023 shown below in blue) rather than scheduling the Oath of Allegiance as required in the official formal approval of her

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two outstanding matters (see attached files and email from myself dated 25 Aug 2023 shown at the end of this email), I called USCIS to correct the matter.

On 5 Sep 2023 I called 800-375-5283 and spoke with Destiny, ID G010590, and asked that she send an email to the appropriate party to promptly schedule my wife's Oath of Allegiance as stated in the cited approval notice and, in the alternative, if an N-400 was not actually approved, that my wife be sent a new 10 year Permanent Resident Card.

Destiny, ID G010590, explained that it is not uncommon for additional interviews to be required even after the I-751 and N-400 are approved and that I could not be sent the approved Permanent Resident card (this is my recollection of what she said, though in future FOIA requests we should be able to determine the precise wording of her statement from the audio recordings). Implicitly her statement indicates that such formal approvals are not really approvals but instead delaying tactics used by USCIS to create confusion and delays.

At that time I asked that Destiny, ID G010590, take notes for details to include in the email she would send on my behalf.

I cited 18 U.S. Code Section 1001 which is one of many criminal codes for falsification of government records and states in part:

(a) ... whoever, in any matter within the jurisdiction of the executive... branch of the Government of the United States, knowingly and willfully --

(1) falsifies, conceals, or covers up ... a material fact; ... or

(3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;

shall be fined under this title, imprisoned not more than 5 years

(3) prohibits taking any action based on a false document with the implicit exceptions that actions may be taken to: correct the false document or, if the individual is not authorized to correct the false document, to report the false document to their supervisor and / or the relevant OIG explaining that it there is an existing false document and a possible federal crime when the document was created.

Whoever entered the final approval apparently knew that neither request was actually approved and entered the false approval with the intent of serious deprivation of due process rights (unwarranted delays and confusion) as well as criminal falsification of government records under 18 U.S. Code Section 1001. I ask that the Honorable Jaddou also refer this report of federal crimes to the Department of Homeland Security (DHS) OIG (Office of the Inspector General) as well as the DoJ if she feels that is appropriate. I will shortly be filing an additional complaint with the DHS OIG as well and will copy the recipients of this email as well.

I am asking that the outstanding I-751 and N-400 requests be immediately fulfilled and my wife promptly receive her 10 year Permanent Resident Card as well as her Certificate of Naturalization. Further I request that all similar applicants with falsified approvals (approval with no Oath of Allegiance scheduled from the approval) be promptly sent their 10 year Permanent Resident Card as well as their Certificate of Naturalization. If there are pending problems with the new citizens, they should be addressed through the courts as is USCIS's option with any citizen who was not properly eligible for citizenship. Further I am asking for credits for future services with USCIS as well as doubled compensatory time for delays in providing the benefits of U.S. citizenship.

Fraudulent Delays in Removing Remove Conditions on Residence

Since 2017 the delay in processing I-751 requests to remove conditions on permanent residents has increased dramatically because of administrative rule changes on waivers of interviews and increased requirements on the interview itself. The effect of these changes is that delays in actually issuing Permanent Resident cards (without conditions) have increased to four years and almost no Permanent Resident cards are issued. There are virtually no interviews scheduled for I-751 requests (even though applicants pay \$680 (proposed to be \$1,195) for such an interview) and instead the interviews are only scheduled in conjunction with the N-400 citizenship applications which have a separate \$725 fee (proposed to be \$750).

As there was never any separate biometrics or interview for the I-751, we should receive a credit for future USCIS services for the \$680 we were charged. Further, all I-751 applicants since 1 Jan 2017 (the beginning of the Trump era restrictions on foreign nationals) who did not receive any separate biometrics or interview (not shared with a corresponding N-400 request) should receive a similar credit.

Corrected A-551 Validity Dates and Restrictions on Replacement for Old A-551

8 CFR Section 216.4 states ... 'Upon receipt of a properly filed Form I-751, the alien's conditional permanent resident

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status shall be extended automatically, if necessary, until such time as the director [of USCIS] has adjudicated the petition.'

The extension letter fails in this regard as it places a unwarranted demands on the resident, travel providers, and employers. It is a lengthy document which does not clearly state the revised expiration date. Even CBP officers (at the airport) were not clear whether the 24 (now 48) months started from the receipt date (too early) or date of notice (too late). It must declare the precise date of expiration so that all parties will know the precise duration of the extension.

However, even beyond the confusing date of expiration, the letter itself puts an undue burden on the resident, travel providers and employers. The resident must carry the rather bulky letter as well as the green card and all travel providers and employers have to spend the time to try to understand the confusing terms including the misdirections about applying for stay outside the U.S. for longer than a year and 'lost document' applications.

The A-551 stamp in the passport is even worse as it requires the resident carry their passport and is only issued on request (not automatic). As such stamps are uncommon and simple, they also invite fraud as the stamp can be trivially duplicated. Further the expiration dates directly restrict the residents ability to travel freely. Permanent residents can leave the United States for up to a year and return without hindrance. However, the A-551 is only valid for 12 months and can not be extended until 60 days before expiration. As such A-551 residents can only leave the United States for 60 days on the 61st day before expiration, a significant restriction on the residents ability to travel freely. As such the expiration date on the A-551 stamp must be a minimum of 13 months with the ability to get a new stamp whenever there is less than a full 13 months remaining. Realistically it would be better to have a 24 or 48 month expiration date with the ability to request a new stamp whenever there is less than 13 months remaining.

I request that a new 48 month extension letter be sent to my wife immediately. Further, as she has received proper notice of approval of her I-751 application, she must be sent a 10 year permanent resident card ('green card') to allow her to work and travel freely as required by law as soon as possible. There is no legislation which prevents permanent residents from having a 'green card' even after they are citizens and it is, in fact, and expensive, arduous, and lengthy process to get a passport for new citizens.

Additional Relief Sought

In addition to the comparatively minor relief of credits for future services with USCIS sought with the original IG complaints, I am seeking additional credits for the deprivation of the rights of citizenship to include the rights for close family members to seek immigration authorizations as well as the right to vote and such. As it is not possible retroactively grant my wife the right to vote and others rights of being a U.S. citizen (such as the right to visit Europe without a European visa) the family members should be credited with twice the delay in her citizenship, i.e. their position in the queue for immigration visas should be adjusted as if their application was received earlier. The doubling of their credit in queue position corrects not only the delay in their application but also they get their citizenship rights (e.g. voting) earlier in compensation for the deprivation of my wife's citizenship rights (e.g. voting).

Conclusion

I ask that my wife be granted the rights of U.S. citizenship as soon as practicable as well as twice the current delay credited for the immigration applications of close relatives. Further, this specific correction should be applied to other N-400 applicants whose citizenship has been similarly delayed.

As there appear to be a significant number of N-400 applications which have been similarly delayed in approval by the false approvals, all such applicants should be similarly credited with twice the delay time for their relatives as well. If these queue disruptions have a significant impact to current queue members, USCIS should apply to Congress for relief of additional slots in each category of delayed immigrants.

The criminal falsification of government records through formal approval notices which are not treated as proper approvals must be investigated and stopped. The collection of fees for services which are never provided (interviews and biometrics) must also be investigated and stopped. Credits for future services must be provided for those who were fraudulently charged for the services which were not provided. In addition the individuals who were deprived of the rights of citizenship through illegal delays and interviews after their formal approval must be credited with twice the period of delay for any relatives who later apply (or applied) for immigration.

Your prompt attention to this matter is appreciated along with acknowledgment of receipt of this email (7 days) and status of the various requests (30 days).

Brian P. Carr

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On Fri, Sep 1, 2023 at 10:33 AM USCIS <USCIS-CaseStatus@dhs.gov> wrote:
U.S. Department of Homeland Security
USCIS
6500 Campus Circle Drive East
Irving, TX 75063

U.S. Citizenship and Immigration Services
Friday, September 1, 2023

Emailed to carrbp@gmail.com

Dear Rueangrong Carr:

On 08/29/2023, you or the designated representative shown below, contacted us about your case. Some of the key information given to us at that time was the following:

...

Case type:
-- N400

Filing date:
-- 07/11/2022

Receipt #:
-- IOE-97-528-55294

Referral ID:
T1E2412301031DAL

...

Type of service requested:
-- Outside Normal Processing Times

The status of this service request is:

Thank you for contacting USCIS concerning the above-referenced application. Below is a summary of what we have found.

We have placed your application back in queue for a second interview to be scheduled at a USCIS field office. Once an appointment is available, your interview will be rescheduled, and an appointment notice will be mailed to your current address of record on file with USCIS. If you have not received a new interview notice in 60-days, please feel free to submit a new request to the USCIS contact center.

We hope this information is helpful to you.

...

On 8/25/2023 3:23 PM, Brian Carr wrote:

Dear Ombudsman, Honorable Jaddou,

On 6 Dec 2022 I asked for assistance with my wife's I-751, Petition to Remove Conditions on Residence, from the Honorable Jaddou and, in the same time frame, from the USCIS Ombudsman.

On 29 Jan 2023 my wife and I had a combined interview for the I-751 and N-400 (petition for citizenship). In early February we received the results which are attached as I797forMSC2091582908-ioe9752855294.pdf. For your convenience, the text of the response is:

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

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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. If you have questions regarding this process, please contact the USCIS contact center at 800-375-5283.

However, when I check the status of our petitions it appears that we are still pending our dual interview or awaiting a decision from the interview (see attached file USCISstatusRC20230825.pdf). When we call the 800 number above we are unable to schedule the Oath of Allegiance or get a Permanent Resident Card even though we are well past the 5 month expected delay to schedule the Oath of Allegiance (most petitioners are able to complete that step in a few days).

Can you please schedule the Oath of Allegiance as my wife is being denied many rights of citizenship by these unreasonable delays? I am copying Ms. Ward on the staff of my U.S. representative, Congressman Veasey, as she may also be asked to expedite the scheduling of the Oath of Allegiance.

Thanks for your prompt attention to this matter.

Brian P Carr



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On Mon, Jan 23, 2023 at 7:40 AM cisombudsman <cisombudsman@hq.dhs.gov> wrote:

Dear Rueangrong Carr,

The CIS Ombudsman's Office has determined that U.S. Citizenship and Immigration Services (USCIS) has reviewed your case and scheduled you for an interview.

You should receive your interview notice by mail at the address USCIS has on file. If you do not receive your notice within 15 days, please contact USCIS at 1-800-375-5283 or through one of the customer service options offered by the agency. Please visit [USCIS Tools and Resources](#) | [USCIS](#) to obtain additional information and explore the agency's Customer Service Tools and Resources.

Because USCIS has acted, our office will be closing this matter.

Thank you for giving the CIS Ombudsman's Office the opportunity to assist you.

Please take our [customer satisfaction survey](#). Your feedback is important to us.

Sincerely,

Office of the Citizenship and Immigration Services Ombudsman
U.S. Department of Homeland Security
Washington, D.C.

www.dhs.gov/cisombudsman

/dl

*The Office of the Citizenship and Immigration Services Ombudsman is an **independent**,*

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impartial, and confidential resource. We advocate for a **fair** and **efficient** immigration process.

2 attachments



USCISstatusRC20230825.pdf
122K



I797forMSC2091582908-ioe9752855294.pdf
237K



CrestHill Suites SUNY University Albany

1415 Washington Ave, Albany, New York, 12206, USA

Phone: 518-454-0007; Fax: 518-454-0003

E-mail: cresthillfd@1hotelgroup.com; Website: Cresthillsuites.com

Booking Detail

Booking No	B-62890	Check In :	10/14/2019 03:00:00 PM
Booking Date	09/25/2019 09:35:00 AM	Check Out :	10/25/2019 12:00:00 PM

Guest Details

Guest :	Brian Carr	Room Type :	1K1SU- 1 BR Suite 1K Sofa Bed
	USA		
Phone :	518-227-0129		
Email :	carrbp@gmail.com		

Payment Details

Payment Method :	Credit Card
Card Type :	Master Card
Credit Card No. :	5474-XXXX-XXXX-7540
Card Expiry :	04-2024
Name On Card :	Brian- Carr

Billing Details

Address :	
Phone :	

Room Type	Adult/Child/Pets	Price(\$)	Tax(\$)	Total(\$)
1K1SU- 1 BR Suite 1K Sofa Bed	2 / 0 / 0	855.00	119.70	974.70

Rental Details	Rate Type	Check In Date	Rate(\$)
	Best Available	10/14/2019-10/14/2019	75.00
	Best Available	10/15/2019-10/15/2019	75.00
	Best Available	10/16/2019-10/16/2019	75.00
	Best Available	10/17/2019-10/17/2019	75.00
	Best Available	10/18/2019-10/18/2019	85.00
	Best Available	10/19/2019-10/19/2019	85.00
	Best Available	10/20/2019-10/20/2019	85.00
	Best Available	10/21/2019-10/21/2019	75.00
	Best Available	10/22/2019-10/22/2019	75.00
	Best Available	10/23/2019-10/23/2019	75.00
	Best Available	10/24/2019-10/24/2019	75.00

Discount :	0.00	Other Charge:	0.00	Tax(\$)	0.00	Total(\$)	0.00
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Tax Detail: Occupancy Tax1: 14.00%

Grand Total(\$):	974.70
Payment:	0.00
Balance:	974.70

NOTICE TO GUESTS: This property is privately owned and the management reserves the right to refuse service to anyone. Management will not be responsible for accidents or injury to guests or for loss of money, jewelry or valuables of any kind. Management will not be responsible for any item left in the room.

CHECKOUT TIME: 12:00 PM SELF REGISTRATION ONLY

I AGREE that my liability for this bill is not waived and agree to be held personally liable in the event that the indicated person or company failed to pay for any part or full amount of these charges including any missing/damaged items, etc.. I agree that if an attorney is retained to collect these charges, I will pay all reasonable attorney's fees and costs incurred. If payment is by credit card you are authorized to charge my account for all charges incurred, including any and all damages/missing items, etc.. I agree that the sole purpose of renting this room is for my own residency only.

CANCELLATION POLICY: The CrestHill Suites observes a 24 hour cancellation policy. Cancellations are accepted until 4pm local time, 24 hours PRIOR to your arrival date. Cancellations received after this time will be charged the full room and tax. At check in, the front desk will verify your check-out date. Rates quoted are based on check-in date and length of stay. Should you choose to depart early, price is subject to change. We reserve the right to cancel or modify reservations where it appears that a customer has engaged in fraudulent or inappropriate activity or under other circumstances where it appears that the reservations contain or resulted from a mistake or error.

**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

Response to Defendants' Motion to Dismiss

Motion to Amend Complaint

Motion for Partial Summary Judgment

Response to Defendants' Motion to Dismiss

Unfounded Claim of Sovereign Immunity

The U.S. Attorney for the Northern District of Texas (hereafter USATXN) mis-characterizes the basis for the complaint to 'seek money back' in order to support an improper claim of 'sovereign immunity' which is unfounded and malformed.

Within the United States and original forming colonies, 'sovereign immunity' referred to the historic immunity of the king / sovereign from any form of litigation. Needless to say, it has always been controversial and the courts have not been consistent in their occasional support for the disputed immunity.

The contested cases in which 'sovereign immunity' was upheld have uniformly been attempts to extend civil tort and contract law to apply to the U.S. government.

These expansions were contested through 'sovereign immunity'.

The unsuccessful attempted extensions of civil tort law always used the guise of suing the agent of the United States for tort or contract violations and then sought to hold the U.S. accountable for the actions of the agents. The classical example would be the demand for monetary relief for the negligence of the federal agent and asking the court to order the disbursement of treasury funds for that purpose.

This is in direct contrast to the legitimate (and consistently upheld) demands that the agents of the U.S. must abide by the constitution (and the civil rights included therein) and lawful statutes. It would be absurd to claim that U.S. agents can commit any crime and violate any civil rights and then deny the courts the opportunity to intervene under the doctrine of 'sovereign immunity'. This right to hold U.S. agents accountable was made clear very early in [Marbury v. Madison \(1803\)](#) which stated:

mandamus could issue against a high federal executive officer, reasoning that the importance of the office was no barrier to relief where the head of a department "commits any illegal act, under colour of his office, by which an individual sustains an injury"; ...

The very essence of civil liberty certainly consists in the right of every individual to claim the protection of the laws, whenever he receives an injury

Certainly, 'sovereign immunity' does not permit any agent of the U.S. to order Seal Team Six to assassinate a U.S. political opponent, an unruly judge, a contentious

U.S. attorney, or pestering plaintiffs without being subject to judicial review. Indeed, Mr. Carr trusts that any military service officer (MSO) would recognize the direct order to assassinate is an illegal order and would not permit the assassination. Of course, any military officer who refuses to obey an illegal order must be able to rely on a strong judiciary to protect the officer from the consequences of refusing a direct order (in spite of: the strong bias to the commander within UCMJ, 'sovereign immunity' and executive discretion).

The critical difference is that legitimate court review asks the court to order an agency (through its head) to perform acts already authorized through lawful statutes or the U.S. constitution. In contrast, the prototypical demand 'seeking money' where 'sovereign immunity' is usually upheld, asks the court to order an agency to perform acts based solely on the court's discretion bypassing any legislative approval, in particular, Congressional budgeting of 'money'.

It is important to note that in this case the Plaintiffs have not asked for any direct payments but instead are seeking credits for future services. This may seem like a superficial ruse to avoid the classical 'sovereign immunity' exclusion, but in fact it is a conscientious effort to seek only congressionally authorized relief.

The three applicable agencies, USPS, DoS, and USCIS provide services and are each substantially funded by fees for services. If the court finds that the different agencies have not provided the services in a lawfully prescribed manner, then it is quite reasonable for the court to order the agency to provide the paid for services or equivalent services without further fees.

Sovereign Immunity Precluded By 5 USC section 702

Further, the Defendants' claim of 'Sovereign Immunity' is specifically precluded under 5 USC section 702 which states:

A person suffering legal wrong because of agency action, or adversely affected or aggrieved by agency action within the meaning of a relevant statute, is entitled to judicial review thereof. An action in a court of the United States seeking relief other than money damages and stating a claim that an agency or an officer or employee thereof acted or failed to act in an official capacity or under color of legal authority shall not be dismissed nor relief therein be denied on the ground that it is against the United States or that the United States is an indispensable party. The United States may be named as a defendant in any such action, and a judgment or decree may be entered against the United States: Provided, That any mandatory or injunctive decree shall specify the Federal officer or officers (by name or by title), and their successors in office, personally responsible for compliance.

The Plaintiffs have conscientiously specified the federal officer by title who is the head of the specific agency in every case outside of USATXN who is only tasked to represent the United States.

Federal Crimes and Constitution not Discretionary

The USATXN also attempts to apply the discretionary function exception to the to cover the actions of the Defendants.

Agencies have numerous conflicting and ambiguous statutes that they must follow and obey as best they are able, but this requires good judgment and discretion. As a result, the courts are naturally hesitant to interfere in the detailed management of agencies. The courts do not want to and are not able to micro manage the executive agencies.

For example, there might be a statute which requires an agency to file quarterly reports to congress and the public at large. However, if a reduced budget does not support full detailed reports on inspections quarterly, the agency might reasonably decide to provide full detailed accurate reports on an annual basis rather than eliminating or severely curtailing inspections. Such decisions about how to most effectively manage the resources available to the agency should be left to the management of the agency and the courts have consistently so held.

Of course this executive discretion is not unbounded. The constitution and clearly stated statutes take precedence over ambiguous statutes. All federal agents must obey the constitution and the clearly stated intention of Congress. Federal crimes are often mentioned in these pleadings, but that is because any action which Congress has lawfully deemed to be a crime are strictly prohibited.

Beyond the primary agencies of USPS, DoS, USCIS, and SSA all the other defendant agencies have supervisory / enforcement responsibilities for the primary agencies. In that regard, the supervisory / enforcement agencies should be permitted executive discretion but they can never permit any monitored agency to ignore the constitution or commit federal crimes. This court is asked to order the supervisory agencies to fulfill their non discretionary obligations to correct

breeches of constitutional requirements and criminal acts by the monitored agencies.

The Plaintiffs hope that the courts will conclude that federal crimes and violations of Fifth Amendment rights to due process are never protected by 'discretionary function exception'. The 'discretionary function exception' should never be a shield for any form of unlawful behavior from falsified government records to assassinations.

USPS Extensive Falsified Documents Damaged Plaintiffs Carr

USATXN claims 'sovereign immunity' for USPS in this matter citing Dolan v. Postal Service, 546 U.S. 481 (2006) but apparently USATXN did not understand this decision which actually makes it clear that 'sovereign immunity' does not apply in this case. In Dolan, the court held that 'sovereign immunity' had been waived under the FTCA due to specificity of section 2680(b) which permitted tort claims including, according to the court, negligent acts claims such as careless driving and, apparently, inappropriate placement of delivered packages.

Dolan did declare that tort claims for late delivery would not be supported by the FTCA exemption for 'sovereign immunity' as 'losses of the type for which immunity is retained under section 2680(b) are at least to some degree avoidable or compensable through postal registration and insurance.' There it is explicitly stated that plaintiffs can seek compensation for late delivery when they have purchased 'insurance' from USPS. Mr. Carr did this as can be seen in Doc 18-3, USPSrcpt.pdf, a receipt for guaranteed delivery via 'Overnight Express' with the

compensation being limited to the cost of the mailing (\$26.35). In the case at hand, the slight delay (Doc 18-4, USPStrack15Apr.pdf) caused only minor hindrances but the compensation was also restricted to a paltry sum.

Previously Mr. Carr had mailed his passport to the Thai embassy in D.C. via Priority Mail. In that case there was a significant 'late delivery' in that the item was accepted on 16 Mar 2021 with an expected delivery date of 18 Mar 2021 and an actual attempted delivery date of 27 Mar 2021. See Doc 18-5, USPStrk.pdf.

This caused significant disruption for Mr. Carr, but damages were never sought because, as stated in Dolan, 'sovereign immunity' would apply, but also because damages would have been precluded under civil tort as well as contract law. There is no guaranteed delivery date for Priority Mail.

In contrast, the falsified delivery time referred to in Complaint (Doc 11-1) Count 1 para 24 to 41 resulted in a falsified record of 'Dispute paid' and have prevented the actual refund to Mr. Carr's credit card.

The USATXN raises doubt as to whether Mr. Carr has received the credit, but Mr. Carr has used credit cards for over 50 years with tens of thousands of transactions and many hundreds of refunds. In those years there have been several dozen cases where merchants promised refunds that were not reflected in the credit card statements. In every case other than this USPS charge, when Mr. Carr asked the merchant for the bank transaction ID of the missing credit so that he could pursue the matter with his bank, the merchant admitted that there was an error at their end and issued the proper credit. USPS has had over two years to provide the

transaction ID of the credit they claim was made, but has never provided the transaction ID or, it seems, properly issued the credit. See Doc 18-4, 18-8, and 18.9.

While it is remotely possible that Mr. Carr's bank mis-routed the credit this should be easily resolvable with the transaction ID of the credit. The absence of any transaction ID from USPS led Mr. Carr to conclude that intentional falsified delivery times (270 million in 2017 alone according the [cited OIG audit](#) (see Doc 18-7) and the Complaint Doc 11-1, para 48) and broken business processes to not actually issue approved credits has defrauded thousands of postal customers each year.

The magnitude of the falsified tracking records seems incredible until it is considered that these delivery times are used to measure individual employees' performance for retention and promotion purposes. Further, for management, bonuses as well as retention and promotion can depend on these quality metrics as well as profitability. The profitability of each section and division is improved by fraudulently rejecting claims for refunds and this improved profitability benefits management at all levels. It appears that with USPS they are retaining and promoting employees and managers based on their ability to falsify performance metrics and defraud postal customers rather than their ability to actually perform.

USPS OIG Provides Immunity to Widespread Federal Crimes

The recent focus in USPS on improving profitability should have been coupled with a focus on improved accuracy and less falsified records to avoid an explosion

in falsified records.

When Mr. Carr reported the falsified USPS delivery record which caused him damages in an approved minor refund which was never paid through additional falsified documents (and provided Mr. Carr standing in this matter), the USPS OIG refused to report the matter to DoJ as the USPS OIG had decided that these delivery related crimes should not be prosecuted but instead were consistently referred back to local USPS management. No action or investigation were ever taken by USPS OIG (see Complaint, Doc 11-1, para 53-55)

Clearly USPS local management does not wish to restrict this criminal behavior which increases their bonuses and improves their careers. Apparently local management's response is to make token disciplinary actions with a 'wink and a nod' to encourage the continuance of the criminal behavior to their own benefit.

When USPS OIG audits and investigations demonstrate widespread criminal falsification of government documents through improper 'stop the clock scans' (see Doc 18-7) they widely report the problem along with recommendations for how USPS management could substantially reduce the improper scans but USPS management never allocates the resources to correct the problem. This is not surprising as the practice improves USPS managers' careers and bonuses.

USPS BoG is Likely Source of Immunity for Widespread Federal Crimes

When congress created the USPS OIG they tried to provide the USPS with more independence by having USPS IG report to the USPS BoG. However, Congress

did not give USPS OIG or USPS BoG the authority to commit or encourage federal crimes (e.g. falsifying government records) with impunity.

It appears that the USPS BoG has successfully prevented the involvement of DoJ with these problems through illegal orders. The USPS BoG has fallen into the trap of gaining immediate apparent success through illegal orders and falsified documents. As stated previously, illegal orders almost always are verbal only informal guidance to preserve the option of deniability in the event the illegal orders are found out.

Mr. Carr suspects that the illegal order took the form of a guarantee from any candidate for USPS IG position to not involve the DoJ in any delivery or tracking problems (as 'it is not necessary and only complicates the matter for local management'). It came with a clear understanding that the IG would be fired if the DoJ was ever involved in USPS delivery and tracking problems. Of course this is purely speculation.

While the illegal order would not explicitly require the IG to take illegal actions, the IG act of 1978 ([5a U.S.C. IG Act 1978 Section 4](#)) explicitly requires the IG to expeditiously report to the AG (a.k.a. DoJ) all likely federal crimes. Given the importance of delivery times within USPS, every one of 1.9 million improper 'stop the clock' scans in their [2017 audit](#) should have been reported to the DoJ.

USPS management never made the USPS OIG recommended changes to reduce such improper 'stop the clock' scans. Further, it is argued that the DoJ on notice of such crimes should have insisted that USPS reduce the falsified records with the

resulting decline in reported profitability and quality measures. This, apparently, is what the USPS BoG feared.

The verbal illegal order likely did not directly threaten to terminate the USPS IG for reporting improper 'stop the clock' scans to DoJ, it simply demanded that the USPS IG and OIG insure that the DoJ did not get involved in USPS delivery affairs. This is the sort of ambiguity common for actual illegal orders as it can not be clearly shown that it violated [5 USC Section 2302\(b\)\(9\)\(D\)](#) as they did not require the prohibited 'explicit violations of federal statutes', they simply threatened termination for the IG if the DoJ got involved. Of course, the USPS IG could only hope to keep DoJ out of these matters by disregarding the clear intention of Congress that the DoJ be the sole decider of prosecution for federal crimes.

The USPS OIG defense of this unlawful refusal to report federal crimes to the DoJ in their reply on 7 June 2022 in USPSoigRsps.pdf (Doc 10-1) states 'When employee conduct does not meet the threshold for prosecution, we typically refer such matters to Postal Service management officials for their determination of possible administrative action' (from the Complaint Doc 11-1, para 53).

Mr. Carr had not ever asked that anyone be prosecuted for these comparatively minor federal crimes and had explicitly suggested that USPS OIG could easily meet the requirements of the IG act of 1978 ([5a U.S.C. IG Act 1978 Section 4](#)) by just copying the DoJ on any complaints of falsified delivery records before it forwarded the complaint to local USPS management. For example, in Doc10-2 Mr. Carr states to the USPS BoG:

I am actually requesting that they be referred to the Attorney General and Justice Department where an unbiased determination of the appropriate remedy can be made. It would be absurd to suggest that every USPS employee who ever did a[n improper] 'Stop the Clock' scan be put in jail. However, the senior management who encouraged and supported the practice might be candidates for dismissal and even fines to the degree that they profited from their illegal criminal actions.

The ancillary relief of this court insisting the USPS OIG, USPS BoG, CIGIE, and DoJ all work together to prevent future violations of federal criminal statutes and provide relief to injured parties is actually a quite reasonable and well justified response to extraordinary numbers of federal crimes of falsified records and fraudulent accounting for the disbursement of federal funds.

DoS Non-immigrant Visa Are Not Discretionary

USATXN claims that the DoS denials are beyond judicial review due to the patently false claim that a non-immigrant tourist visa is a DoS discretionary relief with (Doc 15, page 7):

"[T]he failure to receive discretionary relief," such as a non-immigrant tourist visa, "amount to a constitutionally protected deprivation of a property or liberty interest." [Aguilera v. Holder, 354 F. App'x 882](#), 884 (5th Cir. 2009) (per curiam).

It is odd that USATXN would cite an opinion which also states 'the court has determined that this opinion should not be published and is not precedent'

In any case, the plaintiff Aguilera therein was a foreign national who had requested an actual discretionary exception to avoid deportation. It does not seem to have anything do with DoS or non-immigration tourist visas making the USATXN insertion of 'such as a non-immigrant tourist visa,' into the quote misleading at best and indicative of a negligent failure to review the cited case before the insertion. The plaintiffs herein have no basis to and do not claim that the misleading insertion by USATXN represented any intentional effort to mislead the court.

In fact, while such non-immigrant visas are certainly discretionary to Congress, Congress has published several statutes governing non-immigrant visas granting DoS authority to issue such visas and, in fact, requiring DoS to issue or deny such visas on a fee for service basis with the criteria for denial specified by statute. This is the opposite of "discretionary relief" to DoS.

It is a moderately complex statute with further confusion as the oft cited 214(b) is actually Section 1184 (b) of the current code ([8 USC § 1184\(b\)](#)). However, any thorough analysis of the code will conclude that Congress has delegated the implementation of visa issuance or denial to the AG and by extension (via other statutes such as the budget) DoS with clear and specific criteria for when a visa must be approved and when it must be denied.

In conclusion, this court has jurisdiction to consider whether the non-discretionary decisions by DoS meet the criteria for such decisions established by lawful statutes and, of course, the constitution and the Fifth Amendment Due Process.

DoS Visa Denials have no 'Facially Legitimate and Bona Fide Reason'

USATXN goes on to incorrectly claim this court does not have the jurisdiction to review the non-immigrant visa denials citing the antiquated and arcane 'doctrine of consular nonreviewability' and cites [Kleindienst v. Mandel, 408 U.S. 753, 766 \(1972\)](#).

'Consular Nonreviewability' had its origin in the 'Chinese Exclusion Act of 1882' and is offensive on its face and is without any legitimate foundation, similar to [Dred Scott v. Sandford, 60 U.S. 393 \(1856\)](#) which has been thoroughly discredited and refuted and EO 9066, Public Law 77-50 and the resulting Internment of Japanese Americans refuted in [Ex parte Mitsuye Endo, 323 U.S. 283 \(1944\)](#).

USATXN does cite [Kleindienst v. Mandel](#) which actually established the exceptions which show that the 'doctrine of consular nonreviewability' does not apply to the current matter. [Kleindienst v. Mandel](#) has been clarified in later cases such as [Raduga USA Corp. v. United States Dept. of State, 440 F. Supp. 2d 1140 \(S.D. Cal. 2006\)](#) which states that:

judicial review exists when the government has denied a visa if the government did not act 'on the basis of a facially legitimate and bona fide reason' . . . and may also exist under circumstances pursuant to the Administrative Procedure Act." ... [[Patel](#)] at 932 n. 1 (citing [Kleindienst, 408 U.S. at 753](#) for facially legitimate proposition)

citing [Patel v. Reno, 134 F.3d 929, 121 F.3d 1277 \(9th Cir. 1997\)](#) which states

judicial review exists when the government has denied a visa if the government did not act "on the basis of a facially legitimate and bona fide reason." [Kleindienst v. Mandel, 408 U.S. 753 \(1972\)](#). In addition, ... judicial

review may also exist under certain circumstances pursuant to the Administrative Procedure Act.

These and later cases have clearly established that freedom of movement (and travel) is a protected right of all persons which can only be restricted with Due Process, see [Khachatryan v. Blinken \(9th Cir. 2021, 18-56359\)](#) and [Sandra Munoz v. State Department \(9th Cir. 2022, 21-55365\)](#)

Non-immigrant visas are governed by statute (contrary to the misleading summary conclusion inserted by USATXN with Aguilera above) and DoS did not provide any 'facially legitimate and bona fide reason' for the denials at hand. All four of the non-immigrant visa denial letters were described in the complaint (Doc 7-1) as:

The actual denial letter had no references to any evidence presented or reviewed but simply cited section 214(b) [of the INA] and 'you did not overcome the presumption of immigrant intent, required by law, by sufficiently demonstrating that you have strong ties to your home country that will compel you to leave the United States at the end of your temporary stay'.¹

DoS has essentially restated the requirements of INA 214(b) making it simpler and more clear, but an even more accurate, concise and understandable restatement of the section INA 214(b) would be 'You did not prove that you will not knowingly

¹ The four denial letters were all functionally identical form letters and were not retained by the Plaintiffs. The Plaintiffs sought copies of the actual denial letters via FOIA requests to DoS but they were not returned contrary to DoS stated FOIA policy of providing only documents which were received from or provided to applicants. The text cited in the complaint was found on the web as a normal denial letter and was consistent with the Plaintiffs' recollection of what the actual denial letters stated.

and intentionally overstay any temporary visit to the United States.'

In [Sandra Munoz v. State Department \(case no. 21-55365\) \(9th Cir. 2022\)](#) there is a more clear explanation that it is insufficient in a visa denial to simply cite the correct statutes (one half of the 'facially legitimate and bona fide reason' requirement) but the decision must also cite the facts which support the conclusion (an obvious requirement for anyone familiar with Due Process). It states:

Because no "fact in the record" justifying the denial of ...[applicant]'s visa was made available to ...[applicant]s until nearly three years had elapsed after the denial,... we conclude that the government did not meet the notice requirements of due process when it denied ...[applicant]'s visa. This failure means that the government is not entitled to invoke consular nonreviewability to shield its visa decision from judicial review. The district court may "look behind" the government's decision. [\[Kleindienst v. Mandel, 408 U.S. at 770\]](#).

It is important to note that most non-immigrant business / tourist (B-1 / B-2) visa denials are based on INA 214(b) as were all four of the visa denials given by DoS to the Plaintiffs. This particular justification ('you did not prove you would not overstay your visit') is problematic (being overly broad and very general) from the perspective of citing the facts to support the decision.

It is a significant burden on the applicant to prove they won't overstay (negatives are always a challenge to prove), but even a cursory review of the affirmations which the Mrs. Carr and Mrs. Von Kramer attempted to provide to DoS demonstrate that, along with the one inch of associated documents available for

review they clearly could have proven their burden (see Doc 12-3 DoJredactedI-29sStmt.pdf, a redacted version of statement referred to in Complaint (Doc 11-1) para 64 and Doc 12-4 DoJredactedBuakhaoAffirm2019.pdf which is a redacted version of the statement referred to in Complaint (Doc 11-1) para 89, 98, and 103).

In conclusion, all four visa denials did not have "facially legitimate and bona fide reason" because while they cited a legitimate statute, 214(b) of the INA, they did not include any facts to demonstrate that the statute was applied correctly. As such the 'doctrine of consular nonreviewability' does not apply to any of the visa denials and this court has jurisdiction to "look behind" the government's decision.

'Doctrine of Consular Nonreviewability' Based on False Premise

The 'Doctrine of Consular Nonreviewability' (hereafter DoCNR) denies federal courts from reviewing any executive decision to deny a visa. In [Kleindienst v. Mandel](#) it is based on:

Congress's plenary power to exclude aliens or prescribe the conditions for their entry into this country. Congress has ... delegated conditional exercise of this power to the Executive Branch. When, as in this case, the Attorney General decides for a legitimate and bona fide reason not to waive the statutory exclusion of an alien, courts will not look behind his decision.

Of course the reasoning behind this is fundamentally flawed, much like Dred Scott and the EO 9066, Public Law 77-50 and the resulting Internment of Japanese

Americans. It is offensive as it denies that aliens are, in fact, persons. It is similar to current 'hate' rhetoric which considers aliens as animals “who are poisoning the blood of our nation”.

The flaw is the premise that Congress has a plenary power (or absolute power) to exclude aliens. The constitution confers no such power on Congress or any other part of the U.S. government. While Congress certainly can deprive aliens of the fundamental liberty to travel freely (i.e. Congress can exclude aliens) it can only do so through 'due process of law'. This requires Congress to pass lawful statutes empowering the executive branch to exclude aliens within the requirements of 'due process of law'. This implicitly authorizes some form of judicial review of every decision to exclude an alien.

To restate this, the DoCNR completely ignores the constitutional requirement to the federal government that:

'No person shall be ... deprived of life, liberty, or property, without due process of law'.

When the constitution was enacted this guarantee basically only applied to white, adult, male, Christian, property owners. Of course that was a rather lengthy and unwieldy description. Fortunately, there was a much more concise description which was citizen, a term also used in the constitution selectively.

However, when writing the Fifth Amendment it was decided to use 'No person' rather than 'No citizen'. This was largely aspirational as 'Due Process' was not originally commonly provided to non-whites, native Americans, women, slaves, indentured servants or the destitute. Over the last two hundred years due process

and other fundamental rights have been extended to include most people under most circumstances. The DoCNR is a throw back to the 'Chinese Exclusion Act of 1882' where aliens like the Chinese were not considered people entitled to 'Due Process' or other constitutional rights.

In 1882 the exclusion of the courts from such processes overseas (e.g. consular activities) was an essential expediency. Communication with the consulates could take weeks. There was no way for the U.S. courts to provide timely oversight. However, consulate officers now have 'instant' access to government records around the world and video conferences can eliminate the need for judges or witnesses to travel.

To be clear, the federal government has the right to deprive anyone: citizens, permanent residents, and other foreign nationals from life, liberty, and property as long as it is done with due process of law. So Congress certainly has the ability to restrict the fundamental right of movement and travel from aliens, barring entry to the U.S. and deporting them as appropriate.

The primary and fundamental requirement for such restrictions is Due Process but the requirement of Due Process can not be over-ridden by Congress under any circumstances. Due Process basically requires fair evidentiary hearings which can not be disassociated from judicial review.

As a result the DoCNR is fundamentally flawed as Congress never had any absolute power to exclude or deport aliens. This exposure was conceded in [Kleindienst v. Mandel](#) where the 'fundamental' rights of a citizen are impacted by

the improper treatment of an alien, e.g. the due process rights of an alien are reviewable if it can be shown a citizen is impacted.

Secondary Test of 'Doctrine of Consular Nonreviewability' Met / Extended

The Plaintiffs have had great difficulty understanding the DoCNR because it is offensive (classifying aliens as non-persons (? animals ?)) and based on a false premise (logic breaks down when you start with a false premise).

Even with the Plaintiffs limited understanding of DoCNR it appears that it does not apply because the none of the decisions denying visas cited any facts at all, only restated the statutory requirements as stated previously, i.e. the visa denials did not meet the 'facially legitimate and bona fide reason' test.

However, in the case of [Kleindienst v. Mandel](#) and the follow on cases it seems that the DoCNR restriction on court review also does not apply if the alien is married to a citizen and they wish to travel together. [Bustamante v. Mukasey, 531 F.3d 1059, 1062 \(9th Cir. 2008\)](#) states:

Freedom of personal choice in matters of marriage and family life is, of course, one of the liberties protected by the Due Process Clause. See *Cleveland Bd. of Educ. v. LaFleur*, 414 U.S. 632, 639-640, 94 S.Ct. 791, 39 L.Ed.2d 52 (1974); see also *Israel v. INS*, 785 F.2d 738, 742 n. 8 (9th Cir. 1986). Presented with a procedural due process claim by a U.S. citizen, we therefore consider the Consulate's explanation for the denial of Jose's visa application pursuant to the limited inquiry authorized by [\[Kleindienst v.](#)

Mandel.

It has been found that the freedom to travel together for married couples is a Due Process protected right. The Executive can not deprive a citizen from traveling freely with their foreign national spouse unless due process is provided to the citizen's spouse. This means that the proceedings to deny a visa to a foreign national must provide for due process if there is a citizen spouse who wishes to travel with the foreign national.

This provision for judicial review applies exactly for Mrs. Carr as the spouse of Mr. Carr, a U.S. citizen, who clearly wishes to travel with her. Further, it is relevant even though Mrs. Carr currently has a non immigration visa as the current non immigration visa has an expiration date and may need to be renewed in the future.

The Plaintiffs would like to also argue to extend exceptions for DoCNR in the first denial of Mrs. Von Kramer visa in that Mr. Carr is a U.S. citizen and desired to travel with and host his sister-in-law, Mrs. Von Kramer. In Thai culture families are very close and every marriage is between entire families. In marrying Mrs. Carr, Mr. Carr was establishing close ties (logically marrying in many ways) with Mrs. Von Kramer. Mr. Carr's citizen right to travel freely and host guests was improperly restricted when his sister-in-law's visa was denied. As such the court is asked to review the denial under a novel and untested exception to DoCNR applicable to a citizen spouse's siblings.

The Plaintiffs would like to also extend exceptions for DoCNR in the second denial of Mrs. Von Kramer visa in that Mrs. Von Kramer is the widow of an

American Army pre-1968 veteran. In particular, Congress has added several special exceptions to restrictions on government assistance and social security survivors benefits for widows of pre-1968 veterans and DoS visa denial effectively improperly denied those benefits without due process. As such Mrs. Von Kramer's visa denial must be subjected to judicial review as a novel and untested exception to DoCNR applicable to surviving spouses of pre-1968 veterans.

The Plaintiffs would like to extend exceptions for DoCNR in the third denial of Mrs. Von Kramer visa in that Mrs. Carr is a lawful U.S. permanent resident and desired to travel with and host her sister, Mrs. Von Kramer. In Thai culture, extended families intrinsically share finances, property ownership, and liabilities with siblings, children, and parents. Thai tort law is very complex. Mrs. Carr's lawful permanent resident right to travel freely and host guests was improperly restricted when her sister's visa was denied. As such the court is asked to review the denial under a novel and untested exception to DoCNR applicable to lawful permanent resident's siblings.

If any of the above requests for judicial review of the three visa denials for Mrs. Von Kramer fail, the Plaintiffs requests that each visa denial be subjected to judicial review under the novel and untested premise that Mrs. Von Kramer is a person and entitled to all the rights and privileges included in the Fifth Amendment to include judicial review of adverse executive decisions in accordance with due process of law. The physical barriers to court oversight of consular activities in 1882 have been reduced by current electronic access and it is time that DoCNR be relegated to the trash can of history.

Plaintiffs have Standing and 'Sovereign Immunity' Does not Apply to DoS.

As stated in the Complaint Doc 11-1 para 108 and 153, the Plaintiffs had to pay the fees for the four improperly denied visas (\$160 each, i.e. \$640 total) so the Plaintiffs have standing (they paid the fees but did not receive the services of correctly adjudicated visa applications). As these were services offered for fees in accordance with lawful statutes it is quite legitimate for the Plaintiffs to ask for credits for future services as discussed in USPS above.

The evidence which the Plaintiffs attempted to present at their visa interviews which were denied can be seen in Doc 12-3, DoJredactedI-29sStmnt.pdf which is a redacted version of statement referred to in Complaint (Doc 11-1) para 64 and Doc 12-4 DoJredactedBuakhaoAffirm2019.pdf which is a redacted version of the statement referred to in Complaint (Doc 11-1) para 89, 98, and 103. Any review of the sworn affirmations and the substantial documents which were attached will surely conclude that the Plaintiffs would not overstay any temporary visits they made to the United States.

If the court does not choose to provide a credit for future services (not a significant sum compared to the ability to travel lawfully and freely), the Plaintiffs will benefit if the court simply orders DoS, DoS OIG, and DoJ to correct its non-immigrant visa processing to provide due process of law prior to any visa denials. The Plaintiffs anticipate that they, along with their family and friends, will need to apply in the future for non-immigrant visas (when their current visas expire and when friends and family also wish to lawfully visit the United States).

DoS OIG Improperly Exempts Visa Denials from Oversight

Mr. Carr made numerous complaints of malfeasance, violations of due process and plausible federal crimes of omitting required information from government records related to visa denials to DoS OIG (see Complaint, Doc 11-1, para 125 - 134). In all cases DoS OIG refused to take any action other than forwarding the complaint to another agency as the DoS OIG does not consider visa denials.

The DoCNR has been alluded to provide DoS from judicial reviewability but even if the DoCNR were applicable (which the Plaintiffs deny as above) it only provides protection from judicial review, not executive review.

Indeed, the DoCNR only increases the need for executive review such as the DoS OIG as Congress has attempted to grant extended 'power' to the executive in these cases.

The INSPECTOR GENERAL ACT OF 1978 ([5a U.S. Code section 4](#) - Duties and responsibilities; report of criminal violations to Attorney General) states in part that the 'Inspector General shall report expeditiously to the Attorney General whenever the Inspector General has reasonable grounds to believe there has been a violation of Federal criminal law'. Plaintiffs argued that this statute does not request the IG to investigate every plausible allegation of a federal crime but, in the event the IG does not have the resources for such investigations the IG must report the plausible federal crime to the DoJ.

The IG does not have the option of deciding that any potential federal crime should

not be prosecuted as that decision is clearly reserved for the DoJ.

The Plaintiffs argue that had DoS OIG investigated visa denials and worked with DoS and DoJ to insure proper compliance with Due Process and other constitutional rights, Mrs. Carr and Mrs. Von Kramer's original visa applications would have been approved as they each had overwhelming evidence that they would not overstay any temporary visit.

RFRA Radically Limits USCIS Ability to Defacto Discriminate on Religion

The Religious Freedom Restoration Act of 1993 (RFRA), [42 USC Ch. 21B](#): RELIGIOUS FREEDOM RESTORATION gives broad ability to sue the U.S. for both injunctive relief as well as monetary damages. This broad relief was supported in the recent decision [Tanzin v Tamvir No. 19-71. \(SCOTUS 2020\)](#). It can be argued that this includes injunctive relief for de facto discrimination against the cultures of specific religions.

Historically Buddhist and Islamic cultures have been resistant to colonialism with the result that English and other Western languages were never widely accepted. The poor in those cultures are not exposed to the sounds or alphabet (shapes) of English during their formative years.

This creates a minor form of medical disability as those individuals will never be able to properly speak, read, write or understand English. Their brains just aren't wired for mastering English and this hurdle only increases with age.

Any requirement for citizenship which discriminates against individuals with that particular medical disability will be a de facto discrimination against members of Buddhist and Islamic cultures and, hence, the religions themselves.

Plaintiffs argue that RFRA prohibits this indirect discrimination against specific religions. Further this indirect discrimination can easily be resolved by extending the current waivers for age and medical disabilities. The suggested expanded waivers are self correcting such that as the different cultures promote early exposure to English and other Western languages (inevitable in our connected world), the waivers will be reduced to simple age based waivers.

USCIS Approved I-751 and N-400 in Final Decision Dated 31 Jan 2023

USATXN completely ignores the Final Decision Dated 31 Jan 2023 by USCIS which approved Mrs. Carr's I-751 and N-400 (Doc 10-5) and is undisputed. However, after making that Decision instead of USCIS implementing the Decision with the promised Naturalization Certificate or the approved 'Green Card', USCIS instead took several improper steps to overturn the prior decision.

In fact, the only legal option available to USCIS was to provide the promised relief or apply to this court to have that final decision overturned due to some new circumstances or evidence. USCIS and USATXN can not simply ignore a prior final decision to take actions in an illegal attempt to invalidate the prior decision.

Mrs. Carr I-751 Not Waived or Adjudicated as Required by Law

USCIS was required to adjudicate Mrs. Carr's I-751 application for a new 'Permanent Resident Card' (without the 2 year conditions) by 22 Nov 2020 (90 days from acceptance of the I-751 on 24 Aug 2020 in accordance with [8 CFR Section 216.4](#) (b) (see revised Complaint Doc 18-2, para 169).

USCIS instead unlawfully issued only ambiguous extension letters which expired on 13 Nov 2022, see Doc 18-6 ([8 CFR Section 216.4](#) as well the Revised Complaint (Doc 18-2) para 147 and 152). When Mr. Carr tried to find out about the status of the illegally delayed I-751 adjudication, he could only access an online web account or call the phone number 1-800-375-5283.

The online web account told nothing other than the information already available on the notice form. There was no secure messaging facility and no ability to submit documents or request additional information.

The phone number was answered by an automated phone system which had an extremely limited number of requests that it could understand. It could not provide any statement about the anticipated interview date other than the interview had not been scheduled and date of the interview was pending (for over two years for an interview which statutorily mandated to be scheduled or waived within 90 days, [8 CFR Section 216.4](#)).

If the caller asked to speak to a representative, the request would be denied unless the caller could request a particular service that was available (such as make an appointment). A persistent request to speak to a representative would be answered with 'Please request an available service or I will hang up on you'. The system

would, in fact, hang up on callers who continued to ask to speak to a representative (that was not a generally available service).

However, from Mr. Carr's experience, until the Carr's paid for and submitted an N-400 application, there was no way for Mr. Carr to speak to a representative at all and the system would always eventually hang up on Mr. Carr.

Mrs. Carr Unlawfully Stranded in Thailand by USCIS

When Mrs. Carr went to Thailand on an emergency basis to, it turns out, attend her mother's funeral, she was unable to return to the United States (see Doc 7-1, para 147 and 151 - 153) as a direct result of the illegal refusal of USCIS to process her over two year old I-751 application in a timely manner as explicitly required by law. (see Doc 7-1, para 152)

To return to the United States, the Carr's needed to arrange for Mrs. Carr to get a non-immigrant visa which was a great source of stress and some financial expense. (see Doc 7-1, para 153).

Mrs. Carr joint I-751 and N-400 Interview Held on 30 Jan 2023

When Mrs. Carr was stranded in Thailand and after Mr. Carr had complained to USCIS that they had not fulfilled their statutory requirements to allow Mrs. Carr travel and work freely, Mrs. Carr was scheduled for a joint I-751 and N-400 interview on 14 Dec 2022. Mr. Carr reminded USCIS that Mrs. Carr was stranded in Thailand and USCIS had already refused to provide any assistance in her return,

the joint interview was rescheduled for 30 Jan 2023.

Please understand Mr. and Mrs. Carr were most distraught after USCIS had unlawfully left her stranded in Thailand in late 2022, unable to return to take her citizenship test. For older Thai people who were not exposed to English during their formative years (i.e. Mrs. Carr came from a poor family, a share cropper farmer with nine kids) the English and Civics test is incredibly hard.

Mrs. Carr had difficulty focusing on studying for the N-400 English test as she was distraught about the pending I-751 and being deported without notice or good cause. As the I-751 interview had been pending for over two years and there was no avenue to get feedback on the date interviews would actually be scheduled, it was very hard to systematically study for a test which might happen sometime in the next couple of years.

It turns out that the real interview was conducted with only a few weeks actual notice, not enough time to master English effectively. The N-400 interview was scheduled several months before the normal eight month queue for such interviews as published by USCIS when the application was submitted.

When Mrs. Carr finally was able to return to the US and take the test on 30 Jan 2023, Mr. and Mrs. Carr were crushed when they were told informally that not only did Mrs. Carr fail the citizenship tests, USCIS also would not approve her I-751 application removing the conditions on her 'green card' (which had left her stranded in Thailand in the first place). That was because she had not passed the 'understand spoken English' part of the test and could not go through the criminal

background questions (not part of I-751 application, but part of the N-400 application as well as the initial I-130 petition).

While Mrs. Carr had met all the statutory requirements to continue her permanent residence, USCIS would not provide her with any documentation to allow her to work and travel freely. Of course that is the unlawful part as explained in the Complaint.

Mrs. Carr's I-751 and N-400 Applications Both Approved

However, a week later Mr. and Mrs. Carr were elated when they received formal notice that both her I-751 and N-400 were approved (see Doc 10-5 as well as the text itself in the Complaint Doc 7-1 para 163). The text of the decision was:

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. If you have questions regarding this process, please contact the USCIS contact center at 800-375-5283.

Basically USCIS was not going to give her a new green card as she was instead going to get her citizenship. They were so relieved.

This decision was of great importance to Mr. and Mrs. Carr. USATXN's summary completely omits this decision probably because it undermines every later action of USCIS and the entirety of USATXN's USCIS arguments.

Mrs. Carr I-751 Application Illegally Denied

However, that formal notice seems to have been a ruse to deny her a new green card while also not allowing her to take the citizenship test again, possibly as retribution for Mr. Carr's numerous complaints to the IG, his US Representative and numerous other parties about USCIS's unlawful denial of his wife's freedom to work and travel freely.

The result was that Mr. and Mrs. Carr could not appeal a purportedly favorable decision (USCIS claimed that the I-751 was approved) but also never received any 'green card'.

This has left Mrs. Carr without any documentation of her permanent resident status or ability to work and travel freely. Her 'green card' has an expiration date of 13 Nov 2020 and the letter approving her I-751 and 'removing conditions' (see Doc 10-5) is hardly convincing to travel providers (e.g. international airlines), employers or, local law enforcement in light of Texas SB4.

In the event Governor Abbot borrows from Trump's promise to send the National Guard from Red states to Blue states to deport 'illegal' aliens, perhaps Abbot will send the Texas National Guard into Blue counties (like Dallas) to deport 'illegal' aliens. Would Mrs. Carr be able to explain to National Guardsmen from West

Texas that her 'green card' was still valid three years after its clearly printed expiration date as USCIS had 'removed the conditions'?

Can any non-white person feel secure that they won't be deported by vigilantes trying to get rid of the "poison in our nation's blood"? The absence of any proper paperwork is a great concern for Mrs. Carr.

USCIS Unlawfully Denies N-400 For Failure to Appear

USCIS completed the charade on 14 Oct 2023 when they denied Mrs. Carr's N-400 citizenship application for failure to appear through what was clearly retaliation (Complaint paragraphs 185-209) and which had no legitimate validity.

To reiterate,

- There was no jurisdiction as the N-400 application had been previously formally and finally approved on 31 Jan 2023 in the Decision of that date. See Doc 10-5 as well as the text itself in the Complaint Doc 7-1 para 163 and above.
- Formal notice by USCIS that the N-400 interview on 01 Sep 2023 that the interview of 30 Jan 2023 had been canceled due to unforeseen circumstances was a falsified document as all parties knew that there was an interview on 30 Jan 2023. See Doc 10-6 and the Complaint Doc 7-1 para 184.
- Insufficient notice was provided for a finding of 'Failure to Appear' as the notice scheduling the interview was dated 06 Sep 2023 for a 10 Oct 2023 interview but there was no evidence of actual notice in the USCIS record. Mr. Carr has provided evidence the notice was mailed on 12 Sep 2023 and received on 15 Sep 2023, providing only 24 days notice, less than the mandatory 30 days notice for

such important matters. See Doc 10-7 and 16-1 and the Complaint Doc 7-1 para 186 – 188.

- The notice scheduling the interview said 'If you cannot keep this appointment to call USCIS as soon as possible to reschedule your appointment' and Mr. and Mrs. Carr called USCIS on 19 Sep 2023, the earliest opportunity given Mrs. Carr work schedule and her inability to make calls while at work and USCIS's refusal to authorize Mr. Carr to represent Mrs. Carr. It turned out that phone representatives have no ability to reschedule interviews and are restricted to 80 characters in describing the reason for the request. Mr. Carr was concerned that the representative had attempted to summarize the reason for their trip as 'Leisure' he attempted to and did submit a lengthy document describing the huge difficulties of altering the schedule for a nine week international trip starting with a bus tour of Europe with complex visa requirements. USCIS claimed that Mrs. Carr had only one chance to request that the interview be rescheduled and sent an email denying the request to reschedule. There was no mention of the requests to reschedule in the USCIS decision itself though USATXN admits that Mrs. Carr did request to reschedule the interview and the request was denied. See the Complaint Doc 7-1 para 193 - 200.
- As Mr. Carr had informed USCIS of the dates of their travel in August of 2023 when he complained about the lack of documentation to permit Mrs. Carr to travel freely (the refusal of USCIS to provide any new documents after approving the I-751 in January) and before he complained to the DHS OIG, his US Representative and several others. This raises the possibility that the interview was scheduled to conflict with their extensive trip as a form of retaliation for the complaints which Mr. Carr had filed. See the Complaint Doc 7-1 para 193 – 200.

- The tribunal in the denial of Mrs. Carr's N-400 application for failure to appear seems to be the Director of the Dallas USCIS office and was not an impartial decider of facts. Several of her employees had been accused of falsifying documents via OIG complaints by Mr. Carr and so her career was likely to be impacted by the complaints. See the Complaint Doc 7-1 para 216 and 217.

USCIS Illegally Ignored Final Decision Dated 31 Jan 2023

USATXN has overlooked the Final Decision Dated 31 Jan 2023 by USCIS which approved Mrs. Carr's I-751 and N-400 (Doc 10-5) and which is undisputed.

The attempts by USCIS to overturn the prior decision were improper and illegal. This court is asked to order USCIS to promptly implement the relief required based on approved I-751 and N-400 applications.

In fact, the only legal option available to USCIS was to provide the promised relief or apply to this court to have that final decision overturned due to some new circumstances or evidence. USCIS and USATXN can not simply ignore a prior final decision to take actions in an illegal attempt to invalidate the prior decision.

CIGIE and DoJ Ignore Mandate for Statutory and Constitutional Compliance

The Plaintiffs informed CIGIE and DoJ (Doc 11-1 para 136 - 145, 247 - 252) of malfeasance and failure of the OIG's to report federal crimes. The Plaintiffs asked CIGIE and DoJ work with the applicable Defendants to prevent future violations of their charters and coordinate efforts to prevent future federal crimes and violations

of constitutional rights. CIGIE and DoJ took no actions but the Plaintiffs argue that had CIGIE and DoJ endeavored to fulfill their mandates, the Plaintiffs would have received the requested relief and this matter would not have been necessary.

It is also important to explain that many of the orders requested of the court to improve USPS, DoS, USCIS, and CIGIE operations and compliance are intended to be suggestions for the appropriate OIG and DoJ to use to work with the applicable agencies to revise their internal processes. The agencies each perform many essential functions and the changes suggested could be highly disruptive if implemented without care and consideration.

The Plaintiffs do not have the time or experience or knowledge to properly implement such sweeping changes and they are asking the court to order the DoJ, OIGs and other agencies to work together to revise current policies and procedures to eliminate widespread federal crimes and violations of constitutionally protected rights.

It is assumed that the court also does not have the time or experience or knowledge to properly order such changes in detail (with full respect to the court) and so the court is asked to order the agencies to work together to submit a plan to the court on some mutually agreed upon timetable to solve the underlying problems while continuing to provide the essential services of each agency.

Several of the items of relief listed in the complaint should instead be viewed as suggestions for the objectives of this proposed plan to resolve the underlying problems.

Importance of Vigilance by DoJ, CIGIE, and OIG's

The role of DoJ, CIGIE, and OIG's in supporting the constitution and good government can not be overemphasized.

The fiasco of the rapid fall of the Afghan government represented a serious tragedy for millions of Afghans as well as America as a whole. It can be argued that this fiasco was also the result of insufficient oversight by the relevant IG's (not defendants in this matter), CIGIE and DoJ.

The commonly stated cause of the fiasco was inaccurate estimates of the number and training / capabilities of Afghan government soldiers and para-military police as well as similarly inaccurate estimates of Taliban soldiers / combatants / terrorists. A good approximation would be that the Afghan government had about half as many soldiers as reported and the Taliban had about twice as many combatants as reported.

These substantial deviations from the 'readiness reports' can be attributed to the high level of corruption in Afghan culture. Indeed, corruption is, practically speaking, not even a concept in Afghan culture as it is just normal gift giving and ordinary business practices, no different from purchasing an item in a store.

The result was that a substantial portion of the American funding for the expansion of the Afghan military was misdirected with Afghan government commanders siphoning money into their own pockets rather than hiring soldiers as reported and

even bribing Taliban units to not attack the areas of responsibility of their units. It was cheaper to pay the bribes to the Taliban rather than hiring the soldiers required to fight the Taliban. That left more money to pocket and better apparent results, the Taliban were no longer active in their area.

Of course there were American military service officers (MSOs) responsible for insuring that American funds were not misdirected in this fashion. But there is a problem with this as well.

In order to have well rounded senior MSOs, American MSOs are rotated through different assignments with about ten assignments in the critical first twenty years (to be eligible for retirement benefits as well as the potential for the most senior positions). As the required promotions are increasingly fiercely competitive, each MSOs must get an outstanding performance review from each assignment.

In the current environment, almost all soldiers in each unit are rotated. There is also an effort to stagger the rotations so that not too many soldiers are rotated at any one time. On arriving in a new two year assignment an MSO could expect that most of his subordinates would have about one year of experience as would the most of his / her superiors. This maintained some level of continuity for the various units.

An MSO on arriving in the assignment of monitoring Afghan units and the disbursement of American funds might find that his predecessor had attained an actual readiness of about 15% readiness but the reported readiness might have been 50%. The MSO would have received objectives from his / her commander to

improve the readiness up to 60% with decreasing Taliban activity within the next year and before the superior rotated out.

In any discussions with the superior of inaccurate reports by the MSO's predecessor, the superior would almost certainly verbally inform the MSO that the superior doesn't care about the mistakes of the MSO's predecessor, the MSO had better get his / her numbers up to snuff (meeting the objectives) before the MSO's superior rotated out or the superior would give the MSO a negative review thereby ending the MSO's career. Needless to say this is a verbal illegal order to falsify records, but being ambiguous and verbal the superior would have plausible deniability.

If the MSO were to properly insure that American funds were being properly disbursed and Afghan unit readiness was accurately reported, his readiness reports might increase to an actual level of 20% (from 15%) but show an apparent decline from the 50% of his predecessor.

He would almost certainly also be removed from the position for some other reason by his / her superior. The MSO can only make real corrections by 'throwing under the bus' all his superiors and subordinates by being a 'whistleblower'. It is certainly unclear how successful such a strategy would be as longevity as an MSO through 10 assignments really depends on low risk successes (no one can depend on winning 10 flips of a coin).

If the MSO chose to instead ignore falsified reports by the Afghans and encouraged them to improve their reports (with illegal orders similar to those of the

MSO's superior), then the Readiness Reports could easily improve to 70% though the actual readiness would likely decline to 10%.

In essence, because of the staggered rotations and the hyper competitive promotion process for MSO's, they are all playing 'hot potato' hoping that the whole thing won't explode on their watch, that they can rotate out before their negligence is found out.

Throughout the Afghan occupation there were sporadic reports of corruption within the Afghan military but instead of a massive investigation by the Army IG and DoJ, the problems were mostly ignored. Mr. Carr suggests that had there been an investigation of the magnitude of the Naval 'Tailhook' investigation then Afghan government military readiness would have been reported as much lower but could have improved over time.

The Afghan fiasco would have been completely different with Afghan government forces much stronger and the Taliban not as strong (and with accurate estimates of Taliban strength). Were a withdrawal made, the results would be more in line with the expectations of senior commanders.

Of course all this is purely conjecture relying solely on publicly available sources and Mr. Carr's experience as a junior MSO. When Mr. Carr graduated from West Point in 1975, he was allowed significant choice in first assignments due to his superior academic standing. Mr. Carr chose an academic assignment (graduate school at M.I.T.) for his first assignment. For his second assignment, Mr. Carr chose a short / hardship one year tour in Korea for his only normal military

assignment. For his third and final assignment Mr. Carr chose a scientific / technology assignment at an Army Research and Development Lab (Harry Diamonds Labs, HDL). Mr. Carr understood that choosing such assignments guaranteed that he would not be able to continue his career.

The Army 'passed over' Mr. Carr's promotion to captain twice before granting the promotion. Three passes and you're out according to the 'move up or move out' rules of the time. The Army and Mr. Carr understood that it would be appropriate for him to separate once his military service obligation was completed (three and a half years at HDL instead of the normal three).

Mr. Carr is deeply appreciative of his excellent training and experience from the Army. Mr. Carr parted ways with the Army amiably after completing his service obligations.

This discussion of the Afghan fiasco is included solely to explain Mr. Carr's conclusion that illegal orders and federal crimes such as falsified documents must be addressed by DoJ and can not be overlooked based on executive discretion. The DoJ should be encouraged to enlist the assistance of relevant OIG's and the CIGIE as feasible. The DoJ should also be encouraged to use the cudgel of the threat of prosecution to efficiently promote future compliance and minimize the demands on DoJ and OIG resources.

Accuracy of Government Records and Disbursements Foundational for Democracy

Mr. Carr also concedes that there are many criminal statutes that the DoJ must

enforce in precedence to falsifying government records or fraudulent disbursement of government funds. For example, assassinating a federal judge or federal attorney is most heinous. However, the question is how can the U.S. insure that Seal Team 6 is never ordered to commit such heinous acts.

The current Secretary of Defense (SoD) is Lloyd Austin (Mr. Austin) who also graduated from West Point in 1975 with Mr. Carr. Mr. Carr is comfortable that Mr. Austin could resist an illegal order to misuse Seal Team 6. Unfortunately, due to Mr. Austin's age he is in a civilian position and would certainly be removed on 'Day One' of any president elected who has promised to be a dictator on day one and deport millions of illegals on day one.

While it is Mr. Carr's belief that the majority of senior MSO's would not obey an illegal order to misuse Seal Team 6, it is not clear how many would be successful in that having seen one or two of their predecessors jailed and silenced for disobeying a direct order. It takes strong and courageous senior MSO's to collude and overcome a president who ignores the law.

The best way to insure we have senior MSO's and executives in the federal government who will support the constitution when it is required is to develop a culture where short cuts like falsifying records and disbursements leads to termination, not success.

Sanctions Plausible For Unfounded and Conclusory Claims of USATXN

In USATXN's argument E, USATXN claims 'The allegations in the complaint

appear frivolous.' stating:

Lastly, the "allegations within the complaint 'are so attenuated and unsubstantial as to be absolutely devoid of merit, . . . wholly insubstantial, . . . obviously frivolous, . . . plainly unsubstantial, . . . or no longer open to discussion.'" *Starrett v. Lockheed Martin Corp. et al.*, 735 F. App'x 169, 170 (5th Cir. 2018) (quoting *Hagans v. Lavine*, 415 U.S. 528, 536-37 (1974)). Put another way, the Fifth Circuit has affirmed that claims against the federal government and its agencies are subject to dismissal under Rule 12(b)(1) when the claims are "patently frivolous," and also under Rule 12(b)(6) when such claims are "fanciful, fantastic, or delusional." *Starrett*, 735 F. App'x at 170. Such is the case here. Plaintiffs' lengthy complaint appears to infer conspiracy and false documents from administrative delays without identifying a legal basis for the requested relief. And the broad scope of the requested relief is striking: ordering various federal agencies to open investigations into administrative issues - such as a delay in delivery of a package, the rescheduling of a naturalization interview to accommodate Plaintiffs' international vacation, and the challenges a resident of Thailand experienced in obtaining a non-immigrant tourist visa from the State Department to travel to the United States - or to reorganize their systems and processes, all of which constitutes the "patently frivolous," "fantastic, or delusional." See *Starrett*, 735 F. App'x at 170.

The first half of the claim is just quotes from *Starrett* with no attempt to indicate that *Starrett* applies to the current matter. Indeed the connection to *Starrett* is itself 'so attenuated and unsubstantial as to be absolutely devoid of merit'. It raises the question of whether USATXN has ever actually read *Starrett* rather than just

quoting the desired text without any consideration of its applicability.

The Starrett decision cited also includes the text 'this opinion should not be published and is not precedent' (as above) but there is no explanation about why Starrett is improperly cited rather than other decisions which might be applicable and intended to set precedent.

Starrett Decision Based Solely on Allegations, Not Relief

A more than superficial review of Starrett reveals:

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.

Indeed the conclusory descriptions of "patently frivolous," "fantastic, or delusional." make complete sense when citing the specific allegations from Starrett's complaint. It is important to note that Starrett has no references to the relief sought, only the allegations.

USATXN Argument E Incorrectly Cites Starrett Concerning Relief

The second half of USATXN's Argument E describes the relief sought. The summary itself mangles the relief sought by mixing up unrelated relief and by removing the separate relief requests from the underlying allegations which justify

the relief.

Indeed, the Plaintiffs believe that any complex legal argument could be made to appear "patently frivolous" if selected words and phrases are mixed up and restated with the intent of making the resulting jumble appear nonsensical (just jumble the words and phrases until you get the desired level of nonsense as USATXN seems to have done).

All this is improper though, as Starrett is only applicable to 'fantastic' allegations not the relief sought. The court is asked to ignore the second half of USATXN's Argument E to the degree that it addresses relief sought. Starrett was cited but does not apply to relief sought.

USATXN Does Not Specify Allegations Where Starrett Applies

However, USATXN does not tie the conclusory descriptions to any specific allegation (of which there are over 250 numbered allegations). The only reference to allegations (as in Starrett) is:

Plaintiffs' lengthy complaint appears to **infer conspiracy and false documents from administrative delays** without identifying a legal basis for the requested relief.²

Of course only the first 13 words of that sentence apply to allegations before USATXN starts the attack on the relief sought and only 8 words describe actual

² Bold added by Plaintiffs

allegations.

Those 8 words (bolded) do not seem to apply to any allegations in the complaint though some of the words are used in several allegations.

The Plaintiffs have been unable to find any reference to 'conspiracy' in the Complaint (search of document did not encounter that word). There were tangential references to RICO statutes which are more about corruption rather than 'conspiracy' and the question raised in the Complaint was whether threatening to fire a federal investigator (OIG staff) if they report a crime to DoJ constitutes a bribe (they get to keep their job if they obstruct justice). The Plaintiffs do not consider this question frivolous but rather an interesting legal question and it was stated as such.

Also, while there are numerous references to falsified government records in the Complaint, the Plaintiffs were unable to find any case these crimes were inferred from administrative delays.

USCIS Records Contradictory (Hence One or Both False)

There was the USCIS case where two or more records clearly contradicted each other, one claiming an interview (eight months previous) was canceled due to unforeseen circumstances (Doc 11-1 para 185, 10-6) and another (from the day after the interview) saying that both the I-751 and N-400 were approved (Doc 11-1 para 163, Doc 10-5).

The Plaintiffs inferred a contradiction based on the implications of each record, a canceled interview can not justify approving applications. However, once it is accepted that the documents contradicted each other, the conclusion that one or both is false is simple logic without any need for any inferences.

Congress has made it clear that false government records are a serious matter, a crime requiring only demonstration of intent. Further Congress has declared that taking action based on a false record is itself a crime.

This is problematic for government agents when they encounter two records which contradict each other, one of which must be false. It is arguable that the only action they can legally take is to identify and correct the false record, but this is also often beyond their authority, so Plaintiffs recommended solution is to report the contradictory records to their supervisor and / or IG and take no further action. USCIS agents do not follow this policy.

While the inference that those two records contradict each other is arguable, it is not based on any administrative delay. Also, every interaction with USCIS agents which the Plaintiffs spoke with consistently recognized that the N-400 interview on 30 Jan 2023 was completed and not canceled as stated in Doc 10-6.

DoS Records False Through Omission

There were also allegations of DoS falsifying records through the omission of required facts to support visa denials but this has nothing to do with administrative delays. Due process clearly requires a factual / evidence foundation for any Due

Process decision and this omission is cited as a plausible falsified record, but it has nothing to do with administrative delays, only a question of the requirements of Due Process. It is well established that visa denials must give both a statutory and factual basis for the decision but that has been discussed above.

USPS Has Extraordinary Falsified Record Problems

The Plaintiffs also cited a 2017 USPS OIG audit ([DR-AR-18-001](#), doc 18-7) where extensive problems were found. It stated:

[USPS OIG] analyze[d] ... 25.5 million scans and found that ... about 1.9 million scans (7 percent) were improper stop-the-clock scans that occurred at delivery units instead of at the delivery location.

This might be unclear to non-USPS personnel, so to clarify, the 'stop-the-clock scans' are the scanning of a package's bar code to record the final delivery time to the customer. The 'delivery units' means the Post Office where the delivery person received the packages to deliver. The delivery location is the customer's location or address. To restate:

USPS OIG found 1.9 customer delivery times recorded at the Post Office rather than the customer's delivery address.

To be clear, delivery scans can be made in the truck as long as the customer's address / house is in sight or even an easy walking distance away. However, it is never acceptable to scan as delivered a package while still at the Post Office and none of these 1.9 million packages were scanned at the customer's address.

So, USPS OIG found 1.9 million falsified delivery times out of 25.5 million.

Finding this many falsified records certainly qualifies as extraordinary when the usage of delivery times is considered.

It is unrefuted that cumulative delivery times in USPS are used for retention, promotion, and even bonuses for USPS personnel. It is also unrefuted that these cumulative delivery times are used in computing quality measurements for Congress and the public. Falsifying such important records certainly qualifies as a crime though it has nothing to do with administrative delays.

Refund Denied Through Falsified Records

Lastly, the reported delivery times are critical in making refunds to customers who have paid extra to get the insurance of 'guaranteed delivery' times.

In Doc 18-8 and Doc 18-9 there are clear USPS records that Mr. Carr was paid a refund to his credit card on 5 May 2021, but we have the sworn statement of Mr. Carr that his credit card never reflected the credit and that numerous efforts to get the transaction ID of the credit were unsuccessful.

It is not unreasonable to assume that unless USPS is able to provide the transaction ID of the purported credit, then there are faulty business processes within USPS which do not correctly record expenses and payments, another and, perhaps, a more serious example of falsified records.

However, none of such falsified refunds are due to administrative delays. It

appears that USATXN has again taken words and phrases from a legitimate complaint and mixed them up in a jumble until they are nonsense.

It does leave the Plaintiffs with a dilemma. How can they respond to claims made based on Starrett when there are no clear references to any specific allegation?

USATXN Requested to Withdraw Argument E

USATXN is asked to withdraw in its entirety USATXN's Argument E as it is founded on Starrett but does not reference any identifiable section of the actual complaint.

The court is asked to ignore all references to Argument E in the Defendants Motion to Dismiss as the argument does not refer to the Complaint in any recognizable fashion.

The Complaint has numbered allegations of manageable size (over 250) and if USATXN had thought any specific allegation or group of allegations were "patently frivolous," "fantastic, or delusional." they could have been cited by number.

If USATXN attempts to clarify Argument E in USATXN's Response, the Court is asked to ignore all such clarifications as the Plaintiffs have had no opportunity to counter any legitimate concerns which USATXN may have been trying to express. USATXN can properly address his concerns in any Answer which will likely refer to each and every specific allegation.

Further, if USATXN does not unequivocally withdraw Argument E in his response, the court is asked to consider issuing an Order to Show Cause for Sanctions under Civil Rule 11(b) and (c).

The Plaintiffs are not filing the normal 11(c) motion for sanctions because USATXN has not had prior notice of the 11(b) complaint and it is expected that the matter can be simply and properly resolved with USATXN withdrawal of Argument E. Further, no serious sanction seems justified beyond admonishing USATXN to not repeat such behavior in the event USATXN does not withdraw Argument E.

Unjustified Dismissal With Prejudice

USATXN is also requested to replace the Word Document emailed to the Court chambers which states 'WITH PREJUDICE'. There is nothing in the Motion to Dismiss papers to justify 'WITH PREJUDICE' and the only reference to prejudice in the Motion papers says 'without prejudice'. This is almost certainly a typographical or clerical error of no importance, but it should be corrected with USATXN's response.

Conclusion

The Defendants' Motion to Dismiss should be denied and the court should consider what immediate relief is appropriate considering the included Motions for Partial Summary Judgment.

Motion to Amend Complaint

This Motion is timely according to [FRCP Rule 15\(a\)\(1\)\(b\)](#) as it is submitted within 21 days after service of a motion under Rule 12(b). Such motions are normally granted as a matter of course.

The revised Complaint includes changes to correct clerical and typographical errors, e.g. correct addresses for Department of State (DoS) and Council of the Inspectors General on Integrity and Efficiency (CIGIE).

The revised Complaint also has changes to conform to the evidence, i.e. corrections to the description of Exhibits which were added to the record after redacting the final version of affirmations offered to the DoS in 2017 and 2018 (Docs 12-3 and 12-4 as referenced the Revised Complaint Doc 18-1 para 64, 89, 98, and 103 and Doc 18-2 and Doc 18-1 para 89).

There are also additions of affirmations to verify the complaint such that each allegation and claim is true to the best of the knowledge of each Plaintiff and each submitted document is true and accurate as described.

The revised Complaint also has updates made in response to Defendants' Motion to Dismiss adding appropriate citations and clarifications.

The numbered paragraphs, allegations and reliefs, have retained the numbers from the original complaint.

Attached as Exhibit 1 (Doc 18-1) is the resulting Complaint to be used in the event the Motion to Amend is granted.

Attached as Exhibit 2 (Doc 18-2) is a modified Complaint which shows the original complaint along with changes in green showing the old text (struck out) and new text.

Attached as Exhibit 3 (Doc 18-3) is a proposed Order granting the Motion to Amend and Motion for Summary Judgment.

The Plaintiffs ask that the court grant the Motion to Amend the Complaint.

Motion for Partial Summary Judgment

The court is asked to grant Partial Summary Judgment to:

Order the SSA Commissioner and any successors to conduct a hearing to consider Mrs. Von Kramer's 'lawful presence' status based on the three years (2019, 2020, and 2021) when she was improperly denied the ability to demonstrate her sincere desire to establish enduring ties to the U.S..

Order the USCIS Director and any successors to provide Mrs. Carr with:

- Proof of her permanent residence status (A.K.A. 'green card') until Mrs. Carr can apply for and receive her U.S. passport,
- Schedule and accept Mrs. Carr's 'Oath of Allegiance' and provide Mrs. Carr

with her Naturalization Certificate

Mrs. Von Kramer 'Lawful Presence'

SSA payments of survivor's benefits (widow's benefits) are restricted for foreign nationals who live overseas.

The basic restriction is that the applicant must be legally present in the U.S. for a full calendar month before they can apply for benefits. In turn, if they leave the U.S. for six months or more payments will be stopped. To reinstate payments they must be legally present in the U.S. for a full calendar month. The rules are actually more complex than this, but the basic requirement is that Mrs. Von Kramer visit the U.S. at least every six months or so and stay for longer than a month.

An exception is granted to surviving spouses who have established a 'lawful presence' in the United States with five years of demonstrated enduring ties to the United States. The requirements for these lawful presence visits are also complex and ambiguous (to the Plaintiffs) and there used to be the unusual requirement that for a visit to count for 'lawful presence' it must be longer than one day and shorter than 30 days (and not a full calendar month). A stay for an entire year was also counted. In [SSA POM RS 02610.025](#) 5-Year Residency Requirement for Alien Dependents/Survivors Outside the United States (U.S.), the current requirements have been clarified to focus on 'demonstrate enduring ties to the United States'. Lawful presence trips can not just be for shopping or visiting relatives.

It is clear why visits of a month are not counted for lawful presence as it is

assumed the purpose of these visits are to qualify for payments.

The result is that as long as Mrs. Von Kramer is in good health and able to travel, she should make two longer visits to the U.S. (more than a month in length and less than six months apart) and one short visit (less than a month, ideally about 14 days) each year. The requirement for a short visit appears to be most easily met by Thais through a very short visit to Mexico or another nearby country to break a very long visit into a long and short visit according to SSA regulations. The new rules could make the very short visit to a nearby country unnecessary, but the Plaintiffs are not SSA attorneys.

It is important that Mrs. Von Kramer establishes her lawful presence while her health is good as there is a likely unintended consequence that if her health declines and she is unable to travel, her SSA payments will stop, possibly when her need is greatest.

This is not only demanding financially and physically (12 hour time zone change, 24 hour or longer flights) on Mrs. Von Kramer, it also places some tedious and time consuming record keeping demands on the SSA.

The requested relief would not alter the amount paid by SSA to Mrs. Von Kramer, but it could reduce the SSA verification requirements. Each of Mrs. Von Kramer's visits must be confirmed with two face to face meetings (one to confirm arrival and a second to confirm still present) along with record checks with other DHS agencies (CPB) to verify her lawful status for the duration of each visit.

This court is asked to review the affirmations which Mr. Carr and Mrs. Von Kramer provided to DoS in 2019 (Doc 12-4). The referenced numerous deeds, titles, diplomas, pay stubs, bank statements, and pictures of houses, car, family, and pets can be made available to the Defendants and court on request, but they are in Thai so that translation and redaction are problematic.

If the court concludes that Mrs. Von Kramer is a conscientious and lawful person who would not overstay any tourist / business visit, then the court can simply conclude that Mrs. Von Kramer should have been given the chance to demonstrate her sincere desire to 'have an enduring and close attachment to the United States for at least 5 years'. The court would only require the SSA to consider whether the improperly withheld visas were relevant in demonstrating her enduring ties to the U.S. It would be up to Mrs. Von Kramer to demonstrate that she has developed the required enduring ties to the U.S..

The evaluation of Mrs. Von Kramer lawful presence status would remain absolutely with the SSA.

Mrs. Carr Receives Certificate of Naturalization

It is an undisputed fact that on 31 Jan 2023 USCIS issued a Final Decision that Mrs. Carr's I-751 application (Permanent Residence Card or 'green card') and N-400 application (Certificate of Naturalization) were both approved.

It is also undisputed that since Nov 2022 USCIS has not provided Mrs. Carr with the statutorily mandated proof that she can work and travel freely.

It is also undisputed that Mrs. Carr was stranded in Thailand in 2022 as a result of USCIS failure to abide by clear and specific statutory mandates.

It is also undisputed that to date USCIS has not provided Mrs. Carr with any clear and understandable proof that she is permitted to work and travel freely at this time.

While this court can reach the conclusion that Mrs. Carr is in the U.S. legally by considering the various documents in this matter, it is not clear that she could convince a Texas vigilante under Texas Bill SB4 or a National Guardsman sent from Wyoming to deport illegals who are 'poisoning the blood of our nation' (promised by a current Presidential candidate) that she is in the U.S. legally. Indeed every person of Hispanic or Asian heritage has cause to be concerned.

These are extreme times that we are living in and it is not unreasonable for this court to order USCIS to abide by its Final Decision on 31 Jan 2023 and provide Mrs. Carr with the promised 'green card' and Certificate of Naturalization as soon

as possible (and hopefully before she is illegally deported without cause or due process).

While there are numerous other issues in this matter which require careful and deliberate consideration, these two orders are requested in a timely fashion by granting the Motion for Partial Summary Judgment.

Conclusion

This court is asked to deny Defendants' Motion to Dismiss and grant Plaintiffs' Motion to Amend the Complaint and Motion for Partial Summary Judgment granting an order to SSA to consider Mrs. Von Kramer five year lawful presence and orders to USCIS to properly implement the Final Decision of 31 Jan 2023.

Respectfully submitted,

Verification of Response and Motions

We the undersigned Plaintiffs hereby affirm under penalty of perjury in both the United States and Thailand that as individuals:

1. I have reviewed the above response and motions and believe all of the allegations 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 to remove sensitive personal information according to normal redaction procedures.

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

/s Air Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061
Date: 28 Mar 2024
Location: Irving, Texas

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061
Date: 28 Mar 2024
Location: Irving, Texas

/s Buakhao Von Kramer

Buakhao Von Kramer
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140 THAILAND
Date: 28 Mar 2024
Location: Irving, Texas

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 were enrolled in the court’s electronic case filing (and service) system.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

CERTIFICATION OF ELECTRONIC SIGNATURES

In accordance with TXND 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 after having provided them with the relevant sections of the document in English and translated into Thai (relying on Google Translate). We then discussed the documents in English (as Google Translate does always provide meaningful translations) and the only concerns about accuracy was Mrs. Von Kramer's concern that the document specifies precise dates and times for the various visa interviews and she really does not remember that level of detail about those events (several years ago).

I assured Mrs. Von Kramer that the dates and times were established from the electronic records of the appointment (e.g. the official appointment document to allow applicant entry into the consulate) which I had retained. I explained that her signature does not indicate she remembers the interviews being on that date at that time but rather that she has no knowledge or recollection to the contrary. She does remember interviews of that nature in that time frame.

In turn, I must qualify that almost none of the details in this now sworn statement (no longer allegations) were based on my recollection but rather careful review of electronic records which I have retained and maintained and which I believe to be accurate.

Is Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 28 Mar 2024
Location: Irving, Texas