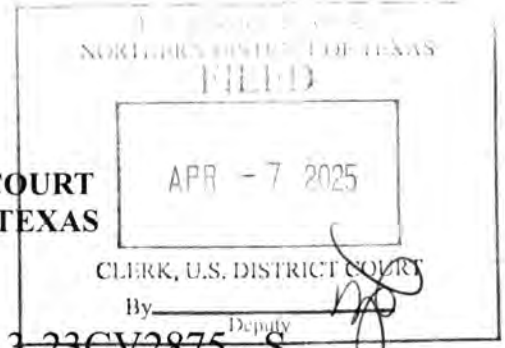


**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**



Civil No. 3-23CV2875 - S

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

Amended
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, 42 USC Ch. 21B and the Administrative Procedure Act (APA, 5 USC §§ 551-559, 5 USC § 702), as a case arising under 18 USC § 1001, 18 USC § 1505, 18 USC §

1510, 18 USC § 201, 18 USC Ch 96 (RICO), 18 USC § 1038 18 USC § 10, 5a USC IG ACT 1978, 39 USC, 8 USC Ch 12, 8 CFR § 216.4, 5 USC § 2302(b)(9)(D), 8 USC § 1421(c) 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:

The Executive Office
Office of the Legal Adviser, Suite 5.600
600 19th Street Ste 5, Suite 5 600, NW
Washington, D.C. 20522

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
1750 H Street NW Suite 400
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 improper '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 improper '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 improper '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 improper '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 improper '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. improper '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 improper '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) [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'.
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 started with dual affirmations for Mr. Carr and Mrs. Von Kramer (affirmed under penalty of perjury) with descriptions of the other 'exhibits' which included:
 - o 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 and return flights for Mrs. Von Kramer after a 14 day stay (longer than the 1 day minimum requirement and shorter than the 30 day / full month maximum for a 'lawful presence' visit as described in the affirmations).

- An email from Mr. Carr inviting Mrs. Von Kramer to stay at their house during her visit to the U.S..
- Previously Mr. Carr had provided Mrs. Von Kramer with a statement from one of Mr. Carr's retirement accounts showing over \$400,000 in assets (signed by Mr. Carr), but as this ran to over ten pages it was decided to not include it in the packet and rely on the substantial savings Mrs. Von Kramer demonstrated below. Instead the focus would be on the accommodations and opportunities for service and volunteering and other 'lawful presence' activities described in attachments to the invitation email
- 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 (prime 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 ensured 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 to 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. See [SSA POM RS 02610.025 5-Year Residency Requirement for Alien Dependents/Survivors](#)

Outside the United States (U.S.)

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).

140.46 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). This delay in scheduling the I-751 interview is a direct violation of 8 CFR Section 216.4(b)(1) which states:

... The director must either waive the requirement for an interview and adjudicate the petition or arrange for an interview within 90 days of the date on which the petition was properly filed.

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 2023, 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, USCIS stopped waiving of the interview for an I-751 application even though these waivers were mandatory in accordance with 8 CFR Section 216.4 (b) which states:

“The director must either waive the requirement for an interview and adjudicate the petition or arrange for an interview within 90 days of the date on which the petition was properly filed.”

The unlawful elimination of waivers (previously about 90% had been waived) created an explosion in the unlawful queue for I-7171 interviews for USCIS which already had an illegal 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. Instead of adding more resources to conduct the expanded interviews with the collected fees, USCIS just illegally stopped conducting interviews which, along with the illegal termination of the mandated waivers, added to the explosion of the illegal queue for I-751 interviews.

Executive Discretion gives wide latitude to the executive branch but this does not extend to explicitly prohibited behavior when there are legal options available such as using the collected fees for their specified purpose of granting waivers and conducting interviews. As cited above, USCIS was explicitly required to grant a waiver or schedule the interview and adjudicate the I-751 within 90 days of the acceptance date of the I-751 in 8 CFR Section 216.4(b)(1).

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 and later activity in the N-400 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 though this option

may be deferred during non-business hours and holidays.

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 9 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.

In the event that this court determines that it does not have jurisdiction to fully order the implementation of the Final Decision of 31 Jan 2023 approving both of Mrs. Carr's I-751 and N-400 applications, the court is asked review the Denial of Mrs. Carr's N-400 application on 14 Oct 2024 'de novo' per 8 USC section 1421(c).

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. They are also in direct violation of the waiver or interview within 90 days requirement explicitly stated in 8 CFR Section 216.4(b)(1) and cited above.
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 illegal 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 up to 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 applicants who did not provide such access though the delay in the scheduling of an interview is restricted to 90 days in 8 CFR Section 216.4(b)(1) in all cases.
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, concerns 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 the threat of prosecution should 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,

Verification of Complaint

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 allegations 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.

Is Brian P. Carr

Is Air Carr

Brian P. Carr
 1201 Brady Dr
 Irving, TX 75061
 Date: 27 Mar 2024
 Location: Irving, TX

Rueangrong Carr
 1201 Brady Dr
 Irving, TX 75061
 Date: 27 Mar 2024
 Location: Irving, TX

Is Buakhao Von Kramer
2/29/24 2024 03 27 10

Buakhao Von Kramer
 105 - 3 M 5 T YANGNERNG
 SARAPEE, CHIANG MAI 50140 THAILAND
 Date: 27 Mar 2024
 Location: Irving, TX

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.

Is 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

Dear Sir:

I apologize for any confusion that may have occurred due to my misunderstanding of American law and the judge's previous ruling on this matter. I agreed that my husband, Brian, should sign the amended petition on my behalf electronically on March 27, 2024, but the judge appears to have questioned my signature in her ruling on February 27, 2025. I signed the attached amended petition above my name to state my intentions on March 27, 2024.

On April 22, 2024, the judge ordered the "plaintiff" to file this amended petition without any changes by April 30, 2024, and my husband filed the amended petition on April 23, 2024. However, in the judge's ruling on April 27, 2025, she stated that the court could not assist me with this issue. I do not know why, but I would like the assistance described in the amended petition. I have personally signed the attached amended petition to indicate that I would like the assistance requested.

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

Dated: 23 Mar 2025

Location: Irving, TX

AIR Carr

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

in both the United States and Thailand.

Dated: 23 Mar 2025

Location: Irving, TX

AIR CARE

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

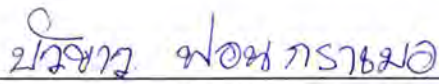
The help I am requesting from the court

1. I want the court to notify the Social Security Administration that I should receive credit for the three years I was barred from entering the United States, which should count towards my “long and close relationship with the United States.”
2. I would like to travel to the US on a more flexible schedule, sometimes staying longer and not traveling as often. Thailand's time zone is 12 hours ahead of the US. Traveling can cause severe jet lag, which can take up to two weeks to recover from.
3. I would like the option to work in the US for a while. I can apply for a permanent resident visa and a green card because my sister is a US citizen, but the waiting list is quite long and it can take up to four years to get a green card. I may be too old to travel and work when I get my green card. I would be very happy if the court could order the Immigration Bureau to grant me a permanent visa sooner.

Any assistance the court can provide in these matters would be greatly appreciated.

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

Dated: 24 Mar 2025
Location: เชียงใหม่ Thailand



Buakhao Von Kramer
BualhaoVonKramer@gmail.com
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND



ใบสำคัญการสมรส

แสดงว่า

นายนิโครเลาส เฟรดริช ออดโต ฟอน กราเมอ

กับ

นางบัวขาว บุญนำ


ได้จดทะเบียนสมรส

ณ สำนักทะเบียน อำเภอเมืองเชียงใหม่

จังหวัด เชียงใหม่

เลขทะเบียนที่ ๕๘๘/๗๒๘๑๔

เมื่อวันที่ ๑๒ เดือน กรกฎาคม พ.ศ. ๒๕๔๕


 (นางสัชชรา เกษศิริ)
 ปลัดอำเภอ (เจ้าหน้าที่รับผิดชอบ) 7/ ราชการแทน
 นายทะเบียน

490046454



U.S. Department of State
REPORT OF DEATH OF A U.S. CITIZEN OR U.S. NON-CITIZEN NATIONAL ABROAD

Chiang Mai, Thailand
 Post

07-29-2014
 Date of Issue (mm-dd-yyyy)

SSA No. 453-84-2615

Name in full Nikolaus Friedrich Otto Von Kramer Age 69

Date (mm-dd-yyyy) and Place of Birth 11-19-1944 Germany

Evidence of U.S. Citizenship Regular Passport #488632595 Issued On January 14, 2014

Address in U.S.A. 2307 Townes Lane, Austin, Texas

Permanent or Temporary Address Abroad 105/3 M.5, T. Yangnerng, A. Sarapee, Chiang Mai, Thailand

Date of death April 26 08 00 2014
 Month Day Hour Minute Year

Place of death 105/3 M. 5, T. Yangnerng, A. Sarapee Chiang Mai Thailand
 Number and street, or Hospital/hotel City Country

Cause of death Aspiration of food, according to Thai Death Certificate no 01-507308833 Issued By The Yangnerng
 Including authority for statement - if physician, include full name and official title, if any.

Municipal Office On April 28, 2014.

Disposition of the remains Cremation at the Sri Photaram Crematorium, T. Yangnerng, A. Saraphee, Chiang Mai, Thailand

Local law governing disinterment of remains provides that Not applicable

Disposition of the effects With wife, Buakhao Von Kramer.

Person or official responsible for custody of effects and accounting thereof Buakhao Von Kramer

Von Kramer
 (Last name)
 Nikolaus
 (First name)
 Friedrich Otto
 (Middle name)
 04-26-2014
 (Date (mm-dd-yyyy) of death)

Traveling/residing abroad with relatives or friends as follows:

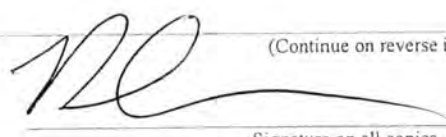
NAME	ADDRESS	DATE (mm-dd-yyyy) NOTIFIED
Buakhao Von Kramer	105/3 M.5, T. Yangnerng, A. Sarapee, Chiang Mai 50140, Thailand	

NAME	ADDRESS	DATE (mm-dd-yyyy) SENT
Buakhao Von Kramer	105/3 M.5, T. Yangnerng, A. Sarapee, Chiang Mai 50140, Thailand	07-29-2014

Notification or copy sent to Federal Agencies: SSA VA CSC Other State Of Texas
 State Agency

The original copy of this document and information concerning the effects are being placed in the permanent files of the U.S. Department of State, Washington, DC 20520.

Remarks:


 (Continue on reverse if necessary.)
 Signature on all copies.

[SEAL]

Russell C. Headlee, Vice Consul of the United States of America.

ที่บันทึก
ตราไปรษณียากร

SENDER

BUAKHAO VONKRAMER
105/3 SRIPHOTHARAM
SOI SUKHAPHIBAN 28
YANGNEUNG SARAPEE CHIANG MAI
THAILAND 50140

RECEIVED - 5

APR - 7 2025

MAILROOM

ชื่อและที่อยู่ผู้รับ

RECEIVER

Northern District of Texas
Federal Court Clerk 1100
Commerce St., Room 1452
Dallas, Texas 75242
United States

รหัสไปรษณีย์

Five empty rectangular boxes for postal sorting.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS**

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs</p> <p style="text-align: center;">versus</p> <p>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</p>	<p style="text-align: center;">Civil No. 3-23CV2875 - S</p> <p style="text-align: center;">Verified¹ Consolidated² <u>FRCP Rule 60</u> Motions for <u>LR 7.1</u>, <u>LR 7.2</u>, and <u>LR 11.1</u> Relief</p> <p style="text-align: center;">Certificate of Conference - OPPOSED</p>
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FRCP Rule 60 Motions for LR 7.1, LR 7.2, and LR 11.1 Relief

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2 These consolidated motions are actually a consolidation of three groups of motions seeking LR 7.1, LR 7.2, and LR 11.1 relief. Each group is requesting relief for the four proposed motions as well as this matter as a whole. The result is a consolidation of 15 motions.

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Introduction

The Plaintiffs each apologize to the court for not raising objections to the Recommended Findings of 26 Feb 2025 (ECF 61) earlier but we were surprised by the exclusion of Rueangrong Carr (hereafter Air which is her nickname) and Buakhao Von Kramer (Buakhao) at this late date (suit filed on 28 Dec 2023 with original signatures for all Plaintiffs, ECF 3). As Buakhao's legal residence is in Thailand and she was residing at her Chiang Mai residence on 26 Feb 2025, it has taken us some time to coordinate a response.

Summary

LR 7.1, LR 7.2, and LR 11.1 Relief

The Court is asked to rescind its order dismissing all claims (without prejudice) and grant the Plaintiffs time to file two Amended Complaint and other Motions as well as relaxing the page limit restrictions of LR 7.2 in this matter for any motion which broadly deals with more than two counts (there are nine now) or more than ten reliefs (there are 56 now).

In addition we are seeking LR 7.1 relief providing additional time to respond when any litigant is overseas and LR 11.1 guidance from the court on how pro se plaintiffs can collaborate and electronically file a paper with the electronic signatures of multiple parties.

Motion to Fully Contest the Order Dismissing This Action

There are numerous errors in the Findings and Recommendations the most serious of which results in the removal of two Plaintiffs, Mrs. Carr and Mrs. Von Kramer from the matter without consulting them or giving them any opportunity to be heard. A few of these errors will be briefly discussed in this motion but to really adequately address the errors an exception to LR 7.2(c) page limitations is required. There are 56 reliefs requested in the Amended Complaint and none of them were properly addressed in the Findings and Recommendations of 26 Feb 2025 (ECF 61) or the Order of 21 Mar 2025 (ECF 62). The Order improperly dismissed all 56 reliefs. We will submit an opposition motion which will discuss all 56 reliefs covering the standard topics of 'stating a claim', 'sovereign immunity', 'executive discretion' and, as appropriate, the 'Doctrine of Consular Non Reviewability' (DoCNR).

28 USC § 455 Motion for Recusal of Magistrate Rutherford

An additional motion will be presented asking that a different Magistrate be assigned to this case to avoid the appearance of bias or impropriety. Magistrate Rutherford appears to have collaborated with Defendants to defer the matter until they could ameliorate their constitutional and criminal violations. Each or the errors discussed in the previous motion will be discussed along with the apparent coordination of the defendants to ameliorate their errors in February of 2025 which also coincided with the courts improper termination of this matter.

Further, we request a review of Magistrate Rutherford's decision to not issue an 'Order to Show Cause' for sanctions for serious of allegations of criminal falsification of government records to trick the Plaintiffs and delay the proceedings, flagrantly violating Texas Disciplinary Rules of Professional Conduct (ECF 30-2) TDRPCE Rule 4.01 'Truthfulness in Statements to Others' and 18 USC § 1001 (falsification of government records).

Third And Fourth Amended Complaints

We would like to add new Defendants of the Internal Revenue Service (IRS) and The Treasury Inspector General for Tax Administration (TIGTA) as well as new Plaintiffs, my wife's sons Rujipas Lawichai and Tanapon Lawichai.

Further relief is sought of providing us with meaningful results from FOIA requests for both individual records and cumulative data. Many of these FOIA requests have been pending or 'in process' for over two years.

The Fourth Amended Complaint will reference separate affirmed briefs for every relief (including the new reliefs) with discussions of 'stating a claim', 'sovereign

immunity', 'executive discretion' and, as appropriate, the 'Doctrine of Consular Non Reviewability' (DoCNR).

Anticipated Other Amended Complaints

Once the results of the various FOIA requests for cumulative data are made available to the Plaintiffs, the Plaintiffs anticipate adding new Plaintiffs as a class action suit with the assistance of legal aid organizations such as National Immigration Litigation Alliance which was awarded costs in [Garcia Perez v. USCIS, No. 2:22-cv-00806 \(W.D. Wash., filed June 9, 2022\)](#) where USCIS agreed to revise its Employment Authorization Documents (EAD) administrative procedures to comply with clear and specific statutes and constitutional due process.

FRCP Rule 60 Motion for LR 7.2 Relief is Timely

Order of 21 Mar 2025 (ECF 62) Was Premature

[FRCP Rule 60](#) states:

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

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

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

This motion is within the required time [FRCP Rule 59\(b\)](#) which clearly is a reasonable time for a [FRCP Rule 60](#) motion.

The order of the court on 21 Mar 2025 (ECF 62) finding that 'No objections were

filed.' and accepting the Recommendations of 26 Feb 2025 (ECF 61) was premature as we had not had enough time to respond.

Mrs. Carr's Response to the Recommendations of 26 Feb 2025 (ECF 61)

We were in the process of preparing our concerns to the recommendations of the court of 26 Feb 2025 on 21 Mar 2025. My wife completed her requests to the court on 23 Mar 2025 with my clerical assistance in translating, printing, and mailing.

ECF 64 is my wife's request to the court to remain in this suit in the first two pages (original signature on the first page on 23 Mar 2025) with a signed copy of the current Amended Complaint (ECF 29) with her physical signature on page 58 in an effort to comply with the court's Orders on 22 Apr 2024 (ECF 26).

ECF 65 is a request for assistance from my wife listing her experiences and the relief she is most focused on. It is signed on page 13. Both were filed on 28 Mar 2025

Mrs. Von Kramer Also Responded

I also assisted Buakhao in preparing a request to remain in the suit, but she was in Thailand making coordination more difficult and I forgot that she does not have experience with clerical work. Her signed copy signed copy of the current Amended Complaint (ECF 29) with her physical signature on page 56 was filed on 7 Apr 2025 as ECF 66. I was not able to print and mail the papers for Buakhao as she was in Thailand so that other papers we wanted to include with original signatures did not get in the packet mailed to the court.

Attached as ECF 67-4 is an unsigned electronic copy of Buakhao's request for assistance listing her experiences and the relief that is most important to her. The signature page for that document was included as in ECF 66 as page 60.

Attached as ECF 67-5 is a short electronic document which is Buakhao's request that the Amended Complaint be filed with her original signature. The signed version of that document did not get into the packet

.It should be noted that the postage on her legal papers was almost \$50 (1,700 Thai Baht) making some alternative desirable.

Request for Leave to File Four Additional Motions for Relief

We are seeking permission to file four subsequent motions for relief each of which would, with the court's permission, represent all three Plaintiffs (or perhaps five for the last Amended Complaint). The motions would:

- Identify and analyze errors in the decision. These are quite numerous and an overview of the problems for a few of these errors will be included later in this motion.
- Asking Magistrate Rutherford to consider recusal under [28 USC § 455](#) to avoid the appearance of bias based on:
 - ◆ delaying the case and any decision until Air became a citizen,
 - ◆ coordinating the change in AUSA representative with an early rejection of a Motion for Partial Summary Judgment and forcing a new Motion to Dismiss with the forced filing of an Amended Complaint,
 - ◆ improperly removing two Plaintiffs without proper justification and almost an entire year after the purported error occurred, and
 - ◆ the numerous other errors which create the impression that Magistrate Ruthford is not impartial but instead representing the government

The timing of various decisions by the court create the appearance of back channel communication (likely between the court and government clerks) and, to a certain extent, collusion with the government.

As Judge Scholer has had so little involvement in the case, there is not sufficient basis for the appearance of bias. She can recuse or not based on her own judgment.

- Leave to file two Amended Complaints. The first which must be filed within four months which would:
 - ◆ add new Defendants of the IRS and TIGTA
 - ◆ add two new Plaintiffs who are Air's sons, Rujipas Lawichai (hereafter Tin which is his nickname) and Tanapon Lawichai (hereafter Earth which is his nickname). Earth has not been mentioned previously in this matter, but he is a Sergeant and trainer in the Thai Artillery who would like to enlist in the U.S. Army if possible. Of course there must be physical signatures for Earth and Tin
 - ◆ add all the pending FOIA requests previously submitted by myself which have not been answered as yet with distinct reliefs for each.
- The next Amended Complaint must follow within two months and would add references to the appropriate topic based briefs submitted previously as well as updates such as acceptance notices for I-130 Petitions for Alien Relatives and queue status.

Exception to LR 15.1 Requested for later Amended Complaints

It is unusual to seek leave to file an Amended Complaint without also submitting the proposed Amended Complaint as an attachment (see LR 15.1 Motions to Amend), but in this case the entire Amended Complaint was dismissed without prejudice. We are seeking additional time to submit new Amended Complaints

which will correct all the defects cited by the court. It would simply increase delays and administrative overhead to file a new suit with the same Plaintiffs and Defendants and then include in the record the numerous documents which have been presented to the court in this matter.

LR 7.2 Relief, Relaxed Restrictions on Page Limitations

For motions in this matter which cover broad topics, we would like to eliminate the page limit restrictions as well as permitting the use of topic related briefs which can be referred to by any motion. The elimination of page limit restrictions could be triggered for any motion that discusses more than two counts (there are now nine) or more than ten reliefs (there are now 56).

All parties should be able to submit separate Briefs dealing with general topics such as "Sovereign Immunity 'Credit for Future Services' comparison to 'Cash Payment'". There also could be separate briefs for select groups of 'Credit for Future Services' briefs (for a specific defendant) showing how the general topic applies to the specific defendant.

The 'Credit for Future Services' is a good example of a topic that needs to be fully analyzed as it appears to be a novel legal theory to supplement the current and incomplete understandings of 'Sovereign Immunity'.

These same briefs would be used across all future motions so that each motion itself can be more clear, concise and persuasive. Each stand alone brief is expected to mostly be between 2 and 8 pages each. There are expected to be about 20 of such briefs. With the fourth amended complaint requested it is expected that these briefs will be referred to in the complaint itself.

With such stand alone affirmed briefs covering 'State a Claim', 'Sovereign Immunity', 'Executive Discretion', and 'Doctrine of Consular Non Reviewability' (DoCNR) then it should be possible to address the 9 (and later 11) counts in less than 15 pages each for a total of less than 150 pages (possibly significantly less, maybe even 75 if I have time to get really clear and concise).

However, considering the alternative of 56 (or even 168) motions of 25 pages each (1400 pages or more) to independently address each of the reliefs sought, each making the same arguments with no reference to other motions, the record would be exceedingly unwieldy and needlessly repetitive.

I am certain that even if all the stand alone affirmed briefs were added together with the page count for each of the consolidated motions, it would not even get close to 1,400 total pages for separate motions for each relief.

LR 7.1 Relief, Additional Time to Respond

In those cases where a physical signature is required of a party and the party is currently outside the country, the court is asked to extend filing requirements by one month. Buakhao's copy of the Amended Complaint with her physical signature was delayed in customs for over a week and it is unknown how long the delay will be when customs is tasked with imposing tariffs on all incoming shipments of goods (though not legal papers at this time).

Further, Earth has recently been deployed to a new location in Thailand. It is likely close to Cambodia due to the increased military tensions between Thailand and Cambodia (according to the press), but such deployments are always classified

/ sensitive so we can not expect to know the actual location. However, when Earth is deployed in this fashion it is also not clear how the court or other parties can contact him.

We request that after Earth has joined this matter, any of the Plaintiffs be able to file a notice to any motion paper or order of the court informing all parties that Earth is deployed and deferring any response from Earth until such time as Earth can be contacted and can respond.

LR 11.1 Relief For Pro Se Plaintiffs to Affirm Signature of Another TXND Local Civil Rules LR 11.1 does not provide any method for a pro se plaintiff to file an electronic document and also certify the signature of another person (the text of the rule is listed below with a full analysis). Indeed Air and Buakhao have / are filing two additional copies of the Amended Complaint (ECF 29 and 64) as the court questioned their signatures in the Recommendations of 27 Feb 2025 (ECF 62).

Later in this motion it is argued that multiple pro so litigants can join together in a single combined complaint, but the court is asked to provide a mechanism for one plaintiff to certify the signature of the other plaintiffs.

Specifically, we ask that with the explicit concurrence of the other Plaintiffs and the Court, that any plaintiff be able to electronically sign papers for the other Plaintiffs based on their affirmed agreement. We could also keep and / or attach excerpts from our Line (a messaging app popular in SE Asia) chat sessions according to the wishes of the court.

Improper Removal of Plaintiffs Without Due Process

FRCP Rule 11(a) Does Not Apply

Magistrate Rutherford incorrectly applied FRCP Rule 11(a) requirement that each pleading be signed by at least one party to the Amended Complaint (ECF 29) to justify removing two Plaintiffs from the matter without any justification.

Magistrate Rutherford incorrectly cited FRCP Rule 11 with:

[FRCP Rule 11] requires that every pleading, motion and other paper must be signed by an attorney or by a party personally if the person is unrepresented.

However, FRCP Rule 11(a) actually states:

(a) Signature. Every pleading, written motion, and other paper must be signed by **at least one** attorney ... or by a party personally if the party is unrepresented. ... The court **must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.**³

Magistrate Rutherford alters 'at least one' to instead be 'an' and ignores the singular nature of 'a party' and 'the party'. Only one party to a suit must sign a paper to be properly submitted to the court and included in the record.

Further, notice must be provided to the party before the remedy of striking the document can be applied.

Mr. Carr Properly Signed the Amended Complaint Electronically

While only one party needs to sign a paper for submission to the court, Mr. Carr

³ Bold added by Plaintiffs

did, in fact, properly sign the proposed Amended Complaint (ECF 18-1)

FRCP Rule 5(d)(3)(C) states:

- (d) Filing. ...
- (3) Electronic Filing and Signing. ...
- (C) Signing. A filing made through a person's electronic-filing account and authorized by that person, together with that person's name on a signature block, constitutes the person's signature.

ECF 18, 18-1, and 29 were all submitted electronically by Mr. Carr via his ECF account and have his signature block. See ECF 29 page 56. As such, Mr. Carr had signed each document on submitting them to ECF.

Mrs. Von Kramer and Mrs. Carr Signed the Amended Complaint

TXND Local Civil Rules LR 11.1 states:

- (a) What Constitutes Electronic Signature. [REPEALED]
- (b) Requirements for Electronic Signature. [REPEALED]
- (c) Certification of Signature of Another Person. By submitting a document by electronic means and representing the consent of another person on the document, **an attorney** who submits the document certifies that the document has been properly signed.
- (d) Requirements for Another Person's Electronic Signature. **An attorney** who submits a document by electronic means that is signed by another person - including by a moving party under LR 40.1 – must:
 - (1) include a scanned image of the other person's signature, **or represent the consent of the other person in a manner permitted or required by the presiding judge**; and
 - (2) maintain the signed paper copy of the document for one year after final disposition of the case.

With the original Complaint, there was no problem as the Complaint included the

actual physical signature of all Plaintiffs (ECF 3, pages 54 and 55). However, with the proposed Amended Complaint (ECF 18-1), electronic signatures were required, but the local rules provided little guidance. LR 11.1 appears to only provide the requirements for an attorney without any guidance for a pro se party.

As such, Mr. Carr attempted to ‘represent the consent of the other person in a manner permitted or required by the presiding judge’ with an affirmed statement made under penalty of perjury that:

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). ...

When the court granted leave to submit the Amended Complaint, Mr. Carr assumed that his representation of the consent of the other parties was sufficient.

Mr. Carr Ordered to File the Amended Complaint Violating Local Rules

The proposed Amended Complaint (ECF 18-1) was submitted as an attachment to ECF 18, Motion for Leave to Amend, which was submitted by Mr. Carr on 28 Mar 2024 with his electronic signature correctly included. However, instead of notifying Mr. Carr of any perceived defects in the proposed Amended Complaint, Magistrate Rutherford instead ordered in ECF 26 (dated 22 Apr 2024):

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

with a footnote that ordered:

Plaintiffs included their proposed Amended Complaint as an appendix....
Plaintiffs should file this same proposed Amended Complaint as a separate docket entry titled "Amended Complaint."

Magistrate Rutherford required Plaintiffs file the unaltered pleading in violation of [TXND Local Civil Rules](#) which states:

LR 15.1 Motions to Amend. ...

(b) When Filed by Electronic Means. When a party files by electronic means a motion for leave to file an amended pleading, the party must attach the proposed amended pleading to the motion as an exhibit. If leave is granted, the amended pleading will be deemed filed as of the date of the order granting leave, or as otherwise specified by the presiding judge, and **the clerk will file a copy of the amended pleading.**⁴

Once the Plaintiffs had submitted a proposed Amended Complaint as an appendix, it is the clerk who should have filed the amended pleading under order of the court. In ECF, it is not possible for multiple parties (such as 'Plaintiffs' in the order) to file a document as each filing must be made from the account of a single individual (shared accounts are prohibited, presumably for accurate auditing and compliance with [FRCP Rule 11](#)).

FRCP Rule 11 Remedy Not Applied

[FRCP Rule 11](#)(a) was cited as the basis for removing Plaintiffs but notice of the problem as required by [FRCP Rule 11](#) was not provided to the Plaintiffs. Further the only remedy in [FRCP Rule 11](#) of striking the unsigned document (ECF 29?) would require the striking of other documents as well. Striking a specific document also requires the striking of documents both before and after which are dependent on the specified document. Striking ECF 29 would require also striking the Motion to Dismiss, ECF 30, as well as the instant order granting dismissal of the entire matter as ECF 30 refers extensively to the Amended Complaint, ECF 29, the document to be struck. Indeed striking a central document like ECF 29 would

⁴ Bold added by Plaintiffs.

require striking virtually every filing in the matter after ECF 18. The only surviving documents would be the original Complaint (ECF 3), the original Motion to Dismiss (ECF 15, which was previously dismissed as moot in Order ECF 26, but that order would need to be struck), and possibly the original Motion for Partial Summary Judgment (one portion of ECF 18) and the Motion for Sanctions (ECF 30).

Magistrate Rutherford Removes Plaintiffs Without Proper Cause

The Court Ignores Clear Qualifiers in the Complaint

In ECF 61 page 1, the court claims that:

The Amended Complaint states that “to the degree that it is legally permissible, Mr. Carr will represent” Rueangrong Carr (Rueangrong) and Buakhao Von Kramer (Buakhao) in this matter. Am. Compl. ¶¶ 12, 13 (ECF No. 29).

But in both Complaints (ECF 3 and 29) the paragraph for Mrs. Carr (12) states:

Mrs. Carr is ... **a Plaintiff appearing Pro Se in this matter** ... and to the degree that it is legally permissible, Mr. Carr will represent Mrs. Carr.

and the paragraph for Mrs. Von Kramer (13) states:

Mrs. Von Kramer is ... **a Plaintiff appearing Pro Se in this matter.** ... and ... has also requested that Mr. Carr represent Mrs. Von Kramer to the degree that it is legally permissible ...⁵

In both the original complaint and amended complaint it is clear that all the Plaintiffs are appearing pro se in this matter and that Mr. Carr will only represent the other Plaintiffs with the permission of the court. Further, there are the signatures of all three plaintiffs in both complaints making it clear that all three plaintiffs wish to be considered in this matter.

⁵ Bold added by Plaintiffs.

Court Incorrectly Cites Restrictions on Spousal Representation

Monroe Cited Refutes Removal Of Spouse

In the Findings of the court (ECF 61), Magistrate Rutherford misconstrues case law with:

Brian is not authorized to represent any other party in this action, including his wife, Rueangrong, or Rueangrong's sister, Buakhao Von Kramer.1 [Monroe v. Smith, 2011 WL 2670094](#), at *2 (S.D. Tex. July 6, 2011) (“Because Plaintiff is not an attorney, he cannot represent his wife’s interests in this action”).

The court goes on to conclude that because Mr. Carr submitted the Amended Complaint without the physical signatures of the other two Plaintiffs they must be removed from the matter. However, [Monroe](#) actually says the reverse.

In [Monroe v. Smith, 2011 WL 2670094 \(S.D. Tex. July 6, 2011\)](#) both spouses were in Texas prisons and separated (in accordance to Texas prison rules) with Monroe complaining that he was unable to correspond with (write to) his wife. This was the basis of the complaint.

It appears that his wife never attempted to join the matter as the court in [Monroe](#) went on with:

She had the chance to file to join this action, (D.E. 6, 11, 15), but has never availed herself of this opportunity with the conclusion that Monroe could initiate the action but the consent of a spouse is required for him to be able to represent her.

As noted above, in this case both my wife and Buakhao specifically and consistently asked that I represent them with their physical signatures on the original complaint and electronic signatures in the Amended Complaint.

According to [Monroe](#), this is sufficient for my wife. In later sections it will be shown that this is also sufficient for Buakhao.

Monroe Text Based On Long History of Pro Se Rulings

The text quoted from [Monroe](#) was actually derived from:

"[B]ecause pro se means to appear for one's self, a person may not appear on another person's behalf in the other's cause."

Martin v. City of Alexandria, 198 Fed. Appx. 344, 346 (5th Cir. 2006) (per curiam). This is a Fifth Circuit decision, but sadly it was also declared as 'not precedent' and is not widely published. As such it is no more significant than a quote from Shakespeare's Hamlet. It was an error for the court in [Monroe](#) to cite this irrelevant case. It was also a violation of Fifth Circuit orders to not explicitly state that Martin is not precedent.

However, the above quote was a direct quote from [Iannaccone v. Law, 142 F.3d 553 \(2d Cir. 1998\)](#) which was precedent and is widely cited and available. It includes a history of Pro Se representation with:

Thomas Paine, arguing in 1777 for a Pennsylvania Declaration of Rights, who said that to plead one's cause was "a natural right," pleading through counsel was merely an "appendage" to the natural right of self-representation. See [[Faretta v. California, 422 U.S. 806 \(1975\)](#)]

and

.... on September 24, 1789, ... section 35, which reads as follows: "That in all the Courts of the United States the Parties may plead and manage their own causes personally or by the assistance of such Counsel or Attornies at law as by the rules of the said Courts respectively shall be permitted to manage and conduct causes therein."

which makes it clear that Pro Se self representation is a fundamental right which can not be denied under normal circumstances. Seeking assistance from counsel is

optional.

[Iannaccone](#) was ground breaking in clarifying that each person can only represent their own interests and not the interests of another.

This does not mean that Pro Se parties can not join together to produce a single complaint as long as each party is allowed to advocate for their own interests. Indeed, in [Monroe](#) the court removed Monroe's spouse from the proceeding solely because she did not choose to join the matter.

Pro Se Parties Can Join Together in A Single Complaint

While it is certainly possible for several Pro Se parties to join together in a single suit with numerous separate Complaints this is tedious for all parties.

It is also possible for several Pro Se parties to join together in a single Complaint which includes the consolidated allegations (or affirmed statements in this case) and consolidated legal arguments and relief. Such a consolidation benefits all parties, plaintiffs, defendants, and the court, by reducing the confusion which would result from multiple conflicting complaints. It supports the possibility of a single consolidated Answer and greatly reduces the work of the court.

Each party can share their legal expertise, recollections, records, opinions and desires with the other parties. Indeed, among several Pro Se parties it is likely that one or more plaintiff(s) could advise and assist the others in preparing papers and responses. This is not a problem as long as no party:

- Falsely claims to be an attorney or
- Accepts remuneration for legal services or advice

While this could become a problem with ‘friends’ representing the interests of others, it is unlikely to present a problem within family and certainly not spouses under the umbrella of multiple Pro Se parties conferring and consolidating their claim.

Marriage is Legal Union Which Permits Representation with Consent

I intend to raise a legal challenge to any restrictions the court may choose to apply to spousal representation with consent. This will be elaborated in the requested later motions. The summary is that when the constitution was written and even in 'Separate but Equal' times [Plessy v. Ferguson, 163 U.S. 537 \(1896\)](#) and the DoCNR, men had an absolute right to represent their wife who were in a nebulous legal status, part person and part chattel or livestock. Women were counted in the census to measure the number of voters, but not actually allowed to vote, similar to slaves.

With later decision such as [Brown v. Board of Education of Topeka, 347 U.S. 483 \(1954\)](#) and the 19th Amendment, such inequities were resolved and women were raised to a more equal status allowing women to even become Supreme Court Justices. The question is were the rights intrinsic to the legal union or marriage reduced or eliminated or were they adjusted and enhanced in this transition.

I will argue that individual rights were enhanced while strengthening the institution of marriage. The result is both spouses have an inalienable right to each represent the other with the consent of the other.

Close Family Members Can Represent Each Other With Consent

There are similar arguments that the traditional absolute right of a father to

represent his unmarried adult daughters has been enhanced so that each can represent the other with the consent of the other. Further, in the event of the death of the father, this right was normally conferred on the eldest son (often the sibling of the unmarried daughter). In Thailand it is also the case that sibling relationships are extended through marriage (making families very large and complex) as it was in historical America. If Buakhao, a widow whose father has passed, chooses to consider me as her eldest brother and seeks my representation, then I have a right to represent her.

As these rights of representation were founded in the Fifth Amendment due process clause, Congress has no right to restrict them. While the original rights were vested only in adult white male Christian property owners, we as a nation have progressed by extending these rights to all people. As such any immediate family member can represent other family members (even family members extended through marriage) with their consent.

Sovereign Immunity Does Not Apply to USPS

Dolan Clearly Permits Refunds for ‘Guaranteed Delivery’ Failures

The court in ECF 61 states:

the Postal Reorganization Act (PRA) establishes the USPS as “an independent establishment of the executive branch” that “enjoys federal sovereign immunity absent a waiver.” [Hale v. U.S., 2023](#) WL 1795359, at *1 (5th Cir. Feb. 7, 2023 (internal quotation marks omitted) (quoting [Dolan v. U.S. Postal Serv., 546 U.S. 481, 483–84 \(2006\)](#))).

citing [Dolan v. Postal Service, 546 U.S. 481 \(2006\)](#) which goes on to say:

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. ...

(allowing indemnity claims for loss or damage of "insured, collect on delivery (COD), registered with postal insurance, or Express Mail"); [39 CFR § 111.1](#) (2005)... The same was true when Congress enacted the FTCA in 1946. ... See 39 USC § 245 (1940 ed. and Supp. V) ("For the greater security of valuable mail matter the Postmaster General may establish a uniform system of registration, and as a part of such system he may provide rules under which the senders or owners of any registered matter shall be indemnified for loss, rifling, or damage thereof in the mails ..."). As [Kosak](#) explains, one purpose of the FTCA exceptions was to avoid "extending the coverage of the Act to suits for which adequate remedies were already available," ... an objective consistent with retaining immunity as to claims of mail damage or delay covered by postal registration and insurance.

In the 1940 edition of 39 USC § 245, USPS was authorized to establish a system where senders can be indemnified for certain losses. This system is now embodied in [39 CFR § 111.1](#) which incorporates the Domestic Mail Manual by reference with 604 9.2.3:

A full refund (100 percent) may be made when: ...

* Fees are paid for Certified Mail services, USPS Tracking, or USPS Signature Services, and the article fails to receive the extra service for which the fee is paid.

Indeed we did purchase such a service through ‘Guaranteed Delivery’ (ECF 18-3) and, after an administrative appeal, the refund of \$26.35 was approved with ‘Dispute Paid’ (ECF 18-8). As explained in [Dolan](#) we can seek a refund for services which we paid for and were not provided and ‘for which adequate remedies were already available’ under [39 CFR § 111.1](#).

However, while USPS approved our refund with ‘Dispute Paid’, it appears USPS

never actually credited our account with this payment.

Indeed, this court could order USPS to determine if the payment was ever made. If not, the court could order USPS to make the payment as USPS has already authorized the payment but not completed the process specified in [39 CFR § 111.1](#).

The [FTCA](#) Supports Simple Tort Claim Against USPS

As an alternative, the court could order USPS to make the payment under [28 USC Chapter 171 \(FTCA tort claims\)](#) as this is not actually a claim for late delivery which was resolved when USPS authorized the payment, but instead a failure to pay an amount due, a simple tort claim which the [FTCA](#) does support as there is no exception for accounting and payment breakdowns.

Credit for Future Services Not Protected By Sovereign Immunity

In this case, the court is asked to order USPS to make a credit for future services. This is, apparently, a novel legal theory, which I would like to develop fully. Unfortunately the court rejected the claim by simply declaring:

That Brian **allegedly** seeks “a credit for future services” rather than money damages does not change this result.⁶

It is unclear why the court adds ‘**allegedly**’ before ‘seeks’ as the Amended Complaint is verified so that there are no allegations, only affirmations. Also any review of the Amended Complaint will show with certainty that I did, in fact, seek “a credit for future services”. The addition of unnecessary and false doubt for a simple fact creates the appearance that the court is attempting to discredit my truthfulness and accuracy. In fact, I always strive to be truthful and accurate in everything I include in legal papers (so verifying the complaint is no burden) as well as clear, concise, and persuasive.

⁶ Bold added by Plaintiff.

However, the absence of any case law to support the conclusion of the court suggests that this is a novel challenge to existing case law. There are, in fact, substantial differences between a cash payment (which infringes on Congressional control of the purse) and a credit for future services (which is dependent on Congressional authorization of the services). Indeed there will be a separate section discussing this novel legal theory.

Plaintiff Denied Due Process From Misapplication of [LR 7.2](#)

In its recommendations of 27 Feb 2025, the court goes on at great length with:

Brian does not respond to Defendants' arguments regarding sovereign immunity and instead merely - and improperly - refers to briefing he filed in response to Defendants' earlier motion to dismiss. See Resp. 3 (ECF No. 34) ("The restrictions on Sovereign Immunity are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here"); *Black Cat Expl. & Prod., LLC v. MWW Cap. Ltd.*, 2015 WL 12731751, at *2-3 (N.D. Tex. Apr. 29, 2015) (finding improper plaintiff's attempt to incorporate by reference its preliminary injunction reply brief into its motion for remand reply brief); see also *Hudson Specialty Ins. Co. v. Talex Enterprises, LLC*, 2020 WL 1318802, at *2 (S.D. Miss. Mar. 20, 2020) (noting that the commentary to Federal Rule of Civil Procedure 10 explains that "Rule 10 only permits the incorporation of contents from pleadings [and] does not authorize parties to incorporate by reference the contents or earlier motions or other papers"). Thus, the District Judge should dismiss Brian's claims. See *Bearden v. United States Dep't of Agric., Rural Hous. Serv.*, 2023 WL 6462861, at *2-3 (N.D. Tex. Oct. 2, 2023) (granting defendant's motion to dismiss when plaintiff "fail[ed] to identify any waiver of immunity by the government").

Basically the court is saying that because I violated [LR 7.2](#) page length restrictions by attempting to reference previous motion papers, the court is going to ignore my

arguments against sovereign immunity and dismiss all claims which are based these arguments. [LR 7.2](#) does not explicitly prohibit referencing previous motions papers making the prohibition too obtuse to be enforced with pro se plaintiffs.

Further [LR 7.2](#) restrictions never justifies dismissal of a claim because of the incorrect form of presentation; this would be a fundamental violation of due process.

The Court Can Not Dismiss Pro Se Claims Based on Inadvertent Errors

The roots of Pro Se individuals representing themselves run very deep and place requirements on the courts, the legislature and government as a whole from dismissing legitimate pro se claims based on inadvertent errors and violations of obscure and confusing procedures. The foundation of due process as understood by the American colonists was an order of the British King in the thirteenth century.

[Iannaccone v. Law, 142 F.3d 553 \(2d Cir. 1998\)](#) cited by the court in this matter in reference to pro se representation states:

First, history. Under the English common law with its complicated forms of action and veritable maze of writs and confusing procedures, the right to retain counsel in civil proceedings became a necessity. By the middle of the thirteenth century, lawyers so monopolized the courts in London that the King was forced to decree that, except for a few special causes, litigants were entitled to plead their own cases without lawyers. See Note, The Right to Counsel in Civil Litigation, 66 Colum. L.Rev. 1322, 1325 (1966).

Second, mistrust of lawyers made appearance in court without benefit of counsel the preferred course. See A.L. Downey, Note, Fools and Their Ethics: The Professional Responsibility of Pro Se Attorneys, 34 B.C. L.Rev. 529, 533 (1993). Lawyers had no position of honor or place in society in

early colonial days. The pioneers who cleared the wilderness looked down upon them. For example, the Massachusetts Body of Liberties of 1641 expressly permitted every litigant to plead his own cause and provided, if forced to employ counsel, the litigant would pay counsel no fee for his services. See Charles A. & Mary R. Beard, *The Rise of American Civilization* 100-01 (College ed.1930).

Third, informality. In early colonial days, the rule of informality was a necessity in court proceedings since most presiding judges were not lawyers. See *The Right to Counsel in Civil Litigation*, supra, at 1328. By the time of the Revolution, legal proceedings had become more technical and reliance on precedent had evolved, both of which required people trained in legal interpretation. As the decades of the 18th century passed, legal questions became more complex and the need for skilled attorneys was recognized. Enough individuals had gone into law so that by the time the First Continental Congress commenced, 24 of the 45 delegates were lawyers, and in the Constitutional Convention, 33 of the 55 members were lawyers. See Beard, supra, at 101. Nonetheless, the number of lawyers although growing was still few, many judges were still laymen, and the legal process still remained sufficiently simple to permit persons whether rich or poor to plead their own causes. See *The Right to Counsel in Civil Litigation*, supra, at 1329.

The result of those early concessions by British kings is that judges implicitly must assist pro se litigants who do not have the legal knowledge to properly present their claim. Judges must help them establish their legal claims within the limits of the law.

Certainly the court can not misconstrue and incorrectly apply rules and the law in order to deny valid claims of pro se litigants. This court's misapplication of [LR 7.2](#) and its obscure tenets is grossly improper and warrants recusal.

LR 7.2 Does Not Authorize Dismissal of Claim From Simple Error

Plaintiff Informally Requested Relief from LR 7.2

I my response (ECF 34) to the Defendants' 2nd Motion to Dismiss (ECF 31) I did indeed request leniency from LR 7.2 on page 1 with:

I apologize to the court for the length of the various responses, but with the many facets of this case and lack of specificity in USATXN's criticisms a full response is required. To aid the court, a high level summary is included in this Response with a more detailed analysis in separate affirmations as well as references to the Plaintiffs' previous Response (ECF 18) to the Defendants' previous Motion to Dismiss (ECF 15).

While it appears that I could have combined this response with a LR 7.2 Motion for less restrictive page restrictions, this could result in an explosive growth in the number of pending motions with every motion and response requiring an additional set of LR 7.2 Motions. I don't believe this would lead to prompt and just resolution of pressing matters as in my previous challenge to the use of 56(d) Motions in 5th Circuit Courts versus 56(d) Responses in 3rd Circuit Courts.

Court Ignores Mrs. Carr's Plight as an Apparent Illegal Alien

It is also important to note that at the time my wife was terrified that ICE (immigration police in her vernacular) would arrest her without cause or notice and deport her (perhaps to a harsh maximum security prison in El Salvador).

My response (ECF 34) also included:

Even though USCIS informed us on 31 Jan 2023 (over a year ago) that her I-751 application (for a ten year green card) and N-400 application (for citizenship) were both approved (ECF 10-5) and she only needed to take the Oath of Allegiance to become a citizen, the reality is that at this time she has not been permitted to take the Oath of Allegiance to become a citizen and has been left as an apparent 'undocumented alien' (a.k.a. an 'illegal').

I filed the response as quickly as possible in the hope that my wife could get some relief from the court and no longer be an apparent illegal alien. I did not want to delay the resolution of these matters by filing extraneous [LR 7.2](#) Motions to support full and proper analysis of the complex issues.

Had I known that the court was going to ignore our plight and take almost a year to resolve any matter, then I would have been more conscientious in following the arcane 'veritable maze of writs and confusing procedures' which seem to have been developed by this court.

LR 7.2 Does Not Mention Any Restrictions on Referring To Other Motions

[TXND Local Civil Rules LR 7.2](#) states:

Briefs. ...

(c) Length. Unless another local civil rule provides otherwise, a brief must not exceed 25 pages (excluding the table of contents and table of authorities). A reply brief must not exceed 10 pages. Permission to file a brief in excess of these page limitations will be granted by the presiding judge only for extraordinary and compelling reasons.

It is important to note there is no prohibition to referring to arguments discussed in other motion papers in the rule itself.

The court cites [Saffran v. Boston Sci. Corp, No. 2-05-cv-547 \(E.D. Tex. July 9, 2008, ECF 195\)](#) which is another court with its own unique rules. The actual text cited comes from a minor footnote which states:

BSC incorporates multiple arguments by reference into this motion.

Procedurally, this eviscerates the court's page limit restriction. BSC did not ask for, nor did the court grant, leave to incorporate more than 100 pages of argument by reference. Moreover, by incorporating arguments by reference without specifically identifying them, BSC leaves the court to speculate which specific arguments BSC intended to incorporate into the Motion.

In [Saffran](#), that court chose to ignore the arguments by reference primarily because, it appears, the court had previously considered these arguments and could not figure out which specific arguments were to be revisited. In contrast, in this case the court quoted myself with:

The restrictions on Sovereign Immunity are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here

This is less than 4 pages and it is very clear which argument is referred to, sovereign immunity. This could hardly be described as "eviscerates the court's page limit restriction".

Further, in [Saffran](#) that court had already decided those extensive issues (over 100 pages) and was being asked to revisit them (in their entirety it seems) providing an unauthorized 'second bite at the apple'. It was reasonable for that court to decline the 'second bite'.

However, in the Court's Orders on 22 Apr 2024 (ECF 26) 'DENIES as moot Defendants' Motion to Dismiss (ECF No. 15).' so that the arguments in the cited 'Response of 18 Mar 2024 (ECF 18)' were never considered.⁷ This delay in resolving critical issues also creates the appearance that the court was assisting USATXN in delaying this matter until USCIS had time to ameliorate their

⁷ It is important to note that I had objected to delays created by finding the first MTD, ECF 15, moot as my wife was in dire circumstances as an apparent illegal alien even though USCIS had approved my wife's citizenship on 31 Jan 2023 (ECF 10-5).

violations of due process and criminal statutes as well as INA and their administrative procedures.

To dismiss a claim without ever considering the party's arguments violated due process and is an overreach of the application of [LR 7.2](#).

For the court's convenience a new affirmed brief from Mr. Carr is attached as ECF 67-3 which discusses the background and limits of sovereign immunity. It is expected that this affirmed brief will be referred to in the next two motions and in the amended complaints to come as well.

Obscure Case Law Relied on to Improperly Justify Dismissal

The court continued with:

Black Cat Expl. & Prod., LLC v. MWW Cap. Ltd., 2015 WL 12731751, at *2-3 (N.D. Tex. Apr. 29, 2015) (finding improper plaintiff's attempt to incorporate by reference its preliminary injunction reply brief into its motion for remand reply brief);

Black Cat Expl. & Prod., LLC v. MWW Cap. Ltd., 2015 WL 12731751 (N.D. Tex. Apr. 29, 2015) states:

Defendants also take issue with Plaintiff's attempt to incorporate by reference its preliminary injunction reply, (Doc. 11), into its reply on motion for remand. ... Based on these infirmities, Defendants request the Court to strike all but ten paragraphs from Plaintiff's reply brief, and the supporting appendix. (Doc. 18, 19). ...

Because Plaintiff ... and because Plaintiff has failed to conform to the Local Rules of the Northern District of Texas, Defendants' motion to strike Plaintiff's reply and appendix, (Doc. 18, 19), is GRANTED, subject to Paragraphs 2 and 3 below. The Clerk of Court is hereby directed to strike Documents 18 and 19 from the docket sheet. ...

Plaintiff is ORDERED to refile its reply brief and appendix, which must conform to and comply with all Northern District of Texas' Local Rules.

A critical distinction is that it was the Defendants attorneys who raised the concerns about incorporation by reference and asked that the offending documents be struck, not the court itself at a much later date. Further, the relief in Black Cat was to strike the offending documents and allow the Plaintiffs (also represented by attorneys) to refile their reply.

The court in Black Cat did not simply refuse to consider the claim and dismiss the matter.

The refusal to consider and dismissal of the claim by this court is a violation of the due process right to be heard. The court could (and did) admonish myself and the court could have considered sanctions, even community service after a proper order to show cause. However, refusal to consider arguments and dismissal without hearing is not a constitutional option for inadvertent errors of arcane local rules and a veritable maze of writs and confusing procedures of the court.

Court Cites Unknown Authority For Inexplicable Reasons

The court continues with:

see also Hudson Specialty Ins. Co. v. Talex Enterprises, LLC, 2020 WL 1318802, at *2 (S.D. Miss. Mar. 20, 2020) (noting that the commentary to Federal Rule of Civil Procedure 10 explains that "Rule 10 only permits the incorporation of contents from pleadings [and] does not authorize parties to incorporate by reference the contents of earlier motions or other papers").

As best I can determine there is no official commentary on FRCP Rule 10. There are numerous businesses (such as WestLaw) which have written countless

commentaries on various topics. However, these commentaries are not based on law but rather the opinions of contractors hired by the business.

Hudson did indeed include the quoted material, but that was an error of Judge David Bramlette of a different and generally unrelated court. Further, as these businesses almost always copyright their commentaries and other material, it is likely a violation of the businesses' 'Terms of Service' to publish the text verbatim without a proper reference (at least a copyright notice for the business).

It was an error for this court to continue the violations of copyrighted material. It was also an error to cite as precedence an opinion which has no more precedence than a quote from Shakespeare's Hamlet.

No Response is Different From A Response Which is Ignored By the Court

The court concludes with:

See [Bearden v. United States Dep't of Agric., Rural Hous. Serv., 2023 WL 6462861](#), at *2-3 (N.D. Tex. Oct. 2, 2023) (granting defendant's motion to dismiss when plaintiff "fail[ed] to identify any waiver of immunity by the government").

The [Bearden](#) decision stated:

Here, [Bearden](#) failed to respond to USDA's motion to dismiss; more than 21 days have passed since the date USDA filed its motion to dismiss. ...

In her Original Petition, (ECF No. 1-5), [Bearden](#) fails to identify any waiver of immunity by the government.

Of course the court in [Bearden](#) could grant the Motion to Dismiss when the plaintiff never responded to claims of sovereign immunity.

In contrast to Bearden, I responded in detail and at length to every claim made by USATXN. While the court improperly refused to consider my broad discussion of sovereign immunity there were, in fact, several specific references to sovereign immunity to include:

The U.S. Attorney for the Northern District of Texas (hereafter USATXN) makes broad criticisms such as failure to state a claim and sovereign immunity and malformed Doctrine of Exhaustion of Remedies and Executive Discretion challenges. Each of these claims are meritless supported only by misleading summaries and false conclusions. [from page 1 of ECF 34] ...

Rule 12(b)(1) Unfounded Challenge of Sovereign Immunity

In USATXN's 'II. Legal Standards - A. Rule 12(b)(1)' makes numerous citations concerning Sovereign Immunity but all the claims are conclusory and there are no specific references to any particular count (there are nine). As such there is a detailed discussion of each count which addresses Sovereign Immunity and demonstrates that Sovereign Immunity does not apply to any count. This entire challenge by USATXN is unfounded.

The restrictions on Sovereign Immunity are discussed at length in my Response of 18 Mar 2024 (ECF 18) pages 1 to 4 and won't be repeated here. [from page 3 of ECF 34] ...

III. A. Sovereign Immunity for Investigating Alleged Crimes

In the title of this section, USATXN states the entirety of this confusing claim of Sovereign Immunity with:

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.

It then cites the usual Sovereign Immunity cases, but adds:

Plaintiffs have identified no such waiver for their claims for non-monetary relief - meaning Defendants retain sovereign immunity from all of Plaintiffs' claims.

This is troubling as nowhere in the complaint is 'federal law enforcement' mandated to investigate any alleged crimes. [from page 4 of ECF 34]⁸

There were also four Affirmed Briefs referred to in the response (ECF 34) each of which supported their relevant counts directly addressing 'stating a claim', sovereign immunity, and executive discretion:

34-1 Affirmation of Mr. Carr supporting Count 1 and Count 2

34-2 Affirmation of Mr. Carr supporting Count 3, 4 and Count 5

34-3 Affirmation of Mr. Carr supporting Count 7 and Count 8

34-4 Affirmation of Mr. Carr supporting Count 6 and Count 9

Each of those affirmations discussed how sovereign immunity did not apply to the specific counts.

None of these references to sovereign immunity were addressed by the court in its recommendations (ECF 61).

Clearly [Bearden](#) does not apply as I responded to every challenge by DoJ citing sovereign immunity. The court simply ignoring all these affirmative challenges to sovereign immunity does not justify dismissing all claims but does suggest an appearance of bias and a basis for considering recusal.

⁸ The complaint does go on to explain that IG's are required to report crimes to DoJ and DoJ is required to monitor the results of any investigations and corrections. The actual investigation and correction can all be done by local management under DoJ supervision. The duty of the IG's and DoJ to perform these roles has clear statutory mandates.

Updates to the Complaint

New Defendants IRS and TIGTA

In May 2024, my wife and I received a CP30 notice from the Internal Revenue Service (IRS) which stated that we owed \$1,055.19 in penalties for failing to pay estimated taxes. I promptly contacted the IRS and sent in the requested Form 843 (an abatement request) with supporting documentation.

There were delays in processing this appeal, but in late August 2024 the IRS notified me that our Form 843 was denied but that we could submit a Form 2210 with the breakdown of income received through the year. I completed and submitted the Form 2210 with another appeal request in 03 Sep 2024. The computed penalty of \$340.81 was paid before submission.

In early October 2024 my appeal was forwarded to 'Appeals' but on 11 Nov 2024 the IRS sent us a CP504 Final Notice that we must pay \$753.70 immediately or they would seize (or Levy) our property. Of course we paid the \$753.70 immediately as that was a comparatively paltry sum when compared to having our car, house, or joint business accounts seized.

However, this seizure notice was illegal as it violated our rights to due process before seizure of our property as our appeal was still pending. Further, the wording of the CP504 violated statutory mandated 30 day notice, making the CP504 a falsified government record (and a crime under [18 USC § 1001](#)).

On 17 Dec 2024 I requested assistance from the IRS, Treasury Inspector General for Tax Administration (TIGTA), CIGIE, DoJ, and USATXN via email but we

have not received any response to date (see ECF 67-1).

On 18 Feb 2025, the IRS notified us that they had reviewed our form 2210 of 03 Sep 2024 and agreed that amount due was \$340.81. (see ECF 67-2).

On 24 Feb 2025 the IRS sent us a check for \$758.72 but without any explanation or computation of the amount due. This substantially resolves most of the amount claimed but does not include minor damages and costs.

We are also seeking that the IRS collection and appeal process be corrected to prevent violations of constitutional rights (due process) and federal crimes such as falsifying government records.

Explicitly Add FOIA Requests

The Court Did Not Address FOIA Requests in Amended Complaint

In the Amended Complaint there are numerous references to FOIA requests to include:

Paragraph	Defendant
47	USPS OIG
118-123	DoS
200-203	USCIS
236	Duty to Perform for all FOIA requests

There are also specific FOIA Reliefs:

Relief	Defendant
10	DoS
51	USCIS

None of the defendants specifically addressed any of the FOIA claims (which were

properly stated, not protected by sovereign immunity or executive discretion or DoCNR) which is acceptable as they raised these defenses against all claims.

However, the court did not specifically address these claims which was an error. The court improperly removed my wife and Buakhao from the suit, but as I initiated the FOIA requests that is irrelevant. The court cited only sovereign immunity for denying the USPS 'credit for future services' (also an error as discussed above), but did not mention any of the FOIA requests. It is not proper to dismiss an entire case without addressing every claim or relief requested.

There are countless cases where FOIA requests were ordered by the court and even specific statutes that grant the court this authority. The FOIA office of the potential defendant, the IRS, cited the authority of the court to provide the relief sought. The court should immediately order the requested FOIA relief.

FOIA Non Responses Made During the February 2025 Blitz

Court Ignores Mrs. Carr's Dire Circumstances for Over a Year

It is clear that the defendants were coordinating their responses with USCIS and my wife's citizenship as there was a blitz of activity by all defendants during the period after my wife passed her citizenship test and before she received her Certificate of Naturalization. Both DoS and IRS sent status notices that my FOIA requests which had been languishing without any response for long periods, over two years in the worst cases, would continue to languish for an undetermined period. This very busy period (the February 2025 Blitz) was also when the IRS resolved my appeal and made a refund.

While it is completely reasonable for the different defendants (and potential defendants) to coordinate their responses through AUSA Owen so that they were all in a stronger position when the strongest and clearest claim against USCIS was ameliorated, the court itself should not have any awareness of these events.

From the court's perspective, the court had simply left my wife in the dire circumstances of being an apparent illegal alien and terrified of being deported by ICE without notice or cause even during times of heightened discrimination against Asians and Hispanics. The court simply ignored my wife's plight for over a year without taking any action to provide just relief.

Apparent Collusion by the Court with Defendants

While it is possible that the Court simply ignored my wife's plight for almost a year and then suddenly and without any discernible cause decided to take up the matter and dismiss the case just as the problems at USCIS were resolved, this does not seem likely.

What seems more likely to me is that the court was concerned about my wife's dire circumstances and, through back channels such as the clerks in the various offices, cut a deal with DoJ to provide the relief my wife desperately required but on their schedule and without any involvement by myself or my wife. Due process requires that my wife and I be involved in any such deals (if there were such a deal). The appearance of this sort of collusion warrants recusal.

Potential Class Action Suits Delayed Unnecessarily

Further, as noted in previous motion papers, there could well be dozens or even thousands of other permanent residents left in the same dire circumstances. This

matter should not have been delayed for over a year but rather the FOIA requests should have been promptly answered so that appropriate legal aid agencies could apply to convert this case into the appropriate class action suits against USPS, DoS, USCIS, and, now, the IRS.

Outstanding FOIA Requests to be Added to Future Amended Complaint

I apologize to the court for not explicitly listing all the FOIA requests which were outstanding in the current Amended Complaint but I did not expect the court to prematurely dismiss the matter before discovery. I was planning on pursuing the FOIA problems in discovery, now significantly delayed.

I intend to correct that error and add the missing FOIA requests to the future Amended Complaints for the following defendants: USPS, DoS, USCIS, and IRS (a potential defendant at this time). There are two classes of FOIA requests for each defendant, one for all the records concerning the plaintiffs, and another for cumulative data to determine the number of people in similar circumstances. There are indications that the number of people will be in the thousands but the FOIA cumulative results should be relied on to make that determination.

The Court's False and Misleading Findings Used to Justify Dismissal

In a footnote on page 3 of the Findings (ECF 61) the court states:

Rueangrong and Buakhao **allege**⁹ that United States Citizenship and Immigration Services (USCIS) violated their due process rights by initially denying their visa applications before approving them. Am. Compl. Counts 3, 4, 5, 6, 8. Rueangrong also alleges that USCIS violated her due process rights because USCIS gave her conflicting information regarding the status of her citizenship application before ultimately denying her application. *Id.*

⁹ Bold added by Plaintiffs. The court incorrectly uses 'allege' here and again fails in its responsibility to be truthful and accurate as the Amended Complaint is a verified complaint and all statements are affirmed under penalty of perjury. The accurate word to replace 'allege' is 'affirm'.

Count 7.

There is no mention of the second count 8 which would normally be count 9 (a most inconvenient error in the Amended Complaint). Further, the court confuses USCIS and DoS as only DoS issues visas. The court also omitted any reference to the controversial Doctrine of Consular Non Reviewability (DoCNR) which was central to the DoS disputes.

The Court Rejected Plaintiffs' Second Amended Complaint to Correct Errors

The Court Relies on Those Errors to Conceal False Findings

On 19 Nov 2024, we submitted a Second Motion to Amend (ECF 49) to correct 'typographical and clerical errors' such as "having two count 8's and no count 9" and 'the addition of a table of contents, reference table, and time line table, none of which are formal parts of the record but added for the convenience of the court and other parties.' The defendants did not cite any problems with the amended complaint but the court decided in ECF 53 on 31 Dec 2024:

ELECTRONIC ORDER denying [49] Motion to Amend/Correct. Plaintiff represents that the purpose of his proposed amended complaint is to correct "typographical and clerical errors" and to add facts "based on events that happened after the date of the [earlier] pleading." He further states that the proposed amendment "do[es] not impact any of the claims in the pending Motion to Dismiss." Therefore, the amendment is denied as unnecessary. (Ordered by Magistrate Judge Rebecca Rutherford on 12/31/2024)

However, a cursory review of the proposed Second Amended Complaint (ECF 49-1) demonstrates that, as we had suggested, ECF 49-1 had several improvements to aid the court in correctly analyzing the various counts and arriving at accurate and just findings.

For example, a review of the table of contents on page 1 of ECF 49-1 makes it obvious that DoS issues visas not USCIS. The refusal of the court to take advantage of these tools to clarify an admittedly long and complex complaint makes it appear that the court was not really interested in accurately deciding the actual issues which were raised. Rather, it appears that the court intended to make the matter go away with false and misleading findings.

Further, ECF 49-1 clearly has a 9th count which the court completely omitted in its findings in ECF 62.

The Court Criminally Falsifies the Findings to Justify Dismissal

18 USC § 1001 states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully -

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; 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 or, ...

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

Litigants Have Lesser Standard of Truthfulness in Their Papers

Paragraph (b) is important in this case as it says that the plaintiffs and defendants can falsify anything they submit to the court without violating this statute. There are less stringent requirements for pleadings submitted to the court, but the court itself is held to the higher standard of [18 USC § 1001](#).

It is also important to note that we, the plaintiffs, have verified everything we have submitted to the court after the original complaint (ECF 3). That means that at the bottom of every such paper there is a statement that we affirm under penalty of perjury that everything we submit is true to the best of our knowledge.

The Court is Held to the Higher Standard of [18 USC § 1001](#)

However, judges are held to the standard of [18 USC § 1001](#)) in their findings and other papers.

The Court Falsifies Visas Denials To Conceal DoCNR Challenges

The court's states in ECF 61:

Rueangrong and Buakhao **allege**¹⁰ that United States Citizenship and Immigration Services (USCIS) violated their due process rights by initially denying their visa applications before approving them. Am. Compl. Counts 3, 4

However, even a cursory review of the headers for Counts 3 and 4 in ECF 29 (pages 12-20, para 59-123) shows that it is DoS responsible for accepting or denying visa applications. This reference to USCIS is **false**.

This obvious false statement appears to be intended draw attention away from the

¹⁰ Bold added by Plaintiffs. The court incorrectly uses 'allege' here and again fails in its responsibility to be truthful and accurate as the Amended Complaint is a verified complaint and all statements are affirmed under penalty of perjury. The accurate word to replace 'alleges' is 'affirms'

significant challenges to the Doctrine of Consular Non Reviewabilty (DoCNR).

DoS in granting or denying visas is governed by different statutes from USCIS and it is clear that the visa statutes provide the required exemptions for sovereign immunity. This is clear from the case law cited below.

In our response (ECF 34) to defendants MTD (ECF 31) we clearly stated our intent to challenge the DoCNR and that, given the DoJ position supporting the DoCNR, an appeal to the Fifth Circuit Court is likely and it is plausible that the Supreme Court could consider the matter.

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

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

Plaintiffs Have Novel Legal Challenges to DoCNR

These challenges were suggested in [Kleindienst v. Mandel, 408 U.S. 753, 766 \(1972\)](#) and supported by [Sandra Munoz v. State Department \(9th Cir. 2022, 21-55365\)](#) and were not addressed by the recent results in [Department of State v. Munoz \(S. Ct. 2024\)](#).

Of course the most interesting challenge is based on Buakhao herself arguing that

as an alien she:

- is not a vermin to be exploited for profit or eliminated if exploitation is not possible
- but instead a human being or person entitled to due process in accordance with the Fifth Amendment.

There are several valid challenges to DoCNR that should be heard and the court falsely concealing the basis for these claims warrants recusal.

It is likely that the controversial DoCNR will be appealed to the Fifth Circuit Court in this matter. This court is required to directly address DoCNR in its decision and findings so that the appeal can bear fruit and not be remanded to this court for some decision to review.

Social Security Administration Declaratory Relief Ignored

The court having incorrectly removed Buakhao from the suit should not prevent her from being heard on the declaratory relief she is seeking to aid her continued Social Security Survivor Benefits. This relief is also ignored improperly by the court.

The Court Omits and Misconstrues USCIS Failures

USCIS Violated Statutes and Left Mrs. Carr Stranded in Thailand

The court does not address an entire cause of action which is part of Count 7. The Amended Complaint (ECF 29) para 147 - 153 explains how Mrs. Carr was left stranded in Thailand and had to get a tourist visa from DoS in order to return home. This was explained ECF 34-3 as part of our Response (ECF 34).

In 2020, USCIS unlawfully refused to adjudicate my wife's I-751 application for 10 a ten year 'green card' within 90 days as required in [8 CFR 216.4\(b\)\(1\)](#)¹¹ (see ECF 29, para 147). Further, in 2022 USCIS allowed the unlawful 2 year extension of her 2 year 'green card' to expire and left my wife stranded in Thailand even though [8 CFR 216.4](#) requires USCIS to automatically extend her current 'green card' until the I-751 has been adjudicated.¹² See ECF 29 para 151 to 153.

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

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

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

Mrs. Carr Unlawfully Denied the Privileges of Citizenship

Even though USCIS informed my wife on 31 Jan **2023** (over two years ago) that her I-751 application (for a ten year green card) and N-400 application (for citizenship) were both approved (ECF 10-5¹³) and she only needed to take the Oath

11 [8 CFR 216.4\(b\)\(1\)](#) states:

... The [USCIS] director must either waive the requirement for an interview and adjudicate the petition or arrange for an interview within 90 days of the date on which the petition was properly filed.

12 [8 CFR 216.4](#) states

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

13 ECF 10-5 is a scanned image of a somewhat dog eared original and the text is fine print that can be hard to read.

of Allegiance to become a citizen, the reality is that for over two years she was not been permitted to take the Oath of Allegiance to become a citizen and was an apparent 'undocumented alien' (a.k.a. an 'illegal').

All USCIS documents of her lawful permanent resident status expired (ECF 24-1, 18-6, 20-2), and, contrary to law¹⁴, with no ten year 'green card' she had realistic fears of being deported at any time by ICE (she doesn't trust U.S. immigration), vigilantes (under Texas SB4), or National Guardsmen (on day one to deport millions of illegals who are poisoning the blood of our nation).

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

Court Assists USATXN in Concealing Mrs. Carr's Plight

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

The USCIS decision of 30 Jan 2023 in ECF 10-5 stated:

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

14 INA 264 is [8 USC § 1304](#) which in (d) states:

(d) Certificate of alien registration or alien receipt card

Every alien in the United States who has been registered and fingerprinted under the provisions of the Alien Registration Act, 1940, or under the provisions of this chapter shall be issued a certificate of alien registration or an alien registration receipt card...

assistance in resolving this critical need.

The court has assisted USATXN in leaving my wife as an apparent illegal alien in these difficult times when many legal residents are being deported without cause or notice. The Motions For Partial Summary were not given due consideration but simply denied as ‘premature’ even though the Response by USATXN was woefully inadequate failing to meet any of the standards for 56(c) Responses.

The Court Conceals Serious Violations

For the first time the court recognizes my wife’s plight with a highly misleading summation in a footnote on page 3 of the Findings (ECF 61):

Rueangrong also **alleges**¹⁵ that USCIS violated her due process rights because USCIS gave her **conflicting information** regarding the status of her citizenship application before ultimately denying her application. Id. Count 7.

While it is true that ‘**conflicting information**’ could be used to describe our concerns, I believe a more accurate summation is:

- ◆ violations of individual constitutional rights (due process),
- ◆ criminal falsification of government records,
- ◆ violations of clear and specific statutes mandating things USCIS must do for applicants, and
- ◆ apparent ‘whistle blower’ retaliation, ignoring normal USCIS administrative procedures to deny applicants benefits to which they are entitled because they complained to the IG, Congress and management (USCIS Director)

As most of the actions of USCIS in this matter **conflict** with:

¹⁵ Bold added by Plaintiffs. The court incorrectly uses ‘alleges’ here and again fails in its responsibility to be truthful and accurate as the Amended Complaint is a verified complaint and all statements are affirmed under penalty of perjury. The accurate word to replace ‘alleges’ is ‘affirms’

- ◆ the constitution,
- ◆ criminal statutes,
- ◆ clear and specific statutes in the INA and
- ◆ administrative procedures

then all that is conflicting information (what USCIS is required to do and what USCIS actually does).

However, the courts summary of our USCIS concerns as ‘conflicting information’ makes it apparent that the court is trying to obscure the crimes and violation of USCIS rather than provide prompt and fair justice. This appearance further justifies recusal.

The Court’s Effort to Conceal Are a Crime Under 18 USC § 1001

Further, this effort to conceal the nature of USCIS actions constitutes a crime as 18 USC § 1001 states:

- (a) ... whoever, in any matter ... knowingly and willfully -
 - (1) falsifies, **conceals**, or covers up by any trick, scheme, or device a **material fact**; ...¹⁶

The court should rescind the Order of 21 Mar 2025 (ECF 62) to avoid violating 18 USC § 1001 (3):

[whoever] makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry;
[commits a federal crime]

USCIS Citizenship Denial was Improper

The first problem with the denial is that the USCIS tribunal had no jurisdiction to revisit an issue which had been resolved on 31 Jan 2023 with the final decision declaring that my wife had passed both the I-751 (10 year green card) and N-400

¹⁶ Bold added by Plaintiffs.

(citizenship) interviews on 30 Jan 2023 (ECF 10-5).

USCIS attempted to establish jurisdiction on 1 Sep 2023 with an erroneous notice that the interview of 30 Jan 2023 had been canceled (ECF 10-6), obviously a crime under [18 USC § 1001](#) as everyone knew that the interview had been completed. Falsifying records does not grant jurisdiction.

My wife's N-400 application for citizenship was denied on 13 Oct 2023 (ECF 10-10) because my wife 'did not appear as requested'. However, the denial for 'failure to appear' was improper as there was no evidence of notice and timely notice is required by due process.

USCIS scheduled the interview on 6 Sep 2023 (ECF 10-7) for 11 Oct 2023 with the normal 33 days notice if by mailing, but USCIS did not actually mail the notice until 12 Sep 2023 and it did not arrive until 15 Sep 2023 (ECF 16-1, an email from USPS with the mail for 15 Sep 2023 and the apparent postmark of 12 Sep 2023).

USCIS had not mailed the notice soon enough to provide the required 33 days notice if by mailing and the notice did not arrive with the required 30 days notice. Notice was not timely and so the interview could not be denied for failure to appear.

Further, USCIS had scheduled the interview for a date when USCIS had been informed that we would be out of the country. We made numerous efforts to reschedule the interview with the first on 19 Sep 2023. All these requests were refused (ECF 10-8 and ECF 30-7).

There was no mention of the attempts to reschedule or their denial in the decision on 13 Oct 2023 (ECF 10-10), a serious failure by the tribunal in this matter.

This is just a brief overview of the problems with denial with a much more complete challenge in the Amended Complaint (ECF 29, para 187 to 201 and 210 to 222, pages 40 to 41) as well as our Response (ECF 34).

We also attend to elaborate on these problems in the requested later motions.

Material Facts about the Denial Concealed By Court

The court's conclusory statement:

Rueangrong also alleges that USCIS violated her due process rights because USCIS gave her conflicting information regarding the status of her citizenship application before ultimately denying her application.

is a travesty of justice as there were numerous serious challenges which the court attempted to conceal in its 'conflicting information' before dismissing her claims.

This is another [18 USC § 1001](#) violation by the court and grounds for recusal.

Conclusion

The court is asked to rescind the Order of 21 Mar 2025 (ECF 62), provide the [LR 7.1](#), [LR 7.2](#), and [LR 11.1](#) Relief and grant permission to file the four Motions for Relief.

Respectfully submitted,

Verification of Motion

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 motion and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered 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

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061

Date: 7. Apr. 2025
Location: Irving, Texas

Date: 7. Apr. 2025
Location: Irving, Texas

/s Buakhao Von Kramer

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

Date: 6 Apr 2025
Location: Chiang Mai 50140 Thailand

CERTIFICATION OF ELECTRONIC SIGNATURES

In accordance with the general procedures specified in TXND LR 11.1(d) and in light of the absence of any specific procedure for pro se litigants, on the recorded date, I received permission from Mrs. Carr and Mrs. Von Kramer to sign this document electronically on their behalf.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

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Certificate of Conference

This Motion for Sanctions is OPPOSED

The conference was held via an email discussion with AUSA Owen's initial response on 10 Mar 2025. As the form of these motions changed over time her position remained the same, OPPOSED on 28 Mar 2025.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

CERTIFICATE OF SERVICE

On the recorded date of submission, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I also hereby certify that on this same date no copies were served via U.S. mail as all parties in this matter are enrolled in the court's electronic case filing (and service) system.

/s Brian P. Carr

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Dear Sir / Madam:

17. Dec. 2024

All copies are being sent via email to agency heads or contacts. The name and street addresses are included above for informational purposes only.

Introduction

In May 2024, my wife and I received a CP30 notice from the Internal Revenue Service (IRS) which stated that we owed \$1,055.19 in penalties for failing to pay estimated taxes. I promptly contacted the IRS and sent in the requested Form 843 (an abatement request) with supporting documentation.

There were delays in processing this appeal, but in late August 2024 the IRS notified me that our Form 843 was denied but that we could submit a Form 2210 with the breakdown of income received through the year. I completed and submitted the Form 2210 with another appeal request in early Sep 2024. The computed penalty of \$340.81 was paid before submission.

In early October 2024 my appeal was forwarded to 'Appeals' but on 11 Nov 2024 the IRS sent us a CP504 Final Notice that we must pay \$753.70 immediately or they would seize (or Levy) our property. Of course we paid the \$753.70 immediately as that was a comparatively paltry sum when compared to having our car, house, or joint business accounts seized.

However, this seizure was illegal as it violated our rights to due process before seizure of our property as our appeal was still pending. Further, the wording of the

CP504 violated statutory mandated 30 day notice, making the CP504 a falsified government record (and a crime under [18 USC Section 1001](#)).

We are seeking a refund of \$753.70 plus damages and costs. We are also seeking that the IRS collection and appeal process be corrected to prevent violations of constitutional rights (due process) and federal crimes such as falsifying government records.

We are asking for assistance from all recipients in correcting these deficiencies. Later specific requests for assistance will be made for specific recipients.

The Parties

We are Brian Carr and Rueangrong Carr, a married couple, and the taxpayers in this matter. I am Brian Carr, and to the degree legally permissible, I will represent my wife in these matters though we will jointly sign all documents. I am a graduate of West Point and have limited legal experience (initially with UCMJ). I am also an Officer of the United States, i.e. a U.S. Regular Army Captain with an honorable discharge. My wife is a U.S. Permanent Resident from Thailand. She has a pending application to become a U.S. citizen. I believe that I qualify as a reputable individual and will not be reimbursed for my time representing my wife.

Time Line

Initial Notice, Penalty \$1,055.19 and Appeal

On 6 May 2024 the IRS sent us a CP30 notice which I received on 9 May 2024 with charges of \$1,055.19 as a penalty for failing to pay estimated taxes (see

Irs20240506ntcCP30id270859.pdf). It should be noted that we had paid more than the minimum 90% in estimated taxes but that the estimated payments were made predominately in the second half of 2023 which was when the income was received.

I immediately contacted the IRS to find out how to correct the problem and on 10 May 2024 I mailed the requested Form 843 Abatement Request (see f843C.pdf) along with an explanation (see AbatementRqst.pdf) and documentation of the significant income sources. These documents were received by the IRS on 16 May 2024 (see f843Cdelivered.pdf).

Form 2210 Submitted With Payment of Computed Penalty, \$340.81

There were delays in processing my appeal and another notice was mailed to us on 01 July 2024 for \$1,068.18. On 19 Aug 2024 the IRS notified me of a delay in processing my Form 843. However, on 27 Aug 2024 the IRS notified me that my Abatement Request was denied but that I could file a Form 2210 with the breakdown of income received through the year (see Irs20240827ltr1042507903.pdf).

I sent the Form 2210 (see f2210C.pdf) along with a direct appeal (see AppealPenalty.pdf) on 7 Sep 2024 and it arrived with the IRS on 8 Sep 2024 (see

f2210delivered.pdf). The Form 2210 computed the appropriate penalty as 340.81 which was deposited electronically with the IRS on 3 Sep 2024.

On 23 Sep 2024 the IRS sent a notice which claimed that I owed 745.67 (recognizing the payment of \$340.81, but not the Form 2210).

On 10 Oct 2024 the Form 2210 and direct appeal were forwarded to the 'office that can best process your request'. See IrsFwd20241010.pdf.

Final Notice and Seizure While Appeal Pending

On 11 Nov 2024 the IRS sent us each via 'Signature Required' two otherwise identical CP504 Notices stating that we owed \$753.70 which was due immediately and that the IRS would commence to seize (or Levy) our property. Our appeal was still pending at that time and this notice violated IRS policy of permitting taxpayers to contest penalty payments and prevent seizure until the appeal was resolved. See Irsseize20241111.pdf

CP504 from IRS dated 11 Nov 2024 states:

As of November 11, 2024, we have not received your overdue tax after sending several notices to you. You must pay your balance immediately or we may levy (seize) your property. If you don't make your payment now, we'll consider your noncompliance an active choice and you could face a levy.

Amount Due Immediately: \$753.70.

Payment must be received immediately.

On the 13 Nov 2024 we signed for the notices and that evening, paid the disputed amount of 753.70 to the IRS. When I considered the disruption and damages which could result from the seizure of our car, house, or joint business accounts (a source of income), the comparatively paltry sum demanded by the IRS seemed a reasonable payment even though the demands by the IRS were completely illegal.

On 25 Nov 2024 I sold sufficient (81.28 shares) Vanguard Total Stock ETF shares (VTI) for \$298.07 each so that on 28 Nov 2024 we could make the planned payment of \$24,000 to the IRS for our 2024 taxes (though formally a IRA withdrawal of 24,242.42 with 99% withholding). The improperly mandated payment of \$753.70 required the early sale of 2.53 shares of VTI ETF / stock, our preferred investment at that time.

Decision of 18 Nov 2024

On 18 Nov 2024 we received the final findings of facts, decision, and order from IRS Appeals (see [IrsAppealReturned2024-11-18.pdf](#)) which states in part:

Appeals received your case on 10/09/2024. We are releasing jurisdiction and returning your case to the originating office because my initial review of your case file showed that the case submitted by the IRS to Appeals is incomplete.

I am writing to let you know that case file been submitted to the originating IRS office so that they may complete the information which Appeals requires. When they complete the information that is required, a notice will be sent to you to let you know that your case has been submitted again to Appeals.

This decision was woefully inadequate in that it did not clearly state that the IRS computed charges of \$1,055.19 on 6 May 2024 were not supported by the evidence before Appeals and that all IRS computed penalties are overturned (without prejudice) or remanded so that the IRS can compute new penalties as appropriate.

Request to Reconsider Appeals Decision

On 2 Dec 2024, I asked that IRS Appeals reconsider the decision of 18 Nov 2024 (see Reconsider.pdf) and provide the requested relief considering the circumstances. It was received on 6 Dec 2024 (see ReconsiderDelivered.pdf) but no reply has been received to date.

Arguments

30 Day Notice Before Seizure Required by Statute

Federal statutes requires 30 day notice before seizure of property. Internal Revenue Code Section 6331(d) is [26 USC section 6331](#) which states: ...

(d) Requirement of notice before levy

(1) In general

Levy may be made under subsection (a) upon the salary or wages or other property of any person with respect to any unpaid tax only after the Secretary has notified such person in writing of his intention to make such levy.

(2) 30-day requirement

The notice required under paragraph (1) shall be ... or

(C) sent by certified or registered mail to such person's last known address, no less than 30 days before the day of the levy.

To summarize, before the IRS can seize property it must provide notice in writing (certified mail is acceptable) but the notice must be at least 30 days before the levy / seizure.

No such notice was provided.

The IRS provides a [sample CP504](#) (see cp504irsSample20241215.pdf) which states:

If you don't call us to make payment arrangements or we don't receive the amount due within 30 days from the date of this notice, we may levy your property or rights to property and apply it to the ...[amount] you owe.

This is in distinct contrast to the CP504 we received (See Irseize20241111.pdf) which stated:

As of November 11, 2024, we have not received your overdue tax after sending several notices to you. You must pay your balance immediately or we may levy (seize) your property. If you don't make your payment now, we'll consider your noncompliance an active choice and you could face a levy.

Amount Due Immediately: \$753.70.

Payment must be received immediately. ...

The omission of this mandatory 30 day notice from the CP504 is, in fact, a federal crime of falsifying a government record.

18 USC Section 1001 states:

(a) Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully -

(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

(2) makes any materially false, fictitious, or fraudulent statement or representation; 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 or, ...

In this statute, the definition of falsification of government records is very broad including (2) any materially false representation or (1) covers up a material fact

(such as omitting the fact that the taxpayer has thirty days to appeal or make a payment before the IRS can seize property). Further, with (3) and any use of a false document, anyone authorizing or sending a defective CP504 is guilty of the crime.

Seizures must be blocked by Active Appeals

It is a violation of the fundamental constitutional right to due process to seize property while an appeal is active. Further, every agent of the federal government must preserve individual constitutional rights, it is part of the oath of office for officers, employees, and contractors.

It is clear that the IRS is seeking to maximize revenue collection through increased enforcement, an admirable goal. However, this seems to include assessing penalties which, while plausible, are likely overestimates of the amount due. Indeed once the facts are known, there might not be any penalty at all. However, if the IRS is aggressive in its computation of penalties, it should expect that there will be substantial appeals.

Under these circumstances, rather than letting appeals lag, it is incumbent on the IRS to provide sufficient resources to keep appeals and taxpayers records thereof up to date. It is unacceptable to illegally seize taxpayer property because of delays in processing appeals or annotating taxpayer records to note pending appeals.

If there is an active appeal recorded for the taxpayer, a modified CP504 must explain that no seizures will be made until at least thirty days after a decision is made in the appeal.

If there is a significant (perhaps more than one week) lag in recording submitted appeals, then no CP504s can be sent until the appeals records have been reflected in the taxpayer records.

The normal CP504 text must be adjusted to warn that recent appeals (perhaps in the last week) may not have been processed but that no seizure will commence until all outstanding appeals are processed. Further, the taxpayer must be given contact information where they can check on the status of their appeal.

Specific Requests

TIGTA Asked to Report Crimes to DoJ

The TIGTA has special responsibilities to enforce IRC crimes and expanded discretion in reporting such crimes to DoJ.

Specifically, [5a USC IG Act 1978 Section 8D](#) states:

(k)

(1) In addition to the duties and responsibilities exercised by an inspector general of an establishment, the Treasury Inspector General for Tax Administration -

(A) shall have the duty to enforce criminal provisions under section 7608(b) of the Internal Revenue Code of 1986 [26 USC section 7608(b)]; ...

(2)

(A) In performing a law enforcement function under paragraph (1), the Treasury Inspector General for Tax Administration shall report any reasonable grounds to believe there has been a violation of Federal criminal law to the Attorney General at an appropriate time as determined by the Treasury Inspector General for Tax Administration, notwithstanding section 4(d).

However, the cited crimes of falsification of government records ([18 USC Section 1001](#)) is not one of the IRC crimes which TTIGTA has special discretion to enforce. As such, enforcement of [18 USC Section 1001](#) falls to DoJ and TIGTA has the standard IG requirement to report such crimes to DoJ.

Specifically, [5a USC IG Act 1978 Section 4](#) states:

- Duties and responsibilities; report of criminal violations to Attorney General

(d) In carrying out the duties and responsibilities established under this Act, each 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.

As such, TIGTA and the OIG are required to report these federal crimes to DoJ.

The crimes of falsifying government records appears to be systemic within the IRS (and many other agencies it seems) such that prosecution is not realistic. However, TIGTA is asked to work with the IRS and DoJ to revise procedures to prevent

future criminal behavior as well as violations of taxpayers constitutional rights to due process within the IRS.

To comply with requirement to report federal crimes to the DoJ, all that TIGTA needs to do (as a minimum) is to forward this email to:
criminal.division@usdoj.gov

TIGTA is also asked to provide a reference number for this matter so that other parties can check on the status of these requests.

CIGIE Asked to Consult With TIGTA

CIGIE is asked to consult with TIGTA and insure that federal crimes are reported to the DoJ as required by statute. CIGIE could also assist TIGTA in working with the IRS and DoJ to make sure that the appropriate corrections are made.

DoJ Asked to Insure that IRS and TIGTA Revise Procedures

For federal crimes such as [18 USC Section 1001](#), DoJ has the sole responsibility to enforce the law. Prosecution is at the sole discretion of DoJ but does not appear realistic in this case. DoJ is asked to monitor these crimes and work with TIGTA, OIG and the IRS to insure that such crimes are not common in the future. In that regard, the threat of prosecution could be a useful tool (a sort of cudgel) to gain assistance in putting the required reforms into place.

The DoJ is also asked to provide a reference number for these matters so that other parties can check on the status of this request.

U.S. Attorney for Northern District of Texas (USATXN)

This email is not being sent to the general email address of USATXN.USAO@usdoj.gov as I have found that email address is not responsive to unsolicited requests. Instead this email is being sent to AUSA Owen a civil litigator in that office. AUSA Owen has experience with civil litigation concerning due process and falsified records in a similar civil suit.

It is my belief that it will be much easier and simpler for the requested reforms of IRS procedures to be made in a settlement prior to litigation and it is possible that AUSA Owen will concur. In that regard, AUSA Owen could assist the other parties in agreeing to a settlement thereby avoiding litigation. It is also quite possible that AUSA Owen would end up representing the federal government were civil litigation to be necessary (and she appears to already have a more than adequate case load at this time).

Conclusion

All parties are asked to assist in providing a prompt and just resolution to the issues raised. Of central concern is adapting IRS collection procedures to guarantee due process (with no seizure of properties while appeals are pending) and proper notice that taxpayers have at least 30 days notice before the IRS can normally commence seizure of property.

With respect,

Verification of Request for Assistance

We the undersigned taxpayers hereby affirm under penalty of perjury in both the United States and Thailand that as individuals:

1. I have reviewed the allegations 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.

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

Brian P. Carr

Air Carr

Brian P. Carr
 1201 Brady Dr
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 26 USC section 7608(b).....**12**
 5a USC IG Act 1978 Section 4.....**12 f.**
 5a USC IG Act 1978 Section 8D.....**12**
 AbatementRqst.pdf.....**5**
 CP504 Final Notice.....**3, 6, 9 ff.**
 f2210C.pdf.....**5**
 f2210delivered.pdf.....**5**

f843C.pdf.....5
f843Cdelivered.pdf.....5
Form 2210.....3, 5 f.
Form 843.....3, 5
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IrsFwd20241010.pdf.....6
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ReconsiderDelivered.pdf.....8

FRESNO CA 93888-0025

In reply refer to: 1038306108
Feb. 18, 2025 LTR 369C 0
***-**-9395 202312 30

00006328
BODC: SB

BRIAN P & RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061

041592

Taxpayer identification number: ***-**-9395
Tax periods: Dec. 31, 2023

Form: 2210

Dear Taxpayer:

Thank you for the inquiry dated Sep. 03, 2024.

We reviewed your Form 2210, Underpayment of Estimated Tax by Individuals, Estates and Trusts, and found that the correct penalty was \$340.81. We have adjusted your account accordingly. If you are expecting a refund, please allow four to six weeks.

For more information about estimated tax penalties, review Publication 505, Tax Withholding and Estimated Tax.

You can get any of the forms or publications mentioned in this letter by visiting our website at [IRS.gov/forms](https://www.irs.gov/forms) or by calling 800-TAX-FORM (800-829-3676).

If you have questions, you can call 800-829-0922.

If you prefer, you can write to the address at the top of the first page of this letter.

When you write, include a copy of this letter and write your telephone number and the hours we can reach you.

Keep a copy of this letter for your records.

We apologize for any inconvenience we may have caused you.

1038306108
Feb. 18, 2025 LTR 369C 0
***-**-9395 202312 30
00006329



BRIAN P & RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061

Sincerely yours,



D. GONZALES
OPERATIONS MANAGER, OPERATIONS 1

Enclosures:

**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

Affirmation Challenging

Sovereign Immunity

and

Executive Discretionary Function

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 § 702](#)

Further, the Defendants' claim of 'Sovereign Immunity' is specifically precluded under [5 USC § 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.

Conclusion

The claims against USPS, USPS OIG, and USPS BoG are well founded and the court is asked to direct DoJ, USPS OIG, USPS, and USPS BoG to coordinate the corrections to these widespread and long term problems. I should also be given a credit for future services as requested though, admittedly, I am actually more interested in good governance than in the \$26.35.

Mr. Carr hereby affirms under penalty of perjury in both the United States and Thailand that as an individual:

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

Brian P. Carr
1201 Brady Dr

Irving, TX 75061

Date: 5. Apr. 2025

Location: Irving, Texas

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

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs</p> <p>versus</p> <p>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</p>	<p>Civil No. 3-23CV2875 - S</p> <p>Request for Assistance</p> <p>คำร้องขอความช่วยเหลือ</p>
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เรียนผู้พิพากษารัฐเทอร์ฟอร์ด

ฉันขอโทษสำหรับความสับสนที่อาจเกิดขึ้นเนื่องจากฉันเข้าใจผิดเกี่ยวกับกฎหมายของอเมริกาและคำตัดสินก่อนหน้านี้ของผู้พิพากษาในเรื่องนี้ ฉันขอความช่วยเหลือจากคุณอย่างนอบน้อมในเรื่องเหล่านี้

ข้าพเจ้าได้รับแจ้งว่าท่านได้แนะนำให้ผู้พิพากษาอาวุโสยกฟ้องคดีนี้ เนื่องจากข้าพเจ้าไม่ได้ลงนามในคำร้องแก้ไขที่ยื่นต่อศาลเมื่อวันที่ 27 มีนาคม 2024 อย่างถูกต้อง

โบราณ พี่เขยของข้าพเจ้าได้ลงนามในคำร้องแก้ไขทางอิเล็กทรอนิกส์ในวันนั้น และข้าพเจ้าได้ตกลงไว้ก่อนหน้านี้ว่าเขาสามารถลงนามทางอิเล็กทรอนิกส์ในนามของข้าพเจ้าได้ วิธีนี้ดูเหมือนจะไม่เพียงพอ แต่ข้าพเจ้าไม่ทราบแนวทางแก้ไขใดๆ ในขณะนี้

อย่างไรก็ตาม ข้าพเจ้าได้ลงนามในคำร้องฉบับดั้งเดิมเมื่อวันที่ 28 ธันวาคม 2023 และคำร้องฉบับดังกล่าวสะท้อนถึงความต้องการและสถานการณ์ของข้าพเจ้าในวันนั้นได้อย่างถูกต้อง

ข้าพเจ้าหวังอนศาลอย่างจริงใจให้ให้ความช่วยเหลือที่เราต้องการ

มีสิทธิได้รับสิทธิประโยชน์ด้านประกันสังคม

1. ฉันแต่งงานกับสามีคนที่สองของฉัน Nikolaus Von Kramer เมื่อวันที่ 12 มกราคม 2006 และเรามีความสุขกันมาก อย่างไรก็ตาม เขาเสียชีวิตเมื่อวันที่ 26 เมษายน 2014 และฉันได้แจ้งสถานทูตถึงการเสียชีวิตของเขา และสิทธิประโยชน์ประกันสังคมของเขาถูกระงับในตอนนั้น
2. ฉันทำงานร่วมกับผู้หญิงคนหนึ่งที่สถานทูตเพื่อหยุดเงินเดือนประกันสังคมของเธอ เธออธิบายว่าเมื่อฉันอายุมากขึ้น ฉันจะมีสิทธิได้รับสวัสดิการประกันสังคมได้ แต่เฉพาะในกรณีที่ฉันมีเพื่อนหรือครอบครัวอาศัยอยู่ในสหรัฐอเมริกาเท่านั้น
3. เพื่อรับสิทธิประโยชน์ประกันสังคม ฉันต้องเดินทางไปสหรัฐอเมริกาประมาณหนึ่งเดือนครึ่งทุกๆ หกเดือน ค่าใช้จ่ายในการเดินทางไปสหรัฐอเมริกาจะสูงเกินไป เว้นแต่ฉันจะมีใครสักคนในอเมริกาที่ฉันสามารถอาศัยอยู่ด้วยได้ สิทธิประโยชน์ของฉันจะสิ้นสุดลงหากฉันไม่เดินทางไปสหรัฐอเมริกาตามที่กำหนด
4. เมื่อฉันได้ไปเยือนสหรัฐอเมริกาครบ 5 ปีแล้ว ฉันจะพยายามแสดงให้เห็นว่าฉันได้ทำหลายๆ อย่างระหว่างที่ไปเยือนประเทศนี้ ซึ่งแสดงให้เห็นถึงความมุ่งมั่นอันแรงกล้าและยาวนานของฉันที่มีต่ออเมริกา สิ่งนี้จะช่วยให้ฉันได้รับประโยชน์จากหลักประกันสังคมในขณะที่อาศัยอยู่ในประเทศไทย
5. เมื่อพี่สาวของฉัน แอร์ ได้พบกับไบรอัน พี่เขยของฉัน ฉันรู้สึกดีใจกับพวกเขามาก พวกเขามีความสุขมากที่ได้อยู่ด้วยกัน แต่งงานกัน และตั้งรกรากในสหรัฐอเมริกา

คำขอวีซ่าสองสามครั้งแรกถูกปฏิเสธ

6. ครั้งต่อไปที่น้องสาวของฉันมาเมืองไทย ฉันถามเธอว่าฉันสามารถบินไปสหรัฐอเมริกา与她และอยู่กับเธอรหว่างที่ฉันยื่นขอประกันสังคมได้หรือไม่ ไบรอันตกลงที่จะช่วยให้ฉันได้รับ

สวัสดิการสำหรับมายที่รอดชีวิต

7. จากนั้นฉันก็ยื่นขอวีซ่าท่องเที่ยวหลายครั้ง ไบรอันเตรียมเอกสารและรูปถ่ายจำนวนมากไว้ให้ฉันส่งให้ผู้สัมภาษณ์ แต่ไม่ว่าฉันจะทำอย่างไร คำขอวีซ่าของฉันก็ถูกปฏิเสธทุกครั้ง ฉันผิดหวังมาก

8. ไบรอันต้องการต่อสู้กับการปฏิเสธ แต่ฉันกังวลว่าฉันจัดการการสัมภาษณ์ไม่ถูกต้อง และถ้าเราโรงเรียน เจ้าหน้าที่ตรวจคนเข้าเมืองจะโกรธฉันและจะไม่ให้วีซ่าท่องเที่ยวแก่ฉัน ไบรอันบอกว่าเจ้าหน้าที่ตรวจคนเข้าเมืองไม่ได้ทำงานแบบนั้น ฉันบอกว่าคุณอยากลองอีกครั้งในภายหลังและหวังว่าคุณโชคดีและได้ผู้สัมภาษณ์ที่ใจดีที่จะให้วีซ่าท่องเที่ยวแก่ฉัน

วีซ่าท่องเที่ยวได้รับการอนุมัติ

9. เมื่อแม่ของเราเสียชีวิต น้องสาวของฉันได้เดินทางไปประเทศไทย แต่ "กรีนการ์ด" ของเธอหมดอายุและเธอไม่สามารถกลับสหรัฐอเมริกาได้ ดังนั้น ไบรอันจึงยื่นขอวีซ่าท่องเที่ยวให้กับน้องสาวของฉัน และฉันก็ตัดสินใจที่จะลองดู ลูกสาวของฉันยื่นขอวีซ่าท่องเที่ยวให้กับฉันและสามารถสัมภาษณ์ได้ภายใน 15 นาทีหลังจากที่น้องสาวของฉันสัมภาษณ์

10. เราสามารถเข้าไปในสถานทูตพร้อมกันได้ และก่อนการสัมภาษณ์ น้องสาวของฉันแนะนำฉันให้ผู้สัมภาษณ์รู้จัก โดยพูดว่า "เธอเป็นน้องสาวของฉัน" ในการสัมภาษณ์ครั้งนี้ สิ่งแรกที่เขาถามฉันคือ "คุณจะไปไหนกับใคร" ฉันบอกชื่อน้องสาวของฉันและไบรอันให้เขาฟัง จากนั้นเขาก็ค้นหาข้อมูลบางอย่างในคอมพิวเตอร์ของเขา จากนั้นเขาก็บอกฉันว่าวีซ่าท่องเที่ยวของฉันได้รับการอนุมัติแล้ว โดยไม่ถามคำถามเพิ่มเติมหรือตรวจสอบเอกสารอื่นใด ฉันมีความสุขมาก

เริ่มรับสิทธิประโยชน์ประกันสังคม

11. ฉันสามารถบินไปสหรัฐอเมริกาพร้อมกับน้องสาวและไบรอันได้ ไบรอันพาฉันไปที่สำนักงานประกันสังคมประมาณแปดครั้งและพวกเขาพูดซ้ำแล้วซ้ำเล่าว่าฉันไม่มีสิทธิ์ได้รับสิทธิประโยชน์

อย่างไรก็ตาม ไบรอันยังคงยื่นกราน และหลังจากพูดคุยเกี่ยวกับกฎของสำนักงานประกันสังคมแล้ว ในที่สุดพวกเขาก็ตกลงว่าฉันมีสิทธิ์ จำเป็นต้องไปเยี่ยมเพิ่มเติมหลายครั้งเนื่องจากผู้คนต่างไม่ทราบวิธีตั้งค่าสิทธิประโยชน์สำหรับผู้สมัครที่มีวีซ่าท่องเที่ยวเท่านั้น

12. สำหรับการเยี่ยมชมครั้งต่อไป สำนักงานประกันสังคมมักจะยกเลิกสิทธิประโยชน์ของฉัน แม้ว่าฉันจะกลับมาก่อนกำหนดเส้นตายที่พวกเขากำหนดไว้ก็ตาม และฉันต้องเริ่มต้นใหม่อีกครั้ง แต่การชำระเงินล่าช้าเท่านั้น ไม่มีการชำระเงินที่ขาดหายไป

ความช่วยเหลือที่ฉันร้องขอจากศาล

1. ฉันอยากให้ศาลแจ้งต่อสำนักงานประกันสังคมว่าฉันควรได้รับเครดิตสำหรับระยะเวลาสามปีที่ฉันถูกห้ามเข้าประเทศสหรัฐอเมริกา ซึ่งควรนับรวมใน “ความสัมพันธ์อันยาวนานและใกล้ชิดระหว่างฉันกับสหรัฐอเมริกา”
2. ฉันอยากเดินทางไปสหรัฐอเมริกาด้วยตารางเวลาที่ยืดหยุ่นกว่านี้ โดยบางครั้งอาจอยู่ได้นานขึ้น และไม่เดินทางบ่อยนัก เขตเวลาของประเทศไทยเร็วกว่าสหรัฐอเมริกา 12 ชั่วโมง การเดินทางอาจทำให้เกิดอาการเจ็ตแล็กอย่างรุนแรง ซึ่งอาจต้องใช้เวลาถึงสองสัปดาห์ในการฟื้นตัว
3. ฉันอยากมีตัวเลือกในการทำงานในสหรัฐอเมริกาสักกระยะหนึ่ง ฉันสามารถสมัครวิชาถาวรและกรีนการ์ดได้เนื่องจากน้องสาวของฉันเป็นพลเมืองสหรัฐฯ แต่รายชื่อผู้รอค่อนข้างยาวและอาจใช้เวลาจนถึงสี่ปีจึงจะได้กรีนการ์ด ฉันอาจจะแกล้งไปที่จะเดินทางและทำงานเมื่อฉันได้รับกรีนการ์ด ฉันจะดีใจมากหากศาลสามารถสั่งให้สำนักงานตรวจคนเข้าเมืองอนุญาตให้ฉันได้วิชาถาวรเร็วขึ้น

ความช่วยเหลือใด ๆ ที่ศาลสามารถให้ได้ในเรื่องเหล่านี้จะได้รับการชื่นชมอย่างยิ่ง

Dear Judge Rutherford,

I apologize for any confusion that may have arisen due to my misunderstanding of American law and the judge's previous rulings on this matter. I humbly ask for your assistance in these matters.

I have been informed that you have advised the senior judge to dismiss this case because I did not properly sign the amended petition filed with the court on March 27, 2024.

My brother-in-law, Brian, signed the amended petition electronically on that day, and I had previously agreed that he could electronically sign on my behalf. This approach does not appear to be sufficient, but I am not aware of any solution at this time.

However, I signed the original petition on December 28, 2023, and it accurately reflects my needs and circumstances on that day.

I sincerely implore the court to provide the assistance we need.

Eligible for Social Security Benefits

1. I married my second husband, Nikolaus Von Kramer, on January 12, 2006, and we were very happy. However, he passed away on April 26, 2014, and I informed the embassy of his death, and his Social Security benefits were suspended at that time.

2. I worked with a woman at the embassy to stop his social security payments. She explained that when I got older, I would be eligible for social security benefits, but only if I had friends or family living in the United States.

3. To receive social security benefits, I have to travel to the United States for about one and a half months every six months. The cost of traveling to the United States would be too high, unless I have someone in the United States with whom I can live. My benefits would end if I do not travel to the United States as required.

4. When I have visited the United States for 5 years, I will try to show that I have done many things during my visit to this country that demonstrate my strong and long-standing commitment to America. This will allow me to benefit from Social Security while living in Thailand.

5. When my sister met my brother-in-law Brian, I was so happy. They were so happy to be together, married, and settled in the United States.

The first few visa applications were rejected.

6. The next time my sister came to Thailand, I asked her if I could fly to the US with her and stay with her while I filed for Social Security. Brian agreed to help me get surviving widow benefits.

7. Then I applied for a tourist visa a few times. Brian prepared a large file of documents and photos for me to send to the interviewers, but no matter what I did, my visa application was rejected every time. I was very disappointed.

8. Brian wanted to fight the rejection, but I was worried that I had mishandled the interview and that if I complained, the immigration officer would get mad at me and not give me the tourist visa. Brian said that's not how immigration works. I said I wanted to try again later and hoped I would get lucky and get a kind interviewer who would give me the tourist visa.

Tourist Visa Approved

9. When our mother passed away, my sister went to Thailand, but her "green card" expired and she could not return to the US. So Brian applied for a tourist visa for my sister, and I decided to give it a shot. My daughter applied for a tourist visa for me and was able to interview within 15 minutes of my sister's interview.

10. We were able to go into the embassy together, and before the interview, my sister introduced me to the interviewer, saying, "She is my sister." In this interview, the first thing he asked me was, "Who are you traveling with?" I told him the names of my sister and Brian. Then he searched some information on his computer. Then, without asking any further questions or checking any other documents, he told me that my tourist visa had been approved. I was very happy.

Start using Social Security benefits

11. I was able to fly to the United States with my sister and Brian. Brian took me to the Social Security office about eight times and they kept saying that I was not eligible for benefits. However, Brian persisted and after talking about the rules of the Social Security office, they finally agreed that I was eligible. Several additional visits were required because people did not know how to set up benefits for applicants with a tourist visa only.

12. For subsequent visits, the Social Security office would often cancel my benefits even if I returned before the deadline they set. And I would have to start over again, but the payments were only delayed. No payments were missed.

The help I am requesting from the court

1. I want the court to notify the Social Security Administration that I should receive credit for the three years I was barred from entering the United States, which should count towards my “long and close relationship with the United States.”

2. I would like to travel to the US on a more flexible schedule, sometimes staying longer and not traveling as often. Thailand's time zone is 12 hours ahead of the US. Traveling can cause severe jet lag, which can take up to two weeks to recover from.

3. I would like the option to work in the US for a while. I can apply for a permanent resident visa and a green card because my sister is a US citizen, but the waiting list is quite long and it can take up to four years to get a green card. I may be too old to travel and work when I get my green card. I would be very happy if the court could order the Immigration Bureau to grant me a permanent visa sooner.

Any assistance the court can provide in these matters would be greatly appreciated.

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

Dated: ___ Mar 2025

Location: _____ Thailand

Buakhao Von Kramer
BualhaoVonKramer@gmail.com
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND

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

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs</p> <p>versus</p> <p>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</p>	<p>Civil No. 3-23CV2875 - S</p> <p>Request to File Amended Complaint</p> <p>As Ordered By Court on 22 Apr 2024</p> <p>คำร้องขอให้ยื่นฟ้อง คำร้องแก้ไข</p> <p>ตามคำสั่งศาลเมื่อวันที่ 22 เมษายน 2567</p>
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เรียนท่าน:

ฉันขอโทษสำหรับความสับสนที่อาจเกิดขึ้นเนื่องจากฉันเข้าใจผิดเกี่ยวกับกฎหมายอเมริกันและคำตัดสินก่อนหน้าของผู้พิพากษาในเรื่องนี้ ฉันเห็นด้วยว่าพี่ชายของฉัน ไบรอัน คาร์ลงนามในคำร้องแก้ไขในนามของฉันทางอิเล็กทรอนิกส์ในวันที่ 27 มีนาคม 2024 อย่างไรก็ตาม ผู้พิพากษาดูเหมือนจะตั้งคำถามถึงลายเซ็นของฉันในคำตัดสินของเธอเมื่อวันที่ 27 กุมภาพันธ์ 2025 ฉันลงนามในคำร้องแก้ไขที่แนบมาเหนือชื่อของฉันเพื่อระบุงเกตนาของฉันเมื่อวันที่ 27 มีนาคม 2024

เมื่อวันที่ 22 เมษายน 2024 ผู้พิพากษาสั่งให้ "โจทก์" ยื่นคำร้องแก้ไขนี้โดยไม่มีการเปลี่ยนแปลงใดๆ ภายในวันที่ 30 เมษายน 2024 และไบรอันยื่นคำร้องแก้ไขเมื่อวันที่ 23 เมษายน 2024 อย่างไรก็ตาม ในคำตัดสินของผู้พิพากษาเมื่อวันที่ 27 เมษายน 2025 เธอระบุว่าศาลไม่สามารถช่วยเหลือฉันในประเด็นนี้ได้ ฉันไม่ทราบว่าจะทำไม แต่ฉันต้องการความช่วยเหลือตามคำร้องที่แก้ไข ฉันได้ลงนามในคำร้องที่แก้ไขที่แนบมาด้วยตนเองเพื่อระบุว่าฉันต้องการความช่วยเหลือตามที่ร้องขอ

Dear Sir:

I apologize for any confusion that may have occurred due to my misunderstanding of American law and the judge's previous rulings on this matter. I agree that my brother-in-law, Brian, should have signed the amended petition on my behalf electronically on March 27, 2024. However, the judge appeared to question my signature in her ruling on February 27, 2025. I signed the attached amended petition above my name to state my intentions on March 27, 2024.

On April 22, 2024, the judge ordered the "plaintiff" to file this amended petition without any changes by April 30, 2024, and Brian filed the amended petition on April 23, 2024. However, in the judge's ruling on April 27, 2025, she stated that the court could not assist me on this issue. I do not know why, but I would like the assistance provided by the amended petition. I have personally signed the attached amended petition to state that I would like the assistance requested.

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

Dated: ____ Mar 2025

Location: _____ Thailand

Buakhao Von Kramer
BualhaoVonKramer@gmail.com
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND

For the year Jan. 1-Dec. 31, 2023, or other tax year beginning _____, 2023, ending _____, 2020. See separate instructions.

Your first name and middle initial: **BRIAN P** Last name: **CARR** Your social security number: **XXX XX XXXX**

If joint return, spouse's first name and middle initial: **RUEANGRONG** Last name: **CARR** Spouse's social security number: **XXX XX XXXX**

Home address (number and street). If you have a P.O. box, see instructions. Apt. no. **1201 BRADY DR** Presidential Election Campaign Check here if you, or your spouse if filing jointly, want \$3 to go to this fund. Checking a box below will not change your tax or refund. You Spouse

City, town, or post office. If you have a foreign address, also complete spaces below. State: **TX** ZIP code: **75061**

Foreign country name: _____ Foreign province/state/county: _____ Foreign postal code: _____

Filing Status Single Head of household (HOH) Married filing jointly (even if only one had income) Qualifying surviving spouse (QSS) Married filing separately (MFS)

Check only one box. If you checked the MFS box, enter the name of your spouse. If you checked the HOH or QSS box, enter the child's name if the qualifying person is a child but not your dependent: _____

Digital Assets At any time during 2023, did you: (a) receive (as a reward, award, or payment for property or services); or (b) sell, exchange, or otherwise dispose of a digital asset (or a financial interest in a digital asset)? (See instructions.) Yes No

Standard Deduction Someone can claim: You as a dependent Your spouse as a dependent Spouse itemizes on a separate return or you were a dual-status alien

Age/Blindness You: Were born before January 2, 1959 Are blind Spouse: Was born before January 2, 1959 Is blind

Dependents (see instructions):

If more than four dependents, see instruction and check here <input type="checkbox"/>	(1) First name Last name		(2) Social security number	(3) Relationship to you	(4) Check the box if qualifies for (see instructions):	Child tax credit	Credit for other dependents
						<input type="checkbox"/>	<input type="checkbox"/>
					<input type="checkbox"/>	<input type="checkbox"/>	
					<input type="checkbox"/>	<input type="checkbox"/>	
					<input type="checkbox"/>	<input type="checkbox"/>	

Income

1 a	Total amount from Form(s) W-2, box 1 (see instructions)	1a	
b	Household employee wages not reported on Form(s) W-2	1b	
c	Tip income not reported on line 1a (see instructions)	1c	
d	Medicaid waiver payments not reported on Form(s) W-2 (see instructions)	1d	
e	Taxable dependent care benefits from Form 2441, line 26	1e	0
f	Employer-provided adoption benefits from Form 8839, line 29	1f	0
g	Wages from Form 8919, line 6	1g	0
h	Other earned income (see instructions)	1h	
i	Nontaxable combat pay election (see instructions)	1i	
z	Add lines 1a through 1h	1z	0

Attach Sch. B if required.	2a	Tax-exempt interest	2a		b	Taxable interest	2b	479
	3a	Qualified dividends	3a		b	Ordinary dividends	3b	1830
	4a	IRA distributions	4a	318662	b	Taxable amount	4b	318662
	5a	Pensions and annuities	5a		b	Taxable amount	5b	
	6a	Social security benefits	6a	38748	b	Taxable amount	6b	32936
	c	If you elect to use the lump-sum election method, check here (see instructions)						
	7	Capital gain or (loss). Attach Schedule D if required. If not required, check here			7		-649	
	8	Additional income from Schedule 1, line 10			8		11573	
	9	Add lines 1z, 2b, 3b, 4b, 5b, 6b, 7, and 8. This is your total income			9		364831	
	10	Adjustments to income from Schedule 1, line 26			10		818	
	11	Subtract line 10 from line 9. This is your adjusted gross income			11		364013	
	12	Standard deduction or itemized deductions (from Schedule A)			12		29200	
	13	Qualified business income deduction from Form 8995 or Form 8995-A			13		0	
	14	Add lines 12 and 13			14		29200	
	15	Subtract line 14 from line 11. If zero or less, enter -0-. This is your taxable income			15		334813	

Tax and Credits	16	Tax (see instructions). Check if any from Form 8814 <input type="checkbox"/> : 8814 <input type="checkbox"/> 4972 <input type="checkbox"/> 3 <input type="checkbox"/>	16	67155
	17	Amount from Schedule 2, line 3	17	0
	18	Add lines 16 and 17	18	67155
	19	Child tax credit or credit for other dependents from Schedule 8812.	19	
	20	Amount from Schedule 3, line 8	20	0
	21	Add lines 19 and 20	21	0
	22	Subtract line 21 from line 18. If zero or less, enter -0-	22	67155
	23	Other taxes, including self-employment tax, from Schedule 2, line 21	23	1635
24	Add lines 22 and 23. This is your total tax	24	68790	

Payments	25	Federal income tax withheld from:		
	a	Form(s) W-2	25a	
	b	Form(s) 1099	25b	
	c	Other forms (see instructions)	25c	
	d	Add lines 25a through 25c	25d	0
	26	2023 estimated tax payments and amount applied from 2022 return	26	63500
	27	Earned income credit (EIC)	27	
	28	Additional child tax credit from Schedule 8812	28	
	29	American opportunity credit from Form 8863, line 8..	29	0
	30	Reserved for future use	30	
31	Amount from Schedule 3, line 15	31	0	
32	Add lines 27, 28, 29, and 31. These are your total other payments and refundable credits	32	0	
33	Add lines 25d, 26, and 32. These are your total payments.	33	63500	

Refund	34	If line 33 is more than line 24, subtract line 24 from line 33. This is the amount you overpaid	34	0
	35a	Amount of line 34 you want refunded to you. If Form 8888 is attached, check here <input type="checkbox"/>	35a	0
	b	Routing number 1 1 3 1 9 3 5 3 2 c Type: <input type="checkbox"/> Checking <input checked="" type="checkbox"/> Savings		
	d	Account number X X X X X X 6 6 3 8		
36	Amount of line 34 you want applied to your 2024 estimated tax.	36	0	

Amount You Owe	37	Subtract line 33 from line 24. This is the amount you owe. For details on how to pay, go to www.irs.gov/Payments or see instructions..	37	5290
	38	Estimated tax penalty (see instructions).	38	0

Third Party Designee Do you want to allow another person to discuss this return with the IRS? See instructions Yes. Complete below. No

Designee's name _____ Phone no. _____ Personal identification number (PIN) _____

Sign Here Under penalties of perjury, I declare that I have examined this return and accompanying schedules and statements, and to the best of my knowledge and belief, they are true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Your signature	Date	Your occupation	If the IRS sent you an Identity Protection PIN, enter it here (see inst.)
		RETIRED	_____
	Spouse's signature. If a joint return, both must sign	Date	Spouse's occupation
		DEEP MUSCLE THERAPY	_____
Phone no.	Email address carrbp@gmail.com		

Paid Preparer Use Only

Preparer's name	Preparer's signature	Date	PTIN	Check if: <input type="checkbox"/> Self-employed
Firm's name	Firm's address			Phone no.
Firm's address				Firm's EIN

Form **843**

Claim for Refund and Request for Abatement

OMB No. 1545-0024

(Rev. August 2011)
Department of the Treasury
Internal Revenue Service

▶ See separate instructions.

Use Form 843 if your claim or request involves:

- (a) a refund of one of the taxes (other than income taxes or an employer's claim for FICA tax, RRTA tax, or income tax withholding) or a fee, shown on line 3,
- (b) an abatement of FUTA tax or certain excise taxes, or
- (c) a refund or abatement of interest, penalties, or additions to tax for one of the reasons shown on line 5a.

Do not use Form 843 if your claim or request involves:

- (a) an overpayment of income taxes or an employer's claim for FICA tax, RRTA tax, or income tax withholding (use the appropriate amended tax return),
- (b) a refund of excise taxes based on the nontaxable use or sale of fuels, or
- (c) an overpayment of excise taxes reported on Form(s) 11-C, 720, 730, or 2290.

Name(s) Brian P Carr	Your social security number XXX-XX-9395
Address (number, street, and room or suite no.) 1201 Brady Dr	Spouse's social security number XXX-XX-6446
City or town, state, and ZIP code Irving, TX	Employer identification number (EIN)
Name and address shown on return if different from above	Daytime telephone number 518-227-0129

1 Period. Prepare a separate Form 843 for each tax period or fee year. From <u>1 Jan 2023</u> to <u>31 Dec 2023</u>	2 Amount to be refunded or abated: \$ <u>1055.19</u>
---	--

3 Type of tax or fee. Indicate the type of tax or fee to be refunded or abated or to which the interest, penalty, or addition to tax is related.

Employment
 Estate
 Gift
 Excise
 Income
 Fee

4 Type of penalty. If the claim or request involves a penalty, enter the Internal Revenue Code section on which the penalty is based (see instructions). IRC section: 6654

5a Interest, penalties, and additions to tax. Check the box that indicates your reason for the request for refund or abatement. (If none apply, go to line 6.)

Interest was assessed as a result of IRS errors or delays.
 A penalty or addition to tax was the result of erroneous written advice from the IRS.
 Reasonable cause or other reason allowed under the law (other than erroneous written advice) can be shown for not assessing a penalty or addition to tax.

b Date(s) of payment(s) ▶ 04/12/23 \$1500 222-3503-8543-3666, 9/13/23 \$30000 222-3656-1152-7713, 1/12/24 \$32000 C221971161721342

6 Original return. Indicate the type of fee or return, if any, filed to which the tax, interest, penalty, or addition to tax relates.

706 709 940 941 943 945
 990-PF 1040 1120 4720 Other (specify) ▶

7 Explanation. Explain why you believe this claim or request should be allowed and show the computation of the amount shown on line 2. If you need more space, attach additional sheets.

Abatement requested as 80% 'income' (from Roth conversion) was recorded on 10 Jul 2023 and the majority of other income came later in the year.

Additional abatement is requested as this is a first time penalty for estimated payments and additional instructions are requested for how to handle estimated tax payments for large unpredictable one time 'payments'. See attached sheets for a full explanation.

Signature. If you are filing Form 843 to request a refund or abatement relating to a joint return, both you and your spouse must sign the claim. Claims filed by corporations must be signed by a corporate officer authorized to sign, and the officer's title must be shown.

Under penalties of perjury, I declare that I have examined this claim, including accompanying schedules and statements, and, to the best of my knowledge and belief, it is true, correct, and complete. Declaration of preparer (other than taxpayer) is based on all information of which preparer has any knowledge.

Signature (Title, if applicable. Claims by corporations must be signed by an officer.) _____ Date _____

Signature (spouse, if joint return) _____ Date _____

Paid Preparer Use Only	Print/Type preparer's name	Preparer's signature	Date	Check <input type="checkbox"/> if self-employed	PTIN
	Firm's name ▶	Firm's EIN ▶			
	Firm's address ▶	Phone no.			

Request for abatement for penalty for estimated tax payments. It is certainly true that most of the payments were made for the latter half of the year with:

Payments

04/12/23	IRS Payment	1,500.00	222-3503-8543-3666
09/13/23	IRS Payment	30,000.00	222-3656-1152-7713
01/12/24	IRS Payment	32,000.00	C22197116172134255

However, virtually all of the taxable income was in the second half of the year as well.

On Page 1 of VgIrC237.pdf, Traditional IRA Brokerage Account XXXX3331, in the last two rows on page 1 there are 'conversion' entries on 10 Jul 2023 for \$69,281.97 and \$219,379.94 for a total of \$288,661.91. This is the primary source of income for 2023.

On page 5 of VgIrS239.pdf, Traditional IRA brokerage account XXXX3331, there is an entry on 07 Sep 2023 with an IRA distribution of \$30,000 which was used for the 13 Sep 2023 tax payment.

On page 5 of VgPr23c.pdf, Individual brokerage account XXXX5316, there is an entry on 20 Dec 2023 with a dividend payment of \$1,827.34.

Further, the tax payers have a Schedule C business which turned a record profit of \$11,573. The prior three years had all had minor losses of a few hundred dollars. While it was anticipated that the business would have significant profit, the actual amount of the profit was not known until the end of December.

While Social Security was a regular minor source of income throughout the year, the amount of taxes due of Social Security payments increased substantially once the IRA distributions in second half of 2023 were considered.

IRA Distributions Not Predictable

I decide whether or not to make an IRA conversion based on the current stock price and the expected price changes after conversion. It would not be prudent to pay 25% taxes on stocks which are going to tank (reduced to half price) in the short term. The effective tax rate would actually be 50% and it would be much wiser to do the conversion at a later date, even a later year, once the price had dropped.

2023 had many concerns about higher interest rates and a potential recession / depression. Tax payments were deferred until it was known what the amount of Roth conversions would be if any.

Adjust Penalty for Dates When Income Received

An abatement is requested to adjust the penalty for the dates when the 'income' (Roth Conversion, really) was received / recorded. Mr. Carr did endeavor to have equal estimated tax payments once the expected 'income' was known.

Penalty Eliminated as this is First Time Penalty

I have consistently made equal payments through the remainder of the year with each past Roth conversion and no penalty was applied. In some cases this was at the very start of the year and in some cases this was later. Mr. Carr asks that a one time exception be made in this case to eliminate any penalty.

Are Equal Payments for the Remainder of the Year Correct

I also inquired at the specified phone number whether I should have paid $\frac{3}{4}$ of the estimated taxes in the third quarter for income which came in the third quarter. However, the tax specialists who was assigned to the call was not familiar with the issue and referred the matter to the 'tax law' specialists, but that service has been terminated. The online help system which was recommend did not seem to have anything which addresses that issue. Is it possible when this abatement request is resolved to include an explanation of how to handle estimated payments when a large single 'income' is recognized?

Thanks for your attention to this matter.

Brian Carr

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USPS Tracking Plus®



Product Information



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[FAQs](#)



FRESNO CA 93888-0025

In reply refer to: 1042507903
Aug. 27, 2024 LTR 854C 0
***-**-9395 202312 30

00010314
BODC: SB

BRIAN P & RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061

Taxpayer identification number: ***-**-9395
Tax periods: Dec. 31, 2023

Form: 1040

Kind of Penalty: Estimated Tax

Dear Taxpayer:

Thank you for your inquiry dated May 11, 2024.

We're unable to waive the penalty for underpayment of estimated tax based on the explanation you gave. We generally can only waive the penalty if:

1. a **casualty**, disaster, or other unusual circumstance caused the **late or insufficient** payment of estimated tax such that **charging the** penalty would be unfair,
OR
2. in the **tax year** for which the payment was due or in the preceding **tax year**, you (or your spouse if you are filing jointly) retired after reaching age 62 or became disabled, and the underpayment or late payment of estimated tax was due to reasonable cause and not due to willful neglect.

If you don't receive your income evenly throughout the year, you may be able to lower or eliminate your estimated tax penalty using the **annualized income** installment method. Under this method, your required installment for one or more payment periods may be less than one-fourth of your required annual payment.

If you use the annualized income installment method, you must complete Form 2210, Underpayment of Estimated Tax by Individuals, Estates, and Trusts. Be sure to check box C, Part II. Also, you must complete Schedule AI. Schedule AI annualizes your tax at the end of each payment period based on your income, deductions, and other items relating to events that occurred during that year.

The ~~current~~ balance due for the tax period ended Dec. 31, 2023, is

1042507983

Aug. 27, 2024 LTR 8540 0

***-**-9395 202312 30

00010315

BRIAN P & RUEANGRODNG CARR
1201 BRADY DR
IRVING TX 75061

\$1,055.07, which includes penalty of \$1,055.19 and interest of \$30.88 figured to Sep. 15, 2024. We will continue to charge interest and applicable penalties until you pay the balance due in full. Pay as much as you can now using one of the payment options described below.

PAYMENT OPTIONS

Pay online, by phone, or with a mobile device. Visit [IRS.gov/payments](https://www.irs.gov/payments) or the IRS2Go mobile app for all IRS payment options.

If you plan to mail a payment, consider the electronic options at [IRS.gov/payments](https://www.irs.gov/payments) first. It's free to pay from a bank account (Direct Pay) or the Electronic Federal Tax Payment System (EFTPS). You can also schedule payments and receive email notifications.

If you pay by check, money order, or cashier's check, make sure it's payable to the U.S. Treasury.

Can't pay it all now?

- Apply for a payment plan (installment agreement) at [IRS.gov/DPA](https://www.irs.gov/DPA)
- Consider an offer in compromise at [IRS.gov/OIC](https://www.irs.gov/OIC)
- Request a temporary collection delay at [IRS.gov/tempcollectiondelay](https://www.irs.gov/tempcollectiondelay)

To view the amount you owe and your payment history visit [IRS.gov/account](https://www.irs.gov/account).

We've provided a general explanation of the penalties and/or interest we may have included in the current balance due on your account. If you want a specific explanation of how we computed the balance on your account, call us at the toll-free number in this letter, and we will send you a detailed computation.

**** FILING AND/OR PAYING LATE -- IRC SECTION 6651 ****

We assess a 5% monthly penalty for filing your return late and a 1/2% monthly penalty for not paying the tax you owe by the due date. When both penalties apply for the same month, the amount of the penalty for filing late for that month is reduced by the amount of the penalty for paying late for that month.

The Failure to File or Failure to Pay penalty may not apply where you've shown that the failure is due to reasonable cause and not willful neglect.

We base the monthly penalty for filing late on the tax required to be

Form **2210**

**Underpayment of Estimated Tax by
Individuals, Estates, and Trusts**

OMB No. 1545-0140

2023

Department of the Treasury
Internal Revenue Service

Attach to Form 1040, 1040-SR, 1040-NR, or 1041.
Go to www.irs.gov/Form2210 for instructions and the latest information.

Attachment
Sequence No. **06**

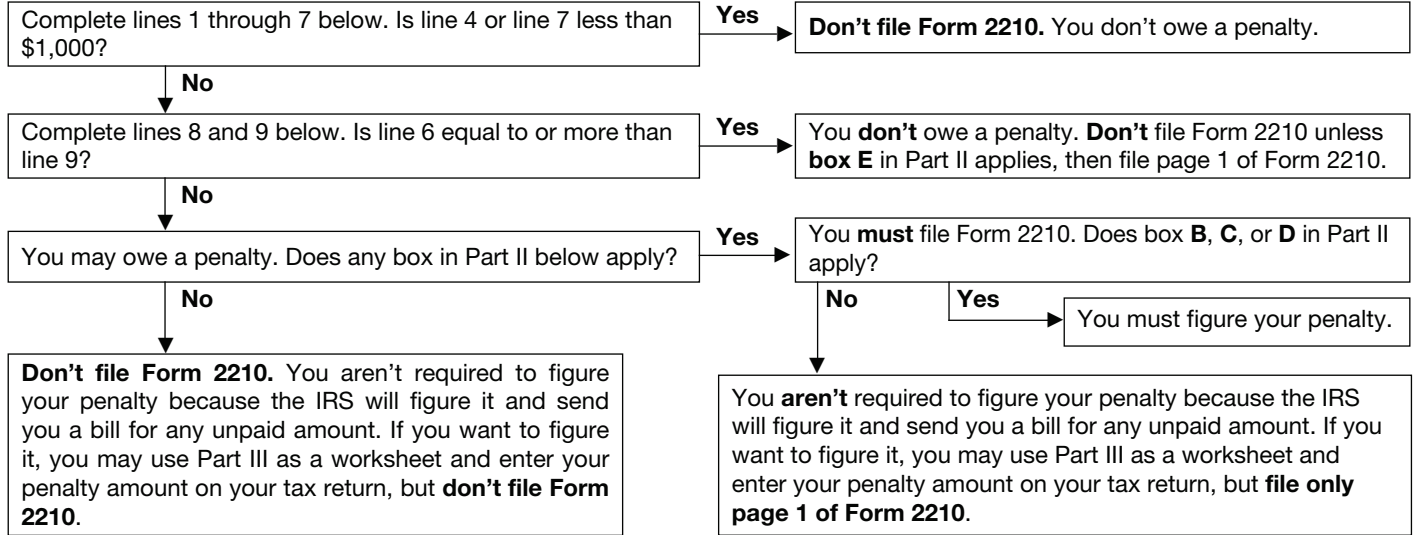
Name(s) shown on tax return

Identifying number

Brian P Carr

XXX-XX-9395

Do You Have To File Form 2210?



Part I Required Annual Payment

1	Enter your 2023 tax after credits from Form 1040, 1040-SR, or 1040-NR, line 22. (See the instructions if not filing Form 1040.)	1	67,155.31
2	Other taxes, including self-employment tax and, if applicable, Additional Medicare Tax and/or Net Investment Income Tax (see instructions)	2	1,635.21
3	Other payments and refundable credits (see instructions)	3	(0)
4	Current year tax. Combine lines 1, 2, and 3. If less than \$1,000, stop ; you don't owe a penalty. Don't file Form 2210	4	68,790.52
5	Multiply line 4 by 90% (0.90)	5	61911.47
6	Withholding taxes. Don't include estimated tax payments. See instructions	6	0
7	Subtract line 6 from line 4. If less than \$1,000, stop ; you don't owe a penalty. Don't file Form 2210	7	68,790.52
8	Maximum required annual payment based on prior year's tax (see instructions)	8	75,669.00
9	Required annual payment. Enter the smaller of line 5 or line 8	9	61,911.47

Next: Is line 9 more than line 6?

- No.** You **don't** owe a penalty. **Don't** file Form 2210 unless box **E** below applies.
- Yes.** You may owe a penalty, but **don't** file Form 2210 unless one or more boxes in Part II below applies.
 - If box **B**, **C**, or **D** applies, you must figure your penalty and file Form 2210.
 - If box **A** or **E** applies (but not **B**, **C**, or **D**), file only page 1 of Form 2210. You **aren't** required to figure your penalty; the IRS will figure it and send you a bill for any unpaid amount. If you want to figure your penalty, you may use Part III as a worksheet and enter your penalty on your tax return, but **file only page 1 of Form 2210**.

Part II Reasons for Filing. Check applicable boxes. If none apply, **don't** file Form 2210.

- A** You request a **waiver** (see instructions) of your entire penalty. You must check this box and file page 1 of Form 2210, but you aren't required to figure your penalty.
- B** You request a **waiver** (see instructions) of part of your penalty. You must figure your penalty and waiver amount and file Form 2210.
- C** Your income varied during the year and your penalty is reduced or eliminated when figured using the **annualized income installment method**. You must figure the penalty using Schedule AI and file Form 2210.
- D** Your penalty is lower when figured by treating the federal income tax withheld from your income as paid on the dates it was actually withheld, instead of in equal amounts on the payment due dates. You must figure your penalty and file Form 2210.
- E** You filed or are filing a joint return for either 2022 or 2023, but not for both years, and line 8 above is smaller than line 5 above. You must file page 1 of Form 2210, but you **aren't** required to figure your penalty (unless box **B**, **C**, or **D** applies).

Part III Penalty Computation (See the instructions if you're filing Form 1040-NR.)

Section A—Figure Your Underpayment	Payment Due Dates				
	(a) 4/15/23	(b) 6/15/23	(c) 9/15/23	(d) 1/15/24	
10 Required installments. If box C in Part II applies, enter the amounts from Schedule AI, line 27. Otherwise, enter 25% (0.25) of line 9, Form 2210, in each column. For fiscal year filers, see instructions	10	27.23	391.38	46,015.00	15,335.22
11 Estimated tax paid and tax withheld (see the instructions). For column (a) only, also enter the amount from line 11 on line 15, column (a). If line 11 is equal to or more than line 10 for all payment periods, stop here; you don't owe a penalty. Don't file Form 2210 unless you checked a box in Part II	11	1,500.00	0	30,000.00	32,000.00

Complete lines 12 through 18 of one column before going to line 12 of the next column.

12 Enter the amount, if any, from line 18 in the previous column	12		1,472.78	46,015.00	15,335.22
13 Add lines 11 and 12	13		1,472.78	30,000.00	32,000.00
14 Add the amounts on lines 16 and 17 in the previous column	14		0	1,081.40	0
15 Subtract line 14 from line 13. If zero or less, enter -0-. For column (a) only, enter the amount from line 11	15	1,500.00	1,472.78	31,081.40	32,000.00
16 If line 15 is zero, subtract line 13 from line 14. Otherwise, enter -0-	16		0	0	
17 Underpayment. If line 10 is equal to or more than line 15, subtract line 15 from line 10. Then go to line 12 of the next column. Otherwise, go to line 18	17	0	0	14,933.60	0
18 Overpayment. If line 15 is more than line 10, subtract line 10 from line 15. Then go to line 12 of the next column	18	1,472.78	1,081.40	0	

Section B—Figure the Penalty (Use the Worksheet for Form 2210, Part III, Section B—Figure the Penalty in the instructions.)

19 Penalty. Enter the total penalty from line 14 of the Worksheet for Form 2210, Part III, Section B—Figure the Penalty. Include this amount on Form 1040, 1040-SR, or 1040-NR, line 38; or Form 1041, line 27. Don't file Form 2210 unless you checked a box in Part II	19				340.81
--	----	--	--	--	--------

Schedule AI—Annualized Income Installment Method (See the instructions.)

Estates and trusts, **don't** use the period ending dates shown to the right. Instead, use the following: 2/28/23, 4/30/23, 7/31/23, and 11/30/23.

	(a)	(b)	(c)	(d)	
	1/1/23–3/31/23	1/1/23–5/31/23	1/1/23–8/31/23	1/1/23–12/31/23	
Part I Annualized Income Installments					
1 Enter your adjusted gross income for each period. See instructions. (Estates and trusts, enter your taxable income without your exemption for each period.) . . .	1	7,605.58	15,924.58	352,510.11	364,013.78
2 Annualization amounts. (Estates and trusts, see instructions.)	2	4	2.4	1.5	1
3 Annualized income. Multiply line 1 by line 2 . . .	3	30,422.31	38,218.98	528,765.17	364,013.78
4 If you itemize, enter itemized deductions for the period shown in each column. All others, enter -0-, and skip to line 7. Exception: Estates and trusts, skip to line 9 .	4	0	0	0	0
5 Annualization amounts	5	4	2.4	1.5	1
6 Multiply line 4 by line 5	6				
7 In each column, enter the amount of your standard deduction from Form 1040 or 1040-SR. (Form 1040-NR filers, enter -0-. Exception: Indian students and business apprentices, see instructions.)	7	29,200.00	29,200.00	29,200.00	29,200.00
8 Enter the larger of line 6 or line 7	8	29,200.00	29,200.00	29,200.00	29,200.00
9 Deduction for qualified business income. Estates and trusts: Subtract this amount from the amount on line 3, skip line 10, and enter the result on line 11	9	0	0	0	0
10 Add lines 8 and 9	10	29,200.00	29,200.00	29,200.00	29,200.00
11 Subtract line 10 from line 3	11	1,222.31	9,018.98	499,565.17	334,813.78
12 Form 1040, 1040-SR, or 1040-NR filers, enter -0- in each column. (Estates and trusts, see instructions.)	12	0	0	0	0
13 Subtract line 12 from line 11. If zero or less, enter -0-	13	1,222.31	9,018.98	499,565.17	334,813.78
14 Figure your tax on the amount on line 13. See instructions	14	121	903	118,637	67,155
15 Self-employment tax from line 36 (complete Part II below)	15	0	27.23	1,977.74	1,476.67
16 Enter other taxes for each payment period including, if applicable, Additional Medicare Tax and/or Net Investment Income Tax. See instructions	16	0	0	0	0
17 Total tax. Add lines 14, 15, and 16	17	121	930.23	120,614.49	68,632.03
18 For each period, enter the same type of credits as allowed on Form 2210, Part I, lines 1 and 3. See instructions . .	18	0	0	0	0
19 Subtract line 18 from line 17. If zero or less, enter -0-	19	121	930.23		66,050.59
20 Applicable percentage	20	22.5%	45%	67.5%	90%
21 Multiply line 19 by line 20	21	27.23	418.60	81,414.78	61,768.83

Complete lines 22–27 of one column before going to line 22 of the next column.

22 Enter the total of the amounts in all previous columns of line 27	22		27.23	418.60	33,459.42
23 Subtract line 22 from line 21. If zero or less, enter -0-	23	27.23	391.38	80,996.18	28,309.41
24 Enter 25% (0.25) of line 9 on page 1 of Form 2210 in each column	24	15,477.87	15,477.87	15,477.87	15,477.87
25 Subtract line 27 of the previous column from line 26 of that column	25		15,450.64	15,086.49	-16,324.72
26 Add lines 24 and 25	26	15,477.87	30,928.51	46,015.00	15,477.87
27 Enter the smaller of line 23 or line 26 here and on Form 2210, Part III, line 10	27	27.23	391.38	46,015.00	15,335.22

Part II Annualized Self-Employment Tax (Form 1040, 1040-SR, or 1040-NR filers only)

28 Net earnings from self-employment for the period (see instructions)	28	0	0	10,189.76	11,573.01
29 Prorated social security tax limit	29	\$40,050	\$66,750	\$106,800	\$160,200
30 Enter actual wages for the period subject to social security tax or the 6.2% portion of the 7.65% railroad retirement (tier 1) tax. Exception: If you filed Form 4137 or Form 8919, see instructions	30	0	0	10,189.76	11,573.01
31 Subtract line 30 from line 29. If zero or less, enter -0-	31	0	0	0	0
32 Annualization amounts	32	0.496	0.2976	0.186	0.124
33 Multiply line 32 by the smaller of line 28 or line 31 .	33	0	0	1,895.30	1,435.05
34 Annualization amounts	34	0.116	0.0696	0.0435	0.029
35 Multiply line 28 by line 34	35				
36 Add lines 33 and 35. Enter here and on line 15 above	36				

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

Internal Revenue Service
Fresno, CA 93888-0025

Dear Sir / Madam:

3. Sep. 2024

Reference SSAN 461-92-9395 202312, letter 27 Aug 2024, 1042507903, LTR 854C 00010314,

I would like to appeal the findings.

I have attached a Form 2210 to document the variations in income (most income received later in the year) with a reduced penalty of \$340.81.

I request that as I had made a diligent effort to make equal estimated tax payment as soon as I was aware of the expected income, that this penalty be waived for 2023.

Under penalties of perjury, I declare that the facts presented in my written protest and attached Form 2210 are, to the best of my knowledge and belief, true, correct, and complete.

Thanks for your attention to this matter.

Brian P. Carr

ALERT: EFFECTIVE NOVEMBER 29, 2024, INTERNATIONAL MAIL SERVICE TO CANADA IS T...

USPS Tracking®

FAQs >

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Delivered, Individual Picked Up at Postal Facility

FRESNO, CA 93888

September 8, 2024, 4:28 am

Arrived at USPS Regional Destination Facility

FRESNO CA DISTRIBUTION CENTER

September 8, 2024, 12:12 am

Arrived at USPS Regional Origin Facility

DALLAS TX DISTRIBUTION CENTER

September 7, 2024, 2:06 am

Accepted at USPS Origin Facility

IRVING, TX 75061

September 7, 2024, 12:51 am

Pre-Shipment, USPS Awaiting Item

September 6, 2024

26-10025.1680

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

Text & Email Updates



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Product Information



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Need More Help?

Contact USPS Tracking support for further assistance.

FAQs



Stop 6525 (SP CIS)
Kansas City MO 64999-0025

In reply refer to: 0132605664
Oct. 10, 2024 LTR 86C 0
***-**-9395 202312 30
Input Op: 0132605664 00000629
BODC: SB

BRIAN P & RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061-4749

019655

Taxpayer identification number: ***-**-9395
Tax periods: Dec. 31, 2023

Form: 1040

Dear Taxpayer:

Thank you for your inquiry of Sep. 03, 2024.

We're sending your correspondence, dated Sep. 03, 2024, to the office at the address at the end of this letter because:

We believe that office can best process your request and answer your questions.

That office will contact you within 60 days.

Find tax forms or publications by visiting [IRS.gov/forms](https://www.irs.gov/forms) or calling 800-TAX-FORM (800-829-3676).

If you have questions, you can call 800-829-0922.

If you prefer, you can write to the address at the top of the first page of this letter.

When you write, include a copy of this letter, and write your telephone number and the hours we can reach you.

Keep a copy of this letter for your records.

Thank you for your cooperation.

0132605664

Oct. 10, 2024 LTR 86C 0

***-**-9395 202312 30

Input Op: 0132605664 00000631

BRIAN P & RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061-4749



019655

To: Internal Revenue Service
Independent Office of Appeals
3211 S. Northpointe Dr
Fresno, CA 93725



Department of the Treasury
Internal Revenue Service
Memphis, TN 38101-0069



9307 1107 5660 1036 2736 83

105073.625168.305935.21545 2 AB 0.593 1410



RUEANGRONG CARR
1201 BRADY DR
IRVING TX 75061-4749

SB
IRS Notice CP504

105073

! Final Balance Due Reminder – Notice of Intent to Seize (Levy) Your Property or Rights to Property

To: RUEANGRONG CARR

As of November 11, 2024, we have not received your overdue tax after sending several notices to you. You must pay your balance immediately or we may levy (seize) your property. If you don't make your payment now, we'll consider your noncompliance an active choice and you could face a levy.

Amount Due Immediately: \$753.70

Payment must be received immediately.

What You Need To Do Immediately

Gather this information

- ☐ Your taxpayer ID number
- ☐ Form numbers (1040, 1040A or 1040EZ)
- ☐ Your filing status for the outstanding tax years
- ☐ Address from the outstanding tax years
- ☐ Your bank routing number
- ☐ Your bank account number

Pay directly online from your bank account

1. Go to irs.gov/directpay
2. Select "Make a Payment"
3. Enter the following options:
 - **Reason for Payment:** Balance Due
 - **Apply Payment To:** Income Tax - Form 1040
 - **Tax Period for Payment:** 2023
4. Follow the instructions to verify your identity and submit secure bank information
5. Submit your secure payment



Scan here to find information to direct-pay



Department of the Treasury
Internal Revenue Service
Independent Office of Appeals
324 25th Street, Suite 600J
M/S 8500
Ogden, UT 84401-2344

BRIAN P & RUEANGRONG CARR
1201 BRADY DR
IRVING, TX 75061-4749

Date:
11/18/2024
Person to contact:
Name: Diana M Bushman
Employee ID Number: 1000141417
Phone: 801-620-3064
Fax: 877-864-6615
Hours: M-F 9:30 AM -1:30 PM MT
Re:
Penalty Appeals
Tax periods ended:
12/2023

Dear Brian P & Rueangrong Carr:

Appeals received your case on 10/09/2024. We are releasing jurisdiction and returning your case to the originating office because my initial review of your case file showed that the case submitted by the IRS to Appeals is incomplete.

I am writing to let you know that your case file has been returned to the originating IRS office so that they may complete the information Appeals requires. When they complete the information that is required, a notice will be sent to you to let you know that your case has been submitted again to Appeals.

If you have questions, you can contact me at the number listed at the top of this letter. Thank you for your cooperation.

Sincerely,

Diana M. Bushman

Diana M Bushman
Appeals Officer

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

Diana M. Bushman
324 25th Street, Suite 6001
M/S 8500
Ogden, UT 84401-2344

Dear Ms. Bushman:

2. Dec. 2024

Introduction

We, Brian Carr and Rueangrong Carr are a married couple and the taxpayers in this matter. I am Brian Carr, and, to the degree legally permissible, I will represent my wife in these matters though we will jointly sign all documents. I am a graduate of West Point and have limited legal experience (initially with UCMJ). I am also an Officer of the United States, i.e. a U.S. Regular Army Captain with an honorable discharge. My wife is a U.S. Permanent Resident from Thailand. She has an outstanding application to become a U.S. citizen. I believe that I qualify as a reputable individual and will not be reimbursed for my time representing my wife.

Reference the previous letter from you on 18 Nov 2024, it appears to be a final findings of facts, decision, and order. However, it is quite ambiguous in that regard and that ambiguity has led to several documents in Internal Revenue Service (IRS) files which contradict each other and which have caused us to suffer damages. I

BC RC Reconsider Request 2. Dec. 2024

Page 1 of 6

will summarize the events to date which should cover the documents in IRS files, and ask for you to reconsider the matter and provide a more complete findings of facts, decision, and orders to correct these problems.

I will refer to several documents by name from my electronic files but you should be able to find them from the IRS files which I presume you have access to. If you would like copies of any document, please send me an email at carrbp@gmail.com and I will redact them according to federal judicial standards removing personal identification information and email the redacted copies to you.

Events Before 14 Nov 2024 Decision

On 6 May 2024 the IRS sent a notice which we received on 9 May 2024 which claimed that we owed 1,055.19 (see Irs20240506ntcCP30id270859.pdf).

On 10 May 2024 I mailed an Abatement Request (see f843C.pdf) along with an explanation (see AbatementRqst.pdf) and documentation of the significant income sources which was received by the IRS on 16 May 2024 (see f843Cdelivered.pdf).

There were delays in processing my request and another notice was mailed to me on 01 July 2024 for \$1,068.18. On 19 Aug 2024 the IRS notified me of a delay in processing my f843C. However, on 27 Aug 2024 the IRS notified me that my Abatement Request was denied but that I could file a Form 2210 with the breakdown of income received through the year (see Irs20240827ltr1042507903.pdf).

I sent the Form 2210 (see f2210C.pdf) along with a direct appeal (see AppealPenalty.pdf) on 7 Sep 2024 and it arrived with the IRS on 8 Sep 2024 (see f2210delivered.pdf). The Form 2210 computed the appropriate penalty as 340.81 which was deposited electronically with the IRS on 3 Sep 2024.

On 23 Sep 2024 the Internal Revenue Service (IRS) sent a notice which claimed that I owed 745.67 (recognizing the payment of \$340.81, but not the Form 2210).

On 10 Oct 2024 the form 2210 and direct appeal were forwarded to the 'office that can best process your request' (which I presume is your office). See IrsFwd20241010.

On 11 Nov 2024 the IRS sent us each via 'Signature Required' two otherwise identical letters stating that we owed \$753.70 which was due immediately and that the IRS would commence to Seize (or Levy) our property. Our appeal was still pending at that time and this notice violated constitutional due process requirements as well as IRS policy of permitting taxpayers to contest penalty payments and prevent seizure until any appeals are resolved.

On the 13 Nov 2024 we signed for the letters and, that evening, paid the disputed amount of 753.70 to the IRS.

On 25 Nov 2024 I sold sufficient (81.28 shares) Vanguard Total Stock ETF shares (VTI) for \$298.07 each so that on 28 Nov 2024 we could make the planned

payment of \$24,000 to the IRS for our 2024 taxes (though formally a IRA withdrawal of 24,242.42 with 99% withholding). The improperly mandated payment of \$753.70 required the early sale of 2.53 shares of VTI ETF / stock, one of our preferred investments at that time.

Decision of 18 Nov 2024

Your decision and order of 18 Nov 2024 states in part:

Appeals received your case on 10/09/2024. We are releasing jurisdiction and returning your case to the originating office because my initial review of your case file showed that the case submitted by the IRS to Appeals is incomplete.

I am writing to let you know that case file has been submitted to the originating IRS office so that they may complete the information which Appeals requires. When they complete the information that is required, a notice will be sent to you to let you know that your case has been submitted again to Appeals.

This decision was ambiguous in that it did not clearly state that the IRS computed charges of \$1,055.19 on 6 May 2024 were not supported by the evidence before Appeals and that all IRS computed penalties are overturned (without prejudice) or remanded so that the IRS can compute new penalties as appropriate.

Additional Relief Sought

We also seek that Appeals provide relief to us based on the IRS's failure to stop harassing us once we had initiated a proper appeal until the appeal was resolved.

The basic form of this would be an order for the IRS to provide us with an immediate refund of the greater of:

- a) \$753.70 plus interest since 13 Nov 2024
- b) the maximum value of 2.53 shares of VTI ETF / stocks from 13 Nov 2024 until one week before the date of payment.

We also seek a credit against our future tax payments of \$9.00 which is the USPS cost of mailing this request to reconsider. Once we notified the IRS of the original appeal and later provided the additional form 2210 as requested, no further input to Appeals should have been necessary.

Treasury IG Complaint

As it appears that the IRS routinely violates individual constitutional rights (due process right to appeal) as well as creating and relying on falsified documents¹ (a crime under 18 USC Section 1001) I will be separately initiate a complaint with the Treasury Department Inspector General.

¹ When two or more documents contradict each other concerning important facts then one or more of the documents must be false, minimally restricting the use of any of the documents until the record is clarified. The critical issue in this case is whether or not an appeal was under consideration at any particular time.

Summary

We ask that you reconsider your Decision and Order of 18 Nov 2024 and provide the requested relief.

Respectfully submitted,

Verification of Request to Reconsider

We the undersigned taxpayers hereby affirm under penalty of perjury in both the United States and Thailand that as individuals:

1. I have reviewed the allegations 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.

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

Brian P. Carr
1201 Brady Dr
Irving, TX 75061
Date: 2. Dec. 2024
Location: Irving, TX

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061
Date: 2. Dec. 2024
Location: Irving, TX

ALERT: EFFECTIVE NOVEMBER 29, 2024, INTERNATIONAL MAIL SERVICE TO CANADA IS T...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9405530109355066746628

Copy

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

Latest Update

Your item was delivered in or at the mailbox at 7:52 am on December 6, 2024 in OGDEN, UT 84401.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, In/At Mailbox

OGDEN, UT 84401

December 6, 2024, 7:52 am

Out for Delivery

OGDEN, UT 84401

December 6, 2024, 6:10 am

Arrived at Post Office

OGDEN, UT 84401

December 6, 2024, 5:39 am

Departed USPS Regional Facility

SALT LAKE CITY UT DISTRIBUTION CENTER

December 6, 2024, 4:21 am

26-10025.1692

Arrived at USPS Regional Facility

SALT LAKE CITY UT DISTRIBUTION CENTER
December 6, 2024, 4:19 am

Departed USPS Regional Facility

SALT LAKE CITY UT DISTRIBUTION CENTER
December 6, 2024, 4:13 am

Arrived at USPS Regional Destination Facility

SALT LAKE CITY UT DISTRIBUTION CENTER
December 6, 2024, 2:38 am

In Transit to Next Facility

December 5, 2024

Arrived at USPS Regional Origin Facility

DALLAS TX DISTRIBUTION CENTER
December 4, 2024, 6:03 am

USPS picked up item

IRVING, TX 75061
December 3, 2024, 12:38 pm

Shipping Label Created, USPS Awaiting Item

IRVING, TX 75061
December 2, 2024, 5:15 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](#)

26-10025.1693

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

[FAQs](#)



Get the status of your appeal request

To get the status of your appeal request, take these steps:

Contact the IRS office that worked your case

If it's been more than 120 days since you filed your appeal request, contact the IRS Examination or Collection office you worked with last.

Check if they resolved the tax issue or forwarded your case to Appeals.

Don't have a case? Find how to [request an appeal](#).

How we can help

If we received your case, we can:

- Tell you if it's been assigned to an Appeals employee
- Give you the employee's contact information
- Help answer other questions about your case

Contact Appeals

If your case was forwarded to Appeals, contact us to check the status at [855-865-3401](tel:855-865-3401).

Be ready to leave a message with:

- Your name
- Your tax ID number
- A number where we can reach you

We'll research your case and return your call within 48 hours.

If we haven't received your case, you won't receive a call back from us. For assistance with your issue, get [help online or by phone](#).

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

Dear Sir / Madam:

2. Feb. 2025

We previously submitted this request on 10 Jan 2025 as 2025-06521 but did not attach the required ID and privacy information. This request should include the required information so that you should be able to proceed with the previous request or, if necessary, can open a new request.

The basic request is for all documents submitted by myself (XXX-XX-9395) and my wife (XXX-XX-6446) in our joint 1040 filing for 2023 to include appeals and supporting documentation. We would also like copies of all notices or penalties sent by the IRS to us as well as any documents provided to or from IRS Appeals to include Ms. Diana M. Bushman of Appeals in Ogden, UT concerning this matter.

If possible, we prefer machine readable pdf files.

For your convenience we have included copies / images of our drivers' licenses. We have also included the header information of the letter sent requesting this additional information.

We hereby affirm separately as individuals that the foregoing is true and correct to the best of my knowledge under penalty of perjury. Thanks for your assistance in this matter.

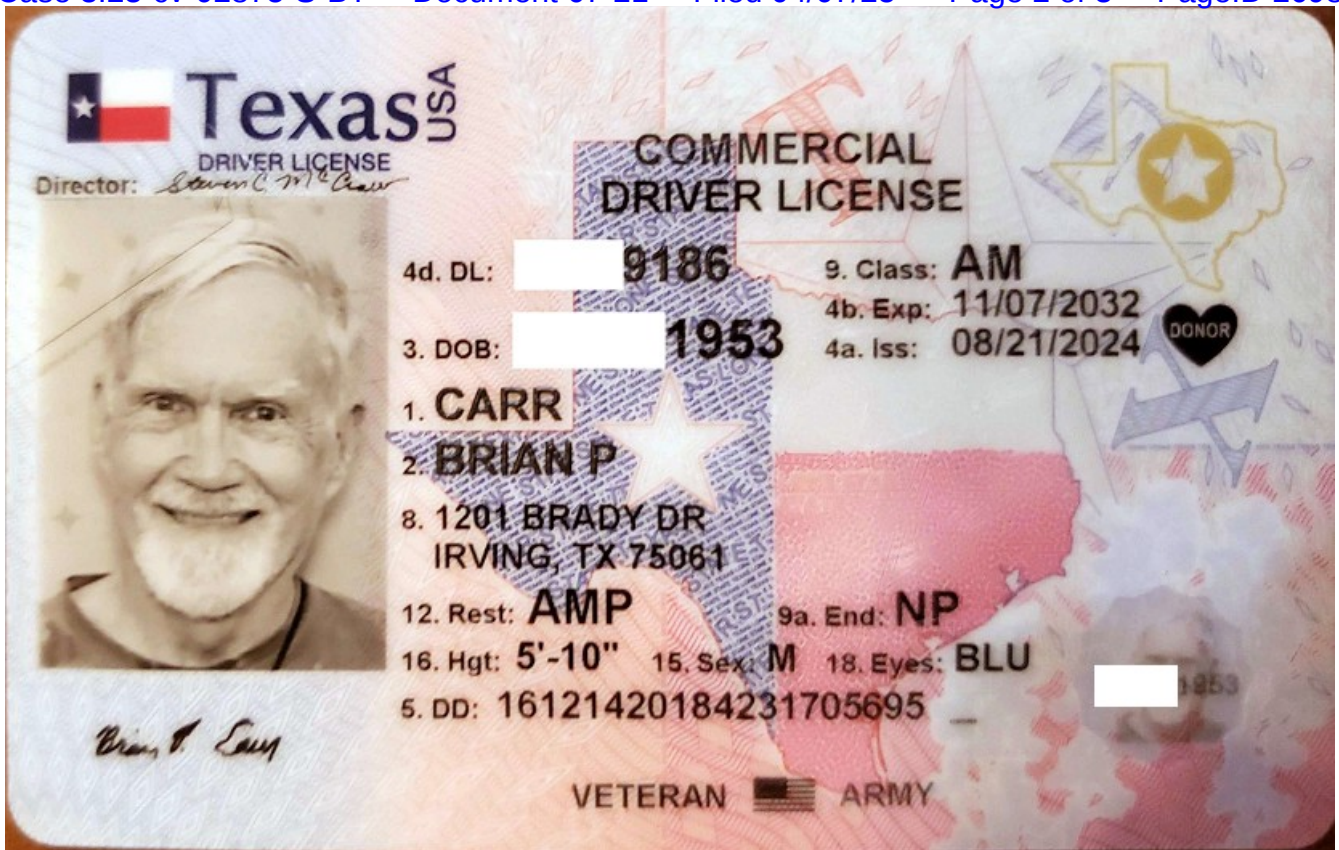


Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061

Date: 2. Feb. 2025
Location: Irving, TX

Date: 2. Feb. 2025
Location: Irving, TX





Department of the Treasury
Internal Revenue Service
Privacy, Governmental Liaison and
Disclosure
GLDS Support Services
Stop 93A
PO Box 621506
Atlanta, GA 30362

Brian Carr
1201 Brady Dr
Irving, TX 75061

Date:
January 21, 2025
Employee name:
S. Green
Employee ID number:
1000099409
Telephone number:
801-620-2204
Fax number:
855-205-9334
Case number:
2025-06521

Dear Brian Carr:

This is in response to your Freedom of Information Act (FOIA) request we received on January 10, 2025.

You requested "all documents submitted by myself and my wife in our joint 1040 filing for 2023 to include appeals and supporting documentation. We would also like copies of all notices or penalties sent by the IRS to us as well as any documents provided to or from Ms. Diana M. Bushman of Appeals in Ogden, UT concerning this matter."

In accordance with Title 5 USC Section 552(a)(6)(A), we need additional information from you in order to process your request. The scope of your request extends to records, to the extent that any exist, that consist of, or contain, return information. Please be advised that such records would be confidential and may not be disclosed unless specifically authorized by law. We must receive one of the following items in order to authenticate your identity to disclose these records:

- 1) An identifier such as a photocopy of a valid driver's license bearing your signature and address; or
- 2) A notarized statement with language that swears to or affirms your identity and has the notary seal on the same page as your signature and statement; or
- 3) A statement made under penalty of perjury in accordance with 28 U.S.C. 1746, swearing to or affirming your identity. If the declaration is sworn within the United States, its territories, possessions or commonwealths, the sworn statement must include the following language: "I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date)."

Failure to provide documentation confirming your identity will result in the full denial of any records protected under Title 26 USC Section 6103.

สวัสดิ์ผู้อ่านที่รัก

Brian Carr เป็นน้องเขย
ของฉัน

Brian Carr ได้แจ้งให้ฉันท
ราบถึงการดำเนินคดีภาย
ใต้ 3:23-cv-02875-S
และฉันต้องการดำเนินคดี
ต่อไป ฉันจึงอนุญาตให้
Brian Carr ลงนามใน
เอกสารในอนาคตสำหรับ
การดำเนินคดีนี้ในนาม
ของฉัน โดยต้องได้รับการ
อนุมัติด้วยวาจาหรือทาง
อิเล็กทรอนิกส์

ลายเซ็น: บัวขาว

วันที่ 3-04-2025

ชื่อ: บัวขาว พงษ์กรามาเอ

ที่อยู่: 105/3 ม.5 ต.บางโพธิ์ อ.สามชัย

จ.ชัยภูมิ 50140 081-8551759

FRCP Rule 60 Motion for Restricting Document is Timely

FRCP Rule 60 states:

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

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

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

This motion is within the required time FRCP Rule 59(b) which clearly is a reasonable time for a FRCP Rule 60 motion.

Further, this motion is filed within one day of my discovering my error.

Respectfully submitted,

Verification of Motion

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

1. I have reviewed the above motion and believe all of the statements to be true to the best of my knowledge.
2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered 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

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 18. Apr. 2025

Location: Irving, Texas

Certificate of Conference

This Motion for Restrcting Access is UNOPPOSED

The conference was held via an email discussion with AUSA Owen on 18 Apr 2025 with her response of UNOPPOSED.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

CERTIFICATE OF SERVICE

On the recorded date of submission, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I also hereby certify that on this same date no copies were served via U.S. mail as all parties in this matter are enrolled in the court's electronic case filing (and service) system.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

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

Internal Revenue Service
Fresno, CA 93888-0025

Dear Sir / Madam:

3. Sep. 2024

Reference SSAN XXX-XX-9395 202312, letter 27 Aug 2024, 1042507903, LTR 854C 00010314,

I would like to appeal the findings.

I have attached a Form 2210 to document the variations in income (most income received later in the year) with a reduced penalty of \$340.81.

I request that as I had made a diligent effort to make equal estimated tax payment as soon as I was aware of the expected income, that this penalty be waived for 2023.

Under penalties of perjury, I declare that the facts presented in my written protest and attached Form 2210 are, to the best of my knowledge and belief, true, correct, and complete.

Thanks for your attention to this matter.

Brian P. Carr

Summary

I am seeking cumulative data with no personally identifiable information. I am generally seeking information concerning CP504 Notices of Seizure of Property or Levies and the form of the notice and any relevant appeals. I will seek cumulative average amounts initially demanded and the amount (if any) actually paid (again cumulative average).

Detailed Totals Sought, Quarterly Totals since Jan 2020

For each quarter since Jan 2020 to Dec 2024, I would like:

- 1) the number of CP504 Notices sent to 1040 taxpayers along with the average amount demanded and standard deviation, minimum, and maximum of that amount.
- 2) the average number of days after the initial notice of the penalty / amount due when the CP504 was sent along with the standard deviation, minimum, and maximum of the delay. Further I would like the average amount due with the initial notice along with the standard deviation, minimum, and maximum of the initial amount due.
- 3) the average amount of penalties / amounts dues actually paid to the end of the quarter just prior to the processing of this request (e.g quarter ending Dec 2024) for that CP504 along with the standard deviation, minimum, and maximum of the amount paid. Also the average number of days after the CP504 when the last payment was received along with the standard deviation, minimum, and maximum of the number of days. If there was no payment received by the processing quarter end, the amount paid would be zero and the delay would be zero. If the last payment received to date was prior to the CP504, the number of days would be negative and included in the number of days calculations.
- 4) along with the totals above, I request a 'group by' of the first appeal initiated by the taxpayer. There would be totals for the group of all taxpayers where no appeal was initiated by the taxpayer and no further analysis of the results. However, for the group where the first appeal was initiated by the taxpayer after the CP504, there is the average delay from the CP504 until the appeal was received by the IRS along with the standard deviation, minimum, and maximum of the delay. If the first appeal was initiated prior to the CP504 these records should be included in a separate group where the delay would be a negative number of days with the average 'delay' and the standard deviation, minimum, and maximum of the delay.
- 5) I also request a 'group by' of the results of the last appeal initiated by the taxpayer. If there was no appeal at all, then only the 'no appeal' in the above grouping is necessary. If the last appeal remains unresolved there would be a total of taxpayers falling into this category and no further analysis of the results (columns are null). However, for those cases where there was a result for the last appeal, I would like the average amount due according to the last appeal along with the standard deviation, minimum, and maximum of the amount due. If the appeal dictates that the IRS issue a refund to the taxpayer, that refund should be recorded as a negative amount due and incorporated into the average and other measurements.
- 6) I have read CP504's which contain the statute mandated 30 days notice as well as CP504's which omit the required notice with increased references to 'immediately'. As such I would like all of the above analysis for all CP504's but also 'group by' analysis according to the actual text of the CP504. There would be the number of times the CP504 contains the text '30 days' (presumed to be in the range

of 0 to a handful, perhaps 5). There would also be columns with the number of times the CP504 contains the text 'immediately' as an average, standard deviation, minimum and maximum of that the times it occurs.

If there are CP504 templates exclusively in a foreign language such as Spanish without any English included, then I would like separate 'group by's breaking out these foreign CP504 by language (e.g. Spanish) and then a break out as above of the translated text for '30 days' and 'immediately'.

In addition, I would like a single sample CP504 text for each of the different groups listed above with different counts of '30 days' and 'immediately'.

Your attention to this matter is appreciated.

Brian



Department of the Treasury
Internal Revenue Service
Privacy, Governmental Liaison and
Disclosure
GLDS Support Services
Stop 93A
PO Box 621506
Atlanta, GA 30362

Brian Carr
1201 Brady Dr
Irving, TX 75061

Date:

February 5, 2025

Employee name:

O. Baker

Employee ID number:

1000226542

Telephone number:

206-946-3530

Fax number:

855-205-9335

Case number:

2025-06698

Dear Brian Carr:

This is in response to your Freedom of Information Act (FOIA) request we received on January 13, 2025.

You asked for cumulative data with no personally identifiable information. You asked for information concerning CP504 Notices of Seizure of Property or Levies and the form of the notice and any relevant appeals. You asked cumulative average amounts initially demanded and the amount (if any) actually paid (again cumulative average), specifically the items listed below, for each quarter January 2020 through December 2024.

- The number of CP504 Notices sent to 1040 taxpayers along with the average amount demanded and standard deviation, minimum, and maximum of that amount.
- The average number of days after the initial notice of the penalty / amount due when the CP504 was sent along with the standard deviation, minimum, and maximum of the delay. the average amount due with the initial notice along with the standard deviation, minimum, and maximum of the initial amount due.
- The average amount of penalties / amounts dues actually paid to the end of the quarter just prior to the processing of this request (e.g. quarter ending Dec 2024) for that CP504 along with the standard deviation, minimum, and maximum of the amount paid. Also, the average number of days after the CP504 when the last payment was received along with the standard deviation, minimum, and maximum of the number of days. If there was no payment received by the processing quarter end, the amount paid would be zero and the delay would be zero. If the last payment received to date was prior to the CP504, the number of days would be negative and included in the number of days calculations.
- Additional 'group by' break downs according to appeals initiated by the taxpayer and the actual text of the CP504.

We are unable to provide the information you requested by February 11, 2025, which is the 20 business-day period required by law for us to respond.

26-10025.1707

In certain circumstances, the FOIA allows for an additional 10-day statutory extension. We need additional time to search for and, to the extent that records exist, collect requested records from other locations.

As part of this extension, the statutory response date will be extended to February 26, 2025. Unfortunately, we will still be unable to respond to you by the extended statutory response date.

If we are unable to complete your request by May 12, 2025, we will notify you in writing. You don't need to reply to this letter if you agree to this extension. Please consider contacting the phone number at the top of this letter to arrange an alternative timeframe for processing the request or limiting the scope of your FOIA request, which may reduce the timeframe in processing your request.

Pursuant to 26 CFR § 601.702, there is no right to an administrative appeal for failure to meet the statutory 20 business-day, or additional 10 business-day, timeframes for response.

However, you do have the right to file suit for a judicial review. You can file suit after February 26, 2025. File your suit in the U.S. District Court:

- Where you reside or have your principal place of business,
- Where the records are located, or
- In the District of Columbia

Rule 4(i)(1)(C), of the Federal Rules of Civil Procedure, requires you to send the IRS a copy of the summons and complaint as well as to the Attorney General and the United States Attorney for the district in which the action is brought. You must send the IRS copies, by registered or certified mail, to:

Commissioner of Internal Revenue
Attention: CC: PA: Br 6/7
1111 Constitution Avenue, NW
Washington, D.C. 20224

I apologize for any inconvenience this delay may cause.

If you have questions regarding the processing of your FOIA request, please contact the caseworker assigned to your case at the phone number listed at the top of this letter.

If you are not able to resolve any concerns you may have regarding our response with the caseworker, you have the right to seek dispute resolution services by contacting our FOIA Public Liaisons at 312-292-2929. The FOIA Public Liaison is responsible for assisting in reducing delays, increasing transparency, and assisting in the resolution of disputes with respect to the FOIA.

26-10025.1708

There is no provision for the FOIA Public Liaison to address non-FOIA concerns such as return filing and other tax-related matters or personnel matters. If you need assistance with tax-related issues, you may call the IRS at 800-829-1040.

You also have the right to contact the Office of Government Information Services (OGIS). The Office of Government Information Services, the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and federal agencies. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road--OGIS
College Park, MD 20740-6001
202-741-5770
877-684-6448
ogis@nara.gov
ogis.archives.gov

Sincerely,



F. Eyetsemitan
Disclosure Manager
Disclosure Office 13

Subject: Ref: FP-2023-00325, Freedom of Information Act Acknowledgement

From: <A_FOIAacknowledgement@groups.state.gov>

Date: 2/28/2025, 12:32 PM

To: <carrbp@gmail.com>

THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.

Dear Mr. Carr:

This email correspondence acknowledges receipt of your May 10, 2023, Freedom of Information Act (FOIA) (5 U.S.C. § 552) request received by the U.S. Department of State, Information Access Programs Directorate (A/SKS/IAP) on February 5, 2024.

You are requesting records related to Rueangrong Carr, a Thai national, including:

visa application records (B1/B2) from July 1, 2018 – Present, including:

Interviews: August 29, 2018 (Chiang Mai, AA00843QZW) & December 12, 2022 (Chiang Mai, AA00BH32QT)

Flight ticketed: December 19, 2022

Audio/video recordings (if available)

Email correspondence referencing applications/passports to or from:

support@ustravelodocs.com, CONSchiangmai@state.gov, visasbkk@state.gov

AG requests related to the above, including: H20190052 (2018) & H20231749 (2023)

A/SKS/IAP assigned your request the subject reference number and placed it in the complex processing track where it will be processed as quickly as possible. See 22 CFR § 171.12(b). The Department will not be able to respond within the 20 days provided by the statute due to “unusual circumstances.” See 5 U.S.C. § 552(a)(6)(B)(i)-(iii). In this instance, the unusual circumstances include the need to search for and collect requested records from other Department offices or Foreign Service posts.

If you have any questions regarding your request, would like to narrow the scope or arrange an alternative time frame to speed its processing, or would like an estimated date of completion, please contact our FOIA Requester Service Center or our FOIA

26-10025.1710

Case 3:23-cv-02875-S-BT Document 69-4 Filed 04/18/25 Page 2 of 2 PageID 1688
Public Liaison by email at FOIAstatus@state.gov or telephone at 202-261-8484.

Additionally, 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 as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, email at ogis@nara.gov ; telephone at 202-741-5770; or toll free at 1-877-684-6448.

Sincerely,

Brooke Nicholas
Supervisory Government Information Specialist
Information Access Liaison Office
U.S. Department of State

****THIS EMAIL BOX IS NOT MONITORED, PLEASE DO NOT REPLY TO THIS EMAIL.****

26-10025.1711

**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

Order Granting Plaintiffs’

Verified Consolidated
[FRCP Rule 60](#) Motions
for [LR 7.1](#), [LR 7.2](#), and [LR 11.1](#) Relief

ORDER

After considering Plaintiffs’ Verified Consolidated [FRCP Rule 60](#) Motions for [LR 7.1](#), [LR 7.2](#), and [LR 11.1](#) Relief (ECF 67) of 7 Apr 2025 and any responses as well as preceding papers in this matter, the Court:

GRANTS the Plaintiffs’ Verified Consolidated [FRCP Rule 60](#) Motions for [LR 7.1](#), [LR 7.2](#), and [LR 11.1](#) Relief,

REVERSES the Order of of this Court of 21 Mar 2025 (ECF 62).

ORDERS that all parties in this matter are not restricted by [TXND Local Civil Rules LR 7.2](#) for motion, response and reply papers, for any motion that considers more than two counts or more than ten reliefs.

ORDERS [TXND Local Civil Rules LR 11.1](#) is extended to permit all pro se parties

in this matter to electronically sign papers for the other parties based on their expressed agreement as certified by an affirmed statement under penalty of perjury.

ORDERS [TXND Local Civil Rules LR 7.1](#) times to respond are extended for all papers other than complaints or answers when a physical signature is required by the responding party as follows:

- one week for parties in the United States for the entire response period,
- one month for parties outside the United States for any portion of the response period, and
- indefinitely for any party who is on active duty in military service for a recognized constitutional government and deployed in an assignment with restricted access. Other parties in the suit must provide timely notice to the court of the status of the deployed party and regular updates of the expected response time.

AUTHORIZES the plaintiffs to submit four additional [FRCP Rule 60](#) Motions for Relief as follows:

- Motion for Relief detailing the errors identified by the plaintiffs in:
 - ◆ the Order denying plaintiffs' prior motions (ECF 60) and
 - ◆ the Finding and Recommendations to dismiss this action (ECF 61) both filed on 26 Feb 2025
- [28 USC § 455](#) Motion to Recuse referring to the errors in the previous motion but also highlighting the time line of events which give the appearance of coordination and collusion of the defendants and Magistrate Rutherford.

- A Second Amended Complaint which adds any new parties desired by the plaintiffs
- A Third Amended Complaint which does not add any new party but does add references to separate briefs which defend against 'failure to state a claim', sovereign immunity, executive discretion and the Doctrine of Consular Non Reviewability' (DoCNR).

DIRECTS that the plaintiffs provide proper service to any new defendants added in the Second Amended Complaint (with summons provided by the clerk) within the time limits of a new complaint.

DIRECTS that the defendants' do not need to respond to either Amended Complaint until after the normal response time for the new defendants after service of the amended complaint.

Signed _____, 202_.

KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE



Department of the Treasury
Internal Revenue Service
Privacy, Governmental Liaison and
Disclosure
GLDS Support Services
Stop 93A
PO Box 621506
Atlanta, GA 30362

Brian Carr
1201 Brady Dr
Irving, TX 75061

Date:
February 6, 2025
Employee name:
S. Green
Employee ID number:
1000099409
Telephone number:
801-620-2204
Fax number:
855-205-9334
Case number:
2025-06521
Re:
Brian P & Rueangrong Carr

Dear Brian Carr:

This letter acknowledges your Freedom of Information Act (FOIA) request we received on January 21, 2025. The initial estimated date of completion for your request is February 10, 2025.

Please be advised that if you have an active account on the Public Access Link (PAL), we will be providing our response to your FOIA request via PAL unless you advise us to the contrary.

We interpret your request to exclude the following:

- Correspondence between the IRS and the taxpayer or their representative,
- Records provided to the IRS by the taxpayer or their representative, and
- Records provided by the IRS to the taxpayer or their representative.

Excluding these records can substantially decrease the amount of time and cost to search for and review the requested records. If you disagree with this interpretation, you must notify us within 10 business days of the date of this letter.

We are unable to provide the information you requested by February 10, 2025, which is the 20 business-day period required by law for us to respond.

In certain circumstances, the FOIA allows for an additional 10-day statutory extension. We need additional time to search for and, to the extent that records exist, collect requested records from other locations.

As part of this extension, the statutory response date will be extended to March 5, 2025. Unfortunately, we will still be unable to respond to you by the extended statutory response date.

If we are unable to complete your request by June 5, 2025, we will notify you in writing. You don't need to reply to this letter if you agree to this extension. Please consider contacting the phone number at the top of this letter to arrange an alternative timeframe for processing the request or limiting the scope of your FOIA request, which may reduce the timeframe in processing your request.

Pursuant to 26 CFR § 601.702, there is no right to an administrative appeal for failure to meet the statutory 20 business-day, or additional 10 business-day, timeframes for response.

However, you do have the right to file suit for a judicial review. You can file suit after March 5, 2025. File your suit in the U.S. District Court:

- Where you reside or have your principal place of business,
- Where the records are located, or
- In the District of Columbia

Rule 4(i)(1)(C), of the Federal Rules of Civil Procedure, requires you to send the IRS a copy of the summons and complaint as well as to the Attorney General and the United States Attorney for the district in which the action is brought. You must send the IRS copies, by registered or certified mail, to:

Commissioner of Internal Revenue
Attention: CC: PA: Br 6/7
1111 Constitution Avenue, NW
Washington, D.C. 20224

We apologize for any inconvenience this delay may cause.

If you have questions regarding the processing of your FOIA request, please contact the caseworker assigned to your case at the phone number listed at the top of this letter.

If you are not able to resolve any concerns you may have regarding our response with the caseworker, you have the right to seek dispute resolution services by contacting our FOIA Public Liaisons at 312-292-2929. The FOIA Public Liaison is responsible for assisting in reducing delays, increasing transparency, and assisting in the resolution of disputes with respect to the FOIA.

There is no provision for the FOIA Public Liaison to address non-FOIA concerns such as return filing and other tax-related matters or personnel matters. If you need assistance with tax-related issues, you may call the IRS at 800-829-1040.

Sincerely,



S. Green
Disclosure Specialist
Disclosure Office 12

Request Number *

2025-06521

Last Name *

carr

Find

Request Details

Request #	Status
2025-06521	Closed

Request Number must be entered exactly as provided (i.e., 2018-00001)

Please complete all required fields marked with an asterisk (*). For additional account information please [sign in](#).

Status Definitions

Received

Your request has been received by the IRS. A notice was sent informing you of a request tracking number.

Assigned for Processing

Your request has been assigned for processing.

On Hold-Need Info/Clarification

Your request is on hold (meaning that the processing time is suspended) pending clarification of scope, request for additional information, etc. You will be notified via correspondence explaining any reasons(s) your request is on hold.

In Process

Your request is actively being processed by the IRS.

On Hold-Fee Related Reasons

Your request is on hold (meaning that the processing time is suspended) pending resolution of a fee matter, e.g., estimated costs exceed what was promised to pay, estimate cots exceed \$250.00, etc. You will be notified via correspondence explaining the specific fee matter that must be resolved before processing continues.

Documents Delivered

Responsive documents have been delivered to the address provided.

Closed

Your request was processed and is closed.

Some text fields may be case-sensitive.

26-10025.1717

Request Number *

Last Name *

Request Details

Request #	Status
2025-06698	Closed

Request Number must be entered exactly as provided (i.e., 2018-00001)

Please complete all required fields marked with an asterisk (*). For additional account information please [sign in](#).

Status Definitions

Received

Your request has been received by the IRS. A notice was sent informing you of a request tracking number.

Assigned for Processing

Your request has been assigned for processing.

On Hold-Need Info/Clarification

Your request is on hold (meaning that the processing time is suspended) pending clarification of scope, request for additional information, etc. You will be notified via correspondence explaining any reasons(s) your request is on hold.

In Process

Your request is actively being processed by the IRS.

On Hold-Fee Related Reasons

Your request is on hold (meaning that the processing time is suspended) pending resolution of a fee matter, e.g., estimated costs exceed what was promised to pay, estimate cots exceed \$250.00, etc. You will be notified via correspondence explaining the specific fee matter that must be resolved before processing continues.

Documents Delivered

Responsive documents have been delivered to the address provided.

Closed

Your request was processed and is closed.

Some text fields may be case-sensitive.

26-10025.1719