

**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 Verified¹ Brief of Mr. Carr Duties of IG and DoJ to Enforce Lawful Statutes and the Constitution

Duties of IG and DoJ to Enforce Lawful Statutes and the Constitution

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Importance of Vigilance by DoJ, CIGIE, and OIG's

The role of DoJ, CIGIE, and OIG's in supporting the constitution and good government can not be overemphasized.

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Afghan Fiasco Result of Insufficient Oversight, Illegal Orders

The fiasco of the rapid fall of the Afghan government represented a serious tragedy for millions of Afghans as well as America as a whole. It can be argued that this fiasco was also the result of insufficient oversight by the relevant IG's (not defendants in this matter), CIGIE and DoJ.

Falsified Readiness Reports Caused Unexpected Collapse

The commonly stated cause of the fiasco was inaccurate estimates of the number and training / capabilities of Afghan government soldiers and para-military police as well as similarly inaccurate estimates of Taliban soldiers / combatants / terrorists. A good approximation would be that the Afghan government had about half as many soldiers as reported and the Taliban had about twice as many combatants as reported.

These substantial deviations from the 'readiness reports' can be attributed to the high level of corruption in Afghan culture. Indeed, corruption is, practically speaking, not even a concept in Afghan culture as it is just normal gift giving and ordinary business practices, no different from purchasing an item in a store.

The result was that a substantial portion of the American funding for the expansion of the Afghan military was misdirected with Afghan government commanders siphoning money into their own pockets rather than hiring soldiers as reported and even bribing Taliban units to not attack the areas of responsibility of their units. It was cheaper to pay the bribes to the Taliban rather than hiring the soldiers required to fight the Taliban. That left more money to pocket and better apparent results, the Taliban were no longer active in their area.

Officer Rotation and Illegal Orders Led to Massive Fraud

Of course there were American military service officers (MSOs) responsible for insuring that American funds were not misdirected in this fashion. But there is a problem with this as well.

In order to have well rounded senior MSOs, American MSOs are rotated through different assignments with about ten assignments in the critical first twenty years (to be eligible for retirement benefits as well as the potential for the most senior positions). As the required promotions are increasingly fiercely competitive, each MSOs must get an outstanding performance review from each assignment.

In the current environment, almost all soldiers in each unit are rotated. There is also an effort to stagger the rotations so that not too many soldiers are rotated at any one time. On arriving in a new two year assignment an MSO could expect that most of his subordinates would have about one year of experience as would the most of his / her superiors. This maintained some level of continuity for the various units.

An MSO on arriving in the assignment of monitoring Afghan units and the disbursement of American funds might find that his predecessor had attained an actual readiness of about 15% readiness but the reported readiness might have been 50%. The MSO would have received objectives from his / her commander to improve the readiness up to 60% with decreasing Taliban activity within the next year and before the superior rotated out.

In any discussions with the superior of inaccurate reports by the MSO's predecessor, the superior would almost certainly verbally inform the MSO that the superior doesn't care about the mistakes of the MSO's predecessor, the MSO had better get his / her numbers up to snuff (meeting the objectives) before the MSO's superior rotated out or the superior would give the MSO a negative review thereby ending the MSO's career. Needless to say this is a verbal illegal order to falsify records, but being ambiguous and verbal the superior would have plausible deniability.

If the MSO were to properly insure that American funds were being properly disbursed and Afghan unit readiness was accurately reported, his readiness reports might increase to an actual level of 20% (from 15%) but show an apparent decline from the 50% of his predecessor.

He would almost certainly also be removed from the position for some other reason by his / her superior. The MSO can only make real corrections by 'throwing under the bus' all his superiors and subordinates by being a 'whistleblower'. It is certainly unclear how successful such a strategy would be as longevity as an MSO through 10 assignments really depends on low risk successes (no one can depend on winning 10 flips of a coin).

If the MSO chose to instead ignore falsified reports by the Afghans and encouraged them to improve their reports (with illegal orders similar to those of the MSO's superior), then the Readiness Reports could easily improve to 70% though the actual readiness would likely decline to 10%.

In essence, because of the staggered rotations and the hyper competitive promotion process for MSO's, they are all playing 'hot potato' hoping that the whole thing won't explode on their watch, that they can rotate out before their negligence is found out.

Failure of OIG to Fully Investigate Led to Extensive Corruption

Throughout the Afghan occupation there were sporadic reports of corruption within the Afghan military but instead of a massive investigation by the Army IG and DoJ, the problems were mostly ignored. I believe that had there been an investigation of the magnitude of the Naval 'Tailhook' investigation then Afghan government military readiness would have been reported as much lower but could have improved over time.

Accurate Reporting Would Fiasco

The Afghan fiasco would have been completely different with Afghan government forces much stronger and the Taliban not as strong (and with accurate estimates of Taliban strength). Were a withdrawal made, the results would be more in line with the expectations of senior commanders.

Mr. Carr's Conjectures Based on Limited Experience

Of course all this is purely conjecture relying solely on publicly available sources and my experience as a junior MSO. When I graduated from West Point in 1975, I was allowed significant choice in first assignments due to his superior academic standing. I chose an academic assignment (graduate school at M.I.T.) for his first assignment. For my second assignment, I chose a short / hardship one year tour in Korea for my only normal military assignment. For my third and final assignment I chose a scientific / technology assignment at an Army Research and

Development Lab (Harry Diamonds Labs, HDL). I understood that choosing such assignments guaranteed that I would not be able to continue his career.

The Army ‘passed over’ my promotion to captain twice before granting the promotion. Three passes and you're out according to the ‘move up or move out’ rules of the time. The Army and I understood that it would be appropriate for me to separate once my military service obligation was completed (three and a half years at HDL instead of the normal three).

I am deeply appreciative of his excellent training and experience from the Army. I parted ways with the Army amiably after completing his service obligations.

Illegal Orders and Falsified Documents Undermine Government of Law

This discussion of the Afghan fiasco is included solely to explain my conclusion that illegal orders and federal crimes such as falsified documents must be addressed by DoJ and can not be overlooked based on executive discretion. The DoJ should be encouraged to enlist the assistance of relevant OIG's and the CIGIE as feasible. The DoJ should also be encouraged to use the cudgel of the threat of prosecution to efficiently promote future compliance and minimize the demands on DoJ and OIG resources.

Accuracy of Government Records, Disbursements Foundational

Democracy Depends on Accurate Records

I concede that there are many criminal statutes that the DoJ must enforce in precedence to falsifying government records or fraudulent disbursement of government funds. For example, assassinating a federal judge or federal attorney is most heinous. However, the question is how can the U.S. insure that Seal Team 6 is never ordered to commit such heinous acts.

The previous Secretary of Defense (SoD) was Lloyd Austin (Mr. Austin) who also graduated from West Point in 1975 with me. I am comfortable that Mr. Austin would resist an illegal order to misuse Seal Team 6. Unfortunately, due to Mr. Austin's age he was in a civilian position and was removed on 'Day One' of by the newly president elected who had promised to be a dictator on day one and deport millions of illegals on day one.

While it is my belief that the majority of senior MSO's would not obey an illegal order to misuse Seal Team 6, it is not clear how many would be successful in that having seen one or two of their predecessors jailed and silenced for disobeying a direct order. It takes strong and courageous senior MSO's to collude and overcome a president who ignores the law.

The best way to insure we have senior MSO's and executives in the federal government who will support the constitution when it is required is to develop a culture where short cuts like falsifying records and disbursements leads to termination, not success.

Respectfully submitted,

Verification of Document

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. Aug. 2025
Location: Irving, Texas

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Illegal Orders, Falsified Documents Threats to Our Government of Law

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Date: 4. Oct. 2025
Location: Irving, Texas

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[FRCP Rule 60](#) 2nd Motion For Sanctions Under [FRCP Rule 11\(c\)](#)

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Introduction

The Court is asked to sanction AUSA Parker, the current USATXN counsel as well as Mr. Padis, the previous USATXN counsel, for:

- Making a false statement in a Response filed with the court,
- LR 7.1 (a) Conference Violations and
- Apparent Criminal Collusion Between AUSA Parker and Mr. Padis

Making a False Statement in a Response Filed With the Court

Ms. Parker claimed in her Response (ECF 74) an 'inadvertent' failure to respond to my email (shown in ECF 75-1) concerning [LR 7.1](#) conference results with the clear intent to mislead the court that I had not followed court rules when, in fact, Ms. Parker had failed without explanation to follow the rules ([LR 7.1](#) conference requirements) on taking over from AUSA Owen and ignoring the results of prior conferences completed with AUSA Owen.

While AUSA Parker claimed to have ‘inadvertently’ not responded to my email (ECF 75-1), she has still has not ever responded to that email. In truth, she could have responded at any time and actually made countless decisions to not respond at any particular time. Of particular importance is when she was preparing her Response (ECF 74) and decided to claim the failure to respond was ‘inadvertent’, she could have instead simply responded with an email to myself and the court with an apology to myself and the court as she was asking the court to revise a

previously correctly filed UNOPPOSED motion (ECF 73) to instead be considered OPPOSED.

LR 7.1(a) Conference Violations

The LR 7.1(a) and the mandatory conference is intended to allow the court to promptly resolve motions where there is no dispute through the categorization of UNOPPOSED and OPPOSED motions. Just because AUSA Parker did not agree with conference results of her predecessor, substituting counsel does not automatically reverse all previous results and decisions of her predecessor. Indeed, out of politeness I had informed her in that email that several yet to be filed motions were UNOPPOSED and offered her the opportunity to revise those conference results.

However, after she ignored my offer and I filed the UNOPPOSED motion (ECF 73), instead of lying to the court that her error was inadvertent and misleading the court that there was not a proper conference, she should have initiated a conference for a Motion to Amend the UNOPPOSED motion (ECF 73) to instead be listed as OPPOSED with her proposed opposition / response as an exhibit. In that fashion the court would be adequately briefed and the court could decide whether or not to consider her opposition / response even though it was submitted improperly according to LR 7.1 (but such mistakes happen on sudden substitutions of counsel and are truly inadvertent).

Apparent Criminal Collusion Between AUSA Parker and Mr. Padis

When on 2 Sep 2025 AUSA Parker claimed in a government email (Exhibit 2) that:

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

she was stating she was going to indefinitely retain those time sensitive legal papers addressed to Mr. Padis. This is a prima facie claim that she was violating [18 USC § 1702](#) and, potentially, [18 USC § 1709](#). Of course it is likely that she was colluding with Mr. Padis to later falsely claim to the court that he never received proper service as required by [FRCP Rule 5](#) and [FRCP Rule 11\(c\)\(2\)](#). In this case, her criminal violations would also likely include [18 USC § 1001](#) with concealing a material fact (that she had actually forwarded the prior electronic document to Mr. Padis and he had asked that she retain paper document).

Of course this raises all sorts of ethical concerns as Mr. Padis had likely previously been AUSA Owen's supervisor and AUSA Parker had likely been Mr. Padis' supervisor.² As Mr. Padis was no longer a government employee, this scheme was improper in numerous ways for all parties. It also raises the question of the ethics of Ms. Owen's dismissal / resignation after refusing to file any response in this matter unless directed by the court. Were illegal orders involved in these developments?

History of Previous Motion For Sanctions

In the Order (ECF 59) of 27 Feb 2025, this court denied our previous Motion for Sanctions (ECF 30), which relied on [FRCP Rule 11\(c\)\(3\)](#), whereas this motion relies on [FRCP Rule 11\(c\)\(2\)](#) as well as [FRCP Rule 11\(c\)\(3\)](#). The court's inherent ability to sanction parties who appear before it was extended to include the process defined in [FRCP Rule 11\(c\)\(2\)](#) which formalizes the briefing of the court so that failure to consider sanctions when clearly appropriate is more readily appealable (the court does not need to Order to Show Cause to get briefed on the issue).

² This is based on the relative age and experience of each party as well as their job titles and their publicly available backgrounds.

[FRCP Rule 11\(c\)\(2\)](#) supports sanctions against any person (unrepresented party or attorney) who submits a paper to the court. For AUSA Parker, this would be her Response (ECF 74). For AUSA Padis this would be his Motion to Dismiss (MTD, ECF 15) submitted on 08 Mar 2024. The previous Motion for Sanctions (ECF 30) was timely but the court declined to consider sanctions under [FRCP Rule 11\(c\)\(3\)](#) which we believe was an abuse of discretion so that this motion is under [FRCP Rule 11\(c\)\(2\)](#) to encourage the court to actually consider the seriousness of the violations.

As Magistrate Rutherford seems to have routinely falsified findings it is not surprising that the court would decline to investigate the allegations, but it is hoped that a new judge will provide a fair hearing on the matter. It is also important to note that the court can apply whatever sanctions it deems appropriate though I have made suggestions for creative sanctions such as community service for government attorneys and pro se parties where costs are not effective.

USATXN Response Contrary to Prior Conference, No Justification

In ECF 75-1 there are the emails exchanged between myself and AUSA Owen (from 9 Mar 2025 to 13 May 2025) in which AUSA Owen on 6 May 2025 stated 'I am not filing any response unless otherwise requested / ordered by the Court' which in context clearly states she will not be filing any response for the following motions which were ECF 73 and ECF 76.

AUSA Parker admits that she received notice of these conference results on 13 Jun 2025 but falsely alleges that the email only referred to past motions. Perhaps she did not actually read the email addressed to her or the several preceding emails (shown in ECF 75-1) where the four [FRCP Rule 60](#) Motions for Relief after the

original (ECF 67) are discussed in detail.

AUSA Parker goes on to claim to have ‘inadvertently’ not responded to my email (ECF 74 Response) even though she has still not responded to that email. In truth, she could have responded at any time and certainly should have responded before submitting the Response, ECF 74, where she claims the failure was inadvertent.

Why didn’t she send a responding email before she typed the claim of inadvertent error? Then she at least could have stated the date when she corrected the error. Perhaps she ‘inadvertently’ decided to not send an email to me to maximize my surprise when she violated the agreed upon conference results and filed an unexpected opposing response.

It is also possible she has not responded to the email because her email response would be a government record where it would be a crime ([18 USC § 1001](#)) to conceal a material fact such as what AUSA Owen meant when she claimed that USATXN would not file any opposing responses ‘unless otherwise requested/ordered by the Court’.

In conclusion, in the email of 13 Jun 2025 I informed AUSA Parker that AUSA Owen had stated USATXN would not file any responses to the three [FRCP Rule 60](#) Motions that we had discussed and that I was preparing. I had offered that AUSA Parker could alter USATXN’s position at any time by just responding to the email. To date she has not offered any explanation for why USATXN altered its position and decided to oppose these motions.

Sanctions Requested for Violations of LR 7.1(a) Motion Practice Conference

It is clear that TXND Local Civil Rules LR 7.1(a) Motion Practice Conference requirements are designed to allow the court to efficiently distinguish between OPPOSED motions and UNOPPOSED motions. However, USATXN has made false claims in these email conferences (18 USC § 1001) creating confusion and wasting this court's time as well as ours (and potentially violating our due process rights as there can not be a fair hearing where the opposing party makes a mockery of the rules of the proceeding with impudence).

The court could also make a determination as to what AUSA Owen meant with no opposing responses 'unless otherwise requested/ordered by the Court'

AUSA Owen No Longer in Government Service

When I sent the email to AUSA Parker (ECF 75-1) I copied the previous USATXN representatives and I received an automated response 'from' AUSA Owen which said 'I have left government service.' which makes her prior enigmatic comment all the more intriguing. Was she fired for colluding with the court via back channel communication or was she fired / resigned for refusing to violate her oath of office to defend the constitution or refusing to commit federal crimes or violate the Texas Disciplinary Rules of Professional Conduct (ECF 30-2). Of course there are uncountable other possibilities all of which are pure speculation, but the court should conduct a hearing to resolve such questions and their impact on our due process rights.

AUSA Padis On Extended Leave

I similarly copied AUSA Padis on the same email (ECF 75-1) and received an automated response of 'I am on extended leave until 9/30/2025' which suggests that AUSA Padis was offered a "deferred resignation" under the Department of

Government Efficiency (DOGE) DoJ plan. This makes it all the more important for the court to resolve whether or not there were serious federal crimes of falsifying government records ([18 USC § 1001](#))³ or violations of the Texas Disciplinary Rules of Professional Conduct (ECF 30-2) which may have impacted our due process rights. Holding a hearing for sanctions previously requested becomes all the more important.

FRCP Rule 11(c)(2) Has Special FRCP Rule 5 Service Requirements

FRCP Rule 11(c)(2) states:

(2) Motion for Sanctions. A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates [Rule 11\(b\)](#). The motion must be served under [Rule 5](#), but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets. If warranted, the court may award to the prevailing party the reasonable expenses, including attorney's fees, incurred for the motion.

While [FRCP Rule 5](#) states:

(b) Service: How Made. ...

(2) Service in General. A paper is served under this rule by: ...

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

As ECF can only be used file documents with the court, a motion for sanctions under [FRCP Rule 11\(c\)\(2\)](#) must first be served on the opposing party via another means before filing the motion via ECF. The most expedient method of service is commonly U.S. mail if the party has not accepted some other form of service.

Then the opposing party must be given 21 days to correct the defect before the

³ AUSA Padis had sent an email to me claiming that this 'Office has no record of having been served in this case.' in order to delay this matter when actually there were records that the service was completed but that the service improper (wrong person made service but that was a mistake in USATXN records as the service was proper).

motion can be filed with the court via ECF.

FRCP Rule 11(c)(2) Added to Encourage Formal Consideration of Sanctions

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

Experience shows that in practice Rule 11 has not been effective in deterring abuses. ... The new language is intended to reduce the reluctance of courts to impose sanctions ... by emphasizing the responsibilities of the attorney and reenforcing those obligations by the imposition of sanctions.

The early service requirements for FRCP Rule 11 are tedious but by relying on this explicit process to require the court to consider the appropriateness of sanctions it is hoped that the court will overcome its general aversion to the application of sanctions.

Motion for Sanctions for AUSA Padis Mailed

Before mailing the 1st Motion for Sanctions in this series, I checked if AUSA Padis would accept service via email but there was no prompt reply. As mailing was a minor expense and insured that the 21 day delay started promptly I mailed the papers the next day. Attached as Exhibit 2 are the emails exchanged with AUSA Parker and Mr Padis from 08 Aug 2025 to 08 Sep 2025. It is important to note that only after the document had been mailed did I learn that AUSA Padis' extended leave of absence had been terminated and that he was no longer a DoJ employee, he was now Mr. Padis working for a law firm.

**AUSA Parker Illegally Retains Mail Directed to Mr. Padis
Retention of Misdirected Mail of Another Person is a Federal Crime**

As the 1st Motion for Sanctions was already mailed to Mr. Padis at his previous address as AUSA Padis, the motion papers were forwarded by USATXN staff to AUSA Parker. However, instead of simply forwarding the motion papers to Mr.

Padis as is normal practice for personal mail for a former employee (and actually required for such misdirected mail), AUSA Parker stated on 1 Sep 2025:

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

even though Mr. Padis had not accepted service of the electronic copy of the motion. This is a prima facie claim that she was violating [18 USC § 1702](#) and, potentially, [18 USC § 1709](#). Of course it is also likely that she was colluding with Mr. Padis to later falsely claim to the court that he never received proper service as required by [FRCP Rule 5](#) and [FRCP Rule 11\(c\)\(2\)](#). In this case, her criminal violations would also likely include [18 USC § 1001](#) of concealing a material fact (that she had actually forwarded the prior electronic document to Mr. Padis and he had asked that she retain paper the document making service / delivery deniable).

AUSA Parker Improperly Threatens Retaliatory Motions

AUSA Parker also threatened that the defendants would introduce motions opposing the sanctions against Mr. Padis who no longer had any ties to the government. These threatened motions themselves appeared to have little to no merit and appeared to be more of an intimidation tactic. It also raises the question of why the defendants would commit scarce resources to oppose sanctions which no longer have anything to do with the defendants.

There are Numerous Ethical Questions Raised, Hearing Required

There are numerous questions raised about the relationships between the various attorneys and why AUSA Parker would go to such lengths to protect a now private attorney (Mr. Padis) and conceal the justifications for Ms. Owen's refusal to file any Response opposing the previous [FRCP Rule 60](#) Motions for Relief (ECF 67, ECF 73 and ECF 76). It is clear that the court must hold hearings as necessary to

fully comprehend the actual ethical questions and conflicts of interest faced by the attorneys and what sanctions, if any, are appropriate.

Conclusion

The court is asked to consider the actions of AUSA Parker and Mr. Padis and impose sanctions appropriate for the violations and the damages which resulted. community service has been suggested as a possible sanction, but the court is, of course, to choose whatever sanctions it deems appropriate.

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

Respectfully submitted,

Verification of Motion

I, Brian Carr, 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 in accordance with normal redaction procedures to remove sensitive personal information or other sensitive information as identified in the redaction.

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

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 17. Sep. 2025

Location: Albany, NY

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Certificate of Conference

This Motion for Sanctions under [FRCP Rule 11](#)(c) is OPPOSED.

While this is a timely [FRCP Rule 60](#) Motion For Relief (as required for a ‘closed’ case), it is also a Motion for Sanctions under [FRCP Rule 11](#)(c) (the specific relief sought). In [LR 7.1](#), there is not a specific listing for [FRCP Rule 60](#) Motions For Relief but it is also a Motion for Sanctions Under [FRCP Rule 11](#)(c) which is listed in [LR 7.1](#) as conference required. A preliminary email was sent to the opposing attorneys but there was no response. As this motion will be provided to proposed sanctioned attorneys at least 21 days before it is submitted to the court (to comply with [FRCP Rule 11](#)(c)(2)), it is assumed that if the motion is filed with the court it was because the parties could not agree on an alternative and it is OPPOSED.

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

CERTIFICATE OF SERVICE

In accordance with [FRCP Rule 11](#)(c)(2) requirement for preliminary service not including the court and [FRCP Rule 5](#) service by mailing, on 17. Sep. 2025 I mailed this document to Mr. Padis (previously an AUSA in this matter) in a USPS Priority Mail Flat Rate Envelope with a prepaid shipping label addressed to:

George M Padis
Sbaiti & Company, PLLC
2200 Ross Ave Ste 4900W
DALLAS, TX 75201-2790

Referencing Personal and Confidential

by placing the envelope into a blue United States Postal Service mail box or by handling the envelope to a USPS clerk or other employee.

Further, in accordance with [FRCP Rule 11\(c\)\(2\)](#) requirement for preliminary service not including the court and [FRCP Rule 5](#) service by mailing, on 17. Sep. 2025 I mailed this document to AUSA Parker in a USPS Priority Mail Flat Rate Envelope with a prepaid shipping label addressed to:

ASSISTANT UNITED STATES ATTORNEY
TAMI PARKER
FLOOR NUMBER 3
1100 COMMERCE ST
DALLAS TX 75242-1074

referencing 3:23-CV-02875-S

by placing the envelope into a blue United States Postal Service mail box or by handling the envelope to a USPS clerk or other employee.

Further, 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

Subject: Re: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c) Motions For Sanctions in 3:23-CV-02875-S

From: Brian Carr <carrbp@gmail.com>

Date: 9/13/2025, 4:57 PM

To: "George M. Padis" <george.padis@sbaitilaw.com>, "Parker, Tami (USATXN)" <Tami.Parker@usdoj.gov>

CC: "London-Doucet, Stacy (USATXN)" <Stacy.London-Doucet@usdoj.gov>, "Padis, George (USATXN)" <George.Padis@usdoj.gov>, Brian Stolz <brian.stoltz@usdoj.gov>

Dear Mr. Padis and Ms. Parker,

My responses will be more sporadic as my wife and I are on a road trip to my 50th Reunion at West Point, NY. A few days ago we visited the farm, church, town where my mom grew up in Goldsberry, MO (now only unoccupied buildings in various states of abandoned).

However, on consideration I have decided that I will file another FRCP Rule 60 Motion for Sanctions under FRCP Rule 11(c)(2) against Ms. Parker (main) and Mr. Padis.

The three key elements are:

- Ms. Parker's pleading claiming 'inadvertent' failure to respond to my email with the clear intent to mislead the court that I had not followed court rules when, in fact, Ms. Parker had failed to follow the rules.
- Ms. Parker's claim in email that she was going to indefinitely retain time sensitive legal papers addressed to Mr. Padis. This is a de facto claim that she was violating 18 USC section 1702 and, potentially, 18 USC section 1709. Of course it is likely that she was colluding with Mr. Padis to later falsely claim to the court that he never received proper service as required by FRCP Rule 5 and FRCP Rule 11(c)(2). In this case, her criminal violations would also likely include 18 USC 1001 with concealing a material fact (that she had actually forwarded the prior electronic document to Mr. Padis and he had asked that she retain paper document).
- Of course this raises all sorts of ethical concerns as Mr. Padis had likely previously been Ms. Owen's and Ms. Parker's supervisor such that his request for Ms. Parker's participation in this scheme was improper in numerous ways for all parties. It also raises the question of the ethics of Ms. Owen's dismissal / resignation after refusing to file any response in this matter unless directed by the court. Were illegal orders involved in these developments?

To comply with FRCP Rule 11(c)(2) I need to provide FRCP Rule 5 Service of the motion to the parties being complained about at least 21 days before I file the motion with the court (so no ECF which is the usual mechanism for FRCP Rule 5 service). At this time I am inquiring if you each will accept electronic service (email the pdf file). If not, I am happy to print out the necessary copies and mail them as required.

Mr. Padis, if you will not accept electronic service via email, I am also inquiring what mailing address you would prefer. The FRCP Rule 5 says I should use the address from your last pleading (i.e. AUSA Padis), but that would likely delay actual service. I could use another address of your choice if you let

Case 3:23-cv-02875-S-BT Document 83-1 Filed 10/08/25 Page 2 of 6 PageID 2339
me know what address to use.

At this point we don't need to bother with trying reach any settlement as that is what the 21 days are for. I am primarily interested in getting the 21 day clock started so that the court can get properly briefed on these issues.

Thanks for your attention to this matter,
Brian

On 9/5/2025 8:01 PM, George M. Padis wrote:

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

If you wish to represent that I have received a copy of your improper motion, yes, I have been provided a copy. I will not assert that you have failed to "serve" or send me a copy of the motion.

Have a good weekend,
George

Get [Outlook for iOS](#)

GEORGE M. PADIS | PARTNER



Dallas Arts Tower | 2200 Ross Avenue, Suite 4900W | Dallas, TX | 75201

Direct: 214.214.3405 | Fax: 214.853.4367

www.sbaitilaw.com



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From: Brian Carr <carrbp@gmail.com>

Sent: Friday, September 5, 2025 6:11:10 PM

To: George M. Padis <george.padis@sbaitilaw.com>

Cc: Parker, Tami (USATXN) <Tami.Parker@usdoj.gov>

Subject: Re: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c) Motions For Sanctions in 3:23-CV-02875-S

Hi George,

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

Case 3:23-cv-02875-S-BT Document 83-1 Filed 10/08/25 Page 3 of 6 PageID 2340

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

Wishing you all the best,

Brian

On 9/3/2025 8:15 PM, Brian Carr wrote:

Hi George,

Yes, it was a nice weekend. I hope your weekend was as well.

Thanks for the overview of your response. I would call your attention to the fact that in the last decision the court declined to initiate an order to show cause under rule 12(c)(3) which is the court's discretion. In contrast, this motion should qualify as rule 12(c)(2) which does not require the court's discretion or an order to show cause. Further, this motion adds a new cause of action which is apparent collusion between defendants and the court which has not been briefed previously. These arguments need to be raised in this forum even though they are likely to be resolved in other forums.

Wishing you all the best,

Brian

On 9/2/2025 9:22 AM, George M. Padis wrote:

Hi Brian,

I hope you are doing well and had a nice holiday weekend. As Ms. Parker noted, I'm no longer with the government. Thanks for the heads up about my contact information, which is now current.

As I think you know, the issues identified below and in your attached pleadings have already been fully briefed. See attached response to plaintiffs' motion for sanctions. Judge Rutherford considered these issues fully and denied your motion for sanctions. See attached order. In my previous role, I also warned you that under Federal Rule of Civil Procedure 11(c) that if a motion under Rule 11 is itself frivolous, the Court may impose sanctions against the party who filed it. Given that the Court has already denied a similar motion, I would suggest you withdraw it.

Best,

George

GEORGE M. PADIS | PARTNER



Dallas Arts Tower | 2200 Ross Avenue, Suite 4900W | Dallas, TX | 75201

Direct: 214.214.3405 | Fax: 214.853.4367

www.sbaitilaw.com



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From: Brian Carr <carrbp@gmail.com>

Sent: Monday, September 1, 2025 1:48 PM

To: George M. Padis <george.padis@sbaitilaw.com>

Cc: Parker, Tami (USATXN) <Tami.Parker@usdoj.gov>

Subject: Re: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c) Motions For Sanctions in 3:23-CV-02875-S

[You don't often get email from carrbp@gmail.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear Mr. Padis,

Attached is an electronic copy of a FRCP Rule 11(c) Motions For Sanctions. In accordance with FRCP Rule 5, I have mailed a copy to your last known address in the matter (as AUSA) but it probably won't arrive for a few days as you seem to have moved to a new job and address. However, my reading of Rule 5 is that the date of service is the date of mailing of 29 Aug 2025. While this email does not provide legal service, it is a courtesy so that you can proceed as necessary. You might also consider updating your Texas Bar contact information as it appears to be out of date. Isn't google great?

Wishing you all the best,

Brian

P.S. You might let AUSA Parker know what to do with the paper copy when she gets it.

On 8/29/2025 6:16 PM, Brian Carr wrote:

> Ms. Parker,
>
> There is no rush. I went ahead and printed a copy and sent it in
> accordance with Rule 5 (last address on file). It will probably come
> to you in a few days and then you can forward it on. Rule 11(c) is a
> little ambiguous on what the government's responsibility is. As an
> employee of a law firm it would be clear, but not so much in this
> case. Thanks for your attention to this matter and for keeping me
> informed.

>
> Brian

>
> On 8/29/2025 5:56 PM, Parker, Tami (USATXN) wrote:

>> Mr. Carr,

>>

>> This office does not represent AUSA Padis and he is no longer an
>> employee. I will have to explore what, if anything, I can do with
>> your request. I will let you know what I learn.

>>

>> Tami

>>

>> Tami C. Parker

>> Assistant United States Attorney

>> Deputy Civil Chief

>> Northern District of Texas

>> 817-252-5230

>>

>> -----Original Message-----

>> From: Brian Carr <carrbp@gmail.com>

>> Sent: Thursday, August 28, 2025 8:35 PM

>> To: Parker, Tami (USATXN) <Tami.Parker@usdoj.gov>

>> Cc: London-Doucet, Stacy (USATXN) <Stacy.London-Doucet@usdoj.gov>

>> Subject: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c)

>> Motions For Sanctions

>>

>> Dear AUSA Parker,

>>

>> Attached is a preliminary copy of a FRCP Rule 11(c) motion for
>> sanctions directed against AUSA Padis. It has not been filed with
>> the court as required by FRCP Rule 11(c). However, service is
>> required in accordance with FRCP Rule 5. Normally FRCP Rule 5
>> service is almost automatic via ECF, but it is not permitted in this
>> case (at this stage). The alternative is to print the document and
>> mail it to AUSA Padis at his USATXN address from the files. It will
>> probably go to you for routing in any case.

>>

>> I am wondering if you can accept service of this electronic version
>> and route it to AUSA Padis? If that is a problem, I will go ahead
>> and print and mail it, but at least he will have an electronic copy
>> to work (I am much more comfortable with electronic versions).

>>

>> I have decided that AUSA Owen did not warrant sanctions as all her
>> filings fell within my perception of strong advocacy (her duty) and
>> not excessively false or misleading so there won't be any motions for
>> sanctions for her. On consideration, your Response also fits within
>> strong advocacy so this motion could well be the last of this effort
>> to get a court to investigate and consider what is appropriate in
>> AUSA Padis' early efforts.

>>

>> Thanks for a prompt response.

>>

>> Brian

>>

>> P.S. A side benefit of mailing the motion paper to AUSA Padis is
>> that it will give some meaning to 'costs' which really only apply to
>> law firms as pro se and government parties generally don't have costs

>> to be sanctionable.

>>

>>

>> --

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

>> www.avast.com



Virus-free. www.avast.com

Subject: RE: [EXTERNAL] Re: Carr v. United States, et al., 3-23-cv-2875 - Conferences on various motions by both parties

From: "Parker, Tami (USATXN)" <Tami.Parker@usdoj.gov>

Date: 9/8/2025, 10:40 AM

To: Brian Carr <carrbp@gmail.com>

CC: "London-Doucet, Stacy (USATXN)" <Stacy.London-Doucet@usdoj.gov>

Mr. Carr,

Defendants oppose any motions to expedite.

Thank you,

Tami

Tami C. Parker

Assistant United States Attorney

Deputy Civil Chief

Northern District of Texas

817-252-5230

-----Original Message-----

From: Brian Carr <carrbp@gmail.com>

Sent: Friday, September 5, 2025 6:02 PM

To: Parker, Tami (USATXN) <Tami.Parker@usdoj.gov>

Cc: London-Doucet, Stacy (USATXN) <Stacy.London-Doucet@usdoj.gov>; George M. Padis <George.Padis@sbaitilaw.com>

Subject: [EXTERNAL] Re: Carr v. United States, et al., 3-23-cv-2875 - Conferences on various motions by both parties

Ms. Parker,

Again, my apologies for the delay in response as well as the scattered responses. It was certainly not my intention, but I am doing the best that I can.

Of course I am opposed to any motion to strike the proposed motion for sanctions. I still have not decided when to file motion for sanctions. Right now I am considering 14 days after submitting my Reply to the last of the series of Rule 60 motions (ECF 76) envisioned in the first, ECF 67. That will have given the court sufficient time (in my estimation) to consider correcting any factual errors in the FCR and other decisions.

On that date I am also considering filing another motion to expedite as the factual errors are so pervasive and obvious and all five plaintiffs (and potential plaintiffs) are suffering due to the delay in resolution. As required by LR 7.1 it would be a rather lengthy and repetitious repeat of the expedite motion in ECF 76, but that is necessary because the court has not ruled on the majority of the outstanding motions which were unopposed and ready for decision several months ago (however you choose to count motions, the majority are unopposed at this time). The LR 7.1 relief we sought would have allowed us to avoid repeating the same arguments and case law over and over. Can you let me know your response to this second motion to expedite? How about a third and fourth until the court gives some response?

On 9/2/2025 10:34 AM, Parker, Tami (USATXN) wrote:

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

I am especially intrigued by this miscellaneous motion. It sounds like an absurd violation of due process and requirements for a fair hearing, but can you provide me a preliminary

overview of the statutes and case law to support it. Once I know the supporting law for it I can let you know my response but it is likely to be that I oppose such a motion. For example, if USCIS entered another false record rescinding my wife's citizenship because a confidential informant had said that actually she was the real head of the Cartel de Los Soles (rather than the previously alleged Maduro) and deported her to a high security prison in El Salvador where the CIA was overtly torturing her (not psychological torture like 'water boarding') to learn the real organization of the Cartel de Los Soles (another case of conflicting information, she is a citizen, no she is a really bad guy) then the court would not hear / permit any motion until the backlog of other motions is resolved? Wow!

Would the court ignore all the other pending motions (including the majority which are several months old and unopposed) to decide only your miscellaneous motion? That sounds like another case of apparent collusion. Shouldn't the court just add your motion to the growing queue? Wouldn't it be easier for the court to just deny all motions which would make your motion moot. Of course that would clear the way for a proper appeal where the court was given an opportunity to consider all the new issues (such as flagrant and obvious factual errors) and so were open for consideration on appeal.

It would also make it appropriate to seek relief in other forums for clearly falsified records including the difficult to demonstrate intent.

In summary I am likely opposed to both your proposed motions but would like to see the case law (and even preliminary drafts of the motions) before I formally declare my opposition.

Thanks for your attention to this matter and, again, my apologies for the delayed and scattered response.

Wishing you the best,
Brian

From: Brian Carr <carrbp@gmail.com>
Sent: Friday, September 5, 2025 6:11:10 PM
To: George M. Padis <george.padis@sbai law.com>
Cc: Parker, Tami (USATXN) <Tami.Parker@usdoj.gov>
Subject: Re: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c) Motions For Sanctions in 3:23-CV-02875-S

Hi George,

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

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

Wishing you all the best,
Brian

Subject: Carr v. United States, et al., 3-23-cv-2875 - Conferences on various motions by both parties
From: "Parker, Tami (USATXN)" <Tami.Parker@usdoj.gov>

Date: 9/2/2025, 11:34 AM

To: Brian Carr <carrbp@gmail.com>

CC: "London-Doucet, Stacy (USATXN)" <Stacy.London-Doucet@usdoj.gov>

Mr. Carr,

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

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

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

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

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

Thank you,

Tami

Tami C. Parker
Assistant United States Attorney
Deputy Civil Chief
Northern District of Texas
Burnett Plaza, Suite 1700
801 Cherry Street, Unit #4
Fort Worth, TX 76102-6882
T: 817-252-5230
F: 817-252-5458

Subject: Re: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c) Motions For Sanctions in 3:23-CV-02875-S

From: Brian Carr <carrbp@gmail.com>

Date: 9/1/2025, 2:48 PM

To: George.Padis@sbaitilaw.com

CC: "Parker, Tami (USATXN)" <Tami.Parker@usdoj.gov>

Dear Mr. Padis,

Attached is an electronic copy of a FRCP Rule 11(c) Motions For Sanctions. In accordance with FRCP Rule 5, I have mailed a copy to your last known address in the matter (as AUSA)

but it probably won't arrive for a few days as you seem to have moved to a new job and address. However, my reading of Rule 5 is that the date of service is the date of mailing of 29 Aug 2025. While this email does not provide legal service, it is a courtesy so that you can proceed as necessary. You might also consider updating your Texas Bar contact information as it appears to be out of date. Isn't google great?

Wishing you all the best,
Brian

P.S. You might let AUSA Parker know what to do with the paper copy when she gets it.

On 8/29/2025 6:16 PM, Brian Carr wrote:

Ms. Parker,

There is no rush. I went ahead and printed a copy and sent it in accordance with Rule 5 (last address on file). It will probably come to you in a few days and then you can forward it on. Rule 11(c) is a little ambiguous on what the government's responsibility is. As an employee of a law firm it would be clear, but not so much in this case.

Thanks for your attention to this matter and for keeping me informed.

Brian

On 8/29/2025 5:56 PM, Parker, Tami (USATXN) wrote:

Mr. Carr,

This office does not represent AUSA Padis and he is no longer an employee. I will have to explore what, if anything, I can do with your request. I will let you know what I learn.

Tami

Tami C. Parker

Assistant United States Attorney

Deputy Civil Chief

Northern District of Texas

817-252-5230

-----Original Message-----

From: Brian Carr <carrbp@gmail.com>

Sent: Thursday, August 28, 2025 8:35 PM

To: Parker, Tami (USATXN) <Tami.Parker@usdoj.gov>

Cc: London-Doucet, Stacy (USATXN) <Stacy.London-Doucet@usdoj.gov>

Subject: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c) Motions For Sanctions

Dear AUSA Parker,

Re: [EXTERNAL] Accept Service of Preliminary FRCP Rule 11(c) Motions For Sanctions in 3:23-CV-02875-S

Attached is a preliminary copy of a FRCP Rule 11(c) motion for sanctions directed against AUSA Padis. It has not been filed with the court as required by FRCP Rule 11(c). However, service is required in accordance with FRCP Rule 5. Normally FRCP Rule 5 service is almost automatic via ECF, but it is not permitted in this case (at this stage). The alternative is to print the document and mail it to AUSA Padis at his USATXN address from the files. It will probably go to you for routing in any case. I am wondering if you can accept service of this electronic version and route it to AUSA Padis? If that is a problem, I will go ahead and print and mail it, but at least he will have an electronic copy to work (I am much more comfortable with electronic versions).

I have decided that AUSA Owen did not warrant sanctions as all her filings fell within my perception of strong advocacy (her duty) and not excessively false or misleading so there won't be any motions for sanctions for her. On consideration, your Response also fits within strong advocacy so this motion could well be the last of this effort to get a court to investigate and consider what is appropriate in AUSA Padis' early efforts.

Thanks for a prompt response.

Brian

P.S. A side benefit of mailing the motion paper to AUSA Padis is that it will give some meaning to 'costs' which really only apply to law firms as pro se and government parties generally don't have costs to be sanctionable.

--

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

www.avast.com

Attachments:

RI601stMtn4Sanctions.pdf 518 KB

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

Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs United States, US Department of Justice, USPS, USPS OIG, USPS BoG, US CIGIE, Department of State, Department of State OIG, USCIS, DHS OIG, and SSA Defendants	Civil No. 3-23CV2875 - S Verified ¹ FRCP Rule 60 Motions: • To Strike ECF 77 and ECF 81 and • Notice of Corrected Filings Certificate of Conference – UNOPPOSED

**[FRCP Rule 60](#) Motions To Strike ECF 77 and ECF 81 and
Notice of Corrected Filings (ECF 76-1)**

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Introduction

These motions are submitted to correct errors in prior motion filings, the striking of

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

two documents which were attempts to correct ECF 76-4 which had incorrect 'title' information as well as errors in the proposed Second Amended Complaint (ECF 76-1)

Strike ECF 77 and ECF 81

The court is asked to direct the clerk strike documents ECF 77 and ECF 81 which were intended to correct inadvertent mistakes in the 'title' of ECF 76-4. I apologize for the errors and any confusion which resulted, but it appears that my normal habitual procedure for verifying the accuracy in documents had a glitch for certain classes of errors delaying detection as well as correction. I hope to correct my verification process so that similar glitches are less common in the future. ECF 82 is the corrected document. Defendants do not oppose the striking of these documents.

Notice of Corrected Filings (ECF 76-1)

We are seeking to replace the previously proposed complaint (ECF 76-1) to cite the corrected document ECF 82 instead of the incorrect ECF 76-4 as well as correct a typographical error to cite [26 USC § 6331](#) instead of 8 USC § 6331 (which does not exist). The basis for these corrections is that the proposed complaint was verified which creates a moral, ethical, and, possibly, legal obligation to notify parties of such errors and attempt to correct the errors to limit the misunderstanding and confusion which would result from the inaccurate statements.

The Defendants stated:

You may reflect that Defendants oppose amending Plaintiff's previously proposed complaint. Defendants will not oppose a notice of correct to note the two above-referenced errors.

I interpret this to mean that the Defendants are not opposed to the correction of the errors cited above but remain opposed to the proposed 2nd Amended Complaint (whether corrected or not).

The court is asked to decide the current motion to amend the complaint (ECF 76) based on a proposed amended complaint of ECF 84-1 which incorporates these corrections rather than the previous ECF 76-1.

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: 7. October 2025

Location: Irving, TX

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Certificate of Conference

These motions to strike ECF 77 and ECF 81 and the Notice of Corrected Filings (ECF 76-1) with corrections are UNOPPOSED.

The conference was held via an email discussion with AUSA Parker with the response from USATXN on 6 Oct 2025 as cited above with these motions being 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

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

Brian P. Carr, Rueangrong Carr, Buakhao Von Kramer, Rujipas Lawichai, and Tanapon Lawichai 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, IRS, TIGTA, and SSA Defendants	Civil No. 3-23CV2875-S Verified ¹ Second Amended COMPLAINT

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The Plaintiffs, Brian P. Carr (hereafter referred to as Mr. Carr), Rueangrong Carr (hereafter referred to as Mrs. Carr) Buakhao Von Kramer (hereafter Mrs. Von Kramer), Rujipas Lawichai (hereafter Tin, his nickname), and 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, 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) 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 of 'whistleblower' retaliation for his previous reports of federal crimes and other malfeasance by USCIS.

IRS Improperly Begins Property Seizure

9. On 11 Nov 2024 the IRS began seizure of property (CP504 notice) for penalties of \$753.70 for 'late' estimated payments for 2023 tax year. Sufficient estimated taxes had been paid but

the majority was paid in the second half of the year when the income was received.

However, the IRS had incorrectly assumed the income had been received evenly distributed through the year to compute the disputed amount.

10. The CP504 was sent while an appeal was pending (violating due process) and without the statute mandated 30 days notice ([26 USC § 6331](#)). Mr. Carr paid the disputed amount of \$753.70 to avoid seizure of their car, house, or business assets but the IRS is continuing to ignore the appeal (and the now known facts of the timing of the income received) and, more importantly, not refunding the disputed amount.

Jurisdiction and Venue

Jurisdiction

11. This Court has subject matter jurisdiction over this action pursuant to [28 USC § 1331](#) and [28 USC § 1367](#), [42 USC Ch. 21B](#), Administrative Procedure Act (APA, [5 USC § 551–559](#), [5 USC § 702](#)), and [28 USC Chap 171 \(FTCA\)](#) 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](#), [5 USC § 404 \(IG Act of 1978\)](#), [5 USC § 424 CIGIE](#), [39 USC](#) (Postal Service), [INA 8 USC Ch 12](#), [8 CFR § 216.4](#), [5 USC § 2302\(b\)\(9\)\(D\)](#), [8 USC § 1184](#), [8 USC § 1146](#), [8 USC § 1447](#), [8 USC § 1421\(c\)](#), [8 CFR Part 1292.1](#), [5 USC § 552 FOIA](#), [5 USC § 2302](#), [26 USC Internal Revenue Code](#), [26 USC § 6331](#), [26 USC § 7803](#), [28 USC Part II](#) - Department Of Justice as well as the [Fifth Amendment](#) of the U.S. Constitution right to due process.

Venue

12. 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.

The Plaintiffs

13. 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

14. 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

15. 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

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

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

17. Mr. Rujipas Lawichai (hereafter Tin, his nickname) is a citizen and resident of Thailand and Mrs. Carr's oldest son from a prior marriage and is an unmarried adult (over 21 years of

age). Mrs. Carr has completed a USCIS I-130 Petition for Tin to be able to immigrate to the United States (ECF 71-4). Tin's U.S. mailing address is care of Mr. Carr, a resident of Dallas County in the State of Texas. On 15 May 2025 Tin requested to join this suit (ECF 71-10). Tin is a Plaintiff appearing Pro Se in this matter and to the degree that it is legally permissible, Mr. Carr will represent Tin. Tin's contact information is:

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

18. Tin's legal residence (as registered with the Thai government) is:

Rujipas Lawichai
Ban Tha Sala 1 Moo 7, Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand

19. Mr. Tanapon Lawichai (hereafter Earth, his nickname) is a citizen and resident of Thailand and Mrs. Carr's youngest son from a prior marriage and is an unmarried adult (over 21 years of age). Mrs. Carr has completed a USCIS I-130 Petition for Earth to be able to immigrate to the United States. Earth's U.S. mailing address is care of Mr. Carr, a resident of Dallas County in the State of Texas. Earth is a Plaintiff appearing Pro Se in this matter and to the that it is legally permissible, Mr. Carr will represent Earth. Earth's contact information is:

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

20. Earth is a soldier in the Thai Army on active duty military service to a constitutional democratic government recognized by the United States and a military ally of the United States. At this time Earth is deployed in a combat assignment and unable to disclose his location, but he is in a location consistent with his orders from the Thai government.

21. Earth's legal residence (as registered with the Thai government) is:

Tanapon Lawichai
Ban Tha Sala 1 Moo 7, Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand

The Defendants

22. 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

23. 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 her professional capacity with contact information:

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

24. 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

25. 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

26. 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 her professional capacity with contact information:

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

27. The U.S. Department of State (hereafter DoS) is an agency of the United States and a Defendant in this matter. Because of the unusual division of authority and responsibility in DoS, DoS is represented by both the Secretary of State and the Assistant Secretary of State for Consular Affairs in their professional capacities 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

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

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

29. 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

30. 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 his professional capacity with contact information:

USCIS Director
20 Massachusetts Avenue, NW
Washington, DC 20529

31. 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

32. 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 his professional capacity with contact information:

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

33. The Internal Revenue Service (hereafter IRS) is an agency of the United States, a Defendant in this matter and is represented by the IRS Commissioner in his professional capacity with contact information:

Internal Revenue Service
1111 Constitution Ave, NW
Room 6329, SE:T:HQ:CPC
Washington, DC 20224.

34. The Office of the Treasury Inspector General for Tax Administration (hereafter TIGTA) is an agency of the United States, a Defendant in this matter and is represented by the TIGTA Inspector General in her professional capacity with contact information:

Treasury Inspector General for Tax Administration
901 D Street, SW; Suite 600
Washington, D.C. 20024

Count 1

USPS Falsifies Delivery Records, Refuses Credit

‘Guaranteed Delivery’ Package Delivered Late

Package Recorded as Delivered While Still at Post Office

35. The Plaintiffs repeat and reaffirm paragraphs 1 through 34, as if fully set forth herein.
36. The Plaintiffs refer to the Verified Brief (ECF 75-2) defending Count 1 and Count 2 which

are against USPS and USPS OIG as well the Verified Brief (ECF 67-3) discussing Sovereign Immunity and Executive Discretion.

37. 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 (see ECF 18-3). 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.
38. 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 (see ECF 18-4).
39. 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 USC § 1001](#) (a) (1).
40. 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, the Carrs went out to look for the package but could not find it.
41. 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.
42. 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).

Initial Refund Request Denied Due to Falsified Delivery Time

43. 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.

After 2 Week Delay, Appeal Granted, Status is 'Dispute Paid'

44. 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' (see ECF 18-8). However, the credit card which Mr. Carr used for the online 'click n ship' never posted the refund.

45. 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 as 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." (see ECF 11-2)

Refund Never Made to Credit Card

46. 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.
47. 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).

USPS Never Provides Requested Transaction ID of Payment

48. 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.
49. 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. (See ECF 18-9)
50. 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).

Falsified Records Supporting Unwarranted Management Bonuses

51. There are now numerous documents which are false due to the original falsified delivery time and thousands of others as documented by USPS OIG (see ECF 18-7), 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. These problems were referred to USPS management as well other defendants on 3 Mar 2023 in ECF 14-4.

USPS FOIA Requests Pending

52. On 21 Nov 2022 Mr. Carr submitted a personal FOIA request 2022-FPRO-00378 (ECF 70-11) specifically requesting bank transaction ID for credit card refund (item 2). USPS responded on 21 Jan 2023 (ECF 70-12) with delivery results (ECF 70-13) and 'Refund Issued' but no bank transaction ID. The court is asked to confirm that USPS does not have any bank transaction ID for the refund before relief is provided in the form of an actual refund or credit for future services.
53. On 11 Mar 2025, Mr. Carr submitted a cumulative FOIA request (ECF 70-7) to USPS which was accepted as 2025-FPRO-01666. On 1 May 2025 USPS FOIA responded (ECF 70-8) noting cost of \$336.00 which Mr. Carr paid but redacting all cumulative results based on "information of a commercial nature" under Section 410(c)(2)² with the results in ECF 70-9.
54. On 12 Jun 2025, USPS appeals responded to Mr. Carr's appeal denying all requests (ECF 75-3) with a letter explaining (ECF 75-4) that, among other things, this court has jurisdiction to review the appeal.

² Section 410(c)(2) is [39 USC § 410](#) c)(2) which states:

(c) Subsection (b)(1) of this section [(FOIA)] shall not require the disclosure of -
 (2) information of a commercial nature, including trade secrets, whether or not obtained from a person outside the Postal Service, which under good business practice would not be publicly disclosed;

Count 2

USPS OIG Refuses to Investigate or Report Federal Crimes

USPS BoG Refuses to Require Compliance With the Law

55. The Plaintiffs repeat and reaffirm paragraphs 1 through 54, as if fully set forth herein.
56. Plaintiffs refer to Verified Brief (ECF 75-7) which discusses the duties and responsibilities of IG's in general and the DoJ with respect to reporting crimes (IG) and enforcing the law (DoJ). It clarifies that the DoJ can rely on the various OIG's and even local management to investigate plausible federal crimes and implement corrections to prevent future violations as long as DoJ monitors the results and insures that the law is enforced.
57. 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".
58. 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.
59. 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 (see ECF 11-3).
60. 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.
61. Mr. Carr submitted the FOIA request and received a statement from Tanya Hefley on 19 October 2021 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." (see ECF 11-4)

62. In a 2017 audit ([DR-AR-18-001](#), ECF 18-7) the USPS OIG 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. (see ECF 18-7)
63. 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."
64. 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 (see ECF 18-7), it was 'beyond reasonable doubt.'
65. 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 [5 USC § 404](#).
66. On 1 August 2021 Mr. Carr wrote to the USPS IG (ECF 11-3) 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 [5 USC § 404](#) 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'. This was clarified on 17 Nov 2021 to explain that this failure to report federal crimes was malfeasance in USPS OIG (ECF 11-5)
67. 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 (ECF 10-1) 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.

68. Thus, the OIG is claiming the authority to decide which cases should be prosecuted while it is clear from [5 USC § 404](#) that Congress intended that the decision to prosecute is reserved solely for the Attorney General (or the DoJ realistically).
69. 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.
70. On 3 August 2022, Mr. Carr wrote to the USPS Board of Governors (see ECF 10-2 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.
71. There was no response from USPS BoG but on 14 Dec 2022 from Andrew Jones, USPS Government Relations Representative replied via Representative Veasey (see ECF 10-3) stating '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.
72. 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. These problems were referred to USPS IG as well other defendants on 3 Mar 2023 in ECF 14-4.

Count 3

DoS Denies Mrs. Carr Visa without Due Process

73. The Plaintiffs repeat and reaffirm paragraphs 1 through 72, as if fully set forth herein.
74. The Plaintiffs refer to the Verified Brief (ECF 75-8) defending Count 3, Count 4 and Count 5 against DoS and DoS OIG as well the Verified Brief (ECF 75-5) discussing the right to representation which refers to the Verified Brief (ECF 71-8) concerning pro se self representation. ECF 75-8 also relies heavily of another Verified Brief (ECF 75-6) which has an extensive set of challenges to USATXN's primary defense of DoS, the Doctrine of

Consular Non Reviewability (DoCNR). ECF 75-8 also refers to another Verified Brief (ECF 75-7) which discusses the duties and responsibilities of IG's in general and the DoJ with respect to reporting crimes (IG) and enforcing the law (DoJ). It clarifies that the DoJ can rely on the various OIG's and even local management to investigate plausible federal crimes and implement corrections to prevent future violations as long as DoJ monitors the results and insures that the law is enforced.

75. 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.
76. 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.
77. 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.
78. 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.
79. 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 an affirmed statement attached to the I-29F 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. (see ECF 12-3)
80. 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.
81. 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.

82. The actual denial letter had no references to any evidence presented or reviewed but simply cited section 214(b)³ 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'.
83. Mr. and Mrs. Carr were unlawfully denied their ability to travel freely due to denial of Mrs. Carr's visa application.
84. 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.
85. On 10 October 2018 DoS OIG responded with ECF 10-4.
86. The response was 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.⁴
87. 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)⁵.
88. As DoS OIG improperly abdicated its responsibility to oversee BCA and referred these

³ INA 214 is [8 USC § 1184](#)

⁴ INA 214 is [8 USC § 1184](#)

⁵ INA 214 is [8 USC § 1184](#)

serious violations of the Fifth Amendment rights of due process to BCA, Mr. Carr continued his efforts to get a just and lawful decision by writing several emails to the Chiang Mai Consulate General.

89. 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).
90. 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.
91. 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.
92. 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).
93. However, four years later USCIS failed in meeting its statutory mandate to allow Mrs. Carr to work and travel freely (see [8 CFR § 216.4](#) (b)) and left Mrs. Carr stranded in Thailand, unable to return to the U.S..
94. As a result, Mr. Carr made and paid for a second application for Mrs. Carr for a tourist visa with DoS BCA with the interview on 12 Dec 2022 at the Chiang Mai Consulate with appointment AA00BCSFIT.
95. 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.
96. 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.
97. Mrs. Carr's second visa application was approved with no substantial input from Mrs. Carr, only a quick review on the computer (presumably of the status of the application).

98. 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

99. The Plaintiffs repeat and reaffirm paragraphs 1 through 98, as if fully set forth herein.

100. 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.

101. 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.

102. 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.

103. 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.

104. 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 (see ECF 12-4, affirmed under penalty of perjury) with descriptions of the other 'exhibits' which included:

- Round trip tickets to the U.S. with the first flight on 13 Oct 2019 on the same flight to the U.S. as Mr. and Mrs. Carr were taking 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). See ECF 16-7.
- An email from Mr. Carr inviting Mrs. Von Kramer to stay at their house during her visit

to the U.S.. See ECF 13-1,

- 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. See ECF 13-1,
- 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

105. 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.

106. Further, the written denial letter was functionally identical to the one Mrs. Carr had received with no references to any evidence presented or reviewed but simply cited INA 214(b)⁶ and 'you did not overcome the presumption of immigrant intent, required by law, by sufficiently

⁶ INA 214 is [8 USC § 1184](#)

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’.

107. 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.

108. 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.

109. 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

110. Mr. Carr completed and paid for 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 later repaid the roughly \$160 fee in Thai Baht.

111. 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.

112. 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.

113. 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.

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

Third Visa Application Denied

115. 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.

116. Mr. Carr completed and paid for 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 later repaid the roughly \$160 fee in Thai Baht.

117. 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.

118. 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.

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

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

121. 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.

122. 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.

123. Mr. Carr and 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. See ECF 16-7.

124. 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. An exception is granted to surviving spouses who have established a 'lawful presence' in the United States with five years of legal visits to the United States which demonstrate enduring ties to the United States. The requirements for these lawful presence visits are also complex and ambiguous (to the Plaintiffs) with the unusual requirement that for a visit to count for 'lawful presence' it must be longer than one day and shorter than 30 days (and not a full calendar month). A stay for an entire year also counts. See [SSA POM RS 02610.025](#) 5-Year Residency Requirement for Alien Dependents/Survivors Outside the United States (U.S.).⁷

Fourth Visa Application Approved

125. 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.

126. 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.

127. 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, ...")

128. 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

⁷ In 2023 Mr. Carr expressed an interest in the 'lawful presence' requirements with some SSA employees and after minimally including SSA in this suit, SSA has substantially improved and clarified the governing rules in SSA POM RS 02610.025 with an increased focus on 'sincere effort to establish enduring ties to the U.S..'

Kramer that her visa application was approved.

129. 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

130. 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.)

131. 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.

132. 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

133. 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 (ECF 70-14 and ECF 70-15). DoS denied access to Mrs. Von Kramer's records (ECF 12-5) and Mr. Carr contested the grounds for denying access to records and expanded the request to include IG complaints (ECF 70-16).

134. 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 USC § 1202](#)(f)) to keep confidential any visa records that were not previously received from or sent to the subject of the request. See ECF 12-5.

135. On 19 Oct 2023, DoS provided only the electronic summaries of the information Mr. Carr had provided when filing Mrs. Carr's two visa applications. DoS excluded all other records

based on their contested interpretation of INA Section 222(f). See ECF 70-17.

136. This misconstrues [8 USC § 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,

137. 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 INA Section 222(f) does not apply to applicants seeking access to records applicable to their case.

138. 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.

139. In [Kiareldeen v. Reno 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. On 20 Jun 2023 Mr. Carr notified DoS and other defendants of these crimes and other problems in ECF 14-2.

140. On 20 Dec 2023 Mr Carr submitted a DoS FOIA request for cumulative non immigration visa results by country and break downs by age and U.S. Social Security Survivor's Benefits eligibility (ECF 13-2) which DoS acknowledged as F-2023-13477 (ECF 13-3) and F-2024-04752 (ECF 70-18).

No Action on DoS FOIA Requests In 2024, Transferred Request in Feb 2025

141. No action was taken on any of the outstanding FOIA requests by DoS in 2024, but on 5 Feb 2025 (just before Mrs. Carr's citizen test) DoS transferred the FOIA request FP-2023-00325 to a different office (ECF 70-19) which put the request into another indefinite hold (ECF 70-20) on 28 Feb 2025 (the date Mrs. Carr became a citizen).

Count 5

DoS OIG Refuses to Investigate or Report Federal Crimes

142. The Plaintiffs repeat and reaffirm paragraphs 1 through 141, as if fully set forth herein.
143. 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.
144. On 10 October 2018, he received a response from DoS Heinbeck, which stated 'there is no provision in U.S. law that specifically precludes issuance of a non immigrant visa to an applicant with a pending immigrant visa case' which contradicts the verbal justification for the visa denial (ECF 10-4).
145. On 9 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.' (ECF 34-6)
146. 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.'
147. In April of 2023 Mr. Carr again complained about the lack of due process in processing visa applications and explicitly cited the plausible allegation of falsifying government records (see ECF 34-7) but received the same response (apparently a form email) with H20231749 on 24 April 2023 for Mrs. Carr (see ECF 34-7) and H20231753 on 19 April 2023 for Mrs. Von Kramer where DoS OIG stated that it was forwarding the matter to DoS BCA without taking any action (ECF 39-3).
148. 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. See ECF 34-7.
149. The right to a written decision well founded on the evidence is particularly important (perhaps the foundation of due process) and 18 USC § 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;

150. 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.

151. 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. [5 USC § 404](#) 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'

152. 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. See ECF 34-7, ECF 17-3.

153. 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), DoJ (cc) and CIGIE, ECF 14-2, ECF 34-7, ECF 17-3.

Count 6

CIGIE Takes No Action to Insure Lawful IG Compliance

154. The Plaintiffs repeat and reaffirm paragraphs 1 through 153, as if fully set forth herein.

155. The Plaintiffs refer to the Verified Brief (ECF 76-3) defending Count 6 and Count 9 which are against CIGIE and DoJ as well the Verified Brief (ECF 67-3) discussing Sovereign Immunity and Executive Discretion. ECF 76-3 also refers to another Verified Brief (ECF 82, previously ECF 76-4 but with typographical errors in its header information) which discusses the dangers of illegal orders and the importance of supporting the constitution and our government of law.

156. On 20 June 2023, Mr. Carr complained to the CIGIE about DoS IG not reporting federal

crimes to the DoJ as required by statute, ECF 14-2

157. 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), ECF 14-3

158. On 9 Oct 2023, Mr. Carr complained to the CIGIE about USPS IG not reporting federal crimes to the DoJ as required by statute, ECF 14-5.

159. 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), ECF 14-6.

160. 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 [5 USC § 404](#) 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." See ECF 17-3.

161. 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.

162. 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).

163. 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.

164. Further, it appears that the CIGIE has gone from a council which was intended to develop

and enforce the highest standards and 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 \(RICO\)](#) -

165. 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 the U.S. government endeavor to obey all lawful statutes to include reporting all plausible allegations of federal crimes to the DoJ. On 24 Oct 2023 Mr. Carr asked that CIGIE, DoJ and other defendants correct these deficiencies in ECF 30-8.

Count 7, USCIS Commits Crimes and Ignores Constitution

USCIS Terrorizes and Denies Travel Thru Illegal Denial of Interview Waivers

Initial Applications

166. The Plaintiffs repeat and reaffirm paragraphs 1 through 165, as if fully set forth herein.

167. The Plaintiffs refer to the Verified Brief (ECF 76-2) defending Count 7 and Count 8 which are against USCIS and DHS OIG as well the Verified Brief (ECF 67-3) discussing Sovereign Immunity and Executive Discretion. ECF 76-2 also refers to the Verified Brief (ECF 75-7) which discusses the duties and responsibilities of IG's in general and the DoJ with respect to reporting crimes (IG) and enforcing the law (DoJ). In addition the USCIS claim concerning denied right to representation is supported by the Verified Brief (ECF 75-5) on the right to representation.

168. On 04 Aug 2020, USCIS received Mrs. Carr's I-751 application for a permanent green card

(remove two year conditions) with receipt MSC2091582908 as Mrs. Carr ‘conditional’ expired after two years on 13 Nov 2020 (ECF 24-1). 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). See ECF 18-6, 12 Dec 2021. This delay in scheduling the I-751 interview is a direct violation of [8 CFR § 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.

169. 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.

Extension Letter Inadequate

170. Although [8 CFR § 216.4](#) does provide for an extension of the conditional ‘green card’⁸ with:

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.

The actual extension letter (ECF 18-6) was inadequate. INA Section 264(e) is [8 USC § 1304\(e\)](#) which states:

... Every alien... shall at all times carry with him and have in his personal possession any certificate of alien registration or alien registration receipt card issued to him pursuant to subsection (d).

However, the extension letter itself was on 8.5” by 11” paper of particularly low durability (short fiber content). While the ‘green card’ (ECF 24-1) was quite compact and durable, suitable for taking on a swim in the ocean (as required above), the extension (ECF 18-6) letter was not, making compliance with [8 USC § 1304\(e\)](#) impossible.

⁸ The CFR is very restrictive on the conditions when a I-751 can have delayed adjudication and these circumstances did not occur with this application. The interview should have been waived and the matter adjudicated within 90 days.

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

171. 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..
172. 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

173. 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.
174. Her green card and extensions expired on 13 Nov 2023 while Mrs. Carr was in Thailand on an emergency basis (see ECF 24-1 and 18-6). Even though [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.', USCIS refused to provide Mrs. Carr with any documentation to allow her return to the United States. This is contrary to the above administrative rule.
175. 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), see ECF 18-6. Instead Mr. Carr got her a \$160 multiple entry B1 / B2, business / tourist visa and was able to return to the USA in late Dec 2022, ECF 45-1.

Rescheduling Original Interview

176. 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

177. 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. See ECF 20-2.

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

178. Prior to the interview on 30 January 2032, Mr Carr initiated a complaint with the DHS OIG that the English requirements for naturalization were discriminatory based on religion, income, age and culture.

179. 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.

180. For example, in Thai language there is no 'th' sound and 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, as Mrs. Carr was not exposed to English at an early age, she is unable to hear or pronounce the 'th' sound.

181. Further, 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 during later years, the recognition will never be as quick, accurate or comfortable as if it was learned before adolescence.

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

**USCIS Denies Green Card Through 'False' Claims of Approval
Joint I-751 and N-400 Interview of 30 Jan 2023**

Both 10 Year Green Card And Citizenship Approved

183. 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 (ECF 16-4). 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.

184. 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 (similar to ECF 16-4 though the provided copy was hand written).

185. However, the next day (31 Jan 2023) USCIS entered a formal written decision for the I-751 application (ECF 10-5) 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.

186. 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

187. 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.

188. Mr. and Mrs. Carr would later learn that her I-751 was actually denied. USCIS would later deny her N-400 in a sham hearing and continue to refuse to provide her with a 10 year green card until after this suit was filed. As more than thirty days had passed since this effective denial based on statements which USCIS believed to be false, there were no avenues within USCIS to actually get the permanent green card.

USCIS Unlawful Policies Justified as 'Enforcement'

189. 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.

190. 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.

191. Specifically, USCIS stopped waiving of the interview for an I-751 application even though these waivers were mandatory in accordance with [8 CFR § 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-751 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.

192. 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 § 216.4](#)(b) (1).

193. 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.

194. 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.

195. 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.

196. 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

197. 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.

198. 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.

199. 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.

200. 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. See ECF 18-6.

Criminal Background Questions Unlawful

201. 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.

202. 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.

203. 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.

204. 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 knows all the circumstances where they may have violated some minor traffic, parking, or zoning regulation.

USCIS Informed of Upcoming Travel Plans

205. 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.

206. On 25 Aug 2023, Mr. Carr also contacted his congressman, Representative Veasey, as well as the USCIS Director and DHS IG, seeking assistance in getting the Oath of Allegiance scheduled as no action had been taken in the matter (ECF 34-2).

USCIS Denies Citizenship After Approval

False Notice that N-400 Interview of 30 Jan 2023 Canceled

207. However, on 01 Sep 2023 USCIS sent a notice which states that "the interview of 30 Jan 2023 was canceled due to unforeseen circumstances" (sent under the N-400 receipt, see ECF 10-6). 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.

208. On 5 Sep 2023 the Carrs 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 USC § 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

209. On 06 Sep 2023 USCIS scheduled an interview for 11 Oct 2023 as shown in ECF 10-7, 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 worked Tuesday to Sunday and was not able to respond while she was working.

210. 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 ECF 16-1 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.

211. In the contested decision (see ECF 10-10, N-400 denied for failure to appear) 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

212. On 10 Sep 2023, Mr. Carr contacted the USCIS director, DoJ 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), ECF 49-3. With contradictory records, one or more of them must be false, the foundation of the federal crime of falsification of government records.

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

214. On 06 Oct 2023, Mr. Carr asked that DoJ assist in correcting these serious defects in USCIS and DHS IG, ECF 17-4. (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).

215. 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 USC § 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

216. 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

217. 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

218. 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. See ECF 30-5.

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

219. 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. See ECF 10-8.

220. 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 is ECF 10-8 which 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

221. 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 (see ECF 30-7) 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 the USCIS approval of I-751 and N-400 in ECF 10-5 on 31 Jan 2023.

222. 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 (ECF 30-5). Crystal explained that USCIS has 30 days to act on G-28 requests.

223. 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.

USCIS Denies N-400 Citizenship Application for Failure to Appear

224. The Decision from USCIS dated 13 October 2023 previously provided to relevant

Defendants as ECF 10-8 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) [312.5\(a\)](#) and (b).⁹

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 336.¹⁰

USCIS Refuses to Provide New Green Card

225. 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, ECF 10-8, clearly indicates that USCIS does not intend to provide Mrs. Carr with the promised Certificate of Naturalization in the foreseeable future.

226. 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 ECF 10-11 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."

227. **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 supporting a denial of a request. However, the actual notice (ECF 10-5) was in the form of an approval which was actually an 'effective denial based on false premises'. As such, it did not include the normal (and required) verbiage of notice of appeal requirements.

⁹ INA 312 is [8 USC § 1423](#), refers to [8 CFR § 312](#)

¹⁰ INA 336 is [8 USC § 1447](#)

228. 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.

229. It appears that when USCIS attempts to effectively deny an I-751 application by claiming approval based on false pretenses, there is no way to appeal or correct the error other than the federal district courts.

230. In late May 2024, Mrs. Carr received her requested 10 year 'green card' (see ECF 49-3) from USCIS without any explanation. This was several months after the denied request of 19 Oct 2023 to USCIS as described above as well as the filing of this suit, the first USATXN Motion to Dismiss (ECF 15, 08 Mar 2024) and the second USATXN Motion to Dismiss (ECF 33, 09 May 2024). It is possible that USCIS had concluded that some of the relief sought in Plaintiffs; Motion for Partial Summary Judgment (ECF 18, 28 Mar 2024) was well justified and USCIS provided the requested relief rather than waiting for this court to order it.

231. As Mrs. Carr had her 10 year green card her fears of being deported without cause or notice if she failed her citizenship test (para 171 on page 34) were reduced and it appeared that further relief was not forthcoming, the Carr's submitted a new N-400 application on 10 Sep 2024 (receipt is ECF 49-4) with an application fee of \$710 and an estimated first interview date in May of 2025. The actual interview was rescheduled for 10 Feb 2025 (ECF 70-10) and Mrs. Carr passed the citizen tests with an Oath Ceremony scheduled for 28 Feb 2025 (ECF 71-2). At the Oath Ceremony Mrs. Carr received her Certificate of Naturalization (ECF 71-3).

232. On 2 May 2025 Mrs. Carr completed her USCIS I-130 immigration petition for her son Rujipas Lawichai (Tin) which was accepted (ECF 71-4) with estimated visa availability of 2034 (ECF 71-11). On 15 May 2025 Tin requested to join the complaint seeking, among other things, a prompt immigration visa (ECF 71-6).

233. Mrs. Carr's son, Tanapon Lawichai, nickname Earth, requested to join complaint on 7 May 2025 while on active duty military service and deployed to an area with restricted access (ECF 71-1). On 13 May 2025 Mrs. Carr completed her USCIS I-130 immigration petition

for Earth which was accepted (ECF 71-5) with estimated visa availability in 2034 (ECF 71-11).

234. On 30 May 2025, USCIS accepted the I-130 immigration petition for Buakhao Von Kramer (ECF 71-7) with estimated visa availability in 2042 (ECF 71-11).

USCIS FOIA Failures

Access to Case Records Unlawfully Denied

235. 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 (ECF 70-21). 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 (ECF 16-3).

236. However, the response was only 32 pages and was only the original I-751 and N-400 applications. It did not include the requested audio or video recordings or electronic messages (results of phone calls to USCIS) as requested nor did it include notices which had been sent to the Carr's (machine readable format).

237. 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.

238. On 31 Oct 2023 a new FOIA request was submitted via email a copy of which is (ECF 10-9) which was acknowledged on 20 Nov 2023 (ECF 70-23) as NRC2023371972. However, the response (ECF 70-24) on 2 Jan 2024 had extensive records but no video records, audio records or electronic records of documents provided to Plaintiffs (as specifically requested).

USCIS FOIA Cumulative N-400 and I-751 Data Request Denied

239. On 23 Dec 2023 Mr. Carr requested cumulative data for N-400 (citizenship) applications (ECF 16-6) which was accepted on 26 Dec 2025 (ECF 16-5). On 3 Mar 2025 USCIS FOIA

denied the request based on the need to create records (citing [5 USC § 552 FOIA](#))

240. On 23 Dec 2023 Mr. Carr requested cumulative data for I-751 (10 year Green Card) applications (ECF 16-5) as OPQ2023000041 which was accepted on 26 Dec 2025 (ECF 70-25). On 24 Apr 2025 USCIS FOIA denied the request based on the need to create records (ECF 70-26).

Cumulative Data Does not Meet FOIA 'New Data' Criteria

241. The two USCIS FOIA cumulative data requests specifically cited [Ctr. for Investigative Reporting v. DOJ, No. 18-17356, 982 F.3d 668 \(9th Cir. 2020\)](#) as listed on the DoJ web site¹¹ which states

the use of a query to search for and extract a particular arrangement or subset of existing data from the ... [agency] database does not require the creation of a "new" agency record under FOIA.

Legal Arguments

Lack of Jurisdiction

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

243. 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.

244. 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.

245. 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.

¹¹ The DoJ web site was accessed at <https://www.justice.gov/oip/ctr-investigative-reporting-v-doj-no-18-17356-2021-wl-4314789-9th-cir-sept-23-2021-wardlaw-j> on 26 Apr 2025.

246. 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

247. 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.

248. 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

249. 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.

250. 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

251. 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.

252. 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 and concealing material facts.

253. 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 and concealing material 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 and concealing material facts.

254. 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

255. The contested decision continues with the following text in ECF 10-10:

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 336.¹²

256. 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.

257. In particular, the required fee to file N-336, request for a hearing, was a hefty \$700 (now \$780) while the fee for filing a new N-400 is only \$625. Similarly, the filing fee for a motion to reconsider was also \$700 as was 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.

258. 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.

Decision Misconstrues [8 CFR 336.2\(a\)](#)

259. The decision listed above claims that a properly filed N-336 is required to appeal an illegal decision. This is incorrect as the relevant rule [8 CFR 336.2\(a\)](#) states:

(a) The applicant, or his or her authorized representative, may request a hearing on the

¹² INA 336 is [8 USC § 1447](#)

denial of the applicant's application for naturalization by filing a request with USCIS within thirty days after the applicant receives the notice of denial.

There is no mention of N-336 and its exorbitant fee. Mr. Carr chose an alternative of emailing a request for assistance to the Director of USCIS (ECF 30-8) as well as the DHS IG, his Representative in Congress, and DoJ. This email was sent on 7 Nov 2023, well within the 30 day requirement. Not only did it meet the requirements of [8 CFR 336.2\(a\)](#) and a timely request, it also completed exhaustion of remedies guideline by requesting assistance from numerous other sources.

Automated Phone System Prevents Applicants from Being Heard

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

261. 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.

262. 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.

263. 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.

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

265. 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

266. 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.

267. 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.

268. 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

269. 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

270. 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

271. The Plaintiffs repeat and reaffirm paragraphs 1 through 270, as if fully set forth herein.

272. 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 § 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.

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

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

275. It is possible that the announcement on 23 Jan 2023 of a new 48 month extension letter (ECF

48-2) 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.

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

277. On 10 Sep 2023, Mr. Carr notified the DHS OIG directly through the IG of the federal crimes committed by USCIS (ECF 49-5). He also opened a complaint via DHS OIG Hotline and was assigned case number HLCN1694292030038.

278. On 13 Nov 2023, Mr. Carr notified the DHS OIG through an online hotline complaint of the additional federal crimes committed by USCIS as previously reported to the DHS IG in ECF 30-8 as well as the 'whistle blower' retaliation taken by USCIS against Mrs. Carr for Mr. Carr's widespread reports of federal crimes. The complaint via DHS OIG Hotline was assigned case number HLCN1699850033209.

279. 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 9

DoJ Takes No Action To Address Criminal Behavior

280. The Plaintiffs repeat and reaffirm paragraphs 1 through 279, as if fully set forth herein.

281. The Plaintiffs refer to the Verified Brief (ECF 76-3) defending Count 6 and Count 9 which are against CIGIE and DoJ as well the Verified Brief (ECF 67-3) discussing Sovereign Immunity and Executive Discretion. ECF 76-3 also refers to another Verified Brief (ECF 76-4) which discusses the dangers of illegal orders and the importance of supporting the constitution and our government of law. The Plaintiffs also refer to the Verified Brief (ECF 75-7) which discusses the duties and responsibilities of IG's in general and the DoJ with respect to reporting crimes (IG) and enforcing the law (DoJ). In addition the right to representation in this matter is discussed in the Verified Brief (ECF 75-5) on the right to representation.

282. In addition, the Plaintiffs refer to Verified Briefs ECF 30-3, ECF 30-4, and ECF 30-6 concerning creative sanctions for government attorneys and pro se parties, USATXN's

criminal efforts to delay this matter, and violations of 5th Circuit Court's rules by including references to 'not precedent' decisions without properly identifying that the decisions are not precedent.

DoJ Does Not Defend the Constitution or Enforce the Law

283. 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 (ECF 14-4). The DoJ had previously been copied on the allegations as they were raised to the relevant agencies.

284. On 5 Jun 2023, the DoJ opened reference NM301959635 for the matter with email contact of criminal.division@usdoj.gov, referring the matter to the Postal Inspection Service (ECF 17-1).

285. On 20 June 2023 Mr Carr notified the DoJ and other defendants via mail of federal crimes and malfeasance in the DoS and related agencies and asking assistance in correcting the unlawful actions (see ECF 14-2). Mr. Carr did not request the prosecution of any party. The DoJ had previously been copied on the various complaints with the DoS agencies.

286. On 10 Sep 2023 Mr. Carr asked for the assistance of the DoJ with respect to the USCIS and related agencies, ECF 49-3. The DoJ had previously been copied on the various complaints with the USCIS agencies. On 7 Nov 2023 an expanded notice of intent to contest the unwarranted denial of the N-400 application was sent to DoJ and the USCIS Director which is ECF 30-8. The request for assistance to the USCIS Director could be construed as a [8 USC § 1447\(a\)](#) request for a hearing before an immigration officer due to the exorbitant cost of N-336 applications (para 223-253 and relief 38).

287. On 9 Oct 2023, Mr. Carr again asked the DoJ and other defendants 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, ECF 14-5.

288. 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. ECF 30-8.

DoJ Commits Crimes to Violate Constitutional Rights

289. On 1 Mar 2024 AUSA Padis sent an email to Mr. Carr which violated 18 USC § 1001 (illegal falsification of governments records, i.e. lying in a government email) in order to

trick the Plaintiffs into granting an unwarranted delay even though he was sent a copy of ECF 10-5 (which the court and USATXN have steadfastly refused to address) and left Mrs. Carr in dire circumstances of being an apparent illegal during times when apparent illegals are arrested and deported to high security prisons in El Salvador without notice or opportunity to be heard (or the chance demonstrate they they are, in fact, legal, as in Mrs. Carr's case, a naturalized citizen as stated in ECF 10-5). The resulting email thread is ECF 28-1. Clearly DoJ's duty to enforce the law does not justify violating criminal statutes in order to deprive citizens or even permanent residents of their constitutional rights.

Count 10

IRS Violates Due Process and Statutes in Collections Process

2023 Form 1040 Filed, Minimum of 90% Estimated Taxes Paid

290. The Plaintiffs repeat and reaffirm paragraphs 1 through 288, as if fully set forth herein.

291. The Plaintiffs refer to the Verified Brief (ECF 76-5) defending Count 10 and Count 11 which are against the IRS and TIGTA as well the Verified Brief (ECF 67-3) discussing Sovereign Immunity and Executive Discretion. ECF 76-5 also refers to another Verified Brief (ECF 75-7) which discusses the duties and responsibilities of IG's in general and the DoJ with respect to reporting crimes (IG) and enforcing the law (DoJ). ECF 76-5 also refers to another Verified Brief (ECF 71-9) which argues that the IRS must provide estimated tax payment penalty relief when there is 'Annualized Income' as well as better tools. ECF 71-9 refers to the Verified Brief ECF 71-8 which explains that constitutional due process and pro se representation prevent any aspect of the government (congress, courts or executive) from requiring individuals to do that which is impossible or, penalizing individuals for failing to do that which is not possible (this is the foundation of what it means to have a fair hearing).

292. On 9 Apr 2024, the Carrs' joint Form 1040 was accepted electronically by the IRS as submission 4401182024100a1026fd with:

- * \$318,662 as IRA distributions,
- * \$334,813 as Adjusted Gross Income,
- * \$68,790 as Total Tax, and
- * \$63,500 as 2023 payments (all were estimated payments).

The payments were 92% of tax due with balance due of \$5,290 posted on 11 Apr 2024 (ECF

67-6 redacted). The estimated tax payments were above the normal minimum of 90% requirement to avoid penalties.

IRS Sends Tax Penalty Notice Which is Unfounded and Incorrect

293. On 6 May 2024 the IRS sent the Carrs a CP30 notice which they received on 9 May 2024 with an amount due of \$1,055.19 as a penalty for failing to pay sufficient estimated taxes (ECF 67-7). It should be noted that the Carrs 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.

294. Mr. Carr immediately contacted the IRS to find out how to correct the problem and on 9 May 2024 at 10:55AM spoke with Ms Pelosia (ID 1004987031) at the number provided of 800-829-8374 and was advised that he should file Form 843 Request for Abatement. She was unable to answer his other questions about how estimated taxes should be paid when substantial income is received late in the year. She advised instead that he should contact 'Tax Law'. She then transferred the call to a number which was no longer functioning but referred callers to IRS.gov for tax law help. Mr Carr could not find any references to how estimated tax payments should be made under these circumstances.

295. It should be noted that Ms. Pelosia was incorrect as IRS Form 2210 is the form which should have been submitted with an appeal letter as stated by the IRS in ECF 67-11. IRS Form 2210 determines the amount of penalties based on when estimated payments are made and could, theoretically, be used to compute the amount of estimated payments required to avoid penalties when significant income is received as a one time payment. However, the computation of penalties on IRS Form 2210 is quite complex and it is doubtful that even 1% of IRS employees really understand the underlying mechanics of IRS Form 2210 and its requisite IRS Form 1040 Schedule D tax worksheet. The IRS appears to be trying to trick taxpayers into overpaying their estimated taxes through absent and incorrect guidance. However, separate reliefs will be suggested for the IRS:

- * to provide a simple explanation of heuristics to permit taxpayers to avoid penalties, and
- * to provide OpenDocument Spreadsheets (ODS) for the requisite schedule D tax worksheet

and IRS Form 2210 and its schedules and worksheets.

296. On 10 May 2024 Mr. Carr mailed the requested Form 843 Abatement Request (ECF 67-8 redacted)¹³ along with an explanation (ECF 67-9 redacted) and documentation of the significant income sources (stock broker statements). These documents were received by the IRS on 16 May 2024 (ECF 67-10).

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

297. There were delays in processing the appeal and another notice was mailed to Mr. Carr on 01 July 2024 for \$1,068.18. On 19 Aug 2024 the IRS notified Mr. Carr of a delay in processing their Form 843. However, on 27 Aug 2024 the IRS notified Mr. Carr that his Abatement Request was denied but that he could file a IRS Form 2210 with the breakdown of income received through the year (see ECF 67-11).

298. It should be noted that Ms Pelosia (ID 1004987031) was incorrect in advising Mr. Carr to submit Form 843 as this form can not be used for the relief sought, but instead an appeal with IRS Form 2210 is required as explained in ECF 67-11.

299. Ms Pelosia did not receive appropriate training to know how to correctly answer Mr. Carr's questions and should have referred the matter to another employee / supervisor who was aware of how to correct penalties in the case of income which was not evenly distributed throughout the year. She certainly should have known that the 'Tax Law' group that she attempted to transfer his call to had been disbanded so that she could have referred the matter to her supervisor for assistance.

300. Mr. Carr sent the IRS Form 2210 (ECF 67-12, redacted)¹⁴ along with a direct appeal (ECF

13 All documents identified as redacted have been modified to remove sensitive personal information using normal redaction procedures as required by [FRCP Rule 5.2](#). The documents originally provided to the Defendants were unredacted and included the sensitive personal information.

14 IRS Form 2210 is quite complex and Mr. Carr found it ambiguous and confusing, especially the worksheet required to compute the actual penalties. He made several iterations in a spreadsheet which he developed to insure that all income and estimated payments were correctly distributed to appropriate quarters. There was an additional column to verify that the totals matched the amounts listed on the Form 1040 filed previously, which had been computed in a similar fashion on different pages of the same spreadsheet. He had transcribed the results into the

69-1, redacted) on 6 Sep 2024 and it arrived with the IRS on 8 Sep 2024 (ECF 67-14). The IRS Form 2210 computed the appropriate penalty as \$340.81 which Mr. Carr paid electronically with the IRS on 3 Sep 2024.

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

302. On 10 Oct 2024 the IRS Form 2210 and direct appeal were forwarded by the IRS to the 'office that can best process your request' (ECF 67-15), i.e. IRS 'Independent Office of Appeals' in Fresno, CA.

Final Notice and Seizure While Appeal Pending

303. On 11 Nov 2024 the IRS sent the Carrs each via USPS 'Signature Required' certified mail two otherwise identical CP504 Notices (ECF 67-16) stating that they owed \$753.70 which was due immediately and that the IRS would commence to seize (or Levy) their property. The Carrs' 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.

304. The CP504 from IRS dated 11 Nov 2024, ECF 67-16, stated:

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

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

IRS Form 2210 manually, but, sadly, he did that on early iterations but did not correctly transcribe all the final values before sending the pdf file to the printer. He made pen and ink corrections to the IRS Form 2210 before signing and mailing, but in the rush to send in the appeal, he did not make a copy (picture) of the signed Form 2210 with the corrections. The redacted pdf file provided to the court reflects the corrected values from the spreadsheet along with removing personal identification information (specifically, the full SSAN). A separate FOIA request is outstanding to retrieve a copy of the IRS Form 2210 which Mr. Carr mailed.

levy.

Amount Due Immediately: \$753.70.

Payment must be received immediately.

What you must do immediately

305. On the 13 Nov 2024 the Carrs signed for the notices and that evening paid the disputed amount of 753.70 to the IRS. When Mr. Carr considered the disruption and damages which could result from the seizure of their car, house, and 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 unfounded and illegal.

306. On 25 Nov 2024 Mr. Carr sold sufficient (81.28 shares) Vanguard Total Stock ETF shares (VTI) for \$298.07 each so that on 28 Nov 2024 he could make the planned tax payment of \$24,000 to the IRS for their 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, their preferred investment at that time.

Appeal Decision of 18 Nov 2024

307. On 18 Nov 2024, the Carrs received the final findings of facts, decision, and order from IRS Appeals (ECF 67-17) 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 your case file has been returned 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.

308. 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

309. On 2 Dec 2024, Mr. Carr asked that IRS Appeals reconsider the decision of 18 Nov 2024 (ECF 67-18) and provide the requested relief considering the circumstances. It was received by IRS Appeals on 6 Dec 2024 (ECF 67-19) but no reply has been received to date.

Request for Assistance Sent to Defendants

310. On 17 Dec 2024 Mr. Carr sent an email to the IRS, TIGTA, CIGIE, DoJ, and USATXN (who is representing the U.S. government in this matter) asking for their assistance in resolving this matter. ECF 67-1 is the content of that request.

311. Mr. Carr also submitted an online request to TIGTA which was assigned ID TRN-2412-0282 to this complaint on 19 Dec 2024. No other response or relief has been received to date.

Apparently IRS Starts Numerous Minor Collections and Ignores Appeals

Most Taxpayers Pay After Threat to Seize Property then IRS Buries Appeal

312. The IRS does not track appeals to minor collections as necessary to provide a fair hearing and instead delays the appeal until the taxpayer is sent a threat of property seizure. The Taxpayer routinely pays the minor amount and then the IRS simply buries the appeal taking no action as the resolution of the appeal would almost certainly result in a refund (and they are trying to collect revenue, not refund it).

313. The initial appeal was received by the IRS Appeals on 16 May 2024 (ECF 67-10) but Mr. Carr did not receive any response. He found the IRS web site concerning appeals which states (ECF 67-20):

Contact Appeals

If your case was forwarded to Appeals, contact us to check the status at 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.

314.Mr. Carr called IRS Appeals at 855-865-3401 on 14 Jun 2024 (almost a month after it was received by IRS Appeals) and was told there was a backlog in processing appeals and that it normally took 30 days for the IRS to forward the file to Appeals and that they would not respond if the file had not been forwarded. Mr. Carr left a message (just under 30 days) but received no response.

315.Mr. Carr called IRS Appeals at 855-865-3401 on the following dates:

16 Jul 2024

24 Sep 2024

13 Nov 2024

13 Feb 2025

and left a message as requested but received no response until 13 Feb 2025 when he got a message which stated:

Hi Brian, my name is Tamara. I'm calling you back from IRS Appeals customer service office. It looks like the case was closed from appeals on 11/21 and sent back to the IRS basically because they didn't build the case correctly asking them to correct it and resubmit it. I suggest calling back in about a month for a status update. Again our number to call. This is 855-865-3401. Thank you, and have a good day. (transcription by Google Voice)

316.It is possible that some of the written responses by the IRS in this matter were a response to these calls, but there is no evidence to support this.

317.It is also apparent that while the appeals were sent to 'IRS Appeals', this correspondence was actually opened by an IRS group which prepares the IRS response to the appeal before routing the appeal to the actual IRS Appeals group. This routing group does not have the required independence for an appeal. This group can and does route appeals to IRS Appeals in such a fashion that appeals which are not advantageous to the IRS are delayed and in

some case, ignored indefinitely. This clearly precludes due process by denying any hearing when the IRS chooses (e.g. IRS knows that it will lose the appeal and have to make a refund).

318. It is apparent that the IRS has learned that with low value, low quality penalties such as this, it is more economical (better return on expenses) to simply ignore appeals until the customer is threatened with property seizure and pays the contested amount. Then, even if the taxpayer has a strong appeal, they can keep the amount paid by just burying the appeal (not submitting the appeal to IRS Appeals).

IRS Admits Correct Amount of Penalty Was \$340.81, Initiates Refund

319. On 18 Feb 2025 the IRS sent a letter confirming that the IRS Form 2210 of 3 Sep 2024 had a correct computed penalty of \$340.81 and that a refund could be issued in four to six weeks.

320. The refund check was actually recorded as 24 Feb 2025 and was for \$758.72. There were no computations provided for that amount, but it is likely based on interest only as the alternative of losses the Carrs faced would be computed as \$765.45 (maximum price of VTI ETF was on 14 Feb 2025 302.55 which is \$765.45 for 2.53 shares) for a net credit due of \$6.73.

Explanation of Uneven Income and Estimated Taxes Needlessly Obtuse

321. Questions about how to estimate taxes due referred to [IRS Publication 505](#) which is titled 'Tax Withholding and Estimated Tax' and is 44 pages long. It has a section 'Annualized Income Installment Method' with what to do 'If you don't receive your income evenly throughout the year'.

322. There are several pages discussing estimated taxes but no simple clear guidelines as to the size of required estimated payments. There is a Worksheet on page 24 which is included in ECF 70-4. A careful review of the Worksheet reveals that it conceals the important fact that the four tax periods are unequal in length but required payments are for income which has not been received yet with:

Period	Payment Date	Income Date Range	Period Length (Months)	First Payment	Second Payment	Third Payment	Fourth Payment
1	15 Apr	Jan-Mar	3 (1 / 4)	1 / 4	1 / 4	1 / 4	1 / 4
2	15 Jun	Apr-May	2 (1 / 6)		1 / 2	1 / 4	1 / 4
3	15 Sep	Jun-Aug	3 (1 / 4)			3 / 4	1 / 4
4	15 Jan	Sep-Dec	4 (1 / 3)				All

The history of estimated tax payments and the injustice of the Internal Revenue code along the proposed relief is discussed more thoroughly in Mr. Carr's Verified Brief concerning estimated tax payments (ECF 71-9 based on due process in ECF 71-8).

323. In the relief section there are suggestions for more succinct and understandable guidelines and tools which the IRS could include in more general descriptions of making estimated tax payments in the case of uneven income through the year. This will help train employees such as Ms Pelosia (ID 1004987031), IRS Appeals Tribunal Diana M. Bushman (from ECF 67-19), and other unnamed IRS employees so that they can understand and correctly process estimated tax payments and the associated penalties. There will also be a suggestion for an open document format spreadsheet tool for estimated tax payments, IRS Form 2210 and IRS Form 1040 and common schedules to help IRS employees and taxpayers easily comply with estimated tax payment requirements. This is discussed in depth in Mr. Carr's Verified Brief concerning estimated tax payments (ECF 71-9).

IRS FOIA Requests

324. ECF 67-21 is a redacted copy of the IRS FOIA request 2025-06521 which requested the personal information for the Carrs received by the IRS on 13 Jan 2025 for documents related to this matter. They requested copies of all notices or penalties sent by the IRS to them 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.

325. On 6 Feb 2025 the IRS FOIA office sent the status of request 2025-06521 as 'in process' and initially due on 5 Jun 2025 as well as a promise of notice if there are any changes in the status of this request. ECF 70-1.

326. However, the status of 2025-06521 on 21 Apr 2025 was closed without any notice of changes in the status. ECF 70-2.

327. While it is inferred that the IRS did not single out the Carrs for such illegal treatment, the magnitude of the actual problem has not been determined. ECF 69-2 is a copy of the cumulative FOIA request 2025-06698 received on 13 Jan 2025 for information to determine the magnitude of the IRS violations beyond those of the Plaintiffs.

328. The status of IRS FOIA request 2025-06698 on 5 Feb 2025 was provided by the IRS (ECF 69-3) as in process with an estimated completion date of 12 May 2025 as well as a promise of notice if there are any changes in the status of this request. The delay exceeds statutory requirements and after 26 Feb 2025 the Plaintiffs can appeal this delay in this court.

329. However, the status of 2025-06698 on 21 Apr 2025 was closed without any notice of changes in the status. ECF 70-3.

Arguments

30 Day Notice Before Seizure Required by Statute

Federal statute requires 30 day notice before property seizure

330. Internal Revenue Code Section 6331(d) is [26 USC § 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 persons' last known address, no less than 30 days before the day of the levy.

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

332.No such notice was provided. The CP504, ECF 67-16, did not contain notice of '30 days', only 'immediately'.

333.The IRS provides a [sample](#) CP504 (ECF 70-5) 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.

334.This is in distinct contrast to the CP504 the Carrs received, ECF 67-16, described above, which focuses on the finality of the notice and the need to make payment immediately.

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

18 USC § 1001 Crime To Omit 30 Day Notice

336.18 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, ...

337.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 this crime.

Seizures must be blocked by Active Appeals

338.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.

339. This is clearly stated in the IRS web page with the '[Taxpayer Bill of Rights](#)', ECF 70-6, which states that Taxpayers have: ...

The Right to Challenge the IRS's Position and Be Heard

The Right to Appeal an IRS Decision in an Independent Forum

340. 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 (they are a stretch). 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 and many of these appeals will be valid.

341. 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.

Relief Sought

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 Relief

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.

Credit for Extraneous I-751 and N-400 Fees

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.

In addition, Mrs. Carr should be given an additional credit for \$710 for the additional N-400 application (ECF 49-4) as described in para 231.

These credits can be used for future services with USCIS for herself, her family, Mr. Carr's family, or Mr. or Mrs. Carr's friends.

Credit for Delay in Granting Citizenship

20. 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 (first eligibility date) to the date when her Certificate of Citizenship was received on 28 Feb 2025 or 39 months.. The 2021 date 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.

21. Doubling 39 months is 78 months (6.5 years) so that Mrs. Carr's sons visa availability would be an estimated visa availability of 2027 from 2034 (see para 232). However, for Mrs. Carr's sister, Mrs. Von Kramer, her estimated visa availability would be reduced from 2042 to 2035 (siblings are in a significantly lower priority queue).
22. Given Mrs. Von Kramer's current age of 64, it is not clear if she will be able to travel in 10 years. The court is asked to direct that Mrs. Von Kramer visa availability be adjusted to the currently available date out of consideration of her age and the other stress that the violations of her constitutional rights created.
23. Similarly, the court is asked to further adjust the visa availability date of Mrs. Carr's sons, Tin and Earth, the few additional months required for immediate availability out of consideration of the stress which Mrs. Carr and her family were subjected to when she was stranded in Thailand and later had both 10 year green card and citizenship approved (ECF 10-5) only to later learn it was all a ruse (and possible retaliation for her complaints about being illegally stranded in Thailand) so that both her 10 year green card citizenship were denied and that she was left as an apparent illegal alien at a time when mass deportations were being implemented.

Review of Other I-751 and N-400 Records

24. 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.
25. 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.
26. 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.

27. 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

28. 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.
29. 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

30. 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.
31. 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.
32. 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 were too difficult for them to pass based on their lack of exposure to English in their youth.

33. 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

34. 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.
35. 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.
36. 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).
37. 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.
38. 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

39. 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 re-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).
40. 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

41. 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 § 216.4\(b\)\(1\)](#) and cited above.
42. 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.
43. This should eliminate the current illegal four year backlog within two years.
44. 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.

45. 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.
46. 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 § 216.4\(b\)\(1\)](#) in all cases.
47. 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. Of course an actual interview would be required before deportation, but the interviewer would be able to confirm the problems identified by the AI program such time lines which indicate that the couple had lived apart for an excessive period.
48. While extensions for conditional 'green cards' may continue to be necessary under limited circumstances (specified by statute), the extensions can not be in the form of a simple printed letter. They must have the same form factor and durability as the 'green card' itself. USCIS could simply manufacture another conditional 'green card' with each extension or, if that poses security concerns (too many copies of the same 'green card' in circulation), manufacture an extension card with suitable measures to restrict counterfeiting but with the

alien number (matching the 'green card') and revised expiration date in clear bold text (the largest and boldest text on the extension card). The current extension letter had so much text and such fine print that even government agents were unable to accurately compute the actual revised expiration date.

Required Access Provided to Applicants

49. 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.
50. 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

51. 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.
52. 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

53. 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

54. 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.

55. 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

56. Directing the DoJ to monitor 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.

57. 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.

IRS Corrections

58. The IRS must promptly record and process all appeals so that all IRS employees and individual taxpayers can know the status of each appeal. No collection notices (and certainly no CP504 property seizures) should be sent to taxpayers who have an active appeal other than the notice that they will have 30 days after their appeal is resolved before they need to make any payments.

59. The IRS must answer all outstanding FOIA requests from Mr. Carr to, among other things, allow the court to determine the magnitude of the problems with taxpayers getting notices of property seizures (CP504 notices) while their appeals were pending. This may support the addition of classes of taxpayers to this matter.

60. The IRS must make credits for future taxes to all taxpayers who paid contested penalties while their appeal was in process.

61. The IRS must provide the Carr's a credit for future taxes (or in the alternative a refund with interest) of \$6.73 based on damages for the early sale of VTI ETF as discussed previously.

62. The IRS must also provide a tax credit for the penalty of \$340.81 as the IRS provided incorrect and insufficient information about the amount of estimated taxes due when income received was not distributed equally throughout the year as discussed in ECF 71-9.
63. The IRS must also provide a credit for future taxes to all similar taxpayers who paid the required estimated taxes by 15 Jan (generally 90%) but were required pay penalties for the distribution of payments through the year as discussed in ECF 71-9 without proper explanations and guidance by the IRS.
64. The IRS must provide better explanations and guidance about estimated tax payments so that even low income 1099 workers can avoid penalties. The IRS must also automatically forgive penalties for the short second tax period (paid on 15 June) as specified by the Internal Revenue Code (and Congress) to the degree that those penalties violate due process (penalizing 1099 workers for not being prescient and omnipotent). This unusual infringement on apparent executive discretion is described in detail in ECF 71-9 and is based on an in depth analysis of due process in ECF 71-8.
65. The IRS must also develop better tools to allow taxpayers (and tax professionals as well as IRS employees) to determine the amount estimated taxes due at the end of each tax period as described in ECF 71-9.

TIGTA and DoJ Corrections

66. TIGTA and DoJ were notified of the federal crimes (falsifying government records) and violations of individual constitutional rights (due process) in Dec 2024, but took no apparent action until Feb 2025 when all the facets of this matter tidied up in anticipation of the dismissal by this court. Both TIGTA and DoJ have an obligation to promptly prevent future federal crimes and provide redress as possible for damaged parties. Such relief should not be delayed or accelerated for improved results in litigation.

Conclusion

67. 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 statements 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: 8. October 2025
Location: Irving, TX

/s Air Carr

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061
Date: 19 Aug 2025
Location: Irving, TX

/s Buakhao Von Kramer

Buakhao Von Kramer
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND
Date: 20 Aug 2025
Location: Bangkok, Thailand

/s Rujipas Lawichai

Rujipas Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand
Date: 19 Aug 2025
Location: Phuket, Thailand

/s Tanapon Lawichai

Tanapon Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand
Date: 19 Aug 2025
Location: As ordered by Thai Army while deployed on combat assignment

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CERTIFICATE OF SERVICE

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

/s Brian P. Carr

 Brian P. Carr
 1201 Brady Dr
 Irving, TX 75061

CERTIFICATION OF ELECTRONIC SIGNATURES

In accordance with [TXND LR 11.1\(d\)](#), on the recorded date I received permission from Rueangrong Carr, Buakhao Von Kramer, Rujipas Lawichai, and Tanapon Lawichai to sign this document electronically on their behalf after sending them a copy of the Proposed Second Amended Complaint via Line (a secure and reliable messaging app popular in Japan, Thailand and other countries) and received their consent electronically via Line.

[TXND Local Civil Rules LR 1.1](#) states:

Definitions. Unless the context indicates a contrary intention, the following definitions apply in these rules: ...

(c) Attorney. The word "attorney" means either:

- (1) a person licensed to practice law ... or
- (2) a party proceeding pro se in any civil action.

LR 11.1 states:

(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 ... must:

- (1) ... or **represent the consent of the other person** in a manner **permitted** or required by the presiding judge; ...

Based on [LR 1.1](#), LR 11.1 can be restated as:

By submitting a document by electronic means and representing the consent of another person on the document, a... [pro se party] who submits the document certifies that the document has been properly signed.

... A ... [pro se party] who submits a document by electronic means that is signed by another person ... must:

... or **represent the consent of the other person** in a manner **permitted** or required by the presiding judge; ...

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 8. Oct. 2025
Location: Irving, Texas

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

Brian P. Carr,
Rueangrong Carr, and
Buakhao Von Kramer
Plaintiffs
versus

United States,
US Department of Justice,
USPS, USPS OIG, USPS BoG,
US CIGIE, Department of State,
Department of State OIG,
USCIS, DHS OIG, and SSA
Defendants

Civil No. 3-23CV2875 - S

Verified [FRCP Rule 60](#) Motion to Expedite

Certificate of Conference - OPPOSED

FRCP Rule 60 Motion To Expedite

The Court has several pending motions before it which are fully briefed and ripe for the judge to decide. Of particular note are [FRCP Rule 60](#) Motions ECF 67, ECF 73, and ECF 76, each of which identified significant false statements in the courts' FCR (ECF 61) dated 27 Feb 2025 and, implicitly, the Order of 21 Mar 2025 (ECF 62). As these decisions are classified as government records it is my belief that the court has a moral, ethical, and, possibly, legal obligation to promptly correct the errors to limit the misunderstanding, confusion, and other harm which may result from the demonstrably false statements.

It is expected that when this motion is fully briefed all other pending motions will be similarly ripe for decision so this motion is a request for prompt decisions for all pending matters.

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 in accordance with normal redaction procedures to remove sensitive personal information or other sensitive information as identified in the redaction.

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

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

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

Certificate of Conference

This Motion To Expedite is OPPOSED

On 7 Oct 2025 via email AUSA Parker confirmed her continued opposition to this motion.

/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

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

BRIAN P. CARR, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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

**DEFENDANTS’ OBJECTION TO PLAINTIFF’S “FRCP
RULE 60 MOTION FOR SANCTIONS UNDER RULE 11(C)”**

Plaintiff Brian P. Carr, pro se, has filed a second motion for sanctions in this case, again claiming that Defendants’ first motion to dismiss, which was rendered moot by the filing of an amended complaint, was based on a falsified factual basis, legally unsound, and filed for the purpose of delay. (Doc. 79). Plaintiff further complains that other actions by former counsel for Defendants were undertaken solely for purposes of delay, and he seeks “creative sanctions” to address his concerns related to the handling of this litigation. (*Id.* at 7-8). For the reasons set forth below, this motion should be denied.

Argument¹

Plaintiff’s second motion for sanctions is entirely without merit and vexatious. More than a year prior to filing the instant motion, on May 8, 2024, Plaintiff filed a

¹ This Court has already reviewed the merits of this case and entered judgment. (Docs. 59, 60). Moreover, Plaintiff has flooded this action with more than a dozen pleadings since that time which recount the arguments in this case, and in some instances, provide a procedural history. (*See, e.g.*, Docs. 67, 70, 71, 73). Therefore, Defendant has not included a background section in the instant response and instead presumes this Court is more than sufficiently knowledgeable of this case’s history.

motion for sanctions that raised essentially the same substantive arguments as the instant motion regarding former counsel for Defendants. (Doc. 30). Those arguments were fully briefed. (Doc. Nos. 30, 34-5, 35, and 39). The United States Magistrate Judge then carefully considered those arguments, and in an opinion issued on February 26, 2025, rejected them. (Doc. 59.) Plaintiff may disagree with the decision, but he has not and cannot demonstrate any error. Indeed, his new motion merely rehashes, using more words but citing to no *evidence* in support thereof, the same arguments that have been previously considered and rejected. (*Compare* Doc. 79 with Doc. 30.) Plaintiff's renewed motion for sanctions should be denied for the same reasons set forth in Defendants' response to his initial motion for sanctions,² and in this Court's decision on that original motion. (Doc. 59.)

Plaintiff does raise one new argument in this second motion for sanctions: Plaintiff contends that the delays in adjudicating this case in what he deems to be an accurate and timely manner was due to "apparent collusion" between the Court and DOJ "to delay and subvert justice through violations of local rules, lawful statutes (including criminal statutes) and individual constitutional rights (due process)." (Doc. 79 at 3, 4.) He further complains that the Magistrate Judge's denial of his first motion for sanctions was due to "apparent bias" and that "[t]he court should recuse itself and new justices should issue consider [sic] this motion for sanctions." (Doc. 79 at 39, 40-41.) To the extent Plaintiff seeks sanctions against former counsel for Defendants for allegedly "colluding" with this Court, his claim is both baseless and vexatious. This Court has already ruled that former counsel for Defendants' actions did not violate any ethical rules. (Doc. 59.)

² Defendant's response to Plaintiff's original motion for sanctions is attached hereto as an exhibit and is incorporated by reference herein.

Plaintiff's disagreement with this conclusion, and frustration that the Court (1) does not agree with his interpretation of the law and rules of litigation and (2) has not moved with sufficient alacrity, is not evidence of collusion between the Court and Defendants or any sanctionable conduct.

Conclusion

This Court reviewed, and then adopted, the Findings, Conclusions, and Recommendation of the United States Magistrate Judge on March 21, 2025. (Doc. 62.) Plaintiff could have filed an appeal if he concluded—wrongly—that the decision was legally infirm. It was not and he did not. Instead, since entry of Judgment in this case, Plaintiff has filed more than 10 post-judgment pleadings, most of which are lengthy, repetitive, argumentative, legally unsound, and include dozens of pages of exhibits and/or mini briefs that do not support his late-filed challenges to the Court's decisions. Each month brings a new filing, many of which chastise, castigate, and cast scurrilous accusations against Defendants, Defendants' counsel, and the Court. But no matter how often Plaintiff raises the same arguments, or how he attempts to repackage them, his arguments lack merit for the reasons already articulated by this Court. Plaintiff's second motion for sanctions should be denied.

Respectfully submitted,

NANCY E. LARSON
ACTING UNITED STATES ATTORNEY

s/ Tami C. Parker
Tami C. Parker
Assistant United States Attorney
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102
Texas Bar No. 24003946
Telephone: 817-252-5200
Facsimile: 817-252-5458
Email: tami.parker@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

On October 20, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I also hereby certify that on this same date, the foregoing document was served via U.S. mail to the Plaintiff, pro se, listed below:

s/ Tami C. Parker
Tami C. Parker

EXHIBIT

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

BRIAN P. CARR, RUEANGRONG CARR,
and BUAKHAO VON KRAMER,

Plaintiffs,

v.

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

UNITED STATES OF AMERICA; U.S
DEPARTMENT OF JUSTICE; UNITED
STATES POSTAL SERVICE; UNITED
STATES POSTAL SERVICE OFFICE OF
INSPECTOR GENERAL; USPS COUNCIL
OF THE INSPECTORS GENERAL ON
INTEGRITY AND EFFICIENCY; USPS
BOARD OF GOVERNORS;
DEPARTMENT OF STATE, OFFICE OF
INSPECTOR GENERAL; UNITED
STATES CITIZENSHIP AND
IMMIGRATION SERVICE;
DEPARTMENT OF HOMELAND
SECURITY, OFFICE OF INSPECTOR
GENERAL; and SOCIAL SECURITY
ADMINISTRATION,

Defendants.

**DEFENDANTS' RESPONSE TO PLAINTIFFS' MOTION FOR SANCTIONS
AND BRIEF IN OPPOSITION**

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Introduction and Summary of the Argument

Plaintiffs Brian P. Carr and Rueangrong Carr (husband and wife) together with Mrs. Carr's sister, Buakhao Von Kramer sue Defendants the United States of America and several other federal agencies for allegedly having violated the Due Process Clause of the Fifth Amendment to the U.S. Constitution in relation to their various attempts to obtain immigration benefits. Their complaint included allegations of criminal activity by multiple government agencies and requests court orders mandating that various agencies overhaul their procedures for investigations of crime, adjudication of visa applications, and other government functions. Defendants filed a motion to dismiss for lack of subject matter jurisdiction and failure to state a claim. Despite the motion since becoming moot due to an amended complaint, Plaintiffs have filed a motion for sanctions, claiming the motion to dismiss was based on a falsified factual basis, legally unsound, and filed for the purpose of delay. Plaintiffs also claim prior counsel for Defendants made false statements in the course of litigation.

Plaintiffs' motion for sanctions is entirely without merit. Defendants' prior counsel did not make any false statements in the course of this litigation. The statements of which Plaintiffs complain are accurate assertions and fair summarizations of Plaintiffs' pleadings. Additionally, Defendants' motion to dismiss is well grounded in both law and fact. Plaintiffs fail to support any of their arguments for sanctions (arguing the now-moot motion to dismiss was meritless when filed) with relevant legal authority. In contrast, Defendants' arguments are well supported, and Defendants were justified to assert their

grounds for dismissal. For these reasons, Plaintiffs’ motion for sanctions should be denied.

I. Background

Plaintiffs Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer filed this lawsuit arising out of their attempts to gain various immigration benefits on December 29, 2023. Plaintiffs attempted to serve process on the United States Attorney on January 9, 2024. (Doc. 10). In doing so, Al-Vincent Joubert, a nonparty, accompanied by Plaintiff Brian Carr, personally served an appropriately¹ designated employee of the United States Attorney’s Office for the Northern District of Texas. *Id.* Mr. Joubert also mailed the summons and complaint to “United States Attorney Northern District of Texas.” *Id.*

On March 1, 2024, assistant United States attorney George Padis informed Mr. Carr that the United States Attorney did not have a record of proper service² and offered to accept service on the U.S. Attorney’s behalf. (Doc. 30-4 at 1-2). Mr. Carr responded asserting service had in fact been proper and stating he would oppose any request for an extension to answer unless Defendants would “join in a motion to get Mrs. Carr her approved green card... and her Certificate of Naturalization...” *Id.* at 3-4. AUSA Padis stated Defendants would file a timely response to Plaintiffs’ complaint and requested additional details about the manner of service, including who actually handed the

¹ Rule 4(i)(A)(i) authorizes service by personal delivery of a summons and the complaint to an assistant United States attorney or an employee “whom the United States attorney designates in a writing filed with the court clerk.”

² AUSA Padis was under the impression that Plaintiff Carr had delivered the summons and the complaint himself in violation of Rule 4(c)(2), which prescribes that service must be made by a “person who is . . . not a party.” As it turned out, Mr. Carr did deliver the summons and the complaint *together* with a process server, which raises an interesting legal question whether such conduct would run afoul of Rule 4(c)(2)’s proscription against service by a party. But that issue has not been, and is not being, raised by Defendants.

summons and complaint to the designated employee of the U.S. Attorney's Office. *Id.* at

4. Mr. Carr responded with the requested details. *Id.* at 5.

On March 8, 2024, Defendants filed a timely motion to dismiss under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), asserting Plaintiffs had not met their burden to identify a waiver of sovereign immunity, the Court lacked jurisdiction under various statutes, Plaintiffs' complaint failed to state a claim, and Plaintiffs' complaint was frivolous. (Doc. 8). Defendants chose not to raise any issues regarding service of process. *Id.*

On March 28, 2024, Plaintiffs filed a document entitled "Response to Defendants' Motion to Dismiss" which included a response to the motion to dismiss, a motion to amend the complaint, and a motion for partial summary judgment. (Doc. 18 at 1, 51-52). Counsel for Defendants later conferred with Mr. Carr, informing him Defendants were unopposed to the request to file an amended complaint and such filing would render the Defendants' then-pending motion to dismiss moot. (Doc. 21).

In response to Plaintiffs' motion for partial summary judgment, Defendants filed a motion to deny Plaintiffs' motion for partial summary judgment as premature under Federal Rule of Civil Procedure 56(d). (Doc. 22). On April 22, 2024, the Court entered an order denying Plaintiffs' motion for partial summary judgment as premature, denying Defendants' motion to dismiss as moot, and issuing a schedule for the filing of Plaintiffs' amended complaint and responsive pleadings. (Doc. 26). The parties have since followed the deadlines set out in that order. (*See* Docs. 29 and 31).

On May 9, 2024, Plaintiffs filed a Motion for Sanctions against AUSA Padis, citing Federal Rule of Civil Procedure 11, 28 U.S.C. § 1972, 18 U.S.C. § 1001, 18 U.S.C. § 1621, Local Rule 83.8(b), and Texas Disciplinary Rule of Professional Conduct 4.01. Plaintiffs generally claim he made false statements for the purpose of creating delay and filed a frivolous motion to dismiss.

II. Legal Standards

A. Rule 11 Sanctions

Federal Rule of Civil Procedure 11 allows courts to impose sanctions for frivolous or improper pleadings or motions. Fed. R. Civ. P. 11. The primary determination under Rule 11 is whether the signing individual conducted an inquiry into the factual and legal basis of the challenged document that was objectively reasonable under the circumstances. *See Bus. Guides, Inc. v. Chromatic Commc'ns Enters., Inc.*, 498 U.S. 533, 548-51 (1991). “[A] trial court should not impose Rule 11 sanctions for advocacy of a plausible legal theory, particularly where . . . the law is arguably unclear.” *See Snow Ingredients, Inc. v. Snowizard, Inc.*, 833 F.3d 512, 528 (5th Cir. 2016) (alteration in original) (quoting *CJC Holdings, Inc. v. Wright & Lato, Inc.*, 989 F.2d 791, 793 (5th Cir. 1993)).

B. Statutory Authority for Sanctions³

Under 28 U.S.C. § 1972, a court may sanction an attorney who multiplies the proceedings in a case unreasonably and vexatiously. 28 U.S.C. § 1972. Section 1972

³ Plaintiffs cited, 28 U.S.C. § 1972, 18 U.S.C. § 1621, and 18 U.S.C. § 1001 as bases for sanctions. However, 18 U.S.C. §§ 1001 and 1621 are criminal statutes prohibiting false statements made in matters within the jurisdiction of the United States and perjury respectively. These statutes provide no independent authority for a court to issue sanctions in civil matters, and their adjudication is subject to a host of protections and procedural rules afforded to

authorizes courts to require an offending person to pay the excess costs, expenses, and attorneys’ fees reasonably incurred due to the sanctionable conduct. An award under this section requires “evidence of bad faith, improper motive, or reckless disregard of the duty owed to the court.” *Lawyers Title Ins. Corp. v. Doubletree Partners, L.P.*, 739 F.3d 848, 871 (5th Cir. 2014) (quoting *Cambridge Toxicology Grp., Inc. v. Exnicios*, 495 F.3d 169, 180 (5th Cir. 2007)). These sanctions are “punitive in nature and require clear and convincing evidence that sanctions are justified.” *Id.* at 872 (quoting *Bryant v. Military Dep’t of Miss.*, 597 F.3d 678, 694 (5th Cir. 2010)). Section 1927 “should be employed ‘only in instances evidencing a serious and standard disregard for the orderly process of justice,’ lest ‘the legitimate zeal of an attorney in representing [a] client [be] dampened.’” *Id.* (quoting *FDIC v. Conner*, 20 F.3d 1376, 1384 (5th Cir. 1991)).

C. Local Rules

A court in the Northern District of Texas may sanction an attorney under Local Rule 83.8(b)(3) for unethical behavior. U.S. Dist. Ct. Rules N.D.T.X., Civil Rule 83.8(b)(3). Unethical behavior is defined as conduct that violates the Texas Disciplinary Rules of Professional Conduct. U.S. Dist. Ct. Rules N.D.T.X., Civil Rule 83.3(e).

Texas Disciplinary Rule of Professional Conduct 4.01 prohibits a lawyer from knowingly making a false statement of material fact or law to a third person. Tex. Disciplinary R. Prof’l Conduct 4.01. Statements of opinion or conjecture do not constitute “material facts” under this Rule. Tex. Disciplinary R. Prof’l Conduct 4.01, cmt. 1. Further,

criminal defendants and inapplicable to civil litigation. Additionally, as discussed herein, no false statements were made by counsel for Defendants. For that reason, among many others, no criminal statute has been violated, and these statutes are inapplicable.

an attorney only violates this rule if the lawyer knows the statements at issue are false and intends thereby to mislead. Tex. Disciplinary R. Prof'l Conduct 4.01, cmt. 2.

III. Argument and Authorities

Plaintiffs claim counsel for Defendants made multiple false statements and filed a meritless motion to dismiss for the purpose of delay, warranting sanctions. However, AUSA Padis has not made any false statements in the course of this litigation. Additionally, Defendants' motion to dismiss made proper arguments well-grounded in both fact and law. Plaintiffs' legally unsupported arguments that Defendants' various grounds for dismissal were sanctionable are wholly without merit. Therefore, Plaintiffs' motion for sanctions should be denied.

A. Counsel for Defendants never made any false statements in the course of this litigation.

Plaintiffs claim AUSA Padis made multiple "false statements" prior to Defendants appearing in this lawsuit regarding service of process for the purpose of delaying these proceedings. But the statements of which Plaintiffs complain were true. In reality, Plaintiffs have misunderstood legally significant terms and decided the use of those terms must therefore be false.

As an initial matter, neither Rule 11 nor Section 1927 apply to Plaintiffs' complaints of these allegedly false statements. Section 1927 only authorizes courts to award the excess costs, expenses, and attorneys' fees reasonably incurred due to the sanctionable conduct. 28 U.S.C. § 1927. Here, Plaintiffs are expressly not seeking such an award. (Doc. 30 at 2). Instead, Plaintiffs request "creative sanctions" of community

service and early filing requirements. *Id.* This is unavailable under Section 1927. 28 U.S.C. § 1927.

Rule 11 applies only to pleadings, written motions, or other papers presented to a court. *See* Fed. R. Civ. P. 11(b) and (c). Plaintiffs’ allegations of false statements occurring in email correspondence between the parties do not fall into this category, and Rule 11 therefore does not apply. *See id.*

Regardless, under any basis for sanctions cited by Plaintiffs, counsel for Defendants never made any sanctionable statement. Plaintiffs claim AUSA Padis made a false statement when he informed Mr. Carr that the U.S. Attorney’s Office had no record of being served in the case pursuant to Federal Rule of Civil Procedure 4(i)(1)(A).

“Service” is a legal term carrying a particular meaning in a lawsuit, and it has not occurred absent specific procedures being followed. Service may not be achieved by a party to the lawsuit at issue. Fed. R. Civ. P. 4(c)(2). And pursuant to Rule 4(i)(1)(A), to serve the United States and its agencies, a plaintiff must either “deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought” or “send a copy... by registered or certified mail to the civil-process clerk at the United States attorney’s office.” Fed. R. Civ. P. 4(i)(1)(A). Plaintiffs attempted both methods of service. The attempt to achieve service by mail was ineffective because it was not directed to the correct individual. The summons and complaint were mailed to the United States Attorney for the Northern District of Texas, not to the civil-process clerk as required. (Doc. 10); *See* Fed. R. Civ. P. 4(i)(1)(A).

Therefore, service was not effectuated by that mailing. *See Jackson v. Ray*, 4:21-cv-

00811-O 2021 WL 4848898, at *3 (N.D. Tex. Sept 23, 2021) (citing *Sun v. U.S.*, 342 F. Supp. 2d 1120, 1124 (N.D. Ga. 2004)) (holding service by mail addressed to United States Attorney ineffective).

Further, the attempt to personally serve was questionable. At the time of sending the initial email complained of, AUSA Padis was under the belief that Plaintiff Brian Carr had personally served process, which would make it ineffective under Rule 4(c). (Doc. 30-4 at 6). Mr. Carr later informed AUSA Padis he was present with a non-party process server at the time of attempted service, and the non-party process server was the person to hand the summons and complaint to an individual in the United States Attorney's Office. *Id.* at 5.

Despite Plaintiffs' assertions to the contrary, AUSA Padis sought to reasonably reduce delay at each turn. When he initially believed all attempts at service were indisputably improper, AUSA Padis offered to accept service on behalf of the United States Attorney for the Northern District of Texas rather than require Plaintiffs to spend additional time and expense achieving service. (Doc. 30-4 at 2). After receiving additional information from Mr. Carr, AUSA Padis again took the path of least delay. Whether a plaintiff being physically present with an appropriate process server at the time of service causes that service to be ineffective presents an interesting legal question—one which Defendants chose not to litigate. Instead, Defendants filed a motion to dismiss within the time allowed assuming service had been effective. (Doc. 15).

These circumstances do not demonstrate “serious and standard disregard for the orderly process of justice” or a lack of reasonable inquiry into the facts at issue. *Cf.*

Lawyers Title Ins. Corp., 739 F.3d at 871; *see also Bus. Guides, Inc.*, 498 U.S. at 548-51. They instead show a reasonable inquiry into the completion of procedural prerequisites and appropriate discretion in determining which legal defenses to pursue. This conduct is therefore not sanctionable.

B. Defendants’ motion to dismiss was well-supported by the facts and the law.

Plaintiffs also argue they are entitled to sanctions because, in their view, Defendants’ motion to dismiss is without merit. Initially, sanctions are unavailable under either Rule 11 or Section 1927. Additionally, each of Defendants’ arguments in their motion to dismiss was legally and factually supported, and Defendants were legally justified to pursue such grounds for dismissal.

1. Rule 11 and Section 1927 sanctions are unavailable.

Plaintiffs’ arguments under Rule 11 fail as Plaintiffs have not complied with the safe-harbor provision of that rule. A motion seeking sanctions under Rule 11 must be served on a party at least 21 days prior to be filed with the court. Fed. R. Civ. P. 11(c)(2); *Elliott v. Tilton*, 64 F.3d 213, 216 (5th Cir. 1995). Prior service of the motion is mandatory, and sanctions cannot be granted where a moving party has not complied. *Id.* Further, because the safe harbor is dependent on the ability to withdraw or amend the challenged filing, “a party cannot delay serving its Rule 11 motion until conclusion of the case (or judicial rejection of the offending contention).” Fed. R. Civ. P. 11(c) advisory committee’s note to 1993 amendment. Here, although the Mr. Carr, AUSA Padis, and the assigned AUSA conferred over the phone for about an hour to discuss Plaintiffs’ then-contemplated motion for sanctions in an effort to avoid unnecessary motion practice,

Plaintiffs did not serve the motion for sanctions on Defendants prior to filing.⁴ Further, it was not filed until after the Court entered an order dismissing Defendants’ motion to dismiss as moot. (*See* Doc. 26). Plaintiffs’ request for sanctions under Rule 11 should therefore be denied.

Additionally, Section 1927 is inapplicable to Plaintiffs’ request for sanctions with respect to Defendants’ motion to dismiss. As discussed in greater detail above, Section 1927 does not authorize the “creative sanctions” Plaintiffs request and is therefore inapplicable. *See supra* p. 6. Nonetheless, under any standard, Defendants’ motion to dismiss is not sanctionable for the reasons discussed below.

2. Defendants’ citations to unpublished opinions were appropriate and permissible.

Plaintiffs assert that citing cases not designated for publication constitutes “[d]e [f]acto negligence” warranting sanctions. (Doc. 30 at 3). They cite to no authority supporting their position. In fact, the Fifth Circuit specifically allows parties to cite to unpublished opinions. 5th Cir. R. 47.5.4. Although “[a]n unpublished opinion... is not controlling precedent,” it “may be persuasive authority.” *Butler v. S. Porter*, 999 F.3d 287, 296 n.4 (5th Cir. 2021). Defendants therefore acted appropriately in citing to two unpublished opinions, and sanctions would be improper.

⁴ As part of these discussions, Mr. Carr was warned that an unfounded motion for sanctions may itself be grounds for sanctions: “Threats of Rule 11 sanctions are improper where the other side’s position is plausible (even if it is incorrect). Seeking sanctions under such circumstances is itself sanctionable conduct.” Karen L. Stevenson & James E. Fitzgerald, *Federal Civil procedure Before Trial: National Edition* § 17:71 (2024) (citing *Gaiardo v. Ethyl Corp.*, 835 F.2d 479, 485 (3rd Cir. 1987)).

3. Defendants’ motion to dismiss did not contain any false statements.

Plaintiffs claim Defendants’ motion to dismiss contained “false statements” and omissions of “key facts.” But the statements and omissions complained of were proper characterizations and summarizations of Plaintiffs’ complaint. Plaintiffs filed a 309-paragraph complaint. (Doc. 3). In discussing their arguments for dismissal, Defendants’ counsel summarized the relevant allegations in Plaintiffs’ complaint—rather than including a word-for-word recitation of every allegation contained therein—and included accurate citations to the referenced portions. For example, the motion to dismiss noted Plaintiffs sought a court order “mandating that various federal agencies including the U.S. Department of Criminal Justice initiate criminal investigations” (Docs. MTD, 30 at 4). This was a characterization of Plaintiffs’ request for court orders “[d]irecting USPS OIG, DoS OIG, and DHS OIG to expeditiously investigate all plausible allegations of federal crimes” and “[d]irecting the DoJ to investigate and track all plausible allegations of federal crimes.” (Doc. 3 at 45 ¶ 5, 54 ¶ 54). Plaintiffs claim the characterization of these statements as “initiate criminal investigations” amounts to a “false statement.” (Doc. 30 at 4).

Defendants and their counsel are unaware of any authority prohibiting attorneys from summarizing an opposing parties’ allegations in their own words in a responsive motion. Indeed, to require parties to directly quote opponents’ filings in their entirety—no matter how lengthy and inartful—instead of summarizing the portions relevant to an argument would place a strain on judicial resources and unnecessarily duplicate any pleading to which parties filed a response.

Further, Plaintiffs have failed to provide a cognizable argument as to how Plaintiffs’ preferred characterizations or the undiscussed “key facts” should result in a different outcome than dismissal. They give detailed explanations of how they feel their claims should have been characterized (*see* Doc. 30, at 4-9), but they provide no legal authority demonstrating how these explanations would overcome Defendants’ arguments for dismissal. They certainly have not demonstrated the motion to dismiss was legally or factually frivolous, demonstrated serious and standard disregard for the orderly process of justice, or otherwise constituted unethical behavior.

4. Defendants’ jurisdictional arguments were not frivolous.

Defendants’ various arguments for lack of subject matter jurisdiction were appropriate and non-frivolous. Plaintiffs claim Defendants’ assertion of sovereign immunity is a “false” argument based on *Marbury v. Madison*⁵ (5 U.S. 137 (1803)) and the Administrative Procedure Act (APA). (Doc. 30, at 13). Rather than explaining why Defendants’ sovereign immunity arguments rise to the level of sanctionable, Plaintiffs refer to their response to Defendants’ motion to dismiss. In that response, Plaintiffs provide a narrative history of sovereign immunity, with no citations or support, and claim the APA provides a waiver for their claims. In citing the APA, Plaintiffs appear to argue it provides a sweeping waiver for sovereign immunity in all circumstances where a plaintiff takes issue with agency action and seeks relief other than money damages. (Doc. 18 at 4). But in reality, the limited waiver applies only to “actions against federal

⁵ Plaintiffs never explain how this landmark case establishing judicial review gives rise to an unequivocal waiver of sovereign immunity by Congress.

government agencies, seeking nonmonetary relief, if the agency conduct is otherwise subject to judicial review.” *Alabama-Coushatta Tribe of Tex. v. United States*, 757 F.3d 484, 488 (5th Cir. 2014). This limited waiver is subject to significant exceptions. These include, but are not limited to, actions committed to agency discretion or where there is another adequate remedy available to the complaining party. 5 U.S.C. §§ 701(a)(2), 704. And it is a plaintiff’s burden to adequately identify an “unequivocal waiver of sovereign immunity. *Freeman v. United States*, 556 F.3d 326, 334 (5th Cir. 2009). As briefed in Defendants’ motion to dismiss, Plaintiffs have not met that burden, and the court lacks jurisdiction over their claims under a variety of applicable statutes. (Doc. 15, at 5-6). Their misapplied reliance on the Administrative Procedure Act does not make Defendants’ arguments sanctionable.

5. Defendants did not make an “exhaustion of remedies” argument as claimed by Plaintiffs.

Plaintiffs argue Defendants have “misapplied” arguments related to failure to exhaust. Particularly, citing to no authority for this legal assertion, Plaintiffs state “the Exhaustion of Remedies Doctrine” is not “an absolute authority but in fact it is one of many factors to consider.” (Doc. 30 at 16). But Defendants never raised any arguments related failure to exhaust. As such, Defendants certainly have not made a frivolous argument in this regard.

6. Defendants appropriately raised Plaintiffs’ failure to identify a constitutionally protected liberty or property interest to support their Due Process claims.

Plaintiffs assert Defendants made “completely baseless” challenges to Plaintiffs’ Fifth Amendment Due Process claims by treating “the DoS visa denial claims as if they were discretionary.” (Doc. 30 at 16). In explanation as to why this challenge is “baseless,” Plaintiffs cite to their response to Defendants’ motion to dismiss. (Doc. 30 at 16). In that response, Plaintiffs claim the decision to deny a non-immigrant visa is non-discretionary because “Congress has published several statutes governing non-immigrant visas granting DoS authority to issue such visas and, in fact, requiring DoS to issue or deny such visas on a fee for service basis with the criteria for denial specified by statute.” (Doc. 18 at 13). However, Plaintiffs fail to identify the statutory scheme to which they refer.⁶ In contrast, Defendants cited to a variety of cases demonstrating courts have rejected similar constitutional claims. (*See* Doc. 15 at 7). Plaintiffs have failed to show how this well-supported argument was in any way frivolous, made for some improper purpose, or otherwise sanctionable.

⁶ Plaintiffs do cite to a singular statute, 8 U.S.C. § 1184(b), without explaining how this statute creates any form of non-discretionary duty to which they have a Fifth Amendment interest sufficient to support their constitutional claim. Indeed, that statute establishes a presumption of an alien’s immigrant status “until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a nonimmigrant status.” It does not demonstrate any constitutionally protected property or liberty interest.

7. Plaintiffs’ desire to challenge the well-established doctrine of consular non-reviewability does not make Defendants’ motion to dismiss sanctionable.

In seeking sanctions in response to Defendants raising the doctrine of consular non-reviewability, Plaintiffs confuse the standard for a motion to dismiss with the standard for Rule 11 sanctions. They argue they intend to challenge the doctrine of consular non-reviewability, and therefore it was not proper to raise that doctrine in Defendants’ motion to dismiss. (Doc. 30 at 17). But whether Plaintiffs make a good faith argument for the reversal of existing law goes to whether they have made a frivolous argument under Rule 11. *See Smith v. Our Lady of the Lake Hosp., Inc.*, 960 F.2d 439, 444-45 (5th Cir. 1992). In a motion to dismiss for lack of subject matter jurisdiction, a defendant need only raise the challenge, and the plaintiff then bears the burden of establishing that the court has jurisdiction over the dispute. *See Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377 (1994); *Menchaca v. Chrysler Credit Corp.*, 613 F.2d 507, 511 (5th Cir. 1980). And the case law makes clear Defendants had a valid basis for raising lack of subject matter jurisdiction pursuant to the doctrine of consular non-reviewability. *See Centeno v. Shultz*, 817 F.2d 1212, 1213 (5th Cir. 1987) (“the denial of visas to aliens is not subject to review by the federal courts”). As such, this well-supported assertion was not for any improper purpose or otherwise sanctionable.

8. Defendants’ assertions of frivolousness were appropriate.

Plaintiffs assert Defendants’ argument that Plaintiffs’ complaint appears frivolous was sanctionable because it included a citation to an opinion not designated for publication and was based on allegations not in Plaintiffs’ complaint. For the reasons

already set forth above, the citing of an unpublished opinion is not sanctionable. Further, Defendants’ argument was based on a fair reading of Plaintiffs’ complaint. In their motion to dismiss, Defendants argued the “lengthy complaint appears to infer conspiracy and false documents from administrative delays without identifying a legal basis for the requested relief.” (Doc. 15, at 8). Plaintiffs deny any conspiracy can be inferred and conclude this argument of frivolousness is therefore sanctionable. But review of Plaintiffs’ complaint indeed supports Defendants’ argument. For example, in a sub-heading Plaintiffs allege “USCIS Denies Citizenship Application Based on Falsified Documentation.” (Doc. 3 at 3 ¶ 6). In support of this conclusion, Plaintiffs allege Mrs. Carr’s N-400 interview was delayed and ultimately denied based on “falsified records” leading to her interview being missed. *Id.* at 3 ¶ 6-8. They go on to allege these events were a result of “‘whistleblower’ retaliation for [Mr. Carr’s] previous reports of federal crime and malfeasance by USCIS.” *Id.* at ¶ 8. Defendants fairly characterized such allegations as inferring conspiracy based on agency delay. And Defendants explained throughout their motion to dismiss why Plaintiffs’ claims of entitlement to relief are not legally sound. Defendants’ arguments were appropriately based upon the law and on Plaintiffs’ allegations, and Plaintiffs have failed to demonstrate how they are sanctionable.

IV. Conclusion

AUSA Padis never made any false statements during the course of this litigation, and all of the arguments in Defendants’ motion to dismiss about which Plaintiffs complain were well grounded in both law and fact. Additionally, Defendants were

legally justified to make the arguments in their motion to dismiss, and it was not filed for delay or any other improper purpose. Therefore, Plaintiffs' motion for sanctions should be denied.

Respectfully submitted,

LEIGHA SIMONTON
UNITED STATES ATTORNEY

s/ Emily H. Owen

Emily H. Owen
Assistant United States Attorney
Texas Bar No. 24116865
1100 Commerce Street, Third Floor
Dallas, Texas 75242
Telephone: 214-659-8605
Facsimile: 214-659-8811
E-mail: emily.owen@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

On May 29, 2024, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

s/ Emily H. Owen

Emily H. Owen
Assistant United States Attorney

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

BRIAN P. CARR, et al.,

Plaintiffs,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

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

**DEFENDANTS’ OBJECTION TO PLAINTIFF’S “FRCP
RULE 60 MOTION FOR SANCTIONS UNDER RULE 11(C)”**

Plaintiff Brian P. Carr, pro se, having previously filed two motions for sanctions against former counsel for Defendants, former AUSA George Padis, now files a third raising the same meritless arguments against former AUSA Padis, and new, equally meritless arguments against current counsel, AUSA Tami Parker. (Doc. 83). Plaintiff continues to complain that actions by former counsel for Defendants were undertaken solely for purposes of delay. He further complains that AUSA Parker did not (1) properly confer with him on a previously filed motion for relief under Fed. R. Civ. P. 60 or with respect to Defendants’ intentions to file written objections to his motions for post-judgment relief and (2) improperly handle a motion for sanctions against the former AUSA mailed to the United States Attorney’s Office. For the reasons set forth below, this motion should be denied.

Relevant Background¹

After no objections were filed to the Findings, Conclusions and Recommendation of the United States Magistrate Judge, this Court reviewed the report and accepted it, entering judgment in this case on March 21, 2025. (Doc. 63.) Thereafter, Plaintiff, his wife, and his sister-in-law, in English and in Thai, filed a series of post judgment letters to the Court, motions, amended complaints, and motions for sanctions challenging the conduct of counsel for Defendants. (*See generally* Doc. 64-71.) Those motions remain pending.

Plaintiff's first motion for sanctions in this case was filed on May 8, 2024. (Doc. 30.) Plaintiff, who had taken issue with Defendants' motion to dismiss his original complaint filed on March 8, 2024, complained that Padis engaged in "various delaying tactics" to delay the filing of that motion, failed to accurately reflect in that motion the breadth and depth of Plaintiff's challenges to actions of various federal agencies, misrepresented the relief that Plaintiff demanded, and cited cases that Plaintiff believed were not germane to the true issues in this litigation. (*See generally, id.*) This motion was rejected procedurally under Rule 11, but on the merits after consideration of Plaintiff's claims under the Court's inherent authority. (Doc. 59.)

While the motion for sanctions was pending, new counsel for the Defendants entered an appearance. (Doc. 27.) Plaintiff engaged in significant motions practice thereafter, filing motions for partial summary judgment (Doc. 49), for leave to file supplemental authority (Doc. 48), to file a second amended complaint (Doc. 49), and for

¹ This Court has already reviewed the merits of this case and entered judgment. (Docs. 59, 60). Moreover, Plaintiff has flooded this action with more than a dozen pleadings since that time which recount the arguments in this case, and in some instances, provide a procedural history. (*See, e.g.*, Docs. 67, 70, 71, 73.) Therefore, Defendant is not including a full background section in the instant response and instead presumes this Court is more than sufficiently knowledgeable of this case's history.

expedited consideration. (Doc. 52.) The motion for leave to file an amended complaint, while only about six pages in length, appended two mini-motions exceeding 50 pages each. (Docs. 49-1, 49-2.)

In a series of orders, the Court ruled on the various pending motions and ultimately, on March 21, 2025, dismissed the litigation. (Docs. 53-56, 61.) Undeterred, Plaintiff began filing a series of post-judgment pleadings and motions seeking reconsideration of the decision. (Docs. 64-73.) Counsel for the Defendants informed Carr that while Defendants opposed his motions, counsel would not file written objections. (Doc. 75-1 at PageID 1929.) Based on his reading of the Local Rules, Carr decided that the failure to file a written objection meant that his motions were unopposed. (Doc. 71 at 3-4.)

The undersigned AUSA entered an appearance in this matter on June 13, 2025. Carr emailed the undersigned asking whether Defendants would maintain the position articulated by prior counsel, namely opposing his multitude of motions but not filing a written response. (Doc. 75-1.) The undersigned AUSA has acknowledged that she failed to respond to that email. The Civil Division of the United States Attorney's Office had lost almost half of its attorneys in six months' time, the number of civil cases filed against the United States had increased, and the undersigned had recently stepped into management. As has been explained to Carr, counsel for Defendant simply forgot about the email due to the press of the workload.

With new counsel, Defendants decided that it would undertake filing written objections to at least some of the motions filed by Plaintiff. Plaintiff, however, took issue with this change and with the contents of Defendants' response. As noted, Plaintiff had determined that the failure to file a written objection to his motions meant that the

motions were unopposed, and thus he presumably believed they would be granted on that basis. (Doc. 71 at 3-4.) Plaintiff expressed frustration that Defendant's response to his Rule 60 argued, for the first time, that the Court's adoption of the FCR after the 14-day window for objection had expired was not premature. (Doc. 75 at 14.) He further complained about Defense Counsel's failure to respond to his email regarding how oppositions to his motions would be handled. (*Id.* at 16.) Plaintiff essentially asserts that it was unfair for Defendants to start filing written objections without specifically notifying him they would do so.

On September 27, 2025, Plaintiff filed a second motion for sanctions naming former AUSA Padis and raising essentially the same claims as those raised in the first motion, although adding a claim of alleged collusion between the Court and Padis. (Doc. 83.) Leading up to the filing of that motion, Plaintiff emailed a copy of his motion to Defendants and former AUSA Padis. Carr also mailed a copy of the pleading to the U.S. Attorney's Office suggesting the counsel for Defendants could "forward it on." (Doc. 83-1.) After back and forth between Plaintiff and former AUSA Padis, Padis informed Plaintiff that he had received a copy of his motion and would not argue to the contrary. (Doc. 83-1 at PageID 2339.) Counsel for Defendant then explained to Carr that she would take no further action. Although the pleading was sent to the United States Attorney Office, in an ongoing case and seeking sanctions in that case, Carr now complains that counsel's failure to forward his pleading to a person no longer at the U.S. Attorney's Office violated federal criminal law with respect to mail.

Legal Standards

A. Rule 11 Sanctions

Federal Rule of Civil Procedure 11 allows courts to impose sanctions for frivolous

or improper pleadings or motions. Fed. R. Civ. P. 11. The primary determination under Rule 11 is whether the signing individual conducted an inquiry into the factual and legal basis of the challenged document that was objectively reasonable under the circumstances. *See Bus. Guides, Inc. v. Chromatic Commc'ns Enters., Inc.*, 498 U.S. 533, 548-51 (1991). “[A] trial court should not impose Rule 11 sanctions for advocacy of a plausible legal theory, particularly where . . . the law is arguably unclear.” *See Snow Ingredients, Inc. v. Snowizard, Inc.*, 833 F.3d 512, 528 (5th Cir. 2016) (alteration in original) (quoting *CJC Holdings, Inc. v. Wright & Lato, Inc.*, 989 F.2d 791, 793 (5th Cir. 1993)).

B. Statutory Authority for Sanctions²

Under 28 U.S.C. § 1972, a court may sanction an attorney who multiplies the proceedings in a case unreasonably and vexatiously. 28. U.S.C. § 1972. Section 1972 authorizes courts to require an offending person to pay the excess costs, expenses, and attorneys’ fees reasonably incurred due to the sanctionable conduct. An award under this section requires “evidence of bad faith, improper motive, or reckless disregard of the duty owed to the court.” *Lawyers Title Ins. Corp. v. Doubletree Partners, L.P.*, 739 F.3d 848, 871 (5th Cir. 2014) (quoting *Cambridge Toxicology Grp., Inc. v. Exnicios*, 495 F.3d 169, 180 (5th Cir. 2007)). These sanctions are “punitive in nature and require clear and

² Plaintiffs cited, 28 U.S.C. § 1972, 18 U.S.C. § 1702, 18 U.S.C. § 1709, and 18 U.S.C. § 1001 as bases for sanctions. However, 18 U.S.C. §§ 1001, 1702 and 1709 are criminal statutes prohibiting false statements made in matters within the jurisdiction of the United States and perjury respectively. These statutes provide no independent authority for a court to issue sanctions in civil matters, and their adjudication is subject to a host of protections and procedural rules afforded to criminal defendants and inapplicable to civil litigation. Additionally, as discussed herein, no false statements were made by counsel for Defendants. For that reason, among many others, no criminal statute has been violated, and these statutes are inapplicable.

convincing evidence that sanctions are justified.” *Id.* at 872 (quoting *Bryant v. Military Dep’t of Miss.*, 597 F.3d 678, 694 (5th Cir. 2010)). Section 1927 “should be employed ‘only in instances evidencing a serious and standard disregard for the orderly process of justice,’ lest ‘the legitimate zeal of an attorney in representing [a] client [be] dampened.’” *Id.* (quoting *FDIC v. Conner*, 20 F.3d 1376, 1384 (5th Cir. 1991)).

C. Local Rules

A court in the Northern District of Texas may sanction an attorney under Local Rule 83.8(b)(3) for unethical behavior. U.S. Dist. Ct. Rules N.D.T.X., Civil Rule 83.8(b)(3). Unethical behavior is defined as conduct that violates the Texas Disciplinary Rules of Professional Conduct. U.S. Dist. Ct. Rules N.D.T.X., Civil Rule 83.3(e).

Texas Disciplinary Rule of Professional Conduct 4.01 prohibits a lawyer from knowingly making a false statement of material fact or law to a third person. Tex. Disciplinary R. Prof’l Conduct 4.01. Statements of opinion or conjecture do not constitute “material facts” under this Rule. Tex. Disciplinary R. Prof’l Conduct 4.01, cmt. 1. Further, an attorney only violates this rule if the lawyer knows the statements at issue are false and intends thereby to mislead. Tex. Disciplinary R. Prof’l Conduct 4.01, cmt. 2.

Argument

Plaintiff’s third motion for sanctions is entirely without merit and vexatious. More than a year prior to filing the instant motion, on May 8, 2024, Plaintiff filed a motion for sanctions that raised essentially the same substantive arguments as the instant motion regarding former counsel for Defendants, George Padis. (Doc. 30). Those arguments were fully briefed. (Doc. 30, 34-5, 35, and 39). The United States Magistrate Judge carefully considered those arguments and, in an opinion, issued on February 26, 2025, rejected them. (Doc. 59.) Plaintiff may disagree with the decision, but he has not and

cannot demonstrate any error. Indeed, his new motion merely rehashes, using more words but citing to no *evidence* in support thereof, the same arguments that have been previously considered and rejected. (*Compare* Doc. 79 with Doc. 30.) As set forth in Defendant's response in opposition to the original motion for sanctions, there simply is no evidence that former AUSA Padis engaged in *any* sanctionable conduct in his representation of the Defendants. (Doc. 35.) Plaintiff's renewed motion for sanctions should be denied for the same reasons set forth in Defendants' response to his initial motion for sanctions, and for the reasons set forth in this Court's decision on that original motion. (Doc. 59.)

Plaintiff's arguments against current counsel similarly lack merit. Plaintiff complains that counsel for Defendant failed to forward mail to a former AUSA, in violation of various criminal laws. But this Court has already explained to Plaintiff that alleged violations of criminal laws do not provided a basis for imposing sanctions in civil cases. (Doc. 59 at 3.) Moreover, Plaintiff has no evidence suggesting that counsel for Defendant filed a frivolous or improper pleading as required for sanctions under Rule 11. He simply surmises that perhaps counsel for Defendant had a nefarious reason for not responding to his email or deciding to address his litany of post-judgment motions. (Doc. 83.)³ Last, Plaintiff's own evidence makes clear that any delay or failure in forwarding the paper copy of Plaintiff's meritless motion was harmless, as Plaintiff emailed a copy of the pleading to Padis, and Padis informed Plaintiff that he would not assert failure to receive a copy of the motion in any pleading. (Doc. 83-1 at PageID 2339.) Thus, Plaintiff

³ To the extent Plaintiff believes that his opposed motions become "unopposed," and thus must be granted by this Court, simply because Defendants do not file a written objection, he is wrong. Whether a motion is unopposed, or deemed unopposed, the Court must determine whether the movant is entitled to the relief sought therein. If the movant fails to so entitlement to relief, the motion should be denied. Such is the case for each of Plaintiff's post-judgment motions in this case.

cannot demonstrate that any actions on the part of counsel for Defendant multiplied the proceedings in a case unreasonably and vexatiously, 28. U.S.C. § 1972, or interjected any delay in this matter.

Conclusion

Plaintiff has become a vexatious litigant, filling the docket of this case with meritless motions. His third motion for sanctions should be denied.

Respectfully submitted,

NANCY E. LARSON
ACTING UNITED STATES ATTORNEY

s/ Tami C. Parker

Tami C. Parker
Assistant United States Attorney
801 Cherry Street, Suite 1700
Fort Worth, Texas 76102
Texas Bar No. 24003946
Telephone: 817-252-5200
Facsimile: 817-252-5458
Email: tami.parker@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

On October 29, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I also hereby certify that on this same date, the foregoing document was served via U.S. mail to the Plaintiff, pro se, listed below:

s/ Tami C. Parker

Tami C. Parker

**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

Verified¹ Notice of Delay in Reply
Supporting [FRCP Rule 11\(c\)\(2\)](#)
Motion for Sanctions (ECF 79)

Certificate of Conference – UNOPPOSED

Notice of Delay in Reply Supporting ECF 79

I had intended to file a single combined Reply to ECF 86 and ECF 87 (the two responses to the two Motions for Sanctions) on 3 Nov 2025, the Reply date for ECF 86 in accordance with LR 7.1(f). However, due to unforeseen circumstances I was not be able to meet that deadline. I apologize to the court and all other parties for any inconvenience, confusion or other detrimental effects from this delay.

When it was apparent that I could not meet the deadline, on 3 Nov 2025 I contacted AUSA Parker and explained the delay and assured her that the combined Reply will be submitted well before 12 Nov 2025 as required for ECF 87.

¹ The Verification of Notice is at the end of this document.

She responded with:

Defendants will not oppose an extension of time until November 12th to file a reply brief.

I ask the court to forgive this violation of local court rules and give full consideration to the combined Reply when it is submitted before 12 Nov 2025.

Respectfully submitted,

Verification of Notice

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

1. I have reviewed the above notice 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: 4. November 2025

Location: Irving, TX

Certificate of Conference

This Notice of Delay is UNOPPOSED.

When it was apparent that I could not meet the deadline, on 3 Nov 2025 I contacted AUSA Parker and explained the delay and assured her that the combined Reply will be submitted well before 12 Nov 2025 as required for ECF 87.

She responded with:

Defendants will not oppose an extension of time until November 12th to file a reply brief.

As such, this Notice and request for court acceptance of the delayed Reply is considered 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

**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 Consolidated¹ Verified² Replies Supporting FRCP Rule 60 Motions For Sanctions Under FRCP Rule 11(c) in ECF 79 and 83 For: • Bar Association Violations, • Delay in MTD (ECF 15), • Apparent Collusion with Court, • Making False Statement in Response, • LR 7.1 (a) Conference Violations and • Apparent Criminal Collusion Between AUSA Parker and Mr. Padis

**Reply Supporting [FRCP Rule 60](#) Motions for
Sanctions Under [FRCP Rule 11](#)(c) for:**

- **Bar Association Violations,**
- **Delay in MTD (ECF 15),**
- **Apparent Collusion with Court,**
- **Making False Statement in Response,**
- **LR 7.1 (a) Conference Violations and**
- **Apparent Criminal Collusion Between AUSA Parker and Mr. Padis**

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1 These Replies are a consolidation of Replies supporting six different motions for sanctions, each submitted in accordance with [FRCP Rule 11\(c\)\(2\)](#) and filed as ECF 79 and ECF 83.

2 The Verification of this Reply is listed in the Table Contents and is toward the end of this document.

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Introduction

Sanctions Are An Essential Element of Our Adversarial Judicial System

Sanctions Are Under Utilized According to Supreme Court

The Responses opposing sanctions (ECF 86 and ECF 87) submitted by AUSA Parker on 20 Oct 2025 and 29 Oct 2025 are without merit. The absence of any Response by Mr. Padis further suggests sanctions are appropriate, indeed essential, to deter future violations of [FRCP Rule 11](#).

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

Indeed it is the court's responsibility to be truthful and accurate in all its decisions, findings and orders. However, when the parties routinely make false and misleading statements the court is reduced to choosing the false arguments from the party which is the most eloquent liar, weaving the most complete web of falsehoods. While our adversarial system of justice depends on strong advocacy, the tendency to over zealous advocacy must be curbed so that the court can rely on

substantial truthfulness in the arguments presented to it. The [FRCP Rule 11\(c\)\(2\)](#) Motions for Sanctions as well as the general ability of the court to sanction individuals are the primary tools to curb the destructive tendency to over zealous advocacy. The Supreme Court has long advocated increased utilization of sanctions as will be seen in the history of [FRCP Rule 11\(c\)\(2\)](#) motions. While sanctioning unacceptable behavior requires the time and attention of the court (both of which are in short supply), the return in more efficient and better quality results justifies the effort.

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

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

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

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

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

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

The decision by Mr. Padis to not submit a response to this [FRCP Rule 11\(c\)\(2\)](#) Motion for Sanctions indicates an acceptance that his behavior was indefensible and a hope that court will simply ignore his flagrant violation of the courts jurisdiction over individuals who file briefs which violate [FRCP Rule 11](#).

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

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

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

were.

ECF 87 Response Itself Had False and Misleading Statements, is Sanctionable

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

Further, her description of the email exchange about the preliminary service of the motion of sanctions for Mr. Padis which was finally submitted as ECF 86 has two primary falsifications. She misstates who the mail was addressed to and alters the sequence of events. Both of these falsifications make it appear that there is no basis for the sanctions requested in ECF 87, but actually the falsifications could be themselves sanctionable.

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

The Courts Must Prevent False and Improper Filing of Papers

Congress Granted Courts' Ability to Manage Documents Filed in Court

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

A straightforward interpretation of section [1001](#)'s text... leads inexorably to the conclusion that... the statute's reach simply does not extend to courts.

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

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

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

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

The first addition clearly required that all court orders, decisions, findings, and recommendations (such as the FCR in ECF 67) to be truthful and not misleading in accordance with [18 USC § 1001](#).

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

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

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

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

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

Experience shows that in practice **Rule 11 has not been effective in deterring abuses...** There has been considerable confusion as to

- (1) the circumstances that should trigger striking a pleading or motion or taking disciplinary action,
- (2) the standard of conduct expected of attorneys who sign pleadings and motions, and
- (3) the range of available and appropriate sanctions...

The new language is intended **to reduce the reluctance of courts to impose sanctions...** by emphasizing the responsibilities of the attorney and reinforcing those obligations by the imposition of sanctions.

The text of the amended rule seeks to **dispel apprehensions that efforts to obtain enforcement will be fruitless by insuring that the rule will be applied when properly invoked.** The word "sanctions" in the caption, for example, stresses a deterrent orientation in dealing with improper pleadings, motions or other papers.³

In 1990 the Supreme Court set the standard for sanctions in Cooter & Gell v.

³ Bold added by Plaintiffs.

Hartmarx Corp ., 496 U.S. 384 (1990) as:

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

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

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

The court has significant discretion in determining what sanctions, if any, should be imposed for a violation, subject to the principle that **the sanctions should not be more severe than reasonably necessary to deter repetition of the conduct** by the offending person or comparable conduct by similarly situated persons...

Since the purpose of Rule 11 sanctions is to deter rather than to compensate, the rule provides that ... If, for example, a wholly unsupportable count were included in a multi-count complaint or counterclaim ... any award of expenses should be limited to those directly caused by inclusion of the improper count, and not those resulting from the filing of the complaint or answer itself...

the standard for appellate review of these decisions will be for abuse of discretion. See *Cooter & Gell v. Hartmarx Corp ., 496 U.S. 384 (1990)* (noting, however, that an abuse would be established if the court based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence).⁴

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

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

⁴ Bold added by Plaintiffs.

Courts Must Balance Strong Advocacy With Requirement for Truth

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

ECF 86 Response Opposing ECF 79 Without Merit, Justifies Sanctions

ECF 86 Submitted Late and Without 'Standing'

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

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

Several questions are raised by this strange situation. Why did AUSA Parker waste the government's scarce resources opposing a motion for sanctions that was not directed against the government but instead a person who is now a private individual, Mr. Padis? Could this relate to the unexplained reason for the prior counsel, AUSA Owen, to refuse to file any Responses 'unless otherwise

requested/ordered by the Court' and her untimely termination of government service? Was there an illegal order which would require her to violate [FRCP Rule 11](#) and was she terminated for her failure to subject herself to sanctions and violate the ethical standards for attorneys?

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

referring the matter to disciplinary authorities (or, in the case of government attorneys, to the Attorney General, Inspector General, or agency head)...or...

defer its ruling... until final resolution of the case in order to avoid immediate conflicts of interest and to reduce the disruption created if a disclosure of attorney-client communications is needed to determine whether a violation occurred

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

Court Did Not Carefully Consider Sanctions Against Mr. Padis

Previous Sanctions Motion Brought Under [FRCP Rule 11\(c\)\(3\)](#)

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

The United States Magistrate Judge then **carefully considered those arguments** [in ECF 30 concerning sanctions against Mr. Padis], and in an opinion issued on February 26, 2025, rejected them. (Doc. 59.) Plaintiff may disagree with the decision, but he has not and **cannot demonstrate any error.**⁵

This statement has a misleading claim that the court 'carefully considered those arguments' as well as a false statement the we 'cannot demonstrate any error.' Both

⁵ Bold added by Plaintiffs.

of these claims could warrant sanctions against AUSA Parker.

Courts' Summary Finding is Abuse of Discretion

Apparently the court did not carefully consider any of the arguments in the previous Motion for Sanctions (ECF 30). A review of ECF 59 shows that after some analysis of statutes and jurisdiction for federal crimes and other matters but no discussion of Mr. Padis' conduct, the court stated:

The Court does not find Defendants' conduct sanctionable and declines to issue sanctions under its inherent authority. Similarly, the Court declines to issue sanctions under Texas Disciplinary Rule of Professional Conduct 4.01 for false statements or Local Rule 83.3(b)(3) for unethical behavior.⁶

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

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

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

⁶ Bold added by Plaintiffs.

deter future violation as specified by the Supreme Court in [FRCP Rule 11](#) guidance.

Every Claim of Sanctionable Conduct is Clearly Established

One Particular False Claim of Frivolous Allegations is Particularly Egregious

Padis Argument of Frivolous Allegations is Completely False

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

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

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

relationship of the allegations and relief. This half of the argument is, therefore, irrelevant. It is also misleading and sanctionable.

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

[Starrett](#) Standard of Frivolous Not Met

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

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

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

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

There Are No Allegations in the Complaint As Described By Padis

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

motion (ECF 79).

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

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

Sanctions Justified By ‘Frivolous Allegations’ Argument

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

USATXN used these false and misleading arguments to delay and conceal serious transgressions by USCIS. My wife was an apparent ‘illegal’ terrified of being

deported at any time without cause or notice even though her 10 year green card and citizenship had both been approved (ECF 10-5) while USATXN pretended nothing was amiss.

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

10 Year Green Card and Citizenship Approved, Nothing Provided by USCIS

Final Decision, Order of USCIS Approves Both Green Card and Citizenship

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

We have approved your I-751, Petition to Remove Conditions on Residence. Our records also indicate we have approved your Form N-400 Application for Naturalization. Because we also approved your N-400, you will not receive a new Permanent Resident Card (also known as a Green Card). Instead, once you have taken the Oath of Allegiance, you will receive a Certificate of Naturalization, which will be proof of your U.S. citizenship. See the complaint, ECF 29 para 163.

Mrs. Carr Left as an Apparent Illegal

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

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

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

My wife could not work or travel freely and, in light of Texas SB4 (which was in effect for four hours and is still pending) she was terrified of being deported without notice or cause by ICE or National Guardsmen sent into blue counties to deport illegals or even vigilantes (Texas SB4).

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

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

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

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

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

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

The decision by Mr. Padis to not submit a response to this [FRCP Rule 11\(c\)\(2\)](#) Motion for Sanctions indicates an acceptance that his behavior was indefensible

and a hope that court will simply ignore his flagrant violation of the court's obligation to sanction attorneys who file briefs which violate [FRCP Rule 11](#).

ECF 87 Response Opposing Motion for Sanctions (ECF 83) Is Without Merit

ECF 87 Response Has False and Misleading Statements, is Sanctionable

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

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

AUSA Parker Did Not Respond to Notice of Current Conference Results

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

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

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

I hope you have had a good week.

I noticed that you have been added to this matter and may be taking responsibility for the DoJ response in this matter. As you may already be aware there are three [FRCP Rule 60](#) motions pending (as described in ECF 67). On 6 May 2025, Ms. Owen stated 'I am not filing any response' in our discussion of these motions. Are you planning on filing any responses (opposing these motions)?

Thanks for your attention to this matter.

Wishing you all the best, Brian ...

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

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

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

Certificate of Conference (ECF 73) Correctly States UNOPPOSED

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

On 6 May 2025 via email AUSA Owen stated 'I am not filing any response'. However, on 13 Jun 2025 DoJ submitted Notice of Substitution of Counsel (ECF 72) designating AUSA Tami Parker as lead counsel.

Also on 13 Jun 2025 I sent an email to AUSA Parker ... informing her that the current DoJ response was 'not filing any response' which is UNOPPOSED and asking AUSA Parker if DoJ would be 'filing any responses (opposing these motions)?'

AUSA Parker has not sent any response to date.

AUSA Parker Falsely Claims Inadvertence

After ECF 73 was filed, AUSA Parker still did not respond to my email (which had offered she could revise USATXN position at any time). Instead AUSA Parker

filed a Response (ECF 74) on 14 July 2025 opposing the motion claiming:

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

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

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

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

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

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

while a review of the earlier email exchange in ECF 75-1 makes it clear that I did in fact confer with AUSA Owen concerning the specific motion as well as others.

Substitution of counsel does not override all previous conferences and I had, in fact, offered AUSA Parker the opportunity to take a different position. Indeed, this is another false statement made by AUSA Parker and, as such, is sanctionable (decisions can be sanctionable while mistakes are generally not sanctionable).

AUSA Parker Falsely Misstates My Concerns About Inadvertence

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

In ECF 87 AUSA Parker states:

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

The actual text in ECF 75 at 16 states:

AUSA Parker goes on to claim to have 'inadvertently' not responded to my email (ECF 74 Response) even though she has still not responded. In truth, she could have responded at any time and certainly should have responded before submitting the Response, ECF 74, where she claims the failure was inadvertent.

This is significant since the primary challenge was to her false claim of inadvertence as the 'failure to respond' was clearly a decision, not inadvertent.

Substitution of Counsel Does Not Invalidate Completed Conferences

In [TXND Local Civil Rules LR 7.1\(a\)](#) Motion Practice Conference there are

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

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

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

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

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

I suggest that the court conduct a hearing to determine what the full meaning of that condition was as well as the circumstances of AUSA Owen's departure; was she terminated for refusing to obey an illegal order. If so, it would be highly relevant for the court to institute sanctions for interference in the orderly resolution of disputes in our adversarial process. The court could refer the matter to disciplinary authorities such as the 'Attorney General, Inspector General, or agency

head' as recommended by the Supreme Court.

AUSA Parker Falsely Summarizes Mr. Padis Email Exchanges

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

False Summarization by AUSA Parker

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

Plaintiff emailed a copy of his motion to Defendants and former AUSA Padis. Carr also mailed a copy of the pleading to the U.S. Attorney's Office suggesting the counsel for Defendants could "forward it on." (Doc. 83-1.) After back and forth between Plaintiff and former AUSA Padis, **Padis informed Plaintiff that he had received a copy of his motion and would not argue to the contrary. (Doc. 83-1 at PageID 2339.) Counsel for Defendant then explained to Carr that she would take no further action. Although the pleading was sent to the United States Attorney Office, in an ongoing case and seeking sanctions in that case, Carr now complains that counsel's failure to forward his pleading to a person no longer at the U.S. Attorney's Office violated federal criminal law with respect to mail.**⁷

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

Actual Events Suggest Criminal Violations by AUSA Parker

Mr. Padis Falsified Documents And Pretended No Service

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

⁷ Bold and Italics added by Plaintiffs.

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

With Prior FRCP Rule 11(c)(3) Motion, Court Declined to Consider Sanctions

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

The text of the amended rule seeks to dispel apprehensions that efforts to obtain enforcement will be fruitless by insuring that **the rule will be applied when properly invoked**.⁸

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

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

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

Preliminary Email to Determine if Electronic Service Possible

- On 28 Aug 2025 I emailed an electronic copy of ECF 79 (but not yet filed with the court) to AUSA Parker inquiring about electronic service under FRCP Rule 5. See ECF 83-2, last email. At that time I believed that AUSA Padis was still on an extended leave of absence until 30 Sep 2025.
- As there was not a prompt response from AUSA Parker, I remembered the

⁸ Bold added by Plaintiffs.

problems I had had with service to AUSA Padis and concluded that it was a waste of time seeking electronic service as under [FRCP Rule 5](#) service by mailing is effective as of the date of mailing. I prepared the document for mailing which was a minimal expense.

FRCP Rule 5 Service By Mail on 29 Aug 2025

- On 29 Aug 2025 I mailed a paper copy to AUSA Padis at his last known address (in accordance with [FRCP Rule 5](#)) which was:
George M Padis (Assistant United States Attorney)
Texas Bar No. 24088173
1100 COMMERCE ST FLOOR NUMBER 3
DALLAS, TX, 75242-1001
(see Certificate of Service in ECF 79, ECF 79 was filed in ECF on 27 Sep 2025). It is important to note that as the motion was mailed to Mr. Padis at his last known address the effective date of service was 29 Aug 2025.
- Later on the evening of 29 Aug 2025 AUSA Parker informed me that AUSA Padis no longer worked for DoJ and that she would investigate what she could do with the electronic copy of the motion (to be ECF 79). See ECF 83-2.
- Later that evening on 29 Aug 2025 I informed AUSA Parker that it was no longer important as I had already mailed the motion papers to Mr. Padis at the last address on file. I did note that the papers would probably be forwarded to her and that she could forward it on.
- On 1 Sep 2025 I sent another electronic copy to Mr. Padis at his new law firm and copied AUSA Parker. This copy was the same as the copy later filed as ECF 79 with complete service information.

AUSA Parker Threatens to Interfere Service by Mail, Retain Legal Papers

AUSA Parker Makes Idle Threats About Punishing Motions to Deter Sanctions

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

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

I will take no further action with respect to attempting to forward your proposed motion to Mr. Padis at this time.⁹

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

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

Please provide Defendants with your position on any such motions.

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

⁹ Bold added by Plaintiffs.

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

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

- On 4 Sep 2025 at 4:13PM I responded to AUSA Parker stating (ECF 90-1):
On reflection, I am troubled by your statement:

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

I would prefer that you fulfill your responsibility as lead attorney for a case where Mr. Padis is still listed as an attorney for the government (or was when I checked and when I mailed the copy of the motion). I imagine that if Mr. Padis informs you that he does not need a paper copy, then it is possible you could decide that you do not need to forward the paper copy, but really it is up to you and Mr. Padis and your reading of the relevant law.

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

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

AUSA Parker Falsely Claims Mail Was Addressed to AUSA Parker

- On 4 Sep 2025 at 4:41 PM AUSA Parker stated (ECF 90-1):
I represent the Defendants in this case. I do not represent Mr. Padis, and he is not a party to this litigation. I have no legal obligation to "serve" Mr. Padis with anything that you forward to me. I considered doing so as a courtesy to you in this instance, but as noted, that is no longer necessary.

AUSA Parker Informed Mail Was Addressed to AUSA Padis

Personal Mail Can Not be Retained By Another Person

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

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

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

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

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

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

Mr. Padis Informed of Criminal Violations To Prevent Service

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

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

You could end all this discussion by letting me and Ms. Parker know that you accept the electronic copy of the document as served on 29 Aug 2025

(the date of mailing the paper document which is substantially delayed because of your failure to keep current addresses up to date). You could also let her know that you approve of her retaining the paper copy so that we can put this confusion behind us.

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

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

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

If you wish to represent that I have received a copy of your improper motion, yes, I have been provided a copy. I will not assert that you have failed to "serve" or send me a copy of the motion.

AUSA Alters the Sequences of Events to Conceal Criminal Behavior

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

Padis informed Plaintiff that he had received a copy of his motion and would not argue to the contrary. (Doc. 83-1 at PageID 2339.) Counsel for Defendant **then** explained to Carr that she would take no further action.¹⁰

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

In fact AUSA Parker prompted my concerns¹¹ about criminal interference in her email on 2 Sep 2025 (ECF 86-2) with 'I will take no further action'. The exchange which followed clarified that she could not retain U.S. mail which was addressed

¹⁰ Bold added by Plaintiffs.

¹¹ [FRCP Rule 5](#) states:

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

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

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

to Mr. Padis without permission and ended two days later when Mr. Padis provided that permission by acknowledging that he had received a copy of the motion.

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

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

AUSA Parker Falsifies Address For Mail to Conceal Crime

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

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

department or agency.

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

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

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

An accurate replacement statement would be 'the pleading was sent to AUSA Padis

as an individual for sanctions which arose from an ongoing case'. The difference is certainly too subtle for the USATXN mail room and also likely too subtle to warrant sanctions against AUSA Parker in this case. However, it does raise the question of why AUSA Parker appears to not understand underlying law for [FRCP Rule 11\(c\)\(2\)](#) motions for sanctions.

Mr. Padis and AUSA Parker Both Misconstrue Jurisdiction for Sanctions

As noted in the prior section, AUSA Parker appears to completely misunderstand the court's jurisdiction for sanctions and particularly [FRCP Rule 11\(c\)](#) Motions for Sanctions.

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

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

Sanctions Required To Deter Blatant Challenges to Courts' Jurisdiction

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

However, these expected results are caused by the court not sanctioning false or

misleading papers. Instead of choosing which party has the most meritorious case, the court must choose between the attorneys who are the best liars presenting the most compelling fictional statement of the case. Truth is no longer the standard but instead plausible fiction.

Community Service Suggested As Alternative Sanction

This sad state of affairs makes it ever more important for the Court to assert its right and responsibility to sanction improper and even false filings submitted to the court. Both Mr. Padis and AUSA Parker have extensive experience appearing before this court and apparently have no fear of sanctions from false or improper filings as they have never experienced or even heard of sanctions for these violations of [FRCP Rule 11](#).

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

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

Conclusion

Contrary to the claims by AUSA Parker, the court did not consider the actual sanctionable actions by Mr. Padis but instead relied on the courts discretion under [FRCP Rule 11\(c\)\(3\)](#) to not consider sanctions. However, [FRCP Rule 11\(c\)\(2\)](#) was created by the Supreme Court to insure that motions for sanctions are not simply ignored by the court but must receive serious consideration. While the court still has discretion to choose appropriate sanctions sufficient to deter future transactions, it appears that this court has neglected sanctions for too long. Government attorneys seem almost unaware that they can be sanctioned for lying to the court or trying to mislead the court.

Fortunately, if limited sanctions such as community service are imposed in this case, it is likely that most attorneys practicing before the court will soon give appropriate consideration to the truthfulness and accuracy of their filings so that the court won't be faced with choosing between the most skillful liars but can instead choose the case with the facts and law to support the relief sought.

Respectfully submitted,

Verification of Reply

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 in accordance with normal redaction procedures to remove sensitive personal information or other sensitive information as identified in the redaction.

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

/s *Brian P. Carr*

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 10. Nov. 2025

Location: Irving, Texas

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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 Carr <carrbp@gmail.com>

Fri, Sep 5, 2025 at 5:04 PM

To: "Parker, Tami (USATXN)" <Tami.Parker@usdoj.gov>

Cc: "London-Doucet, Stacy (USATXN)" <Stacy.London-Doucet@usdoj.gov>, "George M. Padis" <George.Padis@sbaailaw.com>, "Padis, George (USATXN)" <George.Padis@usdoj.gov>

Ms. Parker,

I apologize for the delay in responding to this email but I am over 70 now and don't think as clearly or quickly as in my youth. I am concerned about your statement:

I represent the Defendants in this case. I do not represent Mr. Padis, and he is not a party to this litigation. I have no legal obligation to "serve" Mr. Padis with anything that you forward to me.

To be clear, I did not forward anything to you. I mailed the paper to Mr. Padis at the address listed in ECF and with the Texas Bar Association having only heard informally that he was on extended leave until 30 Sep 2025 (likely a DOGE early resignation option for DoJ employees, but that is only a supposition). Were he still on leave that would have been the correct address to use. After I had mailed the paper to that address you answered my email and told me he was no longer with USATXN.

I would also like to note that for you or your staff to open Mr. Padis' mail could be construed as a federal crime as you are not permitted to open mail addressed to another. Of course that would never hold up as obviously other personnel can open professional mail to an employee at a firm or agency. If the staff in your agency forwarded mail to you that was addressed to Mr. Padis then it is fine for you to read the mail and determine if it is professional mail which you can deal with or personal mail which you can not deal with.

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

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

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

If Mr. Padis has not granted such approval (and does not do so promptly), can you please return the misdirected mail to USPS with the appropriate annotation and let me know the date when it you return it. USPS has a procedure for correcting the address of misdirected mail but it is not very reliable and VERY slow. You can look at the certified service to CIGIE in this matter for the sort of delay created by this confusion. My guess is that it will take USPS from two weeks to a month for them to sort it out with the package bouncing around from location to location. It will be slightly faster if Mr. Padis has left an appropriate forwarding address on file, but if not it is his problem that he never made appropriate efforts to insure prompt delivery of legal papers of concern to him.

FRCP Rule 5 provides great reliance on USPS mail for service because, amongst other reasons, it is a crime to hinder service by retaining or misdirecting US mail. In this case, service is effective on date of mailing (29 Aug 2025 I believe) unless I know that he did not receive it which is unlikely within 21 days (a very short deadline for people who are not conscientious about keeping their address up to date with the bar association or ECF).

Of course I would know sooner if you declare explicitly that you will not return the item to USPS even though you know that it was directed to you in error and you know that it is a crime to retain misdirected US mail. In that case there would certainly be a new motion for sanctions against you for your illegal hindrance of proper service (through the federal crime of intentionally retaining mail not addressed to you).

We could also resolve this if Mr. Padis sends us each an email saying that he accepts service of the electronic copy effective 29 Aug 2025 (which is earlier than the email, but he also received the electronic copy earlier than actual delivery of the mailed copy to USATXN). Everyone would benefit from the courtesy copy.

Thanks for your prompt attention to this matter.

Brian

Parker, Tami (USATXN) <Tami.Parker@usdoj.gov> Thu, Sep 4, 2025 at 4:41 PM

To: Brian Carr <carrbp@gmail.com>

Cc: "London-Doucet, Stacy (USATXN)" <Stacy.London-Doucet@usdoj.gov>, "George M. Padis" <George.Padis@sbaitilaw.com>, "Padis, George (USATXN)" <George.Padis@usdoj.gov>

Thank you for your email, Mr. Carr.

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

Tami

From: Brian Carr <carrbp@gmail.com>

Sent: Thursday, September 4, 2025 4:13 PM

To: Parker, Tami (USATXN) <Tami.Parker@usdoj.gov>

Cc: London-Doucet, Stacy (USATXN) <Stacy.London-Doucet@usdoj.gov>; George M. Padis <George.Padis@sbaitilaw.com>; Padis, George (USATXN) <George.Padis@usdoj.gov>

Subject: [EXTERNAL] Re: Carr v. United States, et al., 3-23-cv-2875 - Conferences on various motions by both parties

Ms. Parker,

On reflection, I am troubled by your statement:

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

I have been fortunate over the last 50 years to have had several attorney mentors who advised me in various capacities. One mentioned to me that service almost never led to winning or losing a case, but only to delays which can be annoying and a waste of time and resources.

In that light, I would prefer that you fulfill your responsibility as lead attorney for a case where Mr. Padis is still listed as an attorney for the government (or was when I checked and when I mailed the copy of the motion). I imagine that if Mr. Padis informs you that he does not need a paper copy, then it is possible you could decide that you do not need to forward the paper copy, but really it is up to you and Mr. Padis and your reading of the relevant law. To be clear, I do not approve of your improperly delaying service under any circumstances and request that you take whatever actions are necessary to effectuate proper service under these circumstances. If Mr. Padis sends you an email (at a government email address) saying that he has accepted electronic service via my email, then I would expect you are good, but that is your call.

Thanks for your attention to this matter,

Brian

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

BRIAN P. CARR,

Plaintiff,

v.

UNITED STATES, et al.,

Defendants.

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Case No. 3:23-cv-02875-S-BT

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

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

Background

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

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

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

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

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

Legal Standards and Analysis

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

Rule 59 Motions

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

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

A. Legal Standard

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

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

B. Mrs. Carr's Requests

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

Carr is Mrs. Carr’s spouse and to the degree that it is legally permissible, Mr. Carr will represent Mrs. Carr.”). This is not permitted.¹

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

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

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

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

C. Plaintiff's Requests

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

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

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

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

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

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

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

Rule 60 Motions

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

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

A. Legal Standard

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

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

B. Plaintiff's Motions

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

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

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

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

C. Plaintiff's Motions for Sanctions

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

Other Matters

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

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

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

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

A copy of these findings, conclusions, and recommendation shall be served on all parties in the manner provided by law. Any party who objects to any part of these findings, conclusions, and recommendation must file specific written objections within 14 days after being served with a copy. See 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b). To be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's findings, conclusions, and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file

specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. See *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1417 (5th Cir. 1996).

SO RECOMMENDED.

November 10, 2025.

A handwritten signature in black ink, appearing to read 'RR', is positioned above a horizontal line.

REBECCA RUTHERFORD
UNITED STATES MAGISTRATE JUDGE

**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

Verified¹ Consolidated²

[FRCP Rule 60](#) Objections to FCR
ECF 91

[FRCP Rule 60](#) Objections to FCR ECF 91

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

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

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Introduction

There are four main sections of these Objections.

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

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

Improper Removal of Two Plaintiffs Without Fair Hearing or Cause

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

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

The Court Makes False and Misleading Statements to Dismiss Every Claim

The court also includes numerous false and misleading statements to support its contention that there are defects in all the remaining claims in this matter.

However, this amended complaint has 11 defendants and 11 counts with 66 reliefs. Each is well supported and the broad sweeping defects claimed by the court are simply false. In truth, the court simply makes false and misleading summarizations of a few of the claims and then concludes that this is the entirety of the complaint suggesting dismissal, but the court overlooks numerous valid claims.

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

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

by the court as not adequately justified by the facts.

The Court Makes Unfounded Criticisms of the Plaintiffs' Filings

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

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

FRCP Rule 60 states:

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

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

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

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

Appeal as of Right - When Taken

(a) Appeal in a Civil Case.

(1) Time for Filing a Notice of Appeal.

(A) In a civil case, ... the notice of appeal required by Rule 3 must be filed with the district clerk within 30 days after entry of the judgment or order appealed from. ...

(4) Effect of a Motion on a Notice of Appeal.

(A) If a party files in the district court any of the following motions

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

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

FRCP Rule 60 Motions in ECF 76 Were Justified By Inadvertence

As the court explained in the FCR (ECF 91) in 'A. Legal Standard':

Rule 60(b) provides that upon motion, a court may relieve a party from a final judgment or order for the following reasons: (1) mistake, **inadvertence**, surprise, or excusable neglect;⁴

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

Case Law Supports Inadvertence By Parties As Justification for Relief

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

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

³ Bold added by Plaintiffs.

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

accept late filings caused by inadvertence, mistake, or carelessness, not just those caused by intervening circumstances beyond the party's control. This flexible understanding comports with the ordinary meaning of "neglect."... the phrase "excusable neglect," as used in several of the Federal Rules of Civil Procedure, is understood to be a somewhat "elastic concept."...

The determination of what sorts of neglect will be considered "excusable" is an equitable one, taking account of all relevant circumstances... Thus, in determining whether respondents' failure to timely file was excusable, the proper focus is upon whether the neglect of respondents... was excusable...

the lack of any prejudice to the... [other parties] or to the interest of efficient judicial administration, combined with the good faith of respondents... weigh strongly in favor of permitting the tardy claim... it is significant that the notice of the...[due] date in this case was outside the ordinary course in... [such] cases. **Normally, such a notice would be prominently announced and accompanied by an explanation of its significance, not inconspicuously placed in a notice regarding a creditors' meeting...**⁵

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

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

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

LR 7.2 Page Limitations Relief

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

Consolidated Sets Of Relief Required to Comply with Local Rules

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

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

False and Misleading Claims Can Be Brief, Refutations Require Details

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

Correct, Clear, and Concise But Also Compelling and Convincing

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

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

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

while also be convincing, even compelling.

Two Plaintiffs Removed Without Cause or Fair Hearing

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

The Court Uses Obfuscation to Create Fictional Challenges

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

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

Mr. Carr is not an attorney, and therefore he is not authorized to give legal advice or sign pleadings on behalf of others...

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

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

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

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

The District Judge dismissed Plaintiff's complaint in part because, as a non-attorney, he could not represent the interests of others in federal court.

None of these statements are true.

Actual Suit Started With Physical Signatures And Filed With Clerk

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

of others, we all signed the complaint.

Amended Complaint Submitted Electronically, Correct Electronic Signatures

The Court Approved the Amended Complaint, Violated Local Rules

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

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

with a footnote which stated:

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

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

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

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

⁶[TXND Local Civil Rules LR 15.1](#) Motions to Amend states:

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

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

The Court Later Challenges the Signatures in the Approved Complaint

The Court Waited Almost A Full Year To Change Its Mind

The Defendants Never Challenged the Signatures,

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

Mr. Carr is not an attorney, and therefore he is not authorized to give legal advice or sign pleadings on behalf of others...

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

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

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

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

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

The Court Misunderstands Local Rules for Electronic Signatures

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

LR 11.1 Electronic Signature states:

- (a) What Constitutes Electronic Signature. [REPEALED]
- (b) Requirements for Electronic Signature. [REPEALED]
- (c) Certification of Signature of Another Person. By submitting a document by electronic means and representing the consent of another person on the document, **an attorney** who submits the document certifies that the document has been properly signed.
- (d) Requirements for Another Person's Electronic Signature. **An attorney** who submits a document by electronic means that is signed by another person - including by a moving party under LR 40.1 – must:
 - (1) include a scanned image of the other person's signature, or represent the consent of the other person in a manner permitted or required by the presiding judge; and
 - (2) maintain the signed paper copy of the document⁷

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

⁷ Bold added by Plaintiffs.

Actual Rule Supports Pro Se Parties and Electronic Signatures

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

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

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

[LR 11.1](#) Depends On A Surprising Definition of Attorney

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

[TXND Local Civil Rules LR 1.1](#) states:

Definitions. Unless the context indicates a contrary intention, the following definitions apply in these rules:...

(c) Attorney. The word "attorney" means either:

(1) a person licensed to practice law by the highest court of any state or the District of Columbia; or

(2) a party proceeding pro se in any civil action.

Based on this surprising definition for attorney, [LR 11.1\(d\)](#) can instead be read as:

By submitting a document by electronic means and representing the consent of another person on the document, a... [pro se party] who submits the document certifies that the document has been properly signed...

A... [pro se party] who submits a document by electronic means that is signed by another person... must...

represent the consent of the other person in a manner permitted or required by the presiding judge;

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

Court Continues Effort to Remove Plaintiffs Based on False Statements

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

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

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

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

Other Claims Dismissed Improperly Citing Sovereign Immunity

False and Misleading Statements to Support Sovereign Immunity

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

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

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

USPS Not Protected By Sovereign Immunity

The Court Falsely Alters the Claim to Make it Appear Invalid

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

Plaintiff sought damages from the United States Postal Service (USPS) for **allegedly** delaying delivery of a package. Am. Compl. at 2, 7-9 (ECF No. 29).⁸

⁸ Bold added by plaintiffs.

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

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

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

Not Seeking Cash Payment But Instead Credit for Future Services

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

The Court Falsely Challenges Our Veracity With 'Alleges'

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

USPS Routinely Falsifies Delivery Times / Records

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

USPS Tracking Records Clearly Indicate Falsified Delivery Time

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

Supreme Court Verifies Congress Authorized Refunds in Special Cases

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

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

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

USPS claim was completely false and misleading.

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

Seven Causes of Action Falsely Summarized in Four Lines

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

He also sought an order from the Court mandating that various federal agencies, including the U.S. Department of Justice, initiate criminal investigations into the circumstances surrounding Mrs. Carr's and her sister's various attempts to obtain immigration benefits.

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

USPS OIG and DoJ Relief Completely Misstated

USPS OIG Refused to Report Federal Crimes Or Insist on Corrections

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

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

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

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

Since 2017 USPS Management Has Not Funded Corrections

Possible Conflict of Interest And Additional Federal Crimes

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

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

No Prosecution Recommended For USPS

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

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

Four DoS Causes of Action are For Non Immigration Visas

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

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

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

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

⁹ [INA 214\(b\)](#) is [8 USC § 1184](#)- Admission of nonimmigrants which states:

(b) Presumption of status; written waiver

Every alien ... shall be presumed to be an immigrant until he establishes to the satisfaction of the consular officer, at the time of application for a visa, and the immigration officers, at the time of application for admission, that he is entitled to a non immigrant status under section 1101(a)(15) of this title.

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

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

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

DoS OIG Audit Documents DoS Violations of [INA 214\(b\)](#)

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

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

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

Criminal Investigations Not Sought, Instead Enforce the Law

Immigration and Non Immigration Visas Completely Different

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

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

In this light, the court's claim that we asked that the court mandate that DoJ:
initiate criminal investigations into the circumstances surrounding Mrs.
Carr's and her sister's various attempts to obtain immigration benefits.

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

Lawful Visa Processing Benefits All Individuals

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

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

The Court Misstates / Conceals USCIS Failures

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

He also sought an order from the Court mandating that various federal agencies, including the U.S. Department of Justice, initiate criminal investigations into the circumstances surrounding Mrs. Carr's and her sister's various attempts to obtain immigration benefits.

USCIS Violated Statutes and Left Mrs. Carr Stranded in Thailand

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

USCIS Did Not Provide 10 Year Green Card Required By Statute

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

¹⁰ [8 CFR 216.4\(b\)\(1\)](#) states:

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

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

Mrs. Carr Left Stranded in Thailand

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

Relief Sought is USCIS and DoS to Obey Lawful Statutes

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

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

Mrs. Carr Unlawfully Denied the Privileges of Citizenship

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

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

¹¹ [8 CFR 216.4](#) states

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

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

However, USCIS refused to schedule an appointment for my wife to take the Oath of Allegiance for over two years and all her other USCIS documents of her lawful permanent resident status expired (ECF 24-1, 18-6, 20-2), and, contrary to law¹², with no ten year 'green card' she had realistic fears of being deported at any time by ICE (she doesn't trust U.S. immigration), vigilantes (under Texas SB4), or National Guardsmen (on day one to deport millions of illegals who are poisoning the blood of our nation), perhaps to a harsh maximum security prison in El Salvador.

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

Court Assists USATXN in Concealing Mrs. Carr's Plight

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

¹² INA 264 is [8 USC § 1304](#) which in (d) states:

(d) Certificate of alien registration or alien receipt card

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

assistance in resolving this critical need.

Defendants' [FRCP Rule 56\(d\)](#) Affidavit Woefully Inadequate

ECF 18 was a combined response and a Motion for Partial Summary Judgment (MfPSJ) on 29 Mar 2024 where I asked the court to end my wife's plight of being an apparent illegal alien. AUSA Padis responded with a [FRCP Rule 56\(d\)](#) Motion¹³ (ECF 22) and 56(d) Affidavit (ECF 23) on 17 Apr 2024 which was woefully inadequate and did not meet any of the requirements specified by [FRCP Rule 56\(d\)](#) which states:

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

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

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

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

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

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

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

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

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

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

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

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

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

USCIS Approves Citizenship, Denies Citizenship After 8 Month Delay

Plausible Whistle Blower Retaliation

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

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

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

USCIS Refuses to Grant Promised Citizenship, Delays then Denies

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

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

USCIS Denies Citizenship Improperly

On 13 Oct 2023 (ECF 10-10) denied my wife's N-400 application for citizenship.

There were many problems with this denial:

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

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

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

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

DHS OIG Notified of Possible Retaliation for Complaints

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

The Court Conceals Serious Violations

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

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

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

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

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

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

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

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

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

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

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

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

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

that various federal agencies, including the U.S. Department of Justice, **initiate criminal investigations into the circumstances** surrounding Mrs. Carr's and her sister's various attempts to obtain immigration benefits.¹⁵

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

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

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

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

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

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

¹⁵ Bold added by Plaintiffs.

¹⁶ Bold and italics added by Plaintiffs.

¹⁷ Bold and italics added by Plaintiffs.

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

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

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

Every Primary Defendant Has Outstanding FOIA Requests

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

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

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

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

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

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

Novel Challenges to DoCNR Not Considered By Court

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

Supreme Court Considers Citizens' Rights As Challenge for DoCNR

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

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

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

Sovereign Immunity Does Not Apply to DoS Claims

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

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

Credit for Future Services Different From Cash Payments

Sovereign Immunity Precludes Unauthorized Cash Payments

Credit for Future Services Substantially Different, Not Precluded

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

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

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

Removal of Plaintiffs Does Not Protect DoS Or USCIS

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

Actual Payments Made by Mr. Carr to DoS and USCIS

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

Novel Legal Theories Must Be Allowed Past Motion to Dismiss

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

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

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

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

The DoS Count Likely to Be Appealed

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

Preserve Objection to [FRCP Rule 56\(d\)](#) Motions

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

Objection to Local Rules LR 72.2 Addition of Reply

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

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

Sanctions Are An Essential Element of Our Adversarial Judicial System

Sanctions Are Under Utilized According to Supreme Court

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

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

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

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

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

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

Defendants sufficiently to justify consideration of their response.

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

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

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

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

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

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

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

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

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

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

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

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

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

The Courts Must Prevent False and Improper Filing of Papers

Congress Granted Courts' Ability to Manage Documents Filed in Court

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

A straightforward interpretation of section [1001](#)'s text... leads inexorably to the conclusion that... the statute's reach simply does not extend to courts.

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

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

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

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

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

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

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

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

Supreme Court Introduces [FRCP Rule 11\(c\)\(2\)](#) Sanctions For Deterrence

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

The [FRCP Rule 11](#) Notes of the Supreme Court Advisory Committee on Rules - 1983 Amendment states:

Experience shows that in practice **Rule 11 has not been effective in deterring abuses...** There has been considerable confusion as to

- (1) the circumstances that should trigger striking a pleading or motion or taking disciplinary action,
- (2) the standard of conduct expected of attorneys who sign pleadings and motions, and
- (3) the range of available and appropriate sanctions...

The new language is intended **to reduce the reluctance of courts to impose sanctions...** by emphasizing the responsibilities of the attorney and reinforcing those obligations by the imposition of sanctions.

The text of the amended rule seeks to **dispel apprehensions that efforts to obtain enforcement will be fruitless by insuring that the rule will be applied when properly invoked.** The word "sanctions" in the caption, for example, stresses a deterrent orientation in dealing with improper pleadings, motions or other papers.²⁰

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

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

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

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

The court has significant discretion in determining what sanctions, if any,

²⁰ Bold added by Plaintiffs.

should be imposed for a violation, subject to the principle that **the sanctions should not be more severe than reasonably necessary to deter repetition of the conduct** by the offending person or comparable conduct by similarly situated persons...

Since the purpose of [Rule 11](#) sanctions is to deter rather than to compensate, the rule provides that ... If, for example, a wholly unsupportable count were included in a multi-count complaint or counterclaim ... any award of expenses should be limited to those directly caused by inclusion of the improper count, and not those resulting from the filing of the complaint or answer itself...

the standard for appellate review of these decisions will be for abuse of discretion. See *Cooter & Gell v. Hartmarx Corp.*, 496 U.S. 384 (1990) (noting, however, that an abuse would be established if the court based its ruling on an erroneous view of the law or on a clearly erroneous assessment of the evidence).²¹

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

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

Courts Must Balance Strong Advocacy With Requirement for Truth

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

²¹ Bold added by Plaintiffs.

here.

ECF 79 Is Valid Motion for Sanctions

ECF 86 Response Submitted Late and Without 'Standing'

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

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

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

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

the option of:

referring the matter to disciplinary authorities (or, in the case of government attorneys, to the Attorney General, Inspector General, or agency head)...or...

defer its ruling... until final resolution of the case in order to avoid immediate conflicts of interest and to reduce the disruption created if a disclosure of attorney-client communications is needed to determine whether a violation occurred

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

Court Did Not Carefully Consider Sanctions Against Mr. Padis

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

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

The United States Magistrate Judge then **carefully considered those arguments** [in ECF 30 concerning sanctions against Mr. Padis], and in an opinion issued on February 26, 2025, rejected them. (Doc. 59.) Plaintiff may disagree with the decision, but he has not and **cannot demonstrate any error**.²²

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

Courts' Summary Finding is Abuse of Discretion

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

²² Bold added by Plaintiffs.

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

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

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

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

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

²³ Bold added by Plaintiffs.

Every Claim of Sanctionable Conduct is Clearly Established

One False Claim of Frivolous Allegations is Particularly Egregious

Padis Argument of Frivolous Allegations is Completely False

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

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

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

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

Starrett Standard of Frivolous Not Met

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

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

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

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

There Are No Allegations in the Complaint As Described By Padis

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

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

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

Sanctions Justified By ‘Frivolous Allegations’ Argument

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

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

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

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

10 Year Green Card and Citizenship Approved, Nothing Provided

Decision of USCIS Approves Both Green Card and Citizenship

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

We have approved your I-751, Petition to Remove Conditions on Residence. Our records also indicate we have approved your Form N-400 Application for Naturalization. Because we also approved your N-400, you will not receive a new Permanent Resident Card (also known as a Green Card). Instead, once you have taken the Oath of Allegiance, you will receive a Certificate of Naturalization, which will be proof of your U.S. citizenship. See the complaint, ECF 29 para 163.

Mrs. Carr Left as an Apparent Illegal

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

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

ECF 24-1 Mrs. Carr Permanent Resident Card, redacted, expired 13 Nov 2020

ECF 18-6 USCIS 24 month extension letter, expired 13 Nov 2022

ECF 20-2 USCIS A-551 passport stamp, expired 2 Jan 2024

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

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

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

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

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

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

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

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

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

obligation to sanction attorneys who file briefs which violate [FRCP Rule 11](#).

ECF 83 Is Valid Motion for Sanctions

ECF 87 Response Has False and Misleading Statements, is Sanctionable

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

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

AUSA Parker Did Not Respond to Notice of Current Conference Results

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

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

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

I hope you have had a good week.

I noticed that you have been added to this matter and may be taking responsibility for the DoJ response in this matter. As you may already be aware there are three [FRCP Rule 60](#) motions pending (as described in ECF 67). On 6 May 2025, Ms. Owen stated 'I am not filing any response' in our discussion of these motions. Are you planning on filing any responses (opposing these motions)?

Thanks for your attention to this matter.

Wishing you all the best, Brian ...

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

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

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

Certificate of Conference (ECF 73) Correctly States UNOPPOSED

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

On 6 May 2025 via email AUSA Owen stated 'I am not filing any response'. However, on 13 Jun 2025 DoJ submitted Notice of Substitution of Counsel (ECF 72) designating AUSA Tami Parker as lead counsel.

Also on 13 Jun 2025 I sent an email to AUSA Parker ... informing her that the current DoJ response was 'not filing any response' which is UNOPPOSED and asking AUSA Parker if DoJ would be 'filing any responses (opposing these motions)?'

AUSA Parker has not sent any response to date.

AUSA Parker Falsely Claims Inadvertence

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

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

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

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

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

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

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

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

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

AUSA Parker Falsely Misstates My Concerns About Inadvertence

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

In ECF 87 AUSA Parker states:

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

The actual text in ECF 75 at 16 states:

AUSA Parker goes on to claim to have 'inadvertently' not responded to my email (ECF 74 Response) even though she has still not responded. In truth, she could have responded at any time and certainly should have responded before submitting the Response, ECF 74, where she claims the failure was inadvertent.

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

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

Substitution of Counsel Does Not Invalidate Completed Conferences

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

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

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

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

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

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

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

AUSA Parker Falsely Summarizes Mr. Padis Email Exchanges

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

False Summarization by AUSA Parker

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

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

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

²⁴ Bold and Italics added by Plaintiffs.

Actual Events Suggest Criminal Violations by AUSA Parker

Mr. Padis Falsified Documents And Pretended No Service

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

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

Court Declined to Consider Sanctions Under [FRCP Rule 11\(c\)\(3\)](#)

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

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

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

²⁵ Bold added by Plaintiffs.

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

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

Preliminary Email to Determine if Electronic Service Possible

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

FRCP Rule 5 Service By Mail on 29 Aug 2025

- On 29 Aug 2025 I mailed a paper copy to AUSA Padis at his last known address (in accordance with FRCP Rule 5) which was:
George M Padis (Assistant United States Attorney)
Texas Bar No. 24088173
1100 COMMERCE ST FLOOR NUMBER 3
DALLAS, TX, 75242-1001
(see Certificate of Service in ECF 79, ECF 79 was filed in ECF on 27 Sep 2025). It is important to note that as the motion was mailed to Mr. Padis at his last known address the effective date of service was 29 Aug 2025.

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

AUSA Parker Threatens to Interfere with Service, Retain Legal Papers

Threatens Punishing Motions to Deter Sanctions

- On 2 Sep 2025 AUSA Parker stated in an email (ECF 86-2):
I see by your email dated September 1, 2025, that you have found an email address for former AUSA George Padis and forwarded a copy of your proposed motion for sanctions to him.

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

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

²⁶ Bold added by Plaintiffs.

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

Please provide Defendants with your position on any such motions.

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

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

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

- On 4 Sep 2025 at 4:13PM I responded to AUSA Parker stating (ECF 90-1):
On reflection, I am troubled by your statement:

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

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

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

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

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

AUSA Parker Falsely Claims Mail Was Addressed to AUSA Parker

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

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

AUSA Parker Informed Mail Was Addressed to AUSA Padis

Personal Mail Can Not be Retained By Another Person

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

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

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

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

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

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

Mr. Padis Informed of Criminal Violations To Prevent Service

- On 5 Sep 2025 at 6:11 PM I emailed Mr. Padis stating (ECF 83-1):
I presume you have seen the discussions of proper service and Ms. Parker retaining the mailed document.

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

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

- On 5 Sep 2025 at 8:01 PM Mr. Padis replied (ECF 83-1):
I'm not sure I understand fully what you mean. I'm not a party to any proceeding, concerning which I would be "served." Nor am I counsel of record for any government matters anymore.

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

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

AUSA Alters the Sequences of Events to Conceal Criminal Behavior

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

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

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

In fact AUSA Parker prompted my concerns²⁸ about criminal interference in her email on 2 Sep 2025 (ECF 86-2) with 'I will take no further action'. The exchange which followed clarified that she could not retain U.S. mail which was addressed to Mr. Padis without permission and ended two days later when Mr. Padis provided that permission by acknowledging that he had received a copy of the motion.

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

²⁷ Bold added by Plaintiffs.

²⁸ [FRCP Rule 5](#) states:

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

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

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

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

AUSA Parker Falsifies Address For Mail to Conceal Crime

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

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

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

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

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

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

Mr. Padis and AUSA Parker Both Misconstrue Jurisdiction for Sanctions

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

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

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

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

Sanctions Required To Deter Blatant Challenges to Courts' Jurisdiction

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

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

Community Service Suggested As Alternative Sanction

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

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

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

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

Sanctions Of Some Nature Justified Under [FRCP Rule 11\(c\)\(2\)](#)

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

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

Courts Application of Sanctions Highly Biased and Misleading

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

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

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

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

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

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

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

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

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

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

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

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

promptly addressed as requested

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

Only Four Adversarial Motions Since First FCR (ECF 61)

After the first FCR (ECF 61) there were:

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

violations.

Admonishment of Vexatious Not Appropriate Sanction

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

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

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

Conclusion

Removal of Two Plaintiffs As Sanctions for Inadvertent Errors

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

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

False Statements Used to Claim Sovereign Immunity for Five Counts

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

FOIA Requests Ignored to Dismiss All Counts

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

Ignores Novel Legal Theories Challenging Existing Case Law

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

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

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

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

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

Sanctions Applied With Apparent Bias

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

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

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

Respectfully submitted,

Verification of Motion

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

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

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

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 24. Nov. 2025

Location: Irving, Texas

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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

**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

Notice of Objections to FCR (ECF 91)

Certification of
Electronic Signature (ECF 76-1)

**Notice of Objections to FCR (ECF 91)
and
Certification of Electronic Signature (ECF 76-1)**

I Rueangrong Carr am in Irving Texas, have reviewed the proposed second amended complaint, and hereby consent to my electronic signature of that document.

/s Air Carr

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061
Date: 19 Aug 2025
Location: Irving, TX

**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

Notice of Objections to FCR (ECF 91)

Certification of
Electronic Signature (ECF 76-1)

Notice of Objections to FCR (ECF 91)

and

Certification of Electronic Signature (ECF 76-1)

I, Buakhao Von Kramer, am at Bangkok, Thailand, have reviewed the Proposed Second Amended Complaint and consent to my signature on the document.

ฉัน บัวขาว ฟอน คราเมอร์ อาศัยอยู่ในเชียงใหม่ ประเทศไทย ได้ตรวจสอบคำร้องแก้ไขครั้งที่สองที่เสนอแล้ว และยินยอมให้ลงนามในเอกสารดังกล่าว

/s Buakhao Von Kramer

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

Date: 20 Aug 2025

Location: Bangkok, Thailand

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRIAN P. CARR, et al.

v.

UNITED STATES OF AMERICA, et
al.

§
§
§
§
§
§

CIVIL ACTION NO. 3:23-CV-2875-S-BT

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The Court reviewed de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Accordingly, Plaintiffs' motions (ECF Nos. 64, 65, 67, 71, 73, 76, 79, 83, 84, and 85) are **DENIED**.

Further, the Court warns Plaintiff Brian P. Carr that if he continues to file documents that urge the same arguments already considered by the Court, the Court may find that he is a vexatious litigant and impose appropriate sanctions.

SO ORDERED.

SIGNED December 15, 2025.


UNITED STATES DISTRICT JUDGE

**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 Verified¹ Notice Of Appeal, Complaint of Federal Crimes, and Request for Relief

**Verified Notice of Appeal,
Complaint of Federal Crimes, and
Request for Relief**

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Introduction

Notice of Appeal Against Orders of District Court

This Notice of Appeal is against orders of the district court in this matter:

- ECF62 on 21 Mar 2025 accepting the FCR ECF61 on 27 Feb 2025,
- ECF63 on 21 Mar 2025 dismissing the matter, and
- ECF95 on 15 Dec 2025 accepting the FCR ECF91 on 10 Nov 25 and denying motions for relief ECF 64, 65, 67, 71, 73, 76, 79, 83, 84 and 85

Falsified Decisions and Orders to Conceal Actual Claims

In this matter the trial court committed federal crimes and violated [18 USC § 1001](#) to conceal the actual claims by the plaintiffs and conceal violations by government agencies, DoJ, and the court.

There were several interesting legal questions which were:

- intended to be raised on appeal,
- properly raised before the court, and
- were concealed by the court so that there is no answer from the court.

Separate Complaints Against Trial Court Pending

The appellate court is asked to promptly resolve the current Misconduct Complaints which were provided to the clerk on 2 Jan 2026 against Magistrate Rutherford and Judge Scholer rather than delaying the resolution of the complaints until the matter is appealed. Any actual appeal is problematic until the crimes of the trial court and DoJ representatives are resolved. Further, default relief is

sought as deemed appropriate by this court.

Claims Against USPS, DoS and USCIS Summarized For Clarity

There will be a brief summaries of the main claims against the United States Postal Service, the Department of State (DoS) and United States Citizenship and Immigration Services (USCIS) to provide a context with serious nature of the claims and the relief sought.

Motions for Sanctions Appealed, Have Independent Jurisdiction

Prompt Resolution Requested

There were two Motions for Sanctions under [FRCP Rule 11\(c\)\(2\)](#) in ECF79 against Mr. Padis and ECF83 against AUSA Parker which the trial court denied in the FCR ECF91 ad the Order ECF95. These denials relied on false and misleading statements to justify the denial. Needless to say this appeal is based on 'Abuse of Discretion' the usual metric for denied motions for sanctions as consideration of federal crimes of falsification of government records is never within the discretion of the court..

This Notice of Appeal grants the appellate court jurisdiction over these now separate matters.

The appellate court is asked to order sanctions as it deems appropriate being mindful that in these circumstances sanctions are not intended to be retribution but rather a deterrence against future violations. Given the courts' apparent reluctance to issue sanctions under any circumstances, even minor sanctions such as community service could serve as a substantial deterrence against future

transgressions.

Complaints Against Trial Court Previously Submitted

Of course the normal appeal process is not designed to handle federal crimes where the court colludes with DoJ and government agencies to prevent a fair hearing and conceal violations. As such, separate misconduct complaints against Magistrate and Judge Scholer were submitted to the Clerk of Appellate Court on 2 Jan 2026. Copies of these complaints are attached as ECF96-1 and ECF96-2. The appellate court is asked to resolve these complaints promptly before considering the actual issues under appeal. In that regard, this Notice of Appeal grants the appellate court jurisdiction so that it can not only sanction the trial court as appropriate but also begin the process of remediating the errors. Along with sanctions the appellate court is asked to rescind the defective orders, recuse Magistrate Rutherford and Judge Scholer, and remand the matter to the trial court with the appellate court directing appropriate immediate relief in those cases where the relief is well supported by the proposed 2nd Amended Complaint and underlying evidence and law.

Appellate Courts Ability to Resolve Disputes Limited By Circumstances

A few of the questions to be answered on appeal will be mentioned below but the appellate court can not really answer some of these questions as there is no answer from the court. While it can be argued that the defendants and the trial court gave up their right to be heard on this matter by refusing to answer and instead criminally colluding to conceal the actual claims (which is a form of admission that the claims were well founded with incontrovertible evidence), in even a default judgment there are some facts which need to be resolved. For example, with USCIS, DoS, USPS, and the IRS, there are broad corrections which are proposed,

but the viability of the proposed solutions depends on whether there are dozens or even thousands (or potentially millions) of similarly situated individuals. It would be irresponsible for the appellate court to try and craft broad solutions to broad problems without tasking the trial court to determine the general magnitude of the problems so that any broad solution will be viable.

The Court Completely Ignored the DoS Non Immigration Visa Claims

In the misconduct complaints ECF96-1 and ECF96-2, it is documented how the court made false and misleading statements to completely ignore the well justified and interesting claim against Department of State (DoS) and DoS Office of the Inspector General (OIG).

Challenges to DoCNR Never Answered By the Court

Some of the interesting questions intended for appeal include:

can Department of State (DoS) Bureau of Consular Affairs (BCA) deny a non immigrant visa to the wife of U.S. citizen²:

- without considering the evidence presented as required in INA 214(b) which is [8 USC § 1184](#),
- without permitting the citizen spouse to attend the interview,
- without permitting the U.S. citizen or applicant representation,
- without permitting the U.S. citizen or applicant access to the other evidence which DoS BCA uses to make a determination,
- providing the tribunal as little as two minutes on average to interview and process each application (which guarantees that the decision won't be based on evidence but instead superficial criteria such as quality of dress and speech which is not part of INA 214(b))³
- based on criteria outside the underlying statute, INA 214(b), and

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

3 This failure of DoS was mentioned tangentially in [Department of State v. Munoz \(S. Ct. 2024\)](#) citing DoS OIG investigations and reports.

- falsifying the decision records (video and written) with contradictory justifications?

This appears to be a proper set of questions for appeal, but the answers would be the court did not address the questions but instead lied and misled in its decisions to conceal the question. The circumstances for these questions and the relief sought are listed in the complaint ECF29 in Counts 3 and 4 and Reliefs 8 to 14.

This is an important challenge to the controversial Doctrine of Consular Non Reviewability (DoCNR, a creation of the circuit courts over a hundred years ago with no foundation in the constitution or statutes) but how can the circuit court decide a question which was properly presented to the court but which the court did not properly answer? Indeed there are separate briefs concerning these issues in ECF75-5, ECF75-6 and ECF75-7.

Does the Recent ‘Fee For Service’ Model Support Court Ordered Redo

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

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

Background With USCIS Violations

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

Stranded in Thailand

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

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

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

encountered.

Citizenship Approved, Instead Left As Apparent Illegal

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

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

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

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

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

Can the Appellate Court Decide Questions With Incomplete Record?

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

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

Should the resolution of these issues be delayed with the normal appeal process which can take several years or should the misconduct complaints instead be fast tracked relying on the appellate jurisdiction provided by the Notice of Appeal so that the 5th Circuit Court can simply order the required corrections (recuse, sanction, and immediate remand to new judges).

Congress Authorized USPS Refunds in Special Cases

In FCR ECF61, the court 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))).

and proceeds to dismiss the USPS claim based on the absence of a waiver of federal sovereign immunity. However, this is a false conclusion as explained in ECF75-2 where the USPS claims are fully elaborated.

To summarize that brief, sovereign immunity does not apply to 'guaranteed

delivery' packages as explained in [Dolan v. Postal Service, 546 U.S. 481 \(2006\)](#) which says that USPS was authorized to provide special services with associated refunds in 39 USC § 381 (1946 ed.) as now embodied in [39 CFR § 111.1 \(2005\)](#) (incorporating by reference the current Domestic Mail Manual).

Indeed we did purchase such special services through 'Guaranteed Delivery' (ECF18-3) and, after an administrative appeal, the refund of \$26.35 was approved with 'Dispute Paid' (ECF18-8). However, USPS appears to have never actually credited our account with this payment so this is actually not a claim for late delivery, but instead failure to pay an amount due. While a contract law claim might be warranted, we are instead seeking a credit for future services as discussed above.

Trial Court Made False Statements Concerning Motions for Sanctions

FCR ECF91 stated:

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

Trial Court References to Previous Motion Are False

However, Decision ECF59 stated:

The Court does not find Defendants' conduct sanctionable and declines to issue sanctions under its inherent authority.

based solely on a summary of my complaints in Motion for Sanctions ECF30 that:

Defendants' Motion to Dismiss [ECF15] was replete with **legal and factual issues** and filed for purposes of delay, and that Defendants made **false statements over an email regarding the Motion.**^{4 5}

The Court Did Not Actually Consider Merits of Prior Motion

This summary was misleading as I had complained of false statements, misleading statements, and legal arguments which were totally without merit. It is misleading to summarize serious defects as 'legal and factual issues'. Indeed under this standard, no legal paper would be sanctionable under [FRCP Rule 11\(c\)](#) except at the whim of the court as the rule only prohibits false and misleading statements (factual issues) and legal arguments which are totally without merit (legal issues) and the court can simply decline to issue sanctions.

There was no consideration of the actual nature of the legal and factual issues in ECF30 apparently excusing any and all legal and factual issues which definitely rises to the level of 'abuse of discretion'. The court must consider the actual nature of the 'legal and factual issues' and whether they were:

4 Bold added by Plaintiffs.

5 It is interesting to note that the court altered 'legal and factual issues' in ECF 59 to instead be 'legal and factual inaccuracies' in ECF91. The difference is slight and shows that the court has shirked its responsibility. It is the court's responsibility to identify:

- intentional false material statements and legal arguments which must be sanctioned and
- grammatical and typographical mistakes which are not material which the court can declare benign and not warranting sanctions.

Even minimal court consideration requires this categorization and it is an abuse of discretion to just declare them 'legal and factual issues' before declining to issue sanctions.

- actual false or misleading statements or
- fundamentally flawed legal arguments with no reasonable chance of success,
- material to the case, and
- intentional (largely determined by the response to ensuing discussion concerning sanctions).

However, I would argue that if a court finds that a party had intentionally made false or misleading statements which are material to the case in a paper submitted to the court, then it is an abuse of discretion to not issue sanctions. Of course, the court retains option of choosing sanctions which it deems sufficient to deter future violations which can be simply admonishing the party to not repeat the behavior. This option of simple admonishment applies equally to fundamentally flawed legal arguments.

Motion For Sanctions ECF79 Relied on FRCP Rule 11(c)(2)

Preliminary Service Required for FRCP Rule 11(c)(2) Motions

While ECF79 did indeed raise some of the same issues as ECF30, there was preliminary service as required by FRCP Rule 11(c)(2). FRCP Rule 11(c)(2) motions were created by the Supreme Court to encourage the courts to actually issue sanctions rather than just declining to issue sanctions which had been a problem previously. As such, on reviewing a properly briefed FRCP Rule 11(c)(2) motion for sanctions, the court must consider the underlying facts and circumstances and determine if sanctions are required. However, simple admonishment remains an option as actual sanctions.

As the ECF59 decision had 'declines to issue sanctions' resubmitting the concerns via an FRCP Rule 11(c)(2) motion was a proper prelude to filing for an interlocutory appeal of the negligence of the court for 'abuse of discretion' for

refusing to consider sanctions for serious violations of [FRCP Rule 11\(c\)](#), the bar association code of ethics, and federal criminal statutes (which should be referred to the proper authorities in the event of criminal violations according to the Notes of the Supreme Court Advisory Committee).

Court Intentionally Concealed Serious Nature of [18 USC § 1001](#) Violation
Decision ECF59 also included the misleading statement:

made false statements over an email regarding the Motion. Id.

This appears to mean 'that false statements regarding the motion ECF30 were sent via email' which is false. The false statements were part of an email thread in ECF28-1 and were prior to DoJ appearing in this matter. In the email Mr. Padis claimed that his office had 'no record of having been served' and then pretended that he did not have access to the two physical copies which were available to him. This was part of a trick to seek a delay of almost 60 days. However, as this false statement was in a government email (i.e. record) it was a crime under [18 USC § 1001](#).

It appears that the court was trying to conceal the fact that the claim was material and included in a government record.

Court Falsely Re-characterizes Prior Motion for Sanctions

Falsely Claims That Prior Motion Addressed Collusion

FCR ECF91 stated:

Plaintiff has also filed ... Motions For Sanctions ... in which he accuses the government "colluding" with the Court. See Mots. (ECF Nos. 79 & 83).
These motions raise substantially identical arguments as Plaintiff made in an

earlier sanctions motion that was considered and rejected.

A text search of ECF30 for 'collusion'⁶ clearly shows that there were no references to collusion. Indeed the arguments in ECF79 concerning collusion between Mr. Padis and the court have almost nothing in common with ECF30. The court is using this false statement to discourage an actual review of the compelling arguments that there was apparent collusion between Mr. Padis and the court, a most serious concern.

Court Bias in Sanctions is Indicator of Collusion

Mr. Padis' False Statements in MTD (ECF15) Ignored by Court

One particularly egregious violation of [FRCP Rule 11\(c\)](#) by Mr. Padis was in Argument E where AUSA Padis claimed the entire suit was frivolous based on allegations that the Plaintiffs 'infer conspiracy and false documents from administrative delays'⁷ (of course there were numerous extraneous citations and other distractions to conceal the weakness of this argument).

However, when challenged on this Mr. Padis admitted that while there were numerous well founded complaints of false documents, none were based administrative delays. Further, there were no suggestions of conspiracy (the underlying text string 'conspir' is nowhere in ECF29) but there was an affirmed statement that I had complained to DHS OIG of 'whistleblower' retaliation by USCIS after I had previously complained to USCIS Director, DHS OIG, and my

⁶ The actual text search was for 'collu' ignoring case so that any variant such as 'Colluding' would be identified.

⁷ The purported allegations which 'infer conspiracy and false documents from administrative delays' do not rise to the level of fantastical or delusional, the common standard for frivolous allegations. It is up to the court to determine if there were inordinate delays and whether the delays were the result of normal administrative errors or some conspiracy or false documents. Such an allegation should be resolved by the court but, in fact, there are no such allegation in the complaint.

congressional representative for USCIS leaving my wife stranded in Thailand. Of course, 'whistleblower retaliation' is distinctly different from conspiracy, but even so, that complaint to DHS OIG was based on falsified documents and other violations. There were no delays in the scheduling of N-400 interviews as Mr. Padis later explained.

In short, the entire argument was based on allegations which Mr. Padis had alleged but were not in the actual complaint. To ignore such flagrant violations of [FRCP Rule 11](#) is a clear indicator of judicial bias.

Plaintiffs Denied Due Process for Inadvertent Local Rule Violations

In contrast, the court applied the most arcane local rules to not consider the arguments concerning sovereign immunity as they were not properly presented and then instead of directing that the arguments be resubmitted in accordance with local rules (the normal sanction for such violations), the court dismissed the majority of the claims based on that inadvertent error.

In FCR ECF61 the court stated:

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");

Motion to Rescind ECF73 describes in detail how this is a misapplication of local rule [LR 7.2](#) page Limitations. Violations of local rules only justifies court

sanctions which does not include the denial of the constitutional right to due process and a fair hearing. The court can not dismiss claims based solely on inadvertent violations of local rules (mistakes) but must instead permit / require correction.

Extreme Bias in Sanctions Indicates Bias by the Court

However, the court has demonstrated an extreme bias and likely collusion through the extreme (and likely unconstitutional) sanctions against me while USATXN is granted seemingly unlimited latitude to violate [FRCP Rule 11](#), bar association ethics, federal criminal statutes, and even constitutional rights of individuals.

Second Motion for Sanctions ECF83 Based on Completely New Violations

AUSA Parker Use of 'Inadvertently' Challenged

The Motion for Sanctions ECF83 challenged a claim by AUSA Parker in Response ECF74 that she had 'inadvertently' failed to respond to an email I sent to her when she took over from AUSA Owen. That email informed her of the required conference results in ECF75-1⁸ where AUSA Owen had stated:

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

AUSA Parker went on to imply that I had not followed [LR 7.1\(a\)](#) Motion Practice Conference requirements. AUSA Parker had, in fact, violated [LR 7.1\(a\)](#) in ECF74 by not revising USATXN's conference results when she took over from AUSA Owen and was trying to mislead the court about that fact.

⁸ Local rule [LR 7.1\(a\)](#) requires parties hold a conference before submitting most motions to determine if it is possible to resolve differences without the court's intervention. This allows a motion to be 'OPPOSED' or 'UNOPPOSED' so that the court can promptly dispense with unopposed motions. Of course, an opposing Response is required by local rules within 21 days if a motion is opposed.

A point of fact is that AUSA Parker had made countless decisions to not respond to my email even at the instant before before she typed 'inadvertently'. She still has not responded to the email indicating that it was an active decision (or, perhaps, several decisions).

There are also questions of whether AUSA Parker was trying to conceal the circumstances of AUSA Owen's departure from government service? Did AUSA Parker fire (or force her to resign) AUSA Owen for obeying her oath of office, [FRCP Rule 11](#). bar association ethics and refusing to support FCR ECF61?

Apparent Criminal Collusion Between AUSA Parker and Mr. Padis
After Motion for Sanctions ECF79 was served by mail on Mr. Padis as required by [FRCP Rule 11\(c\)\(2\)](#) for preliminary service in accordance with [FRCP Rule 5](#), it appears that Mr. Padis who had left DoJ and was now a partner in a private law firm, concocted a scheme with AUSA Parker (his apparent replacement as Deputy Civil Chief) to illegally interfere with the delivery of mail with time sensitive legal papers and illegally prevent proper service of the motion ECF79.

Apparent Scheme to Interfere With Delivery of U.S. Mail

When on 2 Sep 2025 AUSA Parker claimed in a government email (ECF83-2) that:

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

she was stating she was going to indefinitely retain those time sensitive legal papers addressed to Mr. Padis. This is a prima facie claim that she was violating [18 USC § 1702](#) and, potentially, [18 USC § 1709](#). Of course it is likely that she was

colluding with Mr. Padis to later falsely claim to the court that he never received proper service as required by [FRCP Rule 5](#) and [FRCP Rule 11\(c\)\(2\)](#). In this case, her criminal violations would also likely include [18 USC § 1001](#) with concealing a material fact (that she had actually forwarded the prior electronic document to Mr. Padis and he had asked that she retain paper document). The details of interaction are in the Motion for Sanctions ECF83.

Conclusion

This appellate court is asked to promptly resolve the judicial misconduct complaints of the federal crimes of making false and misleading statements in orders and decisions. The right to appeal is denied when the defendants and court collude to conceal the violations of the government agencies so that no part of the decision addresses the actual complaint and issues raised. The appellate court is also asked to provide such other and further relief as the court deems appropriate.

Respectfully submitted,

Verification of Notice and Complaint

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

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

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

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 12. Jan. 2026

Location: Irving, Texas

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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

Judicial Council of the Fifth Circuit (JD5C)

Brian P. Carr Complainant versus Rebecca Ann Rutherford Magistrate TXND Subject of the Complaint	Complaint Arising From Proceedings In United States District Court Northern District Of Texas (TXND) Civil No. 3-23CV2875 - S

Complaint Against Magistrate Rebecca Ann Rutherford TXND

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Introduction

Complaint Against Rebecca Ann Rutherford

This is a complaint against an attorney and U.S. District Magistrate, Rebecca Ann Rutherford, who is a member of the Texas Bar Association with bar card number 24007968. This complaint concerns her misconduct in a case which was assigned to her in the United States District Court, Northern District Of Texas (TXND), 3:23-cv-02875-S. Magistrate Rutherford made numerous demonstrably false and misleading statements in the decisions she filed in ECF. This a federal crime under [18 USC § 1001](#) as a court's decisions are considered government records and the current version of that statute specifically includes the judiciary but does have exceptions for papers filed by a party to a judicial proceeding to a judge or magistrate in that proceeding. Papers submitted to the court are governed by [FRCP Rule 11](#).

Further all members of the Texas Bar Association are subject to the Texas Disciplinary Rules of Professional Conduct with the exception of Texas state

judges who are subject to The State Commission on Judicial Conduct.

3:23-cv-02875-S is a suit against 9 government agencies alleging criminal violations of [18 USC § 1001](#) by four agencies as well as violations of individual constitutional rights through the deprivation of due process.

Other Attorneys Apparently Colluded to Conceal Violations

A version of this complaint will be sent concerning violations of the subject of this complaint, U.S. Magistrate Rebecca Ann Rutherford, Bar Card Number: 24007968 will be sent to Office of Chief Disciplinary Counsel (CDC) of the State Bar of Texas.

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

- Mr. George Monroe Padis, Bar Card Number: 24088173
- AUSA Tami C. Parker, Bar Card Number: 24003946
- District Court Judge Karen Gren Scholer, Bar Card Number: 08441725

Federal Judges Are Not Exempt From Bar Association Ethical Standards

Bar Association Membership Optional for Federal Judges

Choosing Bar Association Membership Entails Acceptance of Ethical Standards

The judges in this matter, Rutherford and Scholer, are sitting judges but they are not subject to The State Commission on Judicial Conduct as they are federal judges and the Commission only has jurisdiction over state judges. As federal judges they are not specifically required to be members of the Texas Bar Association but almost all federal judges choose to maintain membership in the state bar. One of

the reasons that state bar membership is expected of federal judges is that it provides a certain level of credibility as to training, knowledge, and ethics.

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

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

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

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

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

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

Important Questions Presented to Trial Court, Not Answered by Court

There are numerous important and interesting legal questions in 3:23-cv-02875-S

which were properly presented to the court. However, instead of addressing the questions, the court criminally falsified and misled its decisions so that it is unclear if the questions can be resolved by appellate review.

Challenges to DoCNR Never Answered By the Court

For example, can Department of State (DoS) Bureau of Consular Affairs (BCA) deny a non immigrant visa to the wife of U.S. citizen¹:

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

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

This is an important challenge to the controversial Doctrine of Consular Non Reviewability (DoCNR, a creation of the circuit courts over a hundred years ago with no foundation in the constitution or statutes) but how can the circuit court

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

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

decide a question which was properly presented to the court but which the court did not properly answer?

Does the Recent 'Fee For Service' Model Support Court Ordered Redo

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

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

Can the Appellate Court Decide Questions With Incomplete Record?

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

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

Should the resolution of these issues be delayed with the normal appeal process which can take several years or should the misconduct complaints instead be fast tracked relying on the appellate jurisdiction provided by the Notice of Appeal so that the 5th Circuit Court can simply order the required corrections (recuse, sanction, and immediate remand to new judges).

Additional Complaint Possible For Violations By Chief Judge Elrod

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

Timeline of Attorneys Involved with This Matter

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

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

There was a pause of almost a year with several motions pending before the court but no activity until the Findings, Conclusions, and Recommendation (FCR), ECF67, of 27 Feb 2025. We had numerous concerns about the FCR, but oddly enough, AUSA Owen refused to submit any responses supporting the FCR (ECF75-1) with:

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

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

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

Timeline Provided With Court Filings and Exhibits

There will be an electronic file provided TimeLine.pdf which lists the various court filings and exhibits with dates and ECF document numbers provided for aid in navigating the various filings. Further, each document from the case 3:23-cv-02875-S will be referenced as ECFnnn where nnn is the ECF document number. When possible electronic copies of each referenced document will be

emailed to the referenced individuals as possible.

If an investigating person would like access to my library of all filings in ECF in 3:23-cv-02875-S, please send me an email at carrbp@gmail.com and I can send a temporary link to a google drive directory with all documents filed in ECF in this matter excluding those sealed for lack of proper redaction.

Background With USCIS Violations

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

Stranded in Thailand

I am a U.S. citizen and married my wife, Rueangrong Carr, a Thai national, in Thailand in 2018. She received an immigration visa and 'conditional' two year green card which expired in 2020 as we had not been married two years when we applied (ECF20-1). We applied for a ten year card as soon as possible (90 days before expiration) but USCIS did not adjudicate the application (waiving interview if necessary) within 90 days as required in [8 CFR § 216.4\(b\)\(1\)](#) and the underlying statute INA 216.4(b) which is [8 USC § 1186b\(d\)\(3\)](#).

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

stress, and inconvenience.

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

Citizenship Approved, Instead Left As Apparent Illegal

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

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

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

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

or even vigilantes (Texas SB4 was active during this period and is still pending).

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

Timeline of Decisions Before Criminally False Dismissal ECF63 and ECF95

Early Decisions By Magistrate Rutherford Flawed, Not Criminal

Mr. Padis lied in a government email to try to trick us into granting him a delay of almost 60 days. I challenged his claim of 'no record of having been served' as clearly false and refused to accept any delay, ECF28-1. While I sent him the requested copy of the Complaint and Summons, I also sent him a copy of the USCIS decision (ECF10-5) which approved both a 10 year green card and citizenship for my wife. I explained that my wife was in dire circumstances as an apparent illegal and terrified of being arrested and departed without cause or notice and asked his assistance in resolving this straight forward claim and offered that the other claims could be resolved at a much more leisurely pace.

Mr. Padis responded by instead filing a Motion to Dismiss (MTD) ECF15 that was flawed in every claim. It appears that Magistrate Rutherford and Mr. Padis then colluded to dismiss the matter without any hearing on any of the substantial issues.

This apparent collusion is described in the Motion for Sanctions ECF79.³

³There had been a previous Motion for Sanctions ECF30 on 8 May 2024 based on [FRCP Rule 11\(c\)\(3\)](#) which is the court's discretion. This motion was denied in ECF59 with 'the Court declines to issue sanctions under its inherent authority' but there was no discussion of the evidence or seriousness of the charges. In response ECF79 was filed under [FRCP Rule 11\(c\)\(2\)](#) which requires preliminary service to the attorney under [FRCP Rule 5](#) but does not depend solely on the court's discretion.

Several of the decisions in this period were biased and had the effect setting up the later dismissal but they were not criminally false.

**FCR ECF61 Dismisses Entire Complaint, Numerous Criminal Falsifications
Insufficient Notice of [FRCP Rule 72\(b\)](#) 14 Day Requirement for Objections**

After a delay of almost a year before any resolution to the pending issues, on 27 Feb 2025 the court issued the FCR ECF61 which recommended the dismissal of the matter. I was unfamiliar with FCR's and the underlying [FRCP Rule 72\(b\)](#) 14 day requirement for objections.

While the court did provide the 5th Circuit Court mandated notice⁴, the court successfully hid the notice by making it particularly inconspicuous (see ECF76). As a result I did not read the notice and instead filed a timely [FRCP Rule 60](#) Motion for Relief (ECF67) where I mistakenly claimed the order dismissing the matter (ECF63 on 21 Mar 2025) was premature.

Clearly this was a mistake on my part and justifies [FRCP Rule 60\(b\)\(1\)](#) inadvertence justification for my failure to file timely objections (I didn't know about the 14 day requirement) which is a forgivable error as the court clearly made the required notice inconspicuous so that I would not read it (ECF76).

FCR ECF61 Had Numerous Criminal False and Misleading Statements
FCR ECF61 recommended the dismissal of the entire case but did so without addressing any of the actual claims such as:

⁴ [Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 \(5th Cir. 1996\)](#) mandated notice for all pro se parties.

- the DoS BCA improper denial of non immigration visas or
- USCIS leaving my wife stranded in Thailand and
- USCIS leaving my wife as an apparent illegal even though they had approved both her ten year green card and citizenship (ECF10-5) which are described above.

There were numerous false and misleading statements in the FCR and the more important of these criminal violations of [18 USC § 1001](#) are described in the Motion to Rescind and Recuse, ECF73. As such one such false statement will be analyzed below as [18 USC § 1001](#) precludes all false statements and the court's claim that USCIS denied non immigrant visa applications can be demonstrated as false with great clarity.

Orders ECF62 and ECF63 Dismissed The Matter Without Any Review

The court dismissed the case in Orders ECF62 and ECF63 on 21 Mar 2025 based on the lack of objections to the FCR ECF61.

This led to timely [FRCP Rule 60](#) Motions ECF67, ECF73, and ECF76 which challenged the court's FCR ECF61 and requested leave to amend the complaint as there were several important changes in circumstances.

Was AUSA Owen Fired For Refusing to Support FCR ECF 61?

While ECF67 was filed on 7 Apr 2025 (well within the required 28 days for extending the right to appeal) and ECF73 was filed on 21 Jun 2025, USATXN did not file any response opposing these motions until 14 Jul 2025 with Response ECF74.

As discussed above, on 6 May 2025, AUSA Owen had stated in an email in

ECF75-1:

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

However, it was not until after AUSA Parker had apparently replaced both Mr. Padis as Deputy Civil Chief and AUSA Owen as lead counsel for this matter that AUSA Parker supported the flawed FCR ECF61 with her Response ECF74.

ECF74 also had numerous false and misleading statements as described in my Reply ECF75 and is one of basis for the ethical violation complaints against AUSA Parker.

FCR ECF91 Affirmed the Dismissal of All Claims With More Falsifications
In FCR ECF91 of 10 Nov 2025, the court defended the dismissal of all claims with more false and misleading statements as described in my Objections ECF92 of 24 Nov 2025. The more flagrant false statements from ECF61 were omitted, but new false and misleading statements were added. As before, only one particularly egregious false statement will be analyzed below with:

Mrs. Carr's and her sister's various attempts to obtain immigration benefits.

FCR ECF61 Mixes Up and Trivializes DoS Claims With False Details
In FCR ECF61 the court attempted to falsify and mislead concerning the actual DoS claim by claiming that USCIS had denied the relevant visa. However, the court did not even casually review the actual claim in ECF29 but apparently just took the false and misleading claims made by Mr. Padis and tweaked them for more impact. The result was a statement that is obviously false.

Specifically in FCR ECF61 in a footnote the court states:

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

However, a review of the Complaint ECF29 and the DoS Counts 3 and 4, on pages 12 to 21 and paragraphs 59 to 123 reveals that it is DoS BCA who processes visa applications. Just reviewing the section headers in ECF29 demonstrates that non immigration visas are the purview of DoS. The claim that USCIS denied visas and then approved them is simply false.

While Magistrate Rutherford might claim that this was a simple mistake and not a federal crime under [18 USC § 1001](#) (which requires intent), this is belied by the fact that when she was given the opportunity to correct this error instead of correcting the error it was just omitted and another false statement added in ECF91.

FCR ECF91 Quotes From Mr. Padis MTD ECF15 With False Statement

No Part of the Complaint ECF29 Sought Immigration Benefits for Buakhao

In FCR ECF91 in Background, the court made the obviously false claim:

He also sought an order from the Court mandating that various federal agencies, including the U.S. Department of Justice, initiate criminal investigations into the circumstances surrounding Mrs. Carr's and her sister's various attempts to obtain immigration benefits.

My wife's sister had not ever applied for immigration benefits. She only applied for non immigration visas so that she could visit the United States as required to start receiving her surviving spouse social security benefits.

This false statement is simply a quote / paraphrase from Mr. Padis' MTD ECF15

which had been demonstrated to be false and misleading in the Motion for Sanctions ECF79. Further Magistrate Rutherford had tweaked the misleading part of the quote by omitting the 'explanation' of 'immigration benefits' as:

including naturalization for Mrs. Carr and a non-immigrant visa for Mrs. Von Kramer

Naturalization and non immigrant visas simply are not immigration benefits and omitting the misleading explanation from Mr. Padis makes the claim simply false.

However, Magistrate Rutherford's reliance exclusively on MTD ECF15 rather than the actual Complaint ECF29 creates the appearance of bias and collusion with Mr. Padis to simply make the troubling claims go away (i.e. a cover up). When the court was asked to sanction Mr. Padis for false and misleading statements, the court had simply declined to issue sanctions. Sanctions for [FRCP Rule 11](#) violations are essential so that the court won't be faced with choosing between the most skillful liars but can instead choose the case with the facts and law to support the relief sought.

In this case the court chose not to sanction the false statements by Mr. Padis and instead relied on his false statements to help in the court's efforts to make this troubling case go away.

TDRPC Rule 4.01 Truthfulness Violated

Such lies as described from FCR ECF61 and ECF91 are not permitted for Texas attorneys as stated in [Texas Disciplinary Rules of Professional Conduct, TDRPC 4.01](#) which states:

Rule 4.01. Truthfulness in Statements to Others

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person;

The false statements made in those FCR's are sanctionable in accordance with [TDRPC 4.01](#) as well as being federal crimes under [18 USC § 1001](#).

Conclusion

The Judicial Council of the Fifth Circuit is asked to consider the violations of Magistrate Rutherford and impose sanctions appropriate for the violations of the [18 USC § 1001](#) and the damages which resulted. Referral to appropriate authorities is also an option.

Of course the sanctions should be primarily focused on deterrence rather than punishment and it is likely that any substantive sanction will have far reaching results with federal judges giving some thought and consideration before falsifying decisions, findings of facts, and orders.

The Judicial Council of the Fifth Circuit is also asked to provide such other and further relief as it deems appropriate.

Respectfully submitted,

Verification of Complaint

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

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

accordance with normal redaction procedures to remove sensitive personal information or other sensitive information as identified in the redaction.

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

/s *Brian P. Carr*

Brian P. Carr
1201 Brady Dr
Irving, TX 75061

Date: 30. Dec. 2025
Location: Irving, Texas

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Judicial Council of the Fifth Circuit (JD5C)

Brian P. Carr Complainant versus Karen Gren Scholer District Judge TXND Subject of the Complaint	Complaint Arising From Proceedings In United States District Court Northern District Of Texas (TXND) Civil No. 3-23CV2875 - S

Complaint Against Judge Karen Gren Scholer TXND

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Introduction

Complaint Against Karen Gren Scholer

This is a complaint against an attorney and U.S. District Magistrate, Karen Gren Scholer, who is a member of the Texas Bar Association with bar card number 08441725. This complaint concerns her misconduct in a case which was assigned to her in the United States District Court, Northern District Of Texas (TXND), 3:23-cv-02875-S. Judge Scholer made numerous demonstrably false and misleading statements in the decisions she filed in ECF. This a federal crime under [18 USC § 1001](#) as a court's decisions are considered government records and the current version of that statute specifically includes the judiciary but does have exceptions for papers filed by a party to a judicial proceeding to a judge or magistrate in that proceeding. Papers submitted to the court are governed by [FRCP Rule 11](#).

Further all members of the Texas Bar Association are subject to the Texas

Disciplinary Rules of Professional Conduct with the exception of Texas state judges who are subject to The State Commission on Judicial Conduct.

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For example, can Department of State (DoS) Bureau of Consular Affairs (BCA) deny a non immigrant visa to the wife of U.S. citizen¹:

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- based on criteria outside the underlying statute, INA 214(b), and
- falsifying the decision records (video and written) with contradictory justifications?

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

This is an important challenge to the controversial Doctrine of Consular Non

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

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

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

Does the Recent 'Fee For Service' Model Support Court Ordered Redo

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

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

Can the Appellate Court Decide Questions With Incomplete Record?

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

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

violations?

Should the resolution of these issues be delayed with the normal appeal process which can take several years or should the misconduct complaints instead be fast tracked relying on the appellate jurisdiction provided by the Notice of Appeal so that the 5th Circuit Court can simply order the required corrections (recuse, sanction, and immediate remand to new judges).

Additional Complaint Possible For Violations By Chief Judge Elrod

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

Timeline of Attorneys Involved with This Matter

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

The filings by AUSA Owen strongly advocated the government's position but did

not stray into false, misleading, or frivolous claims. It is not anticipated that any complaints will be made against AUSA Owen.

There was a pause of almost a year with several motions pending before the court but no activity until the Findings, Conclusions, and Recommendation (FCR), ECF67, of 27 Feb 2025. We had numerous concerns about the FCR, but oddly enough, AUSA Owen refused to submit any responses supporting the FCR (ECF75-1) with:

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

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

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

Timeline Provided With Court Filings and Exhibits

There will be an electronic file provided TimeLine.pdf which lists the various court filings and exhibits with dates and ECF document numbers provided for aid in navigating the various filings. Further, each document from the case 3:23-

cv-02875-S will be referenced as ECFnnn where nnn is the ECF document number. When possible electronic copies of each referenced document will be emailed to the referenced individuals as possible.

If an investigating person would like access to my library of all filings in ECF, please send me an email at carrbp@gmail.com and I can send a temporary link to a google drive directory with all documents filed in ECF in this matter excluding those sealed for lack of proper redaction.

Background With USCIS Violations

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

Stranded in Thailand

I am a U.S. citizen and married my wife, Rueangrong Carr, a Thai national, in Thailand in 2018. She received an immigration visa and 'conditional' two year green card which expired in 2020 as we had not been married two years when we applied (ECF20-1). We applied for a ten year card as soon as possible (90 days before expiration) but USCIS did not adjudicate the application (waiving interview if necessary) within 90 days as required in [8 CFR § 216.4\(b\)\(1\)](#) and the underlying statute INA 216.4(b) which is [8 USC § 1186b\(d\)\(3\)](#).

Instead USCIS issued a 24 month extension letter ECF18-6 which expired in 2022 while my wife was on an emergency trip to Thailand due to the death of her mother and leaving her stranded and unable to return. USCIS claimed they could do nothing to help until my wife returned to the US. I complained to the USCIS Director, DHS OIG, and my congressional representative but no relief was

provided so we got my wife a non immigration visa (tourist visa) at our expense to allow her to board flights and return but with considerable additional expense, stress, and inconvenience.

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

Citizenship Approved, Instead Left As Apparent Illegal

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

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

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

However, even though USCIS is required to promptly administer the Oath of Allegiance ([8 USC § 1448](#) and [8 CFR 337.2](#)) generally within a month, my wife was not permitted to take the oath for over six months denying her the privileges of

citizenship and instead leaving her as an apparent illegal terrified of being arrested and deported without notice or cause by ICE, national guardsmen from elsewhere or even vigilantes (Texas SB4 was active during this period and is still pending).

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

Timeline of Decisions Before Criminally False Dismissal ECF63 and ECF95

Early Decisions By Magistrate Rutherford Flawed, Not Criminal

Mr. Padis lied in a government email to try to trick us into granting him a delay of almost 60 days. I challenged his claim of 'no record of having been served' as clearly false and refused to accept any delay, ECF28-1. While I sent him the requested copy of the Complaint and Summons, I also sent him a copy of the USCIS decision (ECF10-5) which approved both a 10 year green card and citizenship for my wife. I explained that my wife was in dire circumstances as an apparent illegal and terrified of being arrested and departed without cause or notice and asked his assistance in resolving this straight forward claim and offered that the other claims could be resolved at a much more leisurely pace.

Mr. Padis responded by instead filing a Motion to Dismiss (MTD) ECF15 that was flawed in every claim. It appears that Magistrate Rutherford and Mr. Padis then colluded to dismiss the matter without any hearing on any of the substantial issues. This apparent collusion is described in the Motion for Sanctions ECF79.³

³There had been a previous Motion for Sanctions ECF30 on 8 May 2024 based on [FRCP Rule 11\(c\)\(3\)](#) which is

Several of the decisions in this period were biased and had the effect setting up the later dismissal but they were not criminally false.

**FCR ECF61 Dismisses Entire Complaint, Numerous Criminal Falsifications
Insufficient Notice of [FRCP Rule 72\(b\)](#) 14 Day Requirement for Objections**

After a delay of almost a year before any resolution to the pending issues, on 27 Feb 2025 the court issued the FCR ECF61 which recommended the dismissal of the matter. I was unfamiliar with FCR's and the underlying [FRCP Rule 72\(b\)](#) 14 day requirement for objections.

While the court did provide the 5th Circuit Court mandated notice⁴, the court successfully hid the notice by making it particularly inconspicuous (see ECF76). As a result I did not read the notice and instead filed a timely [FRCP Rule 60](#) Motion for Relief (ECF67) where I mistakenly claimed the order dismissing the matter (ECF63 on 21 Mar 2025) was premature.

Clearly this was a mistake on my part and justifies [FRCP Rule 60\(b\)\(1\)](#) inadvertence justification for my failure to file timely objections (I didn't know about the 14 day requirement) which is a forgivable error as the court clearly made the required notice inconspicuous so that I would not read it (ECF76).

the court's discretion. This motion was denied in ECF59 with 'the Court declines to issue sanctions under its inherent authority' but there was no discussion of the evidence or seriousness of the charges. In response ECF79 was filed under [FRCP Rule 11\(c\)\(2\)](#) which requires preliminary service to the attorney under [FRCP Rule 5](#) but does not depend solely on the court's discretion.

⁴ [Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 \(5th Cir. 1996\)](#) mandated notice for all pro se parties.

FCR ECF61 Had Numerous Criminal False and Misleading Statements

FCR ECF61 recommended the dismissal of the entire case but did so without addressing any of the actual claims such as:

- the DoS BCA improper denial of non immigration visas or
- USCIS leaving my wife stranded in Thailand and
- USCIS leaving my wife as an apparent illegal even though they had approved both her ten year green card and citizenship (ECF10-5)

which are described above.

There were numerous false and misleading statements in the FCR and the more important of these criminal violations of [18 USC § 1001](#) are described in the Motion to Rescind and Recuse, ECF73. As such one such false statement will be analyzed below as [18 USC § 1001](#) precludes all false statements and the court's claim that USCIS denied non immigrant visa applications can be demonstrated as false with great clarity.

Orders ECF62 and ECF63 Dismissed The Matter Without Any Review

Judge Scholer apparently had not been directly involved with the case until after the FCR ECF61. At that time Judge Scholer dismissed the case in Orders ECF62 and ECF63 on 21 Mar 2025 based on the lack of objections to the FCR ECF61.

This led to timely [FRCP Rule 60](#) Motions ECF67, ECF73, and ECF76 which challenged the court's FCR ECF61, orders Orders ECF62 and ECF63, and requested leave to amend the complaint as there were several important changes in circumstances.

Was AUSA Owen Fired For Refusing to Support FCR ECF61?

While ECF67 was filed on 7 Apr 2025 (well within the required 28 days for extending the right to appeal) and ECF73 was filed on 21 Jun 2025, USATXN did

not file any response opposing these motions until 14 Jul 2025 with Response ECF74.

As discussed above, on 6 May 2025, AUSA Owen had stated in an email in ECF75-1:

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

However, it was not until after AUSA Parker had apparently replaced both Mr. Padis as Deputy Civil Chief and AUSA Owen as lead counsel for this matter that AUSA Parker supported the flawed FCR ECF61 with her Response ECF74.

ECF74 also had numerous false and misleading statements as described in my Reply ECF75 and is one of basis for the ethical violation complaints against AUSA Parker.

FCR ECF91 Affirmed the Dismissal of All Claims With More Falsifications

In FCR ECF91 of 10 Nov 2025, the court defended the dismissal of all claims with more false and misleading statements as described in my Objections ECF92 of 24 Nov 2025. The more flagrant false statements from ECF61 were omitted, but new false and misleading statements were added. As before, only one particularly egregious false statement will be analyzed below with:

Mrs. Carr's and her sister's various attempts to obtain immigration benefits.

FCR ECF61 Mixes Up and Trivializes DoS Claims With False Details

In FCR ECF61 the court attempted to falsify and mislead concerning the actual DoS claim by claiming that USCIS had denied the relevant visa. However, the court did not even casually review the actual claim in ECF29 but apparently just

took the false and misleading claims made by Mr. Padis and tweaked them for more impact. The result was a statement that is obviously false.

Specifically in FCR ECF61 in a footnote the court states:

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

However, a review of the Complaint ECF29 and the DoS Counts 3 and 4, on pages 12 to 21 and paragraphs 59 to 123 reveals that it is DoS BCA who processes visa applications. Just reviewing the section headers in ECF29 demonstrates that non immigration visas are the purview of DoS. The claim that USCIS denied visas and then approved them is simply false.

While Magistrate Rutherford might claim that this was a simple mistake and not a federal crime under [18 USC § 1001](#) (which requires intent), this is belied by the fact that when she was given the opportunity to correct this error instead of correcting the error it was just omitted and another false statement added in ECF91.

Orders ECF62 and ECF63 Did Not Notice / Correct Error

As described above, I did not file timely Objections to the FCR ECF61 but instead filed timely [FRCP Rule 60](#) Motions so that Judge Scholer only needed to review the FCR ECF61 for plain error. While it could be argued that Judge Scholer should have identified some of the obvious plain errors in the FCR ECF61, such arguments are not compelling and certainly don't rise to federal crimes under [18 USC § 1001](#).

Judge Scholer Signed Off On Demonstrably False FCR ECF91

Judge Scholer Claimed to Have Verified Every Challenged Statement

Judge Scholer's Order ECF95 was notably brief as it disposed of a surprisingly complex case and numerous legal arguments with only:

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The Court reviewed de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court ACCEPTS the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

Accordingly, Plaintiffs' motions (ECF Nos. 64, 65, 67, 71, 73, 76, 79, 83, 84, and 85) are DENIED.

Further, the Court warns Plaintiff Brian P. Carr that if he continues to file documents that urge the same arguments already considered by the Court, the Court may find that he is a vexatious litigant and impose appropriate sanctions.

The first paragraph basically only describes the required process of review for FCR ECF91 and claims that all contested portions of the FCR were reviewed de novo or anew without any presumption that it was correct. As virtually all of FCR ECF91 was challenged in the Objections ECF92, this means that the entirety of the Complaint ECF29 was reviewed along with the denied motions considering the challenges in the Objections ECF92.

As such, Judge Scholer is stating that she had confirmed the accuracy of every statement in the FCR ECF91 including the ones which are demonstrably false and which were challenged in the Objections ECF92. Judge Scholer could not actually

confirm the false statements in FCR ECF91 so the broad claim of confirmation is false.

There are numerous false and misleading statements in FCR ECF91 identified in the Objections ECF92. However, to request sanctions for violating [18 USC § 1001](#) it is only necessary to refute one false statement. We will analyze the same claim that was refuted in the complaint against Magistrate Rutherford though the full analysis of this and other false statements are included in the Objections ECF92.

No Part of the Complaint ECF29 Sought Immigration Benefits for Buakhao

In FCR ECF91 in Background, Magistrate Rutherford made the obviously false claim:

He also sought an order from the Court mandating that various federal agencies, including the U.S. Department of Justice, initiate criminal investigations into the circumstances surrounding Mrs. Carr's and her sister's various attempts to obtain immigration benefits.

My wife's sister had not ever applied for immigration benefits. She only applied non immigration visas so that she could visit the United States as required to start receiving her surviving spouse social security benefits.

This false statement is simply a quote / paraphrase from Mr. Padis' MTD ECF15 which had been demonstrated to be false and misleading in the Motion for Sanctions ECF79. Further Magistrate Rutherford had tweaked the misleading part of the quote by omitting the 'explanation' of 'immigration benefits' as:

including naturalization for Mrs. Carr and a non-immigrant visa for Mrs. Von Kramer

Naturalization and non immigrant visas simply are not immigration benefits and omitting the misleading explanation from Mr. Padis makes the claim simply false.

In this case Magistrate Rutherford chose not to sanction the false statements by Mr. Padis and instead incorporated and relied on his false false statements to help in the court's efforts to make this troubling case go away.

Judge Scholer Required to Confirm Challenged Statements

Before Judge Scholer can confirm FCR ECF91 as correct, each Objection must be compared with the Complaint ECF29 and the FCR. If the Complaint does not support the claim in the FCR, Judge Scholer can not claim to have ‘reviewed de novo’ and ‘Finding no error’ and any such claim is itself a false statement and violation of [18 USC § 1001](#).

TDRPC Rule 4.01 Truthfulness Violated

Such lies as described from Order ECF92 are not permitted for Texas attorneys as stated in [Texas Disciplinary Rules of Professional Conduct](#), [TDRPC 4.01](#) which states:

Rule 4.01. Truthfulness in Statements to Others

In the course of representing a client a lawyer shall not knowingly:

(a) make a false statement of material fact or law to a third person;

The false statements made in those FCR’s are sanctionable in accordance with [TDRPC 4.01](#) as well as being federal crimes under [18 USC § 1001](#).

Conclusion

The Judicial Council of the Fifth Circuit is asked to consider the violations of Judge Scholer and impose sanctions appropriate for the violations of the [TDRPC](#) and the damages which resulted. and impose sanctions appropriate for the

violations of the [18 USC § 1001](#) and the damages which resulted. Referral to appropriate authorities is also an option.

Of course the sanctions should be primarily focused on deterrence rather than punishment and it is likely that any substantive sanction will have far reaching results with federal judges giving some thought and consideration before falsifying decisions, findings of facts, and orders.

The Judicial Council of the Fifth Circuit is also asked to provide such other and further relief as it deems appropriate.

Respectfully submitted,

Verification of Complaint

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

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

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

/s Brian P. Carr

Brian P. Carr
1201 Brady Dr

Irving, TX 75061

Date: 30. Dec. 2025

Location: Irving, Texas

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