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

Brian P. Carr Complainant versus Karen Gren Scholer Bar Card Number: 08441725 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 Karen Gren Scholer, 08441725

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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.

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

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
- U.S. Magistrate Rebecca Ann Rutherford, Bar Card Number: 24007968

Federal Judges Are Not Exempt From Bar Association Ethical Standards

Bar Association Membership Optional for Federal Judges

Choosing Bar Association Membership Entails Acceptance of Ethical Standards

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

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

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

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

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

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

Further, the required Notice of Appeal is planned to be filed on about 12 Jan 2026 as required to support later appeals of the criminally false and misleading decisions of Judge Scholer and Magistrate Rutherford. The primary content of the Notice of Appeal will be the two complaints 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. citizen[1]:

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

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

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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.

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

Background With USCIS Violations

The violations of U.S. Citizenship and Immigration Services (USCIS) is central to

this matter and will be briefly described here.

Stranded in Thailand

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

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

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

Citizenship Approved, Instead Left As Apparent Illegal

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

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

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

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

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

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]

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

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3 There 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.

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 notice[4], 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:

- 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

4 Douglass v. United Servs. Auto. Ass'n, 79 F.3d 1415, 1417 (5th Cir. 1996) mandated notice for all pro se parties.

Motion to Rescind and Recuse, ECF73. 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 for non immigration visas so that she could visit the United States as required to start receiving her surviving spouse social security benefits.[5]

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.

5 The complaint ECF29 in Counts 3 and 4 and Reliefs 8 to 14 describe the problems in getting non immigration visas and corrections sought from DoS, DoS OIG, and even DoJ insuring that the visa application process will comply with due process and all lawful statutes. As my wife and her sister had already received their non immigrant visas the changes were to insure that any renewals or guests we invite to visit us have future visa application processed in a lawful manner.

Judge Scholer Required to Confirm Challenged Statements

Before Judge Scholer can confirm FCR ECF91 as correct, each Objection in ECF92 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.[6]

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 CDC office is asked to consider the violations of Judge Scholer and impose sanctions appropriate for the violations of the TDRPC and the damages which resulted. Suspension could be considered for a period similar to the period where my wife was denied citizenship, her sister was denied social security benefits, and her sons were denied the opportunity to seek better employment opportunities through immediate family member immigration.

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6 The specific false background paragraph refuted above was more thoroughly refuted in Objections ECF92 in the section 'DoS, USCIS, 3 OIGs, CIGIE, and DoJ Claims Mangled Beyond Recognition' on page 21 and in more detail in 'Criminal Investigations Not Sought, Instead Enforce the Law' and 'Immigration and Non Immigration Visas Completely Different' on page 26.

Of course the sanctions should be primarily focused on deterrence rather than punishment and it is likely that any substantive suspension will have far reaching results with federal judges in Texas giving some thought and consideration before falsifying decisions, findings of facts, and orders.

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

Respectfully submitted,

Verification of Complaint

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

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

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

/s *Brian P. Carr*

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Brian P. Carr
1201 Brady Dr
Irving, TX 75061

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

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