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

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. citizen[2]:

- 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 f**alse 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:

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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 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 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 sre 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 ECF75-1[8] 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 idenitifed 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