In the United States Court Of Appeals
for the Fifth Circuit

26-10025

Brian P. Carr,
Rujipas Lawichai,
Rueangrong Carr,
Tanapon Lawichai, and
Buakhao Von Kramer,

Plaintiffs - Appellants

versus

United States of America; United States Department of Justice; United States Postal Service; United States Postal Service; Office of the Inspector General; United States Postal Service Board of Governors; United States Department of State; United States Department of State Office of the Inspector General; Council of the Inspectors General on Integrity and Efficiency; United States Citizenship & Immigration Services; United States Department of Homeland Security Office of the Inspector General; Social Security Administration; Tami C. Parker; George M. Padis; Internal Revenue Service; and Treasury Inspector General for Tax Administration

Defendants - Appellees

On Appeal from the United States District Court
for the Northern District of Texas, Civil No. 3-23-cv-02875-S

Emergency Petition for Rehearing En Banc and Systemic Process Corrections

Brian P. Carr
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Irving, TX 75061
Pro Se Appellant

Certificate Of Interested Persons

The following listed persons and entities as described in 5CCLR 28.2.1 and FRAP 26.1 have an interest in the outcome of this case. These representations are made in order that the judges of this court may evaluate possible disqualification or recusal:

1. Brian P. Carr, Appellant
2. Rueangrong Carr, Appellant
3. Buakhao Von Kramer, Appellant
4. Tanapon Lawichai, Appellant
5. Rujipas Lawichai, Appellant
6. United States of America, et al., App appellees
7. Tami C. Parker, Counsel for Appellees with appealed motion for Sanctions, Appellee
8. George Monroe Padis, previous Counsel for Appellees with appealed motion for Sanctions, Appellee
9. TXDN Magistrate Rebecca Ann Rutherford with misconduct complaint and motion to recuse, potential Appellee
10. TXDN Judge Karen Gren Scholer with misconduct complaint and motion to recuse, potential Appellee

Certificate of Contact / Conference Compliance

In compliance with 5CCLR 27.4 on 28 Oct 2026, advance written notice of this emergency motion was sent via email to opposing counsel, AUSA Tami C. Parker on 28 Oct 2026. On 29 Oct 2026 at 10:34 AM she responded via email with:

> Appellees oppose this motion

As required by 5CCLR 27.4 I called AUSA Parker on the afternoon of 29 Oct 2026 and we spoke briefly confirming that opposing counsel's position is OPPOSED.

As such, appellees / defendants are considered to be OPPOSED to this motion.

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Table of Contents: Basic Abbreviations Used

The following abbreviations are utilized throughout this document to ensure concise, clear arguments and explanations:

Abbreviation: Full Name or Phrase

5CCLR: Rules and Internal Operating Procedures of the Fifth Circuit

AUSA: Assistant United States Attorney

CFRS: Code of Federal Regulations Section

CM/ECF or ECF: Case Management/Electronic Case Files system

DoJ: Department of Justice

Abbreviation: Full Name or Phrase

FCR: Findings, Conclusions, and Recommendations

FRAP: Federal Rules of Appellate Procedure

FRCP: Federal Rules of Civil Procedure

IG: Inspector General

LR: TXND Local Rule

LPR: Lawful Permanent Resident

MTD: Motion to Dismiss

MSJ: Motion for Summary Judgment

MTR: Motion to Reconsider

NOA: Notice of Appeal

OIG: Office of the Inspector General

PACER: Public Access to Court Electronic Records

PII: Personal Identifying Information

ROA: Electronic Record on Appeal

TIGTA: Treasury Inspector General for Tax Administration

TXND: United States District Court for the Northern District of Texas

USATXN: U.S. Attorney's Office for the Northern District of Texas

USCA5 or 5CC: United States Court of Appeals for the Fifth Circuit

USC: United States Code

USCS: United States Code Section (e.g., 18 USCS 1001)

USCIS: United States Citizenship and Immigration Services

USPS: United States Postal Service

Table of Contents: Hyperlink Usage

Understanding Hyperlinks Provided With Case / ROA Citations

To enhance readability and provide easy access to the cited material, our citations

embed hyperlinks using the following conventions:

ECFdktN	Links to a copy of TXND ECF document for case 3:23-cv-02875-S where dktN represents the document number. Example: ECF10-5 links to a copy of TXND ECF case 3:23-cv-02875-S document 10-5.
5CCdktN	Links to a copy of USCA5 ECF Case No. 26-10025 where dktN represents the document number. Example: 5CC35-5 links to a copy of USCA5 ECF document 35-5, an exhibit attached to motion 5CC35-1.
ROAdktNpgNNN	A dual-link citation for documents from the Record on Appeal for Case No. 26-10025. The first portion (ROAdktN) links to the document from the TXND ECF, while the end page number (NNN) links to the document which starts at the specific page number from the USCA5 ROA file. Example: In ROA10-5pg177, ROA10-5 has a link to ECF10-5, the document 10-5 from the TXND ECF. 177 has a different link to the same document extracted from page 177 of the ROA (but none of the preceding or following documents).

Privacy Exceptions: To comply with federal privacy mandates, no hyperlinks are provided for properly sealed documents. Sealed records are referenced using the text format above, but there is no link which prevents public access to the sealed document.

Hyperlinks Included For Existing Records and Exhibits

Exhibits Not Repeated in Every Motion, Hyperlinks Offer Better Access

While it is customary in this court for every motion to have an exhibit for each

referenced document, we have chosen not to clutter the court's record with multiple copies of the same exhibits. If an exhibit is already in USCA5 ECF we instead simple cite 5CCxxx to accurately describe the document referred to and provide easy access to a copy of the document, e.g. ECF10-5 has link to an important exhibit which was provided previously.

If an adjudicator, opposing counsel, or a member of the public wishes to inspect a referenced docket entry, they can click the blue hyperlink to open the file and later easily return to the text of our argument.

Eleven Exhibits Added to the Record With This Petition

To assist the panel in reviewing the procedural chronology and the administrative mistakes and errors that justify this request for review, we are attaching eleven documents as formal exhibits. The first three are affirmed statements which will be referenced in this petition. The remaining eight are referenced in the first exhibit and the full list of exhibits is in that document.

- Exhibit 1 lists the various actions in this matter in TXND and USCA5 which led to a surprisingly long and complex history of motion practice. The statements in Exhibit 1 are strictly factual but are intended to support suggestions that improved written published processes can improve judicial efficiency.
- Exhibit 2 suggests written published processes and Standard Procedural documents to prevent the errors and mistakes described in Exhibit 1 and thereby eliminate the rework and judicial inefficiency (as argued in this Petition).

- Exhibit 3 has a few examples of possible Standard Procedural: Motions, Notices, Memos (for demonstrative purposes only).

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1. Table of Cases

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I. Certificate of Emergency

The undersigned hereby certifies under penalty of perjury that an emergency exists requiring expedited en banc action on this Petition pursuant to 5CCLR 27.3 prior to 18 Nov 2026 for the following reasons:

1. **Imminent Procedural Impasse:** Following the docketing of Appellees' Brief 5CC111 on 28 Oct 2026, Appellants' standard Reply Brief deadline is currently 18 Nov 2026. Without court intervention prior to that date, the appeal will be placed into the administrative queue for merits panel assignment based on an incomplete and rushed placeholder opening brief submitted under protest against duplicate ROAs (there are two ROAs with different pagination, each with different errors, and no reliable certification as to which is the correct ROA).

2. **Jurisdictional Impasse:** Emergency panel order 5CC99-1, entered on 1 Oct 2026, stated in its entirety:

   > IT IS ORDERED that Appellant’s motion for reconsideration of the court orders of September 17, 2026 and September 28, 2026 is DENIED.

   It is clear that this decision was based on the docket text which was incorrect (as will be demonstrated in detail in Exhibit 1, an affirmed statement which lists the various actions in this matter in TXND and USCA5) but the effect was to deny the relief of:

   a) a single correct and accurate ROA

b) the ability to file a compliant brief which includes the arguments of all parties (8 parties were added to the caption after the permitted arguments were fixed) and

c) corrections to the faulty court processes where numerous cascading clerk errors and mistakes prevented a fair hearing as the judges apparently only based their decisions on the docket text which was substantially inaccurate and false.

3. **Irreparable Harm:** The relief sought allows the merit panel to:

a) on-schedule review a fully briefed, compliant Appeal considering all the claims and arguments for all the parties

instead of

b) a non-compliant fractured Appeal where numerous claims and arguments have been precluded through clerk errors and mistakes and there was no fair hearing to support due process requiring further litigation to consider all the precluded issues.

All parties benefit from a prompt and fair hearing on the matters to be considered and once the merit panel convenes it is too late to resolve critical issues which the previous panel had left to 'be carried with the case' in Order 5CC70-1.

II. Petition is Timely (Panel Review MTR Resolved Oct 01, 2026)

United States as a Party Permits 45-Day Filing Window

Pursuant to FRAP 40(a)(1)(A) and FRAP 35(c), in a civil action where the United States, a federal agency, or a federal officer sued in an official capacity is a party, any petition for panel rehearing or rehearing en banc must be filed within 45 days after entry of the order or judgment.

The underlying panel order (5CC99-1) disposing of Appellants' emergency motion was entered on 1 Oct 2026. Because the United States of America, the Department of Justice, the Department of State, the Department of Homeland Security, and associated federal officers are named Appellees in this appeal, the 45-day window applies, establishing a timely filing deadline of Nov 16, 2026. Accordingly, this Emergency Petition is timely submitted well within the statutory period.

III. Statement of Counsel / Pro Se Party (FRAP 40(b)(2))

1. **Judicial Reliance on Inaccurate Clerk Docket Text:** Whether single judges and appellate panels violate due process when they rely exclusively on inaccurate, clerk-generated docket summaries to decide substantive motions, thereby denying judicial review of the underlying motion text and leaving critical record and briefing defects uncorrected.

2. **Structural Impasse Caused by Uncorrected Duplicate ROAs:** Whether requiring pro se litigants to file a final opening brief with mandatory record citation rules (5CCLR 28) when there are duplicate ROAs with different pagination constitutes a structural denial of the right to appellate review.

3. **Judicial Oversight of Automated and Ad Hoc Clerk Workflows:** Whether the systemic absence of published, written administrative standards - resulting in unauthorized motion withdrawals, improper docket modifications, and system-generated invalid extensions - requires en banc intervention to establish judicial supervision over clerk operations and preserve the integrity of the appellate record.

IV. Introduction and Background

1. TXND Case Processing

The matter presented to TXND was somewhat complex with, finally, 5 plaintiffs and 11 defendants which TXND, simply put, did not address but instead the TXND court granted an MTD which was based on false and misleading arguments.

The resulting motions for sanctions against Mr. Padis and AUSA Parker were denied with the court 'declines to issue sanctions' and no further consideration (leading to two additional appellees and two additional potential appellees).

2. USCA5 Clerk Errors Prevent Resolution of Basic Issues

A. Motion 5CC25 Raised Basic Issues For Appeal to Proceed

Motion 5CC25 raised the central issues of amended caption (restoring parties incorrectly removed by USCA5 clerks) together with the associated stay of the briefing schedule and time and length relief to compensate for the problems of consolidating the claims of 5 plaintiffs and, finally, 13 defendants. Sadly, clerk errors delayed the resolution of the caption issues and prevented the resolution of the other reliefs. The details of these clerk errors are fully developed in Exhibit 1.

B. TXND Document Sealing Errors Result in Corrupt ROA

There were also significant problems with the ROA which arose, surprisingly enough, from my failure to properly redact PII in two one page exhibits in TXND. I had corrected those mistakes promptly but TXND process errors led to 25 documents and 133 pages being sealed without any court order and, later, the 2 exhibits with unredacted PII being released to public access.

As the ROA was being reviewed, these hidden errors were exposed and required resolution which, through written process failures, led to the creation of a duplicate ROA with different pagination (putting the 25 documents into the middle of the new ROA rather than supplementing the existing ROA with them at the end).

As we are pro se appellants, we have no access to the actual USCA5 ROA (via a proprietary interface reserved for counsel) and so sought clarification as to which ROA should be used (and how to correct previously filed documents if the new ROA was indeed authentic). No resolution has been provided to date. The details of these TXND errors and their ramifications are fully developed in Exhibit 1.

TXND Corrections Raise New Issue of Sealing Unredacted PII

When the TXND realized that there was no court order supporting the seal of 25 documents, the documents were promptly released to public access, but no corrections were made for the two exhibits with unredacted PII. I sought to correct this ‘error’ only to find that there was a new legal issue of whether USCA5 guidance on protecting public access overrides clear and specific statutes and rules concerning the release of unredacted PII. This unresolved legal question was added to the preliminary appeal but the ROA issues remain unresolved.

3. Three Additional Motions Filed to Correct ROA and PII Issues

Three additional motions were submitted for judicial review to resolve the underlying PII mistakes in the TXND record and the ROA. They are 5CC13, 5CC26 and 5CC32. However, none of the these motions were ever considered via judicial review but were instead sidelined through clerk errors as described in Exhibit 1.

4. Instead of Judicial Review, Case Dismissed Prematurely

Clerk Order 5CC33-1 dismissed the case without the required 15 day notice in 5CCLR 42.3 and efforts to correct the numerous other clerk errors sidelining critical requests for judicial relief converted the docket into a quagmire of corrective motions and additional clerk errors. For example, the clerks would not accept any motion to re-open the case unless the default was remedied with an attached brief. The result finally was motion 5CC46-1 and its associated brief 5CC46-2 (the 2 day single issue brief submitted under protest). The details of all these errors are described in Exhibit 1.

5. Case Reopened With Punitive 7 Days for Compliant Briefing

There Was Never Default, No Justification For Truncated Schedule

The case was reopened with Judge's Order 5CC58-2 but clerk errors had incorrectly updated the docket text for motion 5CC46-1 and the judge never reviewed the motion text. The motion was decided solely on the incorrect docket text which claimed that motion 5CC46-1 was a simple request to reopen the case where the default had been remedied.

Of course the matter was never in default and there were several unresolved issues in motion 5CC25 raised in motion 5CC46-1 and the ROA issues raised in sister motion 5CC45-1 (which was successfully hidden by the clerk when she incorrectly altered motion 5CC45-1 and parent motion 5CC44 as 'withdrawn').

The key point is that clerk errors led to the case being incorrectly forced into an aggressively truncated schedule and deprived us of our due process rights to a fair hearing. The details of all these errors are described in Exhibit 1.

6. Panel Review Provides Caption Relief, Ignores Time, Length Relief

There were several motions necessary to correct clerk errors and get panel review of Judge's Order 5CC58-2. Motions 5CC72, 5CC73 and 5CC74-1 were each submitted to correct errors and defects in the record. Motion 5CC74-1 was particularly interesting as it dealt with process corrections to restrict clerk errors and expanded on motion ECF101.

As there were three pending motions for panel review it is unclear which, if any, was the basis for Panel Order 5CC58-2. However, the unauthorized clerk updates (made without notice) of the docket text for motion 5CC72 make it clear that Panel Order 5CC58-2 was based solely on the incorrect docket text for 5CC72 with no review of the motion text for any actual motion.

Panel Order 5CC58-2 provided caption relief adding 8 parties though it appears the actual caption updates were adjudicated by the clerk in her unauthorized docket update for motion 5CC72. It also provided two weeks to submit a new brief but the duplicate ROAs remain uncorrected (and unusable) and the new brief could not

raise new arguments.

The ban on new arguments was particularly troublesome as the 6 day brief 5CC71 had not given full consideration to all the claims and their variations based on the new parties. We were banned from a fair hearing and fully representing the claims of the new parties.

Further, Panel Order 5CC85-1 denied any length relief which was problematic. As there were now 5 appellants and 13 appellees, there were 65 potential individual appeals and consolidating all the claims into a single joint brief is a complex process which requires time and space. We were given neither with the caption relief.

7. Two Emergency Panel MTR 5CC86 and 5CC92 Required, Both Denied

A. Judge Order 5CC91-2 Based on Docket Text

The confusion in the docket was now rampant with numerous unauthorized and false clerk updates. Panel MTR 5CC86 was clearly seeking a reconsideration of a panel order 5CC85-1 making Judge Order 5CC91-2 an obvious error; single judges simply can not review panel orders. However, this error is not obvious if the judge simply reviews the docket text where the distinction of judge orders and panel orders is not clear.

This is also indicative of the collegial relationship between panel members where the judge is the lead in the panel and simply needs to get the sign off from the other panel members in order to make it a panel order. However, in this case the judge

did not get the required sign off and did not review the actual motion text which would make it clear that the sign off was required.

B. Panel Order 5CC99-1 Based on Docket Text

This appeal is formally from Panel Order 5CC99-1 which was very brief and clearly based on the docket text, not recognizing that motion 5CC92 of necessity also requested that Judge Order 5CC91-2 be vacated. The panel described motion 5CC92 as an MTR of order 5CC91-2 when any review makes it clear that it was a vacate request for judge order 5CC91-2 (no jurisdiction). A vacate requests simply is not an MTR. Of course this distinction is lost in the inaccurate docket text.

C. This Petition Based on Panel Order 5CC99-1, Preserves 5CC77-1

The relief sought in motion 5CC92 clearly preserves motion 5CC77-1 (seeking the same relief) which is still in the nebulous 'no action taken' status meaning it has been deferred and is still awaiting judicial review.

Of course all of the above summaries are explained in detail in Exhibit 1.

8. Numerous Clerk Errors and Mistakes Prevented Fair Hearing

From Exhibit 1, 21 unauthorized clerk updates made this appeal into quagmire with 22 corrective motions / briefs to consider. There were 5 judge / panel orders which came when the case was so complex that the judges relied solely on the docket text and there was no judicial consideration of the original 4 motions seeking judicial review.

9. Written Processes With Focus On Process Improvement Required Provides Improved Judicial Efficiency and Fair Hearing

Exhibit 2 develops the advantages of process improvement through continuous improvement with both improved judicial efficiency as well providing fair hearings. It is also important to note that these same advantages would accrue to lower court such as TXND where the initial errors occurred and the required rework extended into the dysfunctional ROA in this matter.

V. Statement of the Issues

Prong 1: Case-Specific Due Process Breakdown and Briefing Relief

1. Whether the court denied us due process by forcing us to submit opening briefs within accelerated 2-day, 6-day, and 14-day (but no new arguments after 8 parties added to the caption) windows while the record on appeal remained in total flux with two distinct, conflicting versions with different pagination.

2. Whether mandatory record citation requirements under 5CCLR 28 are constitutional under due process when there is no single certified accurate ROA accessible to all parties.

3. Whether we are entitled to an order directing the entry of a single, certified ROA (with supplements as necessary) and establishing a standardized, non-extendable 40-day briefing schedule after the ROA is provided thereby allowing full and fair presentation of all preserved legal claims.

Prong 2: Systemic Administrative Defects and Proposed Written Process Reforms

1. Whether single circuit judges and appellate panels violate fundamental procedural due process guarantees when disposing of substantive motions based exclusively on inaccurate or summarized clerk docket text, rather than conducting judicial review of the underlying motion text.

2. Whether clerk generated orders that deny single judge or panel requested relief, alter briefing schedules, or declare pending panel motions moot violate the jurisdictional boundaries established by FRAP 27(c) and 5CCLR 27.2.

3. Whether the systemic absence of published, reliable written processes governing clerk-level administrative actions—resulting in ad hoc document withdrawals, unauthorized docket modifications, and invalid system-generated automatic extensions—warrants en banc intervention to mandate standing orders and establish a Process Improvement Committee.

VI. Argument and Authority

Prong 1: Case-Specific Due Process Breakdown and Briefing Relief

A. Appellate Review Requires a Single Accurate Record on Appeal

Due process guarantees a fair hearing and a meaningful opportunity to present an appeal. Under 5CCLR 28 and FRAP 28, every assertion in an appellant's brief concerning the record must be accompanied by a specific page reference to the official ROA.

When we were required to submit a compliant brief while there duplicate ROAs with different pagination (transmitted on 15 Apr 2026 and 28 May 2026) containing inconsistent pagination, we were faced with an impossible task that deprived us of our ability to present evidence and have a fair hearing in appellate review.

B. Important Claims Not Included Because of Unjustified Penalties

The 14 Day Brief Limited to No New Arguments and Normal Length

As clearly shown in Exhibit 1, the appeal was incorrectly dismissed even though there had been no 15 day notice as required in 5CCLR 42.3.1.2. However, when the case was reopened the clerk hid the issue of premature dismissal and clerk error.

Instead the clerk falsely altered the docket text to claim that the case was being reopened because the default had been remedied (when in fact there had never been any default, only clerk error which was made uncorrectable by the clerk).

As a result the judge put the case into a punitive mode of unrealistic deadlines (6 day brief). When the caption issue was resolved the new brief was restricted to no new arguments (14 day brief) with no length relief. Once I had run out of time (14 days) and space (brief word count) I filed the brief under protest.

There are several important claims for the new parties which were not developed because of the time and length constraints. I will briefly mention two such claims.

A. Mrs. Von Kramer Denied SSA Declaratory Relief

In proposed Complaint ECF84-1 a relief is included which states:

> 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.

This particular relief was never mentioned or addressed by TXND court but is an interesting challenge to sovereign immunity, DoS failures to abide by lawful statutes and the Doctrine of Consular Non-Reviewability. The implications could be quite far reaching once the associated FOIA totals are available.

B. IRS Ignores Taxpayer Appeals Which IRS Likely to Lose

The IRS has an organization with a revenue bias with the responsibility of choosing which appeals get submitted to the IRS appeal organization for consideration. As the IRS appeal organization is not revenue producing, it is vastly underfunded relative to the collection organizations which are revenue producing. The gatekeeper organization routinely puts appeals likely to produce revenue (the IRS has a strong case) ahead of the appeals where the IRS is likely to get no revenue or even lose revenue.

As a result, appeals which the IRS is likely to lose never get resolved but wait in a perpetually lengthening queue while taxpayers are not given any avenue to have

their appeal actually heard. At this time we have two appeals which together could provide roughly $500 refunds. Of course these appeals have languished for several years and will likely never be heard without judicial intervention. The $500 is not a huge sum and not even a certainty. However, once the FOIA requests are answered the broader impact could be huge.

C. Remedy of a Standardized, Non-Extendable Briefing Schedule

Granting us leave to submit a single, consolidated Opening Brief within 40 days following judicial correction of the ROA provides a clean, practical remedy. Running the briefing window concurrently while the appeal resides in the administrative queue for merits panel screening ensures full adversarial presentation of all preserved claims without causing delay to the court's calendar.

Prong 2: Administrative Process Corrections and Judicial Supervision

A. Non-Discretionary Limits Single-Judge Authority Under FRAP 27(c)

Under FRAP 27(c) and 5CCLR 27.2, a single circuit judge lacks procedural jurisdiction to reconsider, modify, or overrule an order issued by a three-judge panel. Single-judge order 5CC91-2 improperly purported to dispose of ripe panel reconsideration issues raised in motion 5CC86, declaring the briefing schedule moot while leaving structural ROA defects intact. En banc intervention is required to enforce strict jurisdictional boundaries on single-judge actions and preserve panel authority.

B. Judicial Decisions Must Be Based On Evidence Presented

Due Process Precludes Reliance on Inaccurate Clerk Summaries

Due process requires that judicial orders rest upon actual consideration of a party's motion text rather than summarized docket text. However, in Exhibit 1 it is clear clerk processing errors frequently resulted in important motions being improperly categorized, redocketed without authorization, or marked as "no action taken" or “withdrawn” without any evidentiary basis or authorization. Systemic process reforms are necessary to guarantee that motions seeking judicial review receive actual judicial review.

Further, these clerk errors resulted in a docket that was needlessly complex and may have forced judges with too much work and not enough time to take the short cut of simply relying on the available docket text to make their decisions. However, such short cuts and decisions are precluded by due process as a fair hearing in our adversarial judicial system requires judges to review all the evidence presented by all the parties (and not rely on inaccurate docket text instead of actual evidence).

C. Implementation of Standard Procedural Processes and

a Process Improvement Committee

To cure the high volume of administrative rework identified in the 58-item docket record in Exhibit 1, the Court should mandate published Standing Orders and Standard Procedural Motions, Memos, and Notices for all USCA5 courts as well as a permanent Process Improvement Committee (PIC) which can systematically improve judicial efficiency through evaluation of each error and reduce rework by

correcting the written processes through continuous improvement.

VII. Conclusion and Prayer for Relief

We respectfully request that the Court grant this Emergency Petition for Rehearing En Banc and issue the following relief:

1. **Order to Correct and Unify the Record on Appeal:** TXND Clerk to issue a single, certified Supplemental ROA with resolved pagination and missing record components pursuant to FRAP 10(e)(2) and add to the USCA5 ECF documents with the new corrected ROA docket sheet as well as a full ROA Table of Contents listing the ROA page number for every document in the ROA (including exhibits and attachments).

2. **Establishment of Consolidated Briefing Schedule:** Vacate single-judge order 5CC91-2 and reset our deadline to submit a single, consolidated Opening Brief to 40 days following the issuance of the corrected and certified ROA, with standard but non-extendable response and reply windows for all parties.

3. **Mandate for Systemic Process Corrections:** Mandate for all the USCA5 courts the establishment of a Process Improvement Committee (PIC) and the publishing of standard procedural guidelines governing clerk processing, docket entries, and automatic extension validation to prevent ad hoc administrative failures.

Verification of Petition

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

1. I have reviewed the above motion and certifications below 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: 6 Nov 2026
Location: Irving, TX

Other Signatories

/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: 20 Apr 2026
Location: Phuket, Thailand

/s Tanapon Lawichai

Tanapon Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand
Date: 21 Apr 2026
Location: Lopburi, Thailand

Certificate of Counsel / Pro Se Party

The undersigned hereby certifies under penalty of perjury:

1. FRAP 32(g)(1) Length Certificate of Compliance

This petition complies with the type-volume limitation of FRAP 32(a)(7)(B)(i) because, excluding the parts of the document exempted by FRAP 32(f), this document contains 3,710 words (which is less than the nominal 3,900 words for a petition), as determined by LibreOffice Writer word processing software[1].

2. FRAP 32(a)(5) Typeface Compliance

This document complies with the typeface requirement of FRAP 32(a)(5) and the type-style requirements of FRAP 32(a)(6) because this document has been prepared in a proportionally spaced typeface using LibreOffice Writer using Times New Roman (14-point).

3. Certification Of Electronic Signatures

In accordance with 5CCLR 25.2.10 which states:

> 25.2.10 Signatures… Documents which require more than one party's signature must be filed electronically by... showing the consent of the other

1 LibreOffice Writer counted words in the selected section which was everything from the 'Certificate of Emergency' to the signature block. The certified word count was accurate on 6 Nov 2026 at 12PM.

parties on the document; or any other manner approved by the court.

I hereby certify that I did indeed receive the consent of the other parties to include their signatures on this document.

4. FRAP 25(b) Service

On the recorded date of this document, I electronically submitted the foregoing document with the clerk of 5th Circuit United States Court Of Appeals using the electronic case filing system (ECF) 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

Date: 6 Nov 2026
Location: Irving, TX

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