**In the United States Court Of Appeals, 5th Circuit**

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| Brian P. Carr,<br>Rueangrong Carr, and<br>Buakhao Von Kramer<br>Appellants<br>versus<br><br>United States,<br>US Department of Justice,<br>USPS, USPS OIG, USPS BoG,<br>US CIGIE, Department of State,<br>Department of State OIG,<br>USCIS, DHS OIG, and SSA<br>Appellees | Case No. **26-10025**<br><br>Verified[1] Brief of Mr. Carr<br>Concerning Suggestions for Improved<br>Judicial Efficiency |

# Suggestions for Improved Judicial Efficiency

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## I. Introduction, Suggestions for Improved Judicial Efficiency

## Standard Procedural Documents and Processes For Better Efficiency

This Brief / Affirmed Statement suggests possible Standard Procedural: Motions, Notices, Memos (with associated standing orders from the court) together with the required written published processes to efficiently and accurately implement necessary case updates. It also includes suggestions for a possible 'Process Improvement Committee' which could systematically implement and continuously improve the written processes for increasing judicial efficiency.

### 1. Petition Argues for Standard Procedural Documents And Processes

This statement is submitted in support of the *Petition for Rehearing En Banc* and is the second exhibit for that petition. In the Petition it is argued that such written and published standard procedural documents can substantially improve judicial efficiency and that USCA5 would benefit from implementing processes and procedures similar to those suggested here.

### 2. Exhibit 1 Describes Process Error and Mistakes In This Matter

### Required Rework to Correct Mistakes Reduced Judicial Efficiency

The first exhibit with the Petition showed how processing errors and mistakes in this matter required substantial rework and greatly degraded judicial efficiency. 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.

### 3. This Exhibit 2 Suggests Processes To Prevent the Errors in Exhibit 1

This 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 the Petition).

### 4. Exhibit 3 Examples of Standard Procedural: Motions, Notices, Memos

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

### 5. Improved Written Process Can Improve Judicial Efficiency

The Petition argues that conscientious development and continuous improvement of written processes could have prevented all the errors identified in Exhibit 1 and we will respectfully suggests Standard Procedural:

- Motions for parties in select circumstances
- Notices for parties and clerks to correct the record in select circumstances
- Memos for clerks to use to document their actions citing the standing orders and rules which justify their actions.

Of course the foundation of these process improvements are published standing orders of the court to provide all parties with a clear understanding of what is

required to get routine relief and the process for providing that relief.

### 6. Creation of 'Process Improvement Committee' Suggested

Of course to create and maintain the required Standard Procedural Motions, Notices, and Orders is not a trivial task and to gain the maximum judicial efficiency from these published written processes requires an investment of time and resources. A possible organization is suggested in the form of a 'Process Improvement Committee' or PIC. Obviously the court will need to tailor this broad outline to meet its actual resources and needs.

## II. Suggestion For Implementation of Systematic Process Improvement

While the broad suggestion of written processes and systematic correction of defects may sound useful, the primary difficulty is how to develop such a system within an organization that has its own structural requirements and a history of ad hoc solutions; how can you remake an organization which has continuing demands and no opportunity to stop for a reset? This section attempts to address this problem with a suggested alternative.

### Process Improvement Committee

The first step must be to create a committee / work group to take on the problems systematically with a series of small fixes and gains. This could be a committee called the 'Process Improvement Committee' (PIC) which will be defined via the court enbanc according to its own judgment which creates the committee, defines the structure and purpose of the committee and enables the committee to produce the required written processes for the court. Local Rules (5CCLR) have provided the broad outlines for such written processes but the process for updating the local

rules via en banc decisions is too slow and tedious for efficient improvements.

It is suggested the PIC could include at least five members from the court's judges and clerks with mandatory membership for the Chief Judge and (Chief) Clerk. Other judges are added with the approved by the Chief Judge and other clerks can be added with the approval of the (Chief) Clerk. There must be at least one other judge and clerk on the committee. While the judges and clerks can be assigned as needed, it is hoped that there will be sufficient judges and clerks who want to work on on the PIC to improve their work environment and enhance their career prospects. Any document / order approved by the PIC must then be signed by both the Chief Judge and (Chief) Clerk and will then become binding on USCA5 as the PIC was approved and authorized by USCA5 enbanc.

The various documents and orders produced by the PIC must be published on the USCA5 web site with structure and presentation as determined by the PIC.

This organization and the underlying principles could be recommended to lower courts in the domain of USCA5 though each court must choose the organization and process that works well for that specific court.

## III. Implementation of Standard Procedural Motions, Notices, and Memos

### 1. Standard Procedural Motions Helps Administrative Processing

The absence of standardized electronic paths for routine procedural matters forces both litigants and clerks into inconsistent, ad-hoc administrative workarounds. As detailed in ECF101, the implementation of pre-approved standard procedural motions is critical to eliminate procedural ambiguity in digital filing systems.

These pre-vetted forms provide litigants with clear, compliant language that automatically satisfies the baseline technical criteria required by the court, reducing the need for extensive line-by-line judicial or clerk review on non-dispositive matters.

Under the framework proposed in ECF101, standard procedural motions for common processes can allow the clerk to recognize the relief and circumstances and with appropriate standing orders, resolve the matter after a cursory review of the motion (as all the relevant facts are in known sections) the clerk could resolve the matter without any direct judicial intervention (just following the procedure specified in the standing order for the standard procedural motion). By relying on the clerks for the screening process for these standardized formats, the court can bypass traditional multi-month scheduling backlogs and simply rely on the clerk to resolve the matter in minutes with standard procedural memos which convey the court's standing order for compliant motions.

### 2. Standard Procedural Memos for Clerks Improves Efficiency

The clerks should have a standardized work flow for common standard procedural motions which describe what they need to verify and review. Assuming all is correct and verified, the clerk can simply transfer the relevant details into a standard procedural memo which cites the published standing order and the clerk simply files the completed memo in the place of a judicially generated order.

### 3. Possible Standard Procedural: Motions, Notices, and Memos

The remainder of this statement will have suggestions of possible Standard: Motions, Notices, and Memos which can be used as examples for consideration but

should be revised by each court to optimally work within their individual environments.

## IV. Possible Standard Procedural Motions

### 1. Example of Standard Procedural Motions to Seal / Strike

One of the most common routine motions which have created problems for litigants, clerks and judges are Motions to Seal / Strike. These problems have consumed many hours for all parties in this matter based on two simple mistakes I made in redacting PII in two exhibits (there are over 100 exhibits). These problems were discussed in ECF101 which also described some standard procedural motions to seal / strike. These standard procedural motions will be repeated here as appropriate.

### A. Elimination of Undocumented 'Temporary' Seals

Clerks and administrative staff are prohibited from placing any temporary or permanent seal on a document based on an informal phone call or email request. If a party identifies a record issue via telephone, staff must refer the caller directly to the standard procedural motions. Staff may assist the caller in identifying which standard procedural motion fits their specific scenario, but no docket modifications can occur without a formal written filing.

### B. Four Standard Procedural Motions to Seal / Strike

The suggested four standard procedural motions to be released are Motions to Seal / Strike Document:

1. With Unredacted PII (with attached correctly redacted document), the docket entry for the sealed / stricken file will refer to the corrected document number,

2. Filed in Wrong Case (with reference to the case and document number where it has been correctly filed), the docket entry will refer to the ECF document correct location.

3. Filed where Wrong Document Selected for Filing (the result of choosing the wrong file to upload before filing), the correct file may be attached to the motion or the motion can refer to the document where the correct file was uploaded to ECF, the docket entry will refer to the ECF document where the file can be accessed.

4. With some other problem not listed above

Each of the first three standard procedural motions are specifically exempted from any conference requirements. The four standard procedural motions can only be filed by the party who initially filed the document to be sealed / stricken.

These standing orders would direct that the clerks review submitted motions (based on a standard procedural motion) and if they matched the specified criteria then the clerks would take the actions specified in the order, correcting the problem without further involvement of the court. There would also be a standard procedural memos for the clerk to complete and file in ECF so that all parties would be notified of the action taken.

If a non-filer wishes to seal / strike the document of another, they should confer

with the filing party and the filing party can seal / strike the document if they agree. If they don't agree then a standard motion to seal / strike is required and such issues must be resolved by the court.

### C. Each Standard Procedural Motion Would Explicitly Mention Sanctions

All of the standard procedural motions suggested are to permit parties to correct errors in their own filings. However, with every filing it is the responsibility of the filer to insure compliance with FRCP 11 with the explicit risk of sanctions. It is known that all humans make mistakes and due process guarantees the right to attempt to correct mistakes but this does not guarantee the right to be forgiven for negligence. As such every standard procedural motion should include a required explanation for the cause of the error.

### D. Clerks Review Explanation for Error, Exempt Sanctions if Satisfied

The clerk is directed to review the explanation and if they are completely satisfied with the explanation they will unequivocally record that the court granted the motion and no sanctions will be made.

### E. Standard Procedural Motion Includes Notice of Sanctions

After the Explanation there will also be two check boxes where the filer can accept options where, in the event that the court finds the explanation inadequate:

- The filer accepts that if the court does not find the explanation satisfactory, the court can order sanctions of up to 8 community service hours as a sanction for failing to abide by FRCP 11 and the court does not need to issue an Order to Show Cause under FRCP 11(c)(2).

- The filer understands that if the court does not find the explanation satisfactory, the court can issue an Order to Show Cause for violations of FRCP 11 which will provide an additional opportunity for the filer to explain / demonstrate that the violations were inadvertent but the court will have the full range of potential sanctions if the court does not agree.

**Sanctions Limited, Hoped to be Uncommon**

There is a general concern that if it is very easy to correct mistakes then parties will be careless and the clerks will be needlessly burdened with correcting errors which should not have occurred (more work for clerks rather than less). It is hoped that the threat of sanctions for negligence will result in sanctions never being applied as everyone will be appropriately careful. Of course, if the clerk did not accept the explanation they just use a different memo to grant the strike / seal relief but direct the motion to the judge in the matter to consider sanctions. It is hoped that this will largely result in only admonishment ("don't do this again") rather than more serious sanctions such as community service.

**2. Motion of Length Relief for Consolidated Motion**

If a document is a consolidation of several motions, it can include a Motion of Length Relief (as part of the consolidation) to double the permitted length it the motion consolidates four or motions in the following categories:

1. Motion to Reconsider

2. Motion to Compel Action / for Ruling

3. Motoin to Amemd / Supplement ROA

4. Motion to Stay Brief Schedule

5. Motion for Length Relief (for Appeal Brief)

6. Motion for Time Relief (for Appeal Brief) and the motions must be from at leasat two categories. If the requirements of consolidation are met, the Standard Procedural Motion for Length Relief can be attached as an exhibit to the filing.

### 3. Standard Procedural Motion for Length and Time Relief for Briefs

If an appeal has multiple parties and some of the parties choose to file a joint brief / response / reply, they can include a Standard Procedural Certification of Length / Time Exceptions for Joint Brief.

In that Certification, they can compute the number of individual briefs being consolidated. For example a married couple in a suit against a sinlge party, two appeals are being consolidated (two appellants times one appellee is two) whereas if there are 5 appellants and 13 appellees (as in this case), multiplying the number of appellants (5) by the number of appellees (13) is 65. That is the number of individual briefs being consolidated.

It is suggested that such consolidations of multiple individual briefs benefits the court (substantially improved judicial efficiency) as well as the parties. However, ot takes additional time and a space to accurately consolidate such now complex claims.

An approximate is to provide a multiplier of the square root of the consolidated briefs for length and cube root for time. For example a married couple would be

permitted a length that is just over 1.4 times the norm and permitted time that is just over 1.25 times the norm. For a complex case integrating 65 claims, the length permitted would be just over 8 times the norm and the time permitted would be just over 4 times the norm.

While this may sound excessive, the reality is that it hard to consolidate numerous complex claims into a single document. It is also true that most consolidated appeals can be completed in less time and length than the computed amount.

Further, in general all parties want to be persuasive and for a prompt hearing. In this matter I asked for double the normal time (rather than four times) and 5 times the length (rather than 8). However, as I wanted to persuasive and a prompt resolution I estimated that the brief could completed in normal time (but just barely) and double length which was my personal target.

This formula does not work for all situations but is intended to be reflective of the underlying reality and could eliminate judicial review of every situation and its requirements.

## V. Possible Standard Procedural Notices

### Standard Procedural Notices for Common Changes in Status

These templates would go beyond the 'substitution of counsel' notices to include other common changes in status. For example, the 'Certificate of Notice / Conference' (i.e. Opposed or Unopposed) status is required in most motions, it is not uncommon for circumstances to change and the underlying status needs to be updated. As cited in ECF101 there were two such notices in TXND

ROA20pgSealed and ROA21pg552 with much confusion resulting. There was also great confusion from 5CC32DU where the clerk altered that critical status without any explanation or justification.

By insisting that such Notices follow standard formats, the clerk can more easily verify the Notices and file an appropriate Memo to document any updates and the supporting Standing Orders with greatly reduced confusion and reworkOpposed / Unopposed Depends on Standard Procedural Notice

Importantly, clerks are structurally prohibited from altering the opposed or unopposed status of a motion without formal notice in the record. A clerk cannot unilaterally reclassify a filing based on informal out-of-court communications.

Only the parties can alter the opposed / unopposed status of a motion. Any non filing party can file a Standard Procedural Notice of Conference Status within the response time for a pending motion (response time not yet passed) to alter the Opposed / Unopposed status of a motion with text describing the change of circumstances which warrant the change of status.

After the time for filing an opposing Response has passed, the filing party can file a Notice of Unopposed if there has been no opposing Response to confirm the Unopposed status (allowing the court to issue a default judgment).

### 1. Notice of Withdrawn / Superceded

It is expected that a Notice of Withdrawn for a filing will be quite rare, mostly to avoid sanctions using 'safe harbor' like options. The most common case will be a Motion to Strike / Seal for a defective document, but that will commonly include

the replacement document in the text (and not a 'Withdrawn').

If a filed document was rejected for procedural reasons, the replacement document must have a new docket number (to avoid confusion) and the rejected document should be marked with a Notice of Superceded. The Notice must include in the text the docket numbers of the replacement document or documents (in the event more than one document required to replace a single document). The parent document docket text must include something like 'superceded by [n], [o], and [p]' as appropriate. Each of the 'child' documents must be marked as child of the predecessor document with something in the docket text like 'child of [n]'.

If the filer is unable to correct a document (within the required time or other constraints) it could be marked a 'Uncorrected' through a Notice of Uncorrected Document. Once it is marked as 'Uncorrected' it is no longer pending and does not need to be judicially reviewed before dismissal.

**No Sealed Documents Without Court Order**

Under no circumstances will a Withdrawn or Superceded be document be restricted from public access. After a document is withdrawn, it could be sealed by the filer under a Standard Procedural Motion to Seal where a replacement document is provided. In that case, the docket text must include 'replaced by [n]' and public access can be restricted (under a standing court order) but it will be clear to the public that document has been replaced rather than hidden.

**2. Notice of Clerk Error / Mistake**

Any party can file a Standard Procedural Notice of Clerk Error / Mistake. All such

Notices must be reviewed and answered by the individual clerk and their supervisor within one business day. If the clerk is not available on that date, the clerk's designated alternate must answer in their stead. If the clerk's supervisor is not available on that date, the supervisor designated alternate must answer in their stead.

If the clerk immediately recognizes the error or if the clerk recognizes the error after consultation with their supervisor, the clerk can correct the error through a clerk Memo Of Error Correction (with text added describing the error and the correction which was made), and the suervisor does not need to be involved further.

### A. Memo of Disputed Correction to Resolve Disagreements

However, if both the clerk and the supervisor agree that there was no error or mistake, both must sign / approve the resulting Memo of Disputed Correction with text describing the disputed correction.

### B. Notice of Disputed Record Entry

If the filer of the original 'Notice of Clerk Error / Mistake' does not agree with the 'Memo of Disputed Correction', within three business days of the filing of the 'Memo of Disputed Correction', the party who submitted the original 'Notice of Clerk Error / Mistake' can file a 'Notice of Disputed Record Entry' for review by a judge. All updates of the case other tahn filings are held in abeyance until a judge can revolve the disputed record entry, ideally within a business day, but certainly within one week.

Ideally with clear written and published processes for clerks and parties, there should be decreasing numbers of Notices of Clerk Error / Mistake (as everyone knows what clerks are required to do) and certainly judicial intervention should be very rare over time.

### 3. Filer Permitted to Enter Docket Text for Every Document

When a filer files any document they are always permitted to enter text to describe the document (perhaps limited to 250 characters) and no other party can update the text.

### For Each Document, Filer Permitted to Alter Text Via Notice

There is a Standard Procedural Notice of Docket Text permitting the filer to alter the text describing the document with notice to all parties. This update in the docket could be automated with system verification or manual by clerk once the filer and update are verified.

### 4. Clerk Initiated Docket Text Changes Restricted to Corrections

### Deletions Are Not Permitted Without Judge Order

Clerks can only alter the normal docket text via a Standard Procedural Memo which identifies the text before and the corrected text along with an explanation of why the correction was necessary. Corrections must be tied to the actual document text (e.g. Vacutur versus MTR to insure that the docket text reflects the document text) or filer Notice.

## VI. Clerk Standard Procedural Memos / Orders For All Docket Updates

The integrity of the electronic record requires that every non-judicial administrative action be anchored to explicit, verifiable legal authority. Under current ad-hoc practices, clerks frequently alter docket entries or apply electronic restrictions based on informal telephone calls or internal office routines, leaving no traceable procedural justification. To eliminate this ambiguity, USCA5 must implement a mandatory system of standard procedural memos that clerks must file concurrently with any administrative docket modification.

These standardized memos will serve as a growing library of pre-approved administrative templates covering routine clerical tasks, such as processing unopposed scheduling extensions or correcting technical transmission errors. Each memo must explicitly cite the specific provision of FRAP 27 or 5CCLR that authorizes the clerk to act under their delegated power. By forcing this explicit citation of authority within the public record itself, the court eliminates arbitrary or unreviewable docket alterations.

Beyond citing procedural authority, every administrative memo must transparently document the litigant's options for review and the corresponding deadlines. The memo format must include automated metadata fields that calculate the exact date by which an aggrieved party may appeal the clerk's action to judicial review. These appeal dates will be computed automatically based on the precise timestamp of the filed memo, providing pro se filers and attorneys with immediate, non-discretionary notice of their procedural rights.

Implementing this system completely eliminates the practice of "docket-only" modifications that contain no accompanying explanatory text or legal grounding. A

docket entry that merely alters a status or restricts a file without an attached, authorized memo creates structural confusion and frustrates meaningful appellate review. Forcing clerks to rely on a standardized database of rule-grounded memos ensures absolute uniformity, prevents clerical overreach, and protects the due process rights of all active litigants.

### 1. Clerk Memo Electronic Record on Appeal Filed

#### A. Must Include ROA Docket Sheet and Table of Contents (TOC)

The previous 'Electronic Record on Appeal Filed' Notice, e.g. 5CC15, must not be an exclusively electronic entry but instead must be a clerk memo with an attached ROA docket as in DocketSheet-106607.pdf as well as an AI generated Table of Contents (TOC) with a separate entry for every separate document in the ROA, e.g. ECF10-5 would have ROA page number 177 and be listed as 10-5 and as an exhibit dated 23 Jan 2023 (from the docket text).

#### B. Clerk Memo Supplement to ROA

Every Supplement to the ROA must be filed with a Clerk Memo which has the Docket Sheet and Table of Contents for the Supplement attached. The Docket Sheet and TOC can be separate for the supplement or cumulative for the entire ROA.

#### C. Errors In the Pagination of the ROA Only Corrected Via Judge Order

If errors are later discovered in the pagination of an ROA (e.g. two volumes both start with the same ROA page number) then a judge must order the correction of the ROA (e.g. Volume 3 unchanged, Volume 4 repaginated as a supplement added

at the end of the current ROA; logically it must be the longer volume which is left unchanged).

However, when the judge orders such a major correction, the judge must also provide appropriate time relief to all impacted parties to compensate for the confusion caused by the ROA errors. Consideration must be given to the size of the error (how many documents repaginated) and the timing of the correction. 10 documents repaginated only one week after the ROA was released has less impact than 250 documents one week before briefs are due. Judicial discretion is required.

### 2. Clerk Memo of Docketing, Case Number and Caption

The Clerk Letter / Memo sent to new parties such as 5CC6 must be included in the docket with text explaining that it has the Case Number, Caption, and important information about the appeal process.

### 3. Clerks Can Only Dismiss With Standard Procedural Notices / Orders

Dismissals of appeals under FRAP 42 and 5CCLR 42.3) can only be filed using the correct Standard Procedural Order, and, more importantly, the SP Order must verify the date of required Standard Procedural Notice as described in 5CCLR 42.3.1.1) and 5CCLR 42.3.1.2) to complete the Order. Each such Notice and Order will include the relevant rules and methods to resolve the defect.

### No Dismissal Clerk Notice or Order While Motions are Pending

The dismissal process is held in abeyance by any pending motion as the resolution of the motion could well remove an obstacle to submission of the required Appeal Brief.

Before any such Notices or Orders can be completed, the clerk must check any motions which are pending, e.g. 'No action taken' or 'Administrative deferral by the clerk; no ruling on the merits has occurred', and any motion which is waiting to be fully briefed (e.g. 'Opposed' but still waiting on opposition Response). No notice can be added to the record until all such motions have been resolved through Standard Procedural clerical actions or proper judicial review.

### 4. Restructuring Clerk Authority on Unopposed Procedural Motions

#### A. Separate Clerk Memo For Every Clerk Procedural Update

The delegation of administrative power to court clerks must be strictly bound by clear procedural rules to prevent the arbitrary modification of a case's legal status. Under the proposed reforms, clerks can only grant unopposed motions where the requested relief falls squarely within the explicit, written authority delegated to them by 5CCLR 27.1. If an unopposed motion complies with all technical parameters, the clerk lacks discretionary authority to deny it unless there is a clear, specific, and documented procedural violation.

#### B. Clerk (or AI) Identified Defect Require Standard Procedural Memo

When a clerk does deny an unopposed motion due to a technical defect - such as an excessive word count or a missed deadline - it must be through an explicit Standard Procedural Memo which explicitly cites the precise procedural rule that was violated.

Furthermore, Standard Procedural Memo must clearly outline the specific manner of correction required, providing the filer with an immediate, non-discretionary

path to achieve compliance. This requirement eliminates the entry of ambiguous or unhelpful rejections that disrupt the progressive timeline of the litigation.

### 5. Request Relief Beyond Clerical Limits Forwarded for Judicial Review

Finally, if an unopposed motion requests relief that exceeds delegated clerical boundaries, or if there are valid concerns that the requested default remedy is not supported by substantive law, the clerk must immediately refer the matter for judicial intervention. The clerk cannot issue an administrative denial based on substantive legal analysis. Forcing a formal reference to a judicial panel ensures that all non-dispositive procedural adjustments remain fully aligned with due process and the direct authority of the court.

## A. No Clerks Memo Contains 'No Action Taken'

To ensure clarity, USCA5 must completely ban the use of vague, uninformative phrases like "No action taken" within public docket text entries. Automated or manual entries must rely instead on short, highly descriptive statuses that convey an accurate reflection of the current procedural posture. For instance, when an administrative deferral occurs without a ruling on the substantive merits, the entry text must explicitly state:

> Administrative deferral by the clerk; no ruling on the merits has occurred

Replacing ambiguous placeholder terms with specific, uniform text block templates ensures that all parties can reliably track the progression of their files. These descriptive entry rules provide an essential metadata tracking layer that supports judicial efficiency and guarantees that the public record remains fully

readable, transparent, and legally accountable.

The use of these standard meaningful phrases also allows for easy and automated of which motions are awaiting judicial review to provide a ruling on the merits.

Any Clerk Memo which defers judicial review must include the reason for the deferral and explain the options for correcting the situation so that the motion can be promptly forwarded for judicial review.

## VII. Limits on Clerk Redocketing

The practice of redocketing previously filed items introduces profound structural confusion into the electronic record, frustrating the ability of litigants and judicial panels to reliably cite specific documents. When a clerk's office assigns a new document number to a submission that has already been entered on the docket, it creates a split tracking history that breaks existing hyperlink networks and automated cross-references. To maintain the permanent integrity of the record, the circuit must enforce absolute limits on clerk redocketing actions.

Under these proposed limits, an electronic filing must retain its original docket number throughout the entire lifespan of the litigation, regardless of subsequent clerical reviews or internal status updates. If an administrative change or technical correction is required, the modification must be appended to the existing entry rather than triggering an entirely new docket entry number. This ensures that historical citations, such as those structured under 5CCLR 10 or 5CCLR 28, remain completely stable and point to a single, immutable file location.

If an extraordinary circumstance requires a document to be physically replaced or

updated on the docket, the clerk must insert an explicit reference within the original entry pointing directly to the modification. Clerks must be structurally prohibited from using electronic resends of original motions as a substitute for a formal administrative action. By forcing the system to preserve the original sequence of numbers, the court eliminates the confusion of having multiple numbers floating in the record for an identical underlying document.

Limiting the authority of clerks to unilaterally renumber or redocket filings ensures that the public record remains a reliable, linear history of the case. It protects litigants from the administrative burden of constantly auditing changing docket sheets to update their briefs and appendices. This restriction guarantees that a citation made on day one of an appeal remains perfectly valid and accessible through the final judgment of the court.

## VIII. Improved ECF Notices and Access

### 1. USCA5 ECF Access to ROA for Pro Se Litigants

The current electronic case management architecture introduces significant operational confusion by withholding direct, integrated record access from pro se parties who have already demonstrated electronic filing capabilities. When a unrepresented litigant is approved for electronic filing through the USCA5 CM/ECF system, denying them identical access to the paginated electronic Record on Appeal (eROA) forces an inefficient reliance on detached email transmissions. This technical isolation frequently results in the distribution of fragmented or contradictory record volumes via email without formal judicial authorization, generating severe tracking errors during brief preparation.

To establish procedural parity, pro se litigants with active electronic filing status must be granted immediate, automated access to the complete eROA through the standard USCA5 ECF Utilities menu, identical to the access automatically provided to licensed attorneys under 5CCLR 10. This integrated access rule applies strictly to unrepresented parties who possess the requisite hardware, software, and electronic filing credentials to interact with the court's systems. Litigants who do not possess a computer or electronic filing capabilities will continue to access and receive the record through traditional physical delivery methods arranged via the appeals deputy.

Integrating this access mechanism directly into the ECF interface eliminates the confusion of maintaining separate, manually emailed copies of court records that can easily become unreadable or garbled during administrative compilation. It provides a single, immutable, and fully authorized reference point for citations in compliance with FRAP 28, ensuring that both the unrepresented filer and the judicial panel are reviewing the exact same paginated record text. By anchoring record access to the existing secure portal, the court eliminates unnecessary administrative overhead and guarantees that the public record remains fully readable, reliable, and consistent for all active electronic participants.

### 2. Mandatory Case Docket Visibility With Free Look Access

The docket sheet itself contains critical, dynamic information that is frequently absent from individual orders, motions, or notices. To ensure absolute transparency and prevent data fragmentation, all automated case management notices must feature an extended free look link that provides a comprehensive view of the entire case docket. Litigants must not be forced to choose between reviewing an individual newly filed document and verifying the broader context of the updated

case history.

To support this, the case number link will be altered in every electronic case notification to take the user to a complete, cost-free listing of the entire current docket sheet for that specific case. This layout ensures that pro se filers and attorneys can instantly track the chronological relationship between sequential entries without encountering restrictive paywalls during routine case monitoring. Because this visibility layer operates strictly through automated electronic notices, it will incur no additional operational cost for the court if a user simply reviews the status list.

Furthermore, this extended access model is essential because if a litigant is prevented from viewing the complete, unredacted docket sheet alongside each new document notice, identifying subtle clerical errors or unauthorized docket changes becomes exceptionally difficult. The free look link must encompass the full ledger of filings to provide an accurate reflection of the current procedural posture. This complete visibility serves as a vital safeguard, guaranteeing that no administrative alterations remain hidden from the active parties.

If the unauthorized and hidden docket updates which dominated this case are eliminated over time, these free docket listings will simply be ignored as unnecessary so there will be no 'cost' to providing the free looks. If the docket changes are thoroughly documented in the notices which the parties receive, parties will skip the 'free look' as unnecessary.

Mandating full docket 'free look' visibility within automated notices significantly reduces tracking errors and eliminates unnecessary administrative overhead. It removes the friction of forcing litigants to navigate separate billing screens simply

to verify that a motion or exhibit was successfully recorded by the clerk. This access rule guarantees that the public record remains fully readable, transparent, and instantly verifiable throughout the life cycle of the appeal.

Further, the parties can assist the court by checking new docket entries and verifying their accuracy, correcting errors through Notice of Clerk Error / Mistake.

### 3. Enhanced ECF Notification Layouts and Descriptive Entry Rules

The current design of automated electronic case filing notices introduces significant operational friction by forcing litigants to constantly expend resources deciphering which document is being actively modified or referenced. To establish a coherent data flow, all automated email notifications must explicitly include the precise document number in both the primary subject line (perhaps just after the case number with '[nn]' where 'nn' is the document number in ECF such as '10') and the main email body.

Every electronic notice must feature a direct document hyperlink that embeds the exact docket number as part of its visible anchor text, ensuring that users can immediately identify the specific transaction without cross-referencing multiple docket sheets.

### 4. Integration of Table of Files for Multi-Document Electronic Filings

When an electronic submission contains a main motion along with one or more attachments or exhibits, the email Notice from ECF must include the listing of documents as a table in the email (similar to the web page generated to allow retrieval of the documents) to allow a record of the attachments in the email notice. This makes the email notices useful in understanding the main document and

associated documents and supports systematic downloading of the 'free look' documents.

## IX. Far Reaching Benefits From Standardization

By anchoring electronic case workflows to standard procedural motions and specialized automated notices, USCA5 can significantly improve overall judicial efficiency. Clerks can instantly verify compliance against a set checklist, preventing the introduction of arbitrary docket changes and ensuring that the public record accurately reflects the status of all active items without unnecessary delay.

Respectfully submitted,

## Verification of Document

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

1. I have reviewed the above affirmation and believe all of the statements to be true to the best of my knowledge.

2. I have reviewed the associated documents and exhibits and believe them to be true and accurate copies with the exception of the documents identified as being redacted. The redacted documents have only been altered to remove sensitive personal information or other redactable information (as cited in the redaction) according to normal redaction procedures.

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

/s Brian P. Carr

_____

Brian P. Carr
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Date: 6 Nov 2026
Location: Irving, Texas

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