

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

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Plaintiffs</p> <p style="text-align: center;">versus</p> <p>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</p>	<p>Case No. <b>26-10025</b></p> <p><b>Verified<sup>1</sup>Motion for Extension of Time to File Brief</b></p> <p>Certificate of Conference – OPPOSED<sup>2</sup></p>
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**Motion For Extension of Time to File Brief**

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1 The Verification of Motion is listed in the Table Contents.  
2 The Certificate of Conference Compliance is listed in the Table of Contents.

Appellant, Brian Carr, pro se party requests that the court grant an extension of 40 days to file the brief in this matter. This is the first request for an extension for the date when the brief is due which was set in the docketing notice of 02 Mar 2026 ([5CC16](#)) with due date of 13 Apr 2026.

### **Justification for Delay**

#### **Motions for Relief in Briefs Started Before Appeal Was Docketed**

On 20 Feb 2026 I had contacted AUSA Parker to confer about three motions I was preparing ([5CC19-1](#)) as:

- Motion to Amend the Caption to clarify that the appeal is for all three original plaintiffs as well as the two new plaintiffs who signed the proposed amended complaint ([ECF76-1](#)) as appellants and the two new defendants (IRS and TIGTA) as appellees.
- Motion for Leave to File Joint Briefs for all the appellants.
- Motion to Sever Issues to get two separate appeals for the denied Motions for Sanctions with Mr. Padis and AUSA Parker as separate appellees in separate appeals. Also, the denied Motions to Recuse as two separate appeals merged with the present complaints against Magistrate Rutherford and Judge Scholer (initial complaints as [ECF96-1](#) and [ECF96-2](#), revised complaints [5CCrCR](#) , [5CCrSR](#) and [5CCrCS](#), [5CCrSS](#)).

#### **Joint Motions From Five Pro Se Appellees Not Feasible**

On consideration of the difficulty of submitting joint motions for the relief sought with five appellants, all pro se parties, I concluded that I must engage an attorney to represent all the appellants and proceeded to contact attorneys with experience challenging DoJ, USCIS, and DoS.

### **DoJ / Trump Sanctions of 'DC Law Firms' Precluded Assistance**

However, given Trump's order that Department of Justice (DoJ) sanction such firms, they were generally unresponsive with most not answering and those who did respond simply saying that they can not take on such a case at this time.

The the various law firms which were targeted by DoJ have appealed with the lead appeal as Perkins Coie LLP v. U.S. Department of Justice, et al.in the D.C. Circuit 25-5241 with an [amicus brief](#) explaining the chilling effect of such reprisals

Similarly local attorneys were hesitant to take on such an appeal given the motions for sanctions and recuse and misconduct complaints as they feared reprisals which could destroy their practice.

### **Alternative California Attorney Identified To Represent Appellants**

In the last week I was able to contact an old friend from MIT who became an attorney as a second career after working as a chemical engineer for many years. He is older now and is winding down his practice and so does not fear reprisals. However, he lives in California and does not know Fifth Circuit bar members to nominate him for bar membership (as the preferred way appearing in this matter).

He is [James David Mercer #233569](#) and, as you can see, a member in good standing with the California State Bar. I have asked opposing counsel, AUSA Parker, if she is willing / able to nominate him for membership in the Fifth Circuit bar ([5CC19-1](#)) but she has not had opportunity to respond. If that is not possible I can inquire with the clerk about how to get a nomination and, if that fails, ask the court to assist with this problem or grant him permission to appear pro hac.

**Time Required For New Attorney to Become Acquainted With Matter**

The logistics of Mr. Mercer representing four additional appellants has not been worked out (and they are all in Thailand at this time) so it will take some time before he can appear in this matter and then prepare the three motions discussed above.

**Conclusion**

For the reasons stated the court is asked to grant an extension of 40 days for the filing of the brief. It is expected that within that time, all Appellants will have representation and submit motions seeking the relief described above.

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

Respectfully Submitted,

**Verification of Motion**

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

1. I have reviewed the above motion and 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: 12. April 2026

Location: Irving, TX

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**Required Certificates of Compliance**

The undersigned hereby certifies under penalty of perjury:

**Conference Compliance<sup>3</sup>**

This Motion for Extension of Time to File Brief is OPPOSED.

The conference was held via an email ([5CC19-1](#)) sent to AUSA Parker on 12 Apr 2026 at 3:03PM (same date as motion filed) with no response at the time of the final preparations for the motion. As there was no response it is presumed that USATXN is OPPOSED to the motion.

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<sup>3</sup> According to the Fifth Circuit Court's [Electronic Noticing and Filing Options Available to Pro Se Parties](#): All parties filing motions must also conduct a conference with all parties regarding the motion, the filer must contact all parties, advise what the motion will seek and ask each if they are opposed or unopposed to the motion

**FRAP 32(g)(1) Length Compliance**

This document complies with the type-volume limitation of [FRAP 27\(d\)\(2\)\(A\)](#) because, excluding the parts of the document exempted by [FRAP 32\(f\)](#), this document contains 667 words (which is less than the nominal 5,200 words for such motions), as determined by LibreOffice Writer word processing software<sup>4</sup>.

2. 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).

**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*

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Brian P. Carr  
1201 Brady Dr  
Irving, TX 75061

Date: 12. April 2026

Location: Irving, TX

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<sup>4</sup> LibreOffice Writer does not have an ability to count words in a document excluding sections but instead can count words in the entire document (not useful or correct for this purpose) or in the selected section. By selecting everything below the Table of Contents but above the first signature block I can get the word count and then manually enter the count in the certification. The certified word count was accurate on 12 Apr 2026 at 7:45PM.