

In the United States Court Of Appeals, 5th Circuit

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer Appellants 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 Appellees</p>	<p>Case No. 26-10025</p> <p>Verified¹ Motion to Strike the New ROA Generated on 28 May 2026</p> <p>Certificate of Conference – UNOPPOSED²</p>
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Motion to Strike the New ROA

Generated on 28 May 2026

And To Expedite the Decision

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Introduction

This motion seeks to strike the new Record on Appeal (ROA) generated on 28 May 2026. The district court unsealed two document groups (documents with several attachments, mostly exhibits) [ROA20pgSealed](#) and [ROA67pgSealed](#) with the effect of unsealing two exhibits, ECF20-1 and ECF67-13, each of which contain unredacted personal identification information (PII) and which had previously been sealed. They were unsealed on 19 May 2026 through a verbal order by Magistrate Rutherford to the Chief Deputy of Operations Colt Fisher to unseal the two groups of documents [ROA20pgSealed](#) and [ROA67pgSealed](#). The clerks had sealed [ROA20pgSealed](#) and [ROA67pgSealed](#) without any written authorization from the court.

There were two motions to seal ECF20-1 and ECF67-13, [ROA24pg570](#) and [ROA69pg1567](#), which were resolved with the court with orders [ROA26pg577](#) and [ROA89pg21](#), but the court appears to not have understood that the clerks had sealed two groups of documents (without written authorization) and it was necessary for the court to unseal the groups and seal the specific exhibits with PII violations. The court did not address the actual requests in the motions.

There is an unopposed motion to strike ECF20-1 and ECF67-13, [ECF97](#), filed with the district court on 29 May 2026 with a request that that decision be expedited. Further, the district court generated a new ROA on 28 May 2026 which contains the exhibits ECF20-1 and ECF67-13 with unredacted PII accessible to the public.

As public access to ECF20-1 and ECF67-13 violates [FRCP Rule 49.1](#) (Required Privacy Protection Redactions) the court is asked to expedite the decision in this matter.³

Court Has Jurisdiction Under [FRAP 25](#)

This court must seal or strike these documents from the ROA based on [FRAP 25\(a\)\(5\)](#) which states:

(5) Privacy Protection. An appeal in a case whose privacy protection was governed by... Federal Rule of Civil Procedure 5.2... is governed by the same rule on appeal.

In turn [FRCP Rule 5.2](#) states:

(a) Redacted Filings... an electronic... filing with the court that contains an individual's social-security number,... or birth date... may include only:
(1) the last four digits of the social-security number...;
(2) the year of the individual's birth;

The corrected replacement exhibits [ROA24-1pg573](#) and [ROA69-1pg1571](#) fully comply with [FRAP 25\(a\)\(5\)](#) and [FRCP Rule 5.2](#) and were properly included in the prior ROA of 15 Apr 2026.

³ The request for expeditious processing is exclusively on my behalf. The appellees stated 'Defendants will not oppose sealing materials that contain PII'. They did not agree to supporting expediting this matter.

Initial Filings Left Too Many Documents Sealed

ECF20-1 Sealed With All of [ROA20pgSealed](#)

[ROA20pgSealed](#) had an exhibit ECF20-1 which was not properly redacted (my error). On discovering the problem I called the clerk and asked them to seal ECF20-1 as I prepared a motion to formally seal the improperly redacted ECF20-1. The clerk could not temporarily seal a single exhibit and so instead temporarily sealed [ROA24-1pg573](#) and all exhibits so that only the parties could access the document. The clerk also added an annotation that the security change was temporary until the pending motion to seal was processed.

The necessary motion to seal ECF20-1 was filed the same day as [ROA24pg570](#) and while the motion was not prepared in a well considered and properly reviewed manner the point of the motion was quite clear with:

move seeking orders from the court:

1. Sealing Doc 20-1 in this matter.

Indeed [ROA24pg570](#) was filed just hours after I discovered the violation of [FRCP Rule 49.1](#) (Required Privacy Protection Redactions). The required Certificate of Conference was filed in [ROA25pg575](#) the next day and the motion to seal was UNOPPOSED.

Of course the motion had a properly redacted replacement [ROA24-1pg573](#).

The motion [ROA24pg570](#) was resolved in the Order [ROA26pg577](#) with:

DENIES as moot... their Motion to Correct Typographical Errors (ECF No. 24).

It appears the court did not understand the relief sought in [ROA24pg570](#) as the court's denial as moot had the effect of leaving [ROA20pgSealed](#) and all its exhibits permanently sealed but without the required supporting court order (the clerks can not permanently seal any documents). It did not seal ECF20-1 as requested.

ECF67-13 Sealed With All of [ROA67pgSealed](#)

Similarly, on the same day that I noticed that ECF67-13 had unredacted personal identification information, I called the clerk and [ROA67pgSealed](#) with all its exhibits (quite numerous) were temporarily sealed allowing access only to the parties until the motion to seal ECF67-13 was processed. Of course the clerk did not have any written authorization to seal any documents.

Motion [ROA69pg1567](#) formally requested the sealing of ECF67-13 but was similarly prepared in a rush just hours after I discovered my mistake. However, the motion did clearly state:

I ask the court to direct the clerk to permanently lock ECF 67-13 so that only parties to this matter will be able to access the document

It also provided a correctly redacted [ROA69-1pg1571](#) as a replacement and had an attached Certificate of Conference which stated:

The conference was held via an email discussion with AUSA Owen on 18 Apr 2025 with her response of UNOPPOSED

However, again the court apparently did not understand the nature of the temporary (and unauthorized) sealing of [ROA67pgSealed](#) by the clerk and, in Order [ROA89pg21](#) stated:

ELECTRONIC ORDER granting in part [69] Motion to Amend/Correct... he seeks leave to file redacted documents in place of documents that contain

personal identifying information. To the extent Plaintiff seeks leave to file redacted documents for public access, his motion is granted

The court appears to have noticed that [ROA67pgSealed](#) was already sealed but did not recognize that this was a temporary seal and not authorized by the court. The court did not take the required actions of removing the temporary sealing of [ROA67pgSealed](#) and adding a permanent seal on ECF67-13.

Court Required to Seal Unredacted Documents

It is certainly true that the first mistake was my own when I accidentally violated [FRCP Rule 49.1](#) (Required Privacy Protection Redactions). However, the court has an obligation to permit the correction of such mistakes as suggested in [FRCP Rule 49.1](#) Committee Notes on Rules - 2007 with:

(h) If a person files an unredacted identifier by mistake, that person may seek relief from the court.

Of course this comment is largely unnecessary as it is clear that with constitutional due process every person / party must be permitted to correct inadvertent mistakes (which is different from negligence which is sanctionable).

New ROA Generated Contrary to Request to Delay Due to Unsealed PII

In an extensive email discussion with TXND Court Clerk Karen S. Mitchell, TXND Chief Deputy of Operations Colt Fisher, and Dallas Appeals Coordinator Angelina Monserrate, I asked that they delay creation of the new ROA until I could correct the unsealing of exhibits with unredacted PII. However, they did not grant my requests even though this is likely to generate much duplicated efforts.

Expected Motions to Supplement the ROA

It is my intent to submit a non expedited motion to supplement the ROA with the recent motion to strike, [ECF97](#), as well as the response of the court.

The failures of the court to properly process the sealing of documents suggests multiple possible causes to include incompetence, ignorance, carelessness, and even potential collusion with DoJ to conceal violations by federal agencies.

Of course there are countless other possible contributory causes for these errors, but as there are associated complaints of misconduct, the ROA should reflect the problems.

I also expect to shortly submit to the district court suggestions for sample motions to seal / strike and standing orders allowing clerks to directly deal with the such motions with sample memorandum which properly record the orders of the court in the record. These are hoped to provide prospective relief to prevent such confusion about sealed documents in the future.

Of course the ROA could be supplemented with the court's response to these suggestions.

Conclusion

The court is asked to strike the new ROA of 28 May 2026 as it permits public access to two documents, ECF20-1 and ECF67-13 which include unredacted PII. As there are replacement documents [ROA24-1pg573](#) and [ROA69-1pg1571](#) which have been correctly redacted, there is no need for the improperly redacted exhibits to remain in the record.

Further, the court is asked to expedite the adjudication of this issue to minimize the impact of mistakes.

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 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: 30. May 2026

Location: Irving, TX

Other Signatories

/s Air Carr

/s Buakhao Von Kramer

Rueangrong Carr
1201 Brady Dr
Irving, TX 75061

Buakhao Von Kramer
105 - 3 M 5 T YANGNERNG
SARAPEE, CHIANG MAI 50140
THAILAND

Date: 19 Aug 2025
Location: Irving, TX

Date: 20 Aug 2025
Location: Bangkok, Thailand

/s Rujipas Lawichai

/s Tanapon Lawichai

Rujipas Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand

Tanapon Lawichai
Ban Tha Sala 1 Moo 7
Si Mueang Chum, Maesai,
Chiang Rai 57130 Thailand

Date: 20 Apr 2026
Location: Phuket, Thailand

Date: 21 Apr 2026
Location: Lopburi, Thailand

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Required Certificates of Compliance

The undersigned hereby certifies under penalty of perjury:

Conference Compliance⁴

This Motion to Strike the New ROA created on 28 May 2026 is UNOPPOSED.

The conference was held via email with the response from to AUSA Parker on 29 May 2026 which stated:

Defendants will not oppose sealing materials that contain PII

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 1,365 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software⁵.

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

4 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

5 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 30 May 2026 at 5PM.

prepared in a proportionally spaced typeface using LibreOffice Writer using Times New Roman (14-point).

Certification Of Electronic Signatures

In accordance with [Fifth Circuit Rules and Internal Operating Procedures \(FCRIOP\)](#) 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 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.

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: 30. May 2026

Location: Irving, TX