

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

<p>Brian P. Carr, Rueangrong Carr, and Buakhao Von Kramer we 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. <b>26-10025</b></p> <p><b>Verified<sup>1</sup> Motion to Reconsider Clerk's Order Denying Motion to Amend the ROA Pursuant to <u>5CCLR 27.2</u></b></p> <p>Certificate of Conference – OPPOSED<sup>2</sup></p>
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**Motion to Reconsider Clerk's Order  
Denying Motion to Amend the ROA Pursuant to 5CCLR 27.2**

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**Introduction**

Two documents were garbled in the process of including them in the Record on Appeal (ROA) and this motion requests that the ROA be amended to include legible copies of [ECF10-9](#) and [ECF16-1](#).

Pursuant to Fifth Circuit Court Local Rule [5CCLR 27.2](#), we Brian P. Carr, Rueangrong Carr, Buakhao Von Kramer, Tanapon Lawichai, and Rujipas Lawichai respectfully move this Court to reconsider the Clerk's summary order ([5CC31](#)) of 21 May 2026, which denied our Verified Motion to Amend the ROA, Correct Garbled Records ([5CC26](#)). In support, we show that two vital district court documents were transmitted to this Court in a technically corrupted, garbled, and entirely unreadable format. Correction is required under Federal Rule of Appellate Procedure [FRAP 10](#)(e) to ensure this Court has a complete and accurate record to review the merits of this appeal.

**Summary**

On May 21, 2026, a Deputy Clerk issued a summary memorandum order ([5CC31](#)) stating simply:

Appellant's motion to amend the record on appeal is denied.

The underlying motion sought to rectify a severe technical processing defect: two

critical district court documents are completely illegible in the Record on Appeal (ROA). Because a merits panel cannot review corrupted evidence, and because the parties cannot accurately cite to a garbled record under [5CCLR 28.2.2](#), we request that a single judge or motions panel:

- Reconsider the Clerk's order,
- Vacate the denial, and
- Order the record to be amended or supplemented with clean, legible copies of the two affected documents.

### **Relevant Facts And Procedural History**

1. The electronic Record on Appeal (ROA) was compiled and transmitted to this Court by the Clerk of the District Court for the Northern District of Texas in Case No. 3:23-CV-2875-S on 15 Apr 2026.
2. On 13 May 2026, we filed our Motion to Amend the ROA, Correct Garbled Records ([5CC26](#)). As explained therein, we discovered upon reviewing the transmitted ROA that two specific, critical documents from the district court record are technically corrupted, garbled, and completely unreadable due to font assignment or PDF rendering errors:
  - ROA [vol-692973\\_Part4.pdf](#) pages 9-12 text is garbled, illegible and does not match [ECF10-9](#) which is pages 159-161 in ECF. This is most easily verified with the links in [ROA10-9pg182](#). A copy of [ECF10-9](#) is attached as the first exhibit and a copy ROA [vol-692973\\_Part4.pdf](#) pages 9-12 is attached as the second exhibit.
  - ROA [vol-692973\\_Part4.pdf](#) pages 144-148 text is similarly corrupted with unreadable text artifacts and font translation errors, failing to match match [ECF16-1](#) which is pages 294-298 in ECF. This is most easily verified with the links in [ROA16-1pg182](#). A copy of [ECF16-1](#) is attached as the third exhibit and a copy ROA [vol-692973\\_Part4.pdf](#) pages 144-148 is attached as the fourth exhibit.

The latter exhibit is critical in refuting the later denial by USCIS in [ROA10-10pg185](#) which improperly denies my wife's N-400 application for citizenship (even though it was previously approved in [ROA10-5pg177](#) and the denial had the effect of leaving my wife as an apparent illegal and terrified of being deported without cause or notice at any time) for 'failure to appear' without any discussion of notice. [ECF16-1](#) demonstrates that there was not timely notice of the hearing as the notice was not mailed until almost a week after the listed date on the notice [ROA10-7pg179](#). This discrepancy was the basis for the ancillary prospective relief in [ROA84-1pg2219 para210pg41](#) and [relief34-38pg75](#).

3. The Motion to Correct Garbled Records [5CC26](#) mentioned an anticipated motion to correct additional problems with the ROA which was to unseal [ECF20](#) and all its exhibits with the exception of ECF20-1 as well as [ECF67](#) and all its exhibits with the exception of ECF67-13. The two exceptions are each exhibits which had unredacted personal identification information (PII) contrary to [FRCP Rule 5.2](#) but were replaced with correctly redacted exhibits in [ROA24pg570](#) with properly redacted replacement [ROA24-1pg573](#) and [ROA69pg1567](#) with properly redacted replacement [ROA69-1pg1571](#). The court had not correctly sealed the exhibits ECF20-1 and ECF67-13 but left the clerk initiated seal on the two groups of documents in its orders [ROA26pg578](#) and [ROA89pg578](#) which did not address the issue of sealing documents at all.
4. The two groups of sealed documents 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 was no discussion of the exhibits ECF20-1 and ECF67-13 with unredacted PII.

5. On 21 May 2026, Deputy Clerk Rebecca L. Jeanfreau issued an unreasoned administrative summary denial of our' motion to amend ([5CC31](#)). This timely motion for reconsideration follows.
6. On 28 May 2026 a new ROA was generated contrary to our request that the correction be made as a supplement (which could be easily replaced when the issue of exhibits ECF20-1 and ECF67-13 were addressed).
7. On 30 May 2026 we filed a motion to strike the new ROA ([5CC32](#)) as it contained unredacted PII contrary to [FRCP Rule 5.2](#) and [FRAP 25\(a\)\(5\)](#). That motion has not been resolved to date.

### **Argument and Legal Authority**

#### **Reconsideration is Warranted Under [5CCLR 27.2](#)**

[5CCLR 27.2](#) explicitly provides that:

any party adversely affected by an action of the clerk... may move as soon as possible for its reconsideration, vacation, or modification by a judge or panel.

Because the Clerk's summary denial leaves us with a corrupted, physically unreadable record that prevents proper presentation of their appeal, judicial review of this administrative denial is necessary.

**Correction of a Corrupted Electronic Record is Mandated Under [FRAP 10\(e\)](#)**  
[FRAP 10\(e\)\(2\)](#) dictates the precise remedy for technical transmission errors:

If anything material to either party is omitted from or misstated in the record

by error or accident, the omission or misstatement may be corrected and a supplemental record may be certified and forwarded:...

(C) by the court of appeals

The purpose of [FRAP 10\(e\)](#) is to ensure that the appellate record accurately discloses what occurred in the court below. We do not seek to introduce new or extra-record evidence; rather, we seek to make the existing record **legible**. The two affected documents were properly before the district court. Their current illegible state in the ROA is a classic technical "accident" or "error" resulting from electronic scanning or digital compilation.

### **Denial of the Motion Causes Severe Prejudice and Impedes Briefing**

Under [5CCLR 28.2.2](#), parties are strictly mandated to provide precise page citations to the appellate record. Because these pages are currently a garbled technical artifact, we cannot safely reference or cite these critical files in our upcoming merits brief. Furthermore, a merits panel cannot fairly or accurately adjudicate this appeal if the underlying documentary evidence is physically unreadable.

Appellees previously indicated opposition to correcting these garbled records. There is no legitimate legal or procedural basis to oppose making a corrupted record legible.

### **New ROA of 28 May 2026 Does Not Correct Garbled Records**

We reiterate that the new ROA of 28 May 2026 should be stricken. We have not verified whether [ECF10-9](#) and [ECF16-1](#) are garbled in the new ROA (it is a rather tedious process) as the font selection errors arise when multiple PDF files are combined before the footer is added with the appeal page number. Garbled records normally depend on which other PDF files precede the file. If the documents are

grouped differently to correct the original garbled documents it is possible that other records will be garbled with the new grouping. Unless each document is updated individually with visual inspection of the results there is no guarantee that the new ROA won't have new documents with garbled text. As we have spent the time to verify every document in the original ROA (an exceedingly tedious process), the most efficient correction is to supplement the original ROA with corrected files adjusting the ROA docket as necessary.

### **Conclusion and Prayer For Relief**

For the foregoing reasons, we respectfully request that this Court:

- GRANT this motion to reconsider,
- VACATE the Clerk's summary order of May 21, 2026,
- ORDER that the ROA of 28 May 2026 be stricken and
- DIRECT the Clerk of the United States District Court for the Northern District of Texas to re-transmit clear, uncorrupted electronic copies of District Court [ECF10-9](#) and [ECF16-1](#) as a Supplemental Record on Appeal.

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*

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Brian P. Carr  
1201 Brady Dr  
Irving, TX 75061

Date: 4. June 2026

Location: Irving, TX

**Other Signatories**

*/s Air Carr*

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Rueangrong Carr  
1201 Brady Dr  
Irving, TX 75061

Date: 19 Aug 2025

Location: Irving, TX

*/s Buakhao Von Kramer*

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

Date: 20 Aug 2025

Location: Bangkok, Thailand

*/s Rujipas Lawichai*

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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*

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

Date: 21 Apr 2026

Location: Lopburi, Thailand

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### **Required Certificates of Compliance**

The undersigned hereby certifies under penalty of perjury:

#### **Certificate Of Interested Persons**

The undersigned certifies that the following listed persons and entities as described in [5CCLR 28.2.1](#) 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, potential Appellant
5. Rujipas Lawichai, potential Appellant
6. United States of America, et al., App appellees
7. Tami C. Parker, Counsel for Appellees with appealed motion for Sanctions, potential Appellee
8. George Monroe Padis, previous Counsel for Appellees with appealed motion for Sanctions, potential 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 Conference Compliance<sup>3</sup>**

This Motion to Reconsider Clerk's Order Denying Motion to Amend the ROA Pursuant to [5CCLR 27.2](#) is OPPOSED.

The conference was held via an email from AUSA Parker on 2 Jun 2026 which

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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

stated:

Defendants oppose all your other proposed motions

As such, appellees / defendants are considered to be OPPOSED to this 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 1,410 words (which is less than the nominal 5,200 words for a single motion), 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).

### **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 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

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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 4 Jun 2026 at 7PM.

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  
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Date: 4. June 2026  
Location: Irving, TX