

In the United States Court Of Appeals, 5th Circuit

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	Case No. 26-10025 Verified Emergency Motion for Panel Review of Deferred Administrative and Caption Corrections Certificate of Conference – OPPOSED
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**Emergency Motion for
Panel Review of Deferred Administrative and Caption Corrections**

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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

Abbreviation: Full Name or Phrase

AUSA: Assistant United States Attorney
CFR: Code of Federal Regulations
CIGIE: Council of the Inspectors General on Integrity and Efficiency
CM/ECF or ECF: Case Management/Electronic Case Files system
DHS: Department of Homeland Security
DoJ: Department of Justice
DoS: Department of State
FRAP: Federal Rules of Appellate Procedure
FRCP: Federal Rules of Civil Procedure
IG: Inspector General
IRS: Internal Revenue Service
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
TXNDLR: TXND Local Rules
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

Abbreviation: Full Name or Phrase

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

USCIS: United States Citizenship and Immigration Services

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.

Five Exhibits Added to the Record With This Motion

To assist the panel in reviewing the procedural chronology and the administrative mistakes and errors that justify this request for review, we are attaching the following supplemental records as formal exhibits:

- [Exhibit 1](#) is an Affirmed Statement concerning the facts and circumstances which support the relief sought in this Motion for Panel Review. It was prepared in support of a pending motion with suggested improvements USCA5 could make to substantially reduce administrative errors and mistakes and greatly improve judicial efficiency.

- [Exhibit 2](#) is a recent docket listing in this matter as of 8 Aug 2026 and shows that [5CC44](#) and [5CC45x1](#) were withdrawn.
- [Exhibit 3](#) is an excerpt of two pages from [5CC45x1](#) which had their normal USCA5 header shifted down so that the original header can be seen just underneath the new header inserted when the exhibit is filed in USCA5 ECF.
- [Exhibit 4](#) is an example of the error shown to the public when they try to access USCA5 ECF documents [5CC44](#) and [5CC45x1](#). The text of the error dialog box is:

ecf.ca5.uscourts.gov

You do not have permission to view this document.

Reason for restriction: This document is no longer valid. It has been WITHDRAWN.

With the only option of 'OK'.

It is important to note that this improper restriction of public access includes my wife, her sons, and her sister who were denied any hearing by TXND in decisions which were contested in the NOA [5CC1](#).

- [Exhibit 5](#) is an example of the warning shown to parties when they try to access USCA5 ECF documents [5CC44](#) and [5CC45x1](#). The text of the warning dialog box is:

ecf.ca5.uscourts.gov

Access to the document you are about to view has been restricted.

Do not allow it to be seen by unauthorized persons. Click "OK" to continue.

Reason for restriction: This document is no longer valid. It has been WITHDRAWN.

[OK] [Cancel]

The party is permitted to retrieve the document with the 'OK' button or cancel the retrieval with 'Cancel'.

I. Introduction and Statement of Emergency Posture

The right of appeal is one of the pillars of due process, a constitutional individual right. Further, the appeal process is itself subject to the rules of due process, in essence providing a fair hearing.

There are two primary elements of this motion which demonstrate that the administration of the caption and the ROA are critical elements of the appeal process in USCA5 which can not be deferred until after the appeal brief is submitted.

We are submitting this motion to request that a full three-judge panel review and correct the recent order issued by the single circuit judge on 17 Aug 2026, [5CC70-1](#). That order improperly carries our ripe, time-sensitive motions with the case, creating a procedural deadlock that harms our ability to litigate this appeal. We face an emergency posture because our briefing deadlines are active, yet the basic structure of the appeal remains completely unsettled.

[5CC70-1](#) and its predecessor [5CC58-2](#)) deferred crucial requests to correct our case caption together with appropriate document length and time relief as well as orders to compel the lower court to fix a broken, non-compliant ROA.

Forcing us to file a final brief while the ROA remains unresolved and several parties are excluded from the case caption violates our fundamental right to due

process. This panel must intervene immediately to stay the briefing schedule and resolve these structural defects before any further briefs are due.

1. Numerous Administrative Errors Prevented Judicial Decisions

In this matter there were only four original motions, [5CC13](#), [5CC25](#), [5CC26](#), and [5CC32](#). However through clerk errors 13 additional motions were required (4 of which were just needless redocketing of an existing motion by the clerks). Several motions were denied without any procedural or rule justification and the appeal was dismissed ([5CC33-1](#)) in violation of [5CCLR 42.3.1.2](#) which restricts the clerk to provide explicit 15 day notice for 'Appeals without Counsel' before dismissal and no such notice was provided.

Indeed, had the clerks instead just referred the four original motions for judicial review instead of the redocketing and non procedural denials as well as generating a second ROA without authorization and dismissing the appeal, [5CC33-1](#) could have instead been a judicial decision resolving all the pending issues and setting a reasonable due process schedule in Jun 2026.

There is an affirmed statement [Exhibit 1](#) which describes all the relevant motions and their relationship to each other. Further, [Exhibit 1](#) shows that procedural process failures were the likely source of most of the confusion which resulted including the substantial rework to correct past mistakes.

2. Public Access to PII and Sealing Documents is Central Problem

The center of these procedural process errors centers around mistakes in public access to PII and the informal, ad hoc procedures to seal documents. These errors started with TXND and have persisted, still not correct in the TXND record, the

ROA (both of them), and the USCA5 record. In [ECF101](#)pg9¹ there is a detailed description of how two records with unredacted PII were processed in TXND. It suggests how written processes with Standard Procedural: Motions, Notices, and Clerk Memos along with standing court orders could have simplified the sealing of documents with unredacted PII (and two other common filing errors) to an immediate clerk Memo sealing the document on receipt of a properly completed motion with no judicial involvement (beyond the standing order which defines the process for the clerk to seal the document).

These same problems extend to USCA5 current ad hoc process which exacerbated the original TXND errors. These dual errors of improperly sealed documents (no court order sealing the documents) and public access to unredacted PII persist in both the ROAs in this matter as well as TXND ECF at this time. This motion seeks the correction of these errors as well as a review of the TXND recent decisions through a supplement to the ROA.

It is anticipated that once a proper Appeal Brief is submitted in this matter, there will also be a similar motion suggesting corrections to USCA5 administrative processing through further expansions of Standard Procedural: Motions, Notices, and Clerk Memos with supporting standing orders to correct the gaps which permitted the errors in the administrative processing in this matter.

II. Procedural Authority for Emergency Panel Review

This motion for panel review is formally submitted pursuant to [FRAP Rule 27\(c\)](#) and [5CCLR 27](#), which provide that any action taken by a single circuit judge may

¹ In [ECF101](#) Standard Procedural Motions and such are referred to as Sample Motions as they are modeled after such sample motions in USCA5 but the phrase 'Standard Procedural' is felt to be more accurate and descriptive.

be reviewed, modified, or vacated by a full three-judge panel. While a single judge has broad authority to manage non-dispositive procedural matters, this power is explicitly limited when an administrative action threatens to disrupt the fundamental fairness of an appeal. A party aggrieved by a single judge order has an absolute right to seek a panel intervention to protect the integrity of the record.

The single judge's decision to carry our ripe procedural motions with the case exceeds the normal boundaries of administrative management. Carrying time-sensitive relief with the case prevents us from resolving critical structural defects before our final arguments must be submitted. This panel possesses full authority to step in, stay the active brief schedule, and override the single judge order to ensure that the court record complies with uniform federal standards.

We are forced to invoke this emergency panel review because a single judge cannot unilaterally defer constitutional due process protections. When a lower court fails to provide a readable, compliant record, and a single appellate judge refuses to compel a fix, our right to a fair hearing under the Fifth Amendment is completely blocked. This panel represents the necessary structural check to resolve this deadlock and restore legal accountability to the electronic docket.

III. The Single Judge Order Improperly Defers Ripe Structural Corrections

The single judge's order issued on 17 Aug 2026, [5CC70-1](#), defers our ripe motion for reconsideration to the full oral argument panel. This decision to carry our motions with the case operates as a functional denial of the requested relief at this stage of the litigation. A single circuit judge possesses clear authority under [FRAP Rule 27\(c\)](#) to manage non-dispositive procedural items, yet deferring these

structural corrections leaves us without a valid foundation to complete our briefing.

Our underlying motions to correct the record and stay the brief schedule are fully ripe for adjudication and require immediate resolution. Carrying these structural questions with the case makes no logical sense because these issues dictate the very boundaries of how the appeal must be conducted. The court cannot safely or efficiently review a final merits brief while the core operational record and the actual parties to the appeal remains broken and uncorrected in the files.

Deferring these administrative updates causes immense procedural confusion for all active participants in this case. The purpose of pre-briefing motions is to ensure that both sides agree on the contents of the record before building their core legal arguments. By putting off these corrections, the single judge forces us to guess which documents the panel will ultimately consider, subverting the orderly administration of justice.

IV. Irreparable Harm of Filing Briefs Under Defective Case Captions

1. The Caption Determines Who Can Be Heard in an Appeal

Filing our opening brief under a defective case caption causes immediate, irreparable harm that a final panel cannot easily undo after the briefing stage concludes. The current case caption completely excludes vital parties to this litigation, including my wife, her sons, and her sister, whose legal statuses and rights are directly impacted by the lower court's actions. Forcing us to submit our core arguments while the court refuses to accurately list the participants in this appeal undermines our standing and fractures our collective presentation of the errors.

Furthermore, this caption defect leaves two attorneys with no avenue to defend TXND's refusal to even consider sanctions, an apparent 'abuse of discretion'. Without a corrected caption that names them as participants under appeal, these individuals have no formal procedural standing, making it exceptionally difficult for them to present a clear defense or file briefs to protect their names. Deferring the resolution of who is actually a party to this case until the final merits panel completely deprives these individuals of a meaningful opportunity to be heard during the active briefing window.

A case caption is not a mere clerical footnote; it is a vital due process mechanism that establishes exactly who is bound by the court's jurisdiction and who has the right to be heard. If we are forced to complete this entire appeal under a silent, inaccurate ledger of names, the integrity of the proceeding is corrupted from the start. This panel must step in to regularize the caption immediately so that all involved parties can properly exercise their appellate rights in the upcoming briefs.

2. Time (to Prepare Briefs) and Length of Briefs Must be Set

There were several errors by the clerks which brought us to this impasse. The most obvious was the deletion of my wife and her sister from the caption. Each of the proposed parties have the right to be heard on issues of great importance to them, but are precluded from directly participating until the caption is corrected.

While it is theoretically possible for me to argue that my wife, her sons, and her sister should have been included in the Appeal and represent their claims, unless they are listed in the caption, they can not file their own individual briefs. Within the time and length constraints there just isn't time or space / length to properly

present each of individual claims.

There could be a great savings of time and length (as well as judicial efficiency) if the overlapping claims were discussed together where the duty to perform are common along with the failure to perform but the individual injuries are set out separately. However, this would require a joint brief. Given the number of defendants (originally 9, 11 proposed) it could well be impossible to adequately state each of the combinations of claims within the normal length and time constraints.

As such the time and length relief sought must be resolved before we can present a joint brief covering each of us.

V. Uncorrected Clerical Errors Prevented A Single Correct ROA

1. Two Motions 'Withdrawn' in Error By USCA5 Clerk

A. Error Not Corrected, Documents Sealed From Public Access

As explained in the Affirmed Statement [Exhibit 1](#) and the email exchange [5CC62](#), the USCA5 Case Management Clerk classified two motions as 'Withdrawn' in error, [5CC44](#) and [5CC45-1](#).

The first, [5CC44](#) was actually the superseded predecessor to [5CC46-1](#) and an important document in timely preservation of the original motion [5CC25](#) to stay the briefing schedule, correct the caption, and provide time and length relief. Denying public access to this critical motion with a false status of restricted and withdrawn makes the preservation chain incomprehensible to the public.

The second [5CC45-1](#) was actually one of the two motions which should have been reviewed by the single judge as it was the one which dealt with the ROA issues which the court largely ignored.

It should also be noted that these critical motions were both marked RESTRICTED as can be seen in [Exhibit 3](#). The USCA5 clerk explained that they were altered to 'Withdrawn' in order to prevent mistaken consideration by parties (which in this case is the judge as she was preparing the case for the judge's review).

However, the motion practice in this matter was complex enough without adding false dead ends. I complained of the error to the clerk, but she claimed she could not fix it (see [5CC62](#)). It is plausible that the judge was confused by the incorrect labeling and so the resulting mistaken decisions by the judge were at least partially the result of this incorrect label (i.e. the clerk had successfully hidden this critical motion from the judge in error).

The other concern with the incorrectly marked motions is that parties / judges get the warning in [Exhibit 5](#) warning them to insure others are not given access to the document. Public users see the error shown in [Exhibit 4](#) and are denied access with incorrect statements of the motions status (neither were withdrawn).

B. Judge Defers Correction, Leaves Critical Documents Sealed

In MTR [5CC61](#) we asked the judge to correct mistaken labeling of these two documents. However, her response was in Order [5CC70-1](#) which stated:

IT IS ORDERED that Appellant's motion for reconsideration of withdrawals and extraordinary relief that said motion be treated as a motion for judicial

notice is carried with the case.

The judge decided to defer these corrections to the USCA5 ECF record to the merit panel rather than correcting the USCA5 ECF record to note that the motions were timely and requested immediate consideration.

In essence, it was an error for the clerk to misdirect the judge away from a critical timely motion to correct the ROA. When asked to correct the error the clerk claimed she could not which required to us to file a motion to correctly note that [5CC45-1](#) was timely and required prompt correction of the ROA.

When the judge was asked to recognize that the withdrawn status was wrong and the motion was actually timely and required prompt correction of the ROA, she instead deferred any action and left the incorrect status and the defective ROA for the merits panel.

2. USCA5 ECF Can Not Deny Public Access W/O Court Order

The error was particularly egregious as USCA5 has a longstanding policy that sealing documents from public access requires judicial orders which balance the right of the public to open access with the rights of the parties. However, no one had sought this sealing of these documents and no judge had ordered the sealing. It was a mistake to seal the documents and it must be a simple procedural matter to correct such mistakes (not defer the correction to the merits panel).

Indeed, [SEC v. Van Waeyenberghe, 990 F.2d 845, 848 \(5th Cir. 1993\)](#) states:

the court must balance the public's common law right of access against the interests favoring nondisclosure' **before** any record **remains** shielded from

the public²

As there was no court decision to seal these documents which were incorrectly marked as ‘withdrawn’, USCA5 policy requires every withdrawn document to have full public access unless there is a court order to the contrary. The judge can not defer the correction of improper restrictions on public access to the merits panel which could be years away. Instead, upon learning of such restrictions, every judge is required to immediately order the unsealing of such records and every clerk must insure that no ‘withdrawn’ records remain sealed.

VI. Order to Correct ROA in [5CC58-1](#) Ignored by TXND

1. Duplicate Broken ROAs Remain Preventing Any Complying Briefs

Order Memo [5CC58-1](#) stated:

The court has granted the motion to amend or correct the record in this case. The originating court is requested to correct the record in accordance with the attached motion.

and attached the original MTR [5CC35-1](#) as [5CC58-3](#).

Court Confused By Errors, Continues Confusion with TXND

It should be noted that it was confusing for the court to redocket an intermediate MTR [5CC35-1](#). Rather it should have just cited the source motion at the start of the chain of preservation motions [5CC26](#) or the culmination summary motion [5CC45-1](#) which had sadly been hidden from the court in error (marked as withdrawn while it was actually a critical and active motion) by the clerk in error.

² I marked critical text with bold.

2. TXND Clerk Has Ignored Court's Request to Correct the ROA

A. ROA is Still Broken With Duplicate ROAs, Each With Errors

Furthermore, the TXND clerk's office has failed provide any authenticating information to resolve the question of which ROA is correct. We had asked that the court file the docket of actual ROA as part of the USCA5 ECF record so we would know which is the real ROA and which pagination is the correct one to cite. This would be either the file [DocketSheet-106607.pdf](#) or [DocketSheet-107860.pdf](#).

B. ROA Sealed Records Still Incorrect

The TXND clerk has also ignored the USCA5 court requests to unseal the two document groups [ROA20pgSealed](#) and [ROA67pgSealed](#) while also restoring the seal on ECF20-1 and ECF67-13 with unredacted PII. This task is most easily accomplished with a supplement to the first ROA which includes the two large document groups but omits / strikes ECF20-1 and ECF67-13.

C. Garbled Records Remain in Both ROAs

Further, if the USCA5 clerk creating the new supplement were to add [ECF10-9](#) and [ECF16-1](#) as separate files to the supplement, the pdf files should remain true and ungarbled (as the likely source of the garbled text was the combining of numerous separate pdf files into a single large volume).

These two steps would correct the ROA and that issue delaying preparation of the final appeal brief would be resolved.

VII. Judge Dictated Aggressive Briefing Schedule With Broken ROA

The USCA5 Judge did not toll the briefing schedule until there was a correct ROA but instead gave us a very aggressive schedule of one week to submit our appeal brief with [5CC58-2](#):

IT IS FURTHER ORDERED that Appellant's brief must be filed no later than August 17, 2026.

Because the ROA remains broken with duplicated (different pagination) ROAs with garbled exhibits, and improper sealed records, we cannot make accurate citations in our briefs. These problems dictated that the preliminary appeal [5CC71](#) was prepared under duress and with reservation of the right to supplement the appeal when the ROA defects were corrected.

VIII. Supplement ROA, Recent TXND Issues Concerning Sealed Documents

[5CC46-1](#) identified new errors in TXND processing of PII documents and sealing documents without any court order. [5CC46-1](#) requested that the outstanding motions in TXND ECF be resolved by TXND and then that the ROA be supplemented with the new records.

IX. TXND Continuing Public Exposure of Unredacted Privacy Data

In motions [5CC26](#) and later [5CC32](#), I complained that the original ROA had numerous documents sealed without any supporting court order ([ROA20pgSealed](#) and [ROA67pgSealed](#) which total 25 documents and 133 pages). This may have been the justification for the unauthorized second ROA which unsealed the documents but exposed two exhibits, ECF20-1 and ECF67-13, with unredacted PII

to public access.

TXND also unsealed the documents and exhibits in TXND ECF but did not take into consideration the two exhibits, ECF20-1 and ECF67-13, which were previously requested to be sealed as they had unredacted PII (and replacements were provided with correct redaction). At this time the TXND docket shows that those exhibits are still publically accessible and were previously successfully accessed by a 'public' / unrelated PACER account without any restrictions.

There are TXND motions to fully correct these defects which should be resolved and included in the additional supplement to the ROA:

- [ECF97](#) Motion to Strike
- [ECF98](#) Order Denying Motion to Strike
- [ECF100](#) Objections to Order Denying Motion to Strike
- [ECF101](#) Motion for Process Improvements for Seal / Strike Documents
- [ECF102](#) Order Denying Motion to Strike But Suggesting the Court Might Seal Documents at some future date

However, the TXND court has not actually ordered the exhibits with unredacted PII sealed at this time even though the requested correctly redacted documents were filed again, this time as [ECF103](#) and [ECF103-1](#)

We request that USCA5 direct TXND to issue an order sealing / striking ECF20-1 and ECF67-13 and decide [ECF101](#) Motion for Process Improvements for Seal / Strike Documents.

Once the pending motions are properly resolved we ask that TXND supplement the original ROA with these new records.

X. Issues of Law Raised by the Denial of Motion to Strike [ECF97](#)

1. TXND Held USCA5 Balancing of Public Access Overrides PII Rules

In [ECF98](#) the TXND court denied our Motion to Strike [ECF97](#) which was based on the simple text of [FRCP 5.2](#). I had accidentally left unredacted PII in two exhibits and sought (and am seeking) to have the two documents sealed / stricken as there are properly redacted replacement documents.

However, the court found that USCA5 policies on sealing requires that I justify the privacy rights embodied [FRCP 5.2](#) in each case and balance them against the public's rights to access. In [ECF100](#) Objections I argued that Congress and the Supreme Court had already done that balance and the resulting Rule [FRCP 5.2](#) embodies the result.

I argued that is not necessary for each party and judge to struggle with that question of balance for PII which strictly conforms with [FRCP 5.2](#), in this case redacting the full birth date to just the birth year and redacting Social Security Number to just the last four digits.

Indeed in ECF20-1 I also redacted my wife's Alien Number as recommended by USCIS but that goes beyond [FRCP 5.2](#). USCIS and DoJ could ask that that I provide an exhibit that does not redact that information, but that is unlikely as USCIS provided the ID card with that number and recommended that the number be redacted in all legal filings and external correspondence. With Alien Numbers

the USCA5 policy would require balancing public access with individual privacy but I imagine that USCIS recommendations would control.

Surprisingly, in [ECF102](#) Order Upholding Denial of Motion to Strike, the TXND court confirmed the previous court finding that USCA5 guidance on balancing public access with individual privacy controls over [FRCP 5.2](#) with:

the Court finds that the rulings by the Magistrate Judge were neither clearly erroneous nor contrary to law. FED. R. Crv. P. 72(a); 28 U.S.C. section 636(b)(1)(A). Therefore, the Court OVERRULES the Objection and AFFIRMS the Order.

citing [FRCP 72\(a\)](#) and [28 USCS 636\(b\)\(1\)\(A\)](#) though the TXND court did imply that it might seal the documents at some future date with:

However, based on the information included in the Objection, the Court ORDERS Plaintiffs to file redacted versions of the challenged documents. See ECF Nos. 20-1, 67-13. The Court further ORDERS the Clerk of the Court to seal the unredacted versions of ECF Nos. 20-1 and 67-13 pending further order of the Court.

USCA5 is asked to direct the TXND court to decide [ECF101](#) Motion for Process Improvements and also explicitly Order the striking of ECF20-1 and ECF67-13. Further, the USCA5 court is asked to direct the TXND clerks to supplement the ROA with these recent TXND ECF entries once the TXND court has resolved these pending matters.

2. Statutory FRCP Overrides Discretionary Public Access Guidance

It is surprising that there could be any question over which authority controls, but

that is the case in this matter. The supplemental ROA requested will allow us to present our compelling arguments included herein in our Appeal Brief to the merits panel.

The lower court's insistence on applying a common-law public-access balancing test to electronic records with PII creates a direct conflict with mandatory federal privacy rules. Under [FRCP 5.2](#) and [FRAP 25\(a\)\(5\)](#), Congress has issued an absolute command to shield sensitive personal identifying information (PII) from public access. A lower court judge lacks the legal discretion to use USCA5 balancing guidance to override these explicit statutory privacy rules.

The federal rules enacted under the Rules Enabling Act, [28 USCS 2072](#), possess the full force of statutory law and completely bind the administrative choices of the clerk and the judge. When a strict rule dictates that a social security number or exact birth date must be truncated to protect a citizen from identity theft, the court has a mandatory duty to enforce that restriction. The district court erred as a matter of law by treating these clear privacy mandates as optional factors to be weighed against general public interest.

The merits panel must firmly establish that direct federal privacy protections control over discretionary public access guidelines. USCA5 must establish that individual judges can not simply ignore clear and specific statutes and the resulting rules. By declaring that the statutory commands of the federal rules are absolute, this court will restore procedural uniformity and protect the operational integrity of our electronic dockets.

XI. Conclusion and Prayer for Panel Relief

For the reasons stated above, we request that this panel immediately intervene to correct the ongoing structural defects in this appeal and preserve our right to due process. We ask the panel to vacate the single judge's order of 03 Sep 2026, [5CC70-1](#), insofar as it defers our ripe administrative corrections to the merits panel. To prevent immediate and irreparable harm, this court must issue an order granting the following specific relief:

- Stay the active briefing schedule for a minimum of 30 days to allow for the regularization of the case records and layout.
- Correct case caption to accurately include all proper parties and provide a determination on the time and length relief requested in [5CC25](#).
- Order the unsealing and public access restoration of the restricted documents [5CC44](#), [5CC45-1](#), and [5CC45-2](#).
- Direct the TXND clerk to provide supplements to the original ROA:
 - adding improperly sealed documents ([ECF20](#) and [ECF67](#) with attached documents) but also striking the exhibits with unredacted PII (ECF20-1 and ECF67-13),
 - correcting the garbled text in [ECF10-9](#) and [ECF16-1](#), and
 - including recent and pending documents in TXND ECF concerning sealing documents and unredacted PII.

Resolving these basic administrative hurdles now is essential to ensure a clear, fair, and efficient review of the underlying merits of our lawsuit.

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: 8 Sep 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

/s Tanapon Lawichai

Rujipas Lawichai
 Ban Tha Sala 1 Moo 7
 Si Mueang Chum, Maesai,
 Chiang Rai 57130 Thailand
 Date: 20 Apr 2026
 Location: Phuket, Thailand

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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Certificate of Counsel / Pro Se Party

The undersigned hereby certifies under penalty of perjury:

1. Certificate Of Interested Persons

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., 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

2. Certificate of Contact / Conference Compliance

In compliance with [5CCLR 27.4](#), I contacted AUSA Parker via email concerning this motion and on 2 Jun 2026 AUSA Parker stated:

Defendants oppose all your other proposed motions

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

3. [FRAP 32\(g\)\(1\)](#) Length Compliance

This motion 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 4,225 words (which is less than the nominal 5,200 words for a single motion), as determined by LibreOffice Writer word processing software³.

³ LibreOffice Writer was used to count the words in the selected section below the Table of Contents but above the first signature block. The certified word count was accurate on 8 Sep 2026 at 7PM.

4. 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).

5. 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.

6. 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: 8 Sep 2026

Location: Irving, TX