

December 1, 2025

From: Maurice Fitzpatrick
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To: Honorable Judge Reed O'Connor
United States District Court (Northern District of Texas - Fort Worth Division)
Case No.: 4:25-cv-01272-O
Case Caption: AFG Companies, Inc. v. Genuine Lifetime LLC, et al.

Subj: **NOTICE OF JURISDICTIONAL CHALLENGE, CIVIL RIGHTS OBJECTIONS,
AND REQUEST FOR CLARIFICATION**

Your Honor:

I submit this notice to formally raise jurisdictional concerns and civil rights objections related to the November 17, 2025, removal of Tarrant County Case No. 048-352249-24, and its overlap and/or intersection with several pending and unresolved matters involving:

1. My unadjudicated Motion to Intervene filed November 12, 2024, in the Tarrant County Case No. 017-352358-24 (17th Judicial District of Tarrant County) ([Exhibit A](#))¹;
2. The secret consolidation of the 017-352358-24 case into the 048-352249-24 case without notice to me ([Exhibit B](#) and [Exhibit C](#));
3. My Second Notice of Appeal with Exhibits A-G pending in the Second Court of Appeals (Case No. 02-25-00544-CV) ([Exhibit D](#));
4. My still unresolved *Motion to Intervene* and Notices of civil rights removal and issues raised in my filings in a case, 3:25-cv-00114-S, filed on January 16, 2025, by attorneys Matthew E. Yarbrough, Jason Blackstone, and Alexis Nicole Del Rio, for and on behalf of Brand Engagement Network, Inc. et. el., in the N.D. Tex. Dallas Division ([Exhibit E](#));
5. And a Denton County Case No. 24-11876-442, in which a questionable default judgment was entered while a Special Appearance was pending, unadjudicated, and procedural irregularities remain unaddressed. I challenge the legality, validity and lawfulness of this default judgement as being void ab initio ([Exhibit F](#)).

¹ **Note:** Exhibits are provided as publicly-linked documents as one or more exceed the upload size of the CM/ECF system. Exhibits are hyperlinked throughout as well as within the Exhibits table on page 7 of 8.

Because these matters involve my intervention rights, property rights, due-process rights, federal civil rights and Constitutional issues, I am compelled to raise the following:

I. Procedural Irregularities Surrounding the Removal of the 048-352249-24 Case

Based on the filings I reviewed:

1. The removal on November 10, 2025, of this new federal case, 4:25-cv-01272, occurred **before** the Second Court of Appeals for the State of Texas issued any ruling, remand order, or dismissal off my pending appeal (02-25-00544-CV) ([Exhibit G](#) also see [Exhibit D](#)).
2. To date, the Second Court of Appeals' docket still shows no remand order and no dismissal, rendering the underlying state court posture unsettled at the time of removal.
3. My prior Motion to Intervene and for Leave to file my formal Complaint/Petition, civil rights removal for fraud upon the court, ongoing retaliation, civil rights deprivations, and jurisdictional objections relating to the 017-352358-24 and 24-11876-442 cases were **never** adjudicated, leaving open federal questions tied to 28 U.S.C. §§ 1331, 1443, and 42 U.S.C. §§ 1983, 1985, and alleged violations of other federal law and public policy which in part formed the basis for my civil rights removal of these cases in the first place in February 2025.
4. Later, following an April 17, 2025, order and remand from the N.D. Tex. without adjudication of my civil rights removal ([Exhibits H, I and J](#)) (immediately appealed the order and remand, on the same day (April 17, 2025) to the 5th Circuit Court of Appeals ([Exhibit K](#)), the 017-352358-24 case proceeded during that appeal and was secretly consolidated into a separate Tarrant County case of which I am not a party and have never sought to be one in that case, the 048-352249-24 case. This action occurred in secret without service, notice, or participation from me, although the consolidation order directly affected my rights with respect to the ongoing 017-352358-24 case. I was only sent the purported consolidation order after these maneuvers had completed.
5. It is my understanding that there was a previous attempt to remove the 048-352249-24 case to federal court and that attempt at removal was almost immediately

remanded, meaning this second attempt at removal raises serious questions regarding timeliness and procedural permissibility under 28 U.S.C. § 1446 and other federal law.

6. Unlike the 048-352249-24 case, my original removal of the 017-352358-24 and 24-11876-442 cases in February 2025, was, in part, on the basis of civil rights removal and based on fraud on the court, deprivations of my civil rights, and an ongoing campaign of retaliation being waged against me by the parties and their counsel in those cases for protected activities, whistleblowing, and informing multiple courts of the litigation fraud unfolding in real time relating to pretextual “contract dispute” litigation as cover for public company frauds I allege the parties and some counsel are involved. My February 11, 2025, Motion to Intervene and Notices of Removal of the 017-352358-24 and 24-11876-442 cases was proper and justified under the circumstances and to the extent that this 048-352249-24 case survives remand, I revive and incorporate by reference my motions, filings, prior removal and basis for that prior removal, etc., from the 3:25-cv-00114-S case in the N.D. Tex. Dallas Division into this case, 048-352249-24.

Because these events directly implicate my rights, intervention status, and federal questions, and because the record contains unresolved civil rights issues, I respectfully challenge the validity and basis of the November 17, 2025, removal.

II. Civil Rights Concerns Affecting Jurisdiction

Across the 017-352358-24, 24-11876-442, and 048-352249-24 cases, numerous issues remain unresolved:

A. Due Process & Procedural Fairness

My Special Appearance in the Denton County case was left pending while a default judgment was obtained thru procedural manipulation and without jurisdiction, personal or subject-matter.

Hearings were set without notice, and orders were signed and entered falsely stating that I “appeared in person” when I was not present and that I even spoke, falsely claiming that I announced, “ready for trial”.

The secret consolidation deprived me of the ability to contest jurisdiction or file objections.

B. Equal Protection / Civil Rights Removal Grounds

My filings raised issues under 28 U.S.C. §§ 1331, 1443, including, but not limited to:

1. interference with access to courts,
2. discriminatory and retaliatory procedural treatment,
3. and the impairment of constitutional rights tied to whistleblowing activities.
4. None of those filings were adjudicated on their merits.

C. Federal Question Jurisdiction

My intervention filings asserted federal questions under:

1. the Securities Exchange Act,
2. Sarbanes-Oxley and Dodd-Frank whistleblower protections,
3. 42 U.S.C. §§ 1983, 1985,
4. and constitutional deprivations arising from state court irregularities tied to corporate entities who participated in publicly traded securities activity.

Those questions remain open.

The presence of unresolved federal civil rights claims means the removal cannot simply bypass these issues by procedural maneuver.

III. Issues Implicating Both State and Federal Jurisdiction

Because the state record contains:

1. unadjudicated intervention motions,
2. an ongoing and active appeal that has not yet been ruled upon or otherwise remanded,
3. questions of void and/or voidable orders across multiple cases,
4. unresolved civil rights removal filings dating back to February 2025,
5. and procedural irregularities affecting procedural and substantive due process, and
6. the state court proceedings into which this Court is now asked to step were never placed into a procedurally stable posture.

This is important because:

1. A state case cannot be removed while an appeal involving the same issues is pending.
2. A consolidated case cannot be removed when the consolidation itself is contested and unadjudicated and other unresolved matters exist prior to the consolidation.

None of those criteria appear satisfied.

IV. Questions Presented to the Court

I respectfully ask the Court to clarify:

1. What is the basis for federal jurisdiction in light of the pending Second Court of Appeals case and unresolved intervention issues and issues stemming from February 2025, civil rights removal, yet unadjudicated?
2. Whether the Court intends to address the unadjudicated federal questions raised in my 017-352358-24 filings and the related action in the N.D. Tex. filed on January 16, 2025.
3. Whether the Court will consider the civil rights issues under §1443, which were bypassed in state court and remain unadjudicated from the Dallas Division.
4. Whether the Court intends to treat me as:
 - a. an intervenor,
 - b. a necessary party,

- c. or someone whose rights are implicated by this removal.
- 5. Whether the Court will recognize the procedural irregularities affecting both Tarrant and Denton County related proceedings.
- 6. Whether any party intends to argue that my claims are “moot” despite them never being adjudicated.

I request this clarification now to avoid further prejudice.

V. Reservation of All Rights

I expressly reserve:

- 1. all rights under 28 U.S.C. § 1443,
- 2. all civil rights claims under 42 U.S.C. §§ 1983, 1985,
- 3. all RICO-related claims arising from patterns of procedural manipulation,
- 4. all rights of appeal,
- 5. and all rights to seek federal review of state court irregularities affecting me.
- 6. Nothing in this notice waives any right, claim, or argument, and should not be construed as consent to jurisdiction.

VI. Conclusion

Because the procedural posture of the state matters remains unsettled, and because civil rights and federal question issues remain unadjudicated, I respectfully challenge the validity of the removal and request clarification from this Court regarding the issues raised above.

Respectfully submitted,

/s/ Maurice Fitzpatrick, Jr.
Maurice Fitzpatrick, Jr.
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Exhibits:

<u>A</u>	<u>Motion to Intervene, Exhibit A, Cert. of Service (017-352358-24) (November 12, 2024)</u>
<u>B</u>	<u>Email from Ms. Yazmin Martinez w/Attach Order (048-352249-24) (October 10, 2025)</u>
<u>C</u>	<u>Order Granting Opposed Motion To Consolidate (048-352249-24) (October 8, 2025)</u>
<u>D</u>	<u>Second NOA with Exhibits A-G (017-352358-24 & 048-352249-24) (October 11, 2025)</u>
<u>E</u>	<u>Motion to Intervene; Notices of Removal (017-352358-24 & 24-11876-442, Exhibits A and B respectively) (filed in 3:25-cv-00114-S) (February 11, 2025)</u>
<u>F</u>	<u>Default Judgment (24-11876-442) (October 13, 2025) (To be challenged as void ab initio on several grounds)</u>
<u>G</u>	<u>Case Printout from Second Court of Appeals Website for Appeal No. 02-25-00544-CV (November 30, 2025)</u>
<u>H</u>	<u>Order Accepting Findings, Doc. No 62 (3:25-cv-00114-S) (April 17, 2025)</u>
<u>I</u>	<u>Remand Letter to 442nd Dist. Court, Doc No 62-1 (3:25-cv-00114-S) (April 17, 2025)</u>
<u>J</u>	<u>Remand Letter to 17th Dist. Court, Doc No 62-2 (3:25-cv-00114-S) (April 17, 2025)</u>
<u>K</u>	<u>Notice of Appeal of Doc Nos 62 et seq (3:25-cv-00114-S) (April 17, 2025)</u>

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing *Notice of Jurisdictional Challenge, Civil Rights Objections, and Request for Clarification*, including all referenced Exhibits, has been served on all counsel of record via electronic service through the eFileTexas system on December 1, 2025.

Respectfully submitted,

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