

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRAND ENGAGEMENT NETWORK, §
INC. §
§
v. § CIVIL ACTION NO. 3:25-CV-0114-S-BN
§
RALPH WRIGHT BREWER, III, et al. §

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

The United States Magistrate Judge made findings, conclusions, and a recommendation in this case. Objections were filed. The Court reviewed de novo those portions of the proposed findings, conclusions, and recommendation to which objection was made, and reviewed the remaining proposed findings, conclusions, and recommendation for plain error. Finding no error, the Court **ACCEPTS** the Findings, Conclusions, and Recommendation of the United States Magistrate Judge.

The Court therefore **DENIES** Nonparty Maurice Fitzpatrick's Motion to Intervene [ECF No. 21]; **GRANTS** Defendant AFG Companies, Inc.'s Motions to Remand [ECF Nos. 40 & 41]; **ORDERS** that the state-court actions that Fitzpatrick purportedly removed through his unsuccessful Motion to Intervene are hereby remanded to the state courts from which they were removed; and **DIRECTS** the Clerk of the Court to **STRIKE** and **UN-FILE** all filings that Fitzpatrick has made in this proceeding except for his Motion to Intervene and his Response and Objections to Magistrate Judge's Findings, Conclusions, and Recommendation [ECF No. 58].

To the extent that Fitzpatrick has sought intervention as of right, "[a]n order denying intervention as of right is a final order that [the United States Court of Appeals for the Fifth Circuit

has] jurisdiction to review under 28 U.S.C. § 1291.” *Rotstain v. Mendez*, 986 F.3d 931, 936 (5th Cir. 2021) (citing *Sommers v. Bank of Am., N.A.*, 835 F.3d 509, 512 (5th Cir. 2016)).

SO ORDERED.

SIGNED April 17, 2025.



UNITED STATES DISTRICT JUDGE