

In the
UNITED STATES DISTRICT COURT
for the
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

BRAND ENGAGEMENT NETWORK, INC,

Plaintiff,

v.

RALPH WRIGHT BREWER III, *et. al.*,

Defendants.

Civil Action No. 3:25-CV-00114-S

NOTICE OF APPEAL

TO THE CLERK OF THE COURT:

Notice is hereby given that Proposed Intervenor and Appellant, Maurice Fitzpatrick appeals to the United States Court of Appeals for the Fifth Circuit from the Order Accepting Findings, Conclusions, and Recommendation of the United States Magistrate Judge (Dkt. No. 62), entered in this action on April 17, 2025.

This appeal is taken pursuant to 28 U.S.C. § 1291, which authorizes appeal of final decisions of the district courts, and under the authority of *Rotstain v. Mendez*, 986 F.3d 931 (5th Cir. 2021), which holds that a denial of intervention as of right under FRCP Rule 24(a) constitutes a final, appealable order.

The appellant specifically challenges the following:

1. The denial of his Motion to Intervene (Dkt. No. 21),
2. The grant of Defendants' Motions to Remand (Dkt. Nos. 40 and 41),
3. The striking and unfiled of all filings made by Fitzpatrick on the docket, as ordered in Dkt. No. 62, which impairs the completeness of the appellate record under Federal Rules of Appellate Procedure (FRAP) Rule 10(a) and violates Appellant's right to meaningful appellate review.
4. The failure of the district court to address or acknowledge Appellant's objections to the Magistrate's Findings and Recommendations (Dkt. No. 58), including objections rooted in newly issued controlling authority from the Supreme Court in *Medical Marijuana, Inc. v. Horn*, 604 U.S. ____ (2025).
5. The striking and unfiled of the following docket entries, many of which included judicially cognizable filings, whistleblower disclosures, responses to remand, and notices of legal authority, in violation of FRAP 10(a) and Appellant's due process rights:

Dkt. Nos. 22, 28, 30, 32, 33, 34, 35, 35-1, 36, 36-1, 36-2, 36-3, 37, 37-1, 37-2, 39, 39-1, 39-2, 39-3, 39-4, 39-5, 43, 46, 46-1, 46-2, 47, 48, 49, 50, 50-1, 51, 51-1, 60, 61, 61-1.

Appellant further reserves the right to seek supplementation of the appellate record under FRAP Rule 10(e) and to raise constitutional objections regarding the deprivation of due process and suppression of whistleblower-protected disclosures.

Respectfully submitted,

/s/ Maurice Fitzpatrick
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CERTIFICATE OF SERVICE

Defendant Fitzpatrick hereby certifies that a copy of the foregoing, *Notice of Appeal*, was served upon the attorneys of record of all parties to the above cause through the Court's CM/ECF e-filing system on April 17, 2025.

/s/ Maurice Fitzpatrick
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