

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

BRAND ENGAGEMENT NETWORK,  
INC., §  
Plaintiff, §  
V. §  
RALPH WRIGHT BREWER, III, §  
ET AL., §  
Defendants. §  
No. 3:25-cv-114-S-BN

## DOCKET CONTROL ORDER

United States District Judge Karen Gren Scholer referred this lawsuit to the undersigned United States magistrate judge for pretrial management. *See* Dkt. No. 42; 28 U.S.C. § 636(b).

The Court previously denied Nonparty Maurice Fitzpatrick’s motion to intervene and struck and unfiled multiple unauthorized filings that Fitzpatrick made in this lawsuit. *See Brand Engagement Network, Inc. v. Brewer*, No. 3:25-cv-114-S-BN, 2025 WL 1136133 (N.D. Tex. Mar. 20, 2025), *rec. accepted*, 2025 WL 1136134 (N.D. Tex. Apr. 17, 2025), *denying motion to stay pending appeal & leave to appeal in forma pauperis & certifying appeal not taken in good faith*, 2025 WL 2094032 (N.D. Tex. May 1, 2025), *denying motion to vacate*, 2025 WL 1544070 (N.D. Tex. May 12, 2025).

Fitzpatrick appealed this decision to the United States Court of Appeals for the Fifth Circuit and did not prevail. *See* Dkt. No. 73 (denying stay pending appeal); Dkt. No. 77 (dismissing appeal for want of prosecution).

Then, after making no filings in this case for almost seven months, Fitzpatrick recently returned to doing so. *See* Dkt. Nos. 86 & 87.

But, as the Court has explained, “a nonparty who has not successfully intervened in a lawsuit is not a party and thus has no right to clutter a proceeding with needless filings.” *Brand Engagement*, 2025 WL 1136133, at \*3 (citing *Texas v. United States*, 679 F. App’x 320, 323 (5th Cir. 2017) (per curiam) (“Dr. Tudor is not a party: she is neither ‘[o]ne by or against whom a lawsuit is brought’ nor a successful intervenor.” (quoting *United States ex rel. Eisenstein v. City of N.Y.*, 556 U.S. 928, 933 (2009)); *Eisenstein*, 556 U.S. at 933 (“[I]ntervention is the requisite method for a nonparty to become a party to a lawsuit.” (citation omitted))).

And, because Fitzpatrick has litigated and lost as to his request to be part of this proceeding, the Court ORDERS STRICKEN and UNFILED Dkt. Nos. 86 & 87 and DIRECTS the Clerk of Court to file (so there is a record) and then immediately strike and unfile any further contributions to this case submitted by Fitzpatrick.

SO ORDERED.

DATE: December 11, 2025



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DAVID L. HORAN  
UNITED STATES MAGISTRATE JUDGE