

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

AMERICAN RESOURCE	§	
TECHNOLOGIES, INC., <i>et al.</i> ,	§	
	§	
Plaintiffs,	§	
	§	
v.	§	CIVIL ACTION NO: 13-cv-4419-B
	§	
BELA FRED ODEN, III, <i>et al.</i> ,	§	
	§	
Defendants.	§	
	§	


MEMORANDUM OPINION AND ORDER

On December 4, 2013, one of the named defendants in this case, Eric Oden, filed a Motion to Dismiss along with an Answer (doc. 12) to Plaintiffs' Complaint. Mr. Oden, proceeding *pro se*, asserts in support of his Motion to Dismiss that he "was named in this action in bad faith as an attempt to coerce [him] to withdraw [a separate] civil action against the Plaintiffs," and that he "had no involvement in any of the actions or allegations presented to the court in this civil action." (Mot. Dismiss & Ans. at 1.) But "[i]n considering a motion to dismiss for failure to state a claim, a district court must limit itself to the contents of the pleadings, including the attachments thereto." *Collins v. Morgan Stanley Dean Witter*, 224 F.3d 496, 498 (5th Cir. 2000). In addition, at the motion to dismiss stage of the proceedings, "all facts pleaded in the complaint must be taken as true." *Id.* at 498. Here, Mr. Oden's Motion to Dismiss argues, first, that outside evidence (showing Plaintiffs' bad faith) establishes that Plaintiffs' suit lacks merit, and second, that the allegations are untrue because he had no involvement in this matter. Both of these arguments are pre-mature as the Court must not consider outside evidence at this stage in the proceedings or question the credibility of Plaintiffs'

factual allegations. Thus, Mr. Oden's Motion to Dismiss (doc. 12) is **DENIED**.

**SO ORDERED.**

**SIGNED: February 11, 2014.**



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JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE