

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

2011 APR 28 AM 10:12

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY  DEPUTY

DANIEL R. CASTRO,
PLAINTIFF,

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V.

CAUSE NO. 1-10-CV-000695-LY

ENTREPRENEUR MEDIA, INC.,
DEFENDANT.

ORDER

Before the Court is the above styled and numbered cause. In reviewing the case file the Court notes that Plaintiff Daniel Castro's First Amended Original Complaint requests that this Court "issue an order suspending the proceedings before the [Trademark Trial and Appeal Board], which the Court construes as a motion to stay proceedings before the Trademark Trial and Appeal Board (Clerk's Document No. 4). Parties are to refrain from filing motions in the same documents as a pleading. *See* Fed. R. Civ. P. 7(a) (specifying what documents are considered pleadings whereas rules do not limit the types of documents that may be considered motions). The Court will dismiss the motion without prejudice. Should Castro believe it appropriate, he may refile the motion.

IT IS ORDERED that the portion of Castro's First Amended Original Complaint that requests this Court "issue an order suspending the proceedings before the [Trademark Trial and Appeal Board], which the Court construes as a motion to stay proceedings before the Trademark Trial and Appeal Board (Clerk's Document No. 4) is **DISMISSED WITHOUT PREJUDICE**.

SIGNED this 28th day of April, 2011.


LEE YEAKEL
UNITED STATES DISTRICT JUDGE