

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

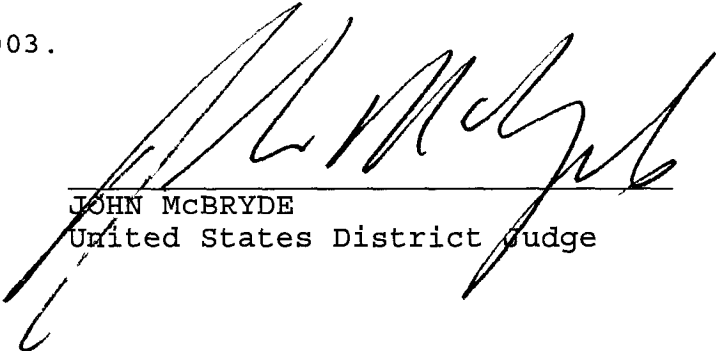
UNITED STATES OF AMERICA §
 §
VS. § NO. 4:03-CR-188-A
 §
RICHARD MICHAEL SIMKANIN §

O R D E R

By order signed September 8, 2003, the court granted the motion of defendant, RICHARD MICHAEL SIMKANIN, for leave to file motion to dismiss for lack of subject matter and personal jurisdiction. It has come to the court's attention that the motion and memorandum lodged with the court were not signed by counsel for defendant. Accordingly, the court finds that the motion and memorandum should be stricken from the record. And, having more closely considered the motion, the court questions whether it is presented for a proper purpose. Although Rule 11 of the Federal Rules of Civil Procedure does not apply to this proceeding, defendant's counsel, as an officer of the court, has an obligation not to present frivolous arguments such as those contained in the subject motion. The court admonishes defendant's counsel to carefully consider whether he wishes to pursue the motion at all.

The court ORDERS that defendant's motion to dismiss and memorandum in support thereof, filed September 8, 2003, be, and are hereby, stricken from the record.

SIGNED September 8, 2003.



JOHN MCBRYDE
United States District Judge