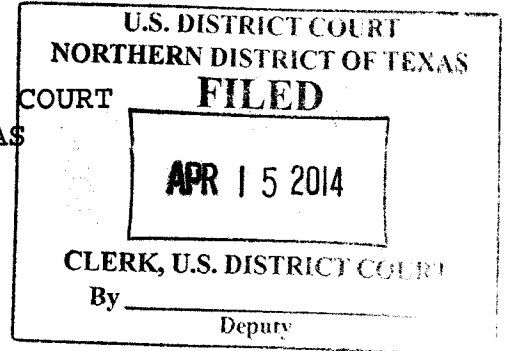


IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION



CYPHER ENTERPRISES, LLC,

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Plaintiff,

VS.

NO. 4:14-CV-243-A

HASHFAST TECHNOLOGIES LLC,  
ET AL.,

Defendants.

ORDER

The above-captioned action is before the court by notice of removal filed by defendants, Hashfast Technologies LLC and Hashfast LLC. Plaintiff, Cypher Enterprises, LLC, initiated this action by the filing of its original petition and applications for injunctive relief in the District Court of Tarrant County, Texas, 348th Judicial District. Having now considered the notice of removal and the state court papers attached thereto, the court finds that plaintiff should file an amended complaint consistent with the Federal Rules of Civil Procedure, and that defendants should file their answer or other response to the amended complaint.

The filing of an amended complaint is not a trivial matter. Rule 81(c) of the Federal Rules of Civil Procedure provides that following removal, "repleading is unnecessary unless the court

orders it." However, the rules of pleading differ from Texas state court to federal court. While Texas "follows a 'fair notice' standard for pleading," Horizon/CMS Healthcare Corp. v. Auld, 34 S.W.3d 887, 896 (Tex. 2000), a complaint in federal court must plead facts that show the plaintiff's right to relief is plausible. Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009). Further, the court does not accept conclusory allegations or unwarranted deductions of fact in a federal court complaint as true. Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Rule 9 of the Federal Rules of Civil Procedure also imposes additional pleading requirements on a party alleging fraud or mistake. Thus, the court finds it beneficial to its adjudication of the case to have a plaintiff in a removed action replead consistent with the Federal Rules of Civil Procedure.

Bearing in mind the aforementioned principles, the court now concludes that plaintiff should file an amended complaint that complies with the requirements of Rule 8(a), Rule 10, and, if applicable, Rule 9, of the Federal Rules of Civil Procedure, and with the Local Civil Rules of the United States District Court for the Northern District of Texas. Upon receipt of the amended complaint, defendants must file their answer or other response to the amended complaint.

Therefore,

The court ORDERS that: (1) plaintiff by April 25, 2014, file an amended complaint that complies with the Federal Rules of Civil Procedure and the Local Civil Rules of this court; and, (2) defendants by May 6, 2014, file their answer or other response to the amended complaint.

The court further ORDERS that failure of any party to comply with this order may result in the imposition of sanctions, up to and including dismissal of plaintiff's claims or granting of a default judgment, as appropriate.

SIGNED April 15, 2014.



JOHN MCBRYDE  
United States District Judge