

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN EAKIN,

Plaintiff,

v.

AMERICAN BATTLE MONUMENTS
COMMISSION, et al.

Defendants.

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SA-12-CA-1002 FB (HJB)

ORDER

On this day, the Court considered the status of the above-captioned case. On August 6, 2013, the Honorable Chief Judge Fred Biery adopted the recommendation of the undersigned that Plaintiff's current complaint be dismissed for lack of subject matter jurisdiction. (Docket Entry 34.) The Court also granted Plaintiff leave to file an amended complaint against Defendants for due process violations under *Bivens*,¹ violations of the Mandamus Act, 28 U.S.C. § 1361, and associated claims for declaratory relief under the Declaratory Judgments Act, 28 U.S.C. §§ 2201–2202. (*See id.* at 18–19.) The Court ordered that such amended pleading be filed by Plaintiff within sixty days, and returned the case to the undersigned for further proceedings. (*Id.*)

In light of the Court's ruling, the undersigned finds it in the interest of justice to appoint pro bono counsel for Plaintiff in this case. It is therefore **ORDERED** that Attorney Jefferson K. Moore, 8438 Fountain Circle, San Antonio, TX 78229, Telephone: (210) 595-8338, be appointed as Attorney of Record for Plaintiff John Eakin in this matter.

¹ *Bivens v. Six Unknown Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971).

SIGNED this 12th day of August, 2013.



Henry J. Bemporad
United States Magistrate Judge