

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FRANK WILLIAM BECKENDORF, III  
VERSUS  
DANIEL FLEISCHMAN, ET AL.

CIVIL ACTION  
NO. 21-1357  
SECTION: "T"(5)

**ORDER AND REASONS**


The Court previously dismissed the above-captioned action due to *pro se* Plaintiff Frank William Beckendorf, III's failure to prosecute and entered judgment on all claims raised herein in favor of Defendants. R. Docs. 51; 52. Plaintiff now moves for relief from that judgment pursuant to Federal Rule of Civil Procedure 60(b), asserting his prior failure to prosecute was the result of excusable neglect as an inexperienced *pro se* litigant. R. Doc. 53. Plaintiff also asks the Court to appoint him counsel under Section 706(f) of the Civil Rights Act of 1964. 42 U.S.C. § 2000e-5(f). The Court finds good cause to grant Plaintiff relief from the judgment so he may seek adjudication of the merits of his claims. However, Section 706(f) authorizes courts only to appoint counsel to represent plaintiffs who are pursuing claims of employment discrimination based on race, color, religion, sex, or national origin. Plaintiff raises no such claims. Accordingly;

**IT IS ORDERED** that Plaintiff's Motion for Relief from the Judgment, R. Doc. 53, is **GRANTED** and this Court's orders dismissing Plaintiff's claims, R. Doc. 51, and entering judgment for Defendants, R. Doc. 52, are hereby **VACATED** and this matter **REOPENED** for

further proceedings.

**IT IS FURTHER ORDERED** that Plaintiff's Motion for Appointment of Counsel, R. Doc 54, is **DENIED**.

New Orleans, Louisiana, this 25<sup>th</sup> day of March, 2024.

  
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GREG GERARD GUIDRY  
UNITED STATES DISTRICT JUDGE