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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

TROAS V. BARNETT,	)	Case No.: 1:05-cv-01022-BAM (PC)
Plaintiff,	)	
v.	)	ORDER DENYING AS MOOT PLAINTIFF’S
MARTIN GAMBOA, et al.,	)	MOTION FOR REASONED EXPLANATION FOR
Defendants.	)	DETERMINATION TO DENY PLAINTIFF
	)	EXPERT WITNESS PURSUANT TO F.R.E. 706
	)	(a)-(e)
	)	
	)	(ECF No. 378)
	)	
	)	
	)	

Plaintiff Troas Barnett (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The parties have consented to magistrate judge jurisdiction. (ECF Nos. 9, 62.) This action proceeds on Plaintiff’s claims that Defendants Gamboa, Duran, and Torres used excessive physical force against him in violation of his rights under the Eighth Amendment of the United States Constitution, and that Defendant Torres failed to intervene to protect Plaintiff from harm in violation of his rights under the Eighth Amendment. A jury trial is set to commence in this matter on February 23, 2016.

On December 24, 2015, Plaintiff filed a motion seeking an “expressly articulated reasoned explanation” for its denial of his motion for an appointment of an expert witness (ECF No. 378.) The motion is dated December 18, 2015. In the motion, Plaintiff discusses that the parties were heard on December 17, 2015 regarding his request for the Court to appoint an expert witness, and the Court expressed that it would likely deny that request. Plaintiff seeks an order setting forth the reasoning for the Court’s ultimate finding on this issue.

1 Plaintiff's request for an order explaining the Court's denial of his motion to appoint an expert  
2 witness is moot. The Court issued an order denying his motion for the appointment of an expert  
3 witness and setting forth its explanation on December 18, 2015. The Clerk of the Court also served the  
4 Court's order via mail that same day. The order and Plaintiff's current motion likely crossed in the  
5 mail.

6 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for reasoned explanation for  
7 determination to deny Plaintiff expert witness pursuant to F.R.E. 706(a)-(e) (ECF No. 378) is  
8 DENIED as moot.

9  
10 IT IS SO ORDERED.

11 Dated: December 29, 2015

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE