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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

SHAUN KANE,

Plaintiff,

v.

RICHARD PIERCE, et al.,

Defendants.

CASE NO. 1:06-cv-01564-OWW-GSA PC

ORDER DENYING MOTION FOR
APPOINTMENT OF INVESTIGATOR

(Doc. 103)

Plaintiff Shaun Kane is a federal prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.¹ On October 13, 2009, Plaintiff filed a motion seeking the appointment of an investigator to locate and serve Defendant Pierce.

“[T]he expenditure of public funds [on behalf of an indigent litigant] is proper only when authorized by Congress” Tedder v. Odel, 890 F.2d 210, 211-12 (9th Cir. 1989) (quoting United States v. MacCollum, 426 U.S. 317, 321, 96 S.Ct. 2086 (1976)). The in forma pauperis statute does not authorize the expenditure of public funds for the appointment of an investigator. 28 U.S.C. § 1915. Therefore, Plaintiff’s motion is DENIED.

IT IS SO ORDERED.

Dated: October 16, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

¹ Plaintiff’s claims arise from conditions of confinement at the Fresno County Jail.