

1 on its own, the court may order the parties to show cause why expert witnesses should not be
2 appointed....” Fed. R. Evid. 706(a); Walker v. American Home Shield Long Term Disability Plan,
3 180 F.3d 1065, 1071 (9th Cir. 1999). Pursuant to Rule 702, “a witness who is qualified as an expert
4 by knowledge, skill, experience, training or education may testify in the form of an opinion or
5 otherwise if: (a) the expert’s scientific technical, or other specialized knowledge will help the trier of
6 fact to understand the evidence or to determine a fact in issue....” Fed. R. Evid. 702.

7 First, as Plaintiff was previously advised in the Court’s trial scheduling order, it is his
8 responsibility to produce all of the evidence to prove his case, whether that evidence is in the form of
9 exhibits or witness testimony. The expenditure of public funds on behalf of an indigent litigant is
10 proper only when authorized by Congress, see Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989), and the
11 in forma pauperis statute does not authorize the expenditure of public funds for the purpose sought by
12 Plaintiff in the instant request.

13 Second, Plaintiff has failed to adequately describe the topics on which the expert would opine
14 or explain why this evidence is needed to support his claims of excessive force and failure to protect.
15 The issues of whether Plaintiff was subjected to excessive force and the failure to protect from such
16 excessive force are not complex. Accordingly, there is no basis for this Court to appoint an expert
17 witness.

18 Based on the foregoing,

19 IT IS HEREBY ORDERED that Plaintiff’s motion for a list of appointed expert witnesses
20 appointment is DENIED.

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23 IT IS SO ORDERED.

24 Dated: February 7, 2014


25 UNITED STATES MAGISTRATE JUDGE