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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LON CARTER,

Plaintiff,

v.

NICK DAWSON, et al.,

Defendants.

CASE NO. 1:07-cv-01325-AWI-BAM PC

ORDER DENYING MOTION FOR APPOINTMENT OF EXPERT WITNESS

(ECF No. 126)

Plaintiff Lon Carter is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On November 21, 2011, Plaintiff filed a motion for a court-appointed expert witness. To the extent that Plaintiff is requesting he be granted in forma pauperis status for the appointment of an expert witness, the expenditure of public funds on behalf of an indigent litigant is proper only when authorized by Congress. See Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989) (citations omitted). The in forma pauperis statute does not authorize the Court to waive witness fees or expenses paid to those witnesses. Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993); see 28 U.S.C. § 1915. Accordingly, Plaintiff's motion for the appointment of an expert witness is HEREBY DENIED.

IT IS SO ORDERED.

Dated: November 23, 2011

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE