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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

GERALD LEE MILLER, JR.,  
  
vs.  
  
O. RUFION; MOONGA, R.N.,  
  
Plaintiff,  
  
Defendant.

CASE NO. 08cv1233 BTM (WMe)  
**ORDER DENYING PLAINTIFF’S  
MOTION FOR COURT  
APPOINTED INVESTIGATOR  
[Doc. No. 95]**

**I.  
INTRODUCTION**

Plaintiff, proceeding *pro se* and *in forma pauperis*, currently incarcerated at Calipatria Correctional Facility, has submitted an *ex parte* motion in which he requests the Court appoint an investigator to conduct an inquiry into an alleged attack by another prisoner. [Doc. No. 95].

**II.  
DISCUSSION**

In his motion, Plaintiff asks the Court to “[appoint an] investigator for the minimum of 8 hours to investigate [allegations] that he was set up [by prison officials] to be attack [sic] by [sic] White prisoner.” [Doc. No. 95]. Plaintiff provides no statutory authority, case law or requirement under the Federal Rules which authorizes the Court to appoint an investigator. Indeed, the Court has found no statutory authority, case law or provision in the Federal Rules, which would permit the Court to appoint an investigator. Cf. Mallard v. United States District Court, 490 U.S. 296,

1 310 (1989) (federal courts do not have authority “to make coercive appointments of counsel”);  
2 Hedges v. Resolution Trust Corp. (In re Hedges), 32 F.3d 1360, 1363 (9th Cir. 1994) (“there is no  
3 absolute right to counsel in civil proceedings”) (citation omitted); Ray v. Robinson, 640 F.2d 474,  
4 477 (3rd Cir. 1981), overruled on other grounds by Smith-Bey v. Petsock, 741 F.2d 22 (3rd Cir.  
5 1984) (an indigent plaintiff has “no statutory or constitutional right . . . to have counsel appointed  
6 in a civil case”) (quoting Peterson v. Nadler, 452 F.2d 754, 757) (8th Cir. 1971)). Accordingly,  
7 Plaintiff’s request for an appointed investigator is **DENIED**.

8 **III.**

9 **CONCLUSION AND ORDER**

10 For the foregoing reasons, Plaintiff’s motion for a court-appointed investigator is  
11 **DENIED**.

12 **IT IS SO ORDERED.**

13 DATED: October 22, 2010

14 

15 Hon. William McCurine, Jr.  
16 U.S. Magistrate Judge, U.S. District Court