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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LOUIS BRANCH,
Plaintiff,
vs.
D. UMPHENOUR, et al.,
Defendants.

1:08-cv-01655-AWI-GSA-PC
ORDER DENYING PLAINTIFF'S
MOTION FOR COURT-ORDERED
MENTAL EXAMINATION
(Doc. 124.)

I. BACKGROUND

Louis Branch ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis with this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on July 7, 2008. (Doc. 1.) This action now proceeds on the Third Amended Complaint, filed by Plaintiff on July 10, 2013, against defendants Umphenour, Szalai, and Alvarez for deliberate indifference to a serious risk to Plaintiff's safety in violation of the Eighth Amendment, and against defendant Umphenour for retaliation in violation of the First Amendment. (Doc. 94.) This case is presently in the discovery phase.

On May 22, 2014, Plaintiff filed a motion for the court to order Plaintiff's mental examination. (Doc. 124.)

1 **II. COURT-ORDERED MENTAL EXAMINATION**

2 Plaintiff requests the court to order Plaintiff's mental examination to support his
3 allegation that Defendants caused him emotional and mental trauma. Plaintiff argues that
4 Defendants have placed his mental condition in controversy by their discovery responses which
5 refute Plaintiff's allegations of chronic emotional and mental trauma resulting from the alleged
6 July 11, 2004 assault on Plaintiff.

7 The expenditure of public funds on behalf of an indigent litigant is proper only when
8 authorized by Congress, see Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989) (citations omitted),
9 and the in forma pauperis statute does not authorize the expenditure of public funds for the
10 purpose sought by Plaintiff in the instant request. Therefore, Plaintiff's motion for a court-
11 ordered mental examination shall be denied.

12 **III. CONCLUSION**

13 For the foregoing reasons, IT IS HEREBY ORDERED that Plaintiff's motion for a
14 court-ordered mental examination, filed on May 22, 2014, is DENIED.

15
16 IT IS SO ORDERED.

17 Dated: May 29, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE