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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

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9 | ANTHONY CRAIG HUCKABEE,   CASE NO. 1:09-cv-00749-LJO-BAM PC

10 | Plaintiff,

11 | v.   ORDER DENYING PLAINTIFF'S REQUEST
FOR AUTHORITY TO INCUR COSTS,
WITHOUT PREJUDICE

12 | MEDICAL STAFF at CSATF, et al.,

13 | Defendants.
                                                          /

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15   Plaintiff Anthony Craig Huckabee ("Plaintiff") is a state prisoner represented by appointed

16 counsel and proceeding in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

17 On August 23, 2012, an order issued finding service of the complaint appropriate and directing the

18 Clerk's Office to forward service documents to counsel for completion and return. The Court has

19 received a request for authority to incur costs. Plaintiff is requesting authorization for $7,500 in

20 expert witness fees.

21   In the Eastern District, non-appropriated funds may be used to reimburse attorneys appointed

22 to represent indigent parties for costs, including the cost of retaining expert witnesses. See Eastern

23 District Court General Order No. 501 § 4.A.3. The party requesting reimbursement for the services

24 of an expert witness is required to receive prior approval. Id. When the time is appropriate, the

25 Court will consider approving **reasonable** expert witness fees**.**

26   In this instance, after the completed service documents are returned to the court, an order will

27 issue directing the United States Marshal to initiate service on Defendants. Once Defendants have

28 filed an answer, an order will issue opening discovery and setting the deadline for Defendants to file

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1 an unenumerated Rule 12(b) motion. Until such time as Defendants file an answer and the

2 unenumerated Rule 12(b) motion deadline has passed, Plaintiff's request for authority to incur costs

3 is premature.

4   Accordingly, Plaintiff's request for authority to incur costs is HEREBY DENIED, without

5 prejudice.

6   IT IS SO ORDERED.

7 **Dated: August 31, 2012**   **/s/ Barbara A. McAuliffe**
                                          UNITED STATES MAGISTRATE JUDGE

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