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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SAMUEL KENNETH PORTER,

 Plaintiff,

 v.

CAPTAIN JENNINGS, et al.,

 Defendants.

Case No. 1:10-cv-01811-AWI-DLB PC

**ORDER DENYING PLAINTIFF’S
MOTION FOR APPOINTMENT OF
EXPERT**

ECF No. 111

Plaintiff Samuel Kenneth Porter (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation (“CDCR”). Plaintiff is proceeding pro se and in forma pauperis in this civil action pursuant to 42 U.S.C. § 1983. This action is proceeding on Plaintiff’s First Amended Complaint, filed April 14, 2011 against Defendants Jennings, Lowe, and Darlene for deliberate indifference in violation of the Eighth Amendment.

On January 15, 2013, Plaintiff filed a motion requesting the appointment of an expert witness. ECF No. 111. The motion is submitted pursuant to Local Rule 230(l).

An expert witness may testify to help the trier of fact determine the evidence or a fact at issue. Fed. R. Evid. 702. Federal courts have discretion to appoint expert witnesses, and parties may provide names of which witnesses to appoint. Fed. R. Evid. 706(a),(d); *Walker v. American Home Shield Long Term Disability Plan*, 180 F.3d 1065, 1071 (9th Cir. 1999). A court may appoint an expert witness when “scientific, technical, or other specialized knowledge will assist the trier of fact to understand the evidence or determine a fact in issue.” Fed. R. Evid. 702. Expert witnesses

1 should not be appointed where they are not necessary or significantly useful for the trier of fact to
2 comprehend a material issue in a case. *Gorton v. Todd*, 793 F. Supp. 2d 1171, 1181 (E.D. Cal.
3 2011).

4 Plaintiff's motion is denied. The Court does not find that specialized knowledge is necessary
5 to evaluate whether Defendants violated Plaintiff's Eighth Amendment rights. Accordingly, it is
6 HEREBY ORDERED that Plaintiff's motion for appointment of expert, filed January 15, 2013, is
7 denied.

8
9 IT IS SO ORDERED.

10 Dated: April 10, 2013

/s/ Dennis L. Beck
11 UNITED STATES MAGISTRATE JUDGE