

1 appoint an expert and to apportion costs, including the apportionment of costs to one side, Fed. R.
2 Evid. 706; Ford ex rel. Ford v. Long Beach Unified School Dist., 291 F.3d 1086, 1090 (9th Cir.
3 2002); Walker v. American Home Shield Long Term Disability Plan, 180 F.3d 1065, 1071 (9th
4 Cir. 1999), however, where the costs would likely be apportioned to the government, the Court
5 should exercise caution. Plaintiff's pro se, in forma pauperis status alone is not grounds for the
6 appointment of an expert witness to assist Plaintiff with her case and Rule 706 is not a meant to
7 provide an avenue to avoid the in forma pauperis statute and its prohibition against using public
8 funds to pay for the expenses of witnesses. Manriquez v. Huchins, No. 1:09-cv-00456-LJO-BAM
9 PC, 2012 WL 5880431, at *12 (E.D. Cal. Nov. 21, 2012) (quotation marks and citations omitted),
10 nor does Rule 706 contemplate court appointment and compensation of an expert witness as an
11 advocate for Plaintiff, Faletogo v. Moya, No. 12cv631 GPC (WMc), 2013 WL 524037, at *2
12 (S.D. Cal. Feb. 23, 2013) (quotation marks omitted).

13 The appointment of an expert witness under Rule 706 is intended to benefit the trier of
14 fact, not a particular litigant, and here, the medical issue raised by this litigation, at least at this
15 point, does not appear to be of such complexity that the Court requires the assistance of a neutral
16 expert at this time. Faletogo, 2013 WL 524037, at *2; Bontemps v. Lee, No. 2:12-cv-0771 KJN
17 P, 2013 WL 417790, at *3-4 (E.D. Cal. Jan. 31, 2013); Honeycutt, 2011 WL 6301429, at *1;
18 Wilds, 2011 WL 737616, at *4; Gamez v. Gonzalez, No. 08cv1113 MJL (PCL), 2010 WL
19 2228427, at *1 (E.D. Cal. Jun. 3, 2010). Moreover, there are currently no pending matters in
20 which the Court requires special assistance, Ford, 291 F.3d at 1090; Walker, 180 F.3d at 1071.
21 However, Plaintiff is not foreclosed from requesting appointment of an expert witness if/when the
22 issues in this action are presented to the trier of fact.

23 Accordingly, Plaintiff's motions for the appointment of an expert witness are **DENIED**
24 without prejudice.

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26 IT IS SO ORDERED.

27 Dated: March 10, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE