



1 An expert witness may testify to help the trier of fact understand the evidence or determine a  
2 fact at issue. Fed. R. Evid. 702. Under Rule 706(a) of the Federal Rules of Evidence, the Court has  
3 discretion to appoint a neutral expert on its own motion or on the motion of a party. Fed. R. Evid.  
4 706(a); Walker v. Am. Home Shield Long Term Disability Plan, 180 F.3d 1065, 1071 (9th Cir. 1999).  
5 Rule 706 does not contemplate court appointment and compensation of an expert witness as an  
6 advocate for Plaintiff. See Gamez v. Gonzalez, No. 08cv1113 MJL (PCL), 2010 WL 2228427, at \*1  
7 (E.D. Cal. June 3, 2010). Indeed, appointment of an independent expert under “Rule 706 should be  
8 reserved for exceptional cases in which the ordinary adversary process does not suffice.” In re JointT  
9 E. & S. Dists. Asbestos Litig., 830 F.Supp. 686, 693 (E.D.N.Y. 1993) (allowing appointment of  
10 independent expert in mass tort case). This case is not such an exceptional case.

11 First, to the extent that Plaintiff seeks appointment of an expert witness for his own benefit, the  
12 court has no authority to grant him such relief. Rule 706(a) of the Federal Rules of Evidence permits  
13 the court to appoint only neutral expert witnesses. Id. Moreover, “28 U.S.C. § 1915 does not authorize  
14 the court to appoint an expert for plaintiff’s benefit to be paid by the court.” Gorton, 793 F. Supp. 2d at  
15 1184 n.11. Second, Plaintiff fails to demonstrate that this action is so complex that it requires the  
16 appointment of an expert witness to assist the trier of fact. Plaintiff does not explain how his deliberate  
17 indifference claims are factually or legally complex. Plaintiff’s claims of deliberate indifference to  
18 serious medical need are not so complex that the court requires a neutral expert at the summary  
19 judgment stage. See, e.g., Noble v. Adams, 2009 WL 3028242, at \*1 (E.D. Cal. Sept. 16, 2009)  
20 (denying plaintiff’s request to appoint medical expert witness in section 1983 action because “the  
21 issues are not so complex as to require the testimony of an expert”); Lopez v. Scribner, 2008 WL  
22 551177, at \*1 (E.D. Cal. Feb. 27, 2008) (denying plaintiff’s request to appoint medical expert witness  
23 in § 1983 action because “the legal issues involved in this action are not particularly complex.”);  
24 Hooker v. Adams, 2007 WL 4239570, at \*1 (E.D. Cal. Dec. 3, 2007) (plaintiff’s motion for the  
25 appointment of an expert witness denied as “the legal issues involved in this action are not particularly

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1 complex.”). Rather, this case involves a relatively straightforward Eighth Amendment claim that will  
2 turn on the nature of each Defendant’s response to Plaintiff’s serious medical need. Accordingly,  
3 Plaintiff’s motion for a neutral expert under Rule 706 is denied.  
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5 IT IS SO ORDERED.

6 Dated: June 26, 2020

  
UNITED STATES MAGISTRATE JUDGE

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