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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 GARY VANDERBUSCH,

12 Plaintiff,

13 vs.

14 DR. ENENMOH, et al.,

15 Defendants.
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1:13-cv-01422-GSA-PC

ORDER ADDRESSING REQUEST TO
PROCEED WITH EXCESS PAGES
(Doc. 4.)

ORDER DENYING REQUEST FOR
APPOINTMENT OF EXPERT WITNESS
AND INVESTIGATOR
(Doc. 6.)

17 **I. BACKGROUND**

18 Gary Vanderbusch ("Plaintiff") is a state prisoner proceeding pro se and in forma
19 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint
20 commencing this action on September 5, 2013. (Doc. 1.)

21 On September 5, 2013, Plaintiff filed a request for leave to proceed with an excess
22 number of pages in the Complaint, and a request for a court-appointed expert witness and
23 investigator. (Docs. 4, 6.)

24 **II. LEAVE TO PROCEED WITH EXCESS PAGES IN COMPLAINT**

25 Plaintiff requests leave to proceed with an excess number of pages in the Complaint.
26 Plaintiff argues that the complexity of his Complaint made it impossible to limit the number of
27 pages to the court's preferred limits.
28

1 Plaintiff's Complaint contains 148 pages, including exhibits. At this stage of the
2 proceedings, Plaintiff Complaint awaits the court's required screening pursuant to 28 U.S.C. §
3 1915A. The number of pages in Plaintiff's Complaint shall be taken into consideration when
4 the Complaint is screened, depending on the nature of the Complaint and other factors. The
5 court will screen the Complaint and issue a screening order in due time.

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7 **III. REQUEST FOR APPOINTMENT OF EXPERT WITNESS AND
8 INVESTIGATOR**

9 Plaintiff requests the court to appoint an expert witness and an investigator, to assist
10 Plaintiff with the litigation of this action. Plaintiff asserts that he is without funds to hire such
11 assistance, and his case is complex and will require medical analysis.

12 Plaintiff is advised that the expenditure of public funds on behalf of an indigent litigant
13 is proper only when authorized by Congress, see Tedder v. Odel, 890 F.2d 210 (9th Cir. 1989)
14 (citations omitted), and the in forma pauperis statute does not authorize the expenditure of
15 public funds for the purpose sought by Plaintiff in the instant request. Moreover, the request
16 for an expert witness is premature, as trial has not been scheduled in this action. Therefore,
17 Plaintiff's request shall be denied.

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19 **IV. CONCLUSION**

20 Based on the foregoing, IT IS HEREBY ORDERED that:

- 21 1. Plaintiff's request to proceed with excess pages has been addressed by this
22 order; and
- 23 2. Plaintiff's request for appointment of an investigator and expert witness is
24 DENIED.

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26 IT IS SO ORDERED.

27 Dated: September 15, 2013

28 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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