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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 DANA GRAY,

12 Plaintiff,

13 vs.

14 ROMERO, et al.,

15 Defendants.
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1:13-cv-01473-DAD-GSA-PC

**ORDER DENYING PLAINTIFF'S
MOTIONS TO DESIGNATE EXPERT
WITNESS
(ECF Nos. 212, 213, 239.)**

**ORDER STRIKING DECLARATIONS OF
DR. DONNA ANDERSON
(ECF Nos. 215, 219.)**

18 Dana Gray ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action
19 pursuant to 42 U.S.C. § 1983. This case was filed on September 12, 2013. (ECF No. 1.)

20 On May 26, 2017, and August 8, 2017, Plaintiff filed motions for the court to designate
21 Dr. Donna Anderson, a fellow inmate, as a pro bono expert witness in this case. (ECF Nos.
22 212, 213, 239.) On May 26, 2017, Plaintiff submitted declarations by Dr. Anderson setting
23 forth Dr. Anderson's qualifications and offering opinions about the merit of Plaintiff's claims.
24 (ECF Nos. 215, 219.)

25 Designation of an expert witness is premature in this case. Presently there is no
26 complaint on file for which this case can proceed, and discovery is closed. Therefore,
27 Plaintiff's motions for designation of an expert witness shall be denied, and Dr. Anderson's
28 declarations shall be stricken from the record.

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

- 2 1. Plaintiff's motions to designate an expert witness, filed on May 26, 2017, and
3 August 8, 2017, are DENIED without prejudice; and
4 2. The declarations of Dr. Donna Anderson, filed on May 26, 2017, are
5 STRICKEN¹ from the record.

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7 IT IS SO ORDERED.

8 Dated: September 11, 2017

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

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28 ¹ "A document which is 'stricken' will not be considered by the Court for any purpose." (First
Informational Order, ECF No. 3 at 2:7-8.)