

1 1090 (9th Cir. 2002); Walker v. American Home Shield Long Term Disability Plan, 180 F.3d
2 1065, 1071 (9th Cir. 1999). However, where the costs would likely be apportioned to the
3 government, the Court should exercise caution.

4 Plaintiff's pro se, in forma pauperis status alone is not grounds for the appointment of an
5 expert witness to assist Plaintiff with his case and Rule 706 is not a means to provide an avenue to
6 avoid the in forma pauperis statute and its prohibition against using public funds to pay for the
7 expenses of witnesses. Manriquez v. Huchins, No. 1:09-cv-00456-LJO-BAM PC, 2012 WL
8 5880431, at *12 (E.D. Cal. Nov. 21, 2012) (quotation marks and citations omitted). Nor does
9 Rule 706 contemplate court appointment and compensation of an expert witness as an advocate
10 for Plaintiff. Faletogo v. Moya, No. 12cv631 GPC (WMc), 2013 WL 524037, at *2 (S.D. Cal.
11 Feb. 23, 2013) (quotation marks omitted).

12 The appointment of an expert witness under Rule 706 is intended to benefit the trier of
13 fact, not a particular litigant, and here, the issues are not of such complexity that the Court
14 requires the assistance of a neutral expert at this time. Faletogo, 2013 WL 524037, at *2;
15 Bontemps v. Lee, No. 2:12-cv-0771 KJN P, 2013 WL 417790, at *3-4 (E.D. Cal. Jan. 31, 2013);
16 Honeycutt, 2011 WL 6301429, at *1; Wilds, 2011 WL 737616, at *4; Gamez v. Gonzalez, No.
17 08cv1113 MJL (PCL), 2010 WL 2228427, at *1 (E.D. Cal. Jun. 3, 2010).

18 While there are currently no pending matters with which the Court requires special
19 assistance, Ford, 291 F.3d at 1090; Walker, 180 F.3d at 1071, Plaintiff is not foreclosed from
20 requesting appointment of an expert witness if or when the issues in this action are presented to
21 the trier of fact. The Court notes, however, that Plaintiff's case is not unusually complex and
22 likely will not warrant appointment of a neutral expert—even at trial.

23 Accordingly, Plaintiff's motion for blood-testing via an appointed expert witness is
24 HEREBY DENIED without prejudice.

25 IT IS SO ORDERED.

26 Dated: August 6, 2018

27 /s/ Sheila K. Oberlo
28 UNITED STATES MAGISTRATE JUDGE