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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MAURICE BROWN,

Plaintiff,

No. CIV S-05-1086 MCE DAD P

vs.

M. PENNER,

Defendant.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action filed pursuant to 42 U.S.C. § 1983. On August 12, 2010, plaintiff filed a motion requesting the appointment of an expert witness. Therein, plaintiff argues that an expert witness is needed for the purpose of educating the court when x-rays, pain medication, or surgical repairs are required to treat an injury. (Mot. at 6.)

Pursuant to Federal Rule of Evidence 706, the court may, in its discretion, appoint an expert witness. See Students of Cal. Sch. For the Blind v. Honig, 736 F.2d 538, 549 (9th Cir. 1984), vacated on other grounds, 471 U.S. 148 (1985). The court, however, should only appoint an expert witness when there are “compelling circumstances.” United States Marshals Service v. Means, 741 F.2d 1053, 1059 (8th Cir. 1984). At this juncture, the court finds that there are no

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1 “compelling circumstances” requiring such an appointment. The court is confident in its ability
2 to understand the medical issues presented by this case.

3 Accordingly, IT IS HEREBY ORDERED that plaintiff’s August 12, 2010 motion
4 requesting the appointment of an expert witness (Doc. No. 94) is denied.

5 DATED: August 25, 2010.

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8 _____
9 DALE A. DROZD
10 UNITED STATES MAGISTRATE JUDGE

9 DAD:sj
10 brow1086.mot.expert