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

WILLIAM L. MEADOR,

Plaintiff,

No. CIV S-10-0860 EFB P

vs.

C.S.P. DENTAL ANNEX, et al.,

Defendants.

ORDER

_____/

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. Currently before the court is plaintiff’s motion for a physical examination. Dckt. No. 28.

Plaintiff’s motion, made pursuant to Fed. R. Civ. P. 35(a), requests that the court order a doctor to conduct an examination of his person. Dckt. No. 28. Rule 35(a) provides that a court may “order a party whose mental or physical condition . . . is in controversy to submit to a physical or mental examination by a suitably licensed or certified examiner.” But Rule 35 does not give the court authority to appoint an expert to examine a party on his own motion. *Brown v. United States*, 74 Fed. App’x 611, 614 (7th Cir. August 11, 2003); *Adams v. Epps*, 2008 U.S. Dist. LEXIS 93910, 2008 WL 4861926 at *1 (S.D. Miss. 2008) (“Rule 35 ‘does not vest the court with authority to appoint an expert to examine a party wishing an examination of

1 himself.”); *see also Cabrera v. Williams*, 2007 U.S. Dist. LEXIS 66480, 2007 WL 2682163 at
2 *2 (D. Neb. Sept 7, 2007) (denying prisoner’s request for medical examination under Rule 35);
3 *Lindell v. Daley*, 2003 WL 23111624 at *1-2 (W.D. Wis. June 30, 2002) (Rule 35 allows the
4 court to “order plaintiff to submit to an examination at the request of the opposing party The
5 rule is not intended to cover a situation such as the one here, where plaintiff wishes an
6 examination of himself.”).

7 Thus, the rule provides no authority for the court to order a physical examination of
8 plaintiff. Accordingly, it is hereby ORDERED that plaintiff’s March 7, 2011 motion for a
9 physical examination (Docket No. 28) is denied.

10 Dated: April 20, 2011.

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12 EDMUND F. BRENNAN
13 UNITED STATES MAGISTRATE JUDGE
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