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

ANTHONY JONES,

Plaintiff,

No. 2:11-cv-0192 MCE EFB P

vs.

TOFT, et al.,

Defendants.

ORDER

Plaintiff is a state prisoner proceeding without counsel in an action brought under 42 U.S.C. § 1983. On February 22, 2013, the court appointed Dr. Willard Fee as a neutral expert to assist the court under Federal Rule of Evidence 706. Dckt. No. 122. The court directed Dr. Fee to review relevant records and perform an examination of plaintiff. *Id.*

Dr. Fee has informed the court that defendant Toft trained at Stanford University, where Dr. Fee is a professor. Dr. Fee has not maintained contact with defendant Toft since Toft left Stanford. Dr. Fee represents to the court that he believes he will be able to provide an unbiased review of defendant Toft’s conduct at issue in this case. Because Dr. Fee has no current relationship with defendant Toft and has not been in contact with him for some time, the court sees no cause to remove Dr. Fee and appoint a different expert. However, the court will allow the parties 10 days from the date of this order to submit any objections they may have to Dr.

1 Fee's continued appointment based on his teaching at Stanford University where defendant Toft  
2 trained.

3           Additionally, the court has scheduled Dr. Fee's examination of plaintiff for Friday, April  
4 12, 2013. Dckt. No. 123. Defendant Toft requests that his counsel be allowed to be present at  
5 the exam. Dckt. No. 126. Plaintiff shall have 10 days from the date of this order to file any  
6 opposition to defendant Toft's request.

7           So ordered.

8 Dated: March 25, 2013.

  
9 EDMUND F. BRENNAN  
10 UNITED STATES MAGISTRATE JUDGE  
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