

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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. Currently pending before the court is plaintiff’s motion for: (1) permission to have a Ms. Lisa Fountain audio and video record the examination scheduled to take place on April 12, 2013 by court-appointed neutral expert, Dr. Willard Fee, as well as Dr. Fee’s review of plaintiff’s records; (2) for various information about Dr. Fee; and (3) for counsel or another expert. Dckt. No. 130.

Plaintiff’s motion is premised on his belief that the appointed expert will not behave in a neutral fashion because his name was submitted by defendants, rather than by plaintiff. Dckt. No. 130 at 7-9. The court has no reason to share such speculation, however. Dr. Fee has already informed the court, and the court has informed the parties, of Dr. Fee’s sole prior connection to defendants. Dckt. No. 129. As the court stated in the order dated March 25, 2013, there is no

1 indication that Dr. Fee will be unable to provide an unbiased opinion in this matter. *Id.* As Dr.
2 Fee is aware, his role is to assist the court and not any party. Accordingly, plaintiff's requests to
3 record Dr. Fee's activities in discharging his duties as court-appointed expert, for a second
4 expert, and for counsel to assist plaintiff "in connection with the duties this Court asked of the
5 expert" are denied. Plaintiff also asks for a copy of Dr. Fee's curriculum vitae. Plaintiff has
6 already been served with that information by defendants. *See* Dckt. Nos. 115-1 (proof of service
7 for defendant Blum's nomination of expert witnesses), 116 at 3 (proof of service for defendant
8 Toft's nomination of expert witnesses). Accordingly, plaintiff's motion for miscellaneous relief
9 with regard to the court-appointed expert (Dckt. No. 130) is denied.

10 So ordered.

11 Dated: April 11, 2013.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE