




1 Rule 702, “If scientific, technical, or other specialized knowledge will assist the trier of fact to  
2 understand the evidence or to determine a fact in issue, a witness qualified as an expert by  
3 knowledge, skill, experience, training, or education, may testify thereto in the form of an opinion  
4 or otherwise . . . .” Fed. R. Evid. 702. Compensation for such experts is determined by the court  
5 and payable by the parties “in the proportion and at the time that the court directs.” Fed. R. Evid.  
6 706(c)(2).

7 However, the in forma pauperis statute, 28 U.S.C. § 1915, “does not waive payment of  
8 fees or expenses for witnesses.” Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993). More  
9 specifically, “[t]he plain language of section 1915 does not provide for the appointment of expert  
10 witnesses to aid an indigent litigant.” Pedraza v. Jones, 71 F.3d 194, 196 (5th Cir. 1995); accord,  
11 Boring v. Kozakiewicz, 833 F.2d 468, 474 (3d Cir. 1987), cert. denied, 485 U.S. 991 (1988)  
12 (district court has no authority under Section 1915 to pay or waive expert witness fees in civil  
13 damage suits); see also Tedder v. Odel, 890 F.2d 210, 211 (9th Cir. 1989) (“Although the plain  
14 language of section 1915 provides for service of process for an indigent’s witnesses, it does not  
15 waive payment of fees or expenses for those witnesses.”).

16 In the instant case, plaintiff requests appointment and payment of an expert witness to  
17 serve, essentially, as his advocate in this action. Because there is no authority for granting this  
18 request, the motion will be denied. However, this decision will not impact the court’s later  
19 consideration whether to appoint a neutral expert witness if so indicated.

20 Accordingly, for the foregoing reasons, IT IS HEREBY ORDERED that plaintiff’s  
21 motion for appointment of an expert witness, ECF No. 92, is denied.

22 DATED: March 23, 2016.

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25 ALLISON CLAIRE  
26 UNITED STATES MAGISTRATE JUDGE  
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