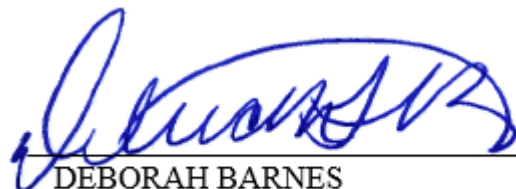


1 With respect to plaintiff's request for the appointment of an expert, plaintiff is informed
2 that a request for expert assistance under Federal Rule of Evidence 706 is not meant to provide an
3 avenue to avoid the in forma pauperis statute and its prohibition against using public funds to pay
4 for the expenses of witnesses. See Gonzales v. Podsakoff, No. 1:15-cv-0924-SKO (PC), 2016
5 WL 3090590, at *2 (E.D. Cal. June 1, 2016); Manriquez v. Huchins, No. 1:09-cv-0456-LJO-
6 BAM PC, 2012 WL 5880431, at *12 (E.D. Cal. Nov. 21, 2012). Nor does Rule 706 contemplate
7 court appointment and compensation of an expert witness as an advocate for plaintiff. Gorton v.
8 Todd, 793 F. Supp. 2d 1171, 1184 n. 11 (E.D. Cal. 2011); Faletogo v. Moya, No. 12cv631 GPC
9 (WMc), 2013 WL 524037, at *2 (S.D. Cal. Feb. 23, 2013). While Rule 706 does permit the court
10 to appoint a neutral expert to assist the court in resolving a "serious dispute," that is an
11 extraordinary procedure that this court is not prepared, at this time, to invoke. Gorton, 793 F.
12 Supp. 2d at 1181.

13 Accordingly, IT IS HEREBY ORDERED that

- 14 1. Plaintiff's motion for the appointment of an expert (ECF No. 84) is denied; and
- 15 2. Plaintiff's motion for an extension of time (ECF No. 87) is granted. Within forty-five
16 days of the date of this order, plaintiff shall file his statement informing the court
17 whether a settlement conference would be useful. In that statement, plaintiff shall also
18 inform the court whether he waives any claim of disqualification from having the
19 undersigned magistrate judge conduct the conference or whether he wishes to have a
20 different magistrate judge conduct it.

21 Dated: June 10, 2019

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23
24 
25 DEBORAH BARNES
26 UNITED STATES MAGISTRATE JUDGE

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25 DB/prisoner-civil rights/mora0581.sett eot