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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ROBERT VILLA,
Plaintiff,
v.
J.S. HILL, et al.,
Defendants.

Case No. 11CV2426-GPC(JMA)
**ORDER GRANTING IN PART
AND DENYING IN PART
PLAINTIFF'S EX PARTE
APPLICATION [DOC. NO. 54]**

On February 13, 2013, Plaintiff Robert Villa, who is proceeding *pro se* and *in forma pauperis* ("IFP") pursuant to 42 U.S.C. § 1983 and 28 U.S.C. § 1915(a), filed an Ex Parte Application for an Order Extending Time to Retain an Expert to Call For Trial and Motion for Court Appointment of Expert. [Doc. No. 54.] The current deadline for Plaintiff to serve on all parties a list of experts he expects to call at trial is February 1, 2013. Plaintiff requests the deadline be continued because he is awaiting a response from Dennis M. Baumann, who is described as a Gang and Prison Procedures expert, as to whether Mr. Baumann can be retained by Plaintiff with respect to this case. *Id.*

With good cause appearing, the Court hereby GRANTS Plaintiff's ex parte application with respect to the request for a continuance. The

1 deadline for Plaintiff to serve a list of experts he expects to call at trial is
2 continued to **March 22, 2013**. The deadline for the exchange of
3 supplemental expert designations is also continued and reset for **April 19,**
4 **2013**.

5 Plaintiff also requests the Court appoint an expert in this case.
6 Federal Rules of Evidence 706(a) authorizes a court to appoint an expert
7 on its own motion or on the motion of any party. When the Court appoints
8 an expert, the cost is apportioned between the parties. Fed. R. Evid.
9 706(c)(2).

10 Plaintiff contends the appointment of medical experts is necessary
11 “so Plaintiff’s trial won’t be biased and one sided.” [Doc. No. 54, p. 1.] This,
12 however, is not an adequate basis for appointment under Rule 706(a). The
13 role of a court appointed expert is to serve as an independent neutral
14 advisor in order to enlighten the Court and the jury on issues that are
15 excessively complex or confusing. Plaintiff has not shown a need exists for
16 such an expert, and the issues in this case are not sufficiently complex as
17 to necessitate the appointment of a court expert.

18 Plaintiff’s intended use of the requested expert witness appears to be
19 more consistent with the typical usage of witnesses testifying pursuant to
20 Rules 702 - 705, which permit parties to proffer qualified expert testimony
21 in support of their claims or defenses. While the Court is cognizant of the
22 challenges an IFP litigant such as Plaintiff faces in retaining an expert
23 witness, the IFP statute does not grant the Court the authority to appoint
24 expert witnesses on behalf of a party. 28 U.S.C.A. § 1915; See also
25 *Pedraza v. Jones*, 71 F.3d 194, 196 (5th Cir. 1995). As a general matter,
26 IFP litigants must hire their own experts. Plaintiff’s ex parte application,

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1 therefore, is DENIED with respect to his request for the Court to appoint an
2 expert witness in this case.

3 **IT IS SO ORDERED.**

4 DATED: March 13, 2013

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6 Jan M. Adler
7 U.S. Magistrate Judge
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