

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

STEVEN W. THERRIEN,
Plaintiff,

v.

P. HUBAND, et al.,
Defendants.

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CASE NO.
3:10-cv-217 (VLB)

July 19, 2010

RULING AND ORDER

The plaintiff asks the Court to appoint an expert to examine his evidence free of cost. The plaintiff cites Fed. R. Evid. 706(a) in support of his motion. Rule 706(a) does authorize the Court to appoint an expert. However, Rule 706(b) requires that, in civil actions, except those filed pursuant to the Just Compensation Clause of the Fifth Amendment, the parties bear the cost of the expert.

Although the plaintiff has been granted leave to proceed in forma pauperis in this case, the in forma pauperis statute, 28 U.S.C. § 1915, does not authorize payment of discovery expenses by the defendants. See Benitez v . Choinski, No. 3:05cv633(JCH)(HBF), 2006 WL 276975, at *2 (D. Conn. Feb. 2, 2006) (holding that inmate proceeding in forma pauperis is not entitled to have discovery expenses paid by the court or the defendants) (citing cases).

Accordingly, the plaintiff's motion for appointment of an expert to examine physical evidence of the plaintiff's ear infection [Doc. #12] is DENIED without prejudice. The plaintiff may refile his motion should he obtain sufficient funds to

pay the associated costs.

IT IS SO ORDERED.

/s/

Vanessa L. Bryant
United States District Judge

Dated at Hartford, Connecticut: July 19, 2010.