

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CLEO TIDWELL,

Plaintiff,

v.

DR. ASSELMEIER, *et. al.*,

Defendants.

Case No. 3:16-cv-00041-JPG-SCW

**MEMORANDUM &
ORDER TO SHOW CAUSE**

J. PHIL GILBERT, DISTRICT JUDGE

This matter comes before the Court on plaintiff Cleo Tidwell's motion for a show cause order regarding appointment of an expert witness. (Doc. 123.) Tidwell argues that the Court should appoint an expert witness under Federal Rule of Evidence 706 to examine Tidwell's periodontal disease, which he alleges arose from the defendants' deliberate indifference to his medical needs. Tidwell claims that it is necessary for an expert to examine him here because (1) periodontal disease cannot be diagnosed through his current x-ray records because it is a soft tissue disease, and (2) the defendants in this case failed to report the extent of Tidwell's periodontal disease in his dental chart, which is consistent with his legal claims in this case.

Federal Rule of Evidence 706(a) states:

On a party's motion or on its own, the court may order the parties to show cause why expert witnesses should not be appointed and may ask the parties to submit nominations. The court may appoint any expert that the parties agree on and any of its own choosing. But the court may only appoint someone who consents to act.

Here, the Court believes that an expert may be necessary in this case for the reasons outlined in Tidwell's motion. Accordingly, the Court **GRANTS** Tidwell's motion (Doc. 123) and orders the

parties to **SHOW CAUSE** on or before January 23, 2018 why the Court should not appoint an expert witness to examine Tidwell's periodontal disease. In their responses, the parties should also submit their nominations for experts to the Court.

IT IS SO ORDERED

DATED: JANUARY 9, 2018

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE