

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF LOUISIANA

STEVEN PAUL BURNS (#428006)

VERSUS

CIVIL ACTION

EAST BATON ROUGE PARISH PRISON  
EMERGENCY MEDICAL SERVICES, ET AL

NUMBER 14-245-JWD-SCR

**RULING ON MOTION FOR APPOINTMENT  
OF EXPERT WITNESS**

Before the court is the plaintiff's Motion for Appointment of Court Appointed Expert Witness. Record document number 74.

Plaintiff is before the court seeking appointment of an expert witness to testify about his dental care.

Insofar as the plaintiff sought expert testimony for the purpose of supporting his allegations against defendant Dr. Vincent Leggio, such expert testimony is not needed. Plaintiff is not making a state law medical negligence claim against Dr. Leggio, and for the reasons stated in the Magistrate Judge's Report issued this date, the plaintiff's Eighth Amendment claims against Dr. Leggio should be dismissed.<sup>1</sup>

Furthermore, while the court has the authority under Rule 706, Fed.R.Evid., to appoint an expert witness, the purpose of Rule 706 is to allow "the appointment of an expert to aid the court," as distinct from an expert appointed for the benefit of a party. See *Hannah v. United States*, 523 F.3d 597, 600 (5th Cir. 2008).

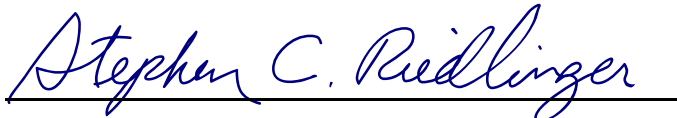
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<sup>1</sup> Record document number 76.

Also, funds to pay an expert appointed under Rule 706 must come from the parties. Rule 706(c)(2). It is apparent that the plaintiff does not have funds to pay an expert appointed by the court. In the current circumstances, appointing an expert at the sole cost of the defendants, particularly Dr. Leggio, is not warranted.

Accordingly, the plaintiff's Motion for Appointment of Court Appointed Expert Witness is denied.

Baton Rouge, Louisiana, March 17, 2015.

A handwritten signature in blue ink that reads "Stephen C. Riedlinger". The signature is written in a cursive style and is positioned above a horizontal line.

STEPHEN C. RIEDLINGER  
UNITED STATES MAGISTRATE JUDGE