

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KATHEENA SONEEYA,

Plaintiff,

v.

LUIS S. SPENCER, in his official capacity
as Commissioner of the Massachusetts
Department of Correction,

Defendant.

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Civil Action No. 07-12325-JLT

ORDER

January 23, 2012

TAURO, J.

After considering Plaintiff's Pretrial Memorandum, this court hereby DENIES Plaintiff's request for appointment of an independent expert.

Under Fed. R. Civ. P. 7(b)(1), "A request for a court order must be made by motion. The motion must: (A) be in writing unless made during a hearing or trial; (B) state with particularity the grounds for seeking the order; and (C) state the relief sought." Plaintiff's request for appointment of an independent expert witness is not raised as a motion, and, accordingly, the court will not treat it as one.

The court also declines to appoint an expert sua sponte under Fed. R. Evid. 706. Plaintiff's request is untimely in light of the fact that the final pretrial conference has already occurred and this case is set for trial beginning on January 30, 2012.

IT IS SO ORDERED.

/s/ Joseph L. Tauro
United States District Judge