

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

WILLIE JEROME MANNING

PETITIONER

V.

CIVIL ACTION NO.: 1:05CV256-WAP

CHRISTOPHER EPPS, ET AL.

RESPONDENTS

ORDER DENYING PETITIONER'S MOTION FOR EXPERT FUNDS

Presently before the Court is Petitioner's motion for \$ 15, 250 in expert funds pursuant to 18 U.S.C. § 3599(f) in order to obtain a multi-disciplinary assessment to determine whether Petitioner meets the criteria for Fetal Alcohol Spectrum Disorders ("FASD").¹ For the reasons that follow, the Court **DENIES** the motion.

This Court may authorize funds for Petitioner to obtain expert assistance upon a showing that the funds are reasonably necessary to develop a claim raised in the petition. *See* 18 U.S.C. § 3599. In order to be reasonably necessary, Petitioner must show how the anticipated results will reveal a constitutional error in his trial. *See Fuller v. Johnson*, 114 F.3d 491, 502 (5th Cir. 1997). Previously, this Court granted Petitioner's request to authorize funding for the services of a neuropsychologist to evaluate Petitioner and determine whether he suffers from neurological impairment. Petitioner was evaluated by Dr. Marc Zimmerman, who found "neurological dysfunction" and opined that it was likely that Petitioner suffers from some sort of FASD. (*See* docket entry no. 78). Petitioner now requests that a multi-disciplinary team assess Petitioner for FASD. The Court finds that expert testimony into Petitioner's exact neuropsychological functioning is not necessary to address his claim of ineffective assistance of counsel. As the Court finds Petitioner's request largely duplicative of his previously granted request and

¹ *See* docket entry no. 79.

otherwise not reasonably necessary, Petitioner's request will be denied.

SO ORDERED this the 8th day of December, 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE