FILED

MAR 2 3 2015

Clerk, U.S District Court
District Of Montana
Missoula

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

DARRIN WILLIAM MATT,	CV 14-00183-M-DLC-JCL
Plaintiff,	
vs.	ORDER
C.J. BUGNI, WILLIAM SANDERS, T.J. PHILLIPS, and KATHY MCCOLLOOH,	
Defendants.	

Plaintiff Darrin Matt has filed a motion for an independent expert. (Doc. 18.) He provides no basis upon which to appoint an expert and the Court can see no need for the appointment of an expert in this matter.
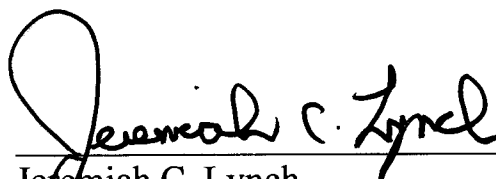
Matt brings his motion pursuant to Rule 706 of the Federal Rules of Evidence. Under Rule 706, experts are properly appointed in the court's discretion to assist the trier of fact in evaluating contradictory or complex evidence. *Walker v. Am. Home Shield Long Term Disability Plan*, 180 F.3d 1065, 1071 (9th Cir. 1999) (independent expert appointed to assist court in evaluating conflicting evidence of elusive disease of unknown origin); *McKinney v. Anderson*, 924 F.2d 1500, 1510–11 (9th Cir.1991) (noting court's discretion to appoint expert in case involving complex scientific issues concerning effects of

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secondary cigarette smoke), *vacated on other grounds, Helling v. McKinney*, 502

U.S. 903 (1991). But appointment is not appropriate for the purpose of assisting a

litigating party for his own benefit. *See Carranza v. Fraas*, 763 F.Supp.2d 113,

119–20 (D.D.C. 2011); *Pedraza v. Jones*, 71 F.3d 194, 198 n. 5 (5th Cir. 1995).

Matt has not shown issues of requisite complexity requiring appointment of

an expert witness. He appears to make this request for his own assistance, which

is outside the scope of Rule 706. The Court does not find the First Amendment

issues presented in this case to be sufficiently complex, thereby necessitating an

expert. *See Runningbird v. Weber*, 198 Fed.Appx. 576 (8th Cir. 2006)(no abuse of

discretion in the court's failure to appoint an expert on Native American Religion

practices).

According, IT IS HEREBY ORDERED that Matt's Motion for Independent

Expert (Doc. 18) is denied.

DATED this 23rd day of March, 2015.

Jeremiah C. Lynch
United States Magistrate