

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ROBERT JOSEPH MCCARTY,)
)
 Plaintiff(s),)
)
 vs.)
)
 JOHN V. ROOS, et al.,)
)
 Defendant(s).)

Case No. 2:11-cv-1538-JCM-NJK
ORDER DENYING MOTION FOR
PREPAYMENT OF FEES
(Docket No. 255)

Pending before the Court is Plaintiff’s motion for prepayment of various fees. Docket No. 255. Defendants filed a response in opposition and Plaintiff filed a reply. Docket Nos. 258, 262. Plaintiff’s motion seeks prepayment of fees associated with, *inter alia*, hiring an investigator, witness fees for a forensic psychiatrist, and taking depositions. *See, e.g.*, Docket No. 255 at 2. Absent express congressional authorization, the Court cannot spend public funds on behalf of an indigent litigant. *See United States v. MacCollom*, 426 U.S. 317, 321 (1976). Plaintiff cites primarily to 28 U.S.C. § 1915 in support of this request, but that statute does not authorize the prepayment of such fees. *See, e.g., Tedder v. Odel*, 890 F.2d 210, 211-12 (9th Cir. 1989) (holding that section 1915 does not permit the wavier of witness fees).¹ In short, Plaintiff has failed to present authority showing that the Court is authorized to grant the relief he seeks in his pending motion.

¹ Plaintiff also cites Federal Rule of Evidence 706, but that rule applies only to neutral experts and not experts to advocate on a party’s behalf. *See Antonetti v. Skolnik*, 2013 WL 593407, *5 (D. Nev. Feb. 13, 2013) (denying request for appointment of an expert).

16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In light of the above, the motion for prepayment of fees is hereby **DENIED**.

IT IS SO ORDERED.

DATED: June 10, 2014



NANCY J. KOPPE
United States Magistrate Judge