

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 ADRIAN JOHNSON,

5 Plaintiff,

6 v.

7 SGT D. HOLMS, *et al.*,

8 Defendants.

Case No. 2:18-cv-00647-GMN-EJY

**ORDER**

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10 Before the Court is Plaintiff Adrian Johnson's Motion Requesting the Court ...  
11 Provide/Appoint a Video/Surveillance Expert & Private Investigator; In the Alternative Extend  
12 Disclosure of Expert Witness (ECF No. 74). The Court has considered Plaintiff's Motion and  
13 Defendants' Opposition (ECF No. 75). No reply was timely filed.

14 Plaintiff states he is in need of an expert because Defendants state they continue to search  
15 documents relevant to his claims, including video surveillance of events Plaintiff alleges took place  
16 that underly his causes of action. ECF No. 74 at 1-2. Defendants argue, referring to ECF No. 62,  
17 that Plaintiff "is requesting an expert to help him with surveillance footage that does not exist." ECF  
18 No. 75 at 1. In Defendants' filing opposing Plaintiff's Request for Production of Documents (ECF  
19 No. 62), Defendants explain:

20 Since this case was filed, the LVMPD Defendants (Sgt. Daniel Holm, Sgt. Mark  
21 Binko, Ryan Heise, Charles Cullina and Michael Murphy) have produced **1,552**  
22 **pages of documents** in addition to several minutes of video footage depicting  
23 officers placing Johnson in a restraint chair. For his part, Johnson served them with  
24 17 requests for production of documents. Notwithstanding their objections to the  
25 many vague, ambiguous, and overbroad requests, the LVMPD Defendants  
26 responded to each request by referencing the Bates numbers of hundreds of  
27 documents that were responsive to the requests. On the rare occasion that  
28 absolutely no documents existed to satisfy Johnson's request or the request was so  
inscrutable that they could not appropriately respond, the LVMPD Defendants  
informed Johnson.

ECF No. 62 at 1-2 (emphasis in the original). Plaintiff did not respond to Defendants' argument and  
offers nothing to the Court to suggest Defendants' representations regarding the unavailability of  
any additional video or surveillance are inaccurate.

1           “The *in forma pauperis* statute, 28 U.S.C. § 1915, does not provide for the appointment of  
2 expert witnesses to aid prisoners or other litigants.” *Cepero v. Las Vegas Metropolitan Police*  
3 *Department*, No. 2:11-cv-01421-JAD-NJK, 2019 WL 2616179, at \*1 (D. Nev. June 26, 2019)  
4 (internal citations omitted). Instead, the district court has discretion to appoint an expert under Fed.  
5 R. of Evid. 706(a), which states that “the court may order the parties to show cause why expert  
6 witnesses should not be appointed and may ask the parties to submit nominations. The court may  
7 appoint any expert that the parties agree on and any of its own choosing.”

8           Given the foregoing, the Court finds there is no basis upon which to conclude a video or  
9 surveillance expert is necessary or will even benefit this case.

10           In the alternative, Plaintiff seeks an extension of the expert disclosure deadline. ECF No. 74  
11 at 3. Plaintiff states that the expert disclosure deadline should be extended because time is needed  
12 to allow such expert to conduct his/her own investigation. However, as stated above, there is no  
13 basis upon which the Court may reasonably conclude that a video or surveillance expert is  
14 appropriately appointed.

15           Accordingly,

16           IT IS HEREBY ORDERED that Plaintiff’s Motion Requesting the Court ... Provide/Appoint  
17 a Video/Surveillance Expert & Private Investigator; In the Alternative Extend Disclosure of Expert  
18 Witness (ECF No. 74) is DENIED.

19           IT IS FURTHER ORDERED that Defendants’ Response to Plaintiff’s Declaration (ECF No.  
20 76) is disregarded by the Court as moot.

21           DATED: May 27, 2020

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25           ELAYNA J. YOUCHAK  
26           UNITED STATES MAGISTRATE JUDGE  
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