

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**GREGORY L. SOLLY,**

**Plaintiff,**

**v.**

**Case No. 2:15-cv-956**

**Judge Algenon L. Marbley**

**Magistrate Judge Elizabeth P. Deavers**

**CYNTHIA MAUSSER,**  
*et al.,*

**Defendants.**

**OPINION AND ORDER**

This matter is before the Court on Plaintiff's Request for Court-Appointed Statistician pursuant to Federal Rule of Evidence 706(a). (ECF No. 55.) Defendants have not responded to Plaintiff's Request.

Evidence Rule 706(a) provides that, "[o]n a party's motion or on its own, the court may order the parties to show cause why expert witnesses should not be appointed and may ask the parties to submit nominations. . . ." Whether to appoint an expert under Rule 706 "rests solely in the Court's discretion and is to be informed by such factors as the complexity of the case and the Court's need for a neutral, expert view." *Stanley v. Ohio Dep't of Rehab. & Corr.*, No. C2-02-178, 2002 WL 31844686 at \*3 (S.D. Ohio Dec.12, 2002) (internal citation and quotation marks omitted). "Courts should not appoint expert witnesses under Rule 706 in order to aid a litigating party." *Hughes v. Lavender*, No. 2:10-cv-674, 2011 WL 2550740, at \*1 (S.D. Ohio June 23, 2011) (citing *Carranza v. Fraas*, 763 F. Supp. 2d 113, 2011 WL 380164 at \*4 (D.D.C. Feb.7, 2011)). In addition, "the use of court-appointed experts is relatively infrequent and most judges

view the appointment of an expert as an extraordinary activity that is appropriate only in rare circumstances.’’ *Davis-Bey v. City of Warren*, 2017 WL 1230509, at \*3 (E.D. Mich. Apr. 4, 2017) (quoting *Mikko v. Smock*, No. 10-12845, 2012 WL 8963806, at \*1 (E.D. Mich. Sept. 6, 2012)).

Here, Plaintiff represents that he has obtained “numerous” statistics relating to parole releases and race. (ECF No. 55 at 1–2.) According to Plaintiff, the appointment of an expert statistician will “aid the Court.” (*Id.* at 2.) The Court is not persuaded that Plaintiff has made the requisite showing that this case presents one of the “rare circumstances” justifying the appointment of an expert. Therefore, at this juncture, the Court does not need expert statistical assistance. “If such a need arises in the future, the Court can at that time order the parties to show cause why an expert witness should be appointed.” *Hughes*, 2011 WL 2550740, at \*2 (citing *Brown v. Kentucky State Penitentiary*, 2011 WL 1403201 at \*2 (W.D. Ky. Apr. 13, 2011)). Accordingly, Plaintiff’s Request for Court-Appointed Statistician pursuant to Fed. R. Civ. P. 706(a) is **DENIED**. (ECF No. 55.)

**IT IS SO ORDERED.**

Date: September 27, 2017

/s/ Elizabeth A. Preston Deavers  
ELIZABETH A. PRESTON DEAVERS  
UNITED STATES MAGISTRATE JUDGE