

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Walter R. Reid v. Barry Green

Reid v. Green · No. 1:22-cv-00549-KES-EPG (PC) · Decided December 5, 2025

SUMMARY

The Eastern District of California denied Plaintiff Walter R. Reid’s motion to appoint an independent medical expert under Federal Rule of Evidence 706(a) in his § 1983 Eighth Amendment deliberate-indifference action against Barry Green. The court concluded that the medical issues were not unusually complex and that Plaintiff could address the opposing expert’s opinions through cross-examination, testimony from his own witness, and argument to the jury.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	December 5, 2025
DOCKET	1:22-cv-00549-KES-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se in a 42 U.S.C. § 1983 action alleging deliberate indifference to serious medical needs, moved under Federal Rule of Evidence 706(a) for appointment of an independent medical expert. The district court denied the motion.
STANDARD OF REVIEW	The court applied the discretionary standard governing appointment of experts under Federal Rule of Evidence 706(a).
PRECEDENTIAL VALUE	Nonprecedential district court order
PARTIES	Walter R. Reid v. Barry Green

TOPICS

- section 1983
- prisoners rights
- expert testimony
- evidence
- civil procedure

PRACTICE AREAS

- civil rights
- prisoner medical care
- evidence

QUESTIONS PRESENTED

1. Whether the court should appoint an independent medical expert under Federal Rule of Evidence 706(a) because competing medical testimony allegedly created a need for neutral expert assistance.

HOLDINGS

1. The court denied Reid's motion for appointment of an independent medical expert because he did not demonstrate that appointment was necessary and the case was not sufficiently complex to require court-appointed expert assistance.

KEY QUOTATIONS

“Rule 706 should be invoked only in rare and compelling circumstances.” (at 1)

“Court-appointed experts are typically used in complex litigation to assist the finder of fact.” (at 1)

“Plaintiff can cross-examine Defendant’s expert at trial, and question the expert regarding the basis of his or her opinion and lack of any examination or treatment of Plaintiff.” (at 2)

FACTUAL BACKGROUND

Reid, a state prisoner, alleged that Green failed to properly treat his bladder infection and related suprapubic-catheter issues. Reid sought a court-appointed medical expert because he believed Green's expert testimony would conflict with the diagnosis and records of Dr. Kandkhorova, despite the expert's not having physically examined or treated Reid. The court concluded that the case involved a single claim and limited medical issues concerning Green's treatment, and was not unusually complex.

PROCEDURAL HISTORY

Reid's action proceeded on an Eighth Amendment deliberate-indifference claim against Green concerning treatment of Reid's bladder-related medical issues and alleged bladder infection. Reid moved for appointment of an independent medical expert, arguing that competing expert testimony would create difficulty for the court and jury. Green opposed the motion, and the district court denied it without awaiting a reply because the court did not find one necessary.

DISPOSITION

other

CASES CITED

- Walker v. American Home Shield Long Term Disability Plan, 180 F.3d 1065, 1071 (9th Cir. 1999)
- Monolithic Power Systems, Inc. v. O2 Micro International Ltd., 558 F.3d 1341, 1348 (Fed. Cir. 2009)
- Wilkins v. Barber, 562 F. Supp. 3d 943, 945 (E.D. Cal. 2021)
- Faletogo v. Moya, No. 12CV631 GPC WMC, 2013 WL 524037, at *2 (S.D. Cal. Feb. 12, 2013)
- Brooks v. Tate, No. 1:11-CV-01503 AWI, 2013 WL 4049043, at *1 (E.D. Cal. Aug. 7, 2013)

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