

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA

Dakota J. Romero v. Jason Hodge, et al.

Dakota J. Romero v. Jason Hodge, et al. · No. 3:23-cv-00623-ART-CSD · Decided December 11, 2025

SUMMARY

The United States District Court for the District of Nevada denied Dakota J. Romero’s motions for funds to hire a private investigator and to appoint several expert witnesses. The court held that 28 U.S.C. § 1915 does not authorize funding for a private investigator or appointment of experts for an indigent litigant. It also concluded that appointment of an expert under Federal Rule of Evidence 706 was unnecessary at this stage of the litigation.

CASE DETAILS

COURT	United States District Court for the District of Nevada
WRITING FOR THE COURT	Craig S. Denney
JURISDICTION	United States District Court for the District of Nevada
DECIDED	December 11, 2025
DOCKET	3:23-cv-00623-ART-CSD
DISPOSITION	other
PROCEDURAL POSTURE	In a pending prisoner civil-rights action, Plaintiff moved for funds to hire a private investigator and for appointment of several expert witnesses. The district court denied all motions.
STANDARD OF REVIEW	The appointment of an expert witness under Federal Rule of Evidence 706 is committed to the district court's discretion.
PRECEDENTIAL VALUE	Nonprecedential district-court order

TOPICS

- expert testimony
- prisoners rights
- evidence
- civil procedure
- costs

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights
- Evidence

QUESTIONS PRESENTED

1. Whether 28 U.S.C. § 1915 authorizes the court to provide an indigent prisoner funds to hire a private investigator.
2. Whether 28 U.S.C. § 1915 provides for appointment of expert witnesses to assist an indigent prisoner.
3. Whether the court should appoint expert witnesses under Federal Rule of Evidence 706(a) in this case.

HOLDINGS

1. The in forma pauperis statute does not authorize the expenditure of funds for an indigent plaintiff to hire a private investigator.
2. The in forma pauperis statute does not provide for appointment of expert witnesses to aid prisoners or other litigants.
3. The court may appoint a neutral expert under Rule 706, but Plaintiff's requests for appointment of experts were properly denied because no expert was necessary to assist the trier of fact at this stage.

KEY QUOTATIONS

“The granting of an application to proceed [IFP] does not relieve the applicant of the responsibility to pay the expenses of litigation that are not covered by 28 U.S.C. § 1915.” (at 1)

“The purpose of a court-appointed expert under Rule 706 is to assist the trier of fact, not to serve as an advocate.” (at 2)

FACTUAL BACKGROUND

Plaintiff is an incarcerated litigant proceeding in forma pauperis. He sought funds to hire a private investigator to determine the full legal name and location for service of a sheriff's daughter who had worked at the Washoe County Detention Facility and Saint Mary's Regional Medical Center. He also sought appointment of a nurse, physical therapist, physician, and sheriff's deputy as expert witnesses to assist with the litigation.

PROCEDURAL HISTORY

Plaintiff, proceeding in forma pauperis in a pending civil-rights case, sought investigative funds to identify and serve a defendant and sought appointment of medical, physical-therapy, and jail-experience experts. The district court evaluated the requests under 28 U.S.C. § 1915, Federal Rule of Evidence 706, and relevant precedent, and denied the motions.

DISPOSITION

other

CASES CITED

- Tedder v. Odel, 890 F.2d 210, 211-12 (9th Cir. 1989)
- Santos v. Baca, No. 2:11-cv-01251-KJD-NJK, 2014 WL 12910916, at *2 (D. Nev. Aug. 19, 2014)
- Covarrbias v. Gower, 2014 WL 342548, at *1 (N.D. Cal. Jan. 29, 2014)

- *Cepero v. Las Vegas Metro. Police Dep't*, No. 2:11-cv-01421-JAD-NJK, 2019 WL 2616179, at *1 (D. Nev. June 26, 2019)
- *McKinney v. Anderson*, 924 F.2d 1500, 1511 (9th Cir. 1991)
- *Helling v. McKinney*, 502 U.S. 902 (1992)
- *McKinney v. Anderson*, 959 F.2d 853 (9th Cir. 1992)
- *Helling v. McKinney*, 509 U.S. 25 (1993)
- *Pedraza v. Jones*, 71 F.3d 194, 196 (5th Cir. 1995)
- *Boring v. Kazakiewicz*, 833 F.2d 468, 474 (3d Cir. 1987)
- *Ledford v. Sullivan*, 105 F.3d 354, 358-59 (7th Cir. 1997)
- *Hannah v. United States*, 523 F.3d 597 (5th Cir. 2008)

OPINION

Dakota J. Romero v. Jason Hodge, et al.

PER CURIAM.

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 Case No.: 3:23-cv-00623-ART-CSD

DAKOTA J. ROMERO,

4 Order Plaintiff 5 Re: ECF Nos. 117, 119, 120, 121, 125 v. 6 JASON HODGE, et al., 7
 Defendants 8 9 Plaintiff has filed a motion asking the court for funds to hire a private investigator
 to find 10 the full legal name of the sheriff's daughter that worked at the Washoe County
 Detention Facility 11 and Saint Mary's Regional Medical Center and to find where Brenda Jones
 can be served. (ECF

12 No. 117.) He has also filed motions asking the court to appoint expert witnesses, including a
 13 nurse with jail experience (ECF No. 119), a physical therapist (ECF No. 120), a doctor with 14
 experience working in a jail (ECF No. 121), and a sheriff's deputy with experience working in a
 15 jail infirmary (ECF No. 125). 16 First, insofar as he requests funds to hire a private
 investigator, Plaintiff was granted in 17 forma pauperis (IFP) status for an inmate such that he was
 not required to pay the filing fee up 18 front, but he must pay the filing fee over time when he has
 the requisite funds in his inmate 19 account. The District of Nevada's Local Rules specifically
 provide that "[t]he granting of an 20 application to proceed [IFP] does not relieve the applicant of
 the responsibility to pay the 21 expenses of litigation that are not covered by 28 U.S.C. § 1915."
 LSR 1-6. 22 The IFP statute, 28 U.S.C. § 1915, does not authorize the expenditure of funds for an
 23 indigent plaintiff to hire a private investigator. See 28 U.S.C. § 1915; see also *Tedder v. Odel*, 1
 890 F.2d 210, 211-12 (9th Cir. 1989) (IFP statute does not waive payment of fees for an indigent 2
 plaintiff's witness expenses); *Santos v. Baca*, No. 2:11-cv-01251-KJD-NJK, 2014 WL 3
 12910916, at *2 (D. Nev. Aug. 19, 2014) (citing *Covarrbias v. Gower*, 2014 WL 342548, at *1 4
 (N.D. Cal. Jan. 29, 2014)), denying motion by indigent inmate to appoint private investigator). 5

Therefore, Plaintiff's motion for funds to hire a private investigator is denied. 6 Second, insofar as Plaintiff asks the court to appoint various expert witnesses to aid him 7 in conducting this litigation, "[t]he [IFP] statute, 28 U.S.C. § 1915, does not provide for the 8 appointment of expert witnesses to aid prisoners or other litigants." *Cepero v. Las Vegas Met. 9 Police Dep't*, No. 2:11-cv-01421-JAD-NJK, 2019 WL 2616179, at *1 (D. Nev. June 26, 2019) 10 (citations omitted). The court may, however, on its own, or on the motion of a party, appoint an 11 expert witness. Fed. R. Evid. 706(a). The expert "is entitled to reasonable compensation, as set 12 by the court," and in a civil case such as this, is payable "by the parties in the proportion and at 13 the time that the court directs —and the compensation is then charged like other costs." Fed. R.

14 Evid. 706(c)(2); see also *McKinney v. Anderson*, 924 F.2d 1500, 1511 (9th Cir. 1991), vacated 15 on other grounds sub nom., *Helling v. McKinney*, 502 U.S. 902 (1992), judgment reinstated, 959 16 F.2d 853 (9th Cir. 1992), aff'd, 509 U.S. 25 (1993). Where, as here, one of the parties is indigent, 17 the court may apportion all the costs to one side. *McKinney*, 924 F.3d at 1510-11. 18 The purpose of a court-appointed expert under Rule 706 is to assist the trier of fact, not to 19 serve as an advocate. See *Pedraza v. Jones*, 71 F.3d 194, 196 (5th Cir. 1995); accord *Boring v. 20 Kazakiewicz*, 833 F.2d 468, 474 (3d Cir. 1987). The determination of whether to appoint an 21 expert rests solely in the court's discretion and is to be informed by such factors as the 22 complexity of the matters to be determined and the court's need for a neutral, expert review. See 23 *Ledford v. Sullivan*, 105 F.3d 354, 358-59 (7th Cir. 1997).] The appointment of experts in Eighth Amendment deliberate indifference cases is rare, such requests should be granted sparingly, particularly given the large volume of cases in which indigent prisoners allege claims under the Eighth Amendment related to medical care, and the substantial expense defendants may have to bear if courts were to appointment experts in such cases. See e.g. *Hannah v. U.S.*, 523 F.3d 597 (Sth Cir. 2008). 6 Here, Plaintiff asks the court to appoint various experts to aid him in litigating this case. The court does not find, especially at this early juncture, that any expert witness is necessary to 8|| aid the trier of fact. Therefore, Plaintiff's motions to appoint various experts are denied.

9 CONCLUSION

10 Plaintiff's motions (ECF Nos. 117, 119, 120, 121, and 125) are DENIED for the reasons 11|| set forth above. 12) IT IS SO ORDERED. 13}| Dated: December 11, 2025 co 14 Craig S. Denney 15 United States Magistrate Judge 16 17 18 19 20 21 22 23