

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.

OPINION

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