

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PRECEDENTIAL VALUE	Nonprecedential district-court order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)

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/united-states-district-court-for-the-district-of-nevada-united-states-district-court-for-the-district/2025/dakota-j-romero-v-jason-hodge-et-al-us87w4as>