

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Williams v. Castro

No. 1:20-cv-01617-SAB (PC) (E.D. Cal. Mar. 14, 2023) · No. 1:20-cv-01617-SAB (PC) · Decided March 15, 2023

SUMMARY

The United States District Court for the Eastern District of California denied Plaintiff Robert Curtis Williams, III’s request for appointment of an impartial expert witness to testify about his mental health diagnosis. The court held that the request was untimely and that Plaintiff had not shown that a neutral expert was necessary or significantly useful to the trier of fact under Federal Rule of Evidence 706.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 15, 2023
DOCKET	1:20-cv-01617-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	In a prisoner civil-rights action under 42 U.S.C. § 1983, the pro se plaintiff moved for appointment of an impartial expert witness to testify about his mental-health diagnosis on the morning of trial.
STANDARD OF REVIEW	The court applied Federal Rule of Evidence 706 and evaluated whether appointment of a neutral expert was necessary or significantly useful to assist the trier of fact; no separate appellate standard of review was stated.
PRECEDENTIAL VALUE	Unpublished district court order with limited precedential value
PARTIES	Robert Curtis Williams, III v. Castro, et al.

TOPICS

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

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the court should appoint an impartial expert witness under Federal Rule of Evidence 706 to testify about plaintiff's mental-health diagnosis.
2. Whether the request should be denied as untimely and because plaintiff failed to show that a neutral expert was necessary or significantly useful to the trier of fact.

HOLDINGS

1. A court should not appoint an expert under Rule 706 where the expert is not necessary or significantly useful for the trier of fact to understand a material issue, where the appointment would serve as an advocate for a party, or where the request is an attempt to use public funds to avoid the in forma pauperis statute's restrictions on witness expenses. Plaintiff failed to establish that a neutral expert was required, so the request was denied.

KEY QUOTATIONS

“Expert witnesses should not be appointed where they are not necessary or significantly useful for the trier of fact to comprehend a material issue in a case.” (at 1)

“[E]xpert witnesses should not be appointed to serve as an advocate for a party.” (at 1)

“Rule 706 is not a means to avoid the in forma pauperis statute, 28 U.S.C. § 1915, and its prohibition against using public funds to pay the expenses of witnesses in a § 1983 prisoner rights action.” (at 1)

FACTUAL BACKGROUND

Plaintiff, proceeding pro se and in forma pauperis, sought appointment of an impartial expert witness to testify at trial concerning his mental-health diagnosis. He made the request in an untimely pretrial statement and renewed it on the morning of jury trial. He did not explain how his failure-to-protect and equal-protection claims were factually or legally complex or why a neutral expert was needed to assist the trier of fact.

PROCEDURAL HISTORY

Plaintiff filed this in forma pauperis § 1983 action and sought appointment of a neutral expert witness in an untimely pretrial statement filed February 21, 2023, although the pretrial statement was due December 30, 2022. The district court denied the request as untimely and unjustified.

DISPOSITION

other

CASES CITED

- Arellano Jr. v. Hodge, 2017 WL 2692875, at *1 (S.D. Cal. June 22, 2017)

- Gorton v. Todd, 793 F. Supp. 2d 1171, 1181 (E.D. Cal. 2011)
- Dixon v. Ylst, 990 F.2d 478, 480 (9th Cir. 1993)

OPINION

(PC) Williams v. Castro

PER CURIAM.

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UNITED STATES DISTRICT COURT

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EASTERN DISTRICT OF CALIFORNIA

9 10 ROBERT CURTIS WILLIAMS, III Case No. 1:20-cv-01617-SAB (PC) 11 Plaintiff, ORDER
DENYING PLAINTIFF’S

REQUEST FOR APPOINTMENT OF

12 v. IMPARTIAL EXPERT WITNESS

13 CASTRO, et al., (ECF No. 78) 14 Defendants. 15 16 17 Plaintiff Robert Curtis Williams, III is
proceeding pro se and in forma pauperis in this 18 civil rights action filed pursuant to 42 U.S.C. §
1983. 19 As part of his untimely pretrial statement and on the morning of jury trial, Plaintiff seeks
20 the appointment of an impartial expert witness to testify at trial as to his mental health
diagnosis. 21 (ECF No. 78.) However, Plaintiff’s request is both untimely and not justified. 22
First, Plaintiff’s request, brought by way of pretrial statement, is untimely. Indeed, 23 Plaintiff’s
pretrial statement was initially due December 30, 2022, and was not filed until
24 February 21, 2023. (ECF Nos. 49, 78.)

25 Second, Federal Rule of Evidence 706 allows a court to appoint an expert witness on the 26
motion of a party. Fed. R. Evid. 706(a). Generally, it is appropriate to appoint an expert 27 witness
when it will assist the trier of fact to decide a fact at issue or understand evidence that is scientific,
technical, or requires specialized knowledge. Arellano Jr. v. Hodge, 2017 WL 1 | 2692875, at *1
(S.D. Cal. Jun. 22, 2017) (citations and quotations omitted). “Expert 2 | witnesses should not be
appointed where they are not necessary or significantly useful for the 3 | trier of fact to
comprehend a material issue in a case.” Id. (citing Gorton v. Todd, 793 F.Supp.2d 4 | 1171, 1181
(E.D. Cal. 2011)). “[E]xpert witnesses should not be appointed to serve as an advocate 5 | for a
party.” Id. (citations omitted). Finally, “Rule 706 is not a means to avoid the in forma 6 | pauperis
statute, 28 U.S.C. § 1915, and its prohibition against using public funds to pay the 7 | expenses of
witnesses in a § 1983 prisoner rights action.” Id. (citing Dixon v. Ylst, 990 F.2d 478, 8 | 480 (9th
Cir. 1993)). Plaintiff fails to establish that a neutral expert is be required to assist the 9 | trier of
fact in this matter as he seeks appointment on expert for his own benefit. Plaintiff has 10 | failed to
demonstrate and the Court does not find this action is so complex that requires 11 | appointment of
a neutral expert to assist the trier of fact. Plaintiff does not explain how his 12 | failure to protect
and equal protection claims are factually or legally complex. Accordingly, 13 | Plaintiff’s motion

for appointment of an impartial expert witness is denied. 14

15 IT IS SO ORDERED. FA. ee

16 | Dated: _ March 14, 2023

UNITED STATES MAGISTRATE JUDGE

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