

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.

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 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 18 19 20 21 22 23 24 25 26 27 28