

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAMONT D. WALKER,

Plaintiff,

v.

RYAN ARMSON, VICTOR TRIMBLE,
BRIAN NEUMAIER, JEFF VANA, KIMM JOHNSON,
DR. WILLIAM GRISWOLD, DR. JIM THORPE,
PAUL KETARKUS and GLENN BENNET,

Defendants.

ORDER

09-cv-756-slc

Plaintiff Lamont D. Walker is proceeding on an Eighth Amendment claim that the defendants were deliberately indifferent to his serious dental needs. Now plaintiff has filed a motion for the court to appoint expert witnesses. *See* dkt. 76. Defendant asks that the court deny the motion because it is unclear what plaintiff actually wants or why he really wants it. *See* dkt. 77.

In his motion, plaintiff implies that an expert will help the court evaluate the medical evidence in this case. Rules 706 and 614 of the Federal Rules of Evidence give district courts discretion to appoint impartial expert witnesses in a civil case to assist the *court* in evaluating complex scientific evidence. *McKinney v. Anderson*, 924 F.2d 1500 (9th Cir. 1991) (district court might appoint impartial expert to help court evaluate scientific evidence on health effects of exposure to secondary cigarette smoke). The court has the discretion to apportion the costs of its expert to one side. *Ledford v. Sullivan*, 105 F.3d 354, 361 (7th Cir. 1997). In this case, however, the court does not need its own expert to evaluate the medical evidence, which is not particularly complex. Therefore, funds to pay for an expert are not available under 28 U.S.C. § 1915 and are not compelled under Fed. R. Evid. 614 or 706(b).

ORDER

IT IS ORDERED that plaintiff Lamont D. Walker's motion for expert witnesses, dkt. 76, is DENIED.

Entered this 5th day of May, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge