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

JAMES A. JONES,

Plaintiff,

v.

JOANN SKALSKI, *et al.*,

Defendants.

ORDER

10-cv-766-bbc

Now before the court is plaintiff's motion to compel discovery and to appoint expert witness. (Dkt. Nos. 45 and 46.) Plaintiff moves for the court to appoint an expert witness on the grounds that it would "aide the court and/or jury in understanding the complexity the psychological and/or emotional effects that the prolonged incarceration" had on him.

Rules 706 and 614, Fed. R. Ev., 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) (a district might appoint an impartial expert to help the court evaluate scientific evidence on house effects of exposure to secondhand cigarette smoke). In that instance, a court has the discretion to apportion the cost of the expert to one side. *Ledford v. Sullivan*, 105 F3d 354, 361 (7th Cir. 1997).

In this case, however, plaintiff is asking the court to obtain expert testimony to assist him in presenting his claim rather than to assist the court in evaluating conflicting evidence. Howsoever necessary plaintiff deems the testimony of experts in support of its claims, the funds to pay for his expert are not available under 28 U.S.C. § 1915 and are not compelled under Fed. R. Enid. 614 or 706(b).

Plaintiff moves to compel answers to some of his interrogatories that he served on defendants. In interrogatory 2, he requests a copy of a certificate of completion to attest to his

successful completion of the Challenge Incarceration Program. Defendants respond that a copy of the certificate of completion is not kept by them. This is an adequate response.

In interrogatories 6(b) and 6(c), plaintiff requests the policy or procedure outlining specific protocols that must be filed and sent to the sentencing judge upon completion of the program and or upon placement in quitter status. Defendants have clarified their response to this interrogatory stating that policy and procedure PR-4A-1 provided to the plaintiff as Exhibit E to their discovery responses applies to interrogatory 6(b). Further, policy and procedure PR-4C-1 was provided to plaintiff as Exhibit E in response to interrogatory 6(c). These responses are adequate.

Interrogatory 6(f) requests information regarding termination of a graduate. Defendant has responded that they have now attached the Challenge Incarceration Program (CIP) Memo of Agreement which covers placing an inmate on quitter status or termination of an inmate in CIP. Defendants further state that PR-4C-1, which has been provided to plaintiff applies to termination of a graduate. No further response is necessary.

In interrogatories 8 and 17, plaintiff requests names of possible witnesses. Defendants object to these interrogatories because the names of inmates are protected under HIPAA rules. In addition, plaintiff has not shown how the names of these inmates would lead to the discovery of evidence admissible in this case. Therefore, his motion to compel further responses to these interrogatories will be denied.

Finally, in interrogatory 15, plaintiff requests internal reports written by staff about staff. Defendants respond that these documents do not exist and that the reports that do exist regarding the incident were provided to the plaintiff as Exhibit M. Because defendants have

provided adequate responses to plaintiff's requests for discovery, this motion to compel will be denied.

ORDER

IT IS ORDERED that:

(1) Plaintiff's motion to appoint expert witnesses (dkt. 46) is DENIED; and,

(2) Plaintiff's motion to compel further discovery responses (dkt. 45) is DENIED.

Entered this 26th day of August, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER
Magistrate Judge