

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LA RON MCKINLEY BEY,

Plaintiff,

v.

Case No. 16-CV-521

WILLIAM POLLARD, et al.,

Defendants.

ORDER

On April 21, 2017, the plaintiff filed a motion for appointment of an independent expert or alternatively for recruitment of counsel. (ECF No. 59.) First, the plaintiff requests that the court appoint an independent expert psychiatrist witness to testify to his or her opinion on matters within his or her medical and psychological area of expertise, pursuant to Fed. R. Evid. 706(a). According to the plaintiff, this case is complex and an expert witness will assist the court and jury in understanding the issues as well as provide the plaintiff with the ability to meet the essential elements of his case required at summary judgment. The defendants have not filed a response to the plaintiff's motion.

“On a party's motion or on its own, the court may order the parties to show cause why expert witnesses should not be appointed[.]” Fed. R. Evid. 706(a). Expert witnesses are helpful “if scientific, technical, or other specialized knowledge will assist the trier-of-fact to understand the evidence or decide a fact in issue.” *Ledford v. Sullivan*, 105 F.3d 354, 358-59 (7th Cir. 1997). Courts are not required to appoint expert witnesses and should appoint them only when necessary to understand complex case facts or complicated, conflicting evidence. *Vasquez v. Braemer*, 586

Fed. Appx. 224, 227 (7th Cir. 2014). In this case, given the nature of the plaintiff's claims, the court does not need an expert at this time. *See id.* (expert would not have helped establish the subjective deliberate-indifference standard in civil rights action where state prisoners alleged that confinement in administrative segregation exacerbated their mental illness). Therefore, the court will deny the plaintiff's request to appoint an expert witness.

The plaintiff requests, alternatively, that the court appoint a *pro bono* attorney to represent him. The plaintiff filed his motion on April 21, 2017, and on the same day the court denied without prejudice the plaintiff's motion to appoint counsel. (ECF No. 58.) As explained in the court's April 21, 2017 order, once the defendants file their motion for summary judgment, the court will be in a better position to assess whether the factual or legal issues exceed the plaintiff's capacity to coherently present his case. (ECF No. 58 at 3.) The court will therefore deny without prejudice the plaintiff's request for *pro bono* counsel.

THEREFORE, IT IS ORDERED that the plaintiff's motion for appointment of an independent expert (ECF No. 59) is **DENIED**.

IT IS FURTHER ORDERED that the plaintiff's motion to appoint counsel (ECF No. 59) is **DENIED WITHOUT PREJUDICE**.

Dated at Green Bay, Wisconsin this 1st day of June, 2017.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court - WIED