UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

DARRIL HEDRICK, DALE ROBINSON, KATHY LINDSEY, MARTIN C. CANADA, DARRY TYRONE PARKER, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

JAMES GRANT, as Sheriff of Yuba County; Lieutenant FRED J. ASBY, as Yuba County Jailer; and JAMES PHARRIS, ROY LANDERMAN, DOUG WALTZ, HAROLD J. "SAM" SPERBECK, JAMES MARTIN, as members of the YUBA COUNTY BOARD OF SUPERVISORS,

Defendants.

No. 2:76-cv-00162-GEB-EFB

**ORDER DENYING PLAINTIFFS' REQUEST FOR PRE-APPROVAL OF EXPERT EXPENDITURES**

Plaintiffs request the Court "authorize the expenditure in an amount not to exceed [$5,000.00]" to hire an expert(s) "to determine if the Yuba County Jail's medical and mental health care, facilities, and procedures meet the minimum standards required by the Constitution and the Consent Decree." (Pls.' Req. for Authority to Incur Costs 1, ECF No. 154.) Plaintiffs contend the requested expenditure "is reasonably necessary to the prosecution of this action." (Id.)



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Plaintiffs' counsel, Carter White, filed a Declaration in support of this request, in which he avers:

> As counsel for the Plaintiff Class, I have a duty to investigate current and ongoing violations of Federal law and the Consent Decree at Yuba County Jail ("the Jail"). See 18 U.S.C. § 3626(b)(3); ECF 120-1, at 48-49. Based on the Clinic's preliminary investigation into conditions at the Jail, review of reports produced by the County, and declarations made by inmates, it is my belief that there likely exist current and ongoing violations of inmates' federal rights at the Jail. **In order to determine if the conditions of the Jail are in compliance with the Consent Decree and constitutional minima, Plaintiffs reasonably and necessarily need to hire neutral and unbiased experts familiar with jail conditions and constitutional standards. Some of the issues the experts will need to look into include the accessibility of adequate medical and mental health care, the habitability of the Jail facilities, and the adequacy of exercise and recreation for inmates.** I have made reasonable inquiry and believe that the initial cost of this course of action will not exceed the amount of $5,000. I will do all that I can to ensure that the expert costs are minimal and reasonable.

(Decl. of Carter White in Supp. of Req. to Incur Costs ("White Decl.") ¶ 2 (emphasis added).)

United States District Court for the Eastern District of California ("Eastern District") General Order No. 510 governs the "reimbursement of pro bono counsel appointed in indigent pro se civil cases." It provides, in relevant part, that "appointed pro bono counsel . . . may petition the Court for reimbursement from the Court's Non Appropriated Fund . . . of certain expenses incurred." See General Order No. 510, 1. Such expenses include:

> Request[ed] reimbursement for costs of **retaining expert and non-expert witnesses whose services are necessary in preparing**

> **their client's case.** Except for good cause shown, all such services require prior approval of the judge before whom a case is pending before they may be purchased, regardless of their cost.

General Order No. 510 § 4(A)(3) (emphasis added).

The scope of Plaintiffs' requested expert expenditure is unclear and appears beyond what is governed by the Consent Decree. Specifically, Plaintiffs have shown neither precisely what aspects of the Consent Decree would be involved nor justification for the portion of the expenditure seeking authorization to conduct an expert investigation into what Plaintiffs vaguely reference as "constitutional minima," which Plaintiffs indicate is outside the scope of the Consent Decree.

Further, Plaintiffs have not demonstrated that expert investigation is necessary "to determine if the conditions of the Jail are in compliance with the Consent Decree and constitutional minima." (White Decl. ¶ 2.)

For the stated reasons, Plaintiffs have not shown the requested expenditure is "necessary" to prepare their case. Therefore, Plaintiffs' request is denied.

Dated: January 8, 2015

GARLAND E. BURRELL, JR.
Senior United States District Judge