Case: 14-60624 Document: 00513047650 Page: 1 Date Filed: 05/19/2015 UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

## **BILL OF COSTS**

# NOTE: The Bill of Costs is due in this office *within 14 days from the date of the opinion, See* FED. R. APP. P. & 5<sup>TH</sup> CIR. R. 39. Untimely bills of costs must be accompanied by a separate motion to file out of time, which the court may deny.

		V.			No.			
The Clerk is requested to tax the f	ollowing costs aga	ainst:						
COSTS TAXABLE UNDER Fed. R. App. P. & 5 <sup>th</sup> Cir. R. 39		REQUES	STED		ALLOWED (If different from amount requested)			
	No. of Copies	Pages Per Copy	Cost per Page*	Total Cost	No. of Documents	Pages per Document	Cost per Page*	Total Cost
Docket Fee (\$500.00)								
Appendix or Record Excerpts								

Appellant's Brief											
Appellee's Brief											
Appellant's Reply Brief											
Other:											
Total \$ Costs are taxed in the amount of							ount of \$				
Costs are hereby taxed in the amount of \$			this,,,					·			
		LYLE W.CAYCE, CLERK									
State of County of		By									
•			Deputy Clerk								
I incurred in this action and th opposing counsel, with postag	at the services for which	fees have been ch	arged were actually	y and necessaril	y of perjury that the y performed. A cop	y of this Bill of Cos	fees have been cha ts was this day mail	rged were ed to			
			(Signature)								
*SEE REVERSE SIDE FOR RULES GOVERNING TAXATION OF COST	`S		Attorney for								
			Dockets.Justia.com								

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#### FIFTH CIRCUIT RULE 39

**39.1 Taxable Rates.** The cost of reproducing necessary copies of the brief, appendices, or record excerpts shall be taxed at a rate not higher than 0.15 per page, including cover, index, and internal pages, for any for of reproduction costs. The cost of the binding required by  $5^{TH}$  CIR. R. 32.2.3that mandates that briefs must lie reasonably flat when open shall be a taxable cost but not limited to the foregoing rate. This rate is intended to approximate the current cost of the most economical acceptable method of reproduction generally available; and the clerk shall, at reasonable intervals, examine and review it to reflect current rates. Taxable costs will be authorized for up to 15 copies for a brief and 10 copies of an appendix or record excerpts, unless the clerk gives advance approval for additional copies.

39.2 Nonrecovery of Mailing and Commercial Delivery Service Costs. Mailing and commercial delivery fees incurred in transmitting briefs are not recoverable as taxable costs.

39.3 Time for Filing Bills of Costs. The clerk must receive bills of costs and any objections within the times set forth in FED. R. APP. P. 39(D). See 5<sup>th</sup> CIR. R. 26.1.

#### FED. R. APP. P. 39. COSTS

(a) Against Whom Assessed. The following rules apply unless the law provides or the court orders otherwise;

(1) if an appeal is dismissed, costs are taxed against the appellant, unless the parties agree otherwise;

(2) if a judgment is affirmed, costs are taxed against the appellant;

(3) if a judgment is reversed, costs are taxed against the appellee;

(4) if a judgment is affirmed in part, reversed in part, modified, or vacated, costs are taxed only as the court orders.

(b) Costs For and Against the United States. Costs for or against the United States, its agency or officer will be assessed under Rule 39(a) only if authorized by law.

(C) Costs of Copies Each court of appeals must, by local rule, fix the maximum rate for taxing the cost of producing necessary copies of a brief or appendix, or copies of records authorized by rule 30(f). The rate must not exceed that generally charged for such work in the area where the clerk's office is located and should encourage economical methods of copying.

#### (d) Bill of costs: Objections; Insertion in Mandate.

(1) A party who wants costs taxed must – within 14 days after entry of judgment – file with the circuit clerk, with proof of service, an itemized and verified bill of costs.

(2) Objections must be filed within 14 days after service of the bill of costs, unless the court extends the time.

(3) The clerk must prepare and certify an itemized statement of costs for insertion in the mandate, but issuance of the mandate must not be delayed for taxing costs. If the mandate issues before costs are finally determined, the district clerk must – upon the circuit clerk's request – add the statement of costs, or any amendment of it, to the mandate.

(e) Costs of Appeal Taxable in the District Court. The following costs on appeal are taxable in the district court for the benefit of the party entitled to costs under this rule:

(1) the preparation and transmission of the record;

(2) the reporter's transcript, if needed to determine the appeal;

(3) premiums paid for a supersedeas bond or other bond to preserve rights pending appeal; and

(4) the fee for filing the notice of appeal.