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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**JAMES SANFORD POBURSKY and
WANDA POBURSKY,**

Plaintiffs,

v.

MADERA COUNTY, et al.,

Defendants

1: 07-CV-0611 AWI DLB

**ORDER DENYING PLAINTIFFS’
MOTION FOR THE COURT TO
REVIEW DEFENDANTS’ BILL OF
COSTS**

(Document #234)

On December 13, 2010, the court adopted the Magistrate Judge’s October 4, 2010 Findings and Recommendations, granted Defendants’ motion for involuntary dismissal, and dismissed this action with prejudice. The Clerk of the Court entered Judgment the same day. On December 21, 2010, Defendant submitted a Bill of Costs. On January 21, 2011, Plaintiffs filed a motion for the court to review Defendants’ Bill of Costs.

Rule 54(d) of the Federal Rules of Civil Procedure allows costs, other than attorneys’ fees, to the prevailing party as a matter of course unless the court otherwise directs. However, Local Rule 292 provides a very specific procedure for how a party may file a bill of costs, how a party may file objections, who taxes and enters costs, and how the court can review the taxing of costs.

1 Local Rule 292 reads in part:

2 (b) Filing of Cost Bill. Within fourteen (14) days after entry of judgment
3 or order under which costs may be claimed, the prevailing party may serve on all
4 other parties and file with the Clerk a bill of costs conforming to 28 U.S.C. §
5 1924. The cost bill shall itemize the costs claimed and shall be supported by a
6 memorandum of costs and an affidavit of counsel that the costs claimed are
7 allowable by law, are correctly stated, and were necessarily incurred. Cost bill
8 forms shall be made available by the Clerk's Office upon request or on the Court's
9 website.

10 (c) Objections. The party against whom costs are claimed may, within
11 seven (7) days from date of service, file specific objections to claimed items with
12 a statement of grounds for objection.

13 (d) Taxing Costs. If no objection is filed, the Clerk shall proceed to tax
14 and enter costs. If objections are filed, they should state specific objections to
15 claimed items with a statement of grounds thereof. The Clerk may require and
16 consider further affidavits as necessary to determine allowable costs. The parties
17 may request a hearing, in person or by telephone conference call, and the Clerk
18 shall schedule the hearing as needed. Upon the taxation and entry of costs the
19 Clerk shall serve notice thereof to all parties.

20 (e) Review. On motion filed and served within seven (7) days after notice
21 of the taxing of costs has been served, the action of the Clerk may be reviewed by
22 the Court as provided in Fed. R. Civ. P. 54(d). See L.R. 230.

23 In this action, Plaintiffs filed their request for the court to review Defendants' Bill of
24 Costs prior to the Clerk of the Court taxing costs. In fact, the Clerk of the Court has never taxed
25 costs in this action. As such, any request for the court to review the Bill of Costs or the taxing of
26 costs is premature.

27 Accordingly, Plaintiffs' motion for the court to review Defendants' Bill of Costs is
28 DENIED.

IT IS SO ORDERED.

Dated: September 9, 2011


CHIEF UNITED STATES DISTRICT JUDGE