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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

8 CHRISTOPHER SIMMONS,
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10 Plaintiff,

11 v.

12 J. AKANNO, et al.,

13 Defendants.
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Case No. 1:10-cv-00553-AWI-SAB-PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, (Doc. No. 110),
SUSTAINING PLAINTIFF'S OBJECTIONS,
(Doc. No. 98), AND DENYING
DEFENDANTS' BILL OF COSTS, (Doc. No.
97).

15 Plaintiff Christopher Simmons, who is appearing with retained counsel, proceeds in this
16 action pursuant to the Americans with Disabilities Act, 42 U.S.C. § 12203(a). This matter was
17 referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local
18 Rule 302.

19 On March 7, 2017, the Court adopted findings and recommendations by the assigned
20 magistrate judge, granted summary judgment in favor of Defendants, and ordered the Clerk of
21 the Court to close this case. (Doc. No. 95.) Judgment was entered accordingly. (Doc. No. 96.)

22 On March 13, 2017, Defendants Campas, Covarrubias, Hedgpeth, and Keldgord
23 submitted a bill of costs, seeking costs taxed against Plaintiff in the sum of \$1,771.20. (Doc. No.
24 97.) On March 20, 2017, Plaintiff objected to the bill of costs, arguing that defendants who
25 prevail in an Americans with Disabilities Act lawsuit must show that the Plaintiff's allegations
26 were frivolous before costs may be taxed against that Plaintiff, which had not been shown here.
27 (Doc. No. 98.) On April 10, 2017, Defendants filed a response to Plaintiff's objections, (Doc.
28 No. 106), and on April 19, 2017, Plaintiff filed a reply to Defendants' response, (Doc. No. 109.)

1 On May 1, 2017, the assigned magistrate judge filed findings and recommendations
2 recommending that Plaintiff's objections to Defendants bill of costs be sustained. (Doc. No.
3 110.) The parties were provided an opportunity to file objections to the findings and
4 recommendations within thirty days. More than thirty days have passed, and no objections were
5 filed.

6 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
7 court has conducted a de novo review of this case. Having carefully reviewed the entire file, the
8 court finds the findings and recommendations to be supported by the record and proper analysis.

9 Accordingly, THE COURT HEREBY ORDERS that:

- 10 1. The findings and recommendations filed by the assigned magistrate judge on May
11 1, 2017 (Doc. No. 110), are ADOPTED IN FULL;
- 12 2. Plaintiff's objections to Defendants bill of costs are SUSTAINED; and
- 13 3. Defendants' bill of costs, submitted on March 13, 2017, is DENIED.

14 IT IS SO ORDERED.

15 Dated: June 27, 2017

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18 SENIOR DISTRICT JUDGE