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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ADONAI EL-SHADDAI,

Plaintiff,

v.

B. WHEELER, et al.,

Defendants.

NO. CIV S-06-1898 KJM-EFB

ORDER

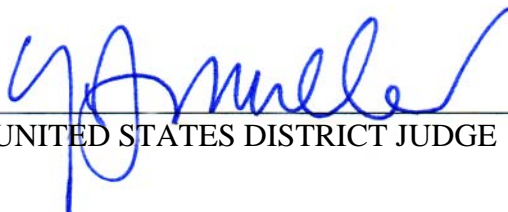
Plaintiff, a state prisoner, brought an action against defendants under 42 U.S.C. § 1983. A jury trial was held in October 2011, and a judgment was rendered in favor of defendants on October 5, 2011. On October 12, 2011, defendants filed a bill of costs seeking \$1,669.56. Plaintiff objected to the bill of costs on November 2, 2011. The cases cited by plaintiff relate to California Code of Civil Procedure Section 1021.5, which is irrelevant to a losing plaintiff in a civil rights action. Apart from a broad catchall statement, plaintiff has not raised any arguments that rebut the presumption of costs being awarded to the prevailing party. FED. R. CIV. P. 54(d); *see Save Our Valley v. Sound Transit*, 335 F.3d 932, 944–45 (9th Cir. 2003).

In particular, plaintiff has not identified any specific ground that may justify reducing the taxation of costs. *See Janoe v. Stone*, No. 06–CV–1511–JM, 2012 WL 70424, at \*1-3 (S.D. Cal. Jan. 9, 2012). In *Janoe*, a prisoner plaintiff who lost at trial on a First

1 Amendment retaliation claim objected to costs being assessed against him, “argu[ing] that  
2 taxation of costs in prisoner civil rights cases will place an unfair burden on him and other  
3 similarly situated prisoners, essentially creating a chilling effect.” *Id.* at \*2. The court there  
4 concluded “plaintiff’s arguments based on his indigence and the possible chilling effect of  
5 assessing costs in this case are insufficient to rebut the presumption in favor of awarding costs.”  
6 *Id.* Similarly, here, plaintiff has not offered a compelling reason for why the presumption of  
7 costs being awarded to the prevailing party should not apply. Plaintiff’s objections to the bill of  
8 cost are overruled. The bill of costs shall be taxed by separate order.

9 IT IS SO ORDERED.

10 DATED: August 27, 2012.

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13 UNITED STATES DISTRICT JUDGE  
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