

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEFFREY MAX SHOOK,

No. 2:06-cv-02865-MCE-EFB

Plaintiff,

V.

ORDER

TOWN OF TRUCKEE, TRUCKEE
POLICE OFFICERS: RYAN MOREAU
#6154, OFFICER MARDISON,
OFFICER WALSH,

Defendants.

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Defendants, as the prevailing parties in this litigation pursuant to the judgment entered on January 15, 2009 following trial, have filed a Bill of Costs, pursuant to 28 U.S.C. § 1920, in the amount of \$3,080.19. Plaintiff has objected to a \$50.00 delivery charge in connection with the transcript of his deposition, but otherwise does not take issue with the other items claimed as costs by Defendants.

Under Federal Rule of Civil Procedure 54(d), the prevailing party in a lawsuit may recover its costs "unless the court otherwise directs".

1 As this language suggests, the ultimate decision on whether to
2 award costs is a matter within the court's discretion.

3 Association of Mexican-American Educators v. State of Calif.,
4 231 F.3d 572, 591-92 (9th Cir. 2000). If the Court declines to
5 award costs as requested by the prevailing party, however, it
6 should specify its reasons for doing so. Berkla v. Corel Corp.,
7 302 F.3d 909. 921 (9th Cir. 2002).

8 As this Court has previously recognized, neither mail nor
9 courier fees can properly be taxed. U.S. ex rel. Stierli v.
10 Shasta Services Inc., 2007 WL 1516934 at *1 (E.D. Cal. 2007),
11 citing El-Fadl v. Central Bank of Jordan, 163 F.R.D. 389, 390
12 (D.D.C. 1995). The \$50.00 delivery charge claimed in connection
13 with Plaintiff's deposition falls within the rubric of such
14 impermissible courier fees. Consequently Defendants' claimed
15 costs will be reduced by \$50.00.

16 Costs are accordingly taxed in favor of Defendants as stated
17 in their Bill of Costs, except that court reporter fees are
18 reduced from \$2,544.80 to \$2,494.80. Total costs are hence
19 awarded to Defendants in the sum of \$3,030.19.

20 IT IS SO ORDERED.

21 Dated: February 6, 2009



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24 MORRISON C. ENGLAND, JR.
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26 UNITED STATES DISTRICT JUDGE
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