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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL A. HUNT,
Plaintiff,
v.
M. REYES, et al.,
Defendants.

No. 2:08-cv-00181-MCE-CKD (PC)

ORDER

In bringing this lawsuit, Plaintiff Michael A. Hunt, an inmate in the custody of the California Department of Corrections and Rehabilitation, alleged that he was retaliated against for exercising his First Amendment right to file grievances and pursue civil rights litigation pertaining to his incarceration. Specifically, Plaintiff claims that Defendant David Rios placed false documentation about Plaintiff in his central file after Plaintiff filed a grievance, and because Defendant Rios learned that Plaintiff had filed a prior lawsuit.

On January 7, 2015, this Court entered judgment in Defendant Rios' favor following a jury verdict for the defense. Defendant Rios subsequently filed a Bill of Costs in the amount of \$980.10. The propriety of that costs bill is presently before the Court.

Federal Rule of Civil Procedure 54(d) creates a presumption in favor of awarding costs to the prevailing party, "but vests in the district court discretion to refuse to award costs." Ass'n of Mexican-American Educators v. State of Cal., 231 F.3d 572, 591

1 (9th Cir. 2000) (en banc). The imposition of considerable costs against a prisoner in a
2 case of this nature could have an undesired chilling effect on civil rights litigation in an
3 important area (see, e.g., Stanley v. Univ. of Southern Cal., 178 F.3d 1069, 1080
4 (9th Cir. 1999)), and the Court therefore exercises its discretion to disallow costs herein.
5 Defendant's Application to Tax Costs (ECF No. 180) is accordingly DENIED.

6 IT IS SO ORDERED.

7 Dated: April 23, 2015

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11 MORRISON C. ENGLAND, JR., CHIEF JUDGE
12 UNITED STATES DISTRICT COURT
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