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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID P. DEMAREST,

Plaintiff,

v.

CITY OF VALLEJO CALIFORNIA,
et al.,

Defendants.

No. 2:16-cv-02271-MCE-KJN

ORDER

By way of this action, Plaintiff David P. Demarest (“Plaintiff”) sought to recover for constitutional violations arising from his arrest at a sobriety checkpoint run by Defendant City of Vallejo (the “City”). The gist of Plaintiff’s remaining claims against the City and co-Defendant Officer Jodi Brown (“Officer Brown”) (collectively “Defendants”) was that requiring Plaintiff to present his driver’s license at the checkpoint constituted an unreasonable search and that Officer Brown used excessive force in effectuating his subsequent arrest. The Court granted summary judgment in Defendants’ favor. ECF No. 73. Presently before the Court is Defendants’ subsequent Bill of Costs (“BOC”). ECF No. 75.

Plaintiff objects to the taxing of costs because the BOC is unsupported by documentation and because awarding costs would have a chilling effect on civil rights case. The Court agrees that Defendants’ failure to support their cost request is fatal.

1 Indeed, Local Rule 292(b) provides:

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

7 Defendants' filing does not include the requisite supporting evidence itemizing
8 costs such that the Court can determine whether they were in fact appropriate.¹ Having
9 failed to adhere to the applicable rules, Defendants' request is DENIED. No costs will be
10 taxed in this action.

11 IT IS SO ORDERED.

12 Dated: May 29, 2020

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14 MORRISON C. ENGLAND, JR.
15 UNITED STATES DISTRICT JUDGE
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27 _____
28 ¹ Defendants did thereafter file a "Response" containing numerous pages of supporting evidence
for their claims, but that was too little, too late.