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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SUSAN MAE POLK,

) No. C 08-1483 MMC (PR)

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Plaintiff,

) **ORDER DENYING WITHOUT  
PREJUDICE PLAINTIFF'S  
REQUEST FOR COSTS ON APPEAL;  
DIRECTIONS TO CLERK**

12

v.

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DEPUTY JAMES CAVIN, et al.,

) **(Docket No. 91)**

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Defendants.

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On March 17, 2008, plaintiff, a California prisoner then incarcerated at the Central California Women's Facility in Chowchilla, California ("CCWF"), and proceeding pro se, filed the above-titled civil rights action under 42 U.S.C. § 1983.<sup>1</sup> On March 10, 2010, the Court dismissed plaintiff's claims and entered judgment for defendants. On August 17, 2011, the Ninth Circuit issued an opinion reversing this Court's dismissal of plaintiff's claims and remanding for further proceedings. The Ninth Circuit added that "[d]efendants shall bear the costs on appeal."

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On September 23, 2011, the Court reopened the case. That same date, plaintiff filed a request for (1) reimbursement of the \$9.24 that had been deducted from her prison trust account to be applied to the filing fee for the appeal, and (2) payment by defendants of the balance of such filing fee.

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<sup>1</sup> Plaintiff currently is incarcerated at Valley State Prison for Women.

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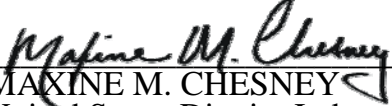
Plaintiff's request is hereby DENIED without prejudice to her claiming taxable costs, including the filing fee for her appeal, under the Ninth Circuit's September 23, 2011 opinion, by serving and filing a bill of costs pursuant to 28 U.S.C. § 1920, Federal Rule of Civil Procedure 54(d), and Civil Local Rule 54.

The Clerk is directed to send plaintiff a bill of costs form.

This order terminates Docket No. 91.

IT IS SO ORDERED.

DATED: October 17, 2011

  
MAXINE M. CHESNEY  
United States District Judge