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

FREDERICK JACKSON, ASHLEY NICOLE
JACKSON, and BRIANA FREDRANIQUE
ANNETTE JACKSON,

Plaintiffs,

No. C 09-01016 WHA

v.

GERALD VINCENT LOMBARDI, individually
and as an officer of the City of Pittsburg Police
Department (Badge # 275), CORY LEE SMITH,
individually and as an officer of the City of
Pittsburg Police Department (Badge # 285),
SANKARA REDDY DUMPA, individually and as
an officer of the City of Pittsburg Police
Department (Badge # 291), WILLIAM BLAKE
HATCHER, individually and as an officer of the
City of Pittsburg Police Department (Badge # 274),

Defendants.

**ORDER DENYING
COSTS TO ALL PARTIES**

Based on the original judgment (Dkt. No. 199) and first amended judgment (Dkt. No. 220), the parties submitted bills of costs and objections to the costs submitted by the other side. Since then, an order granted in part and denied in part defendants' renewed motion for judgment as a matter of law or for a new trial, and a new amended judgment was entered (Dkt. No. 252). An order requested a statement from the parties about whether they agreed that the practical solution to a bill of costs dispute would be that they not claim any costs. Though defendants agreed, plaintiffs did not.

A district court must specify its reason if it denies costs to the prevailing party. *Ass'n of Mexican-American Educators v. State of California*, 231 F.3d 572, 591 (9th Cir. 2000). This

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order finds that none of the parties can properly be termed a “prevailing party,” under Federal Rule of Civil Procedure 54(d)(1). Though plaintiff Frederick Jackson prevailed on his First Amendment claim, judgment was entered against him on all other claims; and though defendants prevailed on all claims besides the First Amendment claim, judgment was entered against Officer Lombardi on that claim. Each party shall therefore bear his or her own costs.

IT IS SO ORDERED.

Dated: October 1, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE