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 APR 05 2021
 CLERK, U.S. DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES DISTRICT COURT
 SOUTHERN DISTRICT OF CALIFORNIA

CHRISTOPHER GARNIER; and
 KIMBERLY GARNIER,
 Plaintiffs,
 v.
 MICHELLE O'CONNOR-RATCLIFF;
 and THOMAS JOSEPH ZANE,
 Defendants.

Case No.: 3:17-cv-02215-BEN-JLB
**ORDER DENYING WITHOUT
 PREJUDICE DEFENDANTS'
 MOTION TO RE-TAX COSTS**
[ECF No. 108]

This case is currently on appeal before the Ninth Circuit. *See* Notice of Appeal, ECF No. 99. The grounds for appeal implicate any decision the Court would render on Defendants' Motion to Re-Tax Costs. ECF No. 108. Accordingly, Defendants' Motion to Re-Tax Costs is **DENIED without prejudice** to Defendants' refiling their motion after the appeal has concluded. The renewed motion must be filed within seven days of the date the Mandate issues from the Ninth Circuit. *See* Fed. R. Civ. P. 54(d)(1).

IT IS SO ORDERED.

Date: April 5, 2021

Roger T. Benitez

HON. ROGER T. BENITEZ
 United States District Judge