

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 09-cv-02584-PAB-MJW

CHRISTINA MARQUEZ,

Plaintiff,

v.

BRIAN NORTON, Sheriff of Rio Grande County, Colorado,
BOYD WHEELWRIGHT, Deputy Sheriff of Rio Grande County, Colorado,
HARVEST STANDARD, LLC, a Texas limited liability company, d/b/a/ Harvest Select,
MICHELE PETERSON, and
JENNIFER METZ,

Defendants.

ORDER

This matter is before the Court on plaintiff's Motion to Amend or Clarify Clerk's Judgment [Docket No. 117]. The motion is fully briefed and ripe for disposition.

Plaintiff brought federal claims against defendants Brian Norton and Boyd Wheelwright, over which the Court exercised original jurisdiction pursuant to 28 U.S.C. § 1331. On October 29, 2010, the Court granted summary judgment to defendants Norton and Wheelwright on plaintiff's federal claims. See Docket No. 78. Plaintiff also asserted state law claims against defendants Michele Peterson, Jennifer Metz, and Harvest Standard, LLC. On May 9, 2011, the Court *sua sponte* declined to exercise supplemental jurisdiction over the state law claims pursuant to 28 U.S.C. § 1367(c)(3). See Docket No. 109. Judgment entered in favor of defendants and against plaintiff on May 9, 2011. See Docket No. 110. The judgment provided that "defendants may have

their costs upon the filing of a Bill of Costs within 14 days from entry of judgment.”

Docket No. 110 at 2.

In the present motion, plaintiff argues that defendants Michele Peterson, Jennifer Metz, and Harvest Standard, LLC are not entitled to their costs pursuant to Fed. R. Civ. P. 54(d). Defendants Peterson and Metz have not sought their costs and, on June 16, 2011, the Clerk of the Court declined to award defendant Harvest Select its costs. See Docket No. 127 at 1. Therefore, it is

ORDERED that plaintiff’s Motion to Amend or Clarify Clerk’s Judgment [Docket No. 117] is DENIED as moot.

DATED November 15, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge