

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Lewis T. Babcock, Judge

Civil Action No. 12-cv-00172-LTB-KLM

TROY R. ARRINGTON, II,

Plaintiff,

v.

TIMOTHY R. CHAVEZ,

Defendant.

ORDER

This case is before me on Plaintiff's Appeal of Assessment of Costs [Doc # 251]. Plaintiff seeks to set aside the entire \$2,790.44 in costs assessed against him based on alleged personal and financial hardships. Plaintiff's supporting pleading consisting of a single paragraph with no evidentiary support is insufficient to overcome the presumption in favor of an award of costs to Defendant as the prevailing party. *See Furr v. AT&T Technologies, Inc.*, 824 F.2d 1537, 1550 (10th Cir. 1987) (recognizing presumption in favor of cost award). The appropriate amount of the costs awarded to Defendant and the effect of Defendant's Offer of Judgment will be addressed in the context of Defendant's Motion to Review Taxation of Costs. [Doc # 252].

IT IS THEREFORE ORDERED that Plaintiff's Appeal of Assessment of Costs [Doc # 251] is DENIED.

Dated: April 27, 2015 in Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, JUDGE