

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CHARLES DERRICK KELLER,

Plaintiff,

v.

J.S. WALTON, *et al.*,

Defendants.

Case No. 3:16-cv-00565-JPG-GCS

**MEMORANDUM AND ORDER**

After the Court granted summary judgment to the defendants in this case, the defendants filed a bill of costs in the amount of \$2,216.85. (ECF No. 177.) Ordinarily, the Clerk of Court taxes costs in favor of the prevailing party on 14 days' notice. FED. R. CIV. P. 54(d)(1). Costs allowed are set forth in 28 U.S.C. § 1920. The Court may then review the Clerk's action within the next 7 days. *Id.* The Court presumes that a prevailing party is entitled to costs as a matter of course, *Krocka v. City of Chicago*, 203 F.3d 507, 518 (7th Cir. 2000), but has the discretion to deny or reduce costs where warranted, *Crawford Fitting Co. v. J.T. Gibbons, Inc.*, 482 U.S. 437, 441–42 (1987).

Here, plaintiff Charles Derrick Keller has objected to the bill of costs, citing (1) his indigence, (2) the fact that he did not act in bad faith and drive up the costs of this case, and (3) the serious constitutional issues at stake. (ECF No. 179.) The Court has accordingly reviewed Keller's affidavit regarding his indigence and will exercise its discretion to **DECLINE** to tax costs against him—specifically because of Keller's indigence and lack of bad faith conduct in this case.

**IT IS SO ORDERED.**

**DATED: JULY 25, 2019**

*s/ J. Phil Gilbert*  
**J. PHIL GILBERT**  
**U.S. DISTRICT JUDGE**