

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

THOMAS J. INGRASSIA,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 4:11CV02062 AGF
)	
KEITH SCHAFER, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on that Defendants’ motion for Bill of Costs. Defendants prevailed in this civil rights action, following a trial by jury, and they now seek to tax costs in the amount of \$4,227.10 against Plaintiff. This amount represents the cost of purchasing deposition transcripts. It is undisputed that Plaintiff is indigent, and on that basis, was granted *in forma pauperis* status in this case. Defendants recognize that the indigence of a losing party is a factor that weighs against granting costs to the prevailing party, but they argue that other factors—namely the small percentage that \$4,227.10 represents of Defendants’ total costs, Plaintiff’s questionable good faith in pursuing the lawsuit, and the fact that the issues presented by Plaintiff were not close or difficult—weigh in favor of the Court granting their bill of costs.

Despite the presumption that a prevailing party is entitled to costs, district courts have “substantial discretion in awarding costs to a prevailing party,” *Greaser v. Mo. Dep’t of Corr.*, 145 F.3d 979, 985 (8th Cir. 1998). Along with the losing party’s

indigence, other factors a court should look at are “the amount of costs, the good faith of the losing party, and the closeness and difficulty of the issues raised.” *Wagner v. City of Pine Lawn, Mo.*, No. 4:05CV01901 JCH, 2008 WL 2323486, at *2 (E.D. Mo. May 30, 2008) (citation omitted).

Upon review of the record, the Court does not believe that taxing Plaintiff with the costs sought would be appropriate. Plaintiff is indigent and likely to remain so for the foreseeable future, and the Court cannot say that he brought this action in bad faith, or that some of the issues were not close or difficult.

Accordingly,

IT IS HEREBY ORDERED that Defendants’ motion for Bill of Costs is **DENIED**. (Doc. No. 261).



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 9th day of November, 2016.