

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

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|----------------------|---|---------------------------|
| ALVERNE C. BUSH, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 07-0939-CV-W-HFS |
| |) | |
| L-3 COMMUNICATIONS / |) | |
| TITAN GROUP, |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM TO THE PARTIES

The plaintiff, proceeding pro se, and having been granted forma pauperis status, has requested to be relieved of court costs in this litigation, which has been completed. Doc. 71. Last summer I denied her request. Doc. 68. I noted that costs have not yet been assessed by the Clerk’s Office. A bill of costs (Doc. 60) has, however, been submitted and the Clerk’s Office has now been directed to proceed in the normal manner in assessing costs in favor of the prevailing party.

In further explanation, I note that forma pauperis status does not relieve a party of liability for court costs. See Hines v. Blackwell, 2009 WL 4884296 (M.D. Ala.) (reciting that “court costs, which vary, can be very substantial, (and) are normally assessed against the losing party. This means that a plaintiff who loses a case, even though proceeding in forma pauperis, may be charged with, and obligated to pay, all court costs.”). The rule is different, of course, as to attorneys fees incurred in defending a case, which are not generally assessed against the losing party.

The Court of Appeals for the Fourth Circuit had earlier reached the same conclusion. Flint v. Haynes, 651 F.2d 970 (4th Cir. 1981). The court has authority to create a partial payment schedule, but I will not at this time intrude on the good sense of defendants’ counsel in attempted

collection efforts in a reasonable manner, or perhaps even concluding that collection efforts are not worth while because of plaintiff's financial situation.

/s/ Howard F. Sachs
HOWARD F. SACHS
UNITED STATES DISTRICT JUDGE

February 8, 2011

Kansas City, Missouri