

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
DOCKET NO. 1:13-cv-00046-MOC-DLH

MARK KEVIN MILLER,)	
)	
Plaintiff,)	
)	AMENDED
Vs.)	ORDER
)	
WAL-MART,)	
)	
Defendant.)	

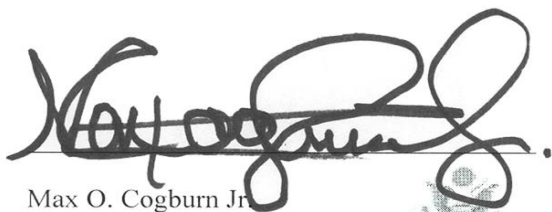
THIS MATTER is before the court on review of plaintiff’s “Opposition to Defendant’s Bill of Costs” (#91), which was filed outside the time allowed to object to the Clerk of Court’s Taxation of Costs (#90). Despite such untimeliness, the court has considered plaintiff’s objection.

Read in a light most favorable to the *pro se* litigant, plaintiff argues that he should not be taxed with the cost of the deposition because it was not used at trial or a hearing. Plaintiff overlooks the fact that the deposition transcript was used by defendant in support of its Motion for Summary Judgment, which is a use that satisfies 28 U.S.C. § 1920(2); L.Cv.R. 54.1(F)(1). The fact that plaintiff did not hire the court reporter is not a relevant consideration. The Clerk of Court’s findings to such effect in his Taxation of Costs are, therefore, consistent with current law. The objection is, therefore, overruled.

ORDER

IT IS, THEREFORE, ORDERED that plaintiff's "Opposition to Defendant's Bill of Costs" (#91) is **OVERRULED**.

Signed: October 29, 2015

A handwritten signature in black ink, appearing to read "Max O. Cogburn Jr.", written over a horizontal line. The signature is highly stylized with large loops and flourishes.

Max O. Cogburn Jr.
United States District Judge

