

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ENNIS LEE BROWN,

Plaintiff,

v.

Case No. 16-cv-241-pp
Appeal No. 20-1067

JACOB GENNRICH, MICHAEL HUBER,
and MICHAEL NINKOVIC,

Defendants.

**ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION
(DKT. NO. 274)**

The plaintiff has filed a motion for reconsideration of the court's order granting the defendants' motion for reimbursement of costs. Dkt. No. 274. He contends that the court cannot order reimbursement of costs under 28 U.S.C. §1915(f)(2) because the judgment did not include the payment of costs. *Id.* at 1. The plaintiff also states that the defendants' seven-month delay in seeking costs was unusual. *Id.* at 2. The defendants timely filed a bill of costs and the bill of costs became part of the judgment when approved by the Clerk of Court. The court will deny the motion.

On September 15, 2021, the court entered judgment for the defendants following a jury trial. Dkt. No. 257. Fourteen days later, the defendants timely filed a bill of costs. Dkt. No. 260. See Civil Local Rule 54(a)(1) (E.D. Wis.) (bill of costs must be filed within fourteen days of judgment). The plaintiff did not object to the bill of costs. On January 31, 2022, the Clerk of Court filed a bill of

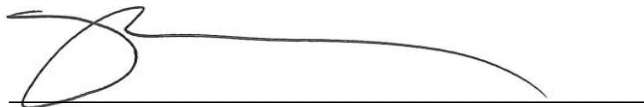
costs, taxing costs in the amount of \$5,317.19. Dkt. No. 271. Once the period to protest the costs had passed, the clerk's taxing of the costs became part of the judgment. See 28 U.S.C. §1920 ("A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."). The court subsequently granted the defendants' motion for reimbursement of costs and ordered that the agency having custody of the plaintiff collect from his institution trust account the \$5,317.19 amount of the costs by collecting monthly payments from the account. Dkt. No. 273 at 2. See 28 U.S.C. §1915(f)(2)(A) (if a judgment against a prisoner includes the payment of costs, the prisoner shall be required to pay the full amount of the costs ordered).

The plaintiff has not shown that the court erred in ordering the reimbursement of costs under 28 U.S.C. §1915(b)(2).

The court **DENIES** the plaintiff's motion for reconsideration. Dkt. No. 274.

Dated in Milwaukee, Wisconsin this 19th day of August, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge