

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Hunter v. Sacramento County

Hunter · No. 2:22-cv-1520-DJC-JDP (P) · Decided February 28, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Brandon Eugene Hunter’s motion for reconsideration of \$650 in costs assessed after he failed to appear for a noticed deposition. The court held that his claimed medical incapacitation and lack of legal materials did not establish grounds for reconsideration under Federal Rule of Civil Procedure 60(b) or Local Rule 230(j). The court concluded that the costs were properly taxed against him as the non-prevailing party.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jeremy D. Peterson
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	February 28, 2025
DOCKET	2:22-cv-1520-DJC-JDP (P)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 60(b) for reconsideration of the Clerk's taxation of \$650 in costs following dismissal of the action.
STANDARD OF REVIEW	Reconsideration of a final judgment or order is available under Federal Rule of Civil Procedure 60(b) on specified grounds and must be sought within a reasonable time; reconsideration is an extraordinary remedy generally limited to newly discovered evidence, clear error, or an intervening change in controlling law. The court reviewed the Clerk's taxation of costs under Federal Rule of Civil Procedure 54(d) and Local Rule 292.
PRECEDENTIAL VALUE	unpublished
PARTIES	Brandon Eugene Hunter v. Sacramento County

TOPICS

motion for reconsideration

costs

discovery dispute

civil procedure

PRACTICE AREAS

civil procedure

costs

discovery

QUESTIONS PRESENTED

1. Whether plaintiff demonstrated grounds under Federal Rule of Civil Procedure 60(b) and Local Rule 230(j) for reconsideration of the \$650 costs taxed against him.
2. Whether plaintiff's asserted medical incapacitation and lack of legal materials justified setting aside or reducing the costs assessed for his failure to appear at the deposition.
3. Whether the \$650 in deposition-related costs was properly assessed against plaintiff as the non-prevailing party under Federal Rule of Civil Procedure 54(d)(1).

HOLDINGS

1. Reconsideration was unwarranted because plaintiff showed no new facts or circumstances, clear error, intervening change in controlling law, fraud, mistake, or other recognized basis for relief.
2. The \$650 in costs was properly assessed against plaintiff as the non-prevailing party.

KEY QUOTATIONS

"Motions for reconsideration should be granted only in rare circumstances." (at 1)

"Rule 54(d) creates a presumption for awarding costs to prevailing parties; the losing party must show why costs should not be awarded." (at 2)

"The court finds that there are no new facts or circumstances to warrant reconsideration, and that the \$650 in costs was properly assessed against plaintiff as the non-prevailing party." (at 3)

FACTUAL BACKGROUND

Plaintiff, a civil detainee proceeding without counsel, failed to respond to defendant's written discovery and failed to appear for a noticed deposition. Defendant incurred a \$650 charge for the missed deposition and filed a timely bill of costs after the action was dismissed. Plaintiff sought reconsideration, asserting that medical incapacitation and lack of legal materials prevented him from proceeding with the deposition, but he did not establish continuing incapacity, an inability to respond to court orders, or that the costs were inaccurate.

PROCEDURAL HISTORY

Defendant moved to compel discovery after plaintiff failed to respond to written discovery and failed to appear for his deposition. After plaintiff failed to respond to the motion to compel and court orders, the court recommended dismissal for failure to comply with court orders and failure to prosecute. The district court adopted the recommendation and closed the action on January 10, 2025. Defendant then filed a bill of costs, and the Clerk taxed \$650 against plaintiff. Plaintiff moved for reconsideration, which the court denied.

DISPOSITION

other

CASES CITED

- Defenders of Wildlife v. Browner, 909 F. Supp. 1342, 1351 (D. Ariz. 1995)
- Leong v. Hilton Hotels Corp., 689 F. Supp. 1572, 1573 (D. Haw. 1988)
- Marlyn Nutraceuticals, Inc. v. Mucos Pharma GmbH & Co., 571 F.3d 873, 880 (9th Cir. 2009)
- Save Our Valley v. Sound Transit, 335 F.3d 932, 944-45 (9th Cir. 2003)

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