

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Brandon Eugene Hunter v. Jackowitz, et al.

Hunter v. Jackowitz · No. 2:22-cv-1281-DAD-SCR · Decided July 16, 2025

SUMMARY

The document contains findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. The magistrate judge recommends denying the plaintiff’s Rule 60(b) motion for reconsideration of a judgment entered as a discovery sanction and denying defendants’ bill of costs. The recommendations rely on the plaintiff’s failure to establish grounds for relief, his limited financial resources, and the potential chilling effect of imposing costs in civil rights litigation.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Sean C. Riordan
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 16, 2025
DOCKET	2:22-cv-1281-DAD-SCR
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendations on plaintiff's motion for reconsideration and defendants' bill of costs following entry of judgment as a terminating sanction.
STANDARD OF REVIEW	A motion to alter or amend judgment is governed by the standards in Federal Rule of Civil Procedure 59(e); relief from judgment is governed by Rule 60(b). The award of costs under Rule 54(d)(1) is discretionary, subject to the presumption favoring costs for the prevailing party and the requirement that reasons be specified when costs are denied.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Brandon Eugene Hunter v. Jackowitz, et al.

TOPICS

- motion for reconsideration
- costs
- sanctions
- civil rights
- civil procedure

PRACTICE AREAS

civil procedure

civil rights

prisoner litigation

costs

motions for reconsideration

QUESTIONS PRESENTED

1. Whether plaintiff's untimely motion for reconsideration should be construed under Federal Rule of Civil Procedure 60(b) and granted based on his asserted mental-health circumstances, alleged conspiracies, or other grounds.
2. Whether defendants should be awarded \$2,628.50 in deposition transcript costs under Federal Rule of Civil Procedure 54(d)(1).

HOLDINGS

1. The motion for reconsideration should be construed as a Rule 60(b) motion because it was not filed within Rule 59(e)'s 28-day period, and relief should be denied because plaintiff did not establish mistake, surprise, newly discovered evidence, fraud, or another basis for setting aside the judgment.
2. The bill of costs should be denied despite the Rule 54(d)(1) presumption favoring an award of costs to the prevailing party.

KEY QUOTATIONS

“Reconsideration is appropriate if the district court (1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law.” (at 1)

“Rule 54(d)(1) of the Federal Rules of Civil Procedure creates a rebuttable presumption that costs, other than attorney’s fees, should be awarded to the prevailing party.” (at 3)

FACTUAL BACKGROUND

Plaintiff, a county detainee proceeding in forma pauperis, failed to comply with discovery obligations and court orders, including failing to appear for two depositions. The court previously granted defendants terminating sanctions and entered judgment against plaintiff. Plaintiff later sought reconsideration, citing suicidal ideation and alleged conspiracies, while defendants sought \$2,628.50 for deposition-related costs. Plaintiff had only \$0.07 in his inmate trust account when he filed the complaint and remained in custody.

PROCEDURAL HISTORY

Plaintiff brought a pro se 42 U.S.C. § 1983 action while in county custody. Judgment was entered for defendants on January 30, 2025, as a sanction for plaintiff's willful failure to comply with discovery rules and court orders. Plaintiff moved for reconsideration, and defendants submitted a bill of costs for deposition transcripts; the magistrate judge recommended denying both matters and advised that objections could be filed under 28 U.S.C. § 636(b)(1).

DISPOSITION

other

CASES CITED

- Houston v. Lack, 487 U.S. 266 (1988)
- Sch. Dist. Number 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262-63 (9th Cir. 1993)
- Ass'n of Mexican-Am. Educators v. California, 231 F.3d 572, 591 (9th Cir. 2000)
- Save Our Valley v. Sound Transit, 335 F.3d 932, 945 (9th Cir. 2003)
- National Org. for Women v. Bank of Cal., 680 F.2d 1291, 1291 (9th Cir. 1982) (per curiam)
- Stanley v. Univ. of Southern California, 178 F.3d 1069, 1080 (9th Cir. 1999)
- Draper v. Rosario, 836 F.3d 1072 (9th Cir. 2016)
- Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991)

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