

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

VICTORIA S. HILLMAN

Plaintiff,

vs.

Case No. 97-4041-SAC

UNITED STATES POSTAL SERVICE,
William F. Henderson, Postmaster General,

Defendant.

MEMORANDUM AND ORDER

This case comes before the court on defendant's motion for an order for defendant to pay the bill of costs, and on defendant's motion for an order for contempt. Neither motion was filed with leave of court, as required, thus both shall be denied.

Had the court reached the merits of the motions, the result would have been no different. The first motion alleges that defendant paid \$2,018.60 as costs, rather than the full amount of costs taxed by the clerk of court (\$2,997.19).

Defendant's response admits that its internal request for payment of the full amount of costs was erroneously processed as employee earnings, resulting in a tax withholding which decreased the amount plaintiff received. Although plaintiff initially received \$2,018.60, she was subsequently issued a separate check for the

balance due and has now received the full amount of costs. Accordingly, this motion is moot.

The second motion seeks a contempt order based upon defendant's failure to pay the full bill of costs initially, and defendant's alleged retaliation against plaintiff in trying to force her to pay back the \$2,018.60 she received as partial court costs. Defendant's response admits that it sent plaintiff an invoice which could be misread as a request for payment. Defendant affirmatively states, however, that the invoice was intended to be for informational purposes only, was automatically generated and sent by the computer, and that plaintiff owes defendant no money. Based upon the representations of counsel for the government and the declaration under penalty of perjury of Valerie K. Harrison, no basis for contempt has been shown. Plaintiff has now received the full amount of court costs which she is owed, and this case is finally concluded.

IT IS THEREFORE ORDERED that plaintiff's motion for an order for defendant to pay the bill of costs (Dk. 289) and plaintiff's motion for a contempt order (Dk. 291) are denied.

Dated this 3rd day of May, 2005, Topeka, Kansas.

s/ Sam A. Crow
Sam A. Crow, U.S. District Senior Judge