

VINCENT O. AWULONU,

Plaintiff,

vs.

UNIFIED SCHOOL DISTRICT 261,
LUNA WEST, CODY SPARKS, and
BECKY CEAZAR,

Defendants.

ORDER

Rule 54(d)(1) states that “costs other than attorneys’ fees *shall be allowed* as of course to the prevailing party unless the court otherwise directs...” Fed. R. Civ. P. 54 (d)(1) (emphasis added). The rule’s language clearly “creates a presumption that the district court will award costs to the prevailing party.” *Cantrell v. International Broth. of Elec. Workers*, AFL-CIO, Local 2021, 69 F.3d 456,

458-159 (10th Cir. 1995). Consequently, “[t]he party objecting to the clerk’s taxation has the burden of persuading the court that it was improper.” *BDT Prods., Inc. v. Lexmark Int’l, Inc.*, 405 F.3d 415, 420 (6th Cir. 2005).

Plaintiff has failed to meet this burden. He has provided neither evidence showing his bankruptcy nor any law supporting his right to a discharge in the matter before this court. D. Kan. R. 7.6 (briefs shall include relevant law and when applicable, exhibits). Mere argument without supporting law and facts is insufficient to show he is entitled to relief. Consequently, the Court denies Plaintiff’s motion to reconsider the costs of this action.¹ *Sorbo v. United Parcel Service*, 432 F.3d 1169, 1178-1179 (10th Cir. 2005) (award of costs under Rule 54(d)(1) rests within discretion of trial court).

IT IS THEREFORE ORDERED that Plaintiff’s motion to reconsider costs (Doc. 70) be DENIED.

SO ORDERED this 13th day of July, 2006.

s/ Wesley E. Brown
Wesley E. Brown
U.S. Senior District Judge

¹ The Court notes that bankruptcy matters are generally addressed to the bankruptcy court. D. Kan. R. 83.8.5 (all proceedings related to Title 11 are to be referred to the bankruptcy judges of this district); see also Fed. R. Bankr. P. 4007(b) (a case may be reopened to determine the dischargeability of a debt).