

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

KEITH N. MCKNIGHT,

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.,

Defendant.

Case No. 6:22-cv-622-PGB-RMN

**ORDER**

This cause comes before the Court for consideration without oral argument on Defendant United Parcel Service, Inc.'s Motion for Taxation of Costs (Dkt. 139), filed June 21, 2024. The motion notes in the required Local Rule 3.01(g) certification that Plaintiff opposes the relief requested in part. The motion is due to be denied.

Plaintiff pursued race discrimination and retaliation claims against Defendant. Some claims were resolved on summary judgment. Dkt. 77. The remaining claims were tried before a jury, which rendered a verdict in

Defendant's favor. Dkt. 103. Defendant moves to tax costs under Federal Rule of Civil Procedure 54(d).<sup>1</sup>

Rule 54(d) states that, “[u]nless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney’s fees—should be allowed to the prevailing party.” Fed. R. Civ. P. 54(d)(1). Under the rule, the “clerk may tax costs on 14 days’ notice” and then, if a “motion is served within the next 7 days, the court may review the clerk’s action.” *Id.*; see also *Prison Legal News v. Crosby*, No. 3:04-cv-1416, 2005 WL 2372170, at \*2 (M.D. Fla. Sept. 27, 2005) (“The standard procedure usually involves the clerk taxing the costs, after which the taxed party may move the court to review the clerk’s entry.”) (citing *BDT Prods. v. Lexmark Int’l Inc.*, 405 F.3d 415, 417 (6th Cir. 2005)). The costs that may be taxed are those specified in 28 U.S.C. § 1920.

The motion is denied as there is no need for the Court to order the clerk to tax costs. The Court will direct the clerk to tax the costs identified in the proposed bill of costs attached to the motion. Plaintiff may ask the Court to review of all or part of the taxed costs by filing a motion within 7 days of the Clerk’s taxation of costs, as provided by Rule 54(d)(1).

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<sup>1</sup> Although Local Rule 7.01(b) is referenced on the first page of the motion, that rule applies only when a party claims “a post-judgment attorney’s fee and related *non-taxable* expenses.” Local Rule 7.01(a) (emphasis added).

Accordingly, it is **ORDERED** that:

1. Defendant United Parcel Service, Inc.'s Motion for Taxation of Costs (Dkt. 139) is **DENIED without prejudice**;

2. The clerk is directed to tax the costs proposed in Defendant's bill of costs (Dkt. 139-2); and

3. Plaintiff may move for review of the costs taxed by the Clerk by filing a motion within 7 days, as permitted by Federal Rule of Civil Procedure 54(d)(1).

**DONE** and **ORDERED** in Orlando, Florida, on July 8, 2024.



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ROBERT M. NORWAY  
*United States Magistrate Judge*

Copies to:

Counsel of Record