

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

REGGIE TOWNSEND,

Plaintiff,

v.

LARRY FUCHS and
JERRY ALLEN,

Defendants.

ORDER

05-C-0204-C

Plaintiff Reggie Townsend has moved for review of the clerk of court's taxation of costs. He contends that the clerk erred in finding that, although plaintiff is indigent at present, he may be able to pay the taxed costs sometime in the future.

The clerk's taxation of costs was careful and deliberative. The clerk considered each of the items for which defendants sought reimbursement and made a reasoned decision to tax the costs for each item or to deny taxation. Defendants have not moved for review of her decisions. The only question is whether plaintiff should be required to pay the full amount of \$2,940.19 that was taxed, given his indigent status, the fact that he will be incarcerated for at least 16 more years and will then be on extended supervision for 20 years.

Plaintiff still owes almost \$200 for the filing costs in this case, \$93.47 for legal loans and court-ordered restitution of \$9,331.00 that will be due upon his release.

Defendants argue that even a prisoner facing a long term in custody should be required to pay the costs of litigation that he chooses to pursue. I agree that prisoners should pay for the costs of the litigation they bring, to the extent that it is reasonable for them to do so. In this case, however, I do not think it is reasonable to expect plaintiff to pay the full amount of the costs taxed against him. However, I agree with the clerk of court that he may be able to make some payment toward his costs while he is in custody and later, when he is released. I believe that \$1000 is a fair sum to impose upon plaintiff in light of his financial circumstances. Certainly, it is large enough to serve as a deterrent to his filing anything but a meritorious case in the future.

ORDER

IT IS ORDERED that plaintiff Reggie Townsend's motion for review of the bill of costs is GRANTED. FURTHER, IT IS ORDERED that the amount of costs to be taxed

against plaintiff is reduced to \$1000.

Entered this 23d day of April, 2007.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge