

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT

November 13, 2023

Christopher M. Wolpert
Clerk of Court

WYOMING GUN OWNERS, a Wyoming
nonprofit corporation, a/k/a WyGO,

Plaintiff - Appellee - Cross
Appellant,

v.

CHARLES GRAY, in his official capacity
as Wyoming Secretary of State; BRIDGET
HILL, in her official capacity as Wyoming
Attorney General; KAI SCHON,
individually and in his official capacity as
Wyoming Secretary of State Election
Division Director; KAREN WHEELER,
individually and in her official capacity as
Wyoming Deputy Secretary of State,

Defendants - Appellants - Cross
Appellees.

Nos. 22-8019 & 22-8021
(D.C. No. 2:21-CV-00108-SWS)
(D. Wyo.)

CAMPAIGN LEGAL CENTER,

Amicus Curiae.

ORDER

Before **HOLMES**, Chief Judge, **TYMKOVICH**, and **CARSON**, Circuit Judges.

These matters are before the court on plaintiff-appellee/cross-appellant Wyoming
Gun Owners (WyGO)'s *Bill of Costs*, in which it requests taxation of costs under Fed. R.

App. P. 39 in the total amount of \$946.58. Defendants-appellants/cross-appellees (the “Wyoming Defendants”) did not file a response to the bill.

Upon consideration, the court:

1. Taxes costs against the Wyoming Defendants in the amount of the \$500 docketing fee WyGO paid to file its cross-appeal but not the contemporaneous \$5 filing fee, which is only taxable in the district court, *see* 28 U.S.C. §§ 1913 (docketing fee), 1917 (filing fee); Fed. R. App. P. 39(e); *see also Barrington v. United Airlines, Inc.*, 709 F. App’x 890, 893 (10th Cir. 2017) (“Costs will also be taxed . . . for the docketing fee (\$500.00).”);
2. Taxes costs against the Wyoming Defendants in the amount of \$352.53 for producing the court-required copies of their briefs and appendix, *see* 28 U.S.C. § 1920; Fed. R. App. P. 39;
3. Denies WyGO’s request for costs attributable to printing a copy of the transcript of the summary judgment hearing, *see Bancamerica Commercial Corp. v. Mosher Steel of Kansas, Inc.*, 103 F.3d 80, 82 (10th Cir. 1996): although such costs may be taxable in the district court, they are not taxable here, *see* Fed. R. App. P. 39(e)(2) (captioned “Costs on Appeal Taxable *in the District Court*” (emphasis added)); and
4. Denies WyGO’s request for costs attributable to printing key cases for oral argument preparation: nowhere do the rules provide for taxation of those charges.

A copy of this order—taxing costs in the amount of \$852.53 in WyGO’s favor—
shall stand as a supplement to the mandate the court issued on November 2, 2023.

Entered for the Court

A handwritten signature in black ink, appearing to read 'C. M. Wolpert', with a long horizontal flourish extending to the right.

CHRISTOPHER M. WOLPERT, Clerk