AO 133
(Rev 7/82)

BILL OF COSTS

United States District Court	DISTRICT NEW MEXICO
WILLIAM H. PAYNE and ARTHUR R. MORALES, Plaintiff, V. NATIONAL SECURITY AGENCY, Defendant.	DOCKET No. 97-266 MCA/LFG MAGISTRATE CASE No.

Judgment having been entered in the above entitled action on August 27, 2007 against

William H. Payne the clerk is requested to tax the following as costs:

BILL OF COSTS

Fees of the clerk 28 U.S.C. § 2412(a)(2) ..... $_____

Fees for service of summons and complaint 28 U.S.C. § 1921 ..... $_____

Fees of the court reporter for all or any part of the transcript necessarily obtained for use in the case ..... $_____

Fees and disbursements for printing ..... $_____

Fees for witnesses (itemized on reverse side) ..... $_____

Fees for exemplification and copies of papers necessarily obtained for use in case ..... $_____

Docket fees under 28 U.S.C. § 1923 (a) ..... $_____

Costs incident to taking of dispositions ..... $_____

Costs as shown on Mandate of Court of Appeals ..... $_____

Other costs (Please Itemize) Lien Filing Fees 28 U.S.C. § 2412(a)(1) ..... $ 18.00

TOTAL $ 18.00

SPECIAL NOTE: Attach to your bill an itemization and documentation for requested costs in all categories. Briefs should also be submitted supporting the necessity of the requested costs and citing cases supporting taxation of those costs.

DECLARATION

I declare under penalty of perjury that the foregoing costs are correct and were necessarily incurred in this action and that the services for which fees have been charged were actually and necessarily performed. A copy hereof was this day mailed with postage fully prepaid thereon to:

SIGNATURE OF ATTORNEY s/ *Electronically filed October 16, 2007*
JOHN ZAVITZ, ASSISTANT U.S. ATTORNEY

FOR: UNITED STATES OF AMERICA
Name of claiming party

DATE: October 16, 2007

Please take notice that I will appear before the clerk who will tax said cost on the following day and time:	DATE AND TIME
Costs are hereby taxed in the following amount and included in the judgment:	Amount Taxed $

CLERK OF THE COURT	(BY) DEPUTY CLERK	DATE

WITNESS FEES (computation, ef. 28 U.S.C. 1821 for statutory fees)

NAME AND RESIDENCE	ATTENDANCE		SUBSISTENCE		MILEAGE		TOTAL COSTS EACH WITNESS
	DAYS	TOTAL COST	DAYS	TOTAL COST	MILES	TOTAL COST	
						TOTAL	

NOTICE

Section 1924, title 28, U.S. Code (effective September 1, 1948) provides:
"Sec. 1924. Verification of bill of costs."

"Before any bill of costs is taxed, the party claiming any item of cost of disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

See also Section 1920 of Title 28 which read in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Federal Rules of Civil Procedures contain the following provisions:
Rule 54 (d)

"Except when express provisions therefore is made either in a statute of the United States of in these rules, costs shall be allowed as of course to the prevailing party unless the court otherwise directs, but costs against the United States, its offices, and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one days notice. On motion served within 5 days thereafter, the action of the clerk may be reviewed by the court."

Rule 6 (e)

"Whenever a party has the right or is required to do some act or take some proceedings within a prescribed period after the service of a notice or other paper upon him and the notice or paper is served upon him by mail, 3 days shall be added tot he prescribed period"

Rule 58 (in part)

"Entry of the judgment shall not be delayed for the taxing of costs."