

United States Court of Appeals  
for the Fifth Circuit

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No. 23-60204  
Summary Calendar

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United States Court of Appeals  
Fifth Circuit

**FILED**

October 16, 2023

Lyle W. Cayce  
Clerk

BESSIE MOORE,

*Plaintiff—Appellant,*

*versus*

JACKSON PUBLIC SCHOOL DISTRICT,

*Defendant—Appellee.*

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC Nos. 3:18-CV-817, 3:19-CV-883

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Before JONES, SOUTHWICK, and HO, *Circuit Judges.*

PER CURIAM:\*

Bessie Moore appeals the district court's award of \$4,843.50 in court costs to Jackson Public School District (JPS), which arose from multiple lawsuits brought by Moore against her former employer. Moore argues that the court costs should not have been awarded because the expenses included fees

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\* Pursuant to 5th Circuit Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5th Circuit Rule 47.5.4.

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for expediting deposition transcript turnaround time, which Moore characterizes as optional added services. But Moore did not present this argument to the district court in her response to JPS's motion for costs. As such, she has forfeited her only argument and the district court's order is AFFIRMED.

Moore, a former librarian at JPS, filed three separate lawsuits against her former employer. The first two cases were consolidated and dismissed on summary judgment by the district court and affirmed on appeal. The third was dismissed by the district court pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, and affirmed by this court as well. Following the grant of summary judgment in the consolidated cases, JPS filed a motion for expenses, attorney's fees, and court costs, requesting over \$180,000. Moore filed multiple amended responses to JPS's motion, opposing any award being made to JPS on multiple grounds. None of the grounds cited in her operative response to JPS's motion, however, included any mention of expedited transcript fees. The district court granted JPS's motion only as to court costs, awarding a total of \$4,843.50.

Because Moore failed to present her only argument on appeal to the district court, she has not preserved any error for this court to review. "A party forfeits an argument by failing to raise it in the first instance in the district court—thus raising it for the first time on appeal." *Rollins v. Home Depot USA*, 8 F.4th 393, 397 (5th Cir. 2021); *see also United States v. Olano*, 507 U.S. 725, 733 (1993) ("[F]orfeiture is the failure to make the timely assertion of a right.").

The order awarding court costs to the defendant is AFFIRMED.