

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 94-20653
Summary Calendar

CAROL WILLIAMS,

Plaintiff-Appellant,

VERSUS

THE CITY OF HOUSTON, ET AL.,

Defendants-Appellees.

No. 94-20790
Summary Calendar

CAROL WILLIAMS,

Plaintiff-Appellee,

VERSUS

THE CITY OF HOUSTON, ET AL.,

Defendants-Appellants.

Appeals from the United States District Court
For the Southern District of Texas

(H-93-CV-716)

October 27, 1995

Before DAVIS, BARKSDALE and DeMOSS, Circuit Judges.

PER CURIAM:¹

In appeal number 94-20653, Williams appeals from a take-nothing judgment entered against her by the district court after a bench trial of her state and federal constitutional claims against the City of Houston. We have carefully reviewed the briefs, the record excerpts and relevant portions of the record itself; and for the reasons thoroughly stated in the Findings of Fact and Conclusions of Law entered by the district court on August 9, 1994, and for the reasons stated by the district court in its Memorandum and Order entered under date of July 14, 1994, we affirm the entry of partial summary judgment against Williams and the entry of a take-nothing judgment against Williams after the bench trial.

In appeal number 94-20790, the City of Houston appeals from an order entered by the district court on September 14, 1994, denying the City of Houston's motion for award of costs in the main litigation. When the district court entered its final judgment for the City of Houston, it stated "that taxable costs be assessed against the plaintiff [Williams]". The City then filed an itemized bill of costs seeking \$5,720.64. Williams filed an objection and the district court then entered its order stating only "Defendants' Motion for Award of Costs is DENIED." It is settled law in this Circuit that if the district court does not award costs to the prevailing party, the district court must state its reasons.

¹ Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the Court has determined that this opinion should not be published.

Salley v. E.I. DuPont de Nemours & Co., 966 F.2d 1011, 1017 (5th Cir. 1992). The district court did not state its reasons. We vacate the order of the district court denying the City's motion for award of costs and remand the matter to the district court for reconsideration by the district court and entry of an appropriate order specifying its reasons for denying costs to the prevailing party if that be its conclusion on reconsideration.