

FILED

United States Court of Appeals  
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

August 7, 2019

Elisabeth A. Shumaker  
Clerk of Court

ANNETTE J. ALTSCHWAGER,

Plaintiff - Appellant,

v.

PROGRESSIVE CASUALTY  
INSURANCE COMPANY,

Defendant - Appellee.

No. 19-1277

(D.C. No. 1:18-CV-00280-WJM-MEH)  
(D. Colo.)

ORDER

Before **BRISCOE**, **HARTZ**, and **PHILLIPS**, Circuit Judges.

Pro se appellant Annette J. Altschwager seeks to appeal the district court Clerk's taxation of costs against her. Upon consideration of the record and the applicable law, the court finds that Ms. Altschwager has waived appellate review of the taxation of costs and thus dismisses her appeal for the reasons stated below.

On defendant Progressive Casualty Insurance Company's motion, the district court dismissed Ms. Altschwager's claims and entered final judgment in Progressive's favor. [ECF Nos. 53, 54]. Following a hearing before the district court Clerk, the Clerk taxed costs against Ms. Altschwager and in favor of Progressive in the amount of \$5,097.27 on July 24, 2019. [ECF No. 60].

Ms. Altschwager appeared by telephone at the hearing before the Clerk, but did not file a motion seeking review of the Clerk's taxation of costs within seven days of its entry on the district court's docket. *See* Fed. R. Civ. P. 54(d)(1) ("The clerk may tax costs on 14 days' notice. On motion served within the next 7 days, the [district] court may review the clerk's action."); *see also Bloomer v. United Parcel Serv., Inc.*, 337 F.3d 1220, 1220-21 (10th Cir. 2003) (per curiam) (interpreting Rule 54(d)(1) to mean that a party *must* seek review of the award in the district court to challenge it on appeal). Instead, Ms. Altschwager sought review of the taxation of costs in this court.

"We dismiss because by failing to request the district court to review the clerk's award, [Ms. Altschwager] has waived the right to judicial review." *See Bloomer*, 337 F.3d at 1220-21.

Appeal No. 19-1240 remains pending.

A copy of this order shall stand as and for the mandate of the court.

**APPEAL DISMISSED.**

Entered for the Court  
ELISABETH A. SHUMAKER, Clerk

A handwritten signature in black ink, appearing to read "Lisa A. Lee".

by: Lisa A. Lee  
Counsel to the Clerk