
No. 96-1690

Pete Wright,

Appellant,

v.

Bill Armontrout; Loren Newby;
James Eberle; Allen Nixon;
Tim Branson; Dolores Phillips;
Selita White; Odell Henry;
Raby; Raymond New; Cecil
Pettus,

Appellees.

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Appeal from the United States
District Court for the
Western District of Missouri.

[UNPUBLISHED]

Submitted: November 6, 1996

Filed: November 12, 1996

Before BOWMAN, MAGILL, and LOKEN, Circuit Judges.

PER CURIAM.

Missouri inmate Pete Wright appeals from the district court's¹ award of costs to defendants after summary judgment was entered against Wright in his 42 U.S.C. § 1983 action. We conclude that the district court did not abuse its discretion in assessing costs here, as Wright has failed to show that either the costs were unnecessary or that he is incapable of paying the costs. See Slagenweit v. Slagenweit, 63 F.3d 719, 720-21 (8th Cir. 1995) (per curiam) (standard of review; placing burden upon party against whom costs were taxed to show deposition was purely investigative and

¹The HONORABLE SCOTT O. WRIGHT, United States District Judge for the Western District of Missouri.

copies were obtained for use other than trial preparation); McGill v. Faulkner, 18 F.3d 456, 459 (7th Cir.) (burden is on prisoner-plaintiff to show he is incapable of paying costs due to his indigency), cert. denied, 115 S. Ct. 233 (1994). Accordingly, we affirm.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.