

FILED
United States Court of Appeals
Tenth Circuit

UNITED STATES COURT OF APPEALS

FOR THE TENTH CIRCUIT

September 23, 2026

Christopher M. Wolpert
Clerk of Court

AWNTWANAY SWEPSON,

Plaintiff - Appellant,

v.

AIMBRIDGE EMPLOYEE SERVICE
CORP.,

Defendant - Appellee.

No. 25-3207
(D.C. No. 6:23-CV-01040-HLT)
(D. Kan.)

ORDER AND JUDGMENT*

Before **HARTZ, KELLY**, and **CARSON**, Circuit Judges.

Awntwanay Swepson, proceeding pro se,¹ appeals the district court's order awarding costs to her former employer and denying her third post-judgment motion.

Exercising jurisdiction under 28 U.S.C. § 1291, we affirm.

* After examining the briefs and appellate record, this panel has determined unanimously that oral argument would not materially assist in the determination of this appeal. *See* Fed. R. App. P. 34(a)(2); 10th Cir. R. 34.1(G). The case is therefore ordered submitted without oral argument. This order and judgment is not binding precedent, except under the doctrines of law of the case, res judicata, and collateral estoppel. It may be cited, however, for its persuasive value consistent with Fed. R. App. P. 32.1 and 10th Cir. R. 32.1.

¹ Because Swepson proceeds pro se, “we liberally construe [her] filings, but we will not act as [her] advocate.” *James v. Wadas*, 724 F.3d 1312, 1315 (10th Cir. 2013).

I. Background

Swepson sued her former employer, Aimbridge Employee Service Corporation, asserting employment discrimination claims for failure to accommodate her disability, disparate treatment based on disability, and a hostile work environment based on disability. Aimbridge moved for summary judgment. The district court granted the motion in Aimbridge's favor. Swepson then filed post-judgment motions under Federal Rules of Civil Procedure 59(e) and 60(b). The district court denied those motions. Swepson appealed. This court affirmed the district court's grant of summary judgment and rulings on the post-judgment motions. *See Swepson v. Aimbridge Emp. Serv. Corp.*, No. 25-3006, 2025 WL 2754457, at *3 (10th Cir. Sept. 29, 2025) (*Swepson I*).

After entry of *Swepson I*, Aimbridge filed a motion for costs. Swepson responded by filing another motion to alter the judgment in which she opposed Aimbridge's motion for costs and challenged the underlying merits decision. The district court denied the motion and warned Swepson that additional duplicative filings could result in sanctions and filing restrictions. Swepson timely appealed.

II. Discussion

Swepson asserts numerous issues on appeal, including issues challenging the underlying merits order. But our jurisdiction is over the order designated for appeal—the October 2025 order denying Swepson's motion to alter or amend the judgment and awarding costs to Aimbridge. *See* Fed. R. App. P. 3(c)(1)(B).

We review the denial of a Federal Rule of Civil Procedure 59(e) or 60(b) post-judgment motion for abuse of discretion. *See Butler v. Kempthorne*, 532 F.3d 1108, 1110 (10th Cir. 2008). And “[w]e review the district court’s grant of costs under Rule 54(d) for an abuse of discretion.” *Rodriguez v. Whiting Farms, Inc.*, 360 F.3d 1180, 1190 (10th Cir. 2004). Under the abuse of discretion standard, “we won’t disturb the district court’s ruling unless it was arbitrary, capricious, whimsical, or manifestly unreasonable.” *Spinelli v. Coherus Biosciences, Inc.*, 167 F.4th 1274, 1285 (10th Cir. 2026) (internal quotation marks omitted).

A. Motion to Alter or Amend Judgment

Swepson’s motion to alter or amend the judgment cites Rule 59(e) as the basis for relief. A Rule 59(e) motion is a motion seeking reconsideration of the judgment. *See Servants of the Paraclete v. Does*, 204 F.3d 1005, 1012 (10th Cir. 2000). A party may also seek reconsideration under Rule 60(b). *See id.* The difference between Rule 59 and Rule 60 is timing. *See id.* But it does not matter which Rule Swepson relies on because under either Rule, “[g]rounds warranting a motion to reconsider include (1) an intervening change in the controlling law, (2) new evidence previously unavailable, and (3) the need to correct clear error or prevent manifest injustice.” *Id.* And under either Rule, “[i]t is not appropriate to revisit issues already addressed or advance arguments that could have been raised in prior briefing.” *Id.*

Swepson reasserts the arguments rejected first by the district court and again by this court in *Swepson I.*² As the district court noted, reasserting these arguments in a third motion was neither proper nor persuasive. And to the extent she seeks to relitigate the district court's merits decision, her claims are barred by the doctrine of law of the case. *See Grigsby v. Barnhart*, 294 F.3d 1215, 1218 (10th Cir. 2002) (observing that under law of the case, "once a court decides an issue, the same issue may not be relitigated in subsequent proceedings in the same case and there must be compliance with the reviewing court's mandate" (internal quotation marks omitted)). Because Swepson's claims are barred, we conclude the district court's denial of the motion was not an abuse of discretion.

B. Bill of Costs

Under Federal Rule of Civil Procedure 54(d), costs, other than attorneys' fees, shall be allowed as a matter of course to the prevailing party unless the court otherwise directs. "This court has held that Rule 54(d) creates a presumption that the prevailing party shall recover costs." *Klein v. Grynberg*, 44 F.3d 1497, 1506 (10th Cir. 1995).

² The district court analyzed certain issues it determined were potentially newly raised in the motion to alter or amend the judgment. We agree that Swepson raises no grounds warranting reconsideration, as she presents no new evidence or any need to correct clear error or prevent manifest injustice. We have reviewed the record and conclude that the district court thoroughly analyzed any argument that could be distinguished from her previous motions, and we discern no abuse of discretion.

Swepson challenges the district court’s award of costs to Aimbridge. First, she contends that she should not incur costs for expenses to which she did not agree or that were not court ordered. Next, she asserts that the costs are retaliatory and penalize her for pursuing her claims. Third, she claims the costs included private mediation, which she objected to due to financial limitations. And fourth, she appears to claim her in forma pauperis status protected her from financial punishment, including costs. These are the same arguments presented to and rejected by the district court. Swepson has not “explain[ed] to us why the district court’s decision was wrong.” *Nixon v. City & Cnty. of Denv.*, 784 F.3d 1364, 1366 (10th Cir. 2015). Failure to do so is fatal to her claim. *See id.* at 1369 (observing that failure to argue on the specific facts of a case constitutes waiver). Under these circumstances, we find no abuse of discretion.

III. Conclusion

We affirm the district court’s judgment.

Entered for the Court

Paul J. Kelly, Jr.
Circuit Judge