

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Diana Akins, as successor in interest to Samuel Wynn, Jr. v. B. Moss,
et al.

Akins v. Moss · No. 2:21-CV-1317-KJM-DMC-P · Decided November 12, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted the magistrate judge’s findings and recommendations in a prisoner civil rights action under 42 U.S.C. § 1983. The court denied the plaintiff’s motion for leave to amend, granted the defendants’ motion for judgment on the pleadings, and directed the clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	November 12, 2025
DOCKET	2:21-CV-1317-KJM-DMC-P
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a prisoner civil-rights action under 42 U.S.C. § 1983. After a magistrate judge issued findings and recommendations, the district court reviewed the matter, adopted the recommendations in full, denied plaintiff's motion for leave to amend, granted defendants' motion for judgment on the pleadings, and directed entry of judgment and closure of the case.
STANDARD OF REVIEW	The district court presumed that the magistrate judge's findings of fact were correct and reviewed the magistrate judge's conclusions of law de novo.
PRECEDENTIAL VALUE	unknown

TOPICS

- motion for judgment on the pleadings
- motion to amend
- section 1983
- prisoners rights
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the magistrate judge's findings and recommendations should be adopted when no objections were filed.
2. Whether plaintiff's motion for leave to amend should be denied.
3. Whether defendants' motion for judgment on the pleadings should be granted.

HOLDINGS

1. The district court adopted the magistrate judge's findings and recommendations in full after finding them supported by the record and proper analysis.
2. Plaintiff's motion for leave to amend was denied.
3. Defendants' motion for judgment on the pleadings was granted.

KEY QUOTATIONS

“The magistrate judge’s conclusions of law are reviewed de novo.” (1)

“Having reviewed the file, the court finds the findings and recommendations to be supported by the record and by the proper analysis.” (2)

FACTUAL BACKGROUND

The opinion concerns a prisoner civil-rights action brought by Diana Akins as successor in interest to Samuel Wynn, Jr. The order does not recount the underlying events or substantive civil-rights allegations; it addresses the magistrate judge's findings and recommendations and the parties' dispositive and amendment motions.

PROCEDURAL HISTORY

The matter was referred to a United States Magistrate Judge under the Eastern District of California's local rules. The magistrate judge filed findings and recommendations on September 23, 2025, and no party filed objections. The district court adopted the findings and recommendations in full, denied leave to amend, granted judgment on the pleadings, and ordered the Clerk to close the case.

DISPOSITION

other

CASES CITED

- Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979)
- Robbins v. Carey, 481 F.3d 1143, 1147 (9th Cir. 2007)

OPINION

Moss

PER CURIAM.

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8 IN THE UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 11 DIANA AKINS, as successor in interest to No. 2:21-CV-1317-KJM-DMC-P

SAMUEL WYNN, JR.,

12 Plaintiff,

13 ORDER

v. 14 B. MOSS, et al., 15 Defendants. 16 17 18 Plaintiff, a prisoner proceeding pro se, brings this civil rights action under 42 U.S.C. 19 § 1983. The matter was referred to a United States Magistrate Judge as provided by Eastern 20 District of California local rules. 21 On September 23, 2025, the Magistrate Judge filed findings and recommendations, which 22 were served on the parties and which contained notice that the parties may file objections within 23 the time specified therein. No objections to the findings and recommendations have been filed. 24 The court presumes that any findings of fact are correct. See *Orand v. United States*, 25 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de 26 novo. See *Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by 27 the magistrate judge are reviewed de novo by both the district court and [the appellate] court 28 // 1 |”). Having reviewed the file, the court finds the findings and recommendations to be 2 || supported by the record and by the proper analysis. 3 Accordingly, IT IS HEREBY ORDERED that: 4 1. The findings and recommendations filed September 23, 2025, ECF No. 75, are 5 || adopted in full. 6 2. Plaintiff's motion for leave to amend, ECF No. 64, is denied. 7 3. Defendants' motion for judgment on the pleadings, ECF No. 63, is granted. 8 4. The Clerk of the Court is directed to enter judgment and close this file. 9 | DATED: November 12, 2025.

STATES DISTRICT JUDGE

12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28