

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-01317-KJM-DMC · Decided December 5, 2025

SUMMARY

The United States District Court for the Eastern District of California declines to award defendants \$1,069.45 in deposition-related costs after judgment on the pleadings. The court relies on the plaintiff successor’s limited resources, the absence of funds in the decedent’s estate, and the potential chilling effect on similar civil rights actions.

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	December 5, 2025
DOCKET	2:21-cv-01317-KJM-DMC
DISPOSITION	other
PROCEDURAL POSTURE	After the court adopted the magistrate judge's findings and recommendations and granted defendants' motion for judgment on the pleadings, defendants sought \$1,069.45 in deposition-related costs. The court denied the requested costs.
STANDARD OF REVIEW	The award or denial of costs is committed to the district court's discretion.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

- costs
- motion for judgment on the pleadings
- civil rights
- civil procedure

PRACTICE AREAS

- civil procedure
- civil rights

QUESTIONS PRESENTED

1. Whether the court should award defendants \$1,069.45 in deposition-related costs after defendants obtained judgment on the pleadings.

HOLDINGS

1. The court declined to award defendants the requested costs.

FACTUAL BACKGROUND

Defendants obtained judgment on the pleadings in this civil rights action. They sought \$1,069.45 in costs incurred in connection with a deposition, while plaintiff objected based on the circumstances of the case. In declining to award costs, the court considered the limited resources of plaintiff's successor in interest, the absence of funds in Samuel Wynn, Jr.'s estate, the potential chilling effect on similar civil rights actions, and the fact that the costs arose from fact discovery despite defendants prevailing on the pleadings.

PROCEDURAL HISTORY

The court previously adopted in full the magistrate judge's findings and recommendations and entered judgment on the pleadings for defendants. Defendants then submitted a bill of costs for expenses associated with a deposition, which plaintiff opposed. The court declined to award the requested costs.

DISPOSITION

other

CASES CITED

- Ass'n of Mexican-Am. Educators v. California, 231 F.3d 572, 591 (9th Cir. 2000) (en banc)

OPINION

Moss

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 1] Diana Akins, as successor in interest to No. 2:21-cv-01317-KJM-DMC Samuel Wynn, Jr.,

12 ORDER

B Plaintiff, 14 v. 15 B. Moss, et al., 16 Defendants. 17 18 This court previously adopted the Magistrate Judge's findings and recommendations and 19 | granted defendant's motion for judgment on the pleadings. See F&Rs, ECF No. 75, adopted in 20 | full, ECF No. 76. Defendants now seek an award of their costs, \$1,069.45 incurred in connection 21 | with a deposition. See Bill of Costs, ECF No. 78; Mem., ECF No. 78-1. Plaintiff objects to the 22 | bill of costs. ECF No. 79. 23 The court declines to award costs based on the limited resources of plaintiff's successor in 24 | interest, the absence of any funds in Samuel Wynn, Jr.'s estate, and the potential chilling effect an

25 | award of costs would have on similar civil rights actions. See *Ass's of Mexican-Am. Educators v. California*, 231 F.3d 572, 591 (9th Cir. 2000) (en banc) (setting forth legal standard and 27 | describing district courts' discretion to deny costs award). The court also has considered that 1 | defendants obtained judgment on the pleadings and yet seek an award of costs associated with 2 | fact discovery, 1.e., pretrial litigation beyond the pleadings. 3 IT IS SO ORDERED. 4 | DATED: December 5, 2025. oUt
STATES DISTRICT JUDGE