

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.

OPINION

Moss

PER CURIAM.

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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. 26 | 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

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