

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

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