

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Edward B. Spencer v. Richard Milan

Spencer v. Milan · No. 1:20-cv-00682 JLT HBK · Decided September 17, 2025

SUMMARY

The United States District Court for the Eastern District of California adopted in full the magistrate judge’s Findings and Recommendations recommending summary judgment for Defendant Richard Milan on Plaintiff Edward B. Spencer’s conditions-of-confinement claim. The court rejected Plaintiff’s objection concerning the handwriting of inmate declarations, granted Defendant’s motion for summary judgment, directed entry of judgment, and closed the case.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	September 17, 2025
DOCKET	1:20-cv-00682 JLT HBK
DISPOSITION	other
PROCEDURAL POSTURE	The district court reviewed the magistrate judge's findings and recommendations after Plaintiff filed objections and adopted them in full.
STANDARD OF REVIEW	De novo review of the magistrate judge's findings and recommendations under 28 U.S.C. § 636(b)(1).
PRECEDENTIAL VALUE	Unpublished district court order; not designated as precedential.

TOPICS

- summary judgment
- prisoners rights
- civil rights
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- conditions of confinement
- federal civil procedure
- summary judgment

QUESTIONS PRESENTED

1. Whether Plaintiff's objection to the magistrate judge's comment regarding the handwriting and signatures on inmate declarations challenged the findings supporting the recommended disposition.
2. Whether the magistrate judge's findings and recommendation granting summary judgment were supported by the record and proper analysis.

HOLDINGS

1. An objection that addresses only a comment about the similarity of handwriting and does not call into question the magistrate judge's findings concerning the essential elements of the claim is ineffective and does not warrant rejection of the recommendation.
2. The magistrate judge's findings and recommendations were supported by the record and proper analysis, and were adopted in full; Defendant's motion for summary judgment was granted.

KEY QUOTATIONS

“Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported by the record and proper analysis.” (at 2)

“A statement noting the similarity of the handwriting between two documents is not a finding of fact by the magistrate judge.” (at 2)

FACTUAL BACKGROUND

Plaintiff Edward B. Spencer brought a conditions-of-confinement claim against Richard Milan. In support of his claim, Plaintiff relied in part on declarations attributed to inmates Lopez and Balkram. The magistrate judge recommended summary judgment for Defendant after finding that Plaintiff had not presented sufficient evidence to establish the essential elements of the claim.

PROCEDURAL HISTORY

The magistrate judge recommended granting Defendant's motion for summary judgment because Plaintiff failed to produce sufficient evidence to establish the essential elements of his conditions-of-confinement claim. Plaintiff objected within the prescribed period, but his objection addressed a comment about the handwriting and legibility of inmate declarations rather than the findings supporting the recommendation. After de novo review under 28 U.S.C. § 636(b)(1), the district court adopted the findings and recommendations, granted summary judgment, directed entry of judgment against Plaintiff, and closed the case.

DISPOSITION

other

CASES CITED

- Wilkerson v. Wheeler, 772 F.3d 834, 838-39 (9th Cir. 2014)
- Baxter v. Sullivan, 923 F.2d 1391, 1394 (9th Cir. 1991)
- Hernandez v. Kokor, 2017 WL 6311651, at *1 (E.D. Cal. Dec. 6, 2017)

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