

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PRECEDENTIAL VALUE	Unpublished district court order; not designated as precedential.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)

OPINION

Milan

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 EDWARD B. SPENCER, Case No. 1:20-cv-00682 JLT HBK 12 Plaintiff, ORDER
ADOPTING FINDINGS AND

RECOMMENDATION IN FULL

13 v. (Docs. 47, 88)

14 RICHARD MILAN,

15 Defendant. 16

17 On August 27, 2025, the assigned magistrate judge issued Findings and 18 Recommendations,
recommending that the district court grant Defendant’s Motion for Summary 19 Judgment (Doc.
47) because Plaintiff failed to put forth sufficient evidence to establish the 20 essential elements to
support the conditions of confinement claim. The Findings and 21 Recommendations were served
on Plaintiff and contained notice that objections to the Findings 22 and Recommendations were to
be filed within fourteen days. (Doc. 88.) In addition, the parties 23 were “advised that failure to
file objections within the specified time may result in the waiver of 24 rights on appeal.” (Id.,
citing *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014); *Baxter 25 v. Sullivan*, 923 F.2d
1391, 1394 (9th Cir. 1991)). Plaintiff filed objections on September 9, 26 2025. (Doc. 89.) 27 As
an initial matter, Plaintiff does not address any of the specific findings made by the 28 magistrate
judge related to the grounds raised in his complaint. Rather, Plaintiff objects to a 1 | statement in
the Findings and Recommendations that “Notably, although inmates Lopez and 2 | Balkram’s
declarations are sworn to under penalty of perjury, both declarations appear to be in 3 | Plaintiff’s
handwriting and neither signature is legible.” (Doc. 88, 89.) However, this objection 4 | does not
call into question the magistrate judge’s finding that Plaintiff failed to establish the 5 | essential
elements of his conditions of confinement claim. (Doc. 88 at 12.) A statement noting 6 | the
similarity of the handwriting between two documents is not a finding of fact by the magistrate 7 |
judge. *Hernandez v. Kokor*, 2017 WL 6311651, at *1 (E.D. Cal. Dec. 6, 2017) (finding that an 8 |
objection based on a distinction that fails to call into question the conclusions of the magistrate 9 |
judge’s finding and recommendation is of no effect). Moreover, while the assigned magistrate 10 |
judge noted the potential handwriting discrepancies, any objection based on this notation is 11 |
unavailing because she still “carefully reviewed and considered all arguments,” including the 12 |
declarations by inmate Lopez and Balkram for the purposes of issuing the Findings and 13 |
Recommendations. (Doc. 88 at 4-5.) 14 According to 28 U.S.C. § 636(b)(1), this Court performed
a de novo review of this case. 15 || Having carefully reviewed the matter, the Court concludes the
Findings and Recommendations 16 || are supported by the record and proper analysis. Thus, the

Court ORDERS: 17 1. The Findings and Recommendations, filed on August 27, 2025 (Doc. 88),
are 18 ADOPTED in full. 19 2. Defendants' motion for summary judgment (Doc. 47) is
GRANTED. 20 3. The Clerk of Court is directed to terminate any pending motions/deadlines,
enter 21 judgment against Plaintiff, and close this case. 22 73 IT IS SO ORDERED. 24 Dated: _
September 17, 2025 Charis [Tourn
TED STATES DISTRICT JUDGE
25 26 27 28