

APPENDIX "A-C"

FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

NOV 6 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLIFFORD MARCUS WINKLES,

Defendant-Appellant,

v.

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

No. 17-55313

D.C. No. 2:16-cv-07504-RGK
Central District of California,
Los Angeles

ORDER

Before: Trott and Wardlaw, Circuit Judges.

The stay issued in this case on January 19, 2018, is lifted.

The request for a certificate of appealability (Docket Entry No. 2) is denied because appellant has not made a “substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2); *see also Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003); *United States v. Watson*, 881 F.3d 782 (9th Cir. 2018), *cert. denied*, No. 18-5022, 2018 WL 3223705 (Oct. 1, 2018).

Any pending motions are denied as moot.

DENIED.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JAN 11 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLIFFORD MARCUS WINKLES,

Defendant-Appellant,

v.

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

No. 17-55313

D.C. No. 2:16-cv-07504-RGK
Central District of California,
Los Angeles

ORDER

Before: SCHROEDER and CHRISTEN, Circuit Judges.

Appellant's pro se motion for "additional briefing on specific issues" (Docket Entry No. 9) is rejected because appellant is represented by counsel. This court therefore declines to entertain the pro se submission.

Appellant's request for substitution of appointed counsel (Docket Entry No. 9) is denied because this court denied a certificate of appealability on November 6, 2018, and this case is now closed.

The clerk shall serve this order on appellant's counsel at the address of record and appellant individually at the following address: Clifford Marcus Winkles, 17940-112, USP Coleman II, U.S. Penitentiary, P.O. Box 1034, Coleman, FL 33521.

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

FEB 27 2019

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLIFFORD MARCUS WINKLES,

Defendant-Appellant,

v.

UNITED STATES OF AMERICA,

Plaintiff-Appellee.

No. 17-55313

D.C. No. 2:16-cv-07504-RGK
Central District of California,
Los Angeles

ORDER

Before: Trott and Murguia, Circuit Judges.

Appellant's request to proceed pro se (Docket Entry No. 11) is granted.

Appellant's appointed counsel, Brianna Fuller Mircheff, Esq., is relieved as counsel of record. The clerk shall amend the docket to reflect that appellant is proceeding pro se. Appellant's current address is Clifford Marcus Winkles, Reg. No. 17940-112, USP Coleman II, P.O. Box 1034, Coleman, FL 33521.

Appellant's pro se motion for reconsideration (Docket Entry No. 11) is denied. *See* 9th Cir. R. 27-10.

Any pending motions and requests are denied as moot.

No further filings will be entertained in this closed case.

FILED

UNITED STATES COURT OF APPEALS

SEP 29 2016

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLIFFORD MARCUS WINKLES,

Applicant,

v.

UNITED STATES OF AMERICA,

Respondent.

Nos. 16-71427
16-72276

D.C. No. 2:00-cr-00359-RGK
Central District of California,
Los Angeles

ORDER

Before: TASHIMA, SILVERMAN, and M. SMITH, Circuit Judges.

We sua sponte consolidate application numbers 16-71427 and 16-72276 for authorization to file a second or successive 28 U.S.C. § 2255 motion in the district court.

The consolidated application for authorization to file a second or successive 28 U.S.C. § 2255 motion makes a *prima facie* showing for relief under *Johnson v. United States*, 135 S. Ct. 2551 (2015). The application is granted. *See Welch v. United States*, 136 S. Ct. 1257, 1264-68 (2016) (*Johnson* announced a new substantive rule that has retroactive effect in cases on collateral review).

The district court is authorized to proceed with the identical section 2255 motion, protectively filed in case number 2:00-cr-00359-RGK, on May 12, 2016. The motion shall be deemed filed in the district court on May 12, 2016, the date the

application in case number 16-71427 was filed in this court. *See Orona v. United States*, 826 F.3d 1196 (9th Cir. 2016).

The applicant's unopposed motion for appointment of counsel is denied without prejudice to renewal in the district court.

All other pending motions are denied as moot.

The Clerk shall serve this order and the applications filed in case numbers 16-71427 and 16-72276 directly on the chambers of the Honorable R. Gary Klausner.

No further filings will be entertained in these cases.

APPENDIX B-2

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

AUG 27 2018

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

CLIFFORD MARCUS WINKLES,

No. 18-70036

Applicant,

v.

ORDER

UNITED STATES OF AMERICA,

Respondent.

Before: FARRIS, BYBEE, and N.R. SMITH, Circuit Judges.

This application for authorization to file a second or successive 28 U.S.C. § 2255 motion in the district court seeks to challenge the applicant's 18 U.S.C. § 924(c) convictions as unconstitutional in light of *Johnson v. United States*, 135 S. Ct. 2551 (2015). On September 29, 2016, this court granted the applicant authorization to raise a *Johnson* claim in case nos. 16-71427 and 16-72276. The court therefore declines to entertain the applicant's *Johnson* claim and denies the application.

Insofar as the applicant is challenging the district court's adjudication of his *Johnson* claim in Central District of California case no. 2:16-cv-07504-RGK, he must raise those claims in his pending request for a certificate of appealability, which is proceeding as appeal no. 17-55313.

Any pending motions are denied as moot.

No further filings will be entertained in this case.

DENIED.