

Appendix A District Court Decision

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANTWOYN TERRELL SPENCER,

Case No. 20-MC-0029 (MJD)

Petitioner.

ORDER

This matter comes before the Court on Petitioner Antwoyn Terrell Spencer's Motion to Alter or Amend Judgment, ECF No. 6 (Motion). Based on all of this action's files, records, and proceedings, it is hereby ordered that the Motion is **DENIED**.

Dated: April 13, 2020

s/ Michael J. Davis

Michael J. Davis
United States District Court

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

ANTWOYN TERRELL SPENCER,

Case No. 20-MC-0029 (MJD)

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ORDER

Petitioner Antwoyn Terrell Spencer was restricted from filing successive § 2255 motions in this District without first obtaining preauthorization from the U.S. Court of Appeals for the Eighth Circuit. *See* Am. Order Adopting R. & R. 6, *Spencer v. Watson*, No. 17-CV-3999 (SRN/LIB) (D. Minn. Jan. 22, 2019). In addition, the same order stated that “any written materials hereafter received from [Spencer] shall be presented to the district judge assigned to the case, without being filed, for [the district judge’s approval].” *Id.* On March 13, 2020, Spencer filed a Motion for Writ of Habeas Corpus Ad Subjiciencum, ECF No. 1 (Motion). The Petition’s content plainly shows that it is a successive § 2255 motion. *See generally* Mot. There is no indication that Spencer received Eighth Circuit preauthorization before filing the Motion, and so the Court construes the Motion as implicitly seeking this Court’s approval for filing.

Upon review, the Court concludes that the proposed Motion lacks an arguable basis either in fact or in law and therefore is frivolous. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); *Coppedge v. United States*, 369 U.S. 438, 444–45 (1962). Accordingly, the Court denies the request for filing approval and orders that this proceeding be closed. The Court also certifies that any appeal taken from this denial would not be in good faith,

and thus any request to proceed *in forma pauperis* on appeal will be denied on that basis.

See Fed. R. App. P. 24(a)(3)(A).

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: March 17, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Judge

Appendix B Court of Appeals Decision

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 20-1913

Antwoyn Terrell Spencer

Petitioner - Appellant

v.

United States of America

Respondent - Appellee

Appeal from U.S. District Court for the District of Minnesota
(0:20-mc-00029-MJD)

JUDGMENT

Before COLLTON, KELLY, and STRAS, Circuit Judges.

This appeal comes before the court on appellant's application for a certificate of appealability. The court has carefully reviewed the original file of the district court, and the application for a certificate of appealability is denied. The appeal is dismissed. The appellant's motion for leave to proceed on appeal in forma pauperis is denied as moot.

May 15, 2020

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans