

APPENDIX ~~B~~ C  
FILED

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

AUG 18 2020

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

MICHAEL R. SPENGLER,

Petitioner-Appellant,

v.

LOS ANGELES COUNTY DISTRICT  
ATTORNEY,

Respondent-Appellee.

No. 20-55694

D.C. No. 2:20-cv-04723-DOC-SP  
Central District of California,  
Los Angeles

ORDER

Before: SCHROEDER and GRABER, Circuit Judges.

The request for a certificate of appealability (Docket Entry No. 5) is denied because appellant's 28 U.S.C. § 2241 petition fails to state any federal constitutional claims debatable among jurists of reason. *See* 28 U.S.C. § 2253(c)(2)-(3); *Gonzalez v. Thaler*, 565 U.S. 134, 140-41 (2012); *see also Slack v. McDaniel*, 529 U.S. 473, 484 (2000); *Wilson v. Belleque*, 554 F.3d 816, 825-26 (9th Cir. 2009).

Any pending motions are denied as moot.

**DENIED.**

Appendix d

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UNITED STATES COURT OF APPEALS

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OCT 1 2020

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

MICHAEL R. SPENGLER,

Petitioner-Appellant,

v.

LOS ANGELES COUNTY DISTRICT  
ATTORNEY,

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No. 20-55694

D.C. No. 2:20-cv-04723-DOC-SP  
Central District of California,  
Los Angeles

ORDER

Before: HAWKINS and FRIEDLAND, Circuit Judges.

Appellant's motion for reconsideration/en banc (Docket Entry No. 12) is denied on behalf of the court. *See* 9th Cir. R. 27-10; 9th Cir. Gen. Ord. 6.11.

Any other pending motions are denied as moot.

No further filings will be entertained in this closed case.

~~20-55694~~



# Pomona Police Department

Appendix E

PAGE 2 of 2

Arrest ☐ Supplemental ☐  
Incident ☐ Additional ☐

INCIDENT NO. 13-2670

COMPLAINT - INCIDENT OFFENSE: 187 PC-Homicide

RECLASS TO:

MADE AN ALLEGED  
PHONE CALL ADMISSION  
P. 99

As stated above, Gonzalez was arrested by Covina PD on 8-15-13 at 910 Patrick, Pomona. He was arrested per their investigation of 13-4822 and is in LA County Jail booking # 3649891. A search warrant was also executed at the same location and a shotgun was recovered. After execution of the warrant an iphone was recovered from the living room of the residence. The number for this phone was determined to be (626) 277-8258 after a search of the phone incident to arrest by Covina PD Det. J. Rochford on 8-15-13. Numerous pictures of credit cards and family photos of both Gonzalez and his girlfriend (Desiree Gurba, 8-14-76) were located in the iphone. The provider for this phone is T-Mobile and the subscriber for the phone is unknown at this time pending phone records from T-Mobile.

CAR REPORTED AT THE SCENE P. 77

It was determined that Fernando Gonzalez was also booked on 1-17-13 by Glendora PD, booking # 3420083. During that incident he was contacted with other subjects at a Wal-Mart in Glendora putting items into a red '98 Ford Mustang (4ANB814). A "STARBM" 9mm (serial # SBM06108) was located during that incident in the Mustang. This 9 mm firearm was submitted by Det. Iwig to LASD for comparison against a fired bullet and casings from this incident.

SAME GUN/ 9MM SHELLS ALLEGED -

Based on the information regarding the possible DNA profile located on the victim and the assigned phone # for the iphone obtained by Covina PD. I checked the phone records obtained for victim Meza for any correspondence with (626) 277-8258. No correspondence was located. I also checked AT&T phone records for subject Michael Spengler, which were obtained earlier in the investigation. Again, I checked for any correspondence between the (626) 277-8258 number and Spengler's phones (909) 576-1366 & (626) 991-2425. There was contact between that number and both of Spengler's phone numbers before and after the murder of victim Meza. See attachment 4 for further.

I recalled from earlier in the investigation I had received a report from "WeTip". In that report, the anonymous caller reported vehicle information as an 07' red Ford Mustang (4ANB814). This vehicle is now registered to Juan Carlos Padron, 700 Williamson Ave., #6, Los Angeles. It appears that this vehicle may have been sold with a release of liability on 3-3-13 to Alfredo Avila, 722 E. Vine Ave., West Covina, Ca. As described above, Gonzalez was contacted by Glendora PD on 1-17-13 in the red Ford Mustang. This was 8 days after the murder of victim Meza. See the attachment 3 for further.

10 FWY.

Spengler  
home

X  
vic

1) PETITIONER AIDET + PRINCIPAL  
CODEFENDANT GONZALES HAD A  
JOINT TRIAL WHERE IT WAS ALLEGED

A) SPENGLER CALLED GONZALES WHO CARRIED OUT THE  
CRIME FROM HIS HOME

CRIME BY DRIVING ON THE 10 FREEWAY IN HIS MUSTANG  
/WITH VIC. & SHOT HIM WITH HIS 9MM SHELLS FOUND ON HIM  
- HIS DNA AT THE SCENE & AN ADMISSION PHONE CALL.

ISSUES FULLY LITIGATED & DETERMINED AS UNTRUE  
IN CASE # KA105957. SPENGLER IS RECHARGED AGAIN  
W/OUT GONZALES ON SAME EVIDENCE/ISSUES BUT UNDER  
ASHE, ONE CANNOT AID/DET AN INNOCENT ACT?

RECEIVED INTO RECORDS		INDEXED BY	DATA ENTRY	JDIC	REPORTING OFFICER	ID#	DATE	TIME
DATE	TIME				Det. Machado	30206	10-1-13	1300
TYPED BY	DATE	TIME	ALERT	DET. BUR PROP	CAU	REVIEWED BY	DATE	
SAME								

W/OUT THE EVIDENCE OF

000069 GONZALES = NO CASE

MIME-Version:1.0 From:cad\_email@cad.uscourts.gov To:ecfnef@cad.uscourts.gov  
Message-Id:<30479587@cad.uscourts.gov>Subject:Activity in Case 2:20-cv-04723-DOC-SP  
Michael Spengler v. L.A. County D.A. Office Notice of Appeal to 9th Circuit Court of Appeals  
Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Notice of Electronic Filing

The following transaction was entered on ~~6/23/20~~ at 2:31 PM PDT and filed on ~~6/23/20~~

Case Name: Michael Spengler v. L.A. County D.A. Office

Case Number: 2:20-cv-04723-DOC-SP

Filer: Michael R. Spengler

WARNING: CASE CLOSED on 06/23/2020

Document Number: 15

Docket Text:

NOTICE OF APPEAL to the 9th CCA filed by petitioner Michael R. Spengler. Appeal of Order on Petition for Certificate of Appealability [9] Filed On: 6/23/20; Entered On: 6/23/20; Certificate of Appealability has been ruled on 6/23/20, see item 9.. (mat)

2:20-cv-04723-DOC-SP Notice has been electronically mailed to:

2:20-cv-04723-DOC-SP Notice has been delivered by First Class U. S. Mail or by other means

**BY THE FILER** to :

Michael R. Spengler

BK NO 3984203

Twin Towers Correctional Facility

450 Bauchet Street

Los Angeles CA 90012

USA

9/16  
Abandon!  
consol.

Appendix A

INCLUDE Fed State IN app/HC

IFAC ON/off rec.



Office of the Clerk  
United States Court of Appeals for the Ninth Circuit

Post Office Box 193939  
San Francisco, California 94119-3939  
415-355-8000

APPENDIX

B

Molly C. Dwyer  
Clerk of Court

July 09, 2020

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No.: 20-55694  
D.C. No.: 2:20-cv-04723-DOC-SP  
Short Title: Michael Spengler v. Los Angeles County District At

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Dear Appellant

The Clerk's Office of the United States Court of Appeals for the Ninth Circuit has received a copy of your notice of appeal and/or request for a certificate of appealability.

**A briefing schedule will not be set until the court determines whether a certificate of appealability should issue.**

Absent an emergency, all subsequent filings in this matter will be referred to the panel assigned to consider whether or not to grant the certificate of appealability.

All subsequent letters and requests for information regarding this matter will be added to your file to be considered at the same time the cause is brought before the court.

The U.S. Court of Appeals docket number shown above has been assigned to this case. You must indicate this Court of Appeals docket number whenever you communicate with this court regarding this case. Motions filed along with the notice of appeal in the district court are not automatically transferred to this court for filing. Any motions seeking relief from this court must be separately filed in this court's docket.

- 20-55080 / 2:19 CV 08259 DOCSP v. Alex Villanueva
  - 1/23/20 COA, Denied 5/7, 6/11 en banc SCOTUS
  - 20-55242 / 2:20 CV 00356 DOCSP 18-7655  
Los Angeles County District Attorney  
3/4/20, 5/7/20, 6/11
- ✓NU  
4-1-19