

APPENDIX ~~E~~ 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,

No. 20-55694

Petitioner-Appellant,

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

v.

LOS ANGELES COUNTY DISTRICT
ATTORNEY,

ORDER

Respondent-Appellee.

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 C

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UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

OCT 1 2020

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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: 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.

00025700

Pomona Police Department

Arrest Supplemental
 Incident Additional

Appendix E

PAGE 2 of 2

INCIDENT NO. 13-2670

COMPLAINT - INCIDENT OFFENSE: 167 PC-Homicide

RECLASS TO:

AN Alleged
 PHONE CALL ADMISSION
 pg. 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.72

It was determined that Fernando Gonzalez was also booked on 1-17-13 by Glendora PD, booking # 2420083. 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 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 ALERT 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 # KATU5957. Spengler IS recharged AGAIN
 W/OUT GONZALES ON SAME EVIDENCE/ISSUES BUT UNDER
 A/she, ONE CANNOT ALERT AN INNOCENT ACT?

RECEIVED INTO RECORDS	INDEXED BY	DATA ENTRY	JDIC	REPORTING OFFICER	ID#	DATE	TIME
DATE	TIME						
TYPED BY	DATE	TIME	ALERT	DET. BUR PROB	CAU	REVIEWED BY	DATE
SAME							

Without the evidence of
 000069 Gonzales = NO CASE

MIME-Version:1.0 From:cacd_ecfmail@cacd.uscourts.gov To:ecfnef@cacd.uscourts.gov
Message-Id:<30479587@cacd.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
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

Notice of Electronic Filing

The following transaction was entered on 06/23/2020 at 2:31 PM PDT and filed on 06/23/2020

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:

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BK NO 3984203

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450 Bauchet Street

Los Angeles CA 90012

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Appendix A

INCLUDE Fed state in app/h/c

Office of the Clerk

IFAC on/off rec.



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

Molly C. Dwyer
Clerk of Court

July 09, 2020

APPENDIX

B

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

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 / 2:19cv08259 DOCSP v. Alex Villanueva
• 1/23/20 COA, denied 5/7, 6/11 en banc SCOTUS
• 20-55242 / 2:20cv00356 DOCSP 18-7655
Los Angeles County District Attorney
3/4/20, 5/7/20, 6/11
✓NU
4-1-19