

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Espindola v. Gamboa

Espindola v. Gamboa · No. 1:21-cv-01255-JLT-CDB (HC) · Decided July 14, 2025

SUMMARY

This document is a Findings and Recommendation from the United States District Court for the Eastern District of California in a 28 U.S.C. § 2254 habeas proceeding. The magistrate judge recommends denying Andres Espindola’s petition challenging the refusal to instruct the jury on involuntary manslaughter and declining to issue a certificate of appealability. The recommendation concludes that the state court’s rejection of the claim was neither contrary to nor an unreasonable application of clearly established federal law.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Jennifer L. Thurston, United States Magistrate Judge
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 14, 2025
DOCKET	1:21-cv-01255-JLT-CDB (HC)
DISPOSITION	other
PROCEDURAL POSTURE	Findings and recommendation on a state prisoner’s amended petition for a writ of habeas corpus under 28 U.S.C. § 2254. The magistrate judge recommended denying the petition and declining to issue a certificate of appealability.
STANDARD OF REVIEW	Under AEDPA, relief is unavailable for a claim adjudicated on the merits unless the state-court decision was contrary to, or involved an unreasonable application of, clearly established Supreme Court law, or was based on an unreasonable determination of the facts. The court also applied the federal standard governing a defendant’s entitlement to a jury instruction supported by sufficient evidence and the Chapman harmless-error standard as applied by the state appellate court.
PRECEDENTIAL VALUE	nonprecedential
PARTIES	Andres Espindola v. Martin Gamboa

TOPICS

federal habeas corpus

post-conviction relief

due process

criminal procedure

PRACTICE AREAS

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constitutional law

QUESTIONS PRESENTED

1. Whether the state trial court’s refusal to instruct the jury on involuntary manslaughter violated Petitioner’s federal due process right to present a complete defense.
2. Whether the California appellate court’s rejection of the instructional-error claim was contrary to, or an unreasonable application of, clearly established Supreme Court precedent under 28 U.S.C. § 2254(d).
3. Whether any instructional error was prejudicial under the applicable harmless-error standard.
4. Whether a certificate of appealability should issue.

HOLDINGS

1. Petitioner could not establish a clearly established federal constitutional right to an involuntary-manslaughter instruction in this noncapital case.
2. The refusal to instruct on involuntary manslaughter did not violate due process because the evidence did not support a finding that Petitioner acted without malice or without conscious disregard for human life.
3. Even assuming instructional error, Petitioner failed to show prejudice warranting federal habeas relief.
4. A certificate of appealability should be denied because Petitioner did not make a substantial showing of the denial of a constitutional right.

KEY QUOTATIONS

“There is no credible evidence for a reasonable juror to find either that the natural and probable consequences of the stab were not dangerous to Randle’s life or Espindola acted without consciously realizing the risk to Randle’s life.” (at 12)

“Because a criminal defendant must be afforded a meaningful opportunity to present a complete defense, failure to correctly instruct the jury on a defense may deprive a defendant of due process if it prevented the jury from considering the defense.” (at 14)

“For all these reasons, Petitioner is not entitled to habeas relief on his instructional error claim.” (at 15)

FACTUAL BACKGROUND

A Tulare County jury convicted Espindola of second-degree murder and found true a personal-use-of-a-deadly-weapon enhancement. The evidence showed that after escalating confrontations, Espindola went to a vehicle, retrieved an eight-to-nine-inch knife concealed in a beanie, returned to the confrontation, and stabbed Raymond Randle deeply in the thigh, severing the femoral artery and causing Randle’s death. The trial court instructed the jury on murder, voluntary manslaughter, and imperfect self-defense, but refused to instruct on involuntary

manslaughter. The California Court of Appeal affirmed, concluding that the evidence established implied malice and did not support the lesser instruction.

PROCEDURAL HISTORY

Petitioner filed an amended federal habeas petition alleging that the California trial court violated due process by refusing to instruct the jury on involuntary manslaughter. Respondent answered and lodged the state-court record, and Petitioner filed a traverse. The magistrate judge recommended denial of habeas relief and denial of a certificate of appealability, subject to review by the assigned district judge after any objections.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand was ordered. The magistrate judge recommended that the petition be denied and that a certificate of appealability be denied; the recommendation was submitted to the assigned district judge for review after objections.

CASES CITED

- Wilson v. Sellers, 584 U.S. 122, 125 (2018)
- Harrington v. Richter, 562 U.S. 86, 98-99, 101, 103 (2011)
- Mitchell v. Esparza, 540 U.S. 12, 16 (2003)
- Brown v. Payton, 544 U.S. 133, 134 (2005)
- Williams v. Taylor, 529 U.S. 362, 407 (2000)
- Wood v. Allen, 558 U.S. 290, 301 (2010)
- Marks v. Davis, 106 F.4th 941, 949 (9th Cir. 2024)
- Brumfield v. Cain, 576 U.S. 305, 314 (2015)
- People v. Souza, 54 Cal. 4th 90, 115-16 (2012)
- People v. Chavez, 22 Cal. App. 5th 663, 682 (2018)
- People v. Guillen, 227 Cal. App. 4th 934, 984, 1028 (2014)
- People v. Bryant, 56 Cal. 4th 959, 965 (2013)
- People v. Cravens, 53 Cal. 4th 500, 507 (2012)
- People v. Elmore, 59 Cal. 4th 121, 133 (2014)
- People v. Millbrook, 222 Cal. App. 4th 1122, 1137 (2014)
- People v. Cole, 33 Cal. 4th 1158, 1218 (2004)
- People v. Thomas, 53 Cal. 4th 771, 815 (2012)
- Chapman v. California, 386 U.S. 18, 24 (1967)
- Solis v. Garcia, 219 F.3d 922, 928-29 (9th Cir. 2000) (per curiam)
- United States v. Rivera-Alonzo, 584 F.3d 829, 834 n.3 (9th Cir. 2009)

- *Teague v. Lane*, 489 U.S. 288 (1989)
- *Luis v. Montgomery*, 698 F. App'x 530, 530-31 (9th Cir. 2017)
- *Kopy v. Ryan*, 319 F. App'x 666, 669 (9th Cir. 2009)
- *Bradley v. Duncan*, 315 F.3d 1091, 1098-99 (9th Cir. 2003)
- *Cebrero v. Ndoh*, 853 F. App'x 159, 159-60 (9th Cir. 2021)
- *Miller-El v. Cockrell*, 537 U.S. 322, 335-36 (2003)
- *Slack v. McDaniel*, 529 U.S. 473, 484 (2000)
- *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014)
- *Baxter v. Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)

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