

FILED

February 18, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-20651
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ROBERT DAVIS,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-01-CR-140-1

Before HIGGINBOTHAM, EMILIO M. GARZA, and PRADO, Circuit Judges.

PER CURIAM:*

Robert Davis, federal prisoner number 97410-079, appeals the district court's denial of his motion to disclose the grand jury transcript. Davis has not shown that the district court had jurisdiction to grant his motion requesting grand jury transcripts in connection with a judicial proceeding. United States v. Carvajal, 989 F.2d 170, 170 (5th Cir. 1993). Moreover, he has not alleged that the material is needed to avoid a possible injustice in another judicial proceeding, and he cannot

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

conduct a "fishing expedition" to find something that may support further relief under 28 U.S.C. § 2255. See id.

APPEAL DISMISSED. See 5TH CIR. R. 42.2.