

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT **United States Court of Appeals
Fifth Circuit**

FILED

September 6, 2007

Charles R. Fulbruge III
Clerk

No. 06-20928
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

OLUFEMI KAYODE AGBOMIRE

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:04-CR-411-1

Before HIGGINBOTHAM, STEWART, and OWEN, Circuit Judges.

PER CURIAM:*

Olufemi Kayode Agbomire pleaded guilty to conspiracy to commit bank fraud in violation of 18 U.S.C. § 371. Agbomire appeals the district court's denial of his motion for court documents at government expense under 28 U.S.C. § 2250. Under § 2250, an indigent petitioner is entitled to court documents at no cost as long as he has filed a request for relief under 28 U.S.C. § 2255. *Walker v. United States*, 424 F.2d 278, 278-79 (5th Cir. 1970). When Agbomire filed his motion for court documents with the district court, he did not have a § 2255

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion pending before the district court. Accordingly, the district court did not err in denying Agbomire's motion. The appeal is dismissed as frivolous. 5TH CIR. R. 42.2. We caution Agbomire that filing frivolous appeals may be sanctioned. *United States v. Gaitan*, 171 F.3d 222, 223 (5th Cir. 1999).

Agbomire's motion for transcripts at government expense is denied. Agbomire's motion to supplement the record on appeal is also denied.

APPEAL DISMISSED; SANCTION WARNING ISSUED; MOTIONS DENIED.