

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-50044
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BERNARD LEE MCDOWELL,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-92-CR-111-2

- - - - -
June 29, 1995

Before JONES, WIENER, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM*

Bernard Lee McDowell's motion to proceed in forma pauperis on appeal is DENIED. McDowell has not demonstrated that the district court abused its discretion in denying his motion for the production of grand jury materials because he has not shown a "particularized need" for the materials that outweighs the policy of secrecy. See United States v. Miramontez, 995 F.2d 56, 59 (5th Cir. 1993).

On appeal, McDowell can present no legal points arguable on

* Local Rule 47.5 provides: "The publication of opinions that have no precedential value and merely decide particular cases on the basis of well-settled principles of law imposes needless expense on the public and burdens on the legal profession." Pursuant to that Rule, the court has determined that this opinion should not be published.

their merits, and the appeal from the denial of his motion is frivolous. See Howard v. King, 707 F.2d 215, 220 (5th Cir. 1983). Because the appeal is frivolous, it is DISMISSED. See 5th Cir. Rule 42.2.