

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-41315
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

BYRON DALE MCLEOD,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 3:93-CR-9-6
- - - - -

October 20, 1998

Before POLITZ, Chief Judge, and WIENER and DENNIS, Circuit Judges.

PER CURIAM:*

Byron Dale McLeod, federal prisoner # 52145-080, appeals the district court's denial of his numerous motions for grand jury transcripts. McLeod's freestanding motions for grand jury transcripts are considered to be a civil action. United States v. Miramontez, 995 F.2d 56, 58 (5th Cir. 1993). McLeod 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

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

materials that outweighs the policy of secrecy. Miramontez, 995 F.2d at 59.

McLeod presents no legal points arguable on their merits, and the appeal from the denial of his motions 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.