

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

January 31, 2008

Charles R. Fulbruge III
Clerk

No. 07-10322
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

TOMMY MERREL JACKSON, also known as TJ

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 4:95-CR-148-1

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Tommy Merrel Jackson, federal prisoner # 27477-077, appeals the district court's denial of his motion for grand jury materials, which was filed pursuant to FED. R. CRIM. P. 6. The Government argues that the court lacked jurisdiction to consider Jackson's motion because it is best construed as a successive 28 U.S.C. § 2255 motion. This argument is unavailing because the motion does not challenge Jackson's conviction or sentence, nor does it seek to challenge 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

disposition of his first § 2255 motion. See 28 U.S.C. § 2255; *Gonzalez v. Crosby*, 545 U.S. 524, 532 (2005).

Jackson's argument that the district court erred by denying his request for grand jury materials is likewise unavailing. Jackson has not shown a particularized need for these materials. See *United States v. Miramontez*, 995 F.2d 56, 59 (5th Cir. 1993); *In re McDermott & Co., Inc.*, 622 F.2d 166, 172 (5th Cir. 1980). Consequently, he has not shown that the district court abused its discretion by denying his motion. See *Miramontez*, 995 F.2d at 59. The judgment of the district court is AFFIRMED.