

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

United States Court of Appeals  
Fifth Circuit

**FILED**

June 19, 2008

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No. 07-31045  
Conference Calendar

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Charles R. Fulbruge III  
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

ROBERT W CLARK, JR

Defendant-Appellant

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Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 5:98-CR-50036-1

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Before JONES, Chief Judge, and JOLLY and DENNIS, Circuit Judges.

PER CURIAM:\*

Robert W. Clark, Jr., federal prisoner # 09895-035, seeks leave to proceed in forma pauperis (IFP) on appeal. He seeks to appeal the district court's denial of his motion to disclose the grand jury transcript. Clark was convicted of conspiracy to distribute 50 or more grams of cocaine base (crack) and distribution of 50 or more grams of crack and was sentenced, in 1999, to 360 months of imprisonment on the conspiracy count and 240 months of imprisonment on the distribution count.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Clark has not shown that the district court had jurisdiction to grant his motion requesting the grand jury transcript in connection with a judicial proceeding. See *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 conduct a “fishing expedition” to find something that may support further relief under 28 U.S.C. § 2255. See *id.*

Because Clark’s appeal is wholly without merit and thus frivolous, see *Howard v. King*, 707 F.2d 215, 219-20 (5th Cir. 1983), his IFP motion is denied and his appeal is dismissed as frivolous. See 5TH CIR. R. 42.2.; *Carvajal*, 989 F.2d at 170. We warn Clark that the filing of frivolous appeals may result in the imposition of sanctions. These sanctions may include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court’s jurisdiction. Clark should review any pending appeals to ensure that they are not frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.