

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

April 6, 2012

Lyle W. Cayce
Clerk

No. 11-30712
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

PABLO MARGARITO RAMOS-BARRERA, also known as Paul,

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 2:07-CR-20013-1

Before JONES, Chief Judge, and HAYNES and GRAVES, Circuit Judges.

PER CURIAM:*

Pablo Margarito Ramos-Barrera was convicted after a jury trial of one count of conspiracy to possess with intent to distribute methamphetamine, and two counts of possession with intent to distribute methamphetamine. His conviction and sentence were affirmed on direct appeal. *See United States v. Ramos-Barrera*, 406 Fed. App'x 845, 847 (5th Cir. 2010). Ramos-Barrera appeals the district court's denial of his motion for free copies of court records and trial

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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transcripts. He seeks free copies of court documents and trial transcripts so that he may proceed with a request for relief under 28 U.S.C. § 2255.

An indigent defendant has no constitutional right to acquire a free copy of his transcript or other court records for use in a collateral proceeding. *See United States v. MacCollom*, 426 U.S. 317, 325-26 (1976). When Ramos-Barrera filed his motion for court documents in the district court, he did not have a § 2255 motion pending before the district court. Accordingly, he is not entitled to receive the documents in question. *See* 28 U.S.C. § 2250; *Walker v. United States*, 424 F.2d 278, 278-79 (5th Cir. 1970).

Thus, the district court did not err in denying Ramos-Barrera's motion. The appeal is dismissed as frivolous. 5TH CIR. R. 42.2. We caution Ramos-Barrera 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. Ramos-Barrera should review any pending appeals to ensure that they are not frivolous.

APPEAL DISMISSED; SANCTION WARNING ISSUED.