

UNITED STATES COURT OF APPEALS  
for the Fifth Circuit

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No. 94-41185  
Summary Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

GETZELL JOHNSON MURRELL,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Eastern District of Texas  
(6:92-CR-75)

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(April 20, 1995)

Before DUHÉ, WIENER, and STEWART, Circuit Judges.

PER CURIAM:<sup>1</sup>

Appellant was convicted on his guilty plea and his conviction and sentence were affirmed on direct appeal. United States v. Murrell, No. 93-5008 (5th Cir., February 11, 1994) (unpublished).

Appellant then moved for inspection of grand jury lists, for disclosure of those persons to whom grand jury materials had been provided, and for disclosure of all legal instructions given to the grand jury. Murrell appeals the district court's denial of the motions. We affirm.

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<sup>1</sup> 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

Federal Rule of Criminal Procedure 6 prohibits the disclosure of grand jury materials except in limited circumstances. A party seeking disclosure must "show that 'a particularized need' exists for the materials that outweighs the policy of secrecy." United States v. Miramontez, 995 F.2d 56, 59 (5th Cir. 1993). To carry this burden Appellant must show that the material is needed to avoid a possible injustice in another judicial proceeding, that the need for disclosure is greater than the need for continued secrecy, and that his request is limited to cover only the material necessary. Id. Appellant has not met this burden. He does not make any specific allegation of irregularities and merely claims that the materials are needed to enable him to determine if any irregularities occurred. This is insufficient. See In re McDermott & Co., Inc., 622 F.2d 166, 172 (5th Cir. 1980); United States v. Carvajal, 989 F.2d 170 (5th Cir. 1993).

Next, Appellant contends that the indictment charging him with arson and aiding and abetting is fatally defective because it did not state that the offense affected interstate commerce. However, the indictment does refer to interstate commerce. See R. 1, 47, 49.

AFFIRMED.