IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 10-10138
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

DETROIT HINES, also known as Li'l Nut,

Defendant-Appellant

Appeal from the United States District Court
for the Northern District of Texas
USDC No.4:06-CR-88-3

Before HIGGINBOTHAM, SMITH, and HAYNES, Circuit Judges.

PER CURIAM:[*]

In 2007, Detroit Hines, federal prisoner #35457-177, was convicted of several cocaine and firearms offenses, including conspiracy to possess with the intent to distribute more than 50 grams of crack cocaine. In December 2009, at a time when he had no actions pending, Hines filed a pro se motion requesting disclosure of the grand jury transcripts, minutes, or testimony relating to his indictment. The district court construed the motion as arising under Federal Rule of Criminal Procedure 6(e)(3)(E)(ii) and denied the motion. Hines has

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

appealed, and the Government has moved for dismissal or for summary affirmance. Alternatively, the Government moves for an extension of time in which to file a brief.

It is questionable whether Hines's motion had a valid jurisdictional basis in the district court. *See United States v. Carvajal*, 989 F.2d 170, 170 (5th Cir. 1993). However, even if we assume that the district court correctly exercised jurisdiction under the rule cited above, the district court did not abuse its discretion in denying the motion because Hines failed to show a particularized need for the grand jury materials. *See United States v. Miramontez*, 995 F.2d 56, 57-58 (5th Cir. 1993). Accordingly, the Government's motion for summary affirmance is granted. The Government's alternative motions are denied.

AFFIRMED.