

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 92-7117
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

ARNOLDO MONCIVAIS,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Southern District of Texas
USDC No. M-CR-89-065-01
- - - - -

June 23, 1993

Before POLITZ, Chief Judge, WIENER, and DeMOSS, Circuit Judges.

PER CURIAM:*

Arnoldo Moncivais appeals the district court's denial of his motion to produce/inspect grand jury minutes. His appeal is frivolous. See 5th Cir. Loc. R. 42.2.

Moncivais provides no jurisdictional basis for his motion. At the time he filed his motion there was no proceeding before the district court. The district court entered a final judgment in the action, and this Court affirmed the judgment of the district court. See First Nationwide Bank v. Summer House Joint Venture, 902 F.2d 1197, 1199 (5th Cir. 1990) ("A final judgment

* 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 Pursuant to that Rule, the Court has determined that this opinion should not be published.

terminates the litigation on the merits of the case and leaves the court with nothing to do except execute the judgment."). Moreover, Moncivais has not filed a § 2255 motion in the district court. He cannot now conduct a fishing expedition into grand jury proceedings that are normally secret. See United States v. Short, 671 F.2d 178, 184 (6th Cir.), cert. denied, 457 U.S. 1119 (1982).

The appeal is DISMISSED as frivolous.