

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA : CIVIL ACTION
 : :
 : NO. 96-8198
 : :
JOSE MARIAS, a/k/a JOSE : :
GONZALES : (Criminal No. 92-256-2)

MEMORANDUM ORDER

Presently before the court is defendant-petitioner's "Request for the Production of Documents." Petitioner's broad request seeks all discovery, reports, analysis, logs, lists memorandum, correspondence and transcripts pertaining to his criminal case. Petitioner does not specify why he needs all this material.

Petitioner was a principal participant in a large scale drug distribution operation in Philadelphia. He pled guilty on January 14, 1994 to conspiring to distribute cocaine and was sentenced on April 22, 1994 to a period of incarceration of 97 months.

Petitioner has not made the "strong showing of particularized need" necessary to justify disclosure of transcripts of grand jury proceedings. See U.S. v. Sells Engineering, Inc., 463 U.S. 418, 443 (1983); Illinois v. Abbot & Associates, Inc., 460 U.S. 557, 567 (1983); U.S. v. Kim, 577 F.2d 473, 478 (9th Cir. 1978) (desire to conduct "fishing expedition" does not constitute "particularized need"); U.S. v. Rising, 867 F.2d 1255, 1260 (10th Cir. 1989) (general claim that disclosure

of grand jury transcripts will reveal exculpatory evidence does not demonstrate particularized need); U.S. v. Short, 671 F.2d 178, 187 (6th Cir. 1982) (same); Thomas v. U.S., 597 F.2d 656, 657-58 (8th Cir. 1979) (no particularized need shown where petitioner asserts grand jury minutes necessary to prove matters he wished to pursue in § 2255 petition and may "very well prove all [his] allegations").

A federal prisoner seeking collaterally to attack his conviction is not entitled to free transcripts or records. U.S. v. MacCollum, 426 U.S. 317, 325-26 (1976). He may obtain such material only if a judge certifies that it is necessary to decide an issue presented in a non-frivolous petition. See 28 U.S.C. § 753(f) (1994); MacCollum, 426 U.S. at 325.

There is no apparent justification for petitioner's broad request for documents. The court will not compel their production.

ACCORDINGLY, this day of August, 1997, upon consideration of petitioner's Request for the Production of Documents, **IT IS HEREBY ORDERED** that said request is **DENIED**.

BY THE COURT:

JAY C. WALDMAN, J.