

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-6012

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

FELICIA INEZ HAMLETT,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Alexandria. Leonie M. Brinkema, District Judge. (CR-99-362-1)

Submitted: April 28, 2005

Decided: May 5, 2005

Before WILLIAMS, KING, and DUNCAN, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Felicia Inez Hamlett, Appellant Pro Se. Sonya LaGene Sacks, OFFICE OF THE UNITED STATES ATTORNEY, Alexandria, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Felicia Hamlett, a federal inmate, appeals the district court's denial of Hamlett's request for free copies of an investigation report and lab report transcripts. We affirm the district court's denial of the request.

Copies of transcripts may be provided to an indigent litigant at government expense upon a showing by the litigant of a particularized need for the documents. See Jones v. Superintendent, Virginia State Farm, 460 F.2d 150, 152-53 (4th Cir. 1972), cert. denied, 410 U.S. 944 (1973). An indigent is not entitled to free copies "merely to comb the record in the hope of discovering some flaw." United States v. Glass, 317 F.2d 200, 202 (4th Cir. 1963).

Hamlett's request for copies of the report and transcripts does not establish the requisite need under Jones. The Rules Governing Section 2255 Proceedings require only that the facts in support of a claim for relief be set forth in summary form. Rule 2(b). Discovery may thereafter be available in the 28 U.S.C. § 2255 (2000) proceeding. Rule 6. As Hamlett has failed to establish why she cannot, without copies of the transcripts, set forth in summary form the facts in support of her claim, we affirm the district courts' denial of her request. We dispense with oral argument because the facts and legal contentions are adequately

presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED