

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 95-7453**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SAMUEL THOMAS LAWSON,

Defendant - Appellant.

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Appeal from the United States District Court for the Middle District of North Carolina, at Winston-Salem. Russell A. Eliason, Magistrate Judge. (CR-91-50-WS)

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Submitted: January 11, 1996

Decided: January 24, 1996

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Before RUSSELL, HALL, and WILKINSON, Circuit Judges.

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Affirmed by unpublished per curiam opinion.

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Samuel Thomas Lawson, Appellant Pro Se. Paul Alexander Weinman, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Samuel Thomas Lawson appeals from an order entered by a magistrate judge pursuant to 28 U.S.C. § 636(b)(1) (1988) denying his motion to compel the Government to participate in discovery. We affirm.

Lawson's request was unsupported by any showing that the desired discovery was required for any pending litigation. Thus, the magistrate judge did not abuse his discretion in denying the motion. Fed. R. Civ. P. 26(b)(1); cf. 18 U.S.C. § 3504 (1988) (admissions regarding surveillance not discoverable if no action pending).

We affirm the magistrate judge's order. 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