

MAY 18 2012

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

LAMONT TARKINGTON, a.k.a. Michael
Skaggs,

Defendant - Appellant.

No. 10-50351

D.C. No. 2:10-cm-00156-UA

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Christina A. Snyder, District Judge, Presiding

Submitted May 15, 2012**

Before: CANBY, GRABER, and M. SMITH, Circuit Judges.

California state prisoner Lamont Tarkington appeals pro se from the district court's denial of his motion for disclosure of cell site and cell tower records furnished in connection with a grand jury investigation under Federal Rule of

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Criminal Procedure 6(e)(3)(E)(i). We affirm.

The district court did not abuse its discretion in denying Tarkington's motion. *See* Fed. R. Crim. P. 6(e)(3)(E)(i); *Douglas Oil Co. of California v. Petrol Stops Northwest*, 441 U.S. 211, 228 (1979) (district court's decision under Rule 6(e) reviewed for abuse of discretion). We express no opinion as to Tarkington's entitlement to his cell site or cell tower records in either his pending state habeas proceedings or any subsequently filed federal habeas action.

All pending motions are denied as moot.

AFFIRMED.