

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 05-7920**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

VAUGHAN DIEGO BUTLER,

Defendant - Appellant.

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Appeal from the United States District Court for the Southern District of West Virginia, at Charleston. Joseph Robert Goodwin, District Judge. (CR-01-51)

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Submitted: April 27, 2006

Decided: May 5, 2006

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Before NIEMEYER and MOTZ, Circuit Judges, and HAMILTON, Senior Circuit Judge.

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Affirmed by unpublished per curiam opinion.

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Vaughan Diego Butler, Appellant Pro Se. John J. Frail, OFFICE OF THE UNITED STATES ATTORNEY, Charleston, West Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.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

PER CURIAM:

Vaughan Diego Butler appeals the district court's order denying his motion to compel counsel to provide discovery related to Butler's criminal case. The district court denied the motion on the ground that it lacked jurisdiction. Although we find that the district court had jurisdiction to rule on the motion, we conclude that the denial of relief was nevertheless proper. Butler failed to demonstrate a particularized need for the documents, and he could rely on his own recollection in preparing a collateral attack on his conviction and sentence. See United States v. Shoaf, 341 F.2d 832, 835 (4th Cir. 1964) (recognizing that, if matters on which collateral attack is based are within knowledge of petitioner, there will be no need for transcript). Accordingly, we affirm. We deny Bulter's motion to compel and 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