

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 06-4728

UNITED STATES OF AMERICA

v.

MARCOS SANTIAGO,

Appellant

On Appeal From the United States District Court
For the Eastern District of Pennsylvania
(D.C. Crim. No. 03-cr-00157)
District Judge: Honorable Timothy J. Savage

Submitted For Possible Summary Action Under Third Circuit LAR 27.4 and I.O.P. 10.6
April 19, 2007

Before: BARRY, AMBRO and FISHER, Circuit Judges

(Filed: April 30, 2007)

OPINION

PER CURIAM

Marcos Santiago appeals the District Court's order denying his "Motion to order government to disclose to defendant all Jencks material within their possession." In April 2004, Santiago was convicted of robbery and firearm charges and sentenced to 402

months in prison. His conviction and sentence were affirmed on appeal. Santiago filed a “Motion to order government to disclose to defendant all Jencks material within their possession.” The District Court denied both the motion and Santiago’s motion for reconsideration. Santiago filed a timely notice of appeal, and we have jurisdiction pursuant to 28 U.S.C. § 1291.

Santiago argues that he needs copies of all statements made by a witness against him at his criminal trial in order to bring a § 2255 motion. According to the electronic docket for the Eastern District of Pennsylvania, Santiago filed a § 2255 motion on January 19, 2007. A discovery motion filed in those proceedings is the appropriate vehicle for obtaining such documents if they exist.

Summary action is appropriate if there is no substantial question presented in the appeal. See Third Circuit LAR 27.4. For the above reasons, we will summarily affirm the District Court’s order. See Third Circuit I.O.P. 10.6.