

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

\_\_\_\_\_  
No. 19-10319  
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United States Court of Appeals  
Fifth Circuit  
**FILED**  
December 19, 2019  
Lyle W. Cayce  
Clerk

UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

KURTIS KEITH LOWE,

Defendant-Appellant

\_\_\_\_\_  
Appeals from the United States District Court  
for the Northern District of Texas  
USDC No. 4:18-CV-112  
\_\_\_\_\_

Before JONES, HIGGINSON, and OLDHAM, Circuit Judges.

PER CURIAM:\*

Kurtis Keith Lowe, federal prisoner # 97408-071, pleaded guilty to conspiracy to commit mail fraud and was sentenced in 2015 to 60 months of imprisonment and three years of supervised release. He unsuccessfully pursued 28 U.S.C. § 2255 relief. Then, almost a year after the dismissal of his § 2255 motion, he filed a motion to compel his former counsel to produce discovery and case file materials. The district court denied that motion, and

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\* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

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Lowe has now filed a motion for a certificate of appealability (COA) to appeal that denial.

Because Lowe is not seeking to appeal the final order in a § 2255 proceeding, his motion for a COA is denied as unnecessary. *See* 28 U.S.C. § 2253(c)(1)(B). Furthermore, Lowe’s motion for discovery in a closed § 2255 proceeding was a “meaningless, unauthorized motion” with no statutory or legal basis. *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). Accordingly, we affirm the district court’s denial of motion on that basis. *See id.* To the extent that Lowe now attempts to raise any substantive claims regarding his conviction and sentence, we do not consider them. *See United States v. Scruggs*, 691 F.3d 660, 666 (5th Cir. 2012); *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000).

COA DENIED AS UNNECESSARY; AFFIRMED.