

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

September 21, 2007

Charles R. Fulbruge III
Clerk

No. 06-61000
Summary Calendar

EARL ANDERSON,

Petitioner-Appellant,

v.

RON KING; STATE OF MISSISSIPPI,

Respondents-Appellees.

Appeal from the United States District Court
for the Southern District of Mississippi
No. 3:05-CV-322

Before REAVLEY, SMITH, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Earl Anderson, Mississippi prisoner # L1784, filed an application for habeas corpus relief pursuant to 28 U.S.C. § 2254, challenging his state conviction

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

and sentence. Before ruling on the merits, the district court denied Anderson's motion for summary judgment and/or speedy relief wherein he sought to have his application adjudicated in an expedited manner. He now moves this court for a certificate of appealability ("COA") to appeal the district court's ruling on this interlocutory issue.

"This Court must examine the basis of its jurisdiction, on its own motion, if necessary." *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The district court's order denying Anderson's motion seeking a speedy determination on the merits of his § 2254 application is a non-appealable interlocutory order. See 28 U.S.C. §§ 1291, 1292(a), (b); *Thomas v. Scott*, 47 F.3d 713, 714-16 (5th Cir. 1995). This court is without jurisdiction to consider Anderson's request for a COA, so the motion and appeal are DISMISSED for want of jurisdiction.