

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 00-20656  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DIONICO CHAVEZ TORRES,  
also known as Dionicio Chavez Torres,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas  
USDC No. H-00-CV-1430 & H-98-CR-287-1  
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February 13, 2001

Before SMITH, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

Dionico Chavez Torres, federal prisoner No. 83001-079, requests a certificate of appealability (COA) to appeal the district court's ruling in a proceeding under 28 U.S.C. § 2255. Torres moves this court to appeal in forma pauperis (IFP) and he requests an evidentiary hearing.

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). An examination of the record in this case discloses

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

this court lacks appellate jurisdiction because no final judgment has been entered in this case. See Dardar v. Lafourche Realty Co., 849 F.2d 955, 957 (5th Cir. 1988); Save the Bay, Inc. v. United States Army, 639 F.2d 1100, 1102 (5th Cir. 1981).

Accordingly, the motions for COA, IFP, and an evidentiary hearing are DENIED AS MOOT and the appeal is DISMISSED.

MOTIONS DENIED; APPEAL DISMISSED.