

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-31467
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MAXON HARVEY MORGAN,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 93-CR-491-5-N

July 24, 2002

Before WIENER, BARKSDALE, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Maxon Harvey Morgan, federal prisoner # 239980-034, appeals the denial of a motion for a transcript at government expense to appeal the transfer of a petition for habeas corpus pursuant to 28 U.S.C. § 2241 to this court for authorization to file a successive 28 U.S.C. § 2255 motion. See Brinar v. Williamson, 245 F.3d 515, 518 (5th Cir. 2001)(transfer order is a nonappealable interlocutory order). A transcript is not

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

necessary to determine such an appeal. This appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, it is DISMISSED. See 5TH CIR. R. 42.2.

APPEAL DISMISSED.