

April 23, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 02-30996  
Conference Calendar

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

DEMITORIS ALEXANDER,

Defendant-Appellant.

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Appeals from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 02-CV-2585  
USDC No. 94-CR-343-ALL-J  
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Before DAVIS, BARKSDALE, and STEWART, Circuit Judges.

PER CURIAM:\*

Demitoris Alexander, federal inmate #24297-034, pleaded guilty to charges of conspiracy with intent to distribute cocaine and possession of a firearm. Alexander was sentenced to concurrent terms of 180 and 120 months' imprisonment. Alexander seeks a certificate of appealability ("COA") to appeal the

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

district court's order that transferred his successive 28 U.S.C. § 2255 motion to this court.

We must examine the basis of our jurisdiction on our own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). An order transferring a successive 28 U.S.C. § 2255 motion to the court of appeals is a nonappealable interlocutory order. Brinar v. Williamson, 245 F.3d 515, 516-18 (5th Cir. 2001). This court is without jurisdiction to consider Alexander's case. See id. Accordingly, the appeal is DISMISSED for lack of jurisdiction. Alexander's motions for a COA and for leave to proceed in forma pauperis are DENIED.

APPEAL DISMISSED; MOTIONS DENIED.