

June 24, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 02-31048
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

JAMES M. SAM, SR.,

Defendant-Appellant.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 6:96-CR-60002-2

Before DeMOSS, DENNIS, and PRADO, Circuit Judges.

PER CURIAM:*

James M. Sam, Sr., federal prisoner # 09186-035, seeks to appeal from an order of the district court construing the motion he titled "Defendant's Motion to Correct Illegal Sentence; District Court Imposed Sentence Beyond the Legal Jurisdiction" as a successive 28 U.S.C. § 2255 application and transferring it to this court. Sam argues that his sentence was based, in part, upon a prior conviction that did not exist.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Sam is attempting to appeal an order of the district court transferring his motion to this court. We lack jurisdiction to hear an appeal from the district court's transfer order. See Brinar v. Williamson, 245 F.3d 515, 517-18 (5th Cir. 2001). Therefore, the appeal is dismissed.

APPEAL DISMISSED.