

October 10, 2003

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30612
Summary Calendar

CURTIS GORDON,

Petitioner-Appellant,

versus

BURL CAIN, WARDEN, LOUISIANA STATE PENITENTIARY,

Respondent-Appellee.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 03-CV-1120-T

Before GARWOOD, JOLLY, and JONES, Circuit Judges.

PER CURIAM:*

Curtis Gordon, Louisiana prisoner # 80114, was convicted by a jury of second degree murder in 1975 and was sentenced to life imprisonment. Gordon seeks a certificate of appealability (COA) to appeal the district court's order transferring his successive 28 U.S.C. § 2254 application to this court.

We must examine the basis of our jurisdiction sua sponte if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). An order transferring a successive 28 U.S.C. § 2254

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

application to the court of appeals is a non-appealable interlocutory order. See Brinar v. Williamson, 245 F.3d 515, 516-18 (5th Cir. 2001). This court is without jurisdiction to consider Gordon's appeal. Accordingly, Gordon's motion for a COA is DENIED, and the appeal is DISMISSED for lack of jurisdiction.

MOTION DENIED; APPEAL DISMISSED.