

April 7, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-41196
Summary Calendar

ERIC A. SHARPE,

Petitioner-Appellant,

versus

UNITED STATES ARMY; STEVE LANGFORD,

Respondents-Appellees.

Appeal from the United States District Court
for the Eastern District of Texas
USDC No. 1:02-CV-344

Before JOLLY, JONES, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Eric Sharpe is serving a 20-year sentence following a court-martial conviction for drug trafficking. He filed a habeas petition under 28 U.S.C. § 2241 seeking to overturn his conviction and to recover compensatory damages including back-pay and allowances. The district court transferred the action to the Court of Federal Claims. Sharpe seeks to appeal the transfer order.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

The transfer order is not an appealable final judgment under 28 U.S.C. § 1291, nor a certified appealable interlocutory order under 28 U.S.C. 1292. See Persyn v. United States, 935 F.2d 69, 72 (5th Cir. 1991). Neither is it appealable under the collateral order doctrine. See Brinar v. Williamson, 245 F.3d 515, 516-18 (5th Cir. 2001); Stelly v. Employers Nat'l Ins. Co., 431 F.2d 1251, 1253 (5th Cir. 1970). We therefore lack appellate jurisdiction, and the appeal is DISMISSED.

DISMISSED.