

March 10, 2005

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 04-30717
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MARK ST. PÉ,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:92-CR-459-1-A

Before REAVLEY, JONES, and CLEMENT, Circuit Judges.

PER CURIAM:*

Mark St. Pé, federal prisoner number 23104-034, is serving a 204-month sentence following his guilty plea to charges of conspiracy to possess cocaine with the intent to distribute and using and carrying a firearm in relation to a drug-trafficking crime. St. Pé seeks a certificate of appealability (COA) to appeal the district court's order transferring his successive 28 U.S.C. § 2255 motion 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.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

1987). An order transferring a successive 28 U.S.C. § 2255 motion to this court 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 St. Pé's appeal. Accordingly, St. Pé's motion for a COA is DENIED, and the appeal is DISMISSED for lack of jurisdiction.

MOTION DENIED; APPEAL DISMISSED.