

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 96-31244

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

VERSUS

GINO A. SEVERIN,

Defendant-Appellant.

Appeal from the United States District Court
For the Eastern District of Louisiana
(92-CR-588-H)

July 29, 1997

Before HIGGINBOTHAM, DUHÉ, and BARKSDALE, Circuit Judges.

PER CURIAM:¹

Gino A. Severin, federal prisoner #23075-034, pleaded guilty to possession with intent to distribute in excess of one kilogram of cocaine. He filed several motions under 28 U.S.C. § 2255 the latest of which was denied by the district court and from which he now appeals. He did not request a certificate of appealability

¹Pursuant 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 R. 47.5, the Court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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.

from the district court and it did not sua sponte consider whether one should issue. He has moved this Court for a certificate of appealability. We have held that the initial decision concerning certificates of appealability must be made by the district court. United States v. Youngblood, (Docket Number 97-30319), 1997 WL 355356 (5th Cir. LA). Accordingly, we remand this case to the district court for the limited purpose of considering, in accordance with Federal Rule of Appellate Procedure 22(b) and § 2253(c)(3), whether a certificate of appealability should issue.

REMANDED.