

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 01-31133  
Summary Calendar

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GODFREY OKECHUKU OBIOZOR,

Petitioner-Appellant,

versus

WARDEN FEDERAL CORRECTIONAL  
INSTITUTION OAKDALE; UNITED  
STATES OF AMERICA,

Respondents-Appellees.

- - - - -  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 01-CV-1175  
- - - - -

January 3, 2002

Before JOLLY, BARKSDALE, and EMILIO M. GARZA, Circuit Judges.

PER CURIAM:\*

In this habeas corpus case filed pursuant to 28 U.S.C. § 2241, Godfrey Okechuku Obiozor, federal prisoner # 59498-079, filed a notice of appeal from an order of the district court construing his 28 U.S.C. § 2241 petition as a 28 U.S.C. § 2255 motion and transferring it to this court for consideration of whether it meets the requirements for filing a successive 28 U.S.C. § 2255 motion. Obiozor has indicated that he is not seeking to raise a successive 28 U.S.C. § 2255 motion, and he

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

argues that the district court erred in construing his petition as such.

This court must examine the basis of its jurisdiction on its own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). We lack jurisdiction over the district court's interlocutory order. See Brinar v. Williamson, 245 F.3d 515, 518 (5th Cir. 2001). Therefore, the appeal is DISMISSED. The case is TRANSFERRED to the United States District Court for the Western District of Louisiana for consideration of Obiozor's 28 U.S.C. § 2241 petition.

APPEAL DISMISSED; CASE TRANSFERRED TO THE DISTRICT COURT.