

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-31158
Summary Calendar

LARRY WILLIAMS,

Petitioner-Appellant,

versus

WARDEN, WINN CORRECTIONAL CENTER,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
USDC No. 99-CV-1611

July 29, 2002

Before JOLLY, BENAVIDES, and STEWART, Circuit Judges.

PER CURIAM:*

Larry Williams, Louisiana prisoner # 86172, seeks a certificate of appealability ("COA") to appeal the denial of his "motion for default judgment," filed after the district court conditionally granted his 28 U.S.C. § 2254 petition and after the state court resentenced him. To the extent that Williams argues that the State failed to comply with the district court's judgment by returning him to the Tenth instead of the Eleventh Judicial District Court of Louisiana for resentencing, COA is

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

DENIED. 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000).

To the extent that Williams' postjudgment motion sought review of the newly imposed state court sentence on the merits, the motion was unauthorized and should have been denied for lack of jurisdiction. See United States v. Early, 27 F.3d 140, 141-42 (5th Cir. 1994). Under this second argument, because Williams has "appealed from the denial of a meaningless, unauthorized motion" (id. at 142), COA is not necessary. See 28 U.S.C. § 2253(c)(1)(B). Under this ground, the appeal is without arguable merit and thus frivolous. Howard v. King, 707 F.2d 215, 219-20 (5th Cir. 1983). Accordingly, it is DISMISSED. See 5th Cir. Rule. 42.2.

COA DENIED; APPEAL DISMISSED.