

March 3, 2004

Charles R. Fulbruge III
Clerk

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 03-30822
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

PATRICK CARLOS BRITTON,

Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC Nos. 00-CV-627 &
96-CR-49-2-C

Before REAVLEY, STEWART, and CLEMENT, Circuit Judges.

PER CURIAM:*

Patrick Carlos Britton, federal prisoner number 24975-034, was convicted of conspiracy to possess with intent to distribute cocaine and was sentenced to 121 months of imprisonment. Britton seeks a certificate of appealability (COA) to appeal the district court's order transferring his successive 28 U.S.C. § 2255 application 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 application to the court of appeals 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 Britton's appeal. Accordingly, Britton's motion for a COA is DENIED, and the appeal is DISMISSED for lack of jurisdiction.

MOTION DENIED; APPEAL DISMISSED.