

April 21, 2004

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

---

No. 03-30874  
Conference Calendar

---

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

LORENZO JEFFERSON,

Defendant-Appellant.

-----  
Appeal from the United States District Court  
for the Western District of Louisiana  
USDC No. 94-CR-50069-2  
-----

Before JOLLY, JONES, and SMITH, Circuit Judges.

PER CURIAM:\*

Lorenzo Jefferson, federal prisoner # 08786-035, filed a pleading styled "Motion for Writ of Mandamus to Correct Jurisdictional Defect and Unlawful Sentence." The district court denied the motion, concluding that Jefferson was attempting to circumvent restrictions on the filing of successive motions under 28 U.S.C. § 2255. Jefferson contends that his motion raises issues which may be raised at any time because they put at issue the trial court's jurisdiction.

---

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Because Jefferson's Motion for Writ of Mandamus attacked errors that occurred at trial or sentencing, it was properly construed by the district court as a motion under 28 U.S.C. § 2255. See Tolliver v. Dobre, 211 F.3d 876, 877 (5th Cir. 2000); see also United States v. Rich, 141 F.3d 550, 551 (5th Cir. 1998). Jefferson has already applied for relief under 28 U.S.C. § 2255, to no avail, and this court has refused to permit Jefferson to file a second or successive § 2255 motion. Because Jefferson has not obtained leave of this court to file a second or successive § 2255 motion, the district court did not have jurisdiction to consider Jefferson's motion. See United States v. Key, 205 F.3d 773, 774 (5th Cir. 2000). The district court's order is

AFFIRMED.