

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 97-50960
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

KENNETH W. HUDSON,

Defendant-Appellant.

- - - - -
Appeal from the United States District Court
for the Western District of Texas
USDC No. A-95-CR-58-ALL
- - - - -
August 20, 1998

Before KING, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

Kenneth W. Hudson, now Texas prisoner #732670, appeals from the denial of his motion to remove a federal detainer against him. 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). A timely notice of appeal is a prerequisite for the exercise of jurisdiction by this court. *United States v. Carr*, 979 F.2d 51, 55 (5th Cir. 1992).

Hudson's motion to have the detainer removed was a challenge to the manner in which his sentence is being executed. The

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion therefore was a petition for relief pursuant to 28 U.S.C. § 2241. *United States v. Tubwell*, 37 F.3d 175, 177 (5th Cir. 1994). Hudson had until September 26, 1997, to file a timely notice of appeal from the denial of his § 2241 petition. His October notice of appeal was untimely. We lack jurisdiction over Hudson's appeal.

APPEAL DISMISSED.