

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

April 15, 2011

Lyle W. Cayce
Clerk

No. 10-50691
Summary Calendar

JOHN M. WYATT,

Petitioner-Appellant

v.

Warden, M. TRAVIS BRAGG,

Respondent-Appellee

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:10-CV-237

Before WIENER, PRADO, and OWEN, Circuit Judges.

PER CURIAM:*

John M. Wyatt, federal prisoner # 04900-051, was convicted of possession with intent to distribute over 100 kilograms of marijuana and was sentenced as a career offender to 262 months in prison. In the district court, he filed a 28 U.S.C. § 2241 petition challenging his career offender characterization in light of *Begay v. United States*, 553 U.S. 137 (2008), and *Chambers v. United States*, 555 U.S. 122, 129 S. Ct. 687 (2009). He appeals the district court's construction

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

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of this petition as a successive 28 U.S.C. § 2255 motion and its transfer of the case to the Seventh Circuit.

If necessary, we must examine the basis of our jurisdiction sua sponte. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The district court's transfer order was a nonappealable interlocutory order. *See Brinar v. Williamson*, 245 F.3d 515, 516-18 (5th Cir. 2001). We are without jurisdiction to consider the present appeal. *See id.* Consequently, this appeal is DISMISSED for lack of jurisdiction. All outstanding motions are DENIED.