

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 00-11363
Conference Calendar

JAMES ERIC LOFTEN,

Petitioner-Appellant,

versus

GARY L. JOHNSON, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Northern District of Texas
USDC No. 5:00-CV-233-C

April 11, 2001

Before JOLLY, HIGGINBOTHAM, and JONES, Circuit Judges.

PER CURIAM:*

James Eric Loften, Texas prisoner # 616132, seeks a certificate of appealability ("COA") to appeal the district court's partial dismissal of his 28 U.S.C. § 2254 habeas corpus petition. This court must raise the issue of its appellate jurisdiction sua sponte. Mosley v. Cozby, 813 F.2d 659, 660 (5th Cir. 1987). Because the district court's order adjudicated fewer than all of Loften's claims, this court lacks jurisdiction to

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

consider it. See Thompson v. Betts, 754 F.2d 1243, 1245 (5th Cir. 1985); 28 U.S.C. § 1291.

Accordingly, the appeal is DISMISSED for lack of jurisdiction. Loften's request for a COA is DENIED.

APPEAL DISMISSED; COA DENIED.