

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-20597
Summary Calendar

ROY WILLIAMS, JR.,

Petitioner-Appellant,

versus

JANIE COCKRELL, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Texas
USDC No. H-97-CV-1529

November 6, 2001

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Roy Williams, Jr., Texas prisoner #609493, has applied for a certificate of appealability to appeal an order denying his postjudgment motion brought under Federal Rule of Civil Procedure 60(b) in the instant federal habeas proceedings. We notice, sua sponte, that Williams' notice of appeal, which asks the district court to grant a hearing en banc and at one point seeks a ruling on the merits of his Rule 60(b) claims, does not clearly evince his intent to appeal. See Mosley v. Cozby, 813 F.2d 659, 660

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

(5th Cir. 1987)(stating that this court must examine the basis of its jurisdiction on its own motion if necessary). Because Williams' notice of appeal does not clearly evince his intent to appeal, it does not qualify as an effective notice of appeal. See id. Accordingly, his appeal is DISMISSED. See id. at 661.