

UNITED STATES COURT OF APPEALS
For the Fifth Circuit

No. 01-30911

GLENN K. CONSTANTINE,

Petitioner-Appellant,

VERSUS

RICHARD L. STALDER, Secretary, Department of Public Safety and
Corrections; HENRY GOINS, Records Analyst; JIM L. HERFORD,
Louisiana Board of Parole,

Respondents-Appellees.

Appeal from the United States District Court
For the Middle District of Louisiana

(No. 01-440-B-M2)

November 23, 2001

Before DeMOSS, PARKER, and DENNIS, Circuit Judges.

PER CURIAM:*

Glenn K. Constantine, a Louisiana prisoner, seeks a certificate of appealability ("COA") following the dismissal of his 28 U.S.C. § 2254 petition without prejudice for failure to exhaust state-court remedies. Because we find that the district court lacked jurisdiction to hear his petition, see 28 U.S.C. § 2241(d),

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

we do not address the merits of his motion for COA.

The judgment of the district court is VACATED and the case is REMANDED with instructions to RETRANSFER this action to the United States District Court for the Eastern District of Louisiana on the ground that the May 29, 2001 transfer from the Eastern District to the Middle District of Louisiana was improvidently ordered.