

October 10, 2003

Charles R. Fulbruge III  
Clerk

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 03-30489  
Summary Calendar

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DWIGHT ULMER,

Petitioner-Appellant,

versus

JAMES LEBLANC,

Respondent-Appellee.

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Appeal from the United States District Court  
for the Eastern District of Louisiana  
USDC No. 03-CV-812-B  
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Before GARWOOD, JOLLY, and JONES, Circuit Judges.

PER CURIAM:\*

Dwight Ulmer, Louisiana prisoner # 392050, was convicted of possession of marijuana with intent to distribute and was sentenced to 15 years of imprisonment. Ulmer seeks a certificate of appealability ("COA") to appeal the district court's order transferring his successive 28 U.S.C. § 2254 application to this court.

We must examine the basis of our jurisdiction sua sponte if necessary. Hill v. City of Seven Points, 230 F.3d 167, 169 (5th

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

Cir. 2000). An order transferring a successive 28 U.S.C. § 2254 application to the court of appeals is a non-appealable interlocutory order. See Brinar v. Williamson, 245 F.3d 515, 516-18 (5th Cir. 2001). This court is without jurisdiction to consider Ulmer's case. See id. Accordingly, the appeal is DISMISSED for lack of jurisdiction. Ulmer's motion for a COA is DENIED.

APPEAL DISMISSED; MOTION DENIED.