

IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT

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No. 97-20877  
USDC No. H-97-CV-2335

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UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

RUBEN DARIO SANCHEZ,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Texas

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July 2, 1998  
Before JONES, SMITH and BARKSDALE, Circuit Judges.

PER CURIAM:

Ruben Dario Sanchez, federal prisoner #60156-079, seeks to appeal the district court's dismissal of his motion to vacate his sentence pursuant to 28 U.S.C. § 2255. This court must examine the basis of its subject-matter jurisdiction on its own motion if necessary. Giannakos v. M/V BRAVO TRADER, 762 F.2d 1295, 1297 (5th Cir. 1985). Under the Antiterrorism and Effective Death Penalty Act (AEDPA), a prisoner seeking to file a second or successive § 2255 motion in the district court must apply for leave to do so from this court. 28 U.S.C. §§ 2244(b)(3)(A),

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2255. Because Sanchez had not obtained prior permission from this court to file his successive § 2255 motion, the district court was without jurisdiction to entertain his successive § 2255 motion. See id. A certificate of appealability is GRANTED, and the district court's judgment is VACATED. The case is REMANDED to the district court for the entry of a judgment dismissing Sanchez's successive § 2255 motion for lack of subject matter jurisdiction.