

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE FIFTH CIRCUIT**

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No. 97-60781  
Summary Calendar

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UNITED STATES OF AMERICA,

versus

JOHN WAYNE WEBSTER,

Plaintiff-Appellee,

Defendant-Appellant.

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Appeal from the United States District Court  
for the Southern District of Mississippi  
USDC No. 2:92-CR-16-2-PR

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July 8, 1999

Before WIENER, BARKSDALE and STEWART, Circuit Judges.

PER CURIAM:\*

John Wayne Webster, a federal inmate, argues that the district court erred in denying his 28 U.S.C. § 2255 motion.

The Government argues that Webster previously filed a § 2255 motion and that his instant motion is successive and should not have been addressed by the district court.

The record reflects that Webster filed a prior § 2255 motion. 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), 2255. This court may authorize the filing of a successive motion only if it determines that the applicant makes a prima facie showing that it satisfies the applicable requirements. 28 U.S.C. § 2244(b)(3)(C); § 2255.

Because Webster did not obtain the authorization of this court to file his successive § 2255

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

motion, the district court lacked jurisdiction to address the motion on the merits. The denial of the motion is AFFIRMED based on the alternative ground that the district court lacked jurisdiction over the motion. To the extent that a certificate of appealability is required, it is DENIED for the same reasons.