

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals

Fifth Circuit

F I L E D

August 28, 2006

Charles R. Fulbruge III
Clerk

No. 05-41117
Conference Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL JOSEPH DERROW,

Defendant-Appellant.

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

USDC No. 9:05-CV-113
USDC No. 9:98-CR-6-9

Before DAVIS, SMITH, and WIENER, Circuit Judges.

PER CURIAM:*

Michael Joseph Derrow, federal inmate # 03199-286, was convicted of conspiracy to possess and possession with intent to distribute crack cocaine. Derrow seeks a certificate of appealability (COA) to appeal the district court's order that transferred his 28 U.S.C. § 2255 motion to this court as an unauthorized successive § 2255 motion.

We must examine the basis of our jurisdiction on our own motion if necessary. Mosley v. Cozby, 813 F.2d 659, 660 (5th

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 1987). An order transferring a successive § 2255 motion to the court of appeals is a nonappealable interlocutory order.

Brinar v. Williamson, 245 F.3d 515, 516-18 (5th Cir. 2001). This court is without jurisdiction to consider Derrow's case. See id. Accordingly, the appeal is dismissed for lack of jurisdiction.

Derrow's motions for a COA and for leave to proceed in forma pauperis are denied.

APPEAL DISMISSED FOR LACK OF JURISDICTION; MOTIONS DENIED.