

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 26, 2007

Charles R. Fulbruge III
Clerk

No. 06-20783
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

WILLIE HENRY HARRISON

Defendant-Appellant

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:98-CR-179-1

Before JOLLY, DENNIS and PRADO, Circuit Judges.

PER CURIAM:*

Willie Henry Harrison, federal prisoner # 79293-079, appeals the denial of his "relation back motion," which challenged his conviction and sentence for conspiracy to possess with intent to distribute 50 grams or more of crack cocaine. In 2001, Harrison filed a motion pursuant to 28 U.S.C. § 2255, which was denied by the district court. Harrison sought review of the denial of his § 2255 motion. A certificate of appealability was denied on appeal in October 2002. Harrison filed his relation back motion in 2006.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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 must always consider the basis of our jurisdiction, sua sponte if necessary. See *United States v. Key*, 205 F.3d 773, 774 (5th Cir. 2000). In his relation back motion, Harrison argued that the district court erred under FED. R. CRIM. P. 11 in taking his plea because it failed to go over his plea agreement with him; the Government filed an untimely information concerning enhancement of his sentence based on prior convictions pursuant to 21 U.S.C. § 851; his plea agreement was invalid because he was an enemy combatant in the United States' "war on drugs"; and his counsel provided ineffective assistance. Harrison's relation back motion was an unauthorized motion that the district court was without jurisdiction to entertain. See *United States v. Early*, 27 F.3d 140, 142 (5th Cir. 1994). Accordingly, we affirm on alternate grounds. See *Scott v. Johnson*, 227 F.3d 260, 262 (5th Cir. 2000). We do not consider Harrison's remaining claims raised for the first time in this appeal. See *Key*, 205 F.3d at 774.

AFFIRMED.