

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

October 29, 2008

No. 08-50111

Summary Calendar

Charles R. Fulbruge III
Clerk

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

BYRON JOE WEST

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:03-CR-295-ALL

Before HIGGINBOTHAM, BARKSDALE, and ELROD, Circuit Judges.

PER CURIAM:*

Byron Joe West, federal prisoner # 39638-180, was convicted of possession of a firearm by a convicted felon. He seeks a certificate of appealability (COA) to appeal the district court's orders transferring to this court his motion to reopen direct appeal and his motion to reduce sentence under 18 U.S.C. § 3582(c)(2) as unauthorized successive 28 U.S.C. § 2255 motions.

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

If necessary, we must examine the basis of our jurisdiction sua sponte. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). The district court's transfer orders were nonappealable interlocutory orders. See *Brinar v. Williamson*, 245 F.3d 515, 516-18 (5th Cir. 2001). We are without jurisdiction to consider the present appeal. See *id.* Accordingly, the appeal is dismissed for lack of jurisdiction. West's motions for a COA, for leave to proceed in forma pauperis on appeal, and for appointment of counsel are denied.

APPEAL DISMISSED; MOTIONS DENIED.