

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

United States Court of Appeals
Fifth Circuit

FILED

June 2, 2017

TYRONE YOUNG,

Lyle W. Cayce
Clerk

Petitioner-Appellant

v.

DARREL VANNOY, WARDEN, LOUISIANA STATE PENITENTIARY,

Respondent-Appellee

Appeal from the United States District Court
for the Eastern District of Louisiana
USDC No. 2:14-CV-708

Before OWEN, ELROD, and COSTA, Circuit Judges.

PER CURIAM:*

Tyrone Young, Louisiana prisoner # 110405, appeals following the district court's transfer of his successive 28 U.S.C. § 2254 application to this court, and its subsequent denial of his Federal Rule of Civil Procedure 60(b) motion wherein he challenged the court's transfer order. Because the district court did not enter a final order disposing of the merits of Young's request for habeas relief in this case, a certificate of appealability (COA) is not required for his appeal. *See United States v. Fulton*, 780 F.3d 683, 688 (5th Cir. 2015).

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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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

No. 16-30601

We review the denial of Young's motion for an abuse of discretion. *See Rocha v. Thaler*, 619 F.3d 387, 400 (5th Cir. 2010).

Young argues that the Antiterrorism and Effective Death Penalty Act (AEDPA), which established requirements for habeas corpus proceedings as set forth in 28 U.S.C. § 2244, applies only in capital habeas proceedings, and thus is inapplicable in his non-capital case. It is well established that the AEDPA applies to "all habeas corpus proceedings in the federal courts" filed after its enactment, even those submitted by individuals convicted of noncapital offenses. *Lindh v. Murphy*, 521 U.S. 320, 326 (1997) (applying the AEDPA to noncapital case). Accordingly, no abuse of discretion has been shown. IT IS ORDERED that a COA is DENIED as unnecessary and that the transfer order of the district court is AFFIRMED. *See Fulton*, 780 F.3d at 689. Young's motion for leave to proceed in forma pauperis is DENIED.