

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

No. 17-20006

United States Court of Appeals
Fifth Circuit

FILED

November 22, 2017

AUTRY LEE JONES,

Lyle W. Cayce
Clerk

Petitioner-Appellant

v.

LORIE DAVIS, DIRECTOR, TEXAS DEPARTMENT OF CRIMINAL JUSTICE, CORRECTIONAL INSTITUTIONS DIVISION,

Respondent-Appellee

Appeal from the United States District Court
for the Southern District of Texas
USDC No. 4:16-CV-913

Before PRADO, ELROD, and GRAVES, Circuit Judges.

PER CURIAM:*

Autry Lee Jones, former Texas prisoner # 325804 and former federal prisoner # 52873-080, moves for a certificate of appealability (COA) to appeal the dismissal of his 28 U.S.C. § 2254 application challenging his 1981 Texas habitual offender sentence for possession of a controlled substance. He argues that the district court erred by dismissing as time barred his claim that he is “actually innocent” of the habitual offender enhancement.

* 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 R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR.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. 17-20006

We must examine the basis of our jurisdiction *sua sponte* if necessary. *Mosley v. Cozby*, 813 F.2d 659, 660 (5th Cir. 1987). Because Jones has previously filed at least one unsuccessful § 2254 challenge to the instant conviction and sentence, the district court should have dismissed the instant § 2254 application as an unauthorized successive, and this court lacks jurisdiction over the instant appeal. *United States v. Key*, 205 F.3d 773, 774-75 (5th Cir. 2000); 28 U.S.C. § 2244(b)(3)(A). Accordingly, we DISMISS this appeal for lack of jurisdiction and DENY AS MOOT Jones's motion for a COA.