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8-16-1995

**In Re: Leon Moser**

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 95-9005

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In Re: Leon Moser

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Submitted Under Third Circuit LAR 34.1(a)  
August 15, 1995  
Before: MANSMANN, COWEN and NYGAARD, Circuit Judges.

(E.D.PA Civil 95-cv-05175)

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(Filed: August 16, 1995)

OPINION OF THE COURT

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Per Curiam.

We have before us an appeal purporting to challenge the August 16, 1995 order of the district court "granting 'next friend' status and a competency hearing and finding no deliberate delay." Respondents' Memorandum of Appeal. The State does not offer a basis for the exercise of our appellate jurisdiction to hear this interlocutory matter nor does it ask us to exercise our mandamus authority under the All Writs Act, 28 U.S.C. § 1651(a).

Unlike the appeal from the grant of a stay of execution on which we had alternate grounds of jurisdiction, specifically 28 U.S.C. § 1292(a)(1) and mandamus jurisdiction under the All Writs Act given the extraordinary circumstances of the grant of a

stay, we find that we do not have jurisdiction in the absence of a certification by the district court pursuant to 28 U.S.C. §1292(b). It is hereby ordered that the appeal is dismissed for lack of jurisdiction.