

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-15304
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 9, 2010 JOHN LEY CLERK

D. C. Docket No. 06-00047-CV-HL-7

DANIEL MCMILLAN,

Petitioner-Appellant,

versus

CALVIN D. NORTON,
Warden,

Respondent-Appellee,

BRIAN OWENS,
Commissioner, Georgia
Department of Corrections,

Intervenor-Defendant-
Appellee.

Appeal from the United States District Court
for the Middle District of Georgia

(August 9, 2010)

Before TJOFLAT, EDMONDSON and MARTIN, Circuit Judges.

PER CURIAM:

Daniel McMillan, a state prisoner proceeding *pro se*, appeals the district court's denial of his petition for a writ of habeas corpus in which he seeks relief from his state court convictions in Georgia for child molestation, statutory rape, and incest. We granted a certificate of appealability ("COA") on two issues:

- (1) Whether the district court violated *Clisby v. Jones*, 960 F.2d 925, 936 (11th Cir. 1992) (*en banc*), by failing to address McMillan's claim that his trial counsel was ineffective for failing to challenge the validity of the indictment; and
- (2) Whether the district court violated *Clisby* by failing to address McMillan's claim that his trial counsel was ineffective for failing to object to hearsay testimony by the victim's cousin, "Vickie."

In his opening brief on appeal, McMillan does not address these *Clisby* issues. We therefore deem them abandoned. *See Atkins v. Singletary*, 965 F.2d 952, 955 n.1 (11th Cir. 1992). As for the issues he has briefed, we do not consider them, for the scope of our review is limited to the issues specified in the COA, *Murray v. United States*, 145 F.3d 1249, 1250-51 (11th Cir. 1998). The district

court's judgment is, accordingly,

AFFIRMED.