

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 08-11312  
Non-Argument Calendar  
\_\_\_\_\_

FILED  
U.S. COURT OF APPEALS  
ELEVENTH CIRCUIT  
December 1, 2008  
THOMAS K. KAHN  
CLERK

D. C. Docket No. 07-02737-CV-TWT-1

LEVERN JOYNER,

Petitioner-Appellant,

versus

THURBERT BAKER,

Respondent-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Georgia

\_\_\_\_\_  
(December 1, 2008)

Before ANDERSON, BARKETT and PRYOR, Circuit Judges.

PER CURIAM:

Levern Joyner, a Georgia state prisoner proceeding pro se, filed a “request

for inquiry” in the district court, which was construed as a federal habeas petition, 28 U.S.C. § 2254. Joyner appeals the district court’s dismissal without prejudice of the federal habeas petition for lack of exhaustion. We granted a certificate of appealability (“COA”) on the following issue: “Whether in light of appellant’s voluntary dismissal in the state habeas court of his unexhausted claims, the district court erred in dismissing appellant’s petition for lack of exhaustion.”

In his brief on appeal, Joyner only argues the merits of his claims in the underlying § 2254 petition. Joyner does not address whether the district court erred by dismissing his petition for lack of exhaustion.

Issues not raised on appeal are deemed abandoned. Mize v. Hall, 532 F.3d 1184, 1189 n.3 (11th Cir. 2008). We will not address issues raised outside the scope of our COA. Marquard v. Sec’y for the Dept. of Corr., 429 F.3d 1278, 1314 n.29 (11th Cir. 2005).

Joyner abandoned the issue our COA by not addressing it in his brief on appeal. Accordingly, we affirm the district court’s dismissal without prejudice.

**AFFIRMED.**