

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-13251
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT JANUARY 27, 2010 JOHN LEY ACTING CLERK
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D. C. Docket No. 09-20279-CV-JLK

JOSEPH PAGE MESSIER,

Plaintiff-Appellant,

versus

TIMOTHY ROBERT DEVINE,
U.S. Secret Service individually,
personally and in his official capacity,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(January 27, 2010)

Before TJOFLAT, MARCUS and FAY, Circuit Judges.

PER CURIAM:

Joseph Page Messier, a private individual proceeding pro se, appeals the district court's sua sponte dismissal of his complaint, brought pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), for failure to state a claim. The district court dismissed the complaint, finding that Messier's federal claims all were barred by either the applicable statute of limitations or Heck v. Humphrey, 512 U.S. 477 (1994), and that the remaining state law claims were due to be dismissed so that they could be adjudicated in state court. On appeal, Messier has not addressed any of the district court's reasons for dismissal, but simply has reiterated his underlying substantive claims raised in his complaint. After thorough review, we affirm.

We review de novo a district court's sua sponte dismissal for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)(ii), and view the allegations in the complaint as true. Hughes v. Lott, 350 F.3d 1157, 1159-60 (11th Cir. 2003). Issues not briefed on appeal are deemed abandoned. Access Now, Inc. v. Southwest Airlines Co., 385 F.3d 1324, 1330 (11th Cir. 2004). Further, a party may not "incorporate by reference" arguments presented to the district court, but must specifically and clearly identify the issues presented for review, with citations to the authorities and portions of the record on which the appellant relies. Four

Seasons Hotels & Resorts, B.V. v. Consorcio Barr S.A., 377 F.3d 1164, 1167 n.4 (11th Cir. 2004).

On appeal, Messier has not argued that the district court erred by (1) finding that his claims were barred by the statute of limitations or Heck, or (2) dismissing his state law claims so that they could be adjudicated in state court. Because Messier does not address any of the district court's reasons for dismissing his complaint, he has abandoned any relevant argument on appeal.

AFFIRMED.