

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT

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No. 20-12087  
Non-Argument Calendar

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D.C. Docket No. 9:20-cv-80665-RAR

FRANKIE RAINES,

Petitioner-Appellant,

versus

OKEECHOBEE CI WARDEN,  
SECRETARY, FLORIDA DEPARTMENT OF CORRECTIONS,

Respondents-Appellees.

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

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(February 3, 2021)

Before LAGOA, BRASHER, and ANDERSON, Circuit Judges.

PER CURIAM:

Frankie Raines, a state prisoner proceeding *pro se*, appeals the district court's dismissal of his petition for a writ of habeas corpus as impermissibly successive.

We review whether a petition for a writ of habeas corpus was successive *de novo*. *Patterson v. Fla. Dep't of Corr.*, 849 F.3d 1321, 1324 (11th Cir. 2017). Although a certificate of appealability is generally required to appeal a final order in a proceeding under § 2254, we have held that the dismissal of a successive habeas petition for lack of subject matter jurisdiction does not constitute a “final order in a habeas corpus proceeding” for purposes of § 2253(c). *Hubbard v. Campbell*, 379 F.3d 1245, 1247 (11th Cir. 2004). Instead, we review that dismissal as a “final decision” under 28 U.S.C. § 1291. *See id.*

Although we liberally construe the pleadings of *pro se* litigants, issues that a *pro se* litigant has not clearly raised on appeal are deemed abandoned and will not be addressed. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008).

Without authorization, the district court lacks jurisdiction to consider a successive § 2254 petition. *Bowles v. Sec'y, Fla. Dep't of Corr.*, 935 F.3d 1176, 1180 (11th Cir. 2019), *cert. denied sub nom, Bowles v. Inch*, 140 S. Ct. 26 (2019). When an initial habeas petition is adjudicated on the merits, a subsequent petition is successive. *See Slack v. McDaniel*, 529 U.S. 473, 485-86, 120 S. Ct. 1595 (2000).

Because Raines did not argue, nor even mention, the issue of whether the petition was improperly dismissed as successive in his brief, he has abandoned the issue on appeal. Accordingly, we affirm the district court's dismissal.

**AFFIRMED.**