

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 17-41018

UNITED STATES OF AMERICA,

Plaintiff - Appellee

v.

TODD F. BRITTON-HARR,

Defendant - Appellant

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

Before DAVIS, CLEMENT, and OWEN, Circuit Judges.

PER CURIAM:

A member of this panel previously denied appellant's motion for certificate of appealability. The panel has considered appellant's motion for reconsideration. IT IS ORDERED that the motion is DENIED.

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UNITED STATES OF AMERICA,

Plaintiff-Appellee

v.

TODD F. BRITTON-HARR,

Defendant-Appellant

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

O R D E R:

Todd F. Britton-Harr seeks a certificate of appealability (COA) to appeal the district court's denial of his 28 U.S.C. § 2255 motion challenging his conviction for possession with the intent to distribute more than 100 kilograms of marijuana. Britton-Harr challenges the district court's determination that he was not entitled to § 2255 relief based on his claim that counsel's ineffectiveness rendered his guilty plea unknowing and involuntary. Britton-Harr also contends that, even if counsel was not ineffective, his guilty plea was involuntary based on his misunderstanding of appellate rights due to statements made by trial counsel.

To obtain a COA, Britton-Harr must make "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000). A movant satisfies the COA standard "by

No. 17-41018

demonstrating that jurists of reason could disagree with the district court's resolution of his constitutional claims or that jurists could conclude the issues presented are adequate to deserve encouragement to proceed further." *Miller-El v. Cockrell*, 537 U.S. 322, 327 (2003). Britton-Harr has not met this standard. *See Slack*, 529 U.S. at 484.

The claims raised by Britton-Harr in the district court of actual innocence, due process violations, and other instances of ineffective assistance of counsel are not briefed in his COA motion before this court. Therefore, these issues are deemed abandoned. *See Hughes v. Johnson*, 191 F.3d 607, 613 (5th Cir. 1999).

His motion for a COA is DENIED.



Certified as a true copy and issued
as the mandate on May 02, 2018

Attest: *Jyle W. Cawse*
Clerk, U.S. Court of Appeals, Fifth Circuit

/s/ Edith Brown Clement

EDITH BROWN CLEMENT
UNITED STATES CIRCUIT JUDGE