

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 94-60049

Summary Calendar

PETE FLOYD KENNEDY,

Petitioner-Appellant,

v.

EDWARD HARGETT, Superintendent,
Mississippi State Penitentiary, ET AL.,

Respondents-Appellees.

Appeal from the United States District Court
for the Northern District of Mississippi
(CA-1:92-261-D-D)

(August 1, 1994)

Before KING, HIGGINBOTHAM and DUHÉ, Circuit Judges.

PER CURIAM:*

Pete Floyd Kennedy, proceeding in forma pauperis and pro se,
appeals the district court's dismissal of his petition for
federal habeas corpus relief. We affirm.

*Local Rule 47.5 provides: "The publication of opinions
that have no precedential value and merely decide particular
cases on the basis of well-settled principles of law imposes
needless expense on the public and burdens on the legal
profession." Pursuant to that Rule, the court has determined
that this opinion should not be published.

I.

On May 16, 1986, Pete Floyd Kennedy entered a plea of guilty in Mississippi state court to armed robbery with the use of a firearm. He was subsequently sentenced to a term of thirty years of imprisonment in the Mississippi Department of Corrections, with five years suspended pending good behavior.

After he was sentenced, Kennedy filed a motion in state court to vacate and set aside his sentence, alleging that his plea resulted from ineffective assistance of counsel, his plea was not knowingly and voluntarily made, and he was not legally sentenced by the court. After a full evidentiary hearing, the state court denied his motion. Kennedy appealed the denial to the Mississippi Supreme Court, which affirmed without a written opinion. Kennedy v. Mississippi, 577 So. 2d 399 (Miss. 1991).

Kennedy then filed a federal habeas petition, pursuant to 28 U.S.C. § 2254, in the United States District Court for the Northern District of Mississippi, alleging the same grounds for relief. The magistrate judge determined that the state court's findings of fact were entitled to a presumption of correctness pursuant to § 2254(d) and recommended that Kennedy's petition be denied. The district court adopted the magistrate's report and recommendation over Kennedy's objections, dismissed the petition, and granted a certificate of probable cause. This timely appeal followed.

II.

In his brief, Kennedy lists the claims he raised below in his petition as issues for appeal. However, he omitted almost the entire argument portion of his brief.¹ Although the State's brief points out this omission, Kennedy has not filed a reply brief or a motion to supplement his brief. Although we liberally construe the briefs of pro se appellants, we require that arguments must be briefed to be preserved. Yohey v. Collins, 985 F.2d 222, 225 (5th Cir. 1993) (involving a pro se petitioner's appeal from the district court's denial of federal habeas relief); Price v. Digital Equip. Corp., 846 F.2d 1026, 1028 (5th Cir. 1988); see also FED. R. APP. P. 28(a)(4) (requiring that an appellant's argument contain the reasons he deserves the requested relief "with citation to the authorities, statutes and parts of the record relied on"). Hence, Kennedy has failed to preserve any of his arguments on appeal.

III.

For the foregoing reasons, we AFFIRM the judgment of the district court.

¹ Although the pages of Kennedy's brief are in numerical sequence, the "argument" section of his brief contains less than a full paragraph of incomplete text which is not directly connected to any of the issues Kennedy apparently wants to argue on appeal.