

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 01-30075
Summary Calendar

MICHAEL FRANCOIS,

Petitioner-Appellant,

versus

BURL CAIN, Warden,
Louisiana State Penitentiary,

Respondent-Appellee.

Appeal from the United States District Court
for the Western District of Louisiana
(No. 99-CV-1929)

June 20, 2001

Before HIGGINBOTHAM, WIENER, and BARKSDALE, Circuit Judges.

PER CURIAM:*

Michael Francois, Louisiana inmate #116645, appeals, *pro se*, the denial of his 28 U.S.C. § 2254 petition. For the several issues presented, the district court granted a certificate of appealability (COA) on whether Francois voluntarily waived the right to testify at trial. Francois has *not* requested that we broaden that COA. Thus, we do *not* consider the issues that Francois has briefed but that are beyond the scope of the issue upon which a COA was granted. See *Ott v. Johnson*, 192 F.3d 510, 512 n.6 (5th Cir. 1999), *cert. denied*, 529 U.S. 1099 (2000).

*Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should *not* be published and is *not* precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Francois contends that he informed trial counsel that he wished to testify but that counsel denied him the right to do so. Francois contends also that the state habeas trial court did *not* make the necessary inquiry to determine whether he voluntarily and intelligently waived the right to testify.

Francois has *not* established that the state habeas court's decision "was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding". ***Moore v. Johnson***, 225 F.3d 495, 501 (5th Cir. 2000) (quoting 28 U.S.C. § 2254(d)(2)), *cert. denied*, 121 S. Ct. 1420 (2001).

AFFIRMED