

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 06-13620  
Non-Argument Calendar  
\_\_\_\_\_

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT October 25, 2006 THOMAS K. KAHN CLERK
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D. C. Docket No. 06-00640-CV-GET-1

MORETON ROLLESTON, JR.,  
MORETON ROLLESTON, JR. LIVING TRUST,

Plaintiffs-Appellants,

versus

TYLER PERRY,

Defendant-Appellee.

\_\_\_\_\_  
Appeal from the United States District Court  
for the Northern District of Georgia  
\_\_\_\_\_

**(October 25, 2006)**

Before BLACK, MARCUS and WILSON, Circuit Judges.

PER CURIAM:

Moreton Rolleston, Jr., an attorney proceeding *pro se*, and a living trust in

Rolleston's name ("Rolleston") appeal the district court's dismissal of their private civil action against Tyler Perry. Rolleston claimed that he was unlawfully evicted from his land because it was sold by Rolleston's judgment creditor to Perry when the creditor lacked good title. The district court granted Perry's motion to dismiss for lack of subject matter jurisdiction finding diversity jurisdiction lacking under 28 U.S.C. § 1332 . The district court dismissed as moot Rollestons' motions to recuse and for injunctive relief. Rolleston now appeals and argue the merits of his claim.

We review the district court's determination of subject matter jurisdiction *de novo*. *Williams v. Best Buy Co.*, 269 F.3d 1316, 1318 (11th Cir. 2001). Litigants who fail to raise issues on appeal have abandoned those issues. *Allstate Ins. Co. v. Swann*, 27 F.3d 1539, 1542 (11th Cir. 1994). However, briefs should be liberally read to ascertain the issues raised. *Id.*

Diversity jurisdiction exists where the suit is between citizens of different states and the amount in controversy exceeds the statutorily prescribed amount. 28 U.S.C. § 1332(a). Here, no evidence was brought forth to dispute that both parties are citizens of Georgia. Moreover, Rolleston has not argued on appeal that subject matter jurisdiction exists, but instead argues the merits of his claim. Therefore, we affirm the district court's order.

**AFFIRMED.**