

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 14-10681

D.C. Docket No. 5:10-cv-00489-MTT

MARION WILSON, JR.,

Petitioner-Appellant,

versus

WARDEN, GEORGIA DIAGNOSTIC PRISON,

Respondent-Appellee.

Appeal from the United States District Court
for the Middle District of Georgia

(November 15, 2016)

Before ED CARNES, Chief Judge, WILLIAM PRYOR, and JORDAN, Circuit Judges.

PER CURIAM:

Upon the majority vote of the judges in this Court in active service, on July 30, 2015, this Court vacated this panel's prior opinion and granted rehearing en banc. We concluded that when reviewing a state prisoner's petition for a writ of habeas corpus, federal courts need not "look through" a summary decision on the

merits to review the reasoning of the state trial court. *Wilson v. Warden, Ga. Diagnostic Prison*, 834 F.3d 1227, 1230 (11th Cir. 2016). We also held that the summary denial of a certificate of probable cause to appeal by the Supreme Court of Georgia was an adjudication on the merits for purposes of our review. *Id.* at 1235.

The en banc Court remanded to the panel all outstanding issues in this appeal, and we ordered and received supplemental briefing from the parties. The original panel opinion reviewed the “one-line decision of the Supreme Court of Georgia denying Wilson’s certificate of probable cause . . . because it is the final decision on the merits.” *Wilson v. Warden, Ga. Diagnostic Prison*, 774 F.3d 671, 678 (11th Cir. 2014) (internal quotation marks omitted), *reh’g en banc granted, op. vacated*, No. 14-10681 (11th Cir. July 30, 2015). And the panel “[could] not say that the decision of the Supreme Court of Georgia to deny Wilson’s petition . . . ‘was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States.’” *Id.* at 681 (quoting 28 U.S.C. § 2254(d)(1)). Because the panel opinion reviewed the correct state-court decision and the remaining issues have not changed, we reinstate the original panel opinion and affirm the denial of Wilson’s petition for a writ of habeas corpus.

AFFIRMED.