

United States Court of Appeals
For the Eighth Circuit

No. 13-1076

Andre Bickens,

Petitioner - Appellant,

v.

Linda Sanders¹,

Respondent - Appellee.

Appeal from United States District Court
for the Western District of Missouri - Springfield

Submitted: June 21, 2013

Filed: July 2, 2013

(Unpublished)

Before MURPHY, SMITH, and COLLOTON, Circuit Judges.

PER CURIAM.

¹ Linda Sanders has become Warden of the United States Medical Center for Federal Prisoners in Springfield, Missouri, and is substituted as respondent - appellee pursuant to Federal Rule of Appellate Procedure 43(c).

Federal inmate Andre Bickens appeals the district court's² dismissal, without prejudice, of his 28 U.S.C. § 2241 habeas petition. He argues that his habeas counsel was ineffective, and that the district court should have conducted an evidentiary hearing on his petition.³ Upon careful review, we find no basis for reversal. See Nooner v. Hobbs, 689 F.3d 921, 938 (8th Cir. 2012) (district court's decision to grant or deny evidentiary hearing during habeas proceeding is reviewed for abuse of discretion; evidentiary hearing is not necessary in habeas case when court is otherwise thoroughly familiar with record); Lopez-Lopez v. Sanders, 590 F.3d 905, 907 (8th Cir. 2010) (there is no constitutional right to effective assistance of counsel in habeas proceedings).

Accordingly, we affirm. See 8th Cir. R. 47B.

²The Honorable Richard E. Dorr, late a United States District Judge for the Western District of Missouri, adopting the report and recommendations of the Honorable James C. England, United States Magistrate Judge for the Western District of Missouri.

³We do not consider issues that Bickens raised below but has not raised on appeal, or issues raised for the first time on appeal. See Hill v. City of Pine Bluff, Ark., 696 F.3d 709, 712 n.2 (8th Cir. 2012) (claims not argued on appeal are deemed abandoned); Anthony v. Cattle Nat'l Bank & Trust Co., 684 F.3d 738, 740 (8th Cir. 2012) (per curiam) (declining to consider pro se arguments first raised on appeal).