

**UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
GEORGIA**

David Bryan Robertson v. Warden Mark Agboasi

Robertson · No. 1:25-CV-50 (MTT) · Decided January 7, 2026

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION DAVID BRYAN ROBERTSON,))) Petitioner,)) v.) CIVIL ACTION NO.
1:25-CV-50 (MTT)) Warden MARK AGBOASI,))) Respondent.)) ORDER United States
Magistrate Judge Charles H. Weigle recommends that David Robertson’s habeas petitions
pursuant to 28 U.S.C. § 2254 be denied.

ECF 11. Robertson has objected, so pursuant to 28 U.S.C. § 636(b)(1), the Court reviews the Recommendation de novo. Robertson raises two objections. First, he argues that the state habeas court concluded that Robertson satisfied both prongs of the ineffective assistance of counsel test set forth in *Strickland v. Washington*, 466 U.S. 668, 687 (1984). ECF 12 at 4-5.

It appears that Robertson misunderstands the state habeas court’s analysis. He maintains, “the habeas court’s determination in stating ‘the Court is convinced that [appellate counsel] rendered ineffective assistance’ ascertains the Petitioner has satisfied both principles implemented in the *Strickland v. Washington* standard of review: (1) deficient performance and (2) prejudice.” *Id.* But as the Magistrate Judge explained, “[t]he state habeas court found that Petitioner satisfied the first *Strickland* prong but that he had failed to demonstrate prejudice.” ECF 11 at 5.

Second, Robertson argues that he should be granted a certificate of appealability because “there are two (2) standards of review applying to the ground for relief in his petition: (1) the demonstration of prejudice standard as implemented in *Strickland v. Washington* ... [and] (2) the presumption of prejudice standard as implemented in *United States v. Chronic*, 466 U.S. 648, 659 (1984).” ECF 12 at 7-8.

Robertson also filed a motion for a certificate of appealability. ECF 13. The Magistrate Judge concluded that Robertson “has not developed specific grounds for showing how [appellate counsel’s] deficient performance amounted to ‘constructive’ abandonment or otherwise resulted in any change to the outcome of his criminal proceedings,” and thus the *Chronic* standard does not apply.

ECF 11 at 9-10. Robertson does not attempt to make this showing in either his objection or motion, and the Court agrees with the Magistrate Judge that *Chronic*’s presumption of prejudice is

inapplicable here. After review, the Court accepts and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

The Recommendation (ECF 11) is ADOPTED and made the Order of the Court. Accordingly, Robertson's Section 2254 petitions (ECF 1, 6, 8) are DENIED. A certificate of appealability and Robertson's motion for a certificate of appealability (ECF 13) are DENIED. SO ORDERED, this 7th day of January, 2026. S/ Marc T. Treadwell MARC T. TREADWELL, JUDGE UNITED STATES DISTRICT COURT