

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

CERTIFIED COPY

July 31, 2019

Before:

William J. Bauer, *Circuit Judge*
Michael B. Brennan, *Circuit Judge*
Amy J. St. Eve, *Circuit Judge*



GLENDAL RHOTON,
Petitioner-Appellant,

No. 19-2148 v.

RICHARD BROWN,
Respondent-Appellee.

] Appeal from the United
] States District Court
] for the Southern District
] of Indiana, Terre Haute
] Division.
]
] No. 2:15-cv-00102
]
] William T. Lawrence,
] Judge.

ORDER

On consideration of the papers filed in this appeal and review of the short record,

IT IS ORDERED that this appeal is **DISMISSED**.

Petitioner Glendal Rhoton attempts to use Rule 60(b) to evade the deadlines contained in 28 U.S.C. § 2701. Those deadlines set out the time periods for filing an appeal. The statute also includes deadlines for seeking an extension of time to appeal or requesting that the appeal period be re-opened.

Petitioner Rhoton wants to use a Rule 60(b) motion as a device to avoid expired appellate time limits. This is impermissible. *See Mendez v. Republic Bank*, 725 F.3d 651, 659 (7th Cir. 2013). Put another way, Rule 60(b) cannot be used to enlarge the time for appeal. *See Armstrong v. Loudon*, 834 F.3d 767, 769-70 (7th Cir. 2016); *McKnight v. U.S. Steel Corp.*, 726 F.2d 333, 338 (7th Cir. 1984).