

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

Submitted February 29, 2024
Decided March 5, 2024

Before

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2181

AARON SCURLOCK,
Petitioner-Appellant,

Appeal from the United States District
Court for the Northern District of Illinois,
Eastern Division.

v.

No. 1:19-cv-0217

CHANCE JONES,
Respondent-Appellee.

Thomas M. Durkin
Judge.

ORDER

Aaron Scurlock seeks a certificate of appealability to challenge the denial of a post-judgment motion in a closed habeas case. We have reviewed the final order of the district court and the record on appeal and find no substantial showing of the denial of a constitutional right. *See* 28 U.S.C. § 2253(c)(2).

Accordingly, we DENY the request for a certificate of appealability and Scurlock's motion to proceed on appeal in forma pauperis.

**UNITED STATES DISTRICT COURT
FOR THE Northern District of Illinois – CM/ECF NextGen 1.7.1.1
Eastern Division**

Aaron Scurlock

Plaintiff,

v.

Case No.: 1:19-cv-02174

Honorable Thomas M. Durkin

Tiffanie Clark

Defendant.

NOTIFICATION OF DOCKET ENTRY

This docket entry was made by the Clerk on Friday, April 28, 2023:

MINUTE entry before the Honorable Thomas M. Durkin: Aaron Scurlock has filed a motion under Federal Rule of Civil Procedure 60 for relief from the Court's judgment of April 27, 2022 [158] denying his habeas petition. Scurlock appealed that judgment and that appeal was denied [172]. A motion under Rule 60 is considered a "successive" petition, and is only permitted when: "(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or (B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and (B)(ii) the facts underlying the claims, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense." 28 U.S.C. section 2244. Scurlock raises no such issues in his motion. All of the issues he raises could have been (or were) raised in this Court in the first instance or on appeal. Therefore, his motion for relief from judgment [173] is denied. Mailed notice. (ecw,)

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United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

April 17, 2024

Before

THOMAS L. KIRSCH II, *Circuit Judge*

DORIS L. PRYOR, *Circuit Judge*

No. 23-2181

AARON SCURLOCK,
Petitioner-Appellant,

Appeal from the United States District
Court for the Northern District of
Illinois, Eastern Division.

v.

No. 1:19-cv-02174

CHANCE JONES,
Respondent-Appellee.

Thomas M. Durkin,
Judge.

ORDER

Petitioner-appellant filed a motion to reconsider, which has been construed as petition for rehearing, on April 2, 2024. All members of the original panel voted to deny the petition.

Accordingly, the petition for rehearing is therefore DENIED.

**Additional material
from this filing is
available in the
Clerk's Office.**