

United States Court of Appeals
For the Eighth Circuit

No. 16-1925

Keith Allen Deaton

Petitioner - Appellant

v.

Wendy Kelley, Director, Arkansas Department of Correction

Respondent - Appellee

Appeal from United States District Court
for the Eastern District of Arkansas - Pine Bluff

Submitted: May 5, 2017

Filed: May 5, 2017

[Unpublished]

Before GRUENDER, ARNOLD, and BENTON, Circuit Judges.

PER CURIAM.

Following a remand in *Deaton v. Hobbs*, 561 Fed. Appx. 584 (8th Cir. 2014) (per curiam), the district court¹ conducted an evidentiary hearing and afterward

¹The Honorable Brian S. Miller, Chief Judge for the United States District Court for the Eastern District of Arkansas.

concluded that Keith Deaton was unable to meet the demanding actual-innocence standard to toll the expiration of the statute of limitations for his 28 U.S.C. § 2254 petition. Accordingly, the district court denied Deaton’s habeas petition as untimely, and he appeals. Because we agree with the district court that Deaton’s evidence was not sufficient to establish that “no juror, acting reasonably, would have voted to find him guilty beyond a reasonable doubt,” *see McQuiggin v. Perkins*, 133 S. Ct. 1924, 1928 (2013), we affirm.
