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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEROME JACKSON DENNY, JR.,
Petitioner,
v.
RALPH M. DIAZ,
Respondent.

No. 2:13-cv-0489 TLN AC P

ORDER

On March 7, 2014, this Court adopted the Findings and Recommendations of Magistrate Judge Allison Claire (See ECF No. 22), determining that Jerome Jackson Denny, Jr.’s (“Petitioner”) petition for habeas corpus relief was barred pursuant to the Antiterrorism and Effective Death Penalty Act’s (AEDPA) one-year statute of limitations for habeas relief. (See Order, ECF No. 24.) Consequently, this case was closed. (See Judgment, ECF No. 25.)

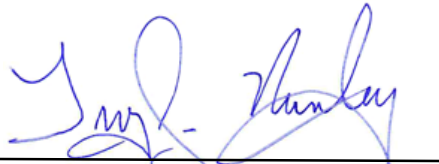
On March 25, 2014, Petitioner filed a Motion for Reconsideration. (See Mot. Recon, ECF No. 26.) In Petitioner’s motion, he alleges that he is innocent and thus his petition is not time barred. However, for Petitioner to succeed in tolling AEDPA’s statute of limitations, he must “show that it is more likely than not that no reasonable juror would have convicted him in light of the new evidence....” Schlup v. Delo, 513 U.S. 298, 327 (1995). Schlup additionally requires a petitioner “to support his allegations of constitutional error with new reliable evidence—whether it be exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical

1 evidence—that was not presented at trial.” Lee v. Lampert, 653 F.3d 929, 938 (9th Cir. 2011)
2 (quoting Schlup, 513 U.S. at 324). Petitioner has failed to do so and thus his Petition is time
3 barred. As such, Petitioner’s Motion for Reconsideration is hereby DENIED.

4 IT IS SO ORDERED.

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6 Dated: April 4, 2014

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Troy L. Nunley
United States District Judge