

July 11, 1998

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA

RONALD PATRICK SWINEY

Petitioner,

VS.

CIVIL ACTION NO. 96-P-2823-S

CHARLIE JONES, WARDEN;  
THE ATTORNEY GENERAL TO  
THE STATE OF ALABAMA.

Respondents.

MOTION REQUESTING  
SERVICE OF REPORT  
BY MAGISTRATE

On 7-10-98 Petitioner Swiney received what purports to be the 7-8-98 States Objection to the alleged 6-23-98 Magistrates Report and Recommendation in this case.

As of this date, Swiney has not recieved any documentation purporting to be a Magistrate Judges Report and Recommendation, and this can be verified by contacting Nancy Barnes, at the Holman Correctional Center, prison mail room where prisoners are required to sign a register for the receipt of legal mail.

If such a Magistrate's R & R, has in fact been mailed and recieved here at Holman, it may well be that same is being withheld by the Assist. Warden, Jerry Ferrell, in furtherence of his other attempts to deprive Swiney of access to the courts, and other constitutional rights where Ferrell, has already removed persons from Swiney's Telephone List whom

are actively assisting Swiney in defense of this unlawful incarceration (ie, Wife, Sherry Swiney, and Bovis De Korczak of the National Police Defense Foundation).

The Board of Pardon and Parole mailed Form Documents to Swiney to be filled out and returned. the Parole Board had to re-mail those documents several times before they could finally get thru the Holman Red Tape over five (5) months after the original mailing.

This petitioner Swiney, simply cannot respond / reply to the States 7-8-98 objection, without first obtaining a copy of the alleged Magistrate's Recommendation and Report, and then being given a reasonable time in which to make his own objections, and then time to refute any objections made by the State. To render a decision without being given notice and opportunity to be heard is the equivalent of Trial by "Ambush" SEE Herriman V. STATE, 504 So.2d 353 (Ala. Cr. App. 1987)

For the above and other reasons, the petitioner respectfully requests this Court to serve him a copy of the alleged 6-23-98 Magistrate's Recommendation and Report (if any exist) and for the time frame limitations to begin anew for such objections, responses, pleadings, ect., as may be required.

Petitioner Prays this relief be granted, so is Prayed this the

           day of        JULY           , 1998.

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Ronald Patrick Swiney

Sweetheart,

I fail to make you a copy of Certificate of Service —  
Sorry! Anyway- Certificate of Service is dated 11<sup>th</sup> July, 1998

I Love You,