

SEPTEMBER 17, 1998

IN THE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

RONALD PATRICK SWINEY
Petitioner

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vs.

CIVIL ACTION NO. 96-P-2823-S

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CHARLIE JONES, Warden:
ATTORNEY GENERAL FOR
THE STATE OF ALABAMA
Respondents

MOTION TO SET ASIDE DEFAULT
PURSUANT TO RULE 55(c) F.R. CIV. P.

Comes this Petitioner and moves this honorable court pursuant to Rule 55(c) F.R. Civ. P. to set aside its judgment of default and to support same, thereby adopting the content/arguments set out in the enclosed Rule 52 motion which is also supported by the enclosed Rule 15, 54, 56, 57, 59 and 60 F.R. Civ. P. motions as evidence of good cause to set aside all judgments of default entered in this action against this Petitioner.

Petitioner asserts that the default referred to by this court is unconstitutional in and of itself. See enclosed.

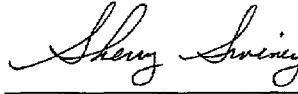
Petitioner prays this motion be granted, so is prayed this 14th day of
September, 1998.

Ronald Patrick Swiney

Ronald Patrick Swiney

CERTIFICATE OF SERVICE

This will certify serving of the foregoing on all parties below placing same in the U.S. Mail, properly addressed. Postage pre-paid this 17th day of September, 1998.



Sherry L. Swiney

Original to:

Clerk of the Court
United State's District Court
1729 5th Avenue North
Birmingham, AL 35203

Copy to:

Office of the Attorney General
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Montgomery, AL 36130

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Files of Sherry Swiney