

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 FOR NEW TRIAL
PURSUANT TO RULE 59 F.R. CIV. P.

Comes this Petitioner and moves this honorable court to grant this motion for new trial, to open the judgments, amend the findings of fact and conclusions of law or make new findings and conclusions, and direct the entry of a new judgment.

Petitioner requests this court to grant this motion and consider same under Rule 59(a)(2), (c) and (d) F.R. Civ. P. and supports this motion with the enclosed motions under Rule 15, 52, 54, 55, 56, 57 and 60 F.R. Civ. P. motions.

Petitioner hereby opts the arguments/contents of Rule 52 motion as the body of this motion and in support thereof.

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

Ronald Patrick Swiney

Ronald Patrick Swiney

AFFIDAVIT/DECLARATION
OF
RONALD PATRICK SWINEY

I, Ronald Patrick Swiney, declare that Alabama Courts do not provide or extend any avenue of redress for constitutional claims in their present and only collateral attack procedure, and that the federal forum is the only avenue for redress for constitutional violators.

I declare that I am entitled to redress and relief, pursuant to Rule 59(d) F.R. Civ. P., under the prohibitions of the United States Constitution which have been violated by state courts and state agents in order to cause my incarceration for their political gain.

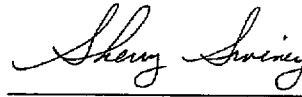
I declare under penalty of perjury that the foregoing and all pleadings filed by me are true and correct to the best of my knowledge and belief. Done this 14th Day of September, 1998.

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
State of Alabama
11 South Union Street
Montgomery, AL 36130

Copy to:

Ronald Patrick Swiney
#154406
2-41 Holman 3700
Atmore, AL 36503

Copy to:

Files of Sherry Swiney