

SEPTEMBER 17, 1998

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

RONALD PATRICK SWINEY
Petitioner

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vs.

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CIVIL ACTION NO. 96-P-2823-S

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

MOTION FOR FULL ADJUDICATION
PURSUANT TO RULE 56(d) F.R. CIV. P.

Comes this Petitioner and moves this honorable court pursuant to Rule 56(d) F.R. Civ. P. to either fully adjudicate the facts in controversy or establish a date for a trial on the material issues of facts not adjudicated in its "summary disposition," referred to as final judgment, dated September 02, 1998. This Petitioner did, after the state's response, supported by affidavits, set forth specific facts showing that there is a genuine issue for trial, specifically that Rule 32 preclusions are unconstitutional and constitute fraud upon United States Citizens, and that under U.S.C.A. 14(due process clause) this Petitioner is entitled, as a matter of right and law, to counsel in post-conviction proceedings and appeals therefrom pursuant to Rule 6 A.R. Crim. P. and Article I § 6 Ala. Const. 1901, which this court not only failed to address, but even used [unlawfully] against this Petitioner, thereby denying this Petitioner's right to access the federal forum to challenge the constitutionality of a state court rule being used as a preclusion favoring only one party.

Petitioner supports this motion with contents and arguments of the enclosed Rule 15, 52, 54, 55, 57, 59 and 60 F.R. Civ. P. motions.

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 Swiney

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