

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 DECLARATORY
PURSUANT TO RULE 57 F.R. CIV. P.

Comes this Petitioner and moves this honorable court to grant this motion for declaratory pursuant to Rule 57 F.R. Civ. P. and Title 28 U.S.C § 2201 where this actual controversy as to constitutionality of state court Rule 32 A.R. Crim. P. preclusions are at issue and unresolved in this action, and same is within this court's jurisdiction at this time.

Petitioner requests this court to declare the rights and other legal relations, as to the constitutionality of Rule 32 A.R. Crim. P. preclusions as argued in all previous pleadings and whether or not further relief is or could be sought to uphold this Petitioner's right not to be incarcerated or held prisoner in violation of his constitutional rights by the use of an unconstitutional state court rule.

Petitioner supports this motion with all prior pleadings and with contents/arguments set out in the enclosed Rule 15, 52, 54, 55, 56, 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

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Files of Sherry Swiney