

SEPTEMBER 17, 1998

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

RONALD PATRICK SWINEY  
Petitioner

§  
§  
§

vs.

CIVIL ACTION NO. 96-P-2823-S

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

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§  
§

MOTION FOR RELIEF FROM JUDGMENT  
OR ORDER PURSUANT TO RULE 60 F.R. CIV. P.

Comes this Petitioner and moves this honorable court to grant this motion for relief from judgment or order pursuant to Rule 60 F.R. Civ. P. This motion is supported by the contents/arguments of the enclosed motions pursuant to Rule 52, 54, 55, 56, 57 and 59 F.R. Civ. P.

There are certain clerical mistakes in the order and/or magistrate's findings apparently due to oversight of omission which must be corrected, including but not limited to the magistrate alleging facts not contained in the record and then failing to cite with specificity where in the record [i.e., page numbers] those alleged facts were supposed to be located, Rule 60(a) F.R. Civ. P., see enclosed Rule 52 motion for more details hereby adopted as the body of this motion.

There were mistakes perhaps by inadvertent, excusable neglect, and by FRAUD upon this court and this Petitioner by the state's representative relating to the unconstitutional and fraudulent Rule 32 A.R. Crim. P. preclusions, Rule 60(b) F.R. Civ. P., see enclosed Rule 52 motion for more details hereby adopted as the body of this motion.

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  
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Montgomery, AL 36130

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Files of Sherry Swiney