

(5) From this Courts Order of 9-2-98 denying Habeas Corpus relief by adopting the Magistrates Findings, over petitioners objections.

(6) From this Courts Order of 9-28-98 claiming seven Motions were not properly before the Court on the grounds that those Motions did not contain an original Signature of the petitioner when this Court authorized and accepted pleadings by facsimile copy transmissions by electronic means.

(7) From this Courts Order of 9-28-98 claiming that even though the Motions were not properly before this Court, that those Motions were due to be denied when if a Motion is not properly before the Court, the Court lacks Jurisdiction to render any decision resolving the matter in question, (incidentally Rule 32.2(d) A.R.Cr.Proc. is not a default Rule, but rather a Rule divesting this Court of Jurisdiction to grant Relief--- Rule 32.2(c) A.R.Cr.Pr. is a Rule divesting this Court of Jurisdiction to accept a petition and even if Rule 32.2(c) did not apply, Rule 32.2(d) Bars Relief, thus if a Court cannot , under this Rule, grant Relief it has no Jurisdiction as to any matters in this pleading.

CONCLUSION:

For the foregoing reasons, there is good cause to issue a Certificate of Probable Cause to Appeal in Order to resolve the absense of any means of redress from actions or inactions of a State Courts Rule making power which is being used to divest the Federal Courts of their Jurisdiction to protect U.S. Citizens within the Jurisdiction of the Courts of Alabama.

PETITIONER PRAYS THIS MOTION BE GRANTED, SO IS MANY OF US THIS 1st DAY OF

Oct. 1998.

Ronald Patrick Swiney
RONALD PATRICK SWINEY

