

# United States Court of Appeals

Eleventh Circuit  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

Thomas K. Kahn  
Clerk

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June 14, 2006

Frank Wilson Myers, Sr.  
Attorney at Law  
308 HALL AVE  
BAY MINETTE AL 36507-4416

**Appeal Number: 06-12851-G**  
Case Style: In Re: Ronald Patrick Swiney  
District Court Number:

The enclosed order has been entered. No further action will be taken in this matter.

Sincerely,

THOMAS K. KAHN, Clerk

Reply To: Walter Pollard (404) 335-6186

Encl.

Ronald P. Swiney (154406)  
Donaldson CF  
100 WARRIOR LN  
BESSEMER AL 35023-7228

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**Appeal Number: 06-12851-G**  
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TO: Frank Wilson Myers, Sr.  
CC: Ronald P. Swiney (154406)  
CC: Troy King  
CC: Administrative File

CC: VANDERKAM, JIM

CC: JIM KING

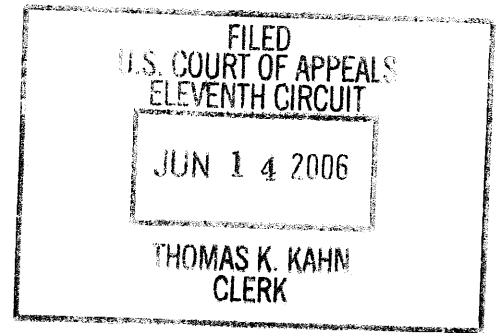
CC: RONALD P. SWINEY (154406)

TO: FRANK WILSON MYERS, SR.

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 06-12851-G  
\_\_\_\_\_



IN RE: RONALD SWINEY,

Petitioner.

\_\_\_\_\_  
Application for Leave to File a Second or Successive  
Habeas Corpus Petition, 28 U.S.C. § 2244(b)  
\_\_\_\_\_

Before ANDERSON, BIRCH and DUBINA, Circuit Judges.

BY THE PANEL:

Pursuant to 28 U.S.C. § 2244(b)(3)(A), Ronald Swiney has filed an application seeking an order authorizing the district court to consider a second or successive petition for a writ of habeas corpus. Such authorization may be granted only if:

(A) the applicant shows that the claim relies on a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable; or

(B)(i) the factual predicate for the claim could not have been discovered previously through the exercise of due diligence; and

(ii) the facts underlying the claim, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that, but for constitutional error, no reasonable factfinder would have found the applicant guilty of the underlying offense.

28 U.S.C. § 2244(b)(2). "The court of appeals may authorize the filing of a second or successive application only if it determines that the application makes a prima facie showing that the application