

United States Court of Appeals

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

Thomas K. Kahn
Clerk

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January 16, 2007

Sharon Harris
Clerk, U.S. District Court
1729 5TH AVE N STE 140
BIRMINGHAM AL 35203-2050

Appeal Number: 06-14865-F
Case Style: Ronald Patrick Swiney v. Kenneth L. Jones
District Court Number: 06-01133 CV-SLB

The enclosed certified copy of this Court's order denying the application for a Certificate of Appealability is issued as the mandate of this court. See 11th Cir. R. 41-4. Counsel and pro se parties are advised that pursuant to 11th Cir. R. 27-2, "a motion to reconsider, vacate, or modify an order must be filed within 21 days of the entry of such order. No additional time shall be allowed for mailing."

Also enclosed is the record on appeal, which consists of:
one volume of original papers.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

THOMAS K. KAHN, Clerk

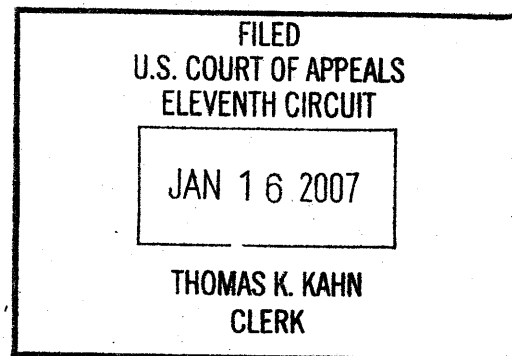
Reply To: Mildred Norwood (404) 335-6185

Encl.

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-14865-F



RONALD PATRICK SWINEY,

Petitioner-Appellant,

versus

KENNETH L. JONES,
ATTORNEY GENERAL OF THE
STATE OF ALABAMA,

Respondents-Appellees.

Appeal from the United States District Court for the
Northern District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because the district court lacked jurisdiction to consider his successive § 2254 motion to vacate without prior authorization from this Court, appellant has failed to satisfy the second prong of Slack's test. The appellant's motion for a certificate of appealability, construed from his notice of appeal, is DENIED.

/s/ Ed Carnes
UNITED STATES CIRCUIT JUDGE

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

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TO: Sharon Harris

CC: Ronald P. Swiney (154406)

CC: J. Clayton Crenshaw

CC: Stephen N. Dodd

CC: Troy King

CC: Administrative File