



UNITED STATES COURT OF APPEALS
ELEVENTH CIRCUIT

RONALD PATRICK SWINEY,

Movant-Petitioner,

v.

No.

KENNETH L. JONES, Warden; TROY
KING, Attorney General for the State of
Alabama,

Respondents.

Motion for Request to File Second or Successive § 2254 Habeas Petition

Comes now the Petitioner, Ronald Patrick Swiney, by and through his attorney of record, requesting permission to file a second § 2254 petition in the Federal District Courts, pursuant to 28 U.S.C. § 2244(b)(2)(B). Petitioner filed his first writ of habeas corpus, pro se, under 28 U.S.C. § 2254 in the Federal District Court, Northern District, Southern Division, wherein the Court DENIED his petition on June 23, 1998. Grounds presented in that petition were ineffective assistance of counsel during trial and sentencing, fundamental unfairness of trial court, and denial of right to fair trial regarding prosecutor's improper conduct during closing arguments.

Petitioner filed a second habeas corpus (Rule 32) petition in the trial court on August 13, 2003 after new evidence supporting Petitioner's actual innocence was discovered. The trial court improperly procedurally barred Petitioner and dismissed without a hearing or