IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM M. WINDSOR, Plaintiff,	:	
v.	:	CIVIL ACTION NO. 1:09-CV-2027-WSD
UNITED STATES OF AMERICA, et al., Defendants.	:	

ORDER

Pro se plaintiff William M. Windsor's third amended complaint [116] was dismissed last month [161].[1] Proceedings in this Court are now limited to the motion for sanctions filed against Windsor by certain defendants [148] and collateral filings by Windsor discussed below.[2]

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[1] The order dismissing Windsor's third amended complaint describes Windsor's actions in this case and related cases in more detail [161 at 1-12]. This Court's efforts to manage filings in this case are summarized in a later post-dismissal order [175 at 1-3].

[2] Although Windsor appealed [165] the dismissal of his third amended complaint and that appeal divests this Court of jurisdiction over "those aspects of the case involved in the appeal," *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982), this Court retains jurisdiction over "motions on matters collateral to those at issue on appeal," *Mahone v. Ray*, 326 F.3d 1176, 1179 (11th Cir. 2003), including the pending motion for sanctions.

Windsor requested [180] and was granted [184] an extension of time until November 19, 2010, to file his response to the motion for sanctions. Windsor also requested approval to exceed the page limits set forth in Local Rule 7.1D [188]. This Court ordered that "Windsor's brief in opposition to the motion for sanctions is limited to 25 pages – the same length as the defendants' brief in support of the motion – provided that Windsor may submit a declaration and/or other materials supplementing his brief totally up to 75 additional pages – the number of additional pages submitted by the defendants" [189 at 3]. This Court further ordered that "[t]he declaration and other materials allowed by this Order **MAY NOT** include any documents, pleadings or other submissions that Windsor filed earlier in this case, in any other case previously filed in this Court, or in any case related to the cases filed in this Court" [189 at 3-4]. When Windsor tendered a 24-page "Preliminary Response in Opposition to Motion for Sanctions" last week, this Court directed the Clerk not to file that "Preliminary Response" [189 at 4] for the reasons discussed below.

This matter is back before the Court on Windsor's Request for Specific Approval to File Motion for Clarification of Order [194]. Windsor's request is **GRANTED**, and this Court will construe Windsor's request as his motion.

Windsor states that he "does not understand the November 16, 2010 Order"[3] and that he "must insist that [his Preliminary Response] be filed . . . and that [he] be granted permission to file an additional response" [194 at 1-2]. Windsor is not permitted to file multiple responses to the motion for sanctions; Windsor is permitted only *one* 25-page response. This Court directed the Clerk not to file Windsor's "Preliminary Response" so that its 24 pages would not exhaust Windsor's page limit. In light of the statement in Windsor's "Motion for Clarification" that he wishes to file "an additional response" by November 19, 2010, the return without filing of Windsor's "Preliminary Response" appears to be to his *benefit* because it affords him the full 25-page limit for his "additional response." Of course, if Windsor has nothing further to add, he is free to resubmit his "Preliminary Response" – with up to 75 pages of exhibits – as his sole response to the motion for sanctions. Accordingly, if Windsor wants the

[3] It would behoove Windsor not to be deliberately obtuse. "District judges have no obligation to act as counsel or paralegal to *pro se* plaintiffs." *Pliler v. Ford*, 542 U.S. 225, 231 (2004). Litigants do "not have a constitutional right to receive personal instruction from the trial judge on courtroom procedure," and "the Constitution [does not] require judges to take over chores for a *pro se* [litigant] that would normally be attended to by trained counsel as a matter of course." *McKaskle v. Wiggins*, 465 U.S. 168, 183-84 (1984). If Windsor has questions about page limits and other legal matters, he is advised to seek answers elsewhere rather than to file "motions for clarification."

Preliminary Response in Opposition to Motions for Sanctions to be filed, Windsor shall advise the Court. However, if the Preliminary Response is filed, he may submit only one more page by November 19, to constitute his 25-page submission. If he does not request the Preliminary Response to be filed, he may submit a 25-page memorandum on or before November 19, 2010.

This matter is also before the Court on three "Requests for Specific Approval to File" additional motions submitted by Windsor. Windsor's first additional filing is a Request for Specific Approval to File Motion for Leave of Court with the Eleventh Circuit [176]. In that filing, Windsor states that "he must first obtain this Court's approval of a temporary remand pursuant to FRAP Rule 12.1" before he can file a "motion for relief pursuant to FRCP Rule 60(b)" [176 at 1]. Windsor is mistaken. *See* Fed. R. Civ. P. 62.1. Accordingly, Windsor's Request for Specific Approval to File Motion for Leave of Court with the Eleventh Circuit [176] is **DENIED**.

Windsor's second additional filing is a Request for Specific Approval to File Motion for Reconsideration of Motion for Production of Documents and Serve [sic] Subpoenas [178]. Windsor indicates therein that he intends to rehash the arguments he made in his earlier Request for Specific Approval to

File Motion for Production of Documents and Serve [sic] Subpoena on Judge William S. Duffey, Jr., Ms. Jessica Birnbaum, Carl Hugo Anderson, Hawkins Parnell Thackston Young, Christopher Huber, and U.S. Attorney's Office [170]. This Court denied [175] that earlier request, and Windsor identifies no valid basis for reconsidering this Court's prior Order.[4] Because permitting a motion for reconsideration without a valid basis would be futile, Windsor's Request for Specific Approval to File Motion for Reconsideration of Motion for Production of Documents and Serve [sic] Subpoenas [178] is **DENIED**.

Windsor's third additional filing is a Request for Specific Approval to File Motion for Stay [179]. As footnote 2 above indicates, this Court may proceed with respect to the pending motion for sanctions and other issues that concern matters collateral to the dismissal that Windsor has appealed. Again, in

[4] The only change of note in Windsor's new request is that, in addition to demanding subpoenas directed to this Court, court employees, the United States Attorney's office, and opposing counsel in this litigation, Windsor now wants "subpoenas for each of his doctors" because "Dr. Kaufman as [sic] late in providing anything, other doctors simply chose to ignore the many requests, and the Thomas Eye Group failed repeatedly to provide Windsor's medical records as promised" [178 at 2-3]. Windsor does not explain why he needs documents from his doctors when he avers elsewhere that he already has "massive evidence" [178 at 2]. That Windsor now wishes to treat "his doctors" as adversaries is not a sufficient basis to enmesh them in a case in which they have no direct involvement, simply the misfortune to have allegedly treated Windsor.

his new filing, Windsor rehashes arguments he made in prior motions for stays [*e.g.*, 157, 168], that this Court denied [*e.g.*, 161, 175]. Again, Windsor identifies no valid basis for altering this Court's prior orders. Because permitting a successive motion for stay without any valid new basis would be futile, Windsor's Request for Specific Approval to File Motion for Stay [179] is **DENIED**.

SO ORDERED, this 17th day of November, 2010.

William S. Duffey

WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE