

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

WILLIAM M. WINDSOR,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO.
)	
Amy Totenberg, Thomas Woodrow Thrash, Orinda D.)	
Evans, Julie E. Carnes, Steve C. Jones, Timothy C. Batten,)	
Clarence Cooper, J. Owen Forrester, Willis B. Hunt,)	
Harold L. Murphy, William C. O'Kelley, Charles A.)	
Pannell, Marvin H. Shoob, Richard W. Story, G. Ernest)	
Tidwell, Robert L. Vining, Horace T. Ward, Janet F.)	
King, Susan S. Cole, Alan J. Baverman, Gerrilyn G. Brill,)	
C. Christopher Hagy, Linda T. Walker, Walter E. Johnson,)	
E. Clayton Scofield, Russell G. Vineyard, James N.)	
Hatten, Anniva Sanders, Joyce White, Beverly Gutting,)	
Joel F. Dubina, Ed Carnes, Rosemary Barkett, Frank M.)	
Hull, James Larry Edmondson, Stanley Marcus, William)	
H. Pryor, Gerald Bard Tjoflat, Susan H. Black, Charles R.)	
Wilson, James C. Hill, Beverly B. Martin, Peter T. Fay,)	
Phyllis A. Kravitch, R. Lanier Anderson, Emmett Ripley)	
Cox, Law Clerk of Thomas Woodrow Thrash, Law Clerk)	
of Amy Totenberg, William S. Duffey, Christopher Huber,)	
Sally Quillian Yates, Neeli Ben-David, John A. Horn,)	
and Unknown Does 1 TO 1000,)	
Defendants.)	
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**PLAINTIFF'S MOTION FOR
TEMPORARY RESTRAINING ORDER
AND INTERLOCUTORY INJUNCTION**

COMES NOW Plaintiff William M. Windsor ("Windsor" or "Plaintiff"),
who pursuant to Rule 65 of the Federal Rules of Civil Procedure, hereby shows the

Court that a temporary restraining order and interlocutory injunction are necessary to preserve the status quo and to prevent the Plaintiff from suffering irreparable injury, loss, and damage.

1. As grounds for this Motion, the Plaintiff shows that immediate and irreparable injury and damage will result to him unless the Defendants are temporarily restrained, all as more fully shown by the Plaintiff's VERIFIED ACTION filed on July 14, 2011 to commence this Civil Action.

2. A temporary or interlocutory injunction serves the purpose of preserving the status quo and the position of the parties pending a final adjudication of the case on the merits. *Metropolitan Atlanta Rapid Transit Authority v. Wallace*, 243 Ga. 491, 254 S. E. 2d 822 (1979).

3. It is a device "to keep the parties in order, and prevent one from hurting the other whilst their respective rights are under adjudication." *Lee v. Environmental Pest & Termite Control, Inc.*, 271 Ga. 371, 373, 516 S. E. 2d 76 (1999) (quoting *Price v. Empire Land Co.*, 218 Ga. 80, 85, 126 S. E.2d 626 (1962)).

FACTUAL BACKGROUND

4. The factual background is provided in the VERIFIED ACTION, referenced and incorporated herein as if attached hereto.

THE VERIFIED ACTION

5. This Civil Action is an independent action in equity for relief from all orders entered in Civil Action No. 1L11-CV-01922-TWT, 1:11-CV-01923-TWT, and 1:11-CV-02027-TWT, which were through fraud upon the court and other wrongdoing.

6. The VERIFIED ACTION details the issues, referenced and incorporated herein as if attached hereto.

7. Unless the Defendants are enjoined from certain acts, the Plaintiff will continue to suffer immediate and irreparable harm.

8. The harm suffered by the Plaintiff far exceeds any inconvenience that would be caused on the Defendants

9. Based upon the FRCP, GCPC, and the law, the equities clearly balance in the Plaintiff's favor.

10. The Plaintiff has no adequate remedy at law.

11. The VERIFIED ACTION states a compensable claim for relief under the Federal Constitution. To be entitled to permanent injunctive relief from a constitutional violation, a plaintiff must first establish the fact of the violation. *Rizzo v. Goode*, 423 U.S. 362, 377, 96 S.Ct. 598, 607, 46 L.Ed.2d 561 (1976). The Plaintiff must then demonstrate the presence of two elements: continuing

irreparable injury if the injunction does not issue, and the lack of an adequate remedy at law. *Beacon Theatres, Inc. v. Westover*, 359 U.S. 500, 506, 79 S.Ct. 948, 954, 3 L.Ed.2d 988 (1959).

12. The Plaintiff will be injured, and the Plaintiff has no adequate remedy at law.

ARGUMENT AND CITATIONS OF AUTHORITY

13. There is a four part test for determining whether a court should issue a TRO or preliminary injunction: (1) Irreparable injury will be suffered unless the injunction issues; (2) the Plaintiff has a substantial likelihood of success on the merits; (3) the threatened injury to the Plaintiff outweighs whatever damage the proposed injunction may cause the Defendants; and (4) if issued, the injunction would not be adverse to the public interest. *Siegel v. Lepore*, 234 F.3d 1163, 1176 (11th Cir., *en banc*, 2000). *Ingram v. Ault*, 50 F.3d 898, 900 (11th Cir. 1995). *Horton v. City of Augustine*, 272 F.3d 1318, 1326 (11th Cir. 2001).

14. The Plaintiff will show below how each test weighs in the Plaintiff's favor, indicating that the Motion must be granted.

IRREPARABLE INJURY WILL BE SUFFERED

15. Defendants' practices of concealing and possibly destroying evidence will do irreparable harm to the Plaintiff. Deprivation of constitutional rights is

clearly irreparable harm. *Johnson v. Mortham*, 926 F. Supp. 1540, 1543 (S.D. Fla 1996) (“Deprivation of a fundamental right...constitutes irreparable harm.”) *Covino v. Patrissis*, 967 F.2d 73, 77 (2d Cir. 1992) (Irreparable harm may be established based on violation of Fourth Amendment rights).

16. The Plaintiffs has no adequate remedy at law, and has, and is continuing to suffer, irreparable harm.

17. Such imminent harm is impossible to quantify and, thus, would cause irreparable injury and establishes that there is no adequate remedy at law.

NO BURDEN TO THE DEFENDANTS

18. Being prohibited from illegal practices will be no burden at all to the Defendants.

19. Being prohibited from destroying any evidence or erasing or modifying any information on any computers will be no burden at all to the Defendants.

20. The balance of equities is an important factor in a court's decision as to whether it should grant a temporary injunction. When, through the issuance of an injunction, the moving party will avoid greater harm than the non-moving party will suffer, the balance of equities will be found to rest with the moving party.

Metropolitan Atlanta Rapid Transit Authority v. Wallace, 243 Ga. 491, 493, 254

S.E. 2d 822, 823 (1979). It is a device "to keep the parties in order, and prevent one from hurting the other whilst their respective rights are under adjudication." *Lee v. Environmental Pest & Termite Control, Inc.*, 271 Ga. 371, 373, 516 S.E. 2d 76 (1999) (quoting *Price v. Empire Land Co.*, 218 Ga. 80, 85, 126 S.E.2d 626 (1962)).

21. This Court has the power to restrain by injunction "any . . . act of a private individual or corporation which is illegal or contrary to equity and good conscience and or which no adequate remedy is provided at law. See *Lively v. Grinstead*, 210 Ga. 361, 364, 80 S.E. 2d 316, 318 (1954) ("equity by writ of injunction will restrain any act which is . . . contrary to equity in good conscience and for which no adequate remedy at law is provided").

22. A Temporary Restraining Order and Interlocutory Injunction will prevent additional harm to the Plaintiff and cause no harm to the Defendants.

**THE PLAINTIFF IS HIGHLY LIKELY TO SUCCEED
ON THE MERITS**

23. The Plaintiff has proven the facts necessary to be meritorious in this Civil Action. .

**INJUNCTION WILL NOT BE ADVERSE TO
THE PUBLIC INTEREST**

24. The public must be vitally interested that judges deprive the public of their rights by committing fraud upon the courts. The public needs to be protected from people such as the Defendants. The Public will be well served by restrictions on the acts that Defendants used to commit fraud upon the courts. There is nothing in the relief requested that would harm the public interest in any way. It will accomplish just the opposite.

CONCLUSION

25. The Plaintiff has shown that he will suffer irreparable harm if his Motion is not granted. The Plaintiff has shown that a grant of his Motion will not burden the Defendants, that the Plaintiff is likely to succeed on the merits, and that the public interest is served in a grant of the Motion. For the foregoing reasons, the Plaintiff's Motion must be granted.

26. For the reasons stated above, the Plaintiff respectfully requests that this Court enter an order restraining the Defendants as follows:

- a. that a hearing will be immediately scheduled on the Motion for Temporary Restraining Order;
- b. that the Motion for Temporary Restraining Order be GRANTED;
- c. that Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from taking any action in an attempt to remove

any Civil Action to federal court that is in violation of statutes and case law regarding removals;

- d. that Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from further actions in the N.D.Ga or 11th Cir. involving Windsor that violate the law and Windsor's rights, pending further order of the Court;
- e. that the Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from prohibiting any access to the courts by Windsor or anyone working with him or on his behalf and are RESTRAINED from enforcing any injunctions or filing restrictions issued in the N.D.Ga or 11th Cir., pending further order of the Court;
- f. that all Defendants be hereby temporarily RESTRAINED and preliminarily and permanently enjoined from destroying any evidence or erasing or modifying any information on any computers relevant in any way to Windsor, Alcatraz Media, LLC, Alcatraz Media, Inc., or any of the Defendants related to Civil Action No. 1:06-CV-0714-ODE, Civil Action No. 1:09-CV-01543-WSD, Civil Action No. 1:09-CV-02027-WSD, Civil Action No. 1:11-CV-01922-TWT, Civil Action No. 1:11-CV-01923-TWT, and Civil Action No. 1:11-CV-02027-TWT, in

the United States District Court for the Northern District of Georgia,
pending further order of the Court;

- g. that the Defendants shall be prohibited from engaging in any enterprise in violation of the federal RICO Act;
- h. that a preliminary injunction hearing will be scheduled within 14 days of the issuance of the order on this Motion;
- i. that Windsor may immediately conduct depositions and discovery prior to the preliminary injunction hearing;
- j. that the Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from prohibiting any access to the courts by Windsor or anyone working with him or on his behalf and are RESTRAINED from enforcing any injunctions or filing restrictions issued in the United States District Court for the Northern District of Georgia or the United States Court of Appeals for the Eleventh Circuit, pending further order of the Court;
- k. that a Protective Order will be issued to provide protection to Windsor from bodily harm by any of the Defendants or people acting in their behalf; and

1. that Windsor will be given law enforcement protection whenever he must visit the Courthouse or any federal buildings in Fulton County, Georgia..

Respectfully submitted, this 14th day of July 2011.



William M. Windsor
Pro Se

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VERIFICATION OF WILLIAM M. WINDSOR

I, William M. Windsor, swear that I am authorized to make this verification and that the facts alleged in the foregoing MOTION are true and correct based upon my personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters I believe them to be true.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 14th day of July 2011.

A handwritten signature in black ink, appearing to read "William M. Windsor", written in a cursive style.

William M. Windsor

CERTIFICATE OF COMPLIANCE

As required by Local Rule 7.1D, N.D. Ga., the Plaintiff hereby certifies that this pleading has been prepared in Times New Roman 14-point font, one of the font and point selections approved by this Court in Local Rule 5.1B, N.D. Ga.



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