Exhibit

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

WILLIAM M. WINDSOR, Plaintiff	)	
v.	)	CIVIL ACTION NO.
James N. Hatten, Anniva Sanders, J. White, B. Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum, Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, John Ley Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge Frank M. Hull, Defendants.	)	1:11-CV-01923-TWT

PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY MOTION TO RECUSE JUDGE THOMAS WOODROW THRASH

Comes Now Plaintiff William M. Windsor ("Windsor" or "Plaintiff"), and asks that Thomas Woodrow Thrash ("TWT") be removed/recused/disqualified from the above entitled matter under 28 U.S.C. § 144 of the United State Code or 28 U.S.C. § 455, Canons 1, 2, and 3 of the Code of Judicial Conduct, all other relevant statutory and state and federal case law, as well as the First, Fifth, Sixth, Eighth, and Fourteenth Amendments to the United States Constitution, the Due Process Clause of the Fifth Amendment to the U.S. Constitution, the Constitution of the State of Georgia, and the Court's inherent powers. Based upon this motion,

the attached Affidavit of Prejudice (Exhibit A), the 28 U.S.C. § 144 Certificate (Exhibit B), and exhibits hereto, Windsor moves for recusal of TWT from all further proceedings in these matters.

1. Prejudice and bias may be either for or against. In the instant action, there is both. TWT has a pervasive antagonistic bias toward Windsor. TWT has a pervasive bias in favor of the Defendants.

2. TWT has a preconceived idea of this civil action from information that has come from outside the case. TWT wrote: "This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff" when the only evidence before TWT was the sworn Verified Complaint and sworn affidavits of Windsor. A reasonable person would say that branding someone as "frivolous, malicious and vexatious" based solely on his sworn affidavits under penalty of perjury, without considering any other facts, provides a textbook example of "impartiality might reasonably be questioned."

3. As required by 28 U.S.C. § 144, see the Affidavit of Prejudice (Exhibit A.) It contains factual details of the prejudice as is required by this statute.

4. TWT has labeled Windsor "frivolous, malicious and vexatious" in the public record available for all to see.

5. TWT made this statement after reading facts in affidavits presented by Windsor. There was no affidavit from anyone but Windsor before TWT when he defamed Windsor in his court order and made his void of impartiality part of the public record. This proves extra-judicial bias against Windsor because TWT ignored the facts and invented his own facts.

6. TWT has demonstrated to Windsor that he has a deep-seated bias and antagonism against anyone who would have the audacity to sue federal judges.

7. TWT has demonstrated to Windsor that he has a bias against pro se parties. BUT "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws." ***Elmore v. McCammon*** (1986) 640 F. Supp. 905.

8. TWT has an unfavorable opinion about Windsor that is wrongful and inappropriate. It is undeserved, and it rests upon knowledge that TWT ought not to possess. It is excessive in degree.

9. Windsor has not been treated fairly by TWT. TWT has demonstrated pervasive bias throughout this short proceeding. TWT has demonstrated a personal bias and prejudice against Windsor. TWT has not demonstrated the impartiality required of a judge. The Orders issued by TWT show this.

10. Canon 2 of the Code of Judicial Conduct ("CJC") provides: "A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary."

> Every person "has a constitutional and statutory right to an impartial and fair judge at all stages of the proceeding." ***Liteky v U.S.***, 510 US 540 (1994).

11. TWT entered this civil action with a closed mind and complete and total bias against Windsor. All Windsor wants are his Constitutional rights.

12. This motion asks for recusal/removal/disqualification of TWT based on a number of grounds: (1) Obvious bias against Windsor and a complete lack of impartiality; (2) deep-seated antagonism demonstrated against Windsor; (3) violation of the Code of Judicial Conduct; (4) violation of Windsor's rights to due process and Constitutional and civil rights; and more.

FACTUAL BACKGROUND

13. The factual background in this case is recited in the Affidavit of Prejudice (Exhibit A.)

PRIMARY BASIS FOR THIS MOTION – 28 U.S.C. § 144

14. The primary basis for raising this issue of disqualification of TWT is set out at 28 U.S.C. § 144:

> "Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any

adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

"The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. ... It shall be accompanied by a certificate of counsel of record stating that it is made in good faith."

DETERMINING WHETHER RECUSAL IS APPROPRIATE

15. The substantive test for disqualification is set out at 28 U.S.C. § 455:

> (a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

16. 28 U.S.C. § 144 has these requirements:

> (1) The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists.
>
> (2) The affidavit shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time.
>
> (3) The affidavit shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

17. This motion, affidavit, and certificate of good faith meet these requirements.

18. **Requirement #1**: The Affidavit of Prejudice states the facts and the reasons for the belief that bias and prejudice exist. The reasons for the belief are

material and stated with particularity. The affidavit sets forth the origins of the Court's bias.

> ***U.S. v. Zagaire***, 419 F. Supp. 494 (No. Dist. Cal. 1976; ***United States v. Gigax*, supra** at 510-11; ***Parrish v. Board of Commissioners***, 524 F.2d 98, 100 (5th Cir.1975) (en banc), **cert. denied,** 425 U.S. 944, 96 S. Ct. 1685, 48 L. Ed. 2d 188 (1976); ***Duplan Corp. v. Deering Milliken, Inc.***, 400 F. Supp. 497 (D.S.C. 1975).

19. **Requirement #2**: The affidavit has been filed extremely early in the civil action thus meeting the time requirement of 28 U.S.C. § 144. Section 144 says that a motion for recusal "shall be filed not less than ten days before the beginning of the term [session] at which the proceeding is to be heard." With the abolition of terms of court in 1963, this specific provision no longer applies. However, courts have held that a section 144 motion must be filed with reasonable promptness after the party learns of the facts that may call into question the judge's impartiality. This recusal motion has been filed "at the earliest possible moment after obtaining the facts demonstrating a basis for recusal."

> See ***U.S. v. Occhipinti***, 851 F. Supp. 523, 567 (So. Dist., NY 1993). ***United States v. Sibla***, 624 F.2d 864, 867 (9th Cir.1980). Windsor has "good cause" for filing this motion at this time. See ***In re United States of America***, 441 F.3d 44, 65 (1st Cir. 2006) ("A motion to recuse must have a factual foundation; it may take some time to build the foundation. . . . [A] party must raise the recusal issue 'at the earliest moment after acquiring knowledge of the relevant facts.'" (alterations omitted, quoting ***In re Abijoe Realty Corp.***, 943 F.2d 121, 126 (1st Cir.1991)).

20. **Requirement #3**: The Affidavit of Prejudice is to be accompanied by a certificate of counsel of record stating that it is made in good faith and attesting to the truthfulness and accuracy. ***Currin v. Nourse,*** 74 F.2d 273, 275 (8th Cir.1934).

21. ***Stine v. United States***, No. V-06-21 (S.D.Tex. 11/07/2008) cites 13 cases, including one federal appellate court decision, stating that a pro se litigant may file the certificate of good faith, signed by himself, indicating that his motion and affidavit are filed in good faith. The 2008 decision in ***Stine v. United States*** was:

> "...**both the weight of authority, including reasonable inference from a Fifth Circuit statement, and the most logical reasoning are on the side of holding that a pro se litigant must sign a certificate when making a section 144 motion.**"
>
> ***Stine*** also states: "The Fifth Circuit has intimated, without expressly so stating, that even a pro se litigant must file such a certificate, signed by himself, indicating that his motion and affidavit are filed in good faith. See ***Parker v. Bd. of Supervisors Univ. of Louisiana-Lafayette***, 270 Fed. Appx. 314, 316 (5th Cir. 2008) ("***Parker*** failed to accompany his motion asserting bias with a 'timely and sufficient affidavit' and a 'certificate of counsel of record stating that it is made in good faith,' even if signed by himself pro se, as required by § 144."). Other courts have joined in allowing pro se litigants to file this certificate. See ***United States v. Collins***, 203 Fed. Appx. 712, 714 (7th Cir. 2006); ***Everson v. Liberty Mut. Assurance Co.***, Civ. No. 1:05-2459, 2008 WL 1766956 (N.D. Ga. Apr. 14, 2008); ***Apel v. Davis***, Civ. No. 3:07-475, 2007 WL 4531521 (N.D. Fla. Dec. 14, 2007); ***United States v. Goldston***, Civ. No. 06-2153, 2007 WL 3090775 (D. Colo. Oct. 19, 2007); ***United States v. Pungitore***, Civ. No. 97-2972, 2003 WL 22657087 (E.D. Pa. Oct. 24, 2003); ***Heimbecker v. 555 Assocs.***, Civ. No. 01-6140, 2003 WL

21652182 (E.D. Pa. Mar. 26, 2003); ***Vassilos v. Petersen***, Civ. No. 92-6456, 1992 WL 345044 (N.D. Ill. Nov. 12, 1992); ***United States v. Jones***, Crim. No. 89-61E, 1989 WL 58544 (W.D.N.Y. June 2, 1989); ***Kersh v. Borden Chemical***, 689 F. Supp. 1457 (E.D. Mich. 1988)... ***In re: Request for Recusal of District Judge***, Misc. No. 3-94-30, 1994 WL 1631038 (S.D. Ohio Oct. 12, 1994) ("Of course here the Plaintiff is proceeding pro se, so no counsel's certificate is required."); ***Trinsey v. K. Hovanian at Upper Merion, Inc.***, Civ. No. 93-1695, 1993 WL 313510 (E.D. Pa. July 28, 1993)."

22. A pro se party who has not been represented by counsel may provide his own certificate of good faith. "(***In re Beecher***, 50 F. Supp. 530, 531 (E.D. Wash. 1943). (See also ***Kersh v. Borden Chem.***, 689 F. Supp. 1457, 1459-1460 (E.D. Mich. 1988).)

23. So, for purposes of 28 U.S.C. § 144, the allegations of the certified affidavit must be accepted by the Court as true, and TWT must act in accordance with the mandate of 28 U.S.C. § 144 and recuse himself. (***U.S. v. Sykes***, 7 F. 3d 1331 (7th Cir. 1993).)

THIS MOTION IS PROCEDURALLY ADEQUATE, AND TWT MUST ACCEPT THAT THE AFFIDAVIT IS TRUE.

24. The Court must determine if the motion is procedurally adequate. This Emergency Motion to Recuse TWT is procedurally adequate. This is a proper application for a change of judge.

The Supreme Court held that the challenged judge must determine only the sufficiency of the affidavit, not the truth of the allegations. (7th Cir. 1992) (opinion of Posner, J., in chambers); ***United States v. Balistrieri***, 779 F.2d

1191, 1202–03 (7th Cir. 1985). ***Berger v. United States***, 255 U.S. 22 (1921). *See* ***In re Martinez-Catala***, 129 F.3d 213, 218 (1st Cir. 1997) ("Section 144 is unusual because it requires that the district judge accept the affidavit as true even though it may contain averments that are false and may be known to be so to the judge."); ***United States v. Sykes***, 7 F.3d 1331, 1339 (7th Cir. 1993); ***Souder v. Owens-Corning Fiberglas Corp.***, 939 F.2d 647, 653 (8th Cir. 1991) ("In reviewing [section 144] affidavits the court must not pass on the factual merit of any allegation but must restrict its analysis to the legal sufficiency of the affidavit."); ***Henderson v. Department of Pub. Safety & Corr.***, 901 F.2d 1288, 1296 (5th Cir. 1990); ***Weatherhead v. Globe Int'l, Inc.***, 832 F.2d 1226, 1227 (10th Cir. 1987); ***Albert v. United States Dist. Ct.***, 283 F.2d 61, 62 (6th Cir. 1960); ***United States v. Rankin,*** 870 F.2d 109, 110 (3d Cir. 1989); ***United States v. Townsend***, 478 F.2d 1072, 1073 (3d Cir. 1973); ***Mims v. Shapp***, 541 F.2d 415, 417 (3d Cir. 1976). *See* ***United States v. Story***, 716 F.2d 1088, 1090 (6th Cir. 1983); ***Chitimacha Tribe v. Laws***, 690 F.2d 1157, 1167 (5th Cir. 1982); ***United States v. Bray***, 546 F.2d 851, 858 (10th Cir. 1976); ***United States v. Dansker***, 537 F.2d 40, 53 (3d Cir. 1976), *cert. denied*, 429 U.S. 1038 (1977); ***Curry v. Jensen***, 523 F.2d 387, 388 (9th Cir.), *cert. denied*, 423 U.S. 998 (1975); ***Hodgdon v. United States***, 365 F.2d 679, 686 (8th Cir. 1966), *cert. denied*, 385 U.S. 1029 (1967).

The Eleventh Circuit has said that the allegations in a section 144 affidavit must be "material and stated with particularity" and be such that "they would convince a reasonable person that a bias exists." ***United States v. Alabama***, 828 F.2d 1532, 1540 (11th Cir. 1987), *cert.denied*, 487 U.S. 1210 (1988). *See also* ***Brokaw v. Mercer County***, 235 F.3d 1000; ***Parrish v. Board of Commissioners of the Alabama State Bar***, 524 F.2d 98 (5th Cir. 1975); ***Bonner v. City of Prichard***, 661 F.2d 1206, 1207 (11th Cir. 1981).

25. The Seventh Circuit says that in a 28 U.S.C. § 144 matter, a judge should appoint counsel "for the limited purpose of enabling [the party] to determine whether to file the certificate." (***United States v. Boyd***, 208 F.3d 638, 645 (7th Cir. 2000), vacated on other grounds).) If necessary, Windsor asks as an alternative for TWT to appoint counsel for this limited purpose.

> "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein." (***28 U.S.C. 1654***.)

26. Other courts have held that because Rule 11 requires pro se litigants to file papers in good faith, the requirement of a certificate is met without an actual certificate being signed. See ***Wambach v. Hinkle***, Civ. No. 1:07-714, 2007 WL 2915072, at *2 (E.D. Va. Oct. 4, 2007); ***Kidd v. Greyhound Lines, Inc.***, Civ. No. 3:04-277, 2004 WL 3756420 (E.D. Va. Sept. 23, 2004). Every Windsor affidavit has been under oath, under penalty of perjury pursuant to 28 U.S.C. 1746, and signed before a notary. The Defendants have not filed a single affidavit, much less under oath/penalty of perjury, or signed before a notary.

27. Some cases indicate that merely an affidavit under 28 U.S.C. § 1746 is sufficient. (***United States v. Goldston***, supra.)

THE OBJECTIVE TEST OF WHETHER IMPARTIALITY MIGHT REASONABLY BE QUESTIONED

28. With the requirements met under 28 U.S.C. § 144, this Court must then consider "whether impartiality might reasonably be questioned."

29. Fortunately, the language of 28 U.S.C. § 455(a) creates an objective "reasonable person" standard under which the judge's personal opinion as to his or her ability to impartially decide the issue is irrelevant. The test is clearly whether

the impartiality of the court might reasonably be questioned by people other than the judge in question, or even other judges.

30. As the U.S. Supreme Court said in ***Liteky v US***, 510 US 540, 548 (1994) in discussing the history of 28 U.S.C. § 455(a), this is not a subjective test, but rather an objective one:

> Subsection (a), the provision at issue here, was an entirely new "catchall" recusal provision, covering both "interest or relationship" and "bias or prejudice" grounds...***Liljeberg v. Health Services Acquisition Corp.***, 486 U.S. 847, 108 S.Ct. 2194, 100 L.Ed.2d 855 (1988) -- but requiring them all to be evaluated on an objective basis, so that what matters is not the reality of bias or prejudice but its appearance. Quite simply and quite universally, recusal was required whenever "impartiality might reasonably be questioned."

31. This motion challenges actions and comments by TWT that are both out of this civil action and in this civil action.

32. For many years, cases deciding whether recusal was appropriate or not focused on whether the comments or actions taken by the court were in court or extra-judicial and out of court. Though this motion is based on both, it is important to recognize that the distinction of actions or comments that are categorized as "extra-judicial" or not is not the determining factor.

33. The Supreme Court has made it absolutely clear that the source of the impartiality of the court need not necessarily stem from an extra-judicial source:

> It is wrong in theory, though it may not be too far off the mark as a practical matter, to suggest, as many opinions have, that "extrajudicial source" is the only basis for establishing disqualifying bias or prejudice. It is the only common basis, but not the exclusive one, since it is not the exclusive reason a predisposition can be wrongful or inappropriate. A favorable or unfavorable predisposition can also deserve to be characterized as "bias" or "prejudice" because, even though it springs from the facts adduced or the events occurring at trial, it is so extreme as to display clear inability to render fair judgment. ***Liteky***, supra, at 551.
>
> The fact that an opinion held by a judge derives from a source outside judicial proceedings is not a necessary condition for "bias or prejudice" recusal, since predispositions developed during the course of a trial will sometimes (albeit rarely) suffice. ***Liteky***, at 554.

34. As many courts have noted, the appearance of impartiality by judges does not harm only those parties appearing before the court in that instance, but undercuts the public perception of all judges.

> "The very purpose of 455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible." ***Liljeberg v. Health Servs. Acquisition Corp.***, 486 U.S. 847, 865, 108 S.Ct. 2194, 100 L.Ed.2d 855 (1988). William G. Ross, ***Extrajudicial Speech: Charting the Boundaries of Propriety***, 2 GEO. J. LEGAL ETHICS 589, 598 (1989). ***United States v. Microsoft Corp.***, 346 U.S. App. D.C. 330, 253 F.3d 34, 107 (D.C. Cir. 2001), at 114.

35. A brief review of the remarks and actions by TWT provides evidence that TWT cannot even muster the appearance of impartiality. They "reveal a high degree of favoritism or antagonism" such that removal is appropriate.

36. As a matter of law, as the Supreme Court said in ***Liteky***, supra at 555, the question is whether the remarks of the court "reveal such a high degree of favoritism or antagonism as to make fair judgment impossible."

37. Windsor is entitled, under the Fifth Amendment to the Constitution, under the decisions of the U.S. Supreme Court and other federal courts of appeal, and under the laws of Congress, to an impartial and fair judge at all stages of the proceeding. (***U.S. v. Balistrieri***, 779 F.2d 1191, 1201 (7th Cir. 1985), *cert. denied*, 477 U.S. 908 (1986).)

FAILURE TO FOLLOW PROPER PROCEDURE CAUSES TWT TO BE ACTING IN ABSENCE OF JURISDICTION.

38. Failure to follow proper procedure is a violation of Windsor's civil rights where TWT is acting in the absence of all jurisdiction. TWT has issued orders that are invalid, and he no longer has jurisdiction in this Civil Action.

39. The Supreme Court has expressed that TWT may proceed no further in this civil action. "Upon the filing of an affidavit of a party to a case in the district court...averring the affiant's belief that the judge before whom the case is to be tried has a personal bias or prejudice against him, and stating facts and reasons, substantial in character and which, if true, fairly establish a mental attitude of the judge against the affiant which may prevent impartiality of judgment, it

becomes the duty of the judge to retire from the case." ***Berger v. United States***, 255 U. S. 22 (1921).

40. The Supreme Court adopted the federal procedure for dealing with the problem "that is, when a trial judge in a case pending in that court is presented' with a motion to recuse accompanied by an affidavit, the judge's duty will be limited to passing upon the legal sufficiency of the affidavit, and if, assuming all the facts alleged in the affidavit to be true, recusal would be warranted, then another judge must be assigned to hear the motion to recuse." (***State v. Fleming***, 245 Ga. 700, 702 (267 SE2d 207) (1980). ***Riggins v. The State***, (*159 Ga. App. 791*), (*285 SE2d 579*), (1981).)

41. This case is just a week old. The burden placed on a new judge is nothing compared to the burden placed on Windsor in the violation of his Constitutional and civil rights and violation of the law if TWT summarily dismisses a motion for recusal.

THE IMPARTIALITY OF TWT MUST BE QUESTIONED.

42. 28 U.S.C. § 455 provides standards for judicial disqualification or recusal. Section 455: a federal judge "shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." The same section also provides that a judge is disqualified "where he has a personal bias or prejudice

concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding.

43. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of TWT.

> "A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned." (***Liteky v. U.S.***, 114 S.Ct. 1147, 1162 (1994); ***Parker v. Connors Steel Co.***, 855 F.2d 1510 (11th Cir.) (1988) citing ***Potashnick v. Port City Const. Co.,*** 609 F.2d 1101, 1111 (5th Cir.), cert. denied, 449 U.S. 820, 101 S.Ct. 78, 66 L.Ed. 2d 22 (1980).)
>
> "When a trial judge in a case pending in that court is presented with a motion to recuse accompanied by an affidavit, the judge's duty will be limited to passing upon the legal sufficiency of the affidavit, and if, assuming all the facts alleged in the affidavit to be true, recusal would be warranted, then another judge must be assigned to hear the motion to recuse." (Citation and punctuation omitted.) ***State v. Davis***, *159 Ga. App. 537*, 539 (3) (*284 SE2d 51*) (1981). Canon 3 C. (1) (a) of the Code of Judicial Conduct states: "Judges should disqualify themselves in proceedings in which their impartiality might reasonably be questioned, including but not limited to instance where: . . . the judge has a personal bias or prejudice concerning a party or a party's lawyer . . . ." "We interpret the word 'should' to mean 'shall' in the context of this requirement." ***Savage v. Savage***, *234 Ga. 853*, 856 (*218 SE2d 568*) (1975). ***Houston v. Cavanagh et al.***, (*199 Ga. App. 387*), (*405 SE2d 105*), (1991).

TO AVOID THE APPEARANCE OF IMPROPRIETY, TWT MUST BE RECUSED.

44. "Canon 2 of the Code of Conduct for United States Judges tells judges to 'avoid impropriety and the appearance of impropriety in all activities,' on the

bench and off." ***United States v. Microsoft Corp.***, 346 U.S. App. D.C. 330, 253 F.3d 34, 107 (D.C. Cir. 2001).

TWT HAS DEMONSTRATED EXTRAJUDICIAL BIAS.

45. The bias of TWT stems from extra-judicial sources. He has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge. He has demonstrated a particular deep-seated antagonism toward Windsor.

46. ***Action, Accountability, and the Judiciary -- United States Federal Judicial Recusal Reform In a New Century*** by Brian Downing (2001) discusses the "extra-judicial" concept and explains that it was a mistake.

> According to Justice Scalia, Douglas' use of the term "extrajudicial" in ***U.S. v. Grinnell Corp.*** 384 U.S. 563 simply meant "a source outside the judicial proceeding at hand – which would include as extrajudicial sources earlier judicial proceedings conducted by the same judge," proceedings commonly referred to as intrajudicial in legal vernacular. Scalia is correct to the extent that Douglas' invocation of "extrajudicial" was a misnomer. However, the misuse of the term "extrajudicial" by Justice Douglas was not realized by many in the aftermath of ***Grinnell***.
>
> "***Liteky v. U.S.*** represents the Supreme Court's stance on disqualification today. Justice Scalia's majority opinion does do much to clarify and correct previous misinterpretations of the extrajudicial source doctrine, while at the same time broadening the principle's scope. (***Liteky v. United States***, 510 U.S. 540, 556, 114 S. Ct. 1147, 1158, 127 L. Ed. 2d 474 (1994).)
>
> ***"U.S. v. Microsoft*** (97 F. Supp. 2d 59 (2000) will be long remembered as one of the most notable antitrust cases in a century. Yet, the case also contains an important judicial recusal element.

"To justify its holding, the DC Circuit's opinion noted that "28 U.S.C. § 455(a)...requires disqualification only when a judge's 'impartiality might reasonably be questioned' [citation omitted]...we believe the line has been crossed." Id. at 114-115. As for the remedy, the DC Circuit shrugged off the ***Liteky*** standard, declaring that the "'extrajudicial source' rule has no bearing on the case before us." Id. at 115. The DC Circuit then proceeded to adopt the wide latitude provided by ***Liljeberg***. The opinion states that an "application of ***Liljeberg*** leads us to conclude that the appropriate remedy for the violations of 28 U.S.C. § 455(a) is disqualification of [Judge Jackson] retroactive...to the date he entered the order breaking up Microsoft." Id. at 116. The DC Circuit then vacated Jackson's final holding in ***Microsoft*** and remanded the case for review by a different District Judge."

THE STANDARD FOR REVIEW:
AN OBJECTIVE OBSERVER – A REASONABLE LAY PERSON

47. If we apply the reasonable person analysis to this situation, any reasonable person would question the impartiality of TWT.

48. The actions of TWT displayed deep-seated and unequivocal antagonism that would render fair judgment impossible. ***Liteky v. United States***, 510 U.S. 540, 556, 114 S. Ct. 1147, 1158, 127 L. Ed. 2d 474 (1994).

49. Windsor contends that the average reasonable person, knowing all the facts, would easily conclude that TWT's impartiality could be questioned, that TWT cannot possibly give the Defendants a fair and impartial hearing, and that he should be removed and replaced by an impartial judge.

("The probability of actual bias on the part of the judge . . . is too high to be constitutionally tolerable"); ***Berger v. United States***, 255 U.S. 22, 33-34 (1921); ***Potashnick v. Port City Constr. Co.***, 609 F.2d 1101, 1111 (5th Cir.

1980) ("Any question of a judge's impartiality threatens the purity of the judicial process and its institutions"); ***King v. State***, 246 Ga. 386, 389-90, 271 S.E.2d 630 (1980); ***Hall v. Small Bus. Admin.***, 695 F.2d 175, 179 (5th Cir. 1983); ***United States v. Columbia Broad. Sys., Inc.***, 497 F.2d 107, 109 (5th Cir. 1974); ***Stephens v. Stephens***, 249 Ga. 700, 702, 292 S.E.2d 689, 691 (1982); ***Isaacs v. State***, 257 Ga. 126, 127, 355 S.E.2d 644 (1987).

50. The Affidavit of Prejudice states very clearly the facts and reasons for the belief that bias and prejudice exists. Dates, times, places, circumstances, and statements are itemized.

TWT HAS SHOWN PERVASIVE BIAS.

51. Windsor submits that this is a case of pervasive bias. Pervasive is defined as "To be present throughout." This civil action is only a few days old, but the bias has been present throughout. The bias existed before this civil action began.

52. TWT established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the "appearance of impropriety," a standard that must be safeguarded under applicable recusal law.

53. TWT has established a position in this proceeding that the Plaintiff is wrong and that his case does not matter.

"The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law." This is applicable to TWT by application of Article VI of the United States Constitution and ***Stone v Powell***, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).

54. The United States Constitution is supposed to guarantee an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS.

55. Where a number of facts considered separately would not be grounds for recusal, the cumulative effect of those facts considered together may be a basis for recusal. See ***In re United States of America***, 441 F.3d at 68; ***United States v. Mavroules***, 798 F. Supp 61 (D. Mass. 1992).

TWT FAILED TO PROVIDE DUE PROCESS AND EQUAL PROTECTION TO WINDSOR.

56. TWT has violated Windsor's civil and constitutional rights under color of law.

> "[t]rial before an 'unbiased judge' is essential to due process." ***Johnson v. Mississippi***, 403 U.S. 212, 216 (1971); accord ***Concrete Pipe & Prods. V. Constr. Laborers Pension Trust***, 508 U.S. 602, 617 (1993) (citation omitted). (See also ***Levine v. United States,*** 362 U.S. 610, 80 S.Ct. 1038 (1960), citing ***Offutt v. United States***, 348 U.S. 11, 14, 75 S. Ct. 11, 13 (1954); ***Mathews v. Eldridge***, 424 U.S. 319, 344 (1976); ***Peters v. Kiff***, 407, U.S. 493, 502 (1972)

57. Windsor has just cause to believe that he cannot been given a fair trial. TWT has told everyone that Windsor will not be given a fair trial in his orders.

58. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases. ***Marshall v. Jerrico, Inc.***, 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980).

> Partiality in favor of the government may raise a defendant's due process concerns." ***In re United States of America***, 441 F.3d at 66 (citing ***In re Murchison***, 349 U.S. 133 (1955).
>
> 28 U.S.C. 155 may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties, but due process of law requires no less." ***Taylor v. Hayes***, 418 U.S. 488, 501 (1974) (citations and quotation marks omitted). See also ***Murchison***, 349 U.S. at 136.

59. TWT has effectively denied Windsor's rights of the equal protection under the law under Article VI of the Constitution.

60. TWT's actions prove that he has exercised his power in this civil action for his own personal purposes rather than the will of the law.

> "Courts are the mere instruments of the law, and can will nothing. When they are said to exercise a discretion, it is a mere legal discretion, a discretion to be exercised in discerning the course prescribed by law, and, when that is discerned, it is the **duty** of the court to follow it. Judicial power is never exercised for the purpose of giving effect to the will of the judge; always for the purpose of giving effect to the will of the legislature; or, in other words, to the will of the law." ' ***Littleton v. Berbling***, 468 F.2d 389, 412 (7th Cir. 1972), citing ***Osborn v. Bank of the United States***, 9 Wheat (22 U.S.) 738, 866, 6 L.Ed 204 (1824); ***U.S. v. Simpson***, 927 F.2d 1088 (9th Cir. 1990).

61. The orders issued by TWT in this Civil Action suggest the appearance of animosity towards Windsor, and the June 17, 2011 Protective Order deprives Windsor of rights to which he is entitled under the Federal Rules of Civil Procedure and the United States Code.

62. In ***Parker v. Bd. of Supervisors Univ. of Louisiana-Lafayette***, 270 Fed. Appx. 314, 316 (5th Cir. 2008), Parker "failed to accompany his motion asserting bias with a 'timely and sufficient affidavit' and a 'certificate of counsel of record' stating that it is made in good faith, even if signed by himself pro se, as required by § 144." This is clear: The certificate can be signed by a pro se party.

> "Parker failed to accompany his motion asserting bias with a 'timely and sufficient affidavit' and a 'certificate of counsel of record stating that it is made in good faith,' even if signed by himself pro se, as required by § 144. 28 U.S.C. § 144...." (***Parker v. Bd. of Supervisors Univ. of Louisiana-Lafayette***, 270 Fed. Appx. 314, 316 (5th Cir. 2008).)

TWT IS VIOLATING THE CONSTITUTIONAL RIGHTS OF WINDSOR.

63. TWT has violated Windsor's Constitutional rights.

64. TWT's June 17, 2011 Protective Order obliterates Windsor's legal and Constitutional rights.

65. The Sixth Amendment provides the Constitutional right to self-representation. That right should be enjoyed without fear of harassment or judicial prejudice. Furthermore, no law, regulation, or policy should exist to abridge or surreptitiously extinguish that right. Pro Se Litigants have no less of a right to effective due process as those who utilize an attorney.

66. For due process and to secure the Constitutional rights of Windsor, judges may not take the law into their own hands. But this is precisely what TWT

and the Defendant Judges have done. These judges ignore the law, ignore or twist the facts to use inapplicable law, and abuse and disadvantage Windsor. Windsor's experience is that this is a widespread practice in the Northern District of Georgia and the Eleventh Circuit.

67. For due process to be secured, the laws must operate alike upon all and not subject the individual to the arbitrary exercise of governmental power. (***Marchant v. Pennsylvania R.R.***, 153 U.S. 380, 386 (1894).) TWT has violated Windsor's rights by using his power to inflict his bias.

68. For due process, Windsor has the right to protections expressly created in statute and case law. TWT has violated Windsor's rights by using his power to ignore facts and the law.

69. Due process allegedly ensures that the government will respect all of a person's legal rights and guarantee fundamental fairness and justice. TWT's actions have violated Windsor's rights and denied justice.

70. Due process holds the government subservient to the law of the land, protecting individual persons from the state. TWT has violated this trust.

71. Due process requires an established course for judicial proceedings designed to safeguard the legal rights of the individual. Action denying the process that is "due" is unconstitutional. Inherent in the expectation of due process

is that the judge will abide by the rules. TWT has interfered with the process and violated rules for the purpose of damaging Windsor.

72. An inherent Constitutional right is the honesty of the judge. TWT has not been honest. TWT has violated Canon 2 and other Canons of the Code of Judicial Conduct ("CJC").

73. The Constitution guarantees Windsor a fair and impartial judge. TWT denied Windsor's guarantee to inflict his extra-judicial bias.

> Every person "has a constitutional and statutory right to an impartial and fair judge at all stages of the proceeding." (***Liteky v U.S.***, 510 US 540 (1994). (See ***Stone v Powell,*** 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).) "[t]rial before an 'unbiased judge' is essential to due process." ***Johnson v. Mississippi,*** 403 U.S. 212, 216 (1971); accord ***Concrete Pipe & Prods. V. Constr. Laborers Pension Trust,*** 508 U.S. 602, 617 (1993) (citation omitted).)

74. Due process guarantees basic fairness and to make people feel that they have been treated fairly. Windsor has not been treated fairly.

> "justice must give the appearance of justice" ***Levine v. United States,*** 362 U.S. 610, 80 S.Ct. 1038 (1960), citing ***Offutt v. United States***, 348 U.S. 11, 14, 75 S. Ct. 11, 13 (1954). ***Peters v. Kiff***, 407, U.S. 493, 502 (1972).

75. TWT has effectively denied Windsor's rights of the equal protection under the law.

THIS IS AN EMERGENCY MOTION

76. Windsor asks that this Court handle this motion on an emergency basis because Windsor's rights have been seriously infringed, and time is of the essence. Windsor intends to file a Writ of Mandamus with the United States Supreme Court if TWT fails to take the appropriate action and quickly on this motion.

77. Windsor believes that disqualification pursuant to 28 U.S.C. §455 is also appropriate. Disqualification is also appropriate due to Canons 1, 2, and 3 of the Code of Judicial Conduct.

> Inasmuch as the grounds for disqualification set out in § 144 are included in § 455, both sections may be considered together, ***Phillips v. Joint Legislative Committee***, 637 F.2d 1014 (5th Cir.1981), **cert. denied,** 456 U.S. 960, 102 S. Ct. 2035, 72 L. Ed. 2d 483, 456 U.S. 960, 102 S. Ct. 2233, 72 L. Ed. 2d 845, **reh'g. denied,** 457 U.S. 1140, 102 S. Ct. 2974, 2975, 73 L. Ed. 2d 1361 (1982); ***United States v. Gigax***, 605 F.2d 507, 512 (10th Cir.1979); ***City of Cleveland v. Cleveland Electric Illuminating Co.***, 503 F. Supp. 368 (N.D.Ohio), at 372. (See also ***McWhorter v. City of Birmingham***, 906 F.2d 674, 678 (1990); ***Parker v. Comers Steel Co.***, 855 F.2d 1510, 1524 (11th Cir. 1988), cert. denied, 490 U.S. 1066, 109 S.Ct. 2066, 104 L.Ed.2d 631 (1989); ***Apple v. Jewish Hosp. and Medical Ctr.***, 829 F.2d 326, 333 (2d Cir. 1987).)

78. Support for this Motion is provided in the Affidavit of Prejudice attached hereto as Exhibit A and incorporated herein as well as all motions and affidavits filed by Windsor in the instant Civil Action and all orders of this court.

79. Windsor has filed a timely and sufficient affidavit that TWT has a personal bias and prejudice against Windsor and a personal bias in favor of the

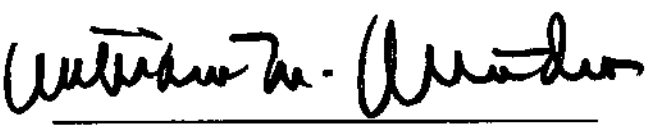
Defendants. The affidavit states the facts and the reasons for the belief that bias or prejudice exists, and the request to file this motion and affidavit are being filed a week after the Verified Action was removed to this Court and two business days after the June 17, 2011 Protective Order in which the bias of TWT was reinforced. The facts are such that a reasonable person would feel that bias exists. The 28 U.S.C. Certificate is provided herewith as Exhibit B.

80. Pursuant to 28 U.S.C. § 144, TWT shall proceed no further herein, and another judge shall be assigned to hear this proceeding.

WHEREFORE, having now filed this Motion, sworn Affidavit of Perjury, and Certificate, Plaintiff Windsor respectfully requests as follows:

(1) that this Motion be referred to another judge for a hearing;
(2) that the Court grant PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY MOTION TO RECUSE TWT;
(3) that the Court issue an order recusing TWT;
(4) that the Court strike all orders by TWT and require the Defendants to file timely answers to the Verified Complaint or in the alternative that the Court conduct a hearing to reconsider the Removal, Motion for Temporary Restraining Order, and the other issues;
(5) that the Court grant a conference with all parties; and
(6) that the Court grant such other and further relief as justice requires in association with this Motion.

Submitted this 21st day of June, 2011.



WILLIAM M. WINDSOR

Pro Se
PO Box 681236
Marietta, GA 30068
Telephone: 770-578-1094
Facsimile: 770-234-4106
Email: williamwindsor@bellsouth.net

VERIFICATION OF WILLIAM M. WINDSOR

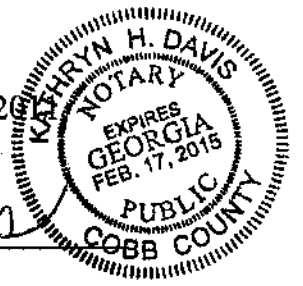
I, William M. Windsor, swear that I am authorized to make this verification and that the facts alleged in the foregoing MOTION are true and correct based upon my personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters I believe 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 21st day of June, 2011.

William M. Windsor

Sworn to before me, this 21st day of June 2011.



Notary Public

CERTIFICATE OF COMPLIANCE

As required by Local Rule 7.1D, N.D. Ga., I hereby certify 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.

This 21sth day of June, 2011.

WILLIAM M. WINDSOR
Pro Se

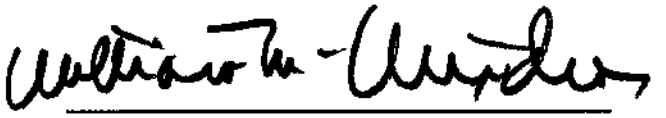
PO Box 681236
Marietta, GA 30068
Telephone: 770-578-1094
Facsimile: 770-234-4106
Email: williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June 2011, I served this CERTIFICATE by depositing in the United States Mail with sufficient postage addressed to each Defendant and by mail and fax to:

CHRISTOPHER J. HUBER
ASSISTANT U.S. ATTORNEY
Georgia Bar No. 545627
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6292 -- Facsimile: (404) 581-6181
Email: chris.huber@usdoj.gov

This 21st day of June, 2011.



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

WILLIAM M. WINDSOR, Plaintiff	)	
v.	)	CIVIL ACTION NO.
James N. Hatten, Anniva Sanders, J. White, B. Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum, Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, John Ley Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge Frank M. Hull, Defendants.	)	1:11-CV-01923-TWT

28 USC 144 CERTIFICATE

THAT MOTION TO RECUSE IS FILED IN GOOD FAITH

1. Pursuant to 28 U.S.C. § 144, I, William M. Windsor, pro se, hereby certify that this motion and the Affidavit of Prejudice are both filed in good faith.

2. All facts are true and correct.

3. I have no "counsel of record." I am pro se, so I am my own counsel, and I am providing this to meet the requirements.

4. Case law provides that I am entitled to sign this Certificate myself.

5. ***Stine v. United States***, No. V-06-21 (S.D.Tex. 11/07/2008) cites 13 cases, including one federal appellate court decision, stating that a pro se litigant

may file the certificate of good faith, signed by himself, indicating that his motion and affidavit are filed in good faith.

6. The 2008 decision in ***Stine v. United States*** was: "...both the weight of authority, including reasonable inference from a Fifth Circuit statement, and the most logical reasoning are on the side of holding that a pro se litigant must sign a certificate when making a section 144 motion."

7. ***Stine*** also states: "The Fifth Circuit has intimated, without expressly so stating, that even a pro se litigant must file such a certificate, signed by himself, indicating that his motion and affidavit are filed in good faith. See ***Parker v. Bd. of Supervisors Univ. of Louisiana-Lafayette***, 270 Fed. Appx. 314, 316 (5th Cir. 2008) ("***Parker*** failed to accompany his motion asserting bias with a 'timely and sufficient affidavit' and a 'certificate of counsel of record stating that it is made in good faith,' even if signed by himself pro se, as required by § 144."). Other courts have joined in allowing pro se litigants to file this certificate. See ***United States v. Collins***, 203 Fed. Appx. 712, 714 (7th Cir. 2006); ***Everson v. Liberty Mut. Assurance Co.***, Civ. No. 1:05-2459, 2008 WL 1766956 (N.D. Ga. Apr. 14, 2008); ***Apel v. Davis***, Civ. No. 3:07-475, 2007 WL 4531521 (N.D. Fla. Dec. 14, 2007); ***United States v. Goldston***, Civ. No. 06-2153, 2007 WL 3090775 (D. Colo. Oct. 19, 2007); ***United States v. Pungitore***, Civ. No. 97-2972, 2003 WL 22657087 (E.D.

Pa. Oct. 24, 2003); ***Heimbecker v. 555 Assocs.***, Civ. No. 01-6140, 2003 WL 21652182 (E.D. Pa. Mar. 26, 2003); ***Vassilos v. Petersen***, Civ. No. 92-6456, 1992 WL 345044 (N.D. Ill. Nov. 12, 1992); ***United States v. Jones***, Crim. No. 89-61E, 1989 WL 58544 (W.D.N.Y. June 2, 1989); ***Kersh v. Borden Chemical***, 689 F. Supp. 1457 (E.D. Mich. 1988)... ***In re: Request for Recusal of District Judge***, Misc. No. 3-94-30, 1994 WL 1631038 (S.D. Ohio Oct. 12, 1994) ("Of course here the Plaintiff is proceeding pro se, so no counsel's certificate is required."); ***Trinsey v. K. Hovanian at Upper Merion, Inc.***, Civ. No. 93-1695, 1993 WL 313510 (E.D. Pa. July 28, 1993)."

8. A pro se party who has not been represented by counsel may provide his own certificate of good faith. "(***In re Beecher***, 50 F. Supp. 530, 531 (E.D. Wash. 1943). (See also ***Kersh v. Borden Chem.***, 689 F. Supp. 1457, 1459-1460 (E.D. Mich. 1988).

Respectfully submitted this 21st day of June, 2011.

WILLIAM M. WINDSOR
Pro Se
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Telephone: 770-578-1094
Facsimile: 770-234-4106
Email: williamwindsor@bellsouth.net

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 AFFIDAVIT 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 21st day of June, 2011.

William M. Windsor

Sworn to before me, this 21st day of June, 2011.

Notary Public

KATHRYN H. DAVIS NOTARY PUBLIC GEORGIA EXPIRES FEB. 17, 2015 COBB COUNTY

CERTIFICATE OF COMPLIANCE

As required by Local Rule 7.1D, N.D. Ga., I hereby certify 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.

This 21st day of June, 2011.

WILLIAM M. WINDSOR
Pro Se

PO Box 681236
Marietta, GA 30068
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CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of June 2011, I served this CERTIFICATE by depositing in the United States Mail with sufficient postage addressed to each Defendant and by mail and fax to:

CHRISTOPHER J. HUBER
ASSISTANT U.S. ATTORNEY
Georgia Bar No. 545627
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6292 -- Facsimile: (404) 581-6181
Email: chris.huber@usdoj.gov

This 21st day of June, 2011.

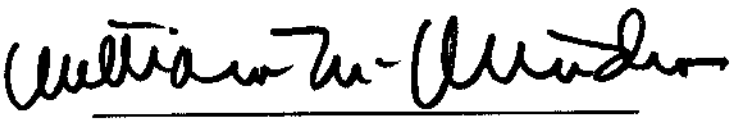

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Exhibit

B

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

WILLIAM M. WINDSOR, Plaintiff	)	
v.	)	CIVIL ACTION NO.
James N. Hatten, Anniva Sanders, J. White, B. Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum, Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, John Ley Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge Frank M. Hull, Defendants.	)	1:11-CV-01923-TWT **EMERGENCY MOTION**

WILLIAM M. WINDSOR'S AFFIDAVIT OF PREJUDICE OF JUDGE THOMAS WOODROW THRASH

I, William M. Windsor, the undersigned, hereby declare under penalty of perjury:

1. My name is William M. Windsor ("Windsor"). I am over the age of 21, am competent to testify, and have personal knowledge of the matters stated herein.

2. This Affidavit of Prejudice of Judge Thomas Woodrow Thrash ("Affidavit of Prejudice") is offered in support of the Emergency Motion to Recuse Judge Thomas Woodrow Thrash ("Motion to Recuse").

3. I am the Plaintiff in this action, and I am representing myself pro se.

4. I am not an attorney.

5. In an effort to do the best possible job as a pro se party, I have studied the applicable Federal Rules of Civil Procedure, Local Rules, the Georgia Code of Professional Conduct for attorneys, the Official Code of Georgia Annotated, certain federal statutes, the Federal Rules of Judicial Procedure, the Federal Rules of Appellate Procedure, the Code of Conduct for United States Judges, and case law. I have spent hundreds of hours studying case law on recusal.

6. This affidavit is based upon my personal knowledge.

7. In this affidavit, references to a "Docket #" refer to the document number in this Civil Action No.1:11-CV-01923-TWT. When a reference to an "Exhibit #" is made, refers to an Exhibit attached to this or another declaration/affidavit.

8. In this affidavit, references to "MIST-1" refer to Civil Action No. 1:06-CV-0714-ODE.

9. In this affidavit, references to "BOGUS ACTION" refer to the so-called Civil Action No. 1:09-CV-01543-WSD.

10. In this affidavit, references to "MIST-2" refer to the so-called Civil Action No. 1:09-CV-02027-WSD.

11. Every docket entry referenced herein is made a part of this Affidavit.

All of my motions and responses were verified in full under oath under penalty of perjury, so rather than repeat all the facts again and again, I simply reference and incorporate them herein as if attached hereto, and I repeat my verification that everything I have said is true and correct based upon my personal knowledge. I say this under penalty of perjury.

12. Prejudice and bias may be either for or against. In the instant action, there is both. Thomas Woodrow Thrash ("TWT") has a pervasive antagonistic bias toward Windsor. TWT has a pervasive bias in favor of the Defendants.

13. I have had approximately $1,500,000.00 "stolen" from me in the guise of lawsuits (MIST-1 and the BOGUS ACTION).

14. The criminal acts and improper acts of various Defendants are mind boggling. The proof is all in the record that was cited for TWT.

15. On May 12, 2011, I was notified by a known radio talk show host that a federal prisoner was approached by the U.S. government with a deal to infiltrate organizations of people battling government corruption, and the assassination of William M. Windsor was mentioned. Upon information and belief, Defendants would be involved in this.

16. On May 19, 2011, I filed a Verified Declaratory Judgment Action in the Superior Court of Fulton County. The civil action was assigned No. 2011CV200857.

17. On May 20, 2011, I filed a Verified Complaint in the Superior Court of Fulton County. The civil action was assigned No. 2011CV200971.

18. On June 13, 2011, Ms. Sally Quillian Yates ("Ms. Yates") and/or Mr. Christopher Huber ("Mr. Huber") filed a NOTICE OF REMOVAL in regard to No. 2011CV200857. No. 2011CV200857 became N.D.Ga Civil Action No. 1:11-CV-01922-TWT ("01922"), and was assigned to TWT. There is nothing in the record of any court to indicate that Ms. Yates and/or Mr. Huber represent any of the Defendants or had any authority to file anything in 01922. The 01922 Docket erroneously shows Mr. Huber to be the attorney for various Defendants, but this is bogus.

19. On June 13, 2011, I filed a Motion for Temporary Restraining Order in No. 2011CV200857 was docketed as Docket #2 in 01922.)

20. On June 13, 2011, the U.S. Attorney filed a MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION. (01922 Docket #3.)

21. On June 13, 2011, the U.S. Attorney filed a MOTION FOR PROTECTIVE ORDER. (01922 Docket #4.)

22. On June 14, 2011, I filed a MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01922 Docket #5.) This MOTION documents and cites just exactly the many ways that the Notice of Removal was illegal and defective. Based upon the statutes and case law, TWT had a legal obligation to immediately rule on the propriety of the NOTICE OF REMOVAL. He ignored these duties. I submit that this proves prejudice because the first matter to be addressed following removal is whether the removal was proper. In 01922, the removal was facially defective. I believe anyone with a legal education or an hour of studying the law can look at it and see that it is defective.

23. On June 14, 2011, I filed a RESPONSE TO THE MOTION FOR PROTECTIVE ORDER. (01922 Docket #6.)

24. On June 15, 2011, I filed a MOTION TO DISQUALIFY MS. YATES, MR. HUBER, AND THE U.S. ATTORNEY'S OFFICE. (01922 Docket #12.) This Motion explains their lack of authority and details conflicts galore.

25. On June 15, 2011, TWT denied me a hearing on the TRO and denied the motion for TRO. (A true and correct copy of the order is Exhibit 5 hereto, referenced and incorporated herein.) In this June 15, 2011 Order Denying TRO,

TWT commits obstruction of justice, violates the rules, establishes his participation in the racketeering enterprise, and commits perjury.

26. TWT stated in his June 15, 2011 Order Denying TRO that the purpose of the restraining order was to restrain Judge Duffey "from violating O.C.G.A. § 10-6-5," yet he proceeds to deny the motion by claiming it sought to be allowed to commit violations of criminal statutes. This proves prejudice and bias! TWT can't even figure out how to disguise his prejudice and bias.

27. TWT stated in his June 15, 2011 Order Denying TRO that the Motion for TRO fails because I was seeking to commit the unauthorized practice of law. This is perjury. Nowhere in my Motion for TRO does it ask to commit the unauthorized practice of law. The Verified Complain in this Civil Action 01922 and the Motion for TRO make it absolutely clear that the only thing I am seeking is a declaratory judgment as to exactly what a person can do under the Georgia statute that authorizes use of a "power of attorney."

28. With no testimony of any type from anyone claiming I am seeking to commit the unauthorized practice of law, there isn't even a fact issue. TWT proved his prejudice by committing perjury for the purpose of furthering the racketeering enterprise that he belongs to. He lied to damage Windsor and protect his fellow racketeers.

29. This wasn't an error by TWT. If it was, he could have immediately corrected it when I filed a motion for reconsideration of the order. This was intentional by TWT because he is criminally prejudiced for the Defendants and criminally biased against me.

30. Every party presenting a motion for a temporary restraining order is allowed the opportunity to present their arguments to a judge. TWT denied me this established right. This proves his prejudice because he did this to further the racketeering enterprise that he belongs to. He lied to damage Windsor and protect his fellow racketeers.

31. On June 17, 2011, I filed a RESPONSE TO THE FEDERAL DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION AND MOTION TO STRIKE. (01922 Docket #23.) The Clerk of the Court failed to file the motion; Docket 23 is merely the "notice of filing of the motion" that every pro se party is required to file with the motion.

32. On June 17, 2011, three days after the U.S. Attorney filed its non-expedited, non-emergency motion, I received an order (the "01922 EXTENSION ORDER") dated June 16, 2011 (Docket #19) by mail. (Exhibit 7 is a true and correct copy of the June 16, 2011 EXTENSION ORDER, referenced and

incorporated herein.) TWT violated my rights under the FRCP and L.R. by issuing the EXTENSION ORDER before giving me the prescribed period of time to respond to the motion. This served the needs of the racketeering enterprise in a most significant way.

33. On June 17, 2011, I filed an EMERGENCY MOTION FOR RECONSIDERATION OF ORDER DENYING TRO AND AN EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION HEARING. (01922 Docket #22.) The Clerk of the Court failed to file the motion; docket 22 is merely the "notice of filing of the motion" that every pro se party is required to file with the motion.

34. On June 17, 2011, TWT entered an order ("01922 PROTECTIVE ORDER") (01922 Docket #25.) (Exhibit 9 is a true and correct copy of the June 17, 2011 01922 PROTECTIVE ORDER.) TWT violated my rights under the FRCP and L.R. by issuing the PROTECTIVE ORDER for the many reasons detailed in 01922 Docket #6. In addition, TWT commits obstruction of justice, perjury and proves his criminal bias. TWT had no evidence before him of any type from any of the Defendants. The only evidence before him was the sworn under penalty of perjury testimony from me, yet TWT said: "This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff." This is

absolutely false, and it served the needs of the racketeering enterprise in a most significant way. 01922 is simply a declaratory judgment action that asks the Fulton County Superior Court to clarify a state statute. TWT ignored all of my filings because he was acting as a racketeer rather than as a judge.

35. In the 01922 PROTECTIVE ORDER, TWT (who no longer has jurisdiction in 01922 due to his illegal acts) purported to quash discovery, though there was not even a motion before the court seeking to have discovery quashed. This proves prejudice because a judge is not supposed to grant relief that isn't even requested. This proves prejudice because TWT ignored his mandatory initial obligation, which was to rule that the Notice of Removal was defective.

36. TWT issued this 01922 Protective Order without giving me the time for response mandated by the FRCP and Local Rules. This proves prejudice because it is a simple matter to allow a party their legal right to respond to a motion. This is absolutely improper, and it served the illegal needs of the racketeering enterprise in a most significant way.

37. TWT purported to issue filing restrictions against me though there was no notice and no hearing as required by absolutely binding court precedents that a real judge would have to honor. This proves prejudice because the binding

precedents for the Eleventh Circuit and Supreme Court require both notice and a hearing.

38. TWT also purportedly ordered me to post a cash bond or surety bond that I do not have the ability to post though there was no notice, no hearing, and no inquiry into ability to pay as required by absolutely binding court precedents that an impartial judge would have to honor. TWT was made aware of the fact that I have essentially no money, have a negative net worth of approximately $900,000, and am unable to post a bond. This proves prejudice because TWT issued the order knowing I could not comply. This enabled him to deny my Constitutional rights and serve the illegal needs of the racketeering enterprise in a most significant way.

39. On June 13, 2011, Ms. Yates and/or Mr. Huber filed a NOTICE OF REMOVAL in regard to No. 2011CV200971. No. 2011CV200971 became N.D.Ga Civil Action No. 1:11-CV-01923-TWT ("01923"), and was assigned to TWT. (01923 Docket #1.) There is nothing in the record of any court to indicate that Ms. Yates and/or Mr. Huber represent any of the Defendants or had any authority to file anything in 01923. The docket erroneously shows Mr. Huber to be the attorney for various Defendants, but this is bogus.

40. On June 13, 2011, the U.S. Attorney filed a MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION. (01923 Docket #2.)

41. On June 13, 2011, the U.S. Attorney filed a MOTION FOR PROTECTIVE ORDER. (01923 Docket #4.)

42. On June 14, 2011, I filed a RESPONSE TO THE MOTION FOR PROTECTIVE ORDER. (01923 Docket #6.)

43. On June 14, 2011, I filed a MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01923 Docket #7.)

44. On June 15, 2011, I filed a MOTION TO DISQUALIFY MS. YATES, MR. HUBER, AND THE U.S. ATTORNEY'S OFFICE. (01923 Docket #27.) This Motion explains their lack of authority and details conflicts galore.

45. On June 15, 2011, I filed several other motions in 01923. (01923 Docket #13, 15, 17, 19, 21, 23, 25.)

46. On June 17, 2011, I filed a RESPONSE TO THE FEDERAL DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION AND MOTION TO STRIKE. (01923 Docket #23.)

47. At 10:00 am on June 17, 2011, three days after the U.S. Attorney filed its non-expedited, non-emergency motion, I received an order (the "01923 EXTENSION ORDER") dated June 16, 2011 (01923 Docket #9) by mail. (Exhibit 18 is a true and correct copy of the June 16, 2011 01923 EXTENSION ORDER.) TWT demonstrated his prejudice and violated my rights under the FRCP and L.R. by issuing the EXTENSION ORDER before giving me the prescribed period of time to respond to the motion. This served the illegal needs of the racketeering enterprise in a most significant way.

48. On June 17, 2011 at 12:30 pm, I presented an EMERGENCY MOTION FOR RECONSIDERATION OF ORDER (01923 DOCKET #9) GRANTING AN EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION and an EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND HEARING to Defendant White for filing.

49. On June 17, 2011, TWT entered an order ("01923 PROTECTIVE ORDER") (01923 Docket #33.) (Exhibit 23 is a true and correct copy of the June 17, 2011 01923 PROTECTIVE ORDER.) TWT demonstrated his prejudice and violated my rights under the FRCP and L.R. by issuing the 01923 PROTECTIVE ORDER for the many reasons detailed in 01923 Docket #31. In addition, TWT committed obstruction of justice, perjury and proves his criminal bias. TWT had

no evidence before him of any type from any of the Defendants. The only evidence before him was the sworn under penalty of perjury testimony from me, yet TWT said: "This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff." This is absolutely false, and it served the illegal needs of the racketeering enterprise in a most significant way. TWT ignored all of my filings because he was acting as a racketeer rather than as a judge.

50. In the 01923 PROTECTIVE ORDER, TWT (who no longer has jurisdiction in 01923 due to his illegal acts) purported to quash discovery, though there was not even a motion before the court seeking to have discovery quashed. This proves prejudice because a judge is not supposed to grant relief that isn't even requested. This proves prejudice because TWT ignored his mandatory initial obligation, which was to rule that the Notice of Removal was defective.

51. TWT issued this 01923 Protective Order without giving me the time for response mandated by the FRCP and Local Rules. This proves prejudice because it is a simple matter to allow a party their legal right to respond to a motion. This is absolutely improper, and it served the illegal needs of the racketeering enterprise in a most significant way.

52. TWT purported to issue filing restrictions against me though there was no notice and no hearing as required by absolutely binding court precedents

that a real judge would have to honor. This proves prejudice because the binding precedents for the Eleventh Circuit and Supreme Court require both notice and a hearing.

53. TWT also purportedly ordered me to post a cash bond or surety bond that I do not have the ability to post though there was no notice, no hearing, and no inquiry into ability to pay as required by absolutely binding court precedents that an impartial judge would have to honor. TWT was made aware of the fact that I have essentially no money, have a negative net worth of approximately $900,000, and am unable to post a bond. This proves prejudice because TWT issued the order knowing I could not comply. This enabled him to deny my Constitutional rights and serve the illegal needs of the racketeering enterprise in a most significant way.

54. On June 21, 2011, I filed a Motion to Recuse Judge Thomas Woodrow Thrash.

55. Failure to follow proper procedure is a violation of my civil rights where TWT is acting in the absence of all jurisdiction. TWT has issued orders that are invalid, and he no longer has jurisdiction in this Civil Action.

56. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of TWT.

57. Canon 2 of the Code of Conduct for United States Judges tells judges to "avoid impropriety and the appearance of impropriety in all activities, on the bench and off." TWT has demonstrated his prejudice by violating this Canon.

58. The bias of TWT stems from extra-judicial sources. He has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge. He has demonstrated a particular deep-seated antagonism toward me.

59. This Affidavit of Prejudice states very clearly the facts and reasons for the belief that bias and prejudice exists. Dates, times, places, circumstances, and statements are itemized.

60. I submit that this is a case of pervasive bias. This civil action is only a few days old, but the bias has been present throughout. The bias existed before this civil action began.

61. TWT established a clearly fixed view about substantive pending trial matters, so this must raise concerns about the "appearance of impropriety," a standard that must be safeguarded under applicable recusal law.

62. TWT has established a position in this proceeding that I am wrong and that my case does not matter. This proves prejudice.

63. TWT has violated my civil and constitutional rights under color of

law.

64. I have just cause to believe that he cannot been given a fair trial. TWT has told everyone that I will not be given a fair trial in his orders.

65. TWT has effectively denied my rights of the equal protection under the law under Article VI of the Constitution.

66. TWT's actions prove that he has exercised his power in this civil action for his own personal purposes rather than the will of the law.

67. The orders issued by TWT in Civil Actions 01922 and 01923 suggest animosity towards me, and the June 17, 2011 protective orders deprive me of rights to which I am entitled under the Federal Rules of Civil Procedure and the United States Code.

68. TWT's June 17, 2011 protective orders obliterate my legal and Constitutional rights.

69. TWT has effectively denied my rights of the equal protection under the law.

70. There is not a chance in the world that I will get a fair and impartial trial with TWT. He is hopelessly biased against me. TWT doesn't even pretend to hide his bias; it is plain to see.

71. TWT is obviously friends with the Defendants. I hoped that TWT's

commitment to his oath as a judge would be more important to him than his friendship with the Defendants, but it is clear to me that his prejudice for the Defendants is overwhelming to him. All I want is to have someone fair and impartial with an open mind to listen to the facts and review as much of the evidence as is needed to prove each of my claims. It is obvious to me that TWT doesn't care about the facts and doesn't want to consider the facts.

72. There is not a single piece of evidence and not a single affidavit from anyone with any defendant. They have filed nothing.

73. TWT was told under oath by me that this is the case of a massive fraud upon the courts and a RICO action in which I have already proven hundreds of predicate acts. TWT doesn't seem to care about the facts because he has his own agenda.

74. The United States Constitution guarantees an unbiased Judge who will always provide litigants with full protection of ALL RIGHTS. TWT is terminally biased for Defendants and terminally biased against me.

75. TWT has a preconceived idea of this civil action from information that has come from outside the case. TWT wrote: "This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff" when the only evidence before TWT was the sworn Verified Complaint in this Civil Action and

sworn affidavits from me. A reasonable person would say that branding someone as "frivolous, malicious and vexatious" with no evidence or basis, four days after receiving a case, provides a textbook example of "impartiality might reasonably be questioned."

76. TWT has labeled me "frivolous, malicious and vexatious" after reading facts in affidavits presented by me. There was no affidavit from anyone but me before TWT when he defamed me in his court order and made his void of impartiality part of the public record. This proves extra-judicial bias against me because TWT ignored the facts and invented his own facts.

77. TWT has an unfavorable opinion about me that is wrongful and inappropriate. It is undeserved, and it rests upon knowledge that TWT ought not to possess. It is excessive in degree.

78. I have not been treated fairly by TWT. TWT has demonstrated pervasive bias throughout this short proceeding. TWT has demonstrated a personal bias and prejudice against me. TWT has not demonstrated the impartiality required of a judge. The Orders issued by TWT show this.

79. TWT entered this civil action with a closed mind and complete and total bias against me. All I want are my Constitutional rights. I will not get them with TWT.

80. In my filings in 01922 and 01923, I stated emphatically under oath under penalty of perjury before a notary that the Defendants committed all types of illegal, criminal conduct against me. TWT had no basis whatsoever to discount anything that I swore, but he obviously ignored it all. This proves prejudice because no fair, impartial "judge" could read the sworn statements of fact based upon my personal knowledge and not be legally obligated to accept that everything I said was true. There is nothing in the judicial oath of office, Code of Judicial Conduct, or Rules that permit a judge to ignore the facts, so prejudice is absolutely established.

81. On June 20, 2011, I filed a civil action (2011CV202263) against TWT in the Fulton County Superior Court with RICO charges of racketeering, corruption, and conspiracy. I am also seeking a TRO against TWT. I have also sent charges to the U.S. Attorney's Office and the Fulton County District Attorney asking that TWT be indicted, convicted, and sent to prison. I am filing a judicial misconduct complaint against TWT, and I am filing a request for hearings and impeachment with the U.S. House of Representatives and U.S. Senate.

82. When a jury hears what happened in this case, I will prevail at trial.

83. This motion, affidavit, certificate of good faith, and memorandum of authorities meet the requirements for a 28 U.S.C. 144 motion.

84. This Affidavit of Prejudice states the facts and the reasons for the belief that bias and prejudice exist. The reasons for the belief are material and stated with particularity.

85. This affidavit meets the time requirement of 28 U.S.C. 144. Section 144 says that a motion for recusal "shall be filed not less than ten days before the beginning of the term [session] at which the proceeding is to be heard." With the abolition of terms of court in 1963, I have read that this specific provision no longer applies. I am filing this EMERGENCY MOTION within a week after this Civil Action appeared.

86. This affidavit is accompanied by a "certificate of counsel of record." As I am the only person of record and I am a pro se Plaintiff, the certificate is from me, and it is made in good faith.

87. The bias and antagonism of TWT unfairly prejudice me in this civil action.

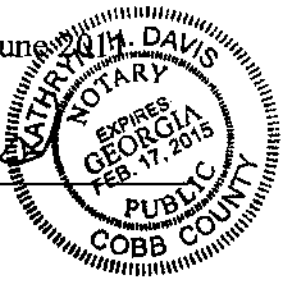
FURTHER SAITH AFFIANT NOT.

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

Executed this 21st day of June 2011.

William M. Windsor

Sworn to before me, this 21st day of June, 2011.



Notary Public