

Exhibit

26

**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.

VERIFIED INDEPENDENT ACTION IN EQUITY TO REMEDY
FRAUD UPON THE COURT,
INDEPENDENT EQUITABLE ACTION FOR RELIEF FROM ORDERS,
COMPLAINT FOR DECLARATORY JUDGMENT,
INJUNCTIVE RELIEF, AND OTHER RELIEF

William M. Windsor ("Windsor or "Plaintiff") hereby files this VERIFIED ACTION pursuant in part to Federal Rules of Civil Procedures ("FRCP") Rule 60(d) to set aside orders in Civil Actions 1:11-CV-01922-TWT, 1:11-CV-01923-TWT, and 1:11-CV-02027-TWT. Windsor shows the Court as follows:

PRELIMINARY STATEMENT

1. Defendants have used their offices to commit crimes and to attempt to shield themselves and their fellow racketeers from indictment and impeachment.
2. Defendants commit a wide variety of crimes and wrongdoing. They commit acts that are specifically and undeniably prohibited in their roles.
3. Defendants purporting to be judges ignore the facts; invent their own facts; ignore the Federal Rules of Civil Procedure ("FRCP"), the Local Rules ("L.R."), and the Federal Rules of Evidence ("FRE"); ignore the law; ignore applicable case law; cite erroneous case law; commit perjury by making statements that they know to be false in their orders; violate parties' rights in any way they can; commit obstruction of justice; deny access to the courts; and trample the Constitutional rights of litigants without a thought. They manipulate the judicial system to deprive pro se parties such as Windsor of their legal and Constitutional rights. They commit criminal acts without a thought.

4. The judicial system supports this dishonesty and illegality. The

"system" denies any form of valid recourse for an aggrieved citizen. The Judicial Council and the Chief Judges of N.D.Ga. and the 11th Cir. ignore valid complaints and claims there is no proof when there is plenty. Aggrieved citizens have no recourse. Since the Supreme Court isn't really in the business of correcting errors by the lower courts, the N.D.Ga. and the 11th Cir. combine to have tyrannical power over citizens of Georgia.

PARTIES

5. William M. Windsor ("Windsor" or "Plaintiff") is a resident of Cobb County, Georgia and a citizen of the United States with his residence at 3924 Lower Roswell Road, Marietta, GA 30068. Windsor has been a defendant in MIST-1 and the BOGUS ACTION, and is Plaintiff in MIST-2 and this action.

6. Ms. Amy Totenberg ("Ms. Totenberg") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 2321 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Ms. Totenberg has purported to issue orders in Civil Action 1:11-CV-01922-TWT, 1:11-CV-01923-TWT, and 1:11-CV-02027-TWT in N.D.Ga. Service against Ms. Totenberg can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

7. Mr. Thomas Woodrow Thrash ("Mr. Thrash") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 2188 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Mr. Thrash has purported to issue orders in Civil Action 1:11-CV-01922-TWT, 1:11-CV-01923-TWT, and 1:11-CV-02027-TWT in N.D.Ga. Mr. Thrash is purportedly the presiding judge in a N.D.Ga lawsuit in which he is the lead defendant, Civil Action 1:11-CV-02027-TWT. Service against Mr. Thrash can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

8. Mr. William S. Duffey, Jr. ("Mr. Duffey") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1721 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Mr. Duffey has purported to issue orders in Civil Action 1:09-CV-01543-WSD ("BOGUS ACTION") and Civil Action 1:09-CV-02027-WSD ("MIST-2"). Service against Mr. Duffey can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

9. Mrs. Orinda D. Evans ("Mr. Evans") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 1988

Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Mrs. Evans is somehow a "party" to the BOGUS ACTION. Mrs. Evans claimed jurisdiction over Civil Action 1:06-CV-0714-ODE ("MIST-1"). Service against Mrs. Evans can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

10. Ms. Julie E. Carnes ("Ms. Julie Carnes") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 2167 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Ms. Julie Carnes is the Chief Judge for the United States District Court for the Northern District of Georgia operating in Fulton County, Georgia. Service against Ms. Julie Carnes can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

11. Mr. Steve C. Jones ("Mr. Jones") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1909 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Jones can be perfected via personal service at the foregoing address. Defendant is sued both personally and in

official capacity.

12. Mr. Timothy C. Batten ("Mr. Batten") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 2142 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Batten can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

13. Mr. Clarence Cooper ("Mr. Cooper") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1701 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Cooper can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

14. Mr. J. Owen Forrester ("Mr. Forrester") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1921 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Mr. Forrester is a judge for the United States District Court for the Northern District of Georgia operating in Fulton County, Georgia who was originally the judge in Civil Action 1:06-CV-0714-ODE

("MIST-1"). Service against Mr. Forrester can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

15. Mr. Willis B. Hunt ("Mr. Hunt") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1756 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Hunt can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

16. Mr. Harold L. Murphy ("Mr. Murphy") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Murphy can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

17. Mr. William C. O'Kelley ("Mr. O'Kelley") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1942 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. O'Kelley can be perfected via personal service at the foregoing address. Defendant is sued both

personally and in official capacity.

18. Mr. Charles A. Pannell ("Mr. Pannell") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 2367 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Pannell can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

19. Mr. Marvin H. Shoob ("Mr. Shoob") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1767 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Shoob can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

20. Mr. Richard W. Story ("Mr. Story") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 2121 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Story can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

21. Mr. G. Ernest Tidwell ("Mr. Tidwell") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1967 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Tidwell can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

22. Mr. Robert L. Vining ("Mr. Vining") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Vining can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

23. Mr. Horace T. Ward ("Mr. Ward") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1252 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Ward can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

24. Ms. Janet F. King ("Ms. King") is subject to jurisdiction and venue in

this Court. Her place of business is United States District Court, 2007 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. King can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

25. Ms. Susan H. Cole ("Ms. Cole") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Cole can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

26. Mr. Alan J. Baverman ("Mr. Baverman") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1868 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Baverman can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

27. Ms. Gerrilyn G. Brill ("Ms. Brill") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 1837 Richard

B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Brill can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

28. Mr. C. Christopher Hagy ("Mr. Hagy") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1885 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Hagy can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

29. Ms. Linda T. Walker ("Ms. Walker") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 1856 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Walker can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

30. Mr. Walter E. Johnson ("Mr. Johnson") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta,

Fulton County, Georgia 30303. Service against Mr. Johnson can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

31. Mr. E. Clayton Scofield ("Mr. Scofield") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1807 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Scofield can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

32. Mr. Russell G. Vineyard ("Mr. Vineyard") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 2027 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Vineyard can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

33. Mr. Joel F. Dubina ("Mr. Dubina") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Mr. Dubina is the Chief Judge for the United States Court of Appeals for the

Eleventh Circuit Court operating in Fulton County, Georgia. Service against Mr. Dubina can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

34. Mr. Ed Carnes ("Mr. Ed Carnes") is subject to the jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Ed Carnes can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

35. Ms. Rosemary Barkett ("Ms. Barkett") is subject to the jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Barkett can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

36. Ms. Frank M. Hull ("Ms. Hull") is subject to jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Hull can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

37. Mr. James Larry Edmondson ("Mr. Edmondson") is subject to

jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Edmondson can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

38. Mr. Stanley Marcus ("Mr. Marcus") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Marcus can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

39. Mr. William H. Pryor ("Mr. Pryor") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Pryor can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

40. Mr. Gerald Bard Tjoflat ("Mr. Tjoflat") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Tjoflat can be perfected via personal service at the foregoing

address. Defendant is sued both personally and in official capacity.

41. Ms. Susan H. Black ("Ms. Black") is subject to jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Black can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

42. Mr. Charles R. Wilson ("Mr. Wilson") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Wilson can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

43. Mr. James C. Hill ("Mr. Hill") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Hill can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

44. Ms. Beverly B. Martin ("Ms. Martin") is subject to jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia

30303. Service against Ms. Martin can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

45. Mr. Peter T. Fay ("Mr. Fay") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Fay can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

46. Ms. Phyllis A. Kravitch ("Ms. Kravitch") is subject to jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Kravitch can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

47. Mr. R. Lanier Anderson ("Mr. Anderson") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Anderson can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

48. Mr. Emmett Ripley Cox ("Mr. Cox") is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the

Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Cox can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

49. Mr. James N. Hatten ("Mr. Hatten") is subject to jurisdiction and venue in this Court. Mr. Hatten may be served at its place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued both personally and in official capacity.

50. Miss Anniva Sanders ("Miss Sanders") is subject to jurisdiction and venue in this Court. Miss Sanders may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued both personally and in official capacity.

51. Ms. Joyce White ("Ms. White") is subject to jurisdiction and venue in this Court. Ms. White may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued both personally and in official capacity.

52. Ms. Beverly Gutting ("Ms. Gutting") is subject to jurisdiction and

venue in this Court. Ms. Gutting may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued both personally and in official capacity.

53. Law Clerk of Amy Totenberg ("Totenberg Clerk") is subject to jurisdiction and venue in this Court. His or her place of business is United States District Court, 2321 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against the Totenberg Clerk can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

54. Law Clerk of Thomas Woodrow Thrash ("Thrash Clerk") is subject to jurisdiction and venue in this Court. His or her place of business is United States District Court, 2188 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against the Thrash Clerk can be perfected via personal service at the foregoing address. Defendant is sued both personally and in official capacity.

55. Sally Quillian Yates ("Ms. Yates") is subject to the jurisdiction and venue in this Court. She is U.S. Attorney in Atlanta, Georgia. Her place of business is U.S. Attorney, 600 Richard B. Russell Federal Building & United

States Courthouse, 75 Spring St, NW, Atlanta, GA 30303. Service against Ms. Yates can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

56. Christopher Huber ("Mr. Huber") is subject to the jurisdiction and venue in this Court. He is an Assistant U.S. Attorney in Atlanta, Georgia. His place of business is U.S. Attorney, 600 Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, Atlanta, GA 30303. Service against Mr. Huber can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

57. Ms. Neeli Ben-David ("Ms. Ben-David") is subject to the jurisdiction and venue in this Court. Ms. Ben-David is an Assistant U.S. Attorney in Atlanta, Georgia. Ms. Ben-David's place of business is U.S. Attorney, 600 Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, Atlanta, GA 30303. Service against Ms. Ben-David can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

58. John A. Horn ("Mr. Horn") is subject to the jurisdiction and venue in this Court. He is Acting U.S. Attorney in Atlanta, Georgia. His place of business is U.S. Attorney, 600 Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, Atlanta, GA 30303. Service against him can be

perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

59. The true names and capacities, whether individual, corporate, associate, or otherwise, of other Doe Defendants are unknown to Windsor, who therefore sues said Defendants by such fictitious names. Windsor will seek leave of this Court to amend this VERIFIED ACTION to include their proper names and capacities when they have been ascertained. Windsor is informed and believes, and based thereon alleges, that the fictitiously named Defendants participated in and are in some manner responsible for the acts described in this VERIFIED ACTION and the damage resulting therefrom. These DOES will include court staff and other members of the federal judiciary in Atlanta, Georgia. Windsor has sued every federal judge in Fulton County Georgia according to the records of the federal courts. If there are any federal judges who have not been identified by the courts, they are included as Unknown Does. Defendants are sued in personal capacity.

JURISDICTION AND VENUE

60. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because the acts complained of raise federal questions under the Constitution and laws of the United States. This Court has jurisdiction over this VERIFIED

ACTION pursuant to the Constitution, and the First, Fifth, Sixth, Eighth, Ninth, and Fourteenth Amendments to the United States Constitution, and *Bivens v. Six Unknown Narcotics Agents*, 403 U.S. 388 (1971).

61. This Court has subject matter jurisdiction pursuant to FRCP Rule 60(d) which requires that an action such as this be filed in a federal district court.

62. This Court has subject matter jurisdiction over this case pursuant to 18 U.S.C. § 1964(c). This Court has supplemental jurisdiction over Windsor's common law claims. Jurisdiction to grant declaratory judgment is conferred by 28 U.S.C. § 2201 and 28 U.S.C. § 2202. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. § 1343(a)(3) and 28 U.S.C. § 1346. This Court has supplemental subject matter jurisdiction over state law claims alleged herein pursuant to 28 U.S.C. § 1367(a), in that the claims are so related to the federal claims that they form the same case of controversy. An award of costs and attorneys' fees is authorized pursuant to 18 U.S.C. § 1964(c) and/or the Court's Inherent Powers.

63. Venue is proper in this Court under 28 U.S.C. § 1391 (e)(1) since some of the Defendants reside in this District. Venue is proper in this Court pursuant to 18 U.S.C. § 1965 (a) and (b). Windsor's claims for damages are made in part pursuant to the First Amendment to the US Constitution and 18 U.S.C. §

241, 18 U.S.C. § 242, and *Bivens v. Six Unknown Narcotics Agents*, 403 U.S. 388 (1971). The Defendants' conspiracy against the rights of Windsor are in criminal civil rights violations 18 U.S.C. § 241 and 18 U.S.C. § 242 which need to be presented to a federal grand jury. Windsor's prayer for relief regarding costs, including reasonable attorney fees is authorized by 28 U.S.C. § 2412. This Civil Action includes an action to compel officers of the United States to perform pursuant to 28 U.S.C. § 1361.

64. The federal judges in Georgia do not have jurisdiction to preside over this VERIFIED ACTION because of their personal involvement and personal interest. Pursuant to 28 U.S.C. § 292, the Chief Judge of the Eleventh Circuit must be asked to send a Certificate of Necessity to the Chief Justice of the U.S. Supreme Court so that a judge from a district court in another Circuit may be assigned.

FACTUAL BACKGROUND

65. Windsor is a Defendant in Civil Action No. 1:06-CV-0714-ODE in the N.D.Ga ("MIST-1"). Every statement of "fact" in the 50-paragraph VERIFIED ACTION is false as to Windsor. Mrs. Evans ignored the undeniable proof and ruled against Windsor while personally committing many acts of racketeering. Windsor is allegedly a Defendant in a so-called Civil Action No. 1:09-CV-01543-WSD in the N.D.Ga ("BOGUS ACTION"). Windsor is Plaintiff

in Civil Action 1:09-CV-02027-WSD ("MIST-2").

66. On May 12, 2011, Windsor 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 Windsor was mentioned. Upon information and belief, Defendants would be involved in this, if the report is correct.

67. On May 19, 2011, Windsor filed a Verified Declaratory Judgment Action in the Superior Court of Fulton County. The Civil Action was assigned No. 2011CV200857. A true and correct copy of the docket is attached hereto as Exhibit 1 and is referenced herein for all purposes as are the contents of each docket entry.

68. On May 20, 2011, Windsor filed a VERIFIED ACTION in the Superior Court of Fulton County. The Civil Action was assigned No. 2011CV200971. A true and correct copy of the docket is attached hereto as Exhibit 2 and is referenced herein for all purposes as are the contents of each docket entry.

69. On June 21, 2011, Windsor filed Civil Action No. 2011CV202263 in the Fulton County Superior Court. A true and correct copy of the docket is

attached hereto as Exhibit 3 and is referenced herein for all purposes as are the contents of each docket entry.

70. On June 13, 2011, the U.S. Attorney's Office filed a NOTICE OF REMOVAL in No. 2011CV200857. No. 2011CV200857 became N.D.Ga Civil Action No. 1:11-CV-01922-TWT ("01922"), and was assigned to Mr. Thrash. (A true and correct copy of the 01922 DOCKET is Exhibit 4 hereto.)

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

72. On June 13, 2011, the U.S. Attorney filed a MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION. (01922 Docket #3.) The U.S. Attorney is not representing any of the Defendants, and none of the Defendants have made appearances. The motion was not an emergency motion, and it did not request expedited consideration.

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

74. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01922 Docket #5.) (A true and correct copy of the MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING is Exhibit 4 to the VERIFIED ACTION in Fulton

County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.)

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

76. On June 15, 2011, Windsor filed a MOTION TO DISQUALIFY MS. YATES, MR. HUBER, AND THE U.S. ATTORNEY'S OFFICE. (01922 Docket #12.)

77. On June 15, 2011, Mr. Thrash denied Windsor a hearing on the TRO and denied the motion for TRO. (01922 Docket #17.) (A true and correct copy of the June 15, 2011 Order Denying TRO is Exhibit 5 hereto.)

78. On June 17, 2011, Windsor 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.)

79. On June 17, 2011, three days after the U.S. Attorney filed its non-expedited, non-emergency motion, Windsor received an order (the "01922 EXTENSION ORDER") dated June 16, 2011 (Docket #19) by mail. Mr. Thrash violated Windsor's rights under the FRCP and L.R. by issuing the EXTENSION ORDER before giving Windsor the prescribed period of time to respond to the

motion. (A true and correct copy of the 01922 EXTENSION ORDER is Exhibit 6 hereto.)

80. On June 17, 2011, Windsor filed an EMERGENCY MOTION FOR RECONSIDERATION OF ORDER DENYING TRO AND AN EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION HEARING. (01922 Docket #22.)

81. On June 17, 2011, Mr. Thrash entered an order ("01922 PROTECTIVE ORDER") (01922 Docket #25.) (A true and correct copy of the 01922 PROTECTIVE ORDER is Exhibit 7 hereto.)

82. On July 1, 2011, MS. TOTENBERG issued an ORDER DENYING THE MOTION TO RECUSE. (01922 Docket #39.) (A true and correct copy of the 01922 ORDER DENYING THE MOTION TO RECUSE is Exhibit 8 hereto.)

83. On July 7, 2011, Mr. Thrash issued an order in 01922 – ORDER REFUSING TO ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT on June 27, 2011, June 29, 2011, July 1, 2011, and July 5, 2011. (01922 Docket #41.) True and correct copies of the cover letters listing these documents is attached as Exhibit 9. (A true and correct copy of the 01922 ORDER REFUSING TO ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT is Exhibit 10 hereto.)

84. On July 7, 2011, Mr. Thrash issued an order in 01922 refusing to allow papers submitted by Windsor to the Clerk of the Court on July 7, 2011. (01922 Docket #42.) True and correct copy of the cover letter listing these documents is attached as Exhibit 11. (A true and correct copy of this second 01922 ORDER REFUSING TO ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT is Exhibit 12 hereto.) (A true and correct copy of the Docket in 01922 is Exhibit 13 hereto, and all of the contents of the docket are referenced and incorporated herein.)

N.D.GA CIVIL ACTION NO. 1:11-CV-01923-TWT ("01923")

85. On June 13, 2011, the U.S. Attorney's Office filed a NOTICE OF REMOVAL in No. 2011CV200971. No. 2011CV200971 became N.D.Ga Civil Action No. 1:11-CV-01923-TWT ("01923"), and was assigned to Mr. Thrash. (A true and correct copy of the Docket in 2011CV200971 is Exhibit 14 hereto, and all of the contents of the docket are referenced and incorporated herein.) (A true and correct copy of the Docket in 01923 is Exhibit 15 hereto, and all of the contents of the docket are referenced and incorporated herein.)

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

87. On June 13, 2011, the U.S. Attorney filed a MOTION FOR PROTECTIVE ORDER. (01923 Docket #4.)
88. On June 14, 2011, Windsor filed a RESPONSE TO THE MOTION FOR PROTECTIVE ORDER. (01923 Docket #6.)
89. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01923 Docket #7.)
90. On June 15, 2011, Windsor filed a MOTION TO DISQUALIFY MS. YATES, MR. HUBER, AND THE U.S. ATTORNEY'S OFFICE. (01923 Docket #27.)
91. On June 15, 2011, Windsor filed several other motions in 01923. (01923 Docket #13, 15, 17, 19, 21, 23, 25.)
92. On June 17, 2011, Windsor 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.)
93. At 10:00 am on June 17, 2011, three days after the U.S. Attorney filed its non-expedited, non-emergency motion, Windsor received an order (the "01923 EXTENSION ORDER") dated June 16, 2011 (01923 Docket #9) by mail. (A true and correct copy of the 01923 EXTENSION ORDER is Exhibit 16 hereto.)

94. On June 17, 2011 at 12:30 pm, Windsor presented an EMERGENCY MOTION FOR RECONSIDERATION OF ORDER (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.

95. On June 17, 2011, Judge Thrash entered an order ("01923 PROTECTIVE ORDER") (01923 Docket #33.) Mr. Thrash violated Windsor's rights under the FRCP and L.R. by issuing the 01923 PROTECTIVE ORDER for the many reasons detailed in 01923 Docket #31. (A true and correct copy of the 01923 PROTECTIVE ORDER is Exhibit 17 hereto.)

96. On June 21, 2011, Windsor submitted a Motion to Recuse Mr. Thrash in 01922, and it was not filed by the Clerk until June 23, 2011 [01922 Docket #31].

97. On June 21, 2011, Windsor submitted a Motion to Recuse Judge Thomas Woodrow Thrash in 01923, and it was not filed by the Clerk until June 23, 2011 [01923 Docket #43].

98. On June 20, 2011, Windsor filed a civil action (2011CV202263) against Mr. Thrash in the Fulton County Superior Court with RICO charges of racketeering, corruption, and conspiracy. Windsor has also sent charges to the U.S. Attorney's Office and the Fulton County District Attorney asking that MR.

THRASH be indicted, convicted, and sent to prison. Windsor is filing a judicial misconduct complaint against MR. THRASH, and Windsor is filing a request for hearings and impeachment with the U.S. House of Representatives and U.S. Senate.

99. On July 1, 2011, MS. TOTENBERG issued an order in 01923 – ORDER DENYING THE MOTION TO RECUSE. (01923 Docket #53.) (A true and correct copy of the 01923 ORDER DENYING THE MOTION TO RECUSE is Exhibit 18 hereto.)

100. On July 7, 2011, Mr. Thrash issued an order in 01923 refusing to allow papers submitted by Windsor to the Clerk of the Court on June 27, 2011, June 29, 2011, July 1, 2011, July 5, 2011, and July 7, 2011. (01923 Docket #57.) True and correct copies of the cover letters listing these documents is attached as Exhibit 19. (A true and correct copy of this 01923 ORDER REFUSING TO ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT is Exhibit 20 hereto.)

101. On June 21, 2011, Windsor filed Civil Action No. 2011CV202263 in the Fulton County Superior Court. The case was assigned to Judge Craig L. Schwall. (A true and correct copy of the Docket in 2011CV202263 is Exhibit 21 hereto.)

102. On June 21 and 22, 2011, Windsor attempted to meet with Judge Schwall. Unfortunately, telephone calls were not returned and false information was provided by two members of the judge's staff.

103. At 1:43 am on June 22, 2011, Windsor sent an email to Christopher Huber advising him to cease and desist filing illegal notices of removal in the Fulton County Superior Court. (A true and correct copy of this email is Exhibit 22 hereto, referenced and incorporated herein.)

104. On June 22, 2011, Windsor filed an EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND HEARING in Civil Action No. 2011CV202263. When Judge Schwall called Windsor's matter, he informed Windsor that a Notice of Removal had been filed at 1:41 pm and that he no longer had jurisdiction.

105. Windsor called the office of the Clerk of the Court for the N.D.Ga and spoke to Michael Conner. Mr. Conner advised Windsor that a Notice of Removal had created a new civil action, No. 1:11-CV-2027-TWT.

106. On June 22, 2011, it seems that Mr. Huber had a U.S. Attorney, Ms. Ben-David, file a NOTICE OF REMOVAL in No. 2011CV202263 and in the N.D.Ga which created N.D.Ga Civil Action No. 1:11-CV-02027-TWT ("2011-

2027"). (A true and correct copy of the Docket in 2011-02027 is Exhibit 23 hereto, and all of the contents of the docket are incorporated herein.)

107. On June 22, 2011, Ms. Ben-David filed a Notice of SUBSTITUTION OF UNITED STATES AS DEFENDANT. (2011-02027 Docket #2.)

108. On June 22 and 23, 2011, Mr. Thrash entered orders in 01922 and 01923, recognizing the validity of the motions for recusal pursuant to 28 U.S.C. § 144 and asking the Clerk to assign the motion to recuse to another judge.

109. On June 23, 2011, Windsor filed a Motion to Disqualify Mr. Thrash in 2011-2027.

110. On June 22 & 23, 2011, the motions for recusal were assigned to Ms. Totenberg. [01922 Docket #31.] [01923 Docket #41.] [2011-02027 Docket #5.]

111. Mr. Thrash has ignored everything that Windsor has filed, and he has refused to allow the Clerk to file motions and documents submitted for filing.

112. Mr. Thrash has ignored the legal requirement that he review the Notices of Removal. His response has been to order that Windsor's Notices of Remand presented to the Clerk in each of the three civil actions will not be filed. As the Notices of Removal were improper, the cases should have been remanded.

113. Mr. Thrash refused to rule on Windsor's motion to have him recused, and he has refused to allow the Clerk to file motions for disqualification submitted for filing.

114. Mr. Thrash has said: "This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff." This is absolutely false.

115. On June 23, 2011, the U.S. Attorney filed a Motion for Protective Order. (2011-02027 Docket #6.)

116. On June 24, 2011, RESPONSES IN OPPOSITION TO MOTIONS FOR RECUSAL were allegedly filed on behalf of some Defendants. [01922 Docket #32.] [01923 Docket #44.] [2011-02027 Docket #7.]

117. On June 28, 2011, the REPLY TO RESPONSES TO MOTION FOR RECUSAL were filed by William M. Windsor in each case. [01922 Docket #34.] [01923 Docket #46.] [2011-02027 Docket #11.]

118. On June 28, 2011, MOTIONS TO STRIKE RESPONSE IN OPPOSITION TO MOTION FOR RECUSAL were filed by William M. Windsor. [01922 Docket #35.] [01923 Docket #47.] [2011-02027 Docket #12.]

119. On June 30, 2011, a MOTION FOR CONSENT TO FILE MOTION FOR CERTIFICATE OF NECESSITY and assignment of presiding judge by the Chief Justice of the United States Supreme Court was filed by William M.

Windsor in each case. [01922 Docket #36.] [01923 Docket #50.] [2011-02027 Docket #14.]

120. On July 1, 2011, Ms. Totenberg issued an order in 01923 – ORDER DENYING THE MOTION TO RECUSE. (01923 Docket #53.) (A true and correct copy of the 01923 ORDER DENYING THE MOTION TO RECUSE is Exhibit 24 hereto.)

121. On July 1, 2011, WILLIAM M. WINDSOR'S SECOND SUPPLEMENTAL AFFIDAVIT OF PREJUDICE OF THOMAS WOODROW THRASH was filed in each case. [01922 Docket #37.] [01923 Docket #52.] [2011-02027 Docket #15.]

122. On July 5, 2011, Windsor submitted a Motion for Reconsideration of July 1, 2011, an ORDER DENYING PLAINTIFF'S MOTION TO RECUSE; DENYING PLAINTIFF'S MOTION FOR CERTIFICATE OF NECESSITY AND CORRESPONDING MOTION FOR A HEARING FILED JULY 1, 2011; AND DENYING PLAINTIFF'S MOTION TO STRIKE.

123. On July 5, 2011, Windsor submitted a Motion to Disqualify MS. TOTENBERG.

124. On July 6, 2011, Judge Thrash entered an order ("2011-02027 PROTECTIVE ORDER") (2011-02027 Docket #18.) Mr. Thrash violated

Windsor's rights under the FRCP and L.R. by issuing the 2011-02027 PROTECTIVE ORDER for the many reasons detailed in 2011-02027 Docket #31. (A true and correct copy of the 2011-02027 PROTECTIVE ORDER is Exhibit 25 hereto.)

125. On July 7, 2011, Mr. Thrash issued an order in 2011-02027 refusing to allow papers submitted by Windsor to the Clerk of the Court on June 24, 2011, June 27, 2011, June 29, 2011, and July 1, 2011. (01923 Docket #18.) True and correct copies of the cover letters listing these documents is attached as Exhibit 26. (A true and correct copy of this 01923 ORDER REFUSING TO ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT is Exhibit 26 hereto.)

126. On July 12, 2011, Mr. Thrash entered an order in 01923 denying Windsor the ability to present documents into evidence or call witnesses at the July 15, 2011 Hearing. [01923 Docket #58.] (A true and correct copy of this 01923 ORDER DENYING DUE PROCESS is Exhibit 27 hereto.)

127. On July 12, 2011, Mr. Thrash issued an order in 01923 refusing to allow papers submitted by Windsor to the Clerk of the Court on July 11, 2011. (01923 Docket #59.) The only document presented on July 11, 2011 was a REQUEST FOR CONSENT TO FILE MOTION FOR SANCTIONS TO STRIKE

PLEADINGS FOR FAILURE TO FILE CERTIFICATE OF INTERESTED PARTIES. (A true and correct copy of this 01923 ORDER REFUSING TO ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT is Exhibit 28 hereto.)

128. On July 12, 2011, Mr. Thrash issued an order in 01922 refusing to allow papers submitted by Windsor to the Clerk of the Court on July 11, 2011. (01922 Docket #43.) The only document presented on July 11, 2011 was a REQUEST FOR CONSENT TO FILE MOTION FOR SANCTIONS TO STRIKE PLEADINGS FOR FAILURE TO FILE CERTIFICATE OF INTERESTED PARTIES. (A true and correct copy of this 01923 ORDER REFUSING TO ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT is Exhibit 29 hereto.)

129. On July 12, 2011, Mr. Thrash issued an order in 2011-02027 refusing to allow papers submitted by Windsor to the Clerk of the Court on July 11, 2011. (2011-02027 Docket #22.) The only document presented on July 11, 2011 was a REQUEST FOR CONSENT TO FILE MOTION FOR SANCTIONS TO STRIKE PLEADINGS FOR FAILURE TO FILE CERTIFICATE OF INTERESTED PARTIES. (A true and correct copy of this 2011-02027 ORDER REFUSING TO

ALLOW PAPERS SUBMITTED BY WINDSOR TO THE CLERK OF THE COURT is Exhibit 30 hereto.)

FIRST CLAIM FOR RELIEF

**Claim for Relief pursuant to FRCP Rule 60(d)(1), FRCP Rule 60(d)(3),
and the Court's Inherent Powers**

130. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

131. FRCP Rule 60(d)(1) provides: "This rule does not limit a court's power to entertain an independent action to relieve a party from a judgment, order, or proceeding...."

132. The Plaintiff asks that the orders in 01922, 01923, and 2011-02027 be set aside due to fraud, lack of jurisdiction, judicial misconduct, corruption, bias, conspiracy, obstruction of justice, racketeering, and fraud upon the court pursuant to FRCP Rule 60(d)(1), FRCP Rule 60(d)(3), and the Court's Inherent Powers.

133. Defendants Mr. Thrash, Ms. Totenberg, Mr. Huber, Ms. Yates, Ms. Ben-David, and Mr. Horn have committed fraud upon the court. False statements have been intentionally made in documents filed with the courts and in orders of the courts. This was done to obstruct justice and to interfere with the proper operation of courts. The U.S. Attorneys filed improper and illegal notices of removal; Mr. Thrash and Ms. Totenberg accepted them without the required

review and without establishing jurisdiction; Mr. Thrash and Ms. Totenberg then issued orders with knowingly false statements, and they took actions to violate Windsor's rights for the purpose of conspiring to damage Windsor. Their intent is to have Mr. Thrash dismiss Windsor's complaints and damage him with filing restrictions to deny him any opportunity to bring the corrupt Defendants to justice. Mr. Thrash and Ms. Totenberg ignore the statutes and precedential case law to damage Windsor.

134. Defendants Mr. Thrash, Ms. Totenberg, Mr. Huber, Ms. Yates, Ms. Ben-David, and Mr. Horn were part of unconscionable schemes designed to improperly influence the courts in their decisions.

135. There was fraud; there was fraud upon the court; and there was a conspiracy to defraud. The fraud was intentional. The fraud was perpetrated by officers of the court and the other Defendants. The fraud was directed at the judicial machinery itself. The fraud subverted the integrity of the courts. The fraud was designed to deceive the courts into believing facts that were not true. The courts were unable to adjudicate the matter properly because the courts were influenced by false information. Orders were issued that ought not, in equity and good conscience, be enforced.

136. The Plaintiff has no adequate remedy at law.

137. Officers of the Court acted with reckless disregard for the truth. This willfulness is inextricably related to, but exceeds mere error. The fraud prevented issues from being raised and deprived the Plaintiff of the ability to make valid claims and defenses.

138. Tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot complacently be tolerated consistently with the good order of society. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud. The judgment involves an issue of great moment to the public. Windsor will prove that Mr. Thrash routinely violates the rights of pro se parties.

139. The deliberate scheme by which the integrity of the judicial process has been fraudulently perverted is a scheme used by Defendants to cause injury to more than a single litigant.

140. This was a deliberately planned and carefully executed scheme to defraud not only the District Court but also the Court of Appeals, the U.S. Supreme

Court, and the Fulton County Superior Court. To achieve their purposes, the officers of the court deceived the courts.

141. Proof of the scheme, and of its complete success to date, is conclusive. The acts of Defendants have prevented the Plaintiff from fully and fairly presenting his case. The fraud upon the court is manifestly unjust and shocks the conscience. It is against conscience for the orders in 01922, 01923, and 2011-02027 to stand.

142. Defendants must be held responsible for all consequences proximately caused by their conduct. Events were foreseeable and naturally resulted from their conduct. Absent the fraud, the courts would have ruled in favor of the Plaintiff.

The Plaintiff would have been meritorious in these matters.

143. Defendants' unconscionable conduct resulted in injury to the Plaintiff.

144. By reason of the fraud upon the courts, the Plaintiff is also entitled to an award of attorneys' fees and costs of litigation.

145. Mr. Thrash wrote in an order in each of these cases: "This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff" when the only evidence before Mr. Thrash was the sworn VERIFIED ACTION and sworn affidavits from Windsor. Mr. Thrash made this statement in his orders as if these were facts, but there were no such facts before the court, and he knew it.

Mr. Thrash has proven his bias with these orders, and it shows this Court his scheme.

146. Mr. Thrash has demonstrated the manifestation of his bias in each of his orders in these cases (except the three where he properly ruled on 28 U.S.C. § 144.)

147. The denial of Windsor's rights to due process have been overwhelming. All rights have been stripped.

148. The motions to recuse/disqualify Mr. Thrash and Ms. Totenberg detail their bias.

149. Mr. Thrash has no lawful authority to issue any order that violates the Supreme Law of the Land, and he has issued many. The First Amendment to the U.S. Constitution states that we the people have the mandatory right of an adequate, complete, effective, fair, full, meaningful, and timely access to the court. The orders of Mr. Thrash restricting Windsor's adequate, complete, effective, fair, full, meaningful, and timely access to the court violates Windsor's Constitutional Rights and deprives this court of jurisdiction. Mr. Thrash's orders were, and are, void. The U.S. Supreme Court has stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to

them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." (*Elliot v. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).)

150. Fraud was committed in the removal of these cases from the Fulton County Superior Court. This fraud means this Court does not have jurisdiction.

151. Mr. Thrash 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. The motion sought no such thing. Mr. Thrash stated that the Motion for TRO fails because Windsor was seeking to commit the unauthorized practice of law. This is perjury. Nowhere in the motion for TRO does it ask to commit the unauthorized practice of law.

152. In the 01922 PROTECTIVE ORDER, Mr. Thrash purported to quash discovery, though there was not even a motion before the court seeking to have discovery quashed. Mr. Thrash purported to issue filing restrictions against Windsor though there was no notice and no hearing as required by absolutely binding court precedents that a real judge would have to honor. Mr. Thrash also purportedly ordered Windsor to post a cash bond or surety bond that he does 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 a real judge would have to honor.

153. Mr. Thrash violated Windsor's rights under the FRCP and L.R. by issuing the 01923 EXTENSION ORDER before giving Windsor the prescribed period of time to respond to the motion. In the 01923 PROTECTIVE ORDER, 2011-02027 PROTECTIVE ORDER Mr. Thrash purported to quash discovery, though there was not even a motion before the court seeking to have discovery quashed. Mr. Thrash purported to issue filing restrictions against Windsor though there was no notice and no hearing as required by absolutely binding court precedents that a real judge would have to honor. Mr. Thrash also purportedly ordered Windsor to post a cash bond or surety bond that he does 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 a real judge would have to honor. TWT issued this 01923 Protective Order without giving Windsor the time for response mandated by the FRCP and Local Rules. Mr. Thrash issued 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. Mr. Thrash ordered Windsor to post a cash bond or surety bond that he does 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.

154. In the 2011-02027 PROTECTIVE ORDER, Mr. Thrash quashed discovery, though there was not even a motion before the court seeking to have discovery quashed. Mr. Thrash issued filing restrictions against Windsor though there was no notice and no hearing as required by absolutely binding court precedents that a real judge would have to honor. Mr. Thrash ordered Windsor to post a cash bond or surety bond that he does 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 a real judge would have to honor. Mr. Thrash issued this 2011-02027 Protective Order without giving Windsor the time for response mandated by the FRCP and Local Rules. Mr. Thrash issued filing restrictions against Windsor though there was no notice and no hearing as required by absolutely binding court precedents that an honest judge would have to honor. Mr. Thrash ordered Windsor to post a cash bond or surety bond that he does 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.

155. Mr. Thrash has committed fraud upon the court as has the U.S. Attorney. This means this Court does not have subject matter jurisdiction. Mr. Thrash has not followed mandatory statutory procedures. This means this Court does not have subject matter jurisdiction. Mr. Thrash committed unlawful acts. This means this Court does not have subject matter jurisdiction. Mr. Thrash has violated due process. This means this Court does not have subject matter jurisdiction. Mr. Thrash is part of a criminal racketeering enterprise. This means this Court does not have subject matter jurisdiction. Mr. Thrash has not complied with the rules, the Code of Judicial Conduct, or the Federal Rules of Civil Procedure. This means this Court does not have subject matter jurisdiction. Upon information and belief, Mr. Thrash does not have a copy of his oath of office in his chambers. This means this Court does not have subject matter jurisdiction.

156. It is clear and well established law that a judge must first determine whether the judge has jurisdiction before hearing and ruling in any case. Mr. Thrash failed to do so, and his so-called orders are void.

157. Mr. Thrash has demonstrated pervasive bias and has lost jurisdiction since he refused to recuse himself. A study of pro se cases that Mr. Thrash has handled reveals that Mr. Thrash has a proven overwhelming bias against pro se plaintiffs. Mr. Thrash has an "extra-judicial" bias against pro se parties.

158. Failure to follow the mandatory requirements of the law is a further evidence of the appearance of partiality of Mr. Thrash. This requires recusal.

159. Mr. Thrash's refusal to vacate his orders further establish his lack of jurisdiction. He knows he is operating without jurisdiction; he loses any claim of judicial immunity.

160. Amendment V of the U.S. Constitution provides: "No person shall be...deprived of life, liberty, or property, without due process of law...." Article I of the Georgia Constitution provides: "No person shall be deprived of life, liberty, or property except by due process of law." All of these rights have been violated.

161. Mr. Thrash has improperly foreclosed Windsor's access to the court. Mr. Thrash issued an injunction without giving Windsor the opportunity to be heard at a hearing. Procedural due process requires notice and an opportunity to be heard before any governmental deprivation of a property or liberty interest.

162. Among the documents that Mr. Thrash illegally blocked from filing were Windsor's Motions to Remand in each of the three cases. True and correct copies of these Motions for Remand (exclusive of exhibits) are attached as Exhibits 31, 32, and 33. Mr. Thrash also denied the filing of a request for a conference, a motion to exceed page limits, motion for due process, motions for hearings, motions to recuse/disqualify, and affidavits, claiming they were

frivolous. All were sworn under penalty of perjury. There was nothing frivolous about them, and Mr. Thrash committed perjury.

163. Every judge or government attorney takes an oath to support the U.S. Constitution. Whenever any judge violates the Constitution in the course of performing his/her duties, as Mr. Thrash has, then he has defrauded not only the Plaintiff involved, but has also the government. Mr. Thrash is paid to support the U.S. Constitution. By not supporting the Constitution, Mr. Thrash is collecting monies for work not performed.

164. The so-called orders issued in 01922, 01923, and 2011-02027 are invalid. 28 U.S.C. § 1691 requires that "All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof." Most of Mr. Thrash's so-called orders are unsigned, and none of the orders bear the clerk's seal or signature. Case law clearly established that the word "process" means a court order.

165. Under Federal law, when any officer of the court has committed "fraud on the court," the orders and judgment of that court are void, of no legal force or effect. The orders in 01922, 01923, and 2011-02027 should be voided.

166. The facts show very clearly that this is a case of exceptional circumstances. The actions of Defendants in Fraud Upon the Court were sufficiently egregious to warrant extraordinary relief.

SECOND CLAIM FOR RELIEF

Violation of Federal Civil RICO Act-- 18 U.S.C. § 1961 et seq. and RICO Conspiracy Offense -- 18 U.S.C. § 1962(d)

167. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

168. The conduct of Defendants violates the federal Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1961 et seq. ("federal RICO"), as more fully set forth below.

169. Defendants have engaged in an ongoing pattern of racketeering activity as defined by 18 U.S.C. § 1961. The federal RICO pattern of racketeering activity engaged in by Defendants consists of more than two acts of racketeering activity.

170. From at least June 13, 2011, and continuing thereafter up to and including the date of the filing of this VERIFIED ACTION, Defendants were persons associated with an "enterprise" engaged in activities that affected interstate commerce, and they knowingly and willfully participated in the conduct of the

enterprise's affairs "through a pattern of racketeering activity," in violation of 18 U.S.C. § 1961 and 1962(c).

171. It is unlawful under the federal RICO statute for anyone associated with an "enterprise" to conduct, or to participate in conducting, the affairs of the enterprise through a "pattern of racketeering activity."

172. For purposes of federal RICO, the term "racketeering activity" includes an open and ongoing pattern of violations of 18 U.S.C. § 1341 (Mail Fraud), 18 U.S.C. § 1343 (Wire Fraud), 18 U.S.C. § 1512 (Tampering with a Witness, including influencing testimony and concealing documents).

173. Each violation of these laws constitutes an act of "racketeering activity" under the federal RICO Act.

174. The Defendants participated in many predicate acts of racketeering activity. These acts were committed as part of a scheme. The acts of the Defendants directly caused the Plaintiff to lose money.

175. The Defendants are associated with an "enterprise" as defined in 18 U.S.C. § 1961 and 1962(c). Each Defendant was aware of the general existence of the enterprise.

176. Defendants knowingly and willfully committed, or aided and abetted the commission of at least two of the predicate offenses specifically alleged and described.

177. The predicate offenses committed by Defendants were connected with each other by a common scheme, plan, and motive and demonstrate a pattern of criminal activity.

178. Through the commission of two or more connected offenses, the Defendants conducted or participated in the conduct of the "enterprise's" affairs.

179. The enterprise is engaged in, or its activities affected, interstate commerce.

180. The Plaintiff was injured in business and lost property as a proximate result of the Defendants' commission of the pattern of racketeering activity. Except for such activity by the Defendants, the injury or damage claimed by the Plaintiff would not have occurred.

181. All Defendants are charged with knowingly and willfully conspiring to violate 18 U.S.C. § 1962(c), the alleged conspiracy itself being a separate crime or offense in violation of 18 U.S.C. § 1962(d).

182. The Defendants, in some way or manner, came to a mutual understanding to try to accomplish a common and unlawful plan, namely, to

engage in a "pattern of racketeering activity" as charged above; and each defendant knowingly and willfully became a member of such conspiracy; and at the time the Defendants knowingly and willfully agreed to join in such conspiracy, the Defendants did so with the specific intent either to personally participate in the commission of two or more "predicate offenses," or each defendant specifically intended to otherwise participate in the affairs of the "enterprise" with the knowledge and intent that other members of the conspiracy would commit two or more "predicate offenses" as a part of a "pattern of racketeering activity."

183. Two "predicate acts" alleged by the Plaintiff are mail fraud and wire fraud offense in violation of Title 18, United States Code, §§ 1341 and 1343. Under those laws, it is an offense for anyone to scheme to defraud someone else out of money or property by making false and fraudulent representations, and then to attempt to execute or carry out the scheme involving use of the mails or interstate wire communications facilities. Each separate use of the mails or wires is a separate offense or separate predicate act. Another predicate act involves multiple instances of obstruction of justice.

184. The Defendants have conspired to damage Windsor and other pro se parties. They take a variety of illegal acts to effect their scheme. Their scheme is designed to obstruct justice and enable the federal courts in Georgia to operate as a

tyrannical force that can get away with whatever it chooses. It is Star Chamber-like.

185. The acts of the Defendants were done willfully, intentionally and with callous and reckless indifference to the rights of the Plaintiff so as to entitle the Plaintiff to an award of punitive damages in addition to compensatory damages.

186. The predicate acts formed a pattern by having the same or similar purposes, results, participants, victims, and methods of commission, and were otherwise interrelated by distinguishing characteristics.

187. The predicate acts threaten the likelihood of continued criminal activity posing a threat of continuity projecting into the future.

188. The violations of predicate acts are detailed below, and those paragraphs are incorporated herein by reference as if set forth in full.

189. The Defendants are guilty of violations of federal RICO and RICO Conspiracy – 18 U.S.C. § 1961 et seq and 18 U.S.C. § 1962(d).

THIRD CLAIM FOR RELIEF

Fraud

190. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

191. Fraud is the intentional misstatement or omission of a material fact made with knowledge of its falsity or in reckless disregard for whether it is true or

false.

192. Mr. Thrash and Ms. Totenberg have intentionally misstated material facts and omitted material facts. They knew their statements were false, or they had a reckless disregard for the truth. They made knowingly false statements in their orders with the intention of deceiving others and damaging Windsor. They also ignored, twisted, or violated the law for the same purpose. Mr. Huber, Ms. Yates, Ms. Ben-David, and Mr. Horn made knowingly false statements in their filings with the courts with the intention of deceiving others, damaging Windsor, and denying Windsor of his rights to a trial before a potentially impartial judge.

193. Mr. Thrash, Ms. Totenberg Mr. Huber, Ms. Yates, Ms. Ben-David, and Mr. Horn committed fraud. The Plaintiff was damaged as a result.

FOURTH CLAIM FOR RELIEF

Conspiracy

194. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

195. Upon information and belief, Defendants agreed to undertake a variety of actions designed to damage the Plaintiff.

196. Defendants were knowing-participants in the conspiracy.

197. Defendants had knowledge of the relevant circumstances and of the agreement made.

198. Defendants, in some way or manner, came to a mutual understanding to try to accomplish this common and unlawful plan. Defendants, knowing the unlawful purpose of the plan, willfully joined in it. During the existence of the conspiracy, at least one of the Defendants knowingly committed at least two of the overt acts.

199. The Plaintiff was damaged as a result.

FIFTH CLAIM FOR RELIEF

Breach of Legal Duty -- O.C.G.A. § 51-1-6

200. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

201. O.C.G.A. § 51-1-6 permits damages when no cause of action is given in express terms. This allows the Plaintiff to allege a private cause of action for violation of criminal statutes and misconduct referenced above.

202. Defendants breached their legal duties.

203. The Plaintiff was damaged as a result.

SIXTH CLAIM FOR RELIEF

Violation of U.S. Constitutional Rights

204. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

205. The Defendants have a Constitutional duty to Windsor. The Defendants breached their Constitutional duties to Windsor through action and inaction.

206. The action and inaction of the Defendants in violating Windsor's Constitutional rights under color of law caused damage to Windsor.

207. The due process clause guarantees a party an impartial and disinterested tribunal in civil cases, but Windsor has been denied an impartial judge and has been denied due process.

208. Defendants have violated Windsor's rights under the Constitution. Defendants have violated Windsor's rights under the Bill of Rights.

SEVENTH CLAIM FOR RELIEF

Violation of Due Process and Deprivation of Rights –

Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics

209. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

210. A *Bivens* action provides a remedy where a federal officer has committed a violation of an individual's constitutional rights. (*Servs. Corp. v. Malesko*, 534 U.S. 61, 70 (2001); *FDIC v. Meyer*, 510 U.S. 471, 485 (1994).) Defendants violated the rights of Windsor protected by the Constitution or created by federal statute.

211. Defendants are Federal Officers who proximately caused a deprivation of federally-protected rights. Federal Officers are persons who committed conduct. Federal Officers acted under "color of law." Federal Officers acted improperly using and ignoring the laws of the State of Georgia to deprive Windsor of federally protected rights. Federal Officers denied Windsor of Constitutional rights.

212. Defendants exercised power possessed by virtue of law and made possible only because they were clothed with the authority of law.

213. The deprivation represents an abuse of authority and/or lies outside the authority of Federal Officers because they were acting within the scope of their employment under the color of law.

214. Defendants did an affirmative act and failed to perform an act that they were legally required to do that caused the deprivation of Windsor's Constitutional rights.

215. Defendants should have no right to immunity for their actions.

216. Defendants violated clearly established statutory or constitutional rights of which a reasonable person would have known. Windsor has been denied an impartial judge, a proper court, fair and factual court orders, impartiality, access to the court, equal treatment and equal protection, protection of the Rules and codes of judicial and professional conduct, and more.

217. Defendants violated the Fourteenth Amendment rights of Windsor enforceable, namely substantive and procedural due process, the equal protection of the laws, and those rights from the Bill of Rights incorporated by the Due Process Clause of the Fourteenth Amendment.

218. Defendants deprived Windsor of those rights in the Bill of Rights made applicable to the states through incorporation; claims under the substantive component of the Due Process Clause that bars certain arbitrary, wrongful government actions; and claims under the procedural component of the Due Process Clause that prohibits the deprivation of life, liberty, or property without fair procedure.

219. 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); *Marbury v. Madison*, 5 U.S. (2 Cranch) 137, 180 (1803).

220. Defendants denied Windsor an impartial tribunal.

221. The willfulness of Defendants, characterized by “open defiance or reckless disregard of a Constitutional requirement” of record establishes a violation of rights under color of law.

222. Failure to follow proper procedure has resulted in a violation of Windsor's civil rights, where Defendant Judges have been acting in the absence of all jurisdiction.

223. The actions of Defendants include actions that are not part of functions normally performed by judges or judicial employees, and thus are non-judicial. There is no immunity for non-judicial acts.

224. Windsor was damaged as a result.

EIGHTH CLAIM FOR RELIEF

Violation of Constitutional Rights – First Amendment and in General

225. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

226. Defendants had a Constitutional duty to Windsor. Defendants breached their Constitutional duties to Windsor through action and inaction. The action and inaction of Defendants in violating Windsor's Constitutional rights under color of law caused damage to Windsor.

227. Windsor filed motions to recuse, and Mr. Thrash and Ms. Totenberg refused to do so. A judge is supposed to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned.

228. Defendants denied Windsor access to important records, evidence, and witnesses -- a violation of Equal Protection. Defendants intentionally deny

rights to pro se parties and have created a separate class of people before the courts – attorneys and those represented by parties in one class and pro se parties in another class. Windsor and other pro se parties are denied court records and are denied fairness and impartiality.

229. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases, but Windsor was denied an impartial judge.

230. Windsor brings this action against federal judicial officers, pursuant in part to 28 U.S. C. § 1331, in claims arising from violations of federal constitutional rights guaranteed in the First, Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the U.S. Constitution and redressable pursuant to *Bivens v. Six Unknown Narcotics Agents* 403 U.S. 388 (1971). Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. Defendants have been acting in the clear absence of all jurisdiction.

231. Actions of Defendants are not part of a function normally performed

by judges or judicial employees, and thus are non-judicial. There is no immunity for non-judicial acts.

232. First Amendment Right to petition provides "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

233. Mr. Thrash denied Windsor by an illegal injunction that denies his access to the courts.

234. Rights of citizens to litigate meritorious claims against judges are protected by the First and Fourteenth Amendments and perhaps by Article III of the Constitution for the United States of America as well.

235. Windsor has been damaged.

236. Windsor prays for monetary damages against Defendants based upon violations of federal constitutional rights pursuant to *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*.

237. Windsor's Constitutional rights have been violated and abused. Relief is desperately needed.

238. Due process of law is one of the most deeply rooted principles in American jurisprudence, a legal concept that ensures the government will respect all of a person's legal rights instead of just some or most of those legal rights when the government deprives a person of life, liberty, or property. Due process places limitations on laws and legal proceedings in order to guarantee fundamental fairness, justice, and liberty.

239. Defendants have not respected Windsor's legal rights. The government has all but ignored Windsor's rights.

240. The Constitution states only one command twice. The Fifth and Fourteenth Amendments say that no one shall be "deprived of life, liberty or property without due process of law." The central promise is that all levels of government must operate within the law and provide fair procedures.

241. Windsor has been deprived of most rights except the right to pay money and make filings with the N.D.Ga. District Court and the Eleventh Circuit.

242. Due process requires that the government respect all of the legal rights that are owed to a person according to the law. Due process holds the government subservient to the law of the land, protecting individual persons from the state. In the Declaration of Independence, Thomas Jefferson set forth the rationale for the establishment of government in a society: to secure the fundamental, inherent, and

preexisting rights of the people.

243. In this civil action, Defendants have shown absolutely no respect for Windsor's legal rights. Defendants have ignored the law and the facts. Windsor has been denied the most fundamental right to not have his legal rights stolen by dishonest judges.

244. Given the enormous value placed on people's lives and liberty and given recognition of the enormous power of the government, our Founding Fathers wanted to ensure that as few innocent people as possible punished, even if that meant lots of guilty people went unpunished.

245. Procedural due process guarantees protection to everyone so that statutes, regulations, and enforcement actions ensure that no one is deprived of "life, liberty, or property" without a fair opportunity to affect the judgment or result.

246. In this civil action, the fundamental right to have the courts accept Windsor's sworn affidavits as true has been violated. Windsor's sworn affidavits under penalty of perjury before a notary have been ignored. This is made even worse because Windsor's affidavits have not been controverted in any manner.

247. Defendants have subjected Windsor to arbitrary actions unrestrained by the concepts of rights and justice.

248. Judges are required to be impartial. Defendants have demonstrated pervasive bias against Windsor.

249. Judges are required to be neutral. In the underlying actions, there was no neutrality.

250. The rights of confrontation and cross-examination are basic. Windsor has been denied the right to subpoena witnesses.

251. Defendants have vindictively penalized Windsor. The Northern District of Georgia and the Eleventh Circuit are corrupt. Defendants have taken vindictive action against Windsor.

252. The decisions have not been based upon the evidence presented.

253. In this civil action, Defendants have denied the process that is due. The government's actions are unconstitutional. The rights at issue are fundamental rights, and the government is prohibited from infringing that right unless the infringement is narrowly tailored to serve a compelling interest. Defendants have no supportable reason for infringing on Windsor's fundamental rights.

254. The practices of Defendants have been totally offensive.

255. Litigants are supposed to have the right to subpoena witnesses and any documents or other evidence that may support your position or contradict evidence presented against you. Windsor has been the ability to subpoena

witnesses and obtain documents.

256. Litigants have the right to protections expressly created in statute and case law precedent. Statutes have been violated and overwhelming case law has been ignored by Defendants.

257. Litigants have the right to equal protection of the law regardless of race, creed, color, religion, ethnic origin, age, handicaps, or sex. Windsor is handicapped, a minority, and has not received equal protection as a pro se party.

258. Litigants have the right to a remedy, by recourse to the laws, for all injuries or wrongs that you may receive in your person, property, or character. Windsor has been denied recourse.

259. Litigants have the right to justice, without being obliged to purchase it; completely, and without any denial; promptly, and without undue delay; in conformance with the laws. Defendants have denied justice, have not provided prompt response to motions, and have not conformed with the laws.

260. There is supposed to be a truth finding process. Defendants have made errors in the truth-finding process.

261. The term due process refers to the requirement that the actions of government be conducted according to the rule of law. No government can be above the law. Both the lessons of history and the natural rights philosophy

declare that each person possesses rights to life, liberty, and property. Government cannot interfere with these rights except according to established procedures of law. The principle of due process of law is one of the most important protections against arbitrary rule. The Fifth Amendment prevents the federal government from depriving any person of life, liberty, or property without due process of law. The Fifth Amendment acts as a limitation upon the exercise of judicial power – judges may not sit as adjudicators in cases in which they have an interest.

262. Defendants have acted in matters where they have a personal interest and have violated the Fifth Amendment by remaining involved.

263. An inherent right is the honesty of the judge. Defendant judges have been extremely dishonest.

264. Inherent in the expectation of due process is that the judge will abide by the rules. Defendants have violated many canons of the Code of Judicial Procedure as well as rules in the State Bar of Georgia Code of Professional Conduct.

265. Inherent in due process is the expectation that the judge will not violate criminal statutes. Defendants have violated many criminal statutes.

266. Defendants have violated Windsor's Fourth Amendment rights.

267. With Windsor, Defendants have been totally unreasonable.

Defendants have violated due process and/or the Fourth Amendment.

268. Judgments and orders rendered in violation of due process are void.

269. All orders from Mr. Thrash and Ms. Totenberg must be considered void as the violations of due process are horrendous.

270. Defendants have repeatedly violated the Constitutional rights of Windsor.

NINTH CLAIM FOR RELIEF

Violation of Constitutional Rights – Fifth Amendment

271. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

272. The Fifth Amendment protects against abuse of government authority in a legal procedure. "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

273. The Fifth Amendment guarantee of due process is applicable only to actions of the federal government. The Fourteenth Amendment contains virtually the same phrase, but expressly applied to the states. Due process alternatively due process of law or the process that is due, is the principle that the government must respect all of the legal rights that are owed to a person according to the law. Due process holds the government subservient to the law of the land, protecting individual persons from the state. Courts have viewed the Due Process Clause, and sometimes other clauses of the Constitution, as embracing those fundamental rights that are "implicit in the concept of ordered liberty." In case a person is deprived of liberty by a process that conflicts with some provision of the Constitution, then the Due Process Clause normally prescribes the remedy: restoration of that person's liberty. The Due Process Clause has been interpreted by the Supreme Court not only as a remedial requirement when other constitutional rights have been violated, but furthermore as having additional "procedural" and "substantive" components, meaning that the Clause purportedly imposes unenumerated restrictions on legal procedures -- the ways in which laws may operate -- and also on legal substance -- what laws may attempt to do or prohibit. Procedural due process has been broadly construed to protect the individual so that statutes, regulations, and enforcement

actions must ensure that no one is deprived of "life, liberty, or property" without a fair opportunity to affect the judgment or result.

274. At a basic level, procedural due process is essentially based on the concept of "fundamental fairness." For example, in 1934, the United States Supreme Court held that due process is violated "if a practice or rule offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental". As construed by the courts, it includes an individual's right to be adequately notified of charges or proceedings, the opportunity to be heard at these proceedings, and that the person or panel making the final decision over the proceedings be impartial in regards to the matter before them.

275. Or, to put it more simply, where an individual is facing a (1) deprivation of (2) life, liberty, or property, (3) procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge. Substantive due process refers to the rights granted in the first eight amendments to the Constitution. The Supreme Court has consistently held that Fifth Amendment due process means substantially the same as Fourteenth Amendment due process.

276. Defendants had a Constitutional duty to Windsor. Defendants breached their Constitutional duties to Windsor through action and inaction. The

action and inaction of Defendants in violating Windsor's Constitutional rights under color of law caused damage to Windsor.

277. Windsor filed motions to recuse, and Mr. Thrash and Ms. Totenberg refused to do so. An objective observer, lay observer, and/or disinterested observer must entertain significant doubt of the impartiality of Defendant judges.

278. A judge is supposed to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned.

279. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases, but Windsor has been denied an impartial judge.

280. The Fifth Amendment acts as a limitation upon the exercise of judicial power -- to wit, justices may not sit as adjudicators in cases in which they have an interest. Defendants have an interest, yet they have continued.

281. Judges may be sued for lack of jurisdiction.

282. Defendants have been acting in absence of jurisdiction.

283. Defendant judges, as members of the State Bar of Georgia, have violated numerous provisions of the State Bar of Georgia Code of Professional Conduct. Defendant judges have violated the Code of Judicial Conduct. Defendant judges have violated laws of the United States of America and the State

of Georgia.

284. Windsor has been damaged. Windsor prays for monetary damages against Defendants based upon violations of federal constitutional rights pursuant to *Bivens v. Six Unknown Named Agents of the Fed. Bureau of Narcotics*.

TENTH CLAIM FOR RELIEF

Violation of Constitutional Rights – Ninth Amendment

285. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

286. The Ninth Amendment addresses rights of the people that are not specifically enumerated in the Constitution. Defendants had a Constitutional duty to Windsor. Defendants breached their Constitutional duties to Windsor through action and inaction.

287. The action and inaction of Defendants in violating Windsor's Constitutional rights under color of law caused damage to Windsor.

ELEVENTH CLAIM FOR RELIEF

Judicial Misconduct

288. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

289. The conduct of Defendant judges constitute significant judicial misconduct because judges have violated the Code of Judicial Conduct; engaged in

conduct involving dishonesty and misrepresentation; engaged in conduct prejudicial to the administration of justice; and more.

290. Windsor has learned that Defendant judges in Atlanta lie routinely and do whatever they want to abuse litigants.

291. Windsor submits that Defendants have discriminated against him, in large part, because he is pro se.

292. Windsor submits that his experience is that Defendant judges ROUTINELY violate the law and twist the facts and the law to accomplish their own improper purposes. Windsor believes these judges have apparently decided that they will take the law into their own hands and do whatever they please. All of the federal judges that Windsor has encountered cover up for the dishonest judges and attorneys.

293. Professional and judicial misconduct are central to this VERIFIED ACTION. Windsor submits that O.C.G.A. 51-1-6 should provide the legal basis for Windsor to present a cause of action for Breach of Legal Duty due to Judicial Misconduct.

294. O.C.G.A. 51-1-6 provides: "When the law requires a person to perform an act for the benefit of another or to refrain from doing an act which may

injure another, although no cause of action is given in express terms, the injured party may recover for the breach of such legal duty if he suffers damage thereby.”

295. Windsor had a right to expect Defendant judges to abide by the Code of Judicial Conduct, the GRPC, the FRCP, and the N.D.Ga. Local Rules. Windsor had a right to expect Defendant judges to refrain from doing acts that wrongfully injured Windsor.

296. Defendant judges committed judicial misconduct and violated the Code of Judicial Conduct, GRPC, FRCP, and the N.D. Ga. Local Rules.

297. Defendant judges committed acts that injured Windsor and Alcatraz.

TWELFTH CLAIM FOR RELIEF

Conspiracy to Violate Windsor's Constitutional Rights

298. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

299. Defendants have participated in a conspiracy to violate Windsor's Constitutional rights.

THIRTEENTH CLAIM FOR RELIEF

Violation of Pro Se Rights

300. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

301. Pro se parties are a minority class of people.

302. Windsor objects to the treatment of pro se parties in the N.D.Ga. and the Eleventh Circuit.

303. In theory, statutes, prevailing case law, and the rules of court apply to all litigants equally. The FRCP and the Federal Rules of Appellate Procedure ("FRAP") do not distinguish between a self-represented litigant and a lawyer represented litigant. However, the Federal Judicial Center reports that appellate courts use different procedures in cases brought by lawyers and in cases in which one party is self-represented, even if the self-representing party is a free citizen and pays the full filing fee. The results are usually unpublished.

304. Pro se litigants are not only denied impartial judges, they are denied any judges at all.

305. In the N.D.Ga. and the Eleventh Circuit, pro se Windsor and other pro se parties have been repeatedly denied rights and abused. Upon information and belief, pro se parties are denied their rights to jury trials. Upon information and belief, pro se plaintiffs are not allowed to win.

306. Defendant judges have violated the Constitutional rights of Windsor and other pro se parties.

FOURTEENTH CLAIM FOR RELIEF

Intentional Common Law Torts

307. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

308. Defendants have intentionally perpetrated torts and other wrongful acts against Windsor. Defendants aided and abetted such wrongful acts, knowingly inflicting great harm upon Windsor.

309. Defendants are guilty of perpetrating torts and other wrongful acts. Government Defendants aided and abetted such wrongful acts and thus acted outside the limits of their statutory authority.

FIFTEENTH CLAIM FOR RELIEF

Interfering With Right To Petition Government

310. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

311. Defendants have violated Windsor's first amendment right to petition government, as Windsor sought to report the criminal activities to government officials and agencies and pursue legal actions. Windsor is not even allowed to file documents with the Clerk of the Court.

SIXTEENTH CLAIM FOR RELIEF

Negligent Interference with Prospective Economic Advantage

312. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

313. Defendants negligently interfered with Windsor's prospective economic advantage.

SEVENTEENTH CLAIM FOR RELIEF

Intentional Infliction of Emotional Distress

314. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

315. Defendants have shown extreme and outrageous conduct. Windsor has been under extreme emotional distress.

316. Defendants intentionally inflicted emotional distress on Windsor through fraud, conspiracy, and violation of civil and Constitutional rights, and failure to act.

EIGHTEENTH CLAIM FOR RELIEF

Negligent Infliction of Emotional Distress

317. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

318. As a result of the above acts, Windsor suffered negligent infliction of emotional distress during the time frame covered by this VERIFIED ACTION.

319. Negligently inflicted emotional distress has been defined as "mental or emotional harm (such as fright or anxiety) that is caused by the negligence of another and that is not directly brought about by a physical injury". (*Norfolk &*

Western Railway Co. v. Ayers, 123 S.Ct. 1210, 538 U.S. 135, 155 L.Ed.2d 261
(U.S. 03/10/2003).)

320. Defendants have negligently inflicted emotional distress on Windsor.

NINETEENTH CLAIM FOR RELIEF

Abuse Of Process

321. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

322. Common law abuse of process is the use of the legal system for the improper and ulterior motive of halting Windsor's efforts to report and obtain action on corrupt and criminal acts, with the knowledge that important interests of every U.S. citizen would be adversely affected.

323. For abuse of process to occur, there must be use of the process for an immediate purpose other than that for which it was designed and intended. The legal and judicial systems have been grossly abused to damage Windsor and shield Defendants from conviction and disbarment -- a perversion of the process.

324. Windsor has been so abused that he has had to spend a lot of money and devote most of his time in seeking justice,

TWENTIETH CLAIM FOR RELIEF

Violation of Legal Rights by Judge Thrash and Judge Totenberg by acting without Jurisdiction

325. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

326. Judge Thrash and Judge Totenberg have acted without jurisdiction.

TWENTY-FIRST CLAIM FOR RELIEF

Conspiracy to Commit Fraud

327. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

328. Defendants formed a civil conspiracy to protect Judge Evans. Windsor was damaged as a result.

329. Windsor has detailed fraud in the VERIFIED ACTION above.

330. Defendants did this to damage Windsor and shield themselves from criminal prosecution and disbarment.

331. Defendants have made intentionally false representations of facts in orders. They did this to deceive. Others relied upon this to Windsor's detriment.

332. Other Defendants committed fraud by their silence.

TWENTY-SECOND CLAIM FOR RELIEF

New Law

333. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

334. Windsor must also argue for extending, modifying, or reversing existing law or for establishing new law. The whole idea of justice requires fairness, honesty, impartial judges. The outrageous nature of the actions of the Defendants requires special consideration and punishment.

TWENTY-THIRD CLAIM FOR RELIEF

Treason to the Constitution

335. The allegations in paragraphs above are incorporated herein by reference as if set forth in full.

336. When a judge does not comply with the law, he/she is not acting as a judge under the law. He/she does not hold any office because he/she has failed to meet the federal statutory prerequisites that would support the Constitutional mandate that all judges shall be bound thereby pursuant to Article VI of the Constitution of the United States: "This Constitution and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States shall be the supreme Law of the Land, and the judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

337. Where acts of violations of the U.S. Constitution, Amendment XIV, Section 3, and constitutes the aiding and abetting the enemies of the U.S. Constitution and the laws promulgated by the Constitution. The enemies of the

Constitution are all persons who attempt to defeat any provision of the Constitution, such as the 4th, 5th, 14th Amendments, Article 1, Sec. 2 and Sec. 9 of the Constitution (direct taxation clauses). The internal enemies of the Constitution are persons who act under "color of law", while using positions of government authority, to deprive citizens of their constitutional rights and protections. The internal enemies of the Constitution are all persons who knowingly use deceit or treachery to undermine the constitutional rights and protections of citizens.

338. Defendants have committed Treason to the Constitution.

PRAYER FOR RELIEF

WHEREFORE, there being no adequate remedy at law, Windsor prays for judgment in favor of Windsor and against the Defendants as follows:

DECLARATORY RELIEF

339. Declare that all orders issued in Civil Action No. 1:11-CV-01922-TWT are void.

340. Declare that all orders issued in Civil Action No. 1:11-CV-01923-TWT are void.

341. Declare that all orders issued in Civil Action No. 1:11-CV-02027-TWT are void.

342. Declare that Georgia laws have been violated by Defendants.

343. Declare that federal statutes have been violated by Defendants.

INJUNCTIVE RELIEF

344. Unless Defendants are enjoined from certain acts, Windsor will continue to suffer immediate and irreparable harm. The harm suffered by Windsor far exceeds any inconvenience that would be caused on these defendants. The equities clearly balance in Windsor's favor. Windsor has no adequate remedy at law.

345. Windsor is entitled to a Temporary Restraining Order, interlocutory, and permanent injunctive relief:

- 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

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

346. Windsor is an aggrieved person within the meaning of O.C.G.A. § 16-14-6(b). As a result, Windsor is entitled to appropriate preliminary and permanent injunctive relief.

RICO RELIEF

347. That this Court liberally construe the RICO laws and thereby find that all Defendants, both jointly and severally, have acquired and maintained, both directly and indirectly, an interest in and/or control of a RICO *enterprise* of *persons* and of other individuals who were associated in fact, all of whom engaged in, and whose activities did affect, interstate and foreign commerce in violation of 18 U.S.C. 1962(c) (Prohibited activities).

348. That all Defendants be required to account for all gains, profits, and advantages derived from their several acts of *racketeering activity* in violation of 18 U.S.C. 1962(c) and from all other violation(s) of applicable State and federal law(s).

349. That judgment be entered for Windsor and against all Defendants for Windsor's actual damages, and for any gains, profits, or advantages attributable to all violations of 18 U.S.C. 1962(c), according to the best available proof.

350. That all Defendants pay to Windsor treble (triple) damages, under authority of 18 U.S.C. 1964(c), for any gains, profits, or advantages attributable to all violations of 18 U.S.C. 1962(c), according to the best available proof.

351. That all Defendants pay to Windsor all damages sustained by Windsor in consequence of Defendants' several violations of 18 U.S.C. 1962(c), according to the best available proof.

352. That all Defendants pay to Windsor his costs of the lawsuit incurred herein including, but not limited to, all necessary research, all non-judicial enforcement and all reasonable counsel's fees.

353. That all damages caused by all Defendants, and all gains, profits, and advantages derived by all Defendants, from their several acts of racketeering in violation of 18 U.S.C. 1962(c) and from all other violation(s) of applicable State and federal law(s), be deemed to be held in constructive trust for the benefit of Plaintiff, His heirs and assigns.

354. That Windsor have such other and further relief as this Court deems just and proper, under the circumstances of this action.

355. That this Court liberally construe the RICO laws and thereby find that all Defendants have conspired to acquire and maintain an interest in, and/or conspired to acquire and maintain control of, a RICO *enterprise* engaged in a *pattern of racketeering activity* in violation of 18 U.S.C. §§ 1961(5), 1962(c) and (d) *supra*.

356. That this Court liberally construe the RICO laws and thereby find that all Defendants have conspired to conduct and participate in said RICO *enterprise* through a *pattern of racketeering activity* in violation of 18 U.S.C. §§ 1961(5), 1962(c) and (d) *supra*.

357. That all Defendants be required to account for all gains, profits, and advantages derived from their several acts of racketeering in violation of 18 U.S.C. 1962(d) *supra* and from all other violation(s) of applicable State and federal law(s).

358. That judgment be entered for Windsor and against all Defendants for Windsor's actual damages, and for any gains, profits, or advantages attributable to all violations of 18 U.S.C. 1962(d) *supra*, according to the best available proof.

359. That all Defendants pay to Windsor treble damages, under authority of 18 U.S.C. 1964(c), for any gains, profits, or advantages attributable to all violations of 18 U.S.C. 1962(d) *supra*, according to the best available proof.

360. That all Defendants pay to Windsor all damages sustained by Windsor in consequence of Defendants' several violations of 18 U.S.C. 1962(d) *supra*, according to the best available proof.

361. That all Defendants pay to Windsor his costs of the lawsuit incurred herein including, but not limited to, all necessary research, all non-judicial enforcement, and all reasonable counsel's fees.

362. That all damages caused by all Defendants, and all gains, profits, and advantages derived by all Defendants, from their several acts of racketeering in violation of 18 U.S.C. 1962(d) *supra* and from all other violation(s) of applicable

State and federal law(s), be deemed to be held in constructive trust for the benefit of Plaintiff, his heirs and assigns.

COMPENSATORY DAMAGES

363. Windsor should recover actual damages from the Defendants, the amount of which is still accruing.

PUNITIVE DAMAGES

364. The Defendants' conduct as described above is willful, wanton, wicked, intentional, and malicious resulting from fraud, insult, and malice, and it is associated with aggravating circumstances, including willfulness, wantonness, malice, oppression, outrageous conduct, insult, and fraud, thus warranting Windsor's recovery of punitive damages from the Defendants, to be determined by the trier of fact. O.C.G.A. § 51-12-5.1 authorizes punitive damages. Windsor should receive an award of punitive damages.

EXPENSES OF LITIGATION

365. The Defendants have acted in bad faith and have caused Windsor unnecessary trouble and expense, justifying an award of expenses of litigation from the Defendants, in an amount to be proven at trial. Windsor is entitled to an award of attorneys' fees pursuant to O.C.G.A. § 13-6-11. Since punitive damages are appropriate, counsel fees, paralegal fees, deposition costs, and litigation fees

can be taken into consideration when estimating the foregoing punitive damages.

Windsor prays that he be awarded expenses of litigation.

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

Pro Se

PO Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

Email: williamwindsor@bellsouth.net

DEMAND FOR JURY TRIAL

Windsor hereby demands a trial by jury.

This 14th day of July, 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

Personally appeared before me, the undersigned Notary Public duly authorized to administer oaths, William M. Windsor, who after being duly sworn deposes and states that he is authorized to make this verification on behalf of himself and that the facts alleged in the foregoing VERIFIED ACTION are true and correct based upon his personal knowledge, except as to the matters herein stated to be alleged on information and belief, and that as to those matters he believes 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.



William M. Windsor

Sworn and subscribed before me this 14th day of July, 2011.

Notary Public

Exhibit

27

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 20, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-02326-TWT

Dear Clerk:

Please file these immediately in this order. The courier is noting the time and has your signature. These must appear on the docket at this very second:

Notice of Filing & Certificate of Interested Persons
Notice of Filing & Motion to Vacate
Notice of Filing & Motion to Disqualify
Notice of Filing & Motion to File Evidence

Also enclosed is a Request in 1:11-CV-01923-TWT.

Sincerely,

William M. Windsor

William M. Windsor

From: ccaadmin@apps4.dtrac.net
Sent: Wednesday, July 20, 2011 4:30 PM
To: BILL@BILLWINDSOR.COM
Subject: POD for Control Number 815706

ATTN: BILL WINDSOR

CTRL: 815706 ORDER DATE: 7/20/11 SERVICE TYPE: RUSH
CUST: 3893 THE WINDSOR COMPANIES

PU: THE WINDSOR COMPANIES	DL: US DISTRICT COURT
3924 LOWER ROSWELL RD	75 SPRING ST
MARIETTA GA 30068	ATLANTA GA 30303
RM:22ND FL	
TO SEE: BILL WINDSOR	TO SEE: CLERK

DEL DATE: 7/20/11 TIME: 16:29 SIGN: J WHITE

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 20, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-02326-TWT

Dear Clerk:

Please file these immediately in this order. The courier is noting the time and has your signature. These must appear on the docket at this very second:

NOTICE OF FILING & MOTION FOR CM/ECF PASSWORD
NOTICE OF FILING & AFFIDAVIT OF WILLIAM M. WINDSOR
NOTICE OF FILING & EMERGENCY MOTION FOR THIS COURT TO
ENTER ORDER ON EMERGENCY MOTION FOR LEAVE OF COURT TO
CONDUCT DISCOVERY
NOTICE OF FILING & NOTICE OF APPEAL IN FULTON COUNTY
SUPERIOR COURT
NOTICE OF FILING & MOTION FOR ORDER FROM CLERK OF THE
COURT VALIDATING ACCURACY OF DOCKETS
NOTICE OF FILING & MOTION FOR FIRST AMENDMENT RIGHTS ASND
DUE PROCESS RIGHTS

Sincerely,

William M. Windsor

William M. Windsor

From: ccaadmin@apps4.dtrac.net
Sent: Wednesday, July 20, 2011 5:00 PM
To: BILL@BILLWINDSOR.COM
Subject: POD for Control Number 815723

ATTN: BILL WINDSOR

CTRL: 815723 ORDER DATE: 7/20/11 SERVICE TYPE: REGULAR
CUST: 3893 THE WINDSOR COMPANIES

PU: THE WINDSOR COMPANIES	DL: US DISTRICT COURT
3924 LOWER ROSWELL RD	75 SPRING ST
MARIETTA GA 30068	ATLANTA GA 30303

TO SEE: BILL WINDSOR TO SEE: CLERK

DEL DATE: 7/20/11 TIME: 16:56 SIGN: E FELLWAY

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 21, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-02326-TWT

Dear Clerk:

Please file these immediately in this order. The courier is noting the time and has your signature. These must appear on the docket at this very second. I am printing the docket at the time these are delivered to you to show what the last docket entry was before my documents were presented for filing.

NOTICE OF FILING & MOTION OBJECTING TO JURISDICTION

NOTICE OF FILING & PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY MOTION TO DISQUALIFY JUDGE THOMAS WOODROW THRASH

NOTICE OF FILING & PLAINTIFF WILLIAM M. WINDSOR'S MOTION FOR CERTIFICATE OF NECESSITY AND ASSIGNMENT OF PRESIDING JUDGE BY THE CHIEF JUSTICE OF THE UNITED STATES SUPREME COURT

NOTICE OF FILING & NOTICE OF ADDITION OF DARCY COTY AS A NAMED DEFENDANT

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE CLARENCE COOPER

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE AMY TOTENBERG

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION FOR THE COURT TO ORDER ALL DEFENDANTS TO BE PRESENT TO TESTIFY AT THE REMOVAL HEARING

NOTICE OF FILING & MOTION FOR PROTECTION FROM JUDGE WILLIAM S. DUFFEY

NOTICE OF FILING & MOTION FOR PROTECTION FROM JUDGE ORINDA D. EVANS

NOTICE OF FILING & MOTION TO REQUIRE SWORN VERIFICATIONS WITH ALL FILINGS

NOTICE OF FILING & MOTION FOR VALID COPIES OF CERTIFICATES OF AUTHENTICATION BY THE CLERK

NOTICE OF FILING & WILLIAM M. WINDSOR'S EMERGENCY MOTION FOR CONFERENCE

NOTICE OF FILING & EMERGENCY MOTION FOR LEAVE OF COURT TO CONDUCT DISCOVERY

NOTICE OF FILING OF EMERGENCY MOTION FOR HEARING ON EMERGENCY MOTION FOR THIS COURT TO ENTER ORDER ON EMERGENCY MOTION FOR LEAVE OF COURT TO CONDUCT DISCOVERY

NOTICE OF FILING OF MOTION FOR HEARING ON MOTION FOR PROTECTION FROM JUDGE WILLIAM S. DUFFEY

NOTICE OF FILING OF MOTION FOR CORRECTION TO DOCKET

NOTICE OF FILING OF MOTION FOR HEARING ON MOTION FOR FIRST AMENDMENT RIGHTS AND DUE PROCESS RIGHTS

NOTICE OF FILING OF MOTION FOR HEARING ON MOTION FOR ORDER FROM THE CLERK OF THE COURT VALIDATING ACCURACY OF DOCKETS

NOTICE OF FILING & MOTION FOR HEARING ON MOTION FOR VALID COPIES OF CERTIFICATES OF AUTHENTICATION BY THE CLERK

NOTICE OF FILING & MOTION FOR HEARING ON MOTION FOR DUE PROCESS RIGHTS AND HONEST COURT DOCKET

NOTICE OF FILING & WILLIAM M. WINDSOR'S MOTION FOR REMAND AND IN-DWELLING MEMORANDUM OF LAW IN SUPPORT THEREOF

NOTICE OF FILING & WILLIAM M. WINDSOR'S MOTION FOR LEAVE TO EXCEED PAGE LIMITATION AND INDWELLING MEMORANDUM IN SUPPORT THEREOF

NOTICE OF FILING & MOTION FOR FIRST AMENDMENT RIGHTS AND DUE PROCESS RIGHTS

NOTICE OF FILING & MOTION FOR HEARING ON MOTION FOR PROTECTION FROM JUDGE ORINDA D. EVANS

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE J. OWEN FORRESTER

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE HAROLD L. MURPHY

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE WILLIAM C. O'KELLEY

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE CHARLES A. PANNELL

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE MARVIN H. SHOOB

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE STEVE C. JONES

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO DISQUALIFY JUDGE HORACE TO. WARD

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE RICHARD W. STORY

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE G. ERNEST TIDWELL

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE ROBERT L. VINING

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE WILLIS B. HUNT

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE JULIE E. CARNES

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE TIMOTHY C. BATTEN

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE WILLIAM S. DUFFEY

NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE ORINDA D. EVANS

Sincerely,

William M. Windsor

William M. Windsor

From: ccaadmin@apps4.dtrac.net
Sent: Thursday, July 21, 2011 8:05 AM
To: BILL@BILLWINDSOR.COM
Subject: POD for Control Number 816021

ATTN: william

CTRL: 816021 ORDER DATE: 7/21/11 SERVICE TYPE: REGULAR
CUST: 3893 THE WINDSOR COMPANIES

PU: THE WINDSOR COMPANIES	DL: US DISTRICT COURT
3924 LOWER ROSWELL RD	75 SPRING ST
MARIETTA GA 30068	ATLANTA GA 30303

TO SEE: BILL WINDSOR TO SEE: CLERK

DEL DATE: 7/21/11 TIME: 08:03 SIGN: A SANDERS

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 21, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-02326-TWT

Dear Clerk:

Please file these immediately in this order. The courier is noting the time and has your signature. These must appear on the docket at this very second. I am printing the docket at the time these are delivered to you to show what the last docket entry was before my documents were presented for filing.

**NOTICE OF FILING & PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY
MOTION TO DISQUALIFY JUDGE JOEL F. DUBINA**

**NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE FRANK M. HULL**

**NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE EDWARD EARL CARNES**

**NOTICE OF FILING & PLAINTIFF'S EMERGENCY MOTION TO
DISQUALIFY JUDGE STANLEY MARCUS**

Please distribute these important envelopes to the judges.

Sincerely,

William M. Windsor

William M. Windsor

From: ccaadmin@apps4.dtrac.net
Sent: Friday, July 22, 2011 8:05 AM
To: BILL@BILLWINDSOR.COM
Subject: POD for Control Number 816520

ATTN: william

CTRL: 816520 ORDER DATE: 7/22/11 SERVICE TYPE: REGULAR
CUST: 3893 THE WINDSOR COMPANIES

PU: THE WINDSOR COMPANIES	DL: US DISTRICT COURT
3924 LOWER ROSWELL RD	75 SPRING ST
MARIETTA GA 30068	ATLANTA GA 30303

TO SEE: BILL WINDSOR TO SEE: CLERK

DEL DATE: 7/22/11 TIME: 08:03 SIGN: A SANDERS

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 22, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-02326-TWT

Dear Clerk:

Please file these immediately. The courier is noting the time and has your signature. These must appear on the docket at this very second. I am printing the docket at the time these are delivered to you to show what the last docket entry was before my documents were presented for filing.

You have failed to file the documents presented to you four times previously, and I am filing additional charges with the FBI.

Please file in this order:

1. MOTION TO SET ASIDE ORDERS DUE TO FRAUD UPON THE COURT
2. NOTICE OF FILING & AFFIDAVIT OF WILLIAM M. WINDSOR
3. NOTICE OF FILING & SECOND AFFIDAVIT OF WILLIAM M. WINDSOR
4. NOTICE OF FILING & THIRD AFFIDAVIT OF WILLIAM M. WINDSOR
5. NOTICE OF FILING & FOURTH AFFIDAVIT OF WILLIAM M. WINDSOR

6. NOTICE OF FILING & FIFTH AFFIDAVIT OF WILLIAM M. WINDSOR
7. NOTICE OF FILING & SIXTH AFFIDAVIT OF WILLIAM M. WINDSOR
8. NOTICE OF FILING & SEVENTH AFFIDAVIT OF WILLIAM M. WINDSOR
9. NOTICE OF FILING & EIGHTH AFFIDAVIT OF WILLIAM M. WINDSOR
10. NOTICE OF FILING & NINTH AFFIDAVIT OF WILLIAM M. WINDSOR

Each is separate by a post-it.

Sincerely,

William M. Windsor

William M. Windsor

From: ccaadmin@apps4.dtrac.net
Sent: Friday, July 22, 2011 8:31 AM
To: BILL@BILLWINDSOR.COM
Subject: POD for Control Number 816520

ATTN: william

CTRL: 816520 ORDER DATE: 7/22/11 SERVICE TYPE: REGULAR
CUST: 3893 THE WINDSOR COMPANIES

PU: THE WINDSOR COMPANIES	DL: US DISTRICT COURT
3924 LOWER ROSWELL RD	75 SPRING ST
MARIETTA GA 30068	ATLANTA GA 30303

TO SEE: BILL WINDSOR TO SEE: CLERK

DEL DATE: 7/22/11 TIME: 08:03 SIGN: A SANDERS

Exhibit

1

Select another
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Refine this
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In the SUPERIOR COURT
Fulton County, Georgia
Case No. 2011CV200857

WILLIAM M. WINDSOR VS. JUDGE WILLIAM S.
DUFFEY, MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY,
LTD, JUDGE ORINDA D. EVANS, JUDGE JULIE
E. CARNES, JUDGE JOEL F. DUBINA, JOHN
LEY, AND JAMES N. HATTEN

Filed on 05/19/2011

Case Type: DECLARATORY JUDGMENT

Judge: Constance C. Russell

Current Status: Disposed

Disposition: 06/27/2011 - FINAL ORDER

Defendant

Defendant Attorneys

Duffey, William S Judge
Maid Of The Mist Corporation
Maid Of The Mist Steamboat
Company Ltd
Evans, Orinda D Judge
Carnes, Julie E Judge
Dubina, Joel F Judge
Ley, John
Hatten, James N

Plaintiff

Plaintiff Attorneys

Windsor, William M
P.O. BOX 681236
MARIETTA, GA 30068

Prose

Events and Orders of the Court

06/27/2011	ORDER
06/22/2011	MOTION
06/13/2011	NOTICE
06/13/2011	MOTION
06/09/2011	AFFIDAVIT
06/08/2011	AFFIDAVIT
06/06/2011	AFFIDAVIT
06/06/2011	AFFIDAVIT
06/06/2011	AFFIDAVIT
06/06/2011	AFFIDAVIT
06/06/2011	AFFIDAVIT
05/31/2011	AFFIDAVIT
05/19/2011	CASE INITIATION FORM
05/19/2011	PLAINTIFF'S ORIGINAL PETITION

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Exhibit

2

Select another
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In the SUPERIOR COURT
Fulton County, Georgia
Case No. 2011CV200971

WILLIAM M. WINDSOR VS. 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

Filed on 05/20/2011

Case Type: TORT/NEGLIGENCE

Judge: Cynthia D. Wright

Current Status: Filed

Defendant

Hatten, James N
Sanders, Anniva
White, J
Gutting, B
Callier, Margaret
Grutby, B
Mincher, Douglas J
Birnbaum, Jessica
Duffey, William S
Evans, Orinda D
Carnes, Julie E
Ley, John
Dubina, Joel F

Defendant Attorneys

Carnes, Ed
Barkett, Rosemary
Hull, Frank M

Plaintiff

Windsor, William M
P.O.BOX 681236
MARIETTA, GA 30068

Plaintiff Attorneys

Prose

Events and Orders of the Court

07/05/2011 MOTION
06/30/2011 AFFIDAVIT
06/30/2011 AFFIDAVIT
06/30/2011 AFFIDAVIT
06/30/2011 AFFIDAVIT
06/30/2011 AFFIDAVIT
06/30/2011 AFFIDAVIT
06/29/2011 MOTION
06/29/2011 MOTION
06/22/2011 MOTION
06/20/2011 AFFIDAVIT
06/15/2011 AFFIDAVIT
06/13/2011 MOTION
06/13/2011 NOTICE
06/10/2011 AFFIDAVIT
06/10/2011 AFFIDAVIT
06/09/2011 AFFIDAVIT
06/08/2011 CERTIFICATE OF SERVICE
06/08/2011 AFFIDAVIT
06/08/2011 AFFIDAVIT
06/07/2011 CERTIFICATE OF SERVICE
06/06/2011 CERTIFICATE
06/06/2011 REQUEST FOR ADMISSIONS
06/06/2011 REQUEST FOR ADMISSIONS
06/06/2011 AFFIDAVIT
06/06/2011 AFFIDAVIT
06/06/2011 AFFIDAVIT
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06/06/2011 AFFIDAVIT
06/06/2011 AFFIDAVIT
06/06/2011 AFFIDAVIT
05/31/2011 MOTION
05/31/2011 MOTION
05/31/2011 AFFIDAVIT
05/20/2011 Jury Trial Requested
05/20/2011 CASE INITIATION FORM
05/20/2011 PLAINTIFF'S ORIGINAL PETITION

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Exhibit

3

Select another
search type

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search



In the SUPERIOR COURT
Fulton County, Georgia
Case No. 2011CV202263

WILLIAM M. WINDSOR VS. THOMAS
WOODROW THRASH, CHRISTOPHER HUBER,
SALLY QUILLIAN YATES, WILLIAM S. DUFFEY,
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, AMY TOTENBERG, 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. JOHNSPN, E.
CLAYTON SCOFIELD, RUSSELL G. VINEYARD,
JAMES N. HATTEN, ANNIVA SANDERS, JOYCE
WHITE, BEVERLY GUTTING, MARGARET
CALLIER, DOUGLAS J. MINCHER, B. GRUTBY,
JESSICA BIRNBAUM, VICKI HANNA, JOHN
LEY, 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,
PAUL HOWARD AND UNKNOWN DOES

Filed on 06/20/2011
Case Type: TORT/NEGLIGENCE
Judge: Constance C. Russell

Current Status: Filed

Defendant**Defendant Attorneys**

Thrash, Thomas Woodrow
Huber, Christopher
Yates, Sally Quillian
Duffey, William S
Evans, Orinda D
Carnes, Julie E
Jones, Steve C
Batten, Timothy C
Cooper, Clarence
Forrester, J Owen
Hunt, Willis B
Murphy, Harold L
Okelley, William C
Pannell, Charles A
Shoob, Marvin H
Story, Richard W
Tidwell, G Ernest
Totenberg, Amy
Vining, Robert L
Ward, Horace T
King, Janet F
Cole, Susan S
Baverman, Alan J
Brill, Gerrilyn G
Hagy, C Christopher
Walker, Linda T
Johnson, Walter E
Scofield, E Clayton
Vineyard, Russell G
Hatten, James N
Sanders, Anniva
White, Joyce
Gutting, Beverly
Callier, Margaret
Mincher, Douglas J
Grutby, B

Birnbaum, Jessica
Hanna, Vicki
Ley, John
Dubina, Joel F
Carnes, Ed
Barkett, Rosemary
Hull, Frank M
Edmondson, James Larry
Marcus, Stanley
Pryor, William H
Tjoflat, Gerald Bard
Black, Susan H
Wilson, Charles R
Hill, James C
Martin, Beverly B
Fay, Peter T
Kravitch, Phyllis A
Anderson, R Lanier
Cox, Emmett Ripley
Howard, Paul Jr

Plaintiff

Windsor, William M
P O BOX 681236
MARIETTA, GA 30068

Plaintiff Attorneys

Prose

Events and Orders of the Court

06/28/2011 ORDER OF TRANSFER
06/24/2011 AFFIDAVIT
06/23/2011 MOTION
06/22/2011 AFFIDAVIT
06/22/2011 REMOVAL TO U S DISTRICT COURT
06/21/2011 MOTION
06/20/2011 CASE INITIATION FORM
06/20/2011 PLAINTIFF'S ORIGINAL PETITION

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Exhibit

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**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:11-cv-01922-TWT**

Windsor v. Duffey et al

Assigned to: Judge Thomas W. Thrash, Jr

Case in other court: Superior Court of Fulton County,
Georgia, 2011CV200857

Cause: 28:1443(1)Removal from State Court - Civil Rights

Date Filed: 06/13/2011

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government

Defendant

Plaintiff

William M. Windsor

represented by **William M. Windsor**

P. O. Box 681236

Marietta, GA 30068

770-578-1094

Fax: 770-234-4106

PRO SE

V.

Defendant

Judge William S. Duffey

represented by **Christopher J. Huber**

U.S. Attorneys Office - ATL

Assistant United States Attorney,

Criminal Division

600 Richard Russell Building

75 Spring Street, S.W.

Atlanta, GA 30303

(404) 581-6292

Email: chris.huber@usdoj.gov

ATTORNEY TO BE NOTICED

Defendant

Maid of the Mist Corporation

Defendant

**Maid of the Mist Steamboat
Company, Ltd.**

Defendant

Judge Orinda D. Evans

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Judge Julie E. Carnes

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Judge Joel F. Dubina

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Ley

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

James N. Hatten

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/13/2011	<u>1</u>	NOTICE OF REMOVAL with COMPLAINT filed by Judge Julie E. Carnes, Judge Joel F. Dubina, Judge William S. Duffey, Judge Orinda D. Evans, John Leh, James N. Hatten. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Attachments: # <u>1</u> Exhibit A - Complaint for Declaratory Judgment, Petition for Temporary Restraining Order and Petition for Injunction, # <u>2</u> Text of Proposed Order, # <u>3</u> Civil Cover Sheet) (dfb) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/13/2011)
06/13/2011	<u>2</u>	MOTION for Temporary Restraining Order, MOTION for Hearing by William M. Windsor. (dfb) (Entered: 06/13/2011)
06/13/2011		Submission of <u>2</u> MOTION for Temporary Restraining Order, MOTION for Hearing, submitted to District Judge Thomas W. Thrash. (dfb) (Entered: 06/13/2011)
06/13/2011		Notification of Docket Correction to reflect correct civil action number assigned, 1:11-cv-1922-TWT. (dfb) (Entered: 06/13/2011)

http://www.uscourts.gov/cgi-bin/DktRpt.pl?878402853117602-

06/13/2011	<u>3</u>	MOTION for Extension of Time To File Responsive Pleading or Motion and Brief in Support with Brief In Support by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley. (Attachments: # <u>1</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/13/2011	<u>4</u>	MOTION for Protective Order with Brief In Support by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley. (Attachments: # <u>1</u> Brief Memorandum of Points and Authorities in Support of Motion for A Protective Order, # <u>2</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/14/2011	<u>5</u>	Certificate of Interested Persons and Corporate Disclosure Statement by William M. Windsor. (rvb) (Entered: 06/15/2011)
06/14/2011	<u>6</u>	RESPONSE re <u>4</u> MOTION for Protective Order, filed by William M. Windsor (Attachments: # <u>1</u> Exhibit A)(rvb) (Entered: 06/15/2011)
06/14/2011	<u>7</u>	MOTION to Deny Removal, and Emergency MOTION for Hearing, by William M Windsor. (Attachments: # <u>1</u> Exhibit A)(rvb) (Entered: 06/15/2011)
06/15/2011	<u>9</u>	Letter from William M. Windsor requesting subpoenas. (rej) (Entered: 06/16/2011)
06/15/2011	<u>10</u>	Letter from William M. Windsor regarding motion to disqualify. (rej) (Entered: 06/16/2011)
06/15/2011	<u>11</u>	NOTICE Of Filing of Motion to Disqualify by William M. Windsor (rej) (Entered: 06/16/2011)
06/15/2011	<u>12</u>	MOTION to Disqualify Sally Quillian Yates, Christopher Huber, and the U.S. Attorney's Office by William M. Windsor. (rej) (Entered: 06/16/2011)
06/15/2011	<u>13</u>	Letter from William M. Windsor regarding Notices of Filing. (rej) (Entered: 06/16/2011)
06/15/2011	<u>14</u>	NOTICE Of Filing Certificate of Interested Persons and Corporate Disclosure Statement by William M. Windsor (rej) (Entered: 06/16/2011)
06/15/2011	<u>15</u>	NOTICE Of Filing Response to the Defendants' Motion for A Protective Order by William M. Windsor. (rej) (Entered: 06/16/2011)
06/15/2011	<u>16</u>	NOTICE Of Filing of Motion to Deny Removal, and Emergency Motion for Discovery and Hearing by William M. Windsor. (rej) (Entered: 06/16/2011)
06/15/2011	<u>17</u>	ORDER denying <u>2</u> Motion for TRO and Motion for Hearing. Signed by Judge Thomas W. Thrash, Jr on 6/15/11. (hfm) (Entered: 06/16/2011)
06/15/2011	<u>18</u>	Letter from William M. Windsor requesting copies of Notices of Electronic Filing. (rej) (Entered: 06/16/2011)
06/16/2011	<u>8</u>	Notice for Leave of Absence for the following date(s): July 5, 6, 7, 8, 2011, by Christopher J. Huber. (Huber, Christopher) (Entered: 06/16/2011)

06/16/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>17</u> Order on Motion for TRO, Order on Motion for Hearing (hfm) (Entered: 06/16/2011)
06/16/2011		Submission of <u>4</u> MOTION for Protective Order, submitted to District Judge Thomas W. Thrash. (ss) (Entered: 06/16/2011)
06/16/2011	<u>19</u>	ORDER that the <u>3</u> Motion for Extension of Time is GRANTED. The Defendants referenced in this Order shall not be required to answer or otherwise respond to the complaint until June 25, 2011. Signed by Judge Thomas W. Thrash, Jr on 6/16/2011. (ank) (Entered: 06/16/2011)
06/16/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>19</u> Order (ank) (Entered: 06/16/2011)
06/17/2011		Clerks Notation re <u>8</u> Leave of Absence July 5, 6, 7, 8, 2011, by Christopher J. Huber. The Court will not require an appearance by C. Huber on these dates. (ss) (Entered: 06/17/2011)
06/17/2011	<u>20</u>	NOTICE Of Filing Emergency Motion for Reconsideration of <u>19</u> Order Granting an Extension of Time to File Responsive Pleading or Motion, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>21</u>	NOTICE Of Filing Emergency Motion for Leave of Court to Commence Discovery and Obtain Subpoenas to Compel Attendance at Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>22</u>	NOTICE Of Filing Emergency Motion for Reconsideration of Order Denying Temporary Restraining Order and Emergency Motion for Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>23</u>	NOTICE Of Filing Response to the Federal Defendants' Motion for an Extension of Time to File Responsive Pleading or Motion and Motion to Strike, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>24</u>	Emergency MOTION for Leave of Court to Commence Discovery and Obtain Subpoenas to Compel Attendance at Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>25</u>	ORDER granting the Federal Defendants' <u>4</u> Motion for Protective Order. All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required. No discovery shall be served and the parties are not required to hold the conference pursuant to Federal Rules of Civil Procedure 26(f) pending further Order of this Court. No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court. Signed by Judge Thomas W. Thrash, Jr. on 06/17/2011. (dfb) (Entered: 06/17/2011)

06/17/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>25</u> Order on Motion for Protective Order. (dfb) (Entered: 06/17/2011)
06/17/2011	<u>26</u>	Emergency MOTION for Reconsideration of Order Denying Temporary Restraining Order and, Emergency MOTION for Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>27</u>	Emergency MOTION for Reconsideration re <u>19</u> Order on Motion for Extension of Time, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>28</u>	RESPONSE re <u>3</u> MOTION for Extension of Time To File Responsive Pleading or Motion and Brief in Support, filed by William M. Windsor (rvb) (Entered: 06/20/2011)
06/22/2011	<u>29</u>	ORDER directing the Clerk to file the Plaintiff's Motion to Recuse Judge Thrash and refer it to another Judge pursuant to 28 U.S.C. 144. Signed by Judge Thomas W. Thrash, Jr on 6/22/11. (dr) (Entered: 06/23/2011)
06/23/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>29</u> Order (dr) (Entered: 06/23/2011)
06/23/2011	<u>30</u>	NOTICE of Filing of Request for Consent to file Plaintiff William M. Windsor's Emergency Motion to Recuse Judge Thomas Woodrow Thrash by William M Windsor (dr) (Entered: 06/23/2011)
06/23/2011	<u>31</u>	EMERGENCY MOTION to Recuse Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011		Submission of <u>31</u> MOTION for Recusal, submitted to District Judge Amy Totenberg. (dr) (Entered: 06/23/2011)
06/24/2011	<u>32</u>	RESPONSE in Opposition re <u>31</u> MOTION for Recusal filed by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley (Huber, Christopher) (Entered: 06/24/2011)
06/28/2011	<u>33</u>	NOTICE Of Filing Reply to Opposition to Motion to Recuse Judge Thomas W. Thrash and Motion to Strike by William M. Windsor (dr) (Entered: 06/28/2011)
06/28/2011	<u>34</u>	REPLY to Response to <u>31</u> MOTION for Recusal filed by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	<u>35</u>	MOTION to Strike <u>32</u> Response in Opposition to Motion by William M. Windsor. (dr) (Entered: 06/28/2011)
06/30/2011	<u>36</u>	NOTICE Of Filing request for consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor (dr) (Entered: 06/30/2011)
06/30/2011	<u>37</u>	MOTION for Consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor. (dr) (Entered: 06/30/2011)

07/01/2011	<u>38</u>	NOTICE Of Filing William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (Attachments: # <u>1</u> William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(tcc) (Entered: 07/01/2011)
07/01/2011	<u>39</u>	ORDER DENYING Plaintiff's motion to recuse <u>31</u> . For the same reasons, the court DENIES Plaintiff's motion for certificate of necessity <u>37</u> and corresponding motion for a hearing filed July 1, 2011. The Court additionally DENIES Plaintiff's Motion to Strike <u>35</u> . Signed by Judge Amy Totenberg on 7/1/2011. (tcc) (Entered: 07/01/2011)
07/01/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>39</u> Order. (tcc) (Entered: 07/01/2011)
07/06/2011	<u>40</u>	Notice for Leave of Absence for the following date(s): July 25, July 26, July 27 and August 11, August 12, 2011, by Christopher J. Huber. (Huber, Christopher) (Entered: 07/06/2011)
07/07/2011		Clerks Notation re <u>40</u> Leave of Absence July 25-27, and August 11-12, 2011, by Christopher J. Huber. The Court will not require an appearance by C. Huber on these dates. (ss) (Entered: 07/07/2011)
07/07/2011	<u>41</u>	ORDER that permission to file papers received by the Clerk on 6/27/11, 6/29/11, 7/1/11, and 7/5/11 is DENIED. Signed by Judge Thomas W. Thrash, Jr on 7/7/11. (dr) (Entered: 07/07/2011)
07/07/2011	<u>42</u>	ORDER that permission to file papers received by the Clerk on 7/7/11 is DENIED. Signed by Judge Thomas W. Thrash, Jr on 7/7/11. (dr) (Entered: 07/07/2011)
07/07/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>42</u> Order, <u>41</u> Order. (dr) (Entered: 07/07/2011)
07/11/2011		Submission of <u>27</u> MOTION for Reconsideration re <u>19</u> Order on Motion for Extension of Time, <u>26</u> MOTION for Reconsideration MOTION for Hearing, <u>7</u> MOTION Deny Removal MOTION for Hearing, <u>24</u> MOTION for Leave to File to Commence Discovery and Obtain Subpoenas to Compel Attendance at Preliminary Injunction Hearing, <u>12</u> MOTION to Disqualify Attorney, submitted to District Judge Thomas W. Thrash. (dr) (Entered: 07/11/2011)
07/12/2011	<u>43</u>	ORDER that permission to file papers received by the Clerk from the Plaintiff on 7/11/11 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous. Signed by Judge Thomas W. Thrash, Jr on 7/12/11. (dr) (Entered: 07/13/2011)
07/13/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>43</u> Order (dr) (Entered: 07/13/2011)

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Billable Pages:	4	Cost:	0.32

Exhibit

5

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JUDGE WILLIAM S. DUFFEY, et al.,
Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1922-TWT

ORDER

This is a pro se civil action. It is before the Court on the Plaintiff's Motion for Temporary Restraining Order [Doc. 2]. The Plaintiff is seeking an order restraining Judge Duffey of this Court from violating O.C.G.A. § 10-6-5. It is highly unlikely for the Plaintiff to succeed on his claim that he must be allowed to engage in the unauthorized practice of law before Judge Duffey. The Plaintiff's Motion for Temporary Restraining Order [Doc. 2] is DENIED.

SO ORDERED, this 15 day of June, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

6

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

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, Jane Doe 1, Jane Doe 2, Jane Doe 3,
Jane Doe 4, Jane Doe 5, John Doe 1,
John Doe 2, and Does 8 to 1000, and
The United States of America,

Defendants.

CIVIL ACTION NO.

1:11-CV-01922-TWT

ORDER

WHEREAS, defendants Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, Judge Joel F. Dubina, John Ley and James N. Hatten have shown good cause as to why their Motion For An Extension Of Time To File Responsive Pleading Or Motion should be granted,

IT IS HEREBY ORDERED that the motion is GRANTED and that the above-referenced defendants shall not be required to answer or otherwise respond

SO ORDERED this 16 day of June, 2011.

Thomas W. Brady
UNITED STATES DISTRICT JUDGE

Exhibit

7

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JUDGE WILLIAM S. DUFFEY, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1922-TWT

ORDER

This is a pro se civil action. It is before the Court on the Federal Defendants Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, Judge Joel F. Dubina, John Ley and James N. Hatten's Motion for Protective Order [Doc. 4]. This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff. The Federal Defendants' Motion for Protective Order [Doc. 4] is GRANTED. All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required. No discovery shall be served and the parties are not required to hold the conference pursuant to Federal Rules of Civil Procedure 26(f) pending further Order of this Court. No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the

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amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court.

SO ORDERED, this 16 day of June, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

8

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JUDGE WILLIAM S. DUFFEY, et
al.

Defendants.

CIVIL ACTION NO.
1:11-CV-1922-TWT

ORDER DENYING PLAINTIFF'S MOTION FOR RECUSAL

Presently before the Court is Plaintiff William M. Windsor's Motion for Recusal of U.S. District Court Judge Thomas W. Thrash ("Pl.'s Mot. Recuse") [Doc. 31]. This Motion was transferred to the undersigned following Judge Thrash's June 23, 2011 Order referring this motion to another judge pursuant to 28 U.S.C. § 144 [Doc. 29].

I. Litigation Background

This case is one of several lawsuits filed by Plaintiff Windsor in this court.¹

¹ See *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:06-CV-0714-ODE (N.D. Ga.) ("*Maid I*"); *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:09-CV-1543-WSD (N.D. Ga.) ("*Maid II*"); *Windsor v. United States, et al.*, No. 1:09-CV-2027-WSD (N.D. Ga.) ("*Windsor I*"); *Windsor v. Judge Orinda D. Evans, et al.*, No. 1:10-CV-0197-RJL (D.D.C.) ("*Windsor II*"); *Windsor v. Hatten, et al.*, No. 1:11-CV-1922-TWT (N.D. Ga.) ("*Windsor III*"); *Windsor v. Hatten, et al.*, No. 1:11-CV-1923-TWT (N.D. Ga.) ("*Windsor IV*");

In essence, these suits originally stem from a business dispute that was heard by U.S. District Court Judge Orlinda D. Evans. Windsor was one of several defendants in *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:06-CV-0714 (N.D. Ga. Mar. 28, 2006) ("*Maid I*"). Judge Evans found that the defendants had engaged in tortious business interference and further ordered them to pay plaintiff's attorney's fees because she found that they had been "stubbornly litigious." (*Maid I*, Ord. on Mot. for Summ. J. at 43, Aug. 9, 2007.) The order granting sanctions was upheld by the Court of Appeals for the Eleventh Circuit. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 294 Fed. Appx. 463 (11th Cir. Sept. 18, 2008). Although Plaintiff agreed to a Final Consent Order and Judgement waiving his right to an appeal as part of the negotiation of attorney's fees (*Maid I*, Consent Final Ord. on J., Dec. 9, 2008), he still continued to file sixty-two post judgement motions, such as motions for recusal (*Maid I*, Mot. for Recusal April 24, 2009), to reopen (*Maid I*, Mot. to Reopen, April 24, 2009), for sanctions under Fed. R. Civ. P. 37 (*Maid I*, Mot. for Sanctions, April 27, 2009), and for discovery (*Maid I*, Mot. for Disc., May 14, 2009). The Court denied those motions and the Court of Appeals for the Eleventh Circuit affirmed the District Court's rulings. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, No. 09-13086 (11th Cir. Sep. 9, 2009).

Following Plaintiff's numerous filings, Judge Evans entered an Order against

Windsor v. Thrash, et al., No. 1:11-CV-2027(N.D. Ga.) (*Windsor V*).

Plaintiff enjoining him from filing any motion, pleading, or other paper in that case or filing any new suit from the same factual predicate or operative nucleus of facts, holding:

Windsor's persistently litigious behavior undermines the integrity of the Consent Final Order and Judgment submitted by the parties and signed by the Court in this case, as well as the other orders thus far issued by the Court, through repeated unsubstantiated collateral attacks, procedurally improper postjudgment motions, and increasingly bitter rhetoric. Windsor's continued filing of frivolous, improper post-judgment motions also continues to subject Plaintiffs to needless trouble and expense.

(*Maid I*, Ord., Dec. 22, 2009 at 19.) The Court of Appeals affirmed the order, finding the "pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice." *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 388 Fed. Appx. 940, 942 (11th Cir. July 23, 2010).

In May 2009, Plaintiff filed a new suit and attempted to serve a subpoena on Judge Evans in an effort to obtain her testimony for a motion for recusal regarding the original *Maid of the Mist* dispute. The United States filed a motion to quash the subpoena, which U.S. District Court Judge William S. Duffey granted. (*Maid II*, Ord. on Mot. to Quash, June 30, 2009.) Plaintiff appealed that order as well (*Maid II*, Notice of Appeal, Sep. 15, 2009), and the Court of Appeals affirmed the District Court's decision. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, No. 09-14735, (11th Cir. Feb. 26, 2010). Plaintiff moved to recuse Judge Duffey in that matter and the motion was subsequently denied by Judge Duffey. (*Maid II*, Mot. for Recusal, July 21, 2010.)

Next, Plaintiff filed a separate complaint against Judge Evans and the United States, along with several other parties, including the plaintiff and their counsel from the original *Maid of the Mist* suit. (*Windsor I*, Compl., July 7, 2009.) The United States moved to dismiss Plaintiff's complaint as frivolous, which the District Court granted and the Court of Appeals affirmed. (*Windsor I*, Ord. on Mot. to Dismiss, Oct. 20, 2010); *Windsor v. United States, et al.*, No. 10-14899 (11th Cir. June 1, 2011). Plaintiff filed a motion to recuse Judge Duffey and the Court denied that motion. (*Windsor I*, Mot. to Recuse, July 28, 2009; Ord., July 30, 2009.)

Plaintiff then attempted to attack Judge Evans' decisions from the original *Maid of the Mist* dispute once again by filing a complaint against her with the District Court for the District of Columbia. (*Windsor II*, Compl., Feb. 4, 2010) The District Court dismissed the complaint and the Court of Appeals for the District of Columbia affirmed. (*Id.*, Ord. Dismiss, Feb. 17, 2010); *Windsor v. Evans*, No. 10-5071 (D.C. Cir. Dec. 28, 2010).

Plaintiff most recently filed two new suits in Fulton County Superior Court against several defendants, including Judge Duffey, Judge Evans, and other employees of the District Court. These suits, styled *Windsor v. Duffey et al.*, 1:11-CV-1922 ("*Windsor III*") and *Windsor V. Hatten, et al.*, 1:11-CV-1923 ("*Windsor IV*"), were removed to this Court on June 13, 2011 and assigned to Judge Thomas W. Thrash.

These latest actions essentially arise from Plaintiff's original litigation against

Judge Evans, but add new parties and legal grounds for his claims. On June 17, 2011, Judge Thrash issued an order in both of these matters that quashed discovery and ordered that no party in these suits need respond to Plaintiff's filings absent an order by the court. Judge Thrash found that these suits were "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff." (*Windsor III*, Ord. on Mot. for Protective Ord. at 1, June 17, 2011; *Windsor IV*, Ord. on Mot. for Protective Ord. at 1, June 17, 2011.)

Following Judge Thrash's Order, on June 20, 2011, Plaintiff filed a complaint against Judge Thrash and all the judges in the Northern District, including the undersigned, in Fulton County Superior Court, styled *Windsor V. Thrash et al.*, No. 2011CV202263. The case was removed to this Court on June 22, 2011 and assigned to Judge Thrash under case number 1:11-CV-2027 ("*Windsor V*"). On June 23, 2011, Plaintiff filed the present motion for recusal in the three cases currently assigned to Judge Thrash. (*Windsor III*, Mot. for Recusal, June 23, 2011; *Windsor IV*, Mot. for Recusal, June 23, 2011; *Windsor V*, Mot. for Recusal, June 23, 2011.) Judge Thrash subsequently issued an order referring the motions to another judge pursuant to 28 U.S.C. § 144. (*Windsor III*, Ord., June 23, 2011; *Windsor IV*, Ord., June 23, 2011; *Windsor V*, Ord., June 23, 2011.)

II. Instant Motion to Recuse

A. Motion and Briefs

Plaintiff contends that Judge Thrash should be recused from these cases for several reasons. First, Plaintiff argues in his affidavit that Judge Thrash has “a pervasive antagonistic bias towards [Plaintiff].” (Windsor’s Aff. of Prejudice ¶ 12.) Plaintiff asserts that Judge Thrash’s finding that his latest complaints are nothing more than “the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff” is false and blatant evidence of his bias. (Windsor’s Aff. of Prejudice ¶ 75.) Second, Plaintiff cites several of Judge Thrash’s rulings as evidence of bias against him, including: the court’s having not made a sua sponte determination that the removal was facially defective²; the court’s denial of Plaintiff’s motion for a temporary restraining order (“TRO”); and the court’s refusal to hold a hearing on the TRO motion. (Windsor’s Aff. of Prejudice ¶¶ 22, 25, 30.) Third, Plaintiff avers that Judge Thrash “has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge.” (Windsor’s Aff. of Prejudice ¶ 58.)

In response, Defendants argue that Plaintiff’s motion fails to meet the significant burden necessary to sustain a motion for recusal because there is no evidence of extrajudicial bias. (Def.’s Br. in Opp’n to Mot. to Recuse at 8.) Defendants also assert

² The Court notes that a motion to remand the case subsequent to removal was never filed and therefore, was not in front of Judge Thrash. However, based upon the Court’s independent review of the removal issue, the Court finds that jurisdiction properly lies in the federal court, as removal of this case was proper pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.

that even if Judge Thrash had a personal interest in the matter, under the rule of necessity, he need not recuse himself if there is no other judge left to hear the case due to Plaintiff's most recent suit that names all the judges in the Northern District as defendants. (*Id.* at 9.)

In his reply to Defendant's brief, Plaintiff argues that the standard for recusal does not require extrajudicial bias. (Pl.'s Reply to Def.'s Opp'n at 7.) He also argues the rule of necessity does not apply in this case because there are other federal judges outside of the Northern District who could hear his case, or the case should be remanded back to Fulton County Superior Court. (Pl.'s Reply to Def.'s Opp'n at 13.)

Plaintiff also moves to strike portions of Defendant's brief discussing his litigation history claiming that they were prejudicial. The Court finds that Defendant's summary is supported by the record in these cases, and that the litigation history is relevant to an assessment of Plaintiff's claims as well as motion for recusal. "A district court may take judicial notice of public records within its files relating to the particular case before it or other related cases." *Cash Inn of Dade, Inc. v. Metropolitan Dade County*, 938 F.2d 1289, 1243 (11 Cir. 1991). Therefore, Plaintiff's Motion to Strike [Doc. 35] is **DENIED**.

B. Analysis

Section 455(a) of Title 28 of the United States Code requires recusal of a judge

"in any proceeding in which his impartiality might reasonably be questioned" or when "he has a personal bias or prejudice concerning a party."³ The standard under § 455(a) is "whether an objective, fully informed lay observer would entertain significant doubt about the judge's impartiality." *Thomas v. Tenneco Packaging Co., Inc.*, 293 F.3d 1306, 1329 (11th Cir. 2002). Generally, to warrant recusal, a "judge's bias must be personal and extrajudicial; it must derive from something other than which the judge learned by participating in the case." *McWhorter v. City of Birmingham*, 906 F.2d 674, 678 (11th Cir. 1990). Recusal may be based on judicial rulings only if the judge's remarks in a judicial context demonstrate "pervasive bias and prejudice" against a party. *Thomas*, 293 F.3d 1306, 1329. As the Supreme Court has held, "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. In and of themselves, they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism ... when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal." *Liteky v. United States*, 510 U.S. 540, 555 (1994) (citations omitted).

Plaintiff has failed to establish sufficient judicial grounds to recuse Judge Thrash.

First, while Plaintiff cites multiple disagreements with Judge Thrash's rulings, the

³ 28 U.S.C. § 455(b) sets forth other factors requiring recusal that are not at issue here, including situations where the judge previously served as a lawyer in the matter or has a financial interest in the matter.

great majority of these pertain to the legal procedure utilized by Judge Thrash or the outcome of his rulings. Plaintiff's complaints in essence are legal objections that may be pressed as grounds for appeal, not as grounds for recusal. *Liteky*, 510 U.S. at 555.

Second, Judge Thrash clearly entered his rulings based on the Court record properly before him. The Plaintiff's prior cases in this Court provide relevant context for his current lawsuit and claims. As the Supreme Court has noted, "[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky*, 510 U.S. at 555. (Emphasis added).

Plaintiff's affidavit and pleadings⁴ fail to demonstrate the "deep-seated favoritism or antagonism" required as a predicate to establishing that Judge Thrash was biased and incapable of fair judgment in this matter. One remark falls at the centerpiece of Plaintiff's asserted evidence of Judge Thrash's bias: the Judge's finding that Plaintiff's latest lawsuit was "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff." (Windsor's Aff. of Prejudice ¶ 75; Order of June 17, 2011, Doc. 25.) However, the Supreme Court has held "Judicial remarks during the course of a trial that are critical

⁴ The undersigned judge has authorized the Clerk's filing of all pleadings Plaintiff has presented relating to his motion for recusal so as to review all pertinent information Plaintiff may present in support of his motion.

or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge.” *Litkey*, 510 U.S. at 555. Judge Thrash’s finding, while adverse to Plaintiff, was clearly based on his review of Plaintiff’s pleadings in this action as well as related court decisions in prior cases involving the Plaintiff. “The objective appearance of an adverse disposition attributable to information acquired in a prior trial is not an objective appearance of personal bias or prejudice, and hence not an objective appearance of improper partiality.” *Litkey*, 510 U.S. at 1156 n. 2.

Third, the only assertion Plaintiff makes regarding alleged bias from an extrajudicial source is that the Judge, who is now a subject of Plaintiff’s latest suit, “has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge.” (Windsor’s Aff. of Prejudice ¶ 58.) However, Plaintiff fails to cite to factual evidence that supports his bald allegation of bias against pro se parties. Conclusory allegations in the requisite affidavit for a motion for recusal will not be deemed to properly establish grounds for recusal. *Jones v. Pittsburgh Nat’l Corp.*, 899 F.2d 1350, 1356 (3rd Cir. 1990).

Fourth, the Plaintiff seeks recusal based on the purported bias of all judges of this Court, as he has by this date filed collateral lawsuits naming each judge, including Judge Thrash, as Defendants. The rule is well established that the filing of a collateral lawsuit against a judge clearly will not require recusal. *See Jones v. Pittsburgh Nat’l Corp.*, 899

F.2d 1350, 1355-56 (3d Cir. 1990); *United States v. Studley*, 783 F.2d 934, 940 (9th Cir. 1986) (holding a judge is not disqualified by a litigant's suit or threatened suit against him); *United States v. Grismore*, 564 F.2d 929, 933 (10th Cir. 1977) (holding a judge is not disqualified merely because a litigant sues or threatens to sue him); *United States v. Whitesel*, 543 F.2d 1176, 1181 (6th Cir. 1976) (finding judges named in suit did not need to recuse themselves because "we do not think that the United States courts are so fragile as to be subject to being put out of existence by a civil suit which names all sitting judges"). Therefore, Judge Thrash cannot be recused simply because Plaintiff has filed suit against him.

Moreover, in his latest suit, Plaintiff sues Judge Thrash along with all the judges in this District, including the undersigned. (*See Windsor V.*) The judicial doctrine of a "the rule of necessity" provides that even when a judge has a personal interest in the case, he need not recuse himself when there would be no judge left in the district to hear the case. *Bolin v. Story*, 225 F.3d 1234, 1238 (11th Cir. 2000); *Brinkley v. Hassig*, 83 F.2d 351, 357 (10th Cir. 1936) ("From the very necessity of the case has grown the rule that disqualification will not be permitted to destroy the only tribunal with power in the premises."). *See also Pila v. American Bar Ass'n.*, 542 F.2d 56, 59 (8th Cir. 1976) (stating that under rule of necessity, "where all are disqualified, none are disqualified") (citation omitted).

Plaintiff cites *Jefferson County v. Acker*, 92 F.3d 1561 (11th Cir. 1996) (rev'd on other grounds) to support his contention that all federal judges have not been disqualified as there are "thousands of federal judges in the U.S. to whom this civil action may be assigned." (Pl.'s Reply to Def.'s Opp'n. at 13, citing 92 F.3d 1561.) However, the court in *Jefferson County* decided that recusal was not warranted under the rule of necessity, despite the possible option of convening "an en banc court for this Circuit composed of non-disqualified judges exclusively drawn from other Circuits." 92 F.3d at 1583 n. 4. Furthermore, reviewing Plaintiff's litigation trail, it seems that each new complaint adds the name of the last judge who ruled against him. Following that logic, Plaintiff might likely file suit against any judge, regardless of his district, who ruled against Plaintiff. *See Davis v. Kvalheim*, 261 Fed. Appx. 231, 234 n.4 (11th Cir. 2008) (affirming the refusal of a district court judge named in a frivolous pro se complaint to recuse himself where it was clear that the Plaintiff would name, and thereby try to disqualify, any judge who ruled against him). Therefore, the rule of necessity provides further support for the Court's denial of Plaintiff's motion for recusal.

Plaintiff seeks to escape the "rule of necessity" by his request for an order directing Joel F. Dubina, Chief Judge of the 11th Circuit Court of Appeals, to certify this case to the Chief Justice of the United State Supreme Court for purpose of

assignment of a new judge pursuant to 28 U.S.C. § 292(d). The Court finds insufficient grounds to make such a request of Chief Judge Dubina and moreover, has no authority to direct Chief Judge Dubina to issue such a certification request to the Supreme Court. Accordingly, the Plaintiff's motion for certificate of necessity [Doc. 37] is **DENIED**. Plaintiff's corresponding request for a hearing on the motion is similarly **DENIED**.

For all of the foregoing reasons, the Court **DENIES** Plaintiff's motion to recuse [Doc. 31] Judge Thrash.

C. SUMMARY OF RULINGS

The Court **DENIES** Plaintiff's motion to recuse [Doc. 31]. For the same reasons, the court **DENIES** Plaintiff's motion for certificate of necessity [Doc. 37] and corresponding motion for a hearing filed July 1, 2011. The Court additionally **DENIES** Plaintiff's Motion to Strike [Doc. 35].

SO ORDERED, this 1st day of July, 2011.


AMY TOTENBERG
UNITED STATES DISTRICT JUDGE

Exhibit

9

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

June 27, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-1922-TWT


Dear Clerk:

Please file the enclosed immediately. Please file them in the following order:

1. Notice of Filing & Request for Consent to File Emergency Motion for Conference
2. Notice of Filing & Request for Consent to File Motion for Leave to Exceed Page Limits
3. Notice of Filing & Request for Consent to File Emergency Motion for Due Process Rights and Honest Court Docket
4. Notice of Filing & Request for Consent to File Motion for Hearing on Emergency Motion for Due Process Rights and Honest Court Docket
5. Notice of Filing & Request for Consent to File Motion for Valid Copies of Certificates of Authentication by the Clerk
6. Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Valid Copies of Certificates of Authentication by the Clerk
7. Notice of Filing & Request for Consent to File Motion for Order from the Clerk Validating Accuracy of Dockets
8. Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Order from the Clerk Validating Accuracy of Dockets
9. Notice of Filing & Request for Consent to File Motion for First Amendment Rights and Due Process Rights
10. Notice of Filing & Request for Consent to File Motion for Hearing on Motion for First Amendment Rights and Due Process Rights

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these are filed first thing today! Do not allow any electronic filings to be entered before these.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-806-1885

June 29, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-1922-TWT

Dear Clerk:

Please file the enclosed immediately.

**NOTICE OF FILING & EMERGENCY MOTION FOR CONSENT TO FILE
MOTION FOR RECONSIDERATION OF ORDER (DOCKET #25) ISSUING
FILING INJUNCTION**

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these are filed first thing today! Do not allow any electronic filings to be entered before these.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

June 29, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-1922-TWT

Dear Clerk:

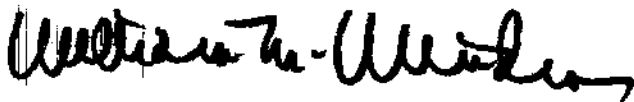
Please file the enclosed immediately.

NOTICE OF FILING & EMERGENCY MOTION FOR CONSENT TO FILE
MOTION FOR HEARING ON EMERGENCY MOTION TO COMMENCE
DISCOVERY

NOTICE OF FILING & EMERGENCY MOTION FOR CONSENT TO FILE
MOTION FOR HEARING ON MOTION TO DISQUALIFY

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these
are filed first thing today! Do not allow any electronic filings to be entered before
these.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-806-1885

July 1, 2011

Filing Clerk
Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-01922-TWT

Dear Clerk:

Please file the enclosed immediately:

Notice of Filing & Request for Specific Approval - Motion for Hearing on Motion for Reconsideration of Order (Docket #25)

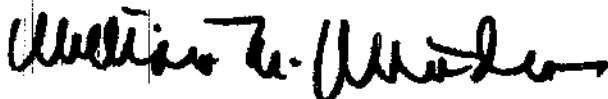
Notice of Filing & Request for Specific Approval - Motion for Hearing on Motion for Reconsideration of Order (Docket #19)

Notice of Filing & Request for Specific Approval - Motion for Hearing on Motion to Commence Discovery

Notice of Filing & William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash

NO FUNNY BUSINESS. I will be coming to the courthouse today. I will be calling 911 when I arrive. I am asking a law enforcement officer to meet me at the Clerk's Office, and I am asking that the person responsible for the crime of obstruction of justice be arrested.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 5, 2011

Filing Clerk
Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-01922-TWT

Dear Clerk:

Please file the enclosed immediately:

Notice of Filing & Motion for Remand

Notice of Filing & Emergency Motion for Consent to File Motion for Hearing on Propriety of Judicial Notice

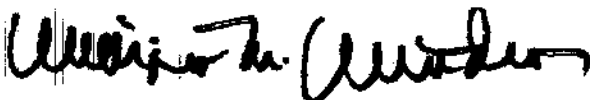
Notice of Filing & Request for Consent to File Plaintiff William M. Windsor's Emergency Motion to Disqualify Judge Amy Totenberg

Plaintiff William M. Windsor's Emergency Motion to Disqualify Judge Amy Totenberg

Notice of Filing & Request for Consent to File Plaintiff William M. Windsor's Emergency Motion for Reconsideration of Order dated July 1, 2011 Denying Motion to Recuse

NO FUNNY BUSINESS. I will be coming to the courthouse today. I will be calling 911 when I arrive. I am asking a law enforcement officer to meet me at the Clerk's Office, and I am asking that the person responsible for the crime of obstruction of justice be arrested.

Sincerely,



William M. Windsor

Exhibit

10

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JUDGE WILLIAM S. DUFFEY, et al.,
Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1922-TWT

ORDER

Permission to file the papers received by the Clerk on June 27, 2011, June 29, 2011, July 1, 2011, and July 5, 2011 is DENIED. The claims are frivolous and the papers are attempted abuse of the judicial system.

SO ORDERED, this 7th day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

11

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1084 * Cell: 404-606-1885

July 7, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW. 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-01922-TWT

Dear Clerk:

Please file the enclosed immediately:

Notice of Filing & Request for Consent to File Emergency Motion to Recuse

Notice of Filing & Request for Consent to File Motion for Hearing on Emergency Motion to Recuse

Notice of Filing & Request for Consent to File Emergency Motion to Disqualify

Notice of Filing & Request for Consent to File Motion for Hearing on Emergency Motion to Disqualify

Notice of Filing & Request for Consent to File Motion for Sanctions

Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Sanctions

Notice of Filing & Request for Consent to File Motion for Sanctions against Clerk

Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Sanctions against Clerk

Notice of Filing & Request for Consent to File Motion for Protection

Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Protection

Notice of Filing & Request for Consent to File Motion for Certificate of Necessity

Notice of Filing & Request for Consent to File Motion to Reschedule Hearing

Notice of Filing & Request for Consent to File Motion Regarding Hearing

Notice of Filing & Request for Consent to File Motion to Allow Filing

Notice of Filing & Request for Consent to File Motion for Subpoenas for Hearing

Notice of Filing & Request for Consent to File Motion to Require Attendance of Defendants at Hearing

Please be advised that I have spoken with the Atlanta Police Department, The U.S. Marshal Service, the U.S. Attorney's Office, and the FBI. My charges have been referred to the FBI's Public Corruption Unit and to FBI Agent Harry Hammick.

I have filed criminal charges against you. I provided specific details and proof of the obstruction of justice in the destruction and/or disappearance of documents presented to you at the Office of the Clerk of the Court for filing. I have provided proof that Miss Sanders, Ms. Gutting, and Ms. White have provided signed receipts for documents, and I have daily printouts of the court docket to show that the documents never appear on the court docket.

I have asked that those responsible for the crimes be arrested. I thought you should know. If you fail to file these documents, you will do so with the knowledge that there are already criminal charges pending against you for such obstruction of justice. Some of the applicable criminal statutes are:

18 U.S.C. § 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to

impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

18 U.S.C. § 1506. Theft or alteration of record or process; false bail

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect... Shall be fined under this title or imprisoned not more than five years, or both.

O.C.G.A. § 16-10-94. Tampering with evidence

(a) A person commits the offense of tampering with evidence when, with the intent to prevent the apprehension or cause the wrongful apprehension of any person or to obstruct the prosecution or defense of any person, he knowingly destroys, alters, conceals, or disguises physical evidence or makes, devises, prepares, or plants false evidence.

(b) Nothing in this Code section shall be deemed to abrogate or alter any privilege which any person is entitled to claim under existing laws.

(c) Except as otherwise provided in this subsection, any person who violates subsection (a) of this Code section involving the prosecution or defense of a felony and involving another person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than three years; provided, however, that any person who violates subsection (a) of this Code section involving the prosecution or defense of a serious violent felony as defined in subsection (a) of Code Section 17-10-6.1 and involving another person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years. Except as otherwise provided in this subsection, any person who violates subsection (a) of this Code section involving the prosecution or defense of a misdemeanor shall be guilty of a misdemeanor.

Sincerely,



William M. Windsor

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

WILLIAM M. WINDSOR,
Plaintiff,

v.

JUDGE WILLIAM S. DUFFEY, et al.,
Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1922-TWT

ORDER

After review, permission to file the papers received by the Clerk on July 7, 2011 is DENIED. The claims are frivolous and the papers constitute attempted abuse of the judicial system.

SO ORDERED, this 7th day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

4months, SUBMDJ

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:11-cv-01922-TWT**

Windsor v. Duffey et al

Assigned to: Judge Thomas W. Thrash, Jr

Case in other court: Superior Court of Fulton County,
Georgia, 2011CV200857

Cause: 28:1443(1)Removal from State Court - Civil Rights

Date Filed: 06/13/2011

Jury Demand: None

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government

Defendant

Plaintiff

William M. Windsor

represented by **William M. Windsor**

P. O. Box 681236

Marietta, GA 30068

770-578-1094

Fax: 770-234-4106

PRO SE

V.

Defendant

Judge William S. Duffey

represented by **Christopher J. Huber**

U.S. Attorneys Office - ATL

Assistant United States Attorney,

Criminal Division

600 Richard Russell Building

75 Spring Street, S.W.

Atlanta, GA 30303

(404) 581-6292

Email: chris.huber@usdoj.gov

ATTORNEY TO BE NOTICED

Defendant

Maid of the Mist Corporation

Defendant

**Maid of the Mist Steamboat
Company, Ltd.**

Defendant

Judge Orinda D. Evans

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Judge Julie E. Carnes

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Judge Joel F. Dubina

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Ley

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

James N. Hatten

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/13/2011	<u>1</u>	NOTICE OF REMOVAL with COMPLAINT filed by Judge Julie E. Carnes, Judge Joel F. Dubina, Judge William S. Duffey, Judge Orinda D. Evans, John Leh, James N. Hatten. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Attachments: # <u>1</u> Exhibit A - Complaint for Declaratory Judgment, Petition for Temporary Restraining Order and Petition for Injunction, # <u>2</u> Text of Proposed Order, # <u>3</u> Civil Cover Sheet) (dfb) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/13/2011)
06/13/2011	<u>2</u>	MOTION for Temporary Restraining Order, MOTION for Hearing by William M. Windsor. (dfb) (Entered: 06/13/2011)
06/13/2011		Submission of <u>2</u> MOTION for Temporary Restraining Order, MOTION for Hearing, submitted to District Judge Thomas W. Thrash. (dfb) (Entered: 06/13/2011)
06/13/2011		Notification of Docket Correction to reflect correct civil action number assigned, 1:11-cv-1922-TWT. (dfb) (Entered: 06/13/2011)

06/13/2011	<u>3</u>	MOTION for Extension of Time To File Responsive Pleading or Motion and Brief in Support with Brief In Support by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley. (Attachments: # <u>1</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/13/2011	<u>4</u>	MOTION for Protective Order with Brief In Support by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley. (Attachments: # <u>1</u> Brief Memorandum of Points and Authorities in Support of Motion for A Protective Order, # <u>2</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/14/2011	<u>5</u>	Certificate of Interested Persons and Corporate Disclosure Statement by William M. Windsor. (rvb) (Entered: 06/15/2011)
06/14/2011	<u>6</u>	RESPONSE re <u>4</u> MOTION for Protective Order, filed by William M. Windsor. (Attachments: # <u>1</u> Exhibit A)(rvb) (Entered: 06/15/2011)
06/14/2011	<u>7</u>	MOTION to Deny Removal, and Emergency MOTION for Hearing, by William M. Windsor. (Attachments: # <u>1</u> Exhibit A)(rvb) (Entered: 06/15/2011)
06/15/2011	<u>9</u>	Letter from William M. Windsor requesting subpoenas. (rej) (Entered: 06/16/2011)
06/15/2011	<u>10</u>	Letter from William M. Windsor regarding motion to disqualify. (rej) (Entered: 06/16/2011)
06/15/2011	<u>11</u>	NOTICE Of Filing of Motion to Disqualify by William M. Windsor (rej) (Entered: 06/16/2011)
06/15/2011	<u>12</u>	MOTION to Disqualify Sally Quillian Yates, Christopher Huber, and the U.S. Attorney's Office by William M. Windsor. (rej) (Entered: 06/16/2011)
06/15/2011	<u>13</u>	Letter from William M. Windsor regarding Notices of Filing. (rej) (Entered: 06/16/2011)
06/15/2011	<u>14</u>	NOTICE Of Filing Certificate of Interested Persons and Corporate Disclosure Statement by William M. Windsor (rej) (Entered: 06/16/2011)
06/15/2011	<u>15</u>	NOTICE Of Filing Response to the Defendants' Motion for A Protective Order by William M. Windsor. (rej) (Entered: 06/16/2011)
06/15/2011	<u>16</u>	NOTICE Of Filing of Motion to Deny Removal, and Emergency Motion for Discovery and Hearing by William M. Windsor. (rej) (Entered: 06/16/2011)
06/15/2011	<u>17</u>	ORDER denying <u>2</u> Motion for TRO and Motion for Hearing. Signed by Judge Thomas W. Thrash, Jr on 6/15/11. (lufn) (Entered: 06/16/2011)
06/15/2011	<u>18</u>	Letter from William M. Windsor requesting copies of Notices of Electronic Filing. (rej) (Entered: 06/16/2011)
06/16/2011	<u>8</u>	Notice for Leave of Absence for the following date(s): July 5, 6, 7, 8, 2011, by Christopher J. Huber. (Huber, Christopher) (Entered: 06/16/2011)

06/16/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>17</u> Order on Motion for TRO, Order on Motion for Hearing (hfm) (Entered: 06/16/2011)
06/16/2011		Submission of <u>4</u> MOTION for Protective Order, submitted to District Judge Thomas W. Thrash. (ss) (Entered: 06/16/2011)
06/16/2011	<u>19</u>	ORDER that the <u>3</u> Motion for Extension of Time is GRANTED. The Defendants referenced in this Order shall not be required to answer or otherwise respond to the complaint until July 25, 2011. Signed by Judge Thomas W. Thrash, Jr on 6/16/2011. (ank) (Entered: 06/16/2011)
06/16/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>19</u> Order (ank) (Entered: 06/16/2011)
06/17/2011		Clerks Notation re <u>8</u> Leave of Absence July 5, 6, 7, 8, 2011, by Christopher J. Huber. The Court will not require an appearance by C. Huber on these dates (ss) (Entered: 06/17/2011)
06/17/2011	<u>20</u>	NOTICE Of Filing Emergency Motion for Reconsideration of <u>19</u> Order Granting an Extension of Time to File Responsive Pleading or Motion, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>21</u>	NOTICE Of Filing Emergency Motion for Leave of Court to Commence Discovery and Obtain Subpoenas to Compel Attendance at Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>22</u>	NOTICE Of Filing Emergency Motion for Reconsideration of Order Denying Temporary Restraining Order and Emergency Motion for Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>23</u>	NOTICE Of Filing Response to the Federal Defendants' Motion for an Extension of Time to File Responsive Pleading or Motion and Motion to Strike, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>24</u>	Emergency MOTION for Leave of Court to Commence Discovery and Obtain Subpoenas to Compel Attendance at Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/17/2011)
06/17/2011	<u>25</u>	ORDER granting the Federal Defendants' <u>4</u> Motion for Protective Order. All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required. No discovery shall be served and the parties are not required to hold the conference pursuant to Federal Rules of Civil Procedure 26(f) pending further Order of this Court. No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court. Signed by Judge Thomas W. Thrash, Jr. on 06/17/2011. (dfb) (Entered: 06/17/2011)

06/17/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>25</u> Order on Motion for Protective Order. (dfb) (Entered: 06/17/2011)
06/17/2011	<u>26</u>	Emergency MOTION for Reconsideration of Order Denying Temporary Restraining Order and, Emergency MOTION for Preliminary Injunction Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>27</u>	Emergency MOTION for Reconsideration re <u>19</u> Order on Motion for Extension of Time, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>28</u>	RESPONSE re <u>3</u> MOTION for Extension of Time To File Responsive Pleading or Motion and Brief in Support, filed by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/22/2011	<u>29</u>	ORDER directing the Clerk to file the Plaintiff's Motion to Recuse Judge Thrash and refer it to another Judge pursuant to 28 U.S.C. 144. Signed by Judge Thomas W. Thrash, Jr on 6/22/11. (dr) (Entered: 06/23/2011)
06/23/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>29</u> Order (dr) (Entered: 06/23/2011)
06/23/2011	<u>30</u>	NOTICE of Filing of Request for Consent to file Plaintiff William M. Windsor's Emergency Motion to Recuse Judge Thomas Woodrow Thrash by William M. Windsor (dr) (Entered: 06/23/2011)
06/23/2011	<u>31</u>	EMERGENCY MOTION to Recuse Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011		Submission of <u>31</u> MOTION for Recusal, submitted to District Judge Amy Totenberg. (dr) (Entered: 06/23/2011)
06/24/2011	<u>32</u>	RESPONSE in Opposition re <u>31</u> MOTION for Recusal filed by Julie E. Carnes, Joel F. Dubina, William S. Duffey, Orinda D. Evans, James N. Hatten, John Ley. (Huber, Christopher) (Entered: 06/24/2011)
06/28/2011	<u>33</u>	NOTICE Of Filing Reply to Opposition to Motion to Recuse Judge Thomas W. Thrash and Motion to Strike by William M. Windsor (dr) (Entered: 06/28/2011)
06/28/2011	<u>34</u>	REPLY to Response to <u>31</u> MOTION for Recusal filed by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	<u>35</u>	MOTION to Strike <u>32</u> Response in Opposition to Motion by William M. Windsor. (dr) (Entered: 06/28/2011)
06/30/2011	<u>36</u>	NOTICE Of Filing request for consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor (dr) (Entered: 06/30/2011)
06/30/2011	<u>37</u>	MOTION for Consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor. (dr) (Entered: 06/30/2011)

07/01/2011	<u>38</u>	NOTICE Of Filing William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (Attachments: # <u>1</u> William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(tcc) (Entered: 07/01/2011)
07/01/2011	<u>39</u>	ORDER DENYING Plaintiff's motion to recuse <u>31</u> . For the same reasons, the court DENIES Plaintiff's motion for certificate of necessity <u>37</u> and corresponding motion for a hearing filed July 1, 2011. The Court additionally DENIES Plaintiff's Motion to Strike <u>35</u> . Signed by Judge Amy Totenberg on 7/1/2011. (tcc) (Entered: 07/01/2011)
07/01/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>39</u> Order. (tcc) (Entered: 07/01/2011)
07/06/2011	<u>40</u>	Notice for Leave of Absence for the following date(s): July 25, July 26, July 27, and August 11, August 12, 2011, by Christopher J. Huber. (Huber, Christopher) (Entered: 07/06/2011)
07/07/2011		Clerks Notation re <u>40</u> Leave of Absence July 25-27, and August 11-12, 2011, by Christopher J. Huber. The Court will not require an appearance by C. Huber on these dates. (ss) (Entered: 07/07/2011)
07/07/2011	<u>41</u>	ORDER that permission to file papers received by the Clerk on 6/27/11, 6/29/11, 7/1/11, and 7/5/11 is DENIED. Signed by Judge Thomas W. Thrash, Jr on 7/7/11. (dr) (Entered: 07/07/2011)
07/07/2011	<u>42</u>	ORDER that permission to file papers received by the Clerk on 7/7/11 is DENIED. Signed by Judge Thomas W. Thrash, Jr on 7/7/11. (dr) (Entered: 07/07/2011)
07/07/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>42</u> Order, <u>41</u> Order. (dr) (Entered: 07/07/2011)
07/11/2011		Submission of <u>27</u> MOTION for Reconsideration re <u>19</u> Order on Motion for Extension of Time, <u>26</u> MOTION for Reconsideration MOTION for Hearing, <u>7</u> MOTION Deny Removal MOTION for Hearing, <u>24</u> MOTION for Leave to File to Commence Discovery and Obtain Subpoenas to Compel Attendance at Preliminary Injunction Hearing, <u>12</u> MOTION to Disqualify Attorney, submitted to District Judge Thomas W. Thrash. (dr) (Entered: 07/11/2011)
07/12/2011	<u>43</u>	ORDER that permission to file papers received by the Clerk from the Plaintiff on 7/11/11 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous. Signed by Judge Thomas W. Thrash, Jr on 7/12/11. (dr) (Entered: 07/13/2011)
07/13/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>43</u> Order (dr) (Entered: 07/13/2011)

PACER Service Center			
Transaction Receipt			
07/13/2011 10:57:24			
PACER Login:	wc3030	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cv-01922-TWT
Billable Pages:	4	Cost:	0.32

Carnes, Ed
Barkett, Rosemary
Hull, Frank M

Plaintiff

Windsor, William M
P.O.BOX 681236
MARIETTA, GA 30068

Plaintiff Attorneys

Prose

Events and Orders of the Court

07/05/2011 MOTION
06/30/2011 AFFIDAVIT
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06/30/2011 AFFIDAVIT
06/30/2011 AFFIDAVIT
06/30/2011 AFFIDAVIT
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06/22/2011 MOTION
06/20/2011 AFFIDAVIT
06/15/2011 AFFIDAVIT
06/13/2011 MOTION
06/13/2011 NOTICE
06/10/2011 AFFIDAVIT
06/10/2011 AFFIDAVIT
06/09/2011 AFFIDAVIT
06/08/2011 CERTIFICATE OF SERVICE
06/08/2011 AFFIDAVIT
06/08/2011 AFFIDAVIT
06/07/2011 CERTIFICATE OF SERVICE
06/06/2011 CERTIFICATE
06/06/2011 REQUEST FOR ADMISSIONS
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06/06/2011	AFFIDAVIT
05/31/2011	MOTION
05/31/2011	MOTION
05/31/2011	AFFIDAVIT
05/20/2011	Jury Trial Requested
05/20/2011	CASE INITIATION FORM
05/20/2011	PLAINTIFF'S ORIGINAL PETITION

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Exhibit

15

4months, SUBMDJ

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:11-cv-01923-TW1**

Windsor v. Hatten et al

Assigned to: Judge Thomas W. Thrash, Jr

Case in other court: Superior Court of Fulton County,
Georgia, 2011CV200971

Cause: 28:1443(1)Removal from State Court - Civil Rights

Date Filed: 06/13/2011

Jury Demand: Plaintiff

Nature of Suit: 440 Civil Rights: Other

Jurisdiction: U.S. Government

Defendant

Plaintiff

William M. Windsor

represented by **William M. Windsor**

P. O. Box 681236

Marietta, GA 30068

770-578-1094

Fax: 770-234-4106

PRO SE

V.

Defendant

James N. Hatten

TERMINATED: 06/13/2011

represented by **Christopher J. Huber**

U.S. Attorneys Office - ATL

Assistant United States Attorney,

Criminal Division

600 Richard Russell Building

75 Spring Street, S.W

Atlanta, GA 30303

(404) 581-6292

Email: chris.huber@usdoj.gov

ATTORNEY TO BE NOTICED

Defendant

Anniva Sanders

TERMINATED: 06/13/2011

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

J. White

TERMINATED: 06/13/2011

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

B. Gutting

TERMINATED: 06/13/2011

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Margaret Callier

TERMINATED: 06/13/2011

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

B. Grutby

Defendant

Douglas J. Mincher

TERMINATED: 06/13/2011

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Jessica Birnbaum

TERMINATED: 06/13/2011

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Judge William S. Duffey

Defendant

Judge Orinda D. Evans

Defendant

Judge Julie E. Carnes

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

John Ley

represented by **Christopher J. Huber**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Judge Joel F. Dubina

Defendant

Judge Ed Carnes

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Judge Rosemary Barkett

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Judge Frank M. Hull

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Jane Doe 1

Defendant

Jane Doe 2

Defendant

Jane Doe 3

Defendant

Jane Doe 4

Defendant

Jane Doe 5

Defendant

John Doe 1

Defendant

John Doe 2

Defendant

Does 8 to 1000

Defendant

United States

represented by **Christopher J. Huber**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
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06/13/2011	<u>1</u>	NOTICE OF REMOVAL with COMPLAINT filed by James N. Hatten, Douglas J. Mincher, J. White, Jessica Birnbaum, B. Gutting, Anniva Sanders, Margaret Callier. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Attachments: # <u>1</u> Exhibit A - Complaint, # <u>2</u> Exhibit B - Certification, # <u>3</u> Text of Proposed Order, # <u>4</u> Civil Cover Sheet) (dfb) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/13/2011)
06/13/2011	<u>2</u>	MOTION for Extension of Time File Responsive Pleading or Motion and Brief in Support with Brief In Support by Rosemary Barkett, Jessica Birnbaum, Margaret Callier, Ed Carnes, Julie E. Carnes, James N. Hatten, Frank M. Hull, John Ley, Douglas J. Mincher, Anniva Sanders, J. White, William M. Windsor, United States. (Attachments: # <u>1</u> Text of Proposed Order)(Huber, Christopher) Modified on 6/16/2011 in order to update docket text (ank). (Entered: 06/13/2011)
06/13/2011	<u>3</u>	NOTICE by United States of <i>Substitution of United States as Defendant</i> (Attachments: # <u>1</u> Exhibit A)(Huber, Christopher) (Entered: 06/13/2011)
06/13/2011	<u>4</u>	MOTION for Protective Order with Brief In Support by United States. (Attachments: # <u>1</u> Brief Memorandum of Points and Authorities in Support of Motion for a Protective Order, # <u>2</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/14/2011	<u>5</u>	Certificate of Interested Persons and Corporate Disclosure Statement, by William M. Windsor. (rvb) (Entered: 06/15/2011)
06/14/2011	<u>6</u>	RESPONSE re <u>4</u> MOTION for Protective Order, filed by William M. Windsor. (Attachments: # <u>1</u> Exhibit A)(rvb) (Entered: 06/15/2011)
06/14/2011	<u>7</u>	MOTION to Deny Removal, Emergency MOTION for Discovery, MOTION for Hearing, by William M. Windsor. (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(rvb) (Entered: 06/15/2011)
06/15/2011	<u>10</u>	Letter from William M. Windsor requesting subpoenas. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>11</u>	Letter from William M. Windsor regarding his notice of filings and motions. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>12</u>	NOTICE of Filing of Emergency Motion for this Court to Enter Order on Emergency Motion for Leave of Court to Conduct Discovery Filed May 31, 2011 in Fulton County Superior Court by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>13</u>	Emergency MOTION for this Court to Enter Order on Emergency Motion for Leave of Court to Conduct Discovery Filed May 31, 2011 in Fulton County Superior Court by William M. Windsor. (dfb) (Entered: 06/16/2011)

06/15/2011	<u>14</u>	NOTICE Of Filing of Plaintiff's Emergency Motion for the Court to Order All Defendants to be Present to Testify at the Removal Hearing by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>15</u>	Emergency MOTION for the Court to Order All Defendants to Be Present to Testify at the Removal Hearing by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>16</u>	NOTICE Of Filing of Request for Specific Approval to File Motion to Approve Evidence by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>17</u>	MOTION to Approve Evidence by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>18</u>	NOTICE Of Filing of Motion for CM/ECF Password by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>19</u>	MOTION for CM/ECF Password by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>20</u>	NOTICE Of Filing of Motion to Require Sworn Verification with All Filings by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>21</u>	MOTION to Require Sworn Verifications with All Filings by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>22</u>	NOTICE Of Filing of Motion for Protection from Judge Orinda D. Evans by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>23</u>	MOTION for Protection from Judge Orinda D. Evans by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>24</u>	NOTICE Of Filing of Motion for Protection from Judge William S. Duffey by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>25</u>	MOTION for Protection from Judge William S. Duffey by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>26</u>	NOTICE Of Filing of Motion to Disqualify Sally Quillian Yates, Christopher Huber, and the U.S. Attorney's Office by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>27</u>	MOTION to Disqualify Sally Quillian Yates, Christopher Huber, and the U.S. Attorney's Office by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>28</u>	Letter from William M. Windsor enclosing three (3) Notices of Filings. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>29</u>	NOTICE Of Filing of Certificate of Interested Persons and Corporate Disclosure Statement by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>30</u>	NOTICE Of Filing of Motion to Deny Removal, and Emergency Motion for Discovery and Hearing by William M. Windsor. (dfb) (Entered: 06/16/2011)

06/15/2011	<u>31</u>	NOTICE Of Filing of Response to the Defendants' Motion for a Protective Order by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	<u>32</u>	Letter from William M. Windsor requesting copies of all Notices of Electronic Filing. (dfb) (Entered: 06/16/2011)
06/16/2011	<u>8</u>	Notice for Leave of Absence for the following date(s): July 5, 6, 7, 8, 2011, by Christopher J. Huber. (Huber, Christopher) (Entered: 06/16/2011)
06/16/2011		Submission of <u>4</u> MOTION for Protective Order, submitted to District Judge Thomas W. Thrash. (ss) (Entered: 06/16/2011)
06/16/2011	<u>9</u>	ORDER that the <u>2</u> Motion for Extension of Time is GRANTED. The Defendants referenced in this Order shall not be required to answer or otherwise respond to the Complaint until 30 days after the U.S. Dept of Justice has rendered its determination on all of the Federal Defendants' Representation requests. Signed by Judge Thomas W. Thrash, Jr on 6/16/2011. (ank) (Entered: 06/16/2011)
06/16/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>9</u> Order (ank) (Entered: 06/16/2011)
06/17/2011		Clerks Notation re <u>8</u> Leave of Absence July 5, 6, 7, 8, 2011, by Christopher J. Huber. The Court will not require an appearance by C. Huber on these dates. (ss) (Entered: 06/17/2011)
06/17/2011	<u>33</u>	ORDER granting the United States' <u>4</u> Motion for Protective Order. All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required. No discovery shall be served and the parties are not required to hold the conference pursuant to Federal Rules of Civil Procedure 26(f) pending further Order of this Court. No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court. Signed by Judge Thomas W. Thrash, Jr. on 06/17/2011. (dfb) (Entered: 06/17/2011)
06/17/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>33</u> Order on Motion for Protective Order. (dfb) (Entered: 06/17/2011)
06/17/2011	<u>34</u>	NOTICE Of Filing Emergency Motion for Temporary Restraining Order and Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>35</u>	NOTICE Of Filing Emergency Motion for Reconsideration of Order Granting an Extension of Time to File Responsive Pleading or Motion, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>36</u>	NOTICE Of Filing of Response to the Federal Defendants' Motion for an Extension of Time to File Responsive Pleading or Motion and Motion to Strike,

		by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>37</u>	Emergency MOTION for Temporary Restraining Order, MOTION for Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>38</u>	MOTION for Reconsideration re <u>9</u> Order on Motion for Extension of Time, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	<u>39</u>	RESPONSE re <u>2</u> MOTION for Extension of Time to File Responsive Pleading or Motion and Motion to Strike, filed by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/22/2011	<u>40</u>	Emergency MOTION for Protective Order <i>Seeking Modification of Protective Order</i> with Brief In Support by United States. (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit 1, # <u>3</u> Text of Proposed Order)(Huber, Christopher) (Entered: 06/22/2011)
06/22/2011	<u>41</u>	ORDER directing the Clerk to file the Plaintiff's Motion to Recuse Judge Thrash and refer it to another Judge pursuant to 28 U.S.C. 144. Signed by Judge Thomas W. Thrash, Jr on 6/22/11. (dr) (Entered: 06/23/2011)
06/23/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>41</u> Order (dr) (Entered: 06/23/2011)
06/23/2011	<u>42</u>	NOTICE of Filing of Request for Consent to file Plaintiff William M. Windsor's Emergency Motion to Recuse Judge Thomas Woodrow Thrash by William M. Windsor (dr) (Entered: 06/23/2011)
06/23/2011	<u>43</u>	EMERGENCY MOTION to Recuse Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011		Submission of <u>43</u> MOTION for Recusal, submitted to District Judge Amy Totenberg. (dr) (Entered: 06/23/2011)
06/24/2011	<u>44</u>	RESPONSE in Opposition re <u>43</u> MOTION for Recusal filed by United States. (Attachments: # <u>1</u> Exhibit 1)(Huber, Christopher) (Entered: 06/24/2011)
06/28/2011	<u>45</u>	NOTICE Of Filing Reply to Opposition to Motion to Recuse Judge Thomas W. Thrash and Motion to Strike by William M. Windsor (dr) (Entered: 06/28/2011)
06/28/2011	<u>46</u>	REPLY to Response to <u>43</u> MOTION for Recusal filed by William M. Windsor (dr) (Entered: 06/28/2011)
06/28/2011	<u>47</u>	MOTION to Strike <u>44</u> Response in Opposition to Motion by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	<u>48</u>	DOCUMENT FILED IN ERROR - NOTICE Of Filing Reply to Opposition to Motion to Recuse Judge Thomas W. Thrash and Motion to Strike by William M. Windsor (dr) Modified on 6/28/2011 (dr). (Entered: 06/28/2011)
06/28/2011		Notification of Docket Correction re <u>48</u> Notice of Filing, which was FILED IN ERROR in the wrong case. (dr) (Entered: 06/28/2011)

06/30/2011	<u>49</u>	NOTICE Of Filing request for consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor (dr) (Entered: 06/30/2011)
06/30/2011	<u>50</u>	MOTION for Consent to file motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor. (dr) (Entered: 06/30/2011)
07/01/2011	<u>51</u>	MOTION for Leave to File Motion For Hearing Plaintiff William M. Windsor's MOTION For Certificate of Necessity and Assignment of Presiding Judge By the Chief Justice of The United States Supreme Court by William M. Windsor. (tcc) (Entered: 07/01/2011)
07/01/2011	<u>52</u>	NOTICE Of Filing William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (Attachments: # <u>1</u> William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(tcc) (Entered: 07/01/2011)
07/01/2011	<u>53</u>	ORDER DENYING Plaintiff's motion to recuse <u>43</u> . For the same reasons, the court DENIES Plaintiff's motion for certificate of necessity <u>50</u> and corresponding motion for a hearing filed July 1, 2011 <u>51</u> . The Court additionally DENIES Plaintiff's Motion to Strike <u>47</u> . Signed by Judge Amy Totenberg on 7/1/2011. (tcc) (Entered: 07/01/2011)
07/01/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>53</u> Order. (tcc) (Entered: 07/01/2011)
07/06/2011	<u>54</u>	NOTICE of Hearing on Motion re: <u>40</u> Emergency MOTION Seeking Modification of Protective Order. Motion Hearing set for 7/15/2011 at 10:00 AM in ATLA Courtroom 2108 before Judge Thomas W. Thrash Jr.. (ss) (Entered: 07/06/2011)
07/06/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>54</u> Notice of Hearing on Motion 7/15/11. (ss) (Entered: 07/06/2011)
07/06/2011	<u>55</u>	AMENDED NOTICE of Hearing on Motion re: <u>40</u> Emergency MOTION Seeking Modification of Protective Order. TIME CHANGE ONLY. Motion Hearing set for 7/15/2011 at 02:00 PM in ATLA Courtroom 2108 before Judge Thomas W. Thrash Jr.. (ss) (Entered: 07/06/2011)
07/06/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>55</u> Amended Notice of Hearing on Motion 7/15/11, time change only. (ss) (Entered: 07/06/2011)
07/06/2011	<u>56</u>	Notice for Leave of Absence for the following date(s): July 25, July 26, July 27, and August 11, August 12, 2011, by Christopher J. Huber. (Huber, Christopher) (Entered: 07/06/2011)
07/07/2011		Clerks Notation re <u>56</u> Leave of Absence July 25-27, and August 11-12, 2011, by Christopher J. Huber. The Court will not require an appearance by C. Huber on these dates. (ss) (Entered: 07/07/2011)

07/07/2011	<u>57</u>	ORDER that permission to file papers received by the Clerk on 6/27/11, 6/29/11, 7/1/11, 7/5/11, and 7/7/11 is DENIED. Signed by Judge Thomas W. Thrash, Jr on 7/7/11. (dr) (Entered: 07/07/2011)
07/07/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>57</u> Order. (dr) (Entered: 07/07/2011)
07/11/2011		Submission of <u>7</u> MOTION to Deny Removal MOTION for Discovery MOTION for Hearing, <u>21</u> MOTION to Require Sworn Verifications with All Filings, <u>19</u> MOTION for CM/ECF Password, <u>37</u> MOTION for Temporary Restraining Order MOTION for Hearing, <u>17</u> MOTION to Approve Evidence, <u>15</u> MOTION for the Court to Order All Defendants to Be Present to Testify at the Removal Hearing, <u>25</u> MOTION for Protection from Judge William S. Duffey, <u>38</u> MOTION for Reconsideration re <u>9</u> Order, <u>23</u> MOTION for Protection from Judge Orinda D. Evans, <u>40</u> Emergency MOTION for Protective Order <i>Seeking Modification of Protective Order</i> , <u>13</u> MOTION for Order, <u>27</u> MOTION to Disqualify Attorney, submitted to District Judge Thomas W. Thrash. (dr) (Entered: 07/11/2011)
07/12/2011	<u>58</u>	ORDER Re: hearing scheduled for Friday 7/15/11 - limiting documents to be brought to Courthouse, setting time limits for argument by parties at 20 minutes each, and directing that no witnesses will be called by either side. Signed by Judge Thomas W. Thrash, Jr on 7/12/11. (ss) (Entered: 07/12/2011)
07/12/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>58</u> Order. (ss) (Entered: 07/12/2011)
07/12/2011		Clerks Certificate of Mailing re <u>58</u> Order, Delivery of order to USM. (ss) (Entered: 07/12/2011)
07/12/2011	<u>59</u>	ORDER that permission to file papers received by the Clerk from the Plaintiff on 7/11/11 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous. Signed by Judge Thomas W. Thrash, Jr on 7/12/11. (dr) (Entered: 07/13/2011)
07/13/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>59</u> Order (dr) (Entered: 07/13/2011)

PACER Service Center			
Transaction Receipt			
07/13/2011 11:01:45			
PACER Login:	wc3030	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cv-01923-TWT
Billable Pages:	6	Cost:	0.48

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

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, Jane Doe 1, Jane Doe 2, Jane Doe 3,
Jane Doe 4, Jane Doe 5, John Doe 1,
John Doe 2, and Does 8 to 1000, and
The United States of America,

Defendants.

CIVIL ACTION NO.

1:11-CV-01923-TWT

ORDER

WHEREAS, defendants James M. 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 and the United States of America have shown good cause as to why their Motion For An Extension Of Time To File Responsive Pleading Or Motion should be granted,

IT IS HEREBY ORDERED that the motion is GRANTED and that the above-referenced defendants shall not be required to answer or otherwise respond to the Complaint until 30 days after the U.S. Department of Justice has rendered its determination on all of the Federal Defendants' representation requests.

SO ORDERED this 16 day of June, 2011.


UNITED STATES DISTRICT JUDGE

Prepared by:

Christopher J. Huber
Assistant U.S. Attorney

Exhibit

17

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1923-TWT

ORDER

This is a pro se civil action. It is before the Court on the United States' Motion for Protective Order [Doc. 4]. This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff. The Motion for Protective Order [Doc. 4] is GRANTED. All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required. No discovery shall be served and the parties are not required to hold the conference pursuant to Federal Rules of Civil Procedure 26(f) pending further Order of this Court. No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court.

SO ORDERED, this 17 day of June, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

18

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES M. HATTEN, et al.

Defendants.

CIVIL ACTION NO.
1:11-CV-1923-TWT

ORDER DENYING PLAINTIFF'S MOTION FOR RECUSAL

Presently before the Court is Plaintiff William M. Windsor's Motion for Recusal of U.S. District Court Judge Thomas W. Thrash ("Pl.'s Mot. Recuse") [Doc. 43]. This Motion was transferred to the undersigned following Judge Thrash's June 23, 2011 Order referring this motion to another judge pursuant to 28 U.S.C. § 144 [Doc. 41].

I. Litigation Background

This case is one of several lawsuits filed by Plaintiff Windsor in this court.¹

¹ See *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:06-CV-0714-ODE (N.D. Ga.) ("Maid I"); *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:09-CV-1543-WSD (N.D. Ga.) ("Maid II"); *Windsor v. United States, et al.*, No. 1:09-CV-2027-WSD (N.D. Ga.) ("Windsor I"); *Windsor v. Judge Orinda D. Evans, et al.*, No. 1:10-CV-0197-RJL (D.D.C.) ("Windsor II"); *Windsor v. Hatten, et al.*, No. 1:11-CV-1922-TWT (N.D. Ga.) ("Windsor III"); *Windsor v. Hatten, et al.*, No. 1:11-CV-1923-TWT (N.D. Ga.) ("Windsor IV"); *Windsor v. Thrash, et al.*, No. 1:11-CV-2027 (N.D. Ga.) ("Windsor V").

In essence, these suits originally stem from a business dispute that was heard by U.S. District Court Judge Orlinda D. Evans. Windsor was one of several defendants in *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:06-CV-0714 (N.D. Ga. Mar. 28, 2006) ("*Maid I*"). Judge Evans found that the defendants had engaged in tortious business interference and further ordered them to pay plaintiff's attorney's fees because she found that they had been "stubbornly litigious." (*Maid I*, Ord. on Mot. for Summ. J. at 43, Aug. 9, 2007.) The order granting sanctions was upheld by the Court of Appeals for the Eleventh Circuit. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 294 Fed. Appx. 463 (11th Cir. Sept. 18, 2008). Although Plaintiff agreed to a Final Consent Order and Judgement waiving his right to an appeal as part of the negotiation of attorney's fees (*Maid I*, Consent Final Ord. on J., Dec. 9, 2008), he still continued to file sixty-two post judgement motions, such as motions for recusal (*Maid I*, Mot. for Recusal April 24, 2009.), to reopen (*Maid I*, Mot. to Reopen, April 24, 2009), for sanctions under Fed. R. Civ. P. 37 (*Maid I*, Mot. for Sanctions, April 27, 2009), and for discovery (*Maid I*, Mot. for Disc., May 14, 2009). The Court denied those motions and the Court of Appeals for the Eleventh Circuit affirmed the District Court's rulings. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, No. 09-13086 (11th Cir. Sep. 9, 2009).

Following Plaintiff's numerous filings, Judge Evans entered an Order against Plaintiff enjoining him from filing any motion, pleading, or other paper in that case or

filing any new suit from the same factual predicate or operative nucleus of facts, holding:

Windsor's persistently litigious behavior undermines the integrity of the Consent Final Order and Judgment submitted by the parties and signed by the Court in this case, as well as the other orders thus far issued by the Court, through repeated unsubstantiated collateral attacks, procedurally improper postjudgment motions, and increasingly bitter rhetoric. Windsor's continued filing of frivolous, improper post-judgment motions also continues to subject Plaintiffs to needless trouble and expense.

(*Maid I*, Ord., Dec. 22, 2009 at 19.) The Court of Appeals affirmed the order, finding the "pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice." *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 388 Fed. Appx. 940, 942 (11th Cir. July 23, 2010).

In May 2009, Plaintiff filed a new suit and attempted to serve a subpoena on Judge Evans in an effort to obtain her testimony for a motion for recusal regarding the original *Maid of the Mist* dispute. The United States filed a motion to quash the subpoena, which U.S. District Court Judge William S. Duffey granted. (*Maid II*, Ord. on Mot. to Quash, June 30, 2009.) Plaintiff appealed that order as well (*Maid II*, Notice of Appeal, Sep. 15, 2009), and the Court of Appeals affirmed the District Court's decision. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, No. 09-14735, (11th Cir. Feb. 26, 2010). Plaintiff moved to recuse Judge Duffey in that matter and the motion was subsequently denied by Judge Duffey. (*Maid II*, Mot. for Recusal, July 21, 2010.)

Next, Plaintiff filed a separate complaint against Judge Evans and the United States,

along with several other parties, including the plaintiff and their counsel from the original *Maid of the Mist* suit. (*Windsor I*, Compl., July 7, 2009.) The United States moved to dismiss Plaintiff's complaint as frivolous, which the District Court granted and the Court of Appeals affirmed. (*Windsor I*, Ord. on Mot. to Dismiss, Oct. 20, 2010); *Windsor v. United States, et al.*, No. 10-14899 (11th Cir. June 1, 2011). Plaintiff filed a motion to recuse Judge Duffey and the Court denied that motion. (*Windsor I*, Mot. to Recuse, July 28, 2009; Ord., July 30, 2009.)

Plaintiff then attempted to attack Judge Evans' decisions from the original *Maid of the Mist* dispute once again by filing a complaint against her with the District Court for the District of Columbia. (*Windsor II*, Compl., Feb. 4, 2010) The District Court dismissed the complaint and the Court of Appeals for the District of Columbia affirmed. (*Id.*, Ord. Dismiss, Feb. 17, 2010); *Windsor v. Evans*, No. 10-5071 (D.C. Cir. Dec. 28, 2010).

Plaintiff most recently filed two new suits in Fulton County Superior Court against several defendants, including Judge Duffey, Judge Evans, and other employees of the District Court. These suits, styled *Windsor v. Duffey et al.*, 1:11-CV-1922 ("*Windsor III*") and *Windsor v. Hatten, et al.*, 1:11-CV-1923 ("*Windsor IV*"), were removed to this Court on June 13, 2011 and assigned to Judge Thomas W. Thrash.

These latest actions essentially arise from Plaintiff's original litigation against Judge Evans, but add new parties and legal grounds for his claims. On June 17, 2011,

Judge Thrash issued an order in both of these matters that quashed discovery and ordered that no party in these suits need respond to Plaintiff's filings absent an order by the court. Judge Thrash found that these suits were "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff." (*Windsor III*, Ord. on Mot. for Protective Ord. at 1, June 17, 2011; *Windsor IV*, Ord. on Mot. for Protective Ord. at 1, June 17, 2011.)

Following Judge Thrash's Order, on June 20, 2011, Plaintiff filed a complaint against Judge Thrash and all the judges in the Northern District, including the undersigned, in Fulton County Superior Court, styled *Windsor V. Thrash et al.*, No. 2011CV202263. The case was removed to this Court on June 22, 2011 and assigned to Judge Thrash under case number 1:11-CV-2027 ("*Windsor V*"). On June 23, 2011, Plaintiff filed the present motion for recusal in the three cases currently assigned to Judge Thrash. (*Windsor III*, Mot. for Recusal, June 23, 2011; *Windsor IV*, Mot. for Recusal, June 23, 2011; *Windsor V*, Mot. for Recusal, June 23, 2011.) Judge Thrash subsequently issued an order referring the motions to another judge pursuant to 28 U.S.C. § 144. (*Windsor III*, Ord., June 23, 2011; *Windsor IV*, Ord., June 23, 2011; *Windsor V*, Ord., June 23, 2011.)

II. Instant Motion to Recuse

A. Motion and Briefs

Plaintiff contends that Judge Thrash should be recused from these cases for several

reasons. First, Plaintiff argues in his affidavit that Judge Thrash has "a pervasive antagonistic bias towards [Plaintiff]." (Windsor's Aff. of Prejudice ¶ 12.) Plaintiff asserts that Judge Thrash's finding that his latest complaints are nothing more than "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff" is false and blatant evidence of his bias. (Windsor's Aff. of Prejudice ¶ 75.) Second, Plaintiff cites several of Judge Thrash's rulings as evidence of bias against him, including: the court's having not made a sua sponte determination that the removal was facially defective²; the court's denial of Plaintiff's motion for a temporary restraining order ("TRO"); and the court's refusal to hold a hearing on the TRO motion. (Windsor's Aff. of Prejudice ¶¶ 22, 25, 30.) Third, Plaintiff avers that Judge Thrash "has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge." (Windsor's Aff. of Prejudice ¶ 58.)

In response, Defendants argue that Plaintiff's motion fails to meet the significant burden necessary to sustain a motion for recusal because there is no evidence of extrajudicial bias. (Def.'s Br. in Opp'n to Mot. to Recuse at 8.) Defendants also assert that even if Judge Thrash had a personal interest in the matter, under the rule of necessity,

² The Court notes that a motion to remand the case subsequent to removal was never filed and therefore, was not in front of Judge Thrash. However, based upon the Court's independent review of the removal issue, the Court finds that jurisdiction properly lies in the federal court, as removal of this case was proper pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.

he need not recuse himself if there is no other judge left to hear the case due to Plaintiff's most recent suit that names all the judges in the Northern District as defendants. (*Id.* at 9.)

In his reply to Defendant's brief, Plaintiff argues that the standard for recusal does not require extrajudicial bias. (Pl.'s Reply to Def.'s Opp'n at 7.) He also argues the rule of necessity does not apply in this case because there are other federal judges outside of the Northern District who could hear his case, or the case should be remanded back to Fulton County Superior Court. (Pl.'s Reply to Def.'s Opp'n at 13.)

Plaintiff also moves to strike portions of Defendant's brief discussing his litigation history claiming that they were prejudicial. The Court finds that Defendant's summary is supported by the record in these cases, and that the litigation history is relevant to an assessment of Plaintiff's claims as well as motion for recusal. "A district court may take judicial notice of public records within its files relating to the particular case before it or other related cases." *Cash Inn of Dade, Inc. v. Metropolitan Dade County*, 938 F.2d 1289, 1243 (11 Cir. 1991). Therefore, Plaintiff's Motion to Strike [Doc. 47] is **DENIED**.

B. Analysis

Section 455(a) of Title 28 of the United States Code requires recusal of a judge "in any proceeding in which his impartiality might reasonably be questioned" or when "he

has a personal bias or prejudice concerning a party.”³ The standard under § 455(a) is “whether an objective, fully informed lay observer would entertain significant doubt about the judge’s impartiality.” *Thomas v. Tenneco Packaging Co., Inc.*, 293 F.3d 1306, 1329 (11th Cir. 2002). Generally, to warrant recusal, a “judge’s bias must be personal and extrajudicial; it must derive from something other than which the judge learned by participating in the case.” *McWhorter v. City of Birmingham*, 906 F.2d 674, 678 (11th Cir. 1990). Recusal may be based on judicial rulings only if the judge’s remarks in a judicial context demonstrate “pervasive bias and prejudice” against a party. *Thomas*, 293 F.3d 1306, 1329. As the Supreme Court has held, “[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. In and of themselves, they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism ... when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal.” *Liteky v. United States*, 510 U.S. 540, 555 (1994) (citations omitted).

Plaintiff has failed to establish sufficient judicial grounds to recuse Judge Thrash.

First, while Plaintiff cites multiple disagreements with Judge Thrash’s rulings, the great majority of these pertain to the legal procedure utilized by Judge Thrash or the

³ 28 U.S.C. § 455(b) sets forth other factors requiring recusal that are not at issue here, including situations where the judge previously served as a lawyer in the matter or has a financial interest in the matter.

outcome of his rulings. Plaintiff's complaints in essence are legal objections that may be pressed as grounds for appeal, not as grounds for recusal. *Liteky*, 510 U.S. at 555.

Second, Judge Thrash clearly entered his rulings based on the Court record properly before him. The Plaintiff's prior cases in this Court provide relevant context for his current lawsuit and claims. As the Supreme Court has noted, "[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky*, 510 U.S. at 555. (Emphasis added).

Plaintiff's affidavit and pleadings⁴ fail to demonstrate the "deep-seated favoritism or antagonism" required as a predicate to establishing that Judge Thrash was biased and incapable of fair judgment in this matter. One remark falls at the centerpiece of Plaintiff's asserted evidence of Judge Thrash's bias: the Judge's finding that Plaintiff's latest lawsuit was "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff." (Windsor's Aff. of Prejudice ¶ 75; Order of June 17, 2011, Doc. 25.) However, the Supreme Court has held "Judicial remarks during the course of a trial that are critical or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not

⁴ The undersigned judge has authorized the Clerk's filing of all pleadings Plaintiff has presented relating to his motion for recusal so as to review all pertinent information Plaintiff may present in support of his motion.

support a bias or partiality challenge." *Litkey*, 510 U.S. at 555. Judge Thrash's finding, while adverse to Plaintiff, was clearly based on his review of Plaintiff's pleadings in this action as well as related court decisions in prior cases involving the Plaintiff. "The objective appearance of an adverse disposition attributable to information acquired in a prior trial is not an objective appearance of personal bias or prejudice, and hence not an objective appearance of improper partiality." *Litkey*, 510 U.S. at 1156 n. 2.

Third, the only assertion Plaintiff makes regarding alleged bias from an extrajudicial source is that the Judge, who is now a subject of Plaintiff's latest suit, "has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge." (Windsor's Aff. of Prejudice ¶ 58.) However, Plaintiff fails to cite to factual evidence that supports his bald allegation of bias against pro se parties. Conclusory allegations in the requisite affidavit for a motion for recusal will not be deemed to properly establish grounds for recusal. *Jones v. Pittsburg Nat'l Corp.*, 899 F.2d 1350, 1356 (3rd Cir. 1990).

Fourth, the Plaintiff seeks recusal based on the purported bias of all judges of this Court, as he has by this date filed collateral lawsuits naming each judge, including Judge Thrash, as Defendants. The rule is well established that the filing of a collateral lawsuit against a judge clearly will not require recusal. See *Jones v. Pittsburgh Nat'l Corp.*, 899 F.2d 1350, 1355-56 (3d Cir. 1990); *United States v. Studley*, 783 F.2d 934, 940 (9th Cir.

1986) (holding a judge is not disqualified by a litigant's suit or threatened suit against him); *United States v. Grismore*, 564 F.2d 929, 933 (10th Cir. 1977) (holding a judge is not disqualified merely because a litigant sues or threatens to sue him); *United States v. Whitesel*, 543 F.2d 1176, 1181 (6th Cir. 1976) (finding judges named in suit did not need to recuse themselves because "we do not think that the United States courts are so fragile as to be subject to being put out of existence by a civil suit which names all sitting judges"). Therefore, Judge Thrash cannot be recused simply because Plaintiff has filed suit against him.

Moreover, in his latest suit, Plaintiff sues Judge Thrash along with all the judges in this District, including the undersigned. (*See Windsor V.*) The judicial doctrine of a "the rule of necessity" provides that even when a judge has a personal interest in the case, he need not recuse himself when there would be no judge left in the district to hear the case. *Bolin v. Story*, 225 F.3d 1234, 1238 (11th Cir. 2000); *Brinkley v. Hassig*, 83 F.2d 351, 357 (10th Cir.1936) ("From the very necessity of the case has grown the rule that disqualification will not be permitted to destroy the only tribunal with power in the premises."). *See also Pila v. American Bar Ass'n.*, 542 F.2d 56, 59 (8th Cir.1976) (stating that under rule of necessity, "where all are disqualified, none are disqualified") (citation omitted).

Plaintiff cites *Jefferson County v. Acker*, 92 F.3d 1561 (11th Cir. 1996) (rev'd on

other grounds) to support his contention that all federal judges have not been disqualified as there are "thousands of federal judges in the U.S. to whom this civil action may be assigned." (Pl.'s Reply to Def.'s Opp'n. at 13, citing 92 F.3d 1561.) However, the court in *Jefferson County* decided that recusal was not warranted under the rule of necessity, despite the possible option of convening "an en banc court for this Circuit composed of non-disqualified judges exclusively drawn from other Circuits." 92 F.3d at 1583 n. 4. Furthermore, reviewing Plaintiff's litigation trail, it seems that each new complaint adds the name of the last judge who ruled against him. Following that logic, Plaintiff might likely file suit against any judge, regardless of his district, who ruled against Plaintiff. *See Davis v. Kvalheim*, 261 Fed. Appx. 231, 234 n.4 (11th Cir. 2008) (affirming the refusal of a district court judge named in a frivolous pro se complaint to recuse himself where it was clear that the Plaintiff would name, and thereby try to disqualify, any judge who ruled against him). Therefore, the rule of necessity provides further support for the Court's denial of Plaintiff's motion for recusal.

Plaintiff seeks to escape the "rule of necessity" by his request for an order directing Joel F. Dubina, Chief Judge of the 11th Circuit Court of Appeals, to certify this case to the Chief Justice of the United State Supreme Court for purpose of assignment of a new judge pursuant to 28 U.S.C. § 292(d). The Court finds

insufficient grounds to make such a request of Chief Judge Dubina and moreover, has no authority to direct Chief Judge Dubina to issue such a certification request to the Supreme Court. Accordingly, the Plaintiff's motion for certificate of necessity [Doc. 50] is **DENIED**. Plaintiff's corresponding request for a hearing on the motion [Doc. 51] is similarly **DENIED**.

For all of the foregoing reasons, the Court **DENIES** Plaintiff's motion to recuse [Doc. 4] Judge Thrash.

C. SUMMARY OF RULINGS

The Court **DENIES** Plaintiff's motion to recuse [Doc. 43]. For the same reasons, the court **DENIES** Plaintiff's motion for certificate of necessity [Doc. 50] and corresponding motion for a hearing filed July 1, 2011 [Doc. 51]. The Court additionally **DENIES** Plaintiff's Motion to Strike [Doc. 47].

SO ORDERED, this 1st day of July, 2011.


AMY TOTENBERG
UNITED STATES DISTRICT JUDGE

Exhibit

19

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

June 27, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-1923-TWT

Dear Clerk,

Please file the enclosed immediately. Please file them in the following order:

1. Notice of Filing & Request for Consent to File Emergency Motion for Reconsideration of Order Quashing Subpoenas
2. Notice of Filing & Request for Consent to File Emergency Motion for Conference
3. Notice of Filing & Request for Consent to File Motion for Leave to Exceed Page Limits
4. Notice of Filing & Request for Consent to File Emergency Motion for Due Process Rights and Honest Court Docket
5. Notice of Filing & Request for Consent to File Motion for Hearing on Emergency Motion for Due Process Rights and Honest Court Docket
6. Notice of Filing & Request for Consent to File Motion for Valid Copies of Certificates of Authentication by the Clerk
7. Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Valid Copies of Certificates of Authentication by the Clerk
8. Notice of Filing & Request for Consent to File Motion for Order from the Clerk Validating Accuracy of Dockets
9. Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Order from the Clerk Validating Accuracy of Dockets
10. Notice of Filing & Request for Consent to File Motion for First Amendment Rights and Due Process Rights
11. Notice of Filing & Request for Consent to File Motion for Hearing on Motion for First Amendment Rights and Due Process Rights

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these are filed first thing today! Do not allow any electronic filings to be entered before these.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

June 29, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-1923-TWT

Dear Clerk:

Please file the enclosed immediately.

Notice of Filing & Request for Consent to File Response to Motion for
Modification of Protective Order

**NOTICE OF FILING & EMERGENCY MOTION FOR CONSENT TO FILE
MOTION FOR RECONSIDERATION OF ORDER (DOCKET #33) ISSUING
FILING INJUNCTION**

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these
are filed first thing today! Do not allow any electronic filings to be entered before
these.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 1, 2011

Filing Clerk
Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-01923-TWT

Dear Clerk:

Please file the enclosed immediately:

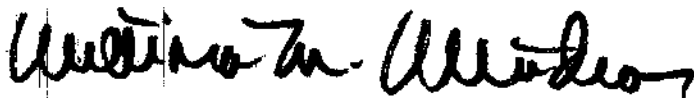
Notice of Filing & William M. Windsor's Second Supplemental Affidavit of
Prejudice of Thomas Woodrow Thrash

Notice of Filing & Request for Specific Approval - Motion for Hearing on Motion
for Certificate of Necessity

Notice of Filing & Request for Specific Approval - Motion for Hearing on Motion
for Reconsideration of Order Quashing Subpoenas

NO FUNNY BUSINESS. I will be coming to the courthouse today. I will be
calling 911 when I arrive. I am asking a law enforcement officer to meet me at the
Clerk's Office, and I am asking that the person responsible for the crime of
obstruction of justice be arrested.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 5, 2011

Filing Clerk
Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-01923-TWT

Dear Clerk:

Please file the enclosed immediately:

Notice of Filing & Motion for Remand

Notice of Filing & Emergency Motion for Consent to File Motion for Hearing on Propriety of
Judicial Notice

Notice of Filing & Request for Consent to File Plaintiff William M. Windsor's Emergency
Motion to Disqualify Judge Amy Totenberg

Plaintiff William M. Windsor's Emergency Motion to Disqualify Judge Amy Totenberg

Notice of Filing & Request for Consent to File Plaintiff William M. Windsor's Emergency
Motion for Reconsideration of Order dated July 1, 2011 Denying Motion to Recuse

NO FUNNY BUSINESS. I will be coming to the courthouse today. I will be
calling 911 when I arrive. I am asking a law enforcement officer to meet me at the
Clerk's Office, and I am asking that the person responsible for the crime of
obstruction of justice be arrested.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 • Marietta, GA 30068 • 770-578-1094 • Cell: 404-606-1885

July 7, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-01923-TWT

Dear Clerk:

Please file the enclosed immediately:

Notice of Filing & Request for Consent to File Emergency Motion to Recuse

Notice of Filing & Request for Consent to File Motion for Hearing on Emergency Motion to Recuse

Notice of Filing & Request for Consent to File Emergency Motion to Disqualify

Notice of Filing & Request for Consent to File Motion for Hearing on Emergency Motion to Disqualify

Notice of Filing & Request for Consent to File Motion for Sanctions

Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Sanctions

Notice of Filing & Request for Consent to File Motion for Sanctions against Clerk

Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Sanctions against Clerk

Notice of Filing & Request for Consent to File Motion for Protection

Notice of Filing & Request for Consent to File Motion for Hearing on Motion for Protection

Notice of Filing & Request for Consent to File Motion for Certificate of Necessity

Notice of Filing & Request for Consent to File Motion to Reschedule Hearing

Notice of Filing & Request for Consent to File Motion Regarding Hearing

Notice of Filing & Request for Consent to File Motion to Allow Filing

Notice of Filing & Request for Consent to File Motion for Subpoenas for Hearing

Notice of Filing & Request for Consent to File Motion to Require Attendance of Defendants at Hearing

Please be advised that I have spoken with the Atlanta Police Department, The U.S. Marshal Service, the U.S. Attorney's Office, and the FBI. My charges have been referred to the FBI's Public Corruption Unit and to FBI Agent Harry Hammick.

I have filed criminal charges against you. I provided specific details and proof of the obstruction of justice in the destruction and/or disappearance of documents presented to you at the Office of the Clerk of the Court for filing. I have provided proof that Miss Sanders, Ms. Gutting, and Ms. White have provided signed receipts for documents, and I have daily printouts of the court docket to show that the documents never appear on the court docket.

I have asked that those responsible for the crimes be arrested. I thought you should know. If you fail to file these documents, you will do so with the knowledge that there are already criminal charges pending against you for such obstruction of justice. Some of the applicable criminal statutes are:

18 U.S.C. § 1519. Destruction, alteration, or falsification of records in Federal investigations and bankruptcy

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to

impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both.

18 U.S.C. § 1506. Theft or alteration of record or process; false bail

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect... Shall be fined under this title or imprisoned not more than five years, or both.

O.C.G.A. § 16-10-94. Tampering with evidence

(a) A person commits the offense of tampering with evidence when, with the intent to prevent the apprehension or cause the wrongful apprehension of any person or to obstruct the prosecution or defense of any person, he knowingly destroys, alters, conceals, or disguises physical evidence or makes, devises, prepares, or plants false evidence.

(b) Nothing in this Code section shall be deemed to abrogate or alter any privilege which any person is entitled to claim under existing laws.

(c) Except as otherwise provided in this subsection, any person who violates subsection (a) of this Code section involving the prosecution or defense of a felony and involving another person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than three years; provided, however, that any person who violates subsection (a) of this Code section involving the prosecution or defense of a serious violent felony as defined in subsection (a) of Code Section 17-10-6.1 and involving another person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than ten years. Except as otherwise provided in this subsection, any person who violates subsection (a) of this Code section involving the prosecution or defense of a misdemeanor shall be guilty of a misdemeanor.

Sincerely,



William M. Windsor

Exhibit

20

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1923-TWT

ORDER

After review, permission to file the papers received by the Clerk on June 27, 2011, June 29, 2011, July 1, 2011, July 5, 2011, and July 7, 2011 is DENIED. The claims are frivolous and the papers constitute attempted abuse of the judicial system.

SO ORDERED, this 7th day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

21

Select another
search type

Refine this
search



In the SUPERIOR COURT
Fulton County, Georgia
Case No. 2011CV202263

WILLIAM M. WINDSOR VS. THOMAS
WOODROW THRASH, CHRISTOPHER HUBER,
SALLY QUILLIAN YATES, WILLIAM S. DUFFEY,
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, AMY TOTENBERG, 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. JOHNSPN, E.
CLAYTON SCOFIELD, RUSSELL G. VINEYARD,
JAMES N. HATTEN, ANNIVA SANDERS, JOYCE
WHITE, BEVERLY GUTTING, MARGARET
CALLIER, DOUGLAS J. MINCHER, B. GRUTBY,
JESSICA BIRNBAUM, VICKI HANNA, JOHN
LEY, 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,
PAUL HOWARD AND UNKNOWN DOES

Filed on 06/20/2011

Case Type: TORT/NEGLIGENCE

Judge: Constance C. Russell

Current Status: Filed

Defendant

Defendant Attorneys

Thrash, Thomas Woodrow
Huber, Christopher
Yates, Sally Quillian
Duffey, William S
Evans, Orinda D
Cames, Julie E
Jones, Steve C
Batten, Timothy C
Cooper, Clarence
Forrester, J Owen
Hunt, Willis B
Murphy, Harold L
Okelley, William C
Pannell, Charles A
Shoob, Marvin H
Story, Richard W
Tidwell, G Ernest
Totenberg, Amy
Vining, Robert L
Ward, Horace T
King, Janet F
Cole, Susan S
Baverman, Alan J
Brill, Gernilyn G
Hagy, C Christopher
Walker, Linda T
Johnson, Walter E
Schofield, E Clayton
Vineyard, Russell G
Hatten, James N
Sanders, Anniva
White, Joyce
Gutting, Beverly
Callier, Margaret
Mincher, Douglas J
Grutby, B

Birnbaum, Jessica
Hanna, Vicki
Ley, John
Dubina, Joel F
Carnes, Ed
Barkett, Rosemary
Hull, Frank M
Edmondson, James Larry
Marcus, Stanley
Pryor, William H
Tjoflat, Gerald Bard
Black, Susan H
Wilson, Charles R
Hill, James C
Martin, Beverly B
Fay, Peter T
Kravitch, Phyllis A
Anderson, R Lanier
Cox, Emmett Ripley
Howard, Paul Jr

Plaintiff

Windsor, William M
P O BOX 681236
MARIETTA, GA 30068

Plaintiff Attorneys

Prose

Events and Orders of the Court

06/28/2011 ORDER OF TRANSFER
06/24/2011 AFFIDAVIT
06/23/2011 MOTION
06/22/2011 AFFIDAVIT
06/22/2011 REMOVAL TO U S DISTRICT COURT
06/21/2011 MOTION
06/20/2011 CASE INITIATION FORM
06/20/2011 PLAINTIFF'S ORIGINAL PETITION

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Exhibit

22

William M. Windsor

From: William M. Windsor <williamwindsor@bellsouth.net>
Sent: Wednesday, June 22, 2011 1:43 AM
To: 'Huber, Chris (USAGAN)'
Subject: Sanctions for Filing Frivolous, Illegal, and Unconscionable Motions
Importance: High

Mr. Huber:

For the reasons expressed in my Motions to Deny Removal (and others), I am preparing to file two motions for sanctions against you and the U.S. Attorney. I am also filing Complaints of Professional Misconduct in court and with the State Bar of Georgia.

Please advise if you will withdraw everything that you have filed recently to avoid the sanctions.

You can't file motions or notices without appearances.

You can't file removals of actions that may only be heard and ruled upon by a state court.

You can't file papers for people who have not given you the authority to represent them.

You can't file notices of removal in Georgia courts when a matter is not yet pending, which requires service on all parties.

You can't file notices of removal when there is not unanimity of the Defendants. 28 U.S.C. § 1446 requires the unanimous consent of *all* defendants to the removal.

You can't make statements that you know to be false in motions.

Please cease and desist.

William M. Windsor
bill@billwindsor.com

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Exhibit

23

**U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:11-cv-02027-TWT**

Windsor v. Thrash et al

Assigned to: Judge Thomas W. Thrash, Jr

Case in other court: Superior Court of Fulton County,
2011CV202263

Cause: 28:1441 Petition for Removal- Racketeering (RICO)

Date Filed: 06/22/2011

Jury Demand: Plaintiff

Nature of Suit: 470 Racketeer/Corrupt
Organization

Jurisdiction: Federal Question

Plaintiff

William M. Windsor

represented by **William M. Windsor**

P. O. Box 681236

Marietta, GA 30068

770-578-1094

PRO SE

V.

Defendant

Thomas Woodrow Thrash

represented by **Neeli Ben-David**

U.S. Attorney's Office-ATL

600 U.S. Courthouse

75 Spring Street, S.W.

Atlanta, GA 30303

404-581-6303

Email: neeli.ben-david@usdoj.gov

ATTORNEY TO BE NOTICED

Defendant

Christopher Huber

represented by **Neeli Ben-David**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

William S. Duffey

represented by **Neeli Ben-David**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

Orinda D. Evans

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

Julie E. Carnes

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Steve C. Jones

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

Timothy C. Batten

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Clarence Cooper

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ATTORNEY TO BE NOTICED

Defendant

J. Owen Forrester

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ATTORNEY TO BE NOTICED

Defendant

Willis B. Hunt

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Harold L. Murphy

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

William C. O'Kelley

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

Charles A. Pannell

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ATTORNEY TO BE NOTICED

Defendant

Marvin H. Shoob

represented by Neeli Ben-David
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ATTORNEY TO BE NOTICED

Defendant

Richard W. Story

represented by Neeli Ben-David
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ATTORNEY TO BE NOTICED

Defendant

G. Ernest Tidwell

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ATTORNEY TO BE NOTICED

Defendant

Amy Totenberg

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ATTORNEY TO BE NOTICED

Defendant

Robert L. Vining

represented by Neeli Ben-David
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ATTORNEY TO BE NOTICED

Defendant

Horace T. Ward

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Janet F. King

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Susan C. Cole

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Alan J. Baverman

Defendant

Gerrilyn C. Brill

Defendant

C. Christopher Hagy

Defendant

Linda T. Walker

Defendant

Walter E. Johnson

Defendant

E. Clayton Scofield

Defendant

Russell G. Vineyard

Defendant

Joel R. Dubina

Defendant

Ed Carnes

Defendant

represented by Neeli Ben-David

(See above for address)

ATTORNEY TO BE NOTICED

represented by Neeli Ben-David

(See above for address)

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(See above for address)

ATTORNEY TO BE NOTICED

represented by Neeli Ben-David

(See above for address)

ATTORNEY TO BE NOTICED

Rosemary Barkett

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Frank M. Hull

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

James Larry Edmondson

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

Stanley Marcus

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ATTORNEY TO BE NOTICED

Defendant

William H. Pryor

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ATTORNEY TO BE NOTICED

Defendant

Gerald Bard Tjoflat

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Susan H. Black

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Charles R. Wilson

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James C. Hill

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Beverly B. Martin

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Peter T. Fay

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

Phyllis A. Kravitch

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

R. Lanier Anderson

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

Emmett Ripley Cox

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Defendant

James N. Hatten

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Defendant

Anniva Sanders

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ATTORNEY TO BE NOTICED

Defendant

Joyce White

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ATTORNEY TO BE NOTICED

Defendant

Beverly Gutting

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Defendant

Margaret Callier

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ATTORNEY TO BE NOTICED

Defendant

B. Grubhy

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ATTORNEY TO BE NOTICED

Defendant

Douglas J. Mincher

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ATTORNEY TO BE NOTICED

Defendant

Jessica Birnbaum

represented by **Neeli Ben-David**
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ATTORNEY TO BE NOTICED

Defendant

Vicki Hanna

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

John Ley

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Unknown Does

represented by **Neeli Ben-David**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/22/2011	<u>1</u>	NOTICE OF REMOVAL with COMPLAINT filed by Christopher Huber. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. () (Attachments: # <u>1</u> Exhibit A - 1 Summons & Complaint, # <u>2</u> Exhibit A - 2 Exhibits 1 - 5, # <u>3</u> Exhibit A - 3 Exhibits 6 - 10, # <u>4</u> Exhibit A - 4 Exhibit 11, # <u>5</u> Exhibit A - 5 Exhibits 12 - 18, # <u>6</u> Exhibit A - 6 Exhibits 19 - 27, # <u>7</u> Exhibit B. # <u>8</u> Text of Proposed Order, # <u>9</u> Civil Cover Sheet)(eop) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 06/22/2011)

06/22/2011	<u>2</u>	NOTICE by Christopher Huber <i>Notice of Substitution of United States as Defendant</i> (Attachments: # <u>1</u> Exhibit A)(Ben-David, Neeli) (Entered: 06/22/2011)
06/23/2011	<u>3</u>	NOTICE of Filing Emergency Motion to Disqualify Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011	<u>4</u>	EMERGENCY MOTION to Disqualify Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011	<u>5</u>	ORDER directing the Clerk to assign the <u>4</u> MOTION to Disqualify Judge filed by William M. Windsor to another judge pursuant to 28 U.S.C. 144. Due to voluminous frivolous filings by the Plaintiff expedited consideration is requested. Signed by Judge Thomas W. Thrash, Jr on 6/23/11. (dr) (Entered: 06/23/2011)
06/23/2011		Submission of <u>4</u> MOTION to Disqualify Judge, submitted to District Judge Amy Totenberg. (dr) (Entered: 06/23/2011)
06/23/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>5</u> Order. (dr) (Entered: 06/23/2011)
06/23/2011	<u>6</u>	MOTION for Protective Order by <i>Defendants Christopher Huber and the United States of America</i> with Brief In Support by Christopher Huber. (Ben-David, Neeli) (Entered: 06/23/2011)
06/24/2011	<u>7</u>	RESPONSE in Opposition re <u>4</u> MOTION to Disqualify Judge filed by Christopher Huber. (Attachments: # <u>1</u> Exhibit 1)(Ben-David, Neeli) (Entered: 06/24/2011)
06/24/2011	<u>8</u>	NOTICE of Filing Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/27/2011)
06/24/2011	<u>9</u>	SUPPLEMENTAL AFFIDAVIT of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/27/2011)
06/28/2011	<u>10</u>	NOTICE Of Filing Reply to Opposition to Motion to Recuse Judge Thomas W. Thrash and Motion to Strike by William M. Windsor (dr) (Entered: 06/28/2011)
06/28/2011	<u>11</u>	REPLY to Response to <u>4</u> MOTION to Disqualify Judge filed by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	<u>12</u>	MOTION to Strike <u>7</u> Response in Opposition to Motion by William M. Windsor. (dr) (Entered: 06/28/2011)
06/30/2011	<u>13</u>	NOTICE Of Filing motion for certificate of necessity and assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor (dr) (Entered: 06/30/2011)
06/30/2011	<u>14</u>	MOTION for Certificate of Necessity and Assignment of presiding judge by the Chief Justice of the United States Supreme Court by William M. Windsor. (dr) (Entered: 06/30/2011)

07/01/2011	<u>15</u>	NOTICE Of Filing William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (Attachments: # <u>1</u> William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2)(tcc) (Entered: 07/01/2011)
07/01/2011	<u>16</u>	ORDER DENYING Plaintiff's motion to recuse <u>4</u> . For the same reasons, the court DENIES Plaintiff's motion for certificate of necessity <u>14</u> and corresponding motion for a hearing filed July 1, 2011. The Court additionallyDENIES Plaintiffs Motion to Strike <u>12</u> . Signed by Judge Amy Totenberg on 7/1/2011. (tcc) (Entered: 07/01/2011)
07/01/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>16</u> Order. (tcc) (Entered: 07/01/2011)
07/06/2011	<u>17</u>	ORDER granting <u>6</u> Motion for Protective Order. The Plaintiff is ordered to post a cash bond or corporate surety bond in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court. Signed by Judge Thomas W. Thrash, Jr on 7/6/11. (dr) (Entered: 07/07/2011)
07/07/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>17</u> Order. (dr) (Entered: 07/07/2011)
07/07/2011	<u>18</u>	ORDER granting permission to file Plaintiff's Response to Defendants' Motion for Protective Order and Certificate of Interested Persons. Permission to file is denied with respect to the other papers received by the Clerk on 6/24/11, 6/27/11, 6/29/11 and 7/5/11. Signed by Judge Thomas W. Thrash, Jr on 7/7/11. (dr) (Entered: 07/07/2011)
07/07/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>18</u> Order. (dr) (Entered: 07/07/2011)
07/07/2011	<u>19</u>	NOTICE of Filing of Response to the Defendants' Motion for Protective Order and Motion to Strike by William M. Windsor. (dr) (Entered: 07/07/2011)
07/07/2011	<u>20</u>	RESPONSE to <u>6</u> MOTION for Protective Order and <u>12</u> MOTION to Strike <u>7</u> Response, filed by William M. Windsor. (dr) (Entered: 07/07/2011)
07/12/2011	<u>21</u>	MOTION for Extension of Time to File Responsive Pleadings with Brief In Support by R. Lanier Anderson, Rosemary Barkett, Timothy C. Batten, Alan J. Baverman, Jessica Birnbaum, Susan H. Black, Gernlyn C. Brill, Margaret Callier, Ed Carnes, Julie E. Carnes, Susan C. Cole, Clarence Cooper, Emmett Ripley Cox, Joel F. Dubina, William S. Duffey, James Larry Edmondson, Orinda D. Evans, Peter T. Fay, J. Owen Forrester, B. Grutby, Beverly Gutting, C. Christopher Hagy, Vicki Hanna, James N. Hatten, James C. Hill, Christopher Huber, Frank M. Hull, Willis B. Hunt, Walter E. Johnson, Steve C. Jones, Janet F. King, Phyllis A. Kravitch, John Ley, Stanley Marcus, Beverly B. Martin, Douglas J. Mincher, Harold L. Murphy, William C. O'Kelley, Charles A. Pannell, William H. Pryor, Anniva Sanders, E. Clayton Scofield, Marvin H.

		Shoob, Richard W. Story, Thomas Woodrow Thrash, G. Ernest Tidwell, Gerald Bard Tjoflat, Amy Totenberg, Unknown Does, Russell G. Vineyard, Robert L. Vining, Linda T. Walker, Horace T. Ward, Joyce White, Charles R. Wilson. (Ben-David, Neeli) (Entered: 07/12/2011)
07/12/2011	<u>22</u>	ORDER that permission to file papers received by the Clerk from the Plaintiff on 7/11/11 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous. Signed by Judge Thomas W Thrash, Jr on 7/12/11. (dr) (Entered: 07/13/2011)
07/13/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>22</u> Order (dr) (Entered: 07/13/2011)

PACER Service Center			
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07/13/2011 11:08:04			
PACER Login:	wc3030	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cv-02027-TWT
Billable Pages:	9	Cost:	0.72

Exhibit

24

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

THOMAS WOODROW THRASH,
et al.

Defendants.

CIVIL ACTION NO.
1:11-CV-2027-TWT

ORDER DENYING PLAINTIFF'S MOTION FOR RECUSAL

Presently before the Court is Plaintiff William M. Windsor's Motion for Recusal of U.S. District Court Judge Thomas W. Thrash ("Pl.'s Mot. Recuse") [Doc. 4]. This Motion was transferred to the undersigned following Judge Thrash's June 23, 2011 Order referring this motion to another judge pursuant to 28 U.S.C. § 144 [Doc. 5].

I. Litigation Background

This case is one of several lawsuits filed by Plaintiff Windsor in this court.¹

¹ See *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:06-CV-0714-ODE (N.D. Ga.) ("*Maid I*"); *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:09-CV-1543-WSD (N.D. Ga.) ("*Maid II*"); *Windsor v. United States, et al.*, No. 1:09-CV-2027-WSD (N.D. Ga.) ("*Windsor I*"); *Windsor v. Judge Orinda D. Evans, et al.*, No. 1:10-CV-0197-RJL (D.D.C.) ("*Windsor II*"); *Windsor v. Hatten, et al.*, No. 1:11-CV-1922-TWT (N.D. Ga.) ("*Windsor III*"); *Windsor v. Hatten, et al.*, No. 1:11-CV-1923-TWT (N.D. Ga.) ("*Windsor IV*");

In essence, these suits originally stem from a business dispute that was heard by U.S. District Court Judge Orlinda D. Evans. Windsor was one of several defendants in *Maid of the Mist Corp., et al. v. Alcatraz Media, LLC, et al.*, No. 1:06-CV-0714 (N.D. Ga. Mar. 28, 2006) ("*Maid I*"). Judge Evans found that the defendants had engaged in tortious business interference and further ordered them to pay plaintiff's attorney's fees because she found that they had been "stubbornly litigious." (*Maid I*, Ord. on Mot. for Summ. J. at 43, Aug. 9, 2007.) The order granting sanctions was upheld by the Court of Appeals for the Eleventh Circuit. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 294 Fed. Appx. 463 (11th Cir. Sept. 18, 2008). Although Plaintiff agreed to a Final Consent Order and Judgement waiving his right to an appeal as part of the negotiation of attorney's fees (*Maid I*, Consent Final Ord. on J., Dec. 9, 2008), he still continued to file sixty-two post judgement motions, such as motions for recusal (*Maid I*, Mot. for Recusal April 24, 2009.), to reopen (*Maid I*, Mot. to Reopen, April 24, 2009), for sanctions under Fed. R. Civ. P. 37 (*Maid I*, Mot. for Sanctions, April 27, 2009), and for discovery (*Maid I*, Mot. for Disc., May 14, 2009). The Court denied those motions and the Court of Appeals for the Eleventh Circuit affirmed the District Court's rulings. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, No. 09-13086 (11th Cir. Sep. 9, 2009).

Following Plaintiff's numerous filings, Judge Evans entered an Order against

Windsor v. Thrash, et al., No. 1:11-CV-2027(N.D. Ga.) (*Windsor V*).

Plaintiff enjoining him from filing any motion, pleading, or other paper in that case or filing any new suit from the same factual predicate or operative nucleus of facts, holding:

Windsor's persistently litigious behavior undermines the integrity of the Consent Final Order and Judgment submitted by the parties and signed by the Court in this case, as well as the other orders thus far issued by the Court, through repeated unsubstantiated collateral attacks, procedurally improper postjudgment motions, and increasingly bitter rhetoric. Windsor's continued filing of frivolous, improper post-judgment motions also continues to subject Plaintiffs to needless trouble and expense.

(*Maid I*, Ord., Dec. 22, 2009 at 19.) The Court of Appeals affirmed the order, finding the "pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice." *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 388 Fed. Appx. 940, 942 (11th Cir. July 23, 2010).

In May 2009, Plaintiff filed a new suit and attempted to serve a subpoena on Judge Evans in an effort to obtain her testimony for a motion for recusal regarding the original *Maid of the Mist* dispute. The United States filed a motion to quash the subpoena, which U.S. District Court Judge William S. Duffey granted. (*Maid II*, Ord. on Mot. to Quash, June 30, 2009.) Plaintiff appealed that order as well (*Maid II*, Notice of Appeal, Sep. 15, 2009), and the Court of Appeals affirmed the District Court's decision. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, No. 09-14735, (11th Cir. Feb. 26, 2010). Plaintiff moved to recuse Judge Duffey in that matter and the motion was subsequently denied by Judge Duffey. (*Maid II*, Mot. for Recusal, July 21, 2010.)

Next, Plaintiff filed a separate complaint against Judge Evans and the United States, along with several other parties, including the plaintiff and their counsel from the original *Maid of the Mist* suit. (*Windsor I*, Compl., July 7, 2009.) The United States moved to dismiss Plaintiff's complaint as frivolous, which the District Court granted and the Court of Appeals affirmed. (*Windsor I*, Ord. on Mot. to Dismiss, Oct. 20, 2010); *Windsor v. United States, et al.*, No. 10-14899 (11th Cir. June 1, 2011). Plaintiff filed a motion to recuse Judge Duffey and the Court denied that motion. (*Windsor I*, Mot. to Recuse, July 28, 2009; Ord., July 30, 2009.)

Plaintiff then attempted to attack Judge Evans' decisions from the original *Maid of the Mist* dispute once again by filing a complaint against her with the District Court for the District of Columbia. (*Windsor II*, Compl., Feb. 4, 2010) The District Court dismissed the complaint and the Court of Appeals for the District of Columbia affirmed. (*Id.*, Ord. Dismiss, Feb. 17, 2010); *Windsor v. Evans*, No. 10-5071 (D.C. Cir. Dec. 28, 2010).

Plaintiff most recently filed two new suits in Fulton County Superior Court against several defendants, including Judge Duffey, Judge Evans, and other employees of the District Court. These suits, styled *Windsor v. Duffey et al.*, 1:11-CV-1922 ("*Windsor III*") and *Windsor V. Hatten, et al.*, 1:11-CV-1923 ("*Windsor IV*"), were removed to this Court on June 13, 2011 and assigned to Judge Thomas W. Thrash.

These latest actions essentially arise from Plaintiff's original litigation against

Judge Evans, but add new parties and legal grounds for his claims. On June 17, 2011, Judge Thrash issued an order in both of these matters that quashed discovery and ordered that no party in these suits need respond to Plaintiff's filings absent an order by the court. Judge Thrash found that these suits were "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff." (*Windsor III*, Ord. on Mot. for Protective Ord. at 1, June 17, 2011; *Windsor IV*, Ord. on Mot. for Protective Ord. at 1, June 17, 2011.)

Following Judge Thrash's Order, on June 20, 2011, Plaintiff filed a complaint against Judge Thrash and all the judges in the Northern District, including the undersigned, in Fulton County Superior Court, styled *Windsor V. Thrash et al.*, No. 2011CV202263. The case was removed to this Court on June 22, 2011 and assigned to Judge Thrash under case number 1:11-CV-2027 ("*Windsor V*"). On June 23, 2011, Plaintiff filed the present motion for recusal in the three cases currently assigned to Judge Thrash. (*Windsor III*, Mot. for Recusal, June 23, 2011; *Windsor IV*, Mot. for Recusal, June 23, 2011; *Windsor V*, Mot. for Recusal, June 23, 2011.) Judge Thrash subsequently issued an order referring the motions to another judge pursuant to 28 U.S.C. § 144. (*Windsor III*, Ord., June 23, 2011; *Windsor IV*, Ord., June 23, 2011; *Windsor V*, Ord., June 23, 2011.)

II. Instant Motion to Recuse

A. Motion and Briefs

Plaintiff contends that Judge Thrash should be recused from these cases for several reasons. First, Plaintiff argues in his affidavit that Judge Thrash has "a pervasive antagonistic bias towards [Plaintiff]." (Windsor's Aff. of Prejudice ¶ 12.) Plaintiff asserts that Judge Thrash's finding that his latest complaints are nothing more than "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff" is false and blatant evidence of his bias. (Windsor's Aff. of Prejudice ¶ 75.) Second, Plaintiff cites several of Judge Thrash's rulings as evidence of bias against him, including: the court's having not made a sua sponte determination that the removal was facially defective²; the court's denial of Plaintiff's motion for a temporary restraining order ("TRO"); and the court's refusal to hold a hearing on the TRO motion. (Windsor's Aff. of Prejudice ¶¶ 22, 25, 30.) Third, Plaintiff avers that Judge Thrash "has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge." (Windsor's Aff. of Prejudice ¶ 58.)

In response, Defendants argue that Plaintiff's motion fails to meet the significant burden necessary to sustain a motion for recusal because there is no evidence of extrajudicial bias. (Def.'s Br. in Opp'n to Mot. to Recuse at 8.) Defendants also assert

² The Court notes that a motion to remand the case subsequent to removal was never filed and therefore, was not in front of Judge Thrash. However, based upon the Court's independent review of the removal issue, the Court finds that jurisdiction properly lies in the federal court, as removal of this case was proper pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.

that even if Judge Thrash had a personal interest in the matter, under the rule of necessity, he need not recuse himself if there is no other judge left to hear the case due to Plaintiff's most recent suit that names all the judges in the Northern District as defendants. (*Id.* at 9.)

In his reply to Defendant's brief, Plaintiff argues that the standard for recusal does not require extrajudicial bias. (Pl.'s Reply to Def.'s Opp'n at 7.) He also argues the rule of necessity does not apply in this case because there are other federal judges outside of the Northern District who could hear his case, or the case should be remanded back to Fulton County Superior Court. (Pl.'s Reply to Def.'s Opp'n at 13.)

Plaintiff also moves to strike portions of Defendant's brief discussing his litigation history claiming that they were prejudicial. The Court finds that Defendant's summary is supported by the record in these cases, and that the litigation history is relevant to an assessment of Plaintiff's claims as well as motion for recusal. "A district court may take judicial notice of public records within its files relating to the particular case before it or other related cases." *Cash Inn of Dade, Inc. v. Metropolitan Dade County*, 938 F.2d 1289, 1243 (11 Cir. 1991). Therefore, Plaintiff's Motion to Strike [Doc. 12] is **DENIED**.

B. Analysis

Section 455(a) of Title 28 of the United States Code requires recusal of a judge

"in any proceeding in which his impartiality might reasonably be questioned" or when "he has a personal bias or prejudice concerning a party."³ The standard under § 455(a) is "whether an objective, fully informed lay observer would entertain significant doubt about the judge's impartiality." *Thomas v. Tenneco Packaging Co., Inc.*, 293 F.3d 1306, 1329 (11th Cir. 2002). Generally, to warrant recusal, a "judge's bias must be personal and extrajudicial; it must derive from something other than which the judge learned by participating in the case." *McWhorter v. City of Birmingham*, 906 F.2d 674, 678 (11th Cir. 1990). Recusal may be based on judicial rulings only if the judge's remarks in a judicial context demonstrate "pervasive bias and prejudice" against a party. *Thomas*, 293 F.3d 1306, 1329. As the Supreme Court has held, "[J]udicial rulings alone almost never constitute a valid basis for a bias or partiality motion. In and of themselves, they cannot possibly show reliance upon an extrajudicial source; and can only in the rarest circumstances evidence the degree of favoritism or antagonism ... when no extrajudicial source is involved. Almost invariably, they are proper grounds for appeal, not for recusal." *Liteky v. United States*, 510 U.S. 540, 555 (1994) (citations omitted).

Plaintiff has failed to establish sufficient judicial grounds to recuse Judge Thrash.

First, while Plaintiff cites multiple disagreements with Judge Thrash's rulings, the

³ 28 U.S.C. § 455(b) sets forth other factors requiring recusal that are not at issue here, including situations where the judge previously served as a lawyer in the matter or has a financial interest in the matter.

great majority of these pertain to the legal procedure utilized by Judge Thrash or the outcome of his rulings. Plaintiff's complaints in essence are legal objections that may be pressed as grounds for appeal, not as grounds for recusal. *Liteky*, 510 U.S. at 555.

Second, Judge Thrash clearly entered his rulings based on the Court record properly before him. The Plaintiff's prior cases in this Court provide relevant context for his current lawsuit and claims. As the Supreme Court has noted, "[O]pinions formed by the judge on the basis of facts introduced or events occurring in the course of the current proceedings, or of prior proceedings, do not constitute a basis for a bias or partiality motion unless they display a deep-seated favoritism or antagonism that would make fair judgment impossible." *Liteky*, 510 U.S. at 555. (Emphasis added).

Plaintiff's affidavit and pleadings⁴ fail to demonstrate the "deep-seated favoritism or antagonism" required as a predicate to establishing that Judge Thrash was biased and incapable of fair judgment in this matter. One remark falls at the centerpiece of Plaintiff's asserted evidence of Judge Thrash's bias: the Judge's finding that Plaintiff's latest lawsuit was "the latest in a series of frivolous, malicious, and vexatious lawsuits filed by the Plaintiff." (Windsor's Aff. of Prejudice ¶ 75; Order of June 17, 2011, Doc. 25.) However, the Supreme Court has held "Judicial remarks during the course of a trial that are critical

⁴ The undersigned judge has authorized the Clerk's filing of all pleadings Plaintiff has presented relating to his motion for recusal so as to review all pertinent information Plaintiff may present in support of his motion.

or disapproving of, or even hostile to, counsel, the parties, or their cases, ordinarily do not support a bias or partiality challenge." *Litkey*, 510 U.S. at 555. Judge Thrash's finding, while adverse to Plaintiff, was clearly based on his review of Plaintiff's pleadings in this action as well as related court decisions in prior cases involving the Plaintiff. "The objective appearance of an adverse disposition attributable to information acquired in a prior trial is not an objective appearance of personal bias or prejudice, and hence not an objective appearance of improper partiality." *Litkey*, 510 U.S. at 1156 n. 2.

Third, the only assertion Plaintiff makes regarding alleged bias from an extrajudicial source is that the Judge, who is now a subject of Plaintiff's latest suit, "has demonstrated a bias against pro se parties and against anyone who would have the audacity to sue a federal judge." (Windsor's Aff. of Prejudice ¶ 58.) However, Plaintiff fails to cite to factual evidence that supports his bald allegation of bias against pro se parties. Conclusory allegations in the requisite affidavit for a motion for recusal will not be deemed to properly establish grounds for recusal. *Jones v. Pittsburgh Nat'l Corp.*, 899 F.2d 1350, 1356 (3rd Cir. 1990).

Fourth, the Plaintiff seeks recusal based on the purported bias of all judges of this Court, as he has by this date filed collateral lawsuits naming each judge, including Judge Thrash, as Defendants. The rule is well established that the filing of a collateral lawsuit against a judge clearly will not require recusal. *See Jones v. Pittsburgh Nat'l Corp.*, 899

F.2d 1350, 1355-56 (3d Cir. 1990); *United States v. Studley*, 783 F.2d 934, 940 (9th Cir. 1986) (holding a judge is not disqualified by a litigant's suit or threatened suit against him); *United States v. Grismore*, 564 F.2d 929, 933 (10th Cir. 1977) (holding a judge is not disqualified merely because a litigant sues or threatens to sue him); *United States v. Whitesel*, 543 F.2d 1176, 1181 (6th Cir. 1976) (finding judges named in suit did not need to recuse themselves because "we do not think that the United States courts are so fragile as to be subject to being put out of existence by a civil suit which names all sitting judges"). Therefore, Judge Thrash cannot be recused simply because Plaintiff has filed suit against him.

Moreover, in his latest suit, Plaintiff sues Judge Thrash along with all the judges in this District, including the undersigned. (*See Windsor V.*) The judicial doctrine of a "the rule of necessity" provides that even when a judge has a personal interest in the case, he need not recuse himself when there would be no judge left in the district to hear the case. *Bolin v. Story*, 225 F.3d 1234, 1238 (11th Cir. 2000); *Brinkley v. Hassig*, 83 F.2d 351, 357 (10th Cir.1936) ("From the very necessity of the case has grown the rule that disqualification will not be permitted to destroy the only tribunal with power in the premises."). *See also Pila v. American Bar Ass'n.*, 542 F.2d 56, 59 (8th Cir.1976) (stating that under rule of necessity, "where all are disqualified, none are disqualified") (citation omitted).

Plaintiff cites *Jefferson County v. Acker*, 92 F.3d 1561 (11th Cir. 1996) (rev'd on other grounds) to support his contention that all federal judges have not been disqualified as there are "thousands of federal judges in the U.S. to whom this civil action may be assigned." (Pl.'s Reply to Def.'s Opp'n. at 13, citing 92 F.3d 1561.) However, the court in *Jefferson County* decided that recusal was not warranted under the rule of necessity, despite the possible option of convening "an en banc court for this Circuit composed of non-disqualified judges exclusively drawn from other Circuits." 92 F.3d at 1583 n. 4. Furthermore, reviewing Plaintiff's litigation trail, it seems that each new complaint adds the name of the last judge who ruled against him. Following that logic, Plaintiff might likely file suit against any judge, regardless of his district, who ruled against Plaintiff. *See Davis v. Kvalheim*, 261 Fed. Appx. 231, 234 n.4 (11th Cir. 2008) (affirming the refusal of a district court judge named in a frivolous pro se complaint to recuse himself where it was clear that the Plaintiff would name, and thereby try to disqualify, any judge who ruled against him). Therefore, the rule of necessity provides further support for the Court's denial of Plaintiff's motion for recusal.

Plaintiff seeks to escape the "rule of necessity" by his request for an order directing Joel F. Dubina, Chief Judge of the 11th Circuit Court of Appeals, to certify this case to the Chief Justice of the United State Supreme Court for purpose of


assignment of a new judge pursuant to 28 U.S.C. § 292(d). The Court finds insufficient grounds to make such a request of Chief Judge Dubina and moreover, has no authority to direct Chief Judge Dubina to issue such a certification request to the Supreme Court. Accordingly, the Plaintiff's motion for certificate of necessity [Doc. 14] is **DENIED**. Plaintiff's corresponding request for a hearing on the motion is similarly **DENIED**.

For all of the foregoing reasons, the Court **DENIES** Plaintiff's motion to recuse [Doc. 4] Judge Thrash.

C. SUMMARY OF RULINGS

The Court **DENIES** Plaintiff's motion to recuse [Doc. 4]. For the same reasons, the court **DENIES** Plaintiff's motion for certificate of necessity [Doc. 14] and corresponding motion for a hearing filed July 1, 2011. The Court additionally **DENIES** Plaintiff's Motion to Strike [Doc. 12].

SO ORDERED, this 1st day of July, 2011.


AMY TOTENBERG
UNITED STATES DISTRICT JUDGE

Exhibit

25

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

THOMAS WOODROW THRASH, et
al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-2027-TWT

ORDER

This is a pro se civil action. It is before the Court on the United States' Motion for Protective Order [Doc. 6]. This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff. The Motion for Protective Order [Doc. 6] is GRANTED. All outstanding discovery in this matter is quashed and no responses to the discovery by any party or non-party are required. No discovery shall be served and the parties are not required to hold the conference pursuant to Federal Rules of Civil Procedure 26(f) pending further Order of this Court. No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the

amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court.

SO ORDERED, this 6th day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

26

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-678-1094 * Cell: 404-606-1885

June 24, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-2027-TWT

Dear Clerk:

Please file the enclosed immediately.

Notice of Filing & Response to the Defendants' Motion for a Protective Order and Motion to Strike
Notice of Filing & Motion to Vacate Notice of Removal
Notice of Filing & Emergency Motion for Temporary Restraining Order and Hearing
Notice of Filing & Motion for Protection from Duffey
Notice of Filing & Motion for Protection from Evans
Notice of Filing & Emergency Motion for Discovery
Notice of Filing & Motion to Require Sworn Verifications
Notice of Filing & Motion for CM/ECF Password
Notice of Filing & Motion to Approve Evidence
Notice of Filing & Motion to Order Defendants to be Present
Notice of Filing & Certificate of Interested Persons
Notice of Filing & Motion to Disqualify

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these are filed first thing today!

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1084 * Cell: 404-606-1885

June 27, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-2027-TWT

Dear Clerk:

Please file the enclosed immediately. Please file them in the following order:

1. Notice of Filing & Emergency Motion for Conference
2. Notice of Filing & Motion for Leave to Exceed Page Limits
3. Notice of Filing & Emergency Motion for Due Process Rights and Honest Court Docket
4. Notice of Filing & Motion for Hearing on Emergency Motion for Due Process Rights and Honest Court Docket
5. Notice of Filing & Motion for Valid Copies of Certificates of Authentication by the Clerk
6. Notice of Filing & Motion for Hearing on Motion for Valid Copies of Certificates of Authentication by the Clerk
7. Notice of Filing & Motion for Order from the Clerk Validating Accuracy of Dockets
8. Notice of Filing & Motion for Hearing on Motion for Order from the Clerk Validating Accuracy of Dockets
9. Notice of Filing & Motion for First Amendment Rights and Due Process Rights
10. Notice of Filing & Motion for Hearing on Motion for First Amendment Rights and Due Process Rights

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these are filed first thing today! Do not allow any electronic filings to be entered before these.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

June 29, 2011

Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-2027-TWT

Dear Clerk:

Please file the enclosed immediately. Please file them in the following order:

1. Notice of Filing & Motion for Hearing on Motion to Require Sworn Verifications
2. Notice of Filing & Motion for Hearing on Motion to Order All Defendants to be Present to testify at the Removal Hearing
3. Notice of Filing & Motion for Hearing on Motion to Disqualify
4. Notice of Filing & Motion for Hearing on Motion for Protection from Judge Evans
5. Notice of Filing & Motion for Hearing on Motion for Protection from Judge Duffey
6. Notice of Filing & Emergency Motion for Hearing on Emergency Motion to Conduct Discovery

You are a party, so NO FUNNY BUSINESS. I will check Pacer to be sure these are filed first thing today! Do not allow any electronic filings to be entered before these.

Sincerely,



William M. Windsor

William M. Windsor

PO Box 681236 * Marietta, GA 30068 * 770-578-1094 * Cell: 404-606-1885

July 1, 2011

Filing Clerk
Clerk of the Court
United States District Court Northern District of Georgia
75 Spring Street, SW, 22nd Floor
Atlanta, Georgia 30303-3361

Re: 1:11-CV-02027-TWT

Dear Clerk:

Please file the enclosed immediately:

Notice of Filing & William M. Windsor's Second Supplemental Affidavit of
Prejudice of Thomas Woodrow Thrash

NO FUNNY BUSINESS. I will be coming to the courthouse today. I will be
calling 911 when I arrive. I am asking a law enforcement officer to meet me at the
Clerk's Office, and I am asking that the person responsible for the crime of
obstruction of justice be arrested.

Sincerely,



William M. Windsor

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1923-TWT

ORDER

This is a pro se civil action against the Clerk of this Court and various Judges of this Court and the Eleventh Circuit Court of Appeals and others. It is before the Court on the Defendant United States' Motion for Modification of Protective Order [Doc. 40]. A hearing on this matter is scheduled for Friday July 15, 2011 at 2:00 P.M.

In a letter to the Court dated July 11, 2011, the Plaintiff has expressed his intent to bring a "truckload" of documents to the hearing. The Court notes that in a related case where the Plaintiff's appeal was dismissed as frivolous, the Court of Appeals described the Plaintiff's abuse of the judicial system as follows:

[The Plaintiff's] litigious behavior [has] undermined the integrity of the judgments and orders in this case. Although the case is closed, Windsor has repeatedly filed unsubstantiated, duplicative pleadings, many after

the district court issued an order denying them. Moreover, his pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice.

In light of the Plaintiff's past conduct and expressed intent in this instance, the following limitations upon the parties will be enforced: (1) The Plaintiff and all others acting in concert with him will be allowed to bring no more than 100 pages of paper into the courthouse for purposes of the hearing. Those items already filed in the case are a matter of record. The Marshal's Service will enforce this limitation at the doors to the courthouse. (2) The Plaintiff and the Defendants will each have 20 minutes for argument on the motion. (3) No witnesses will be called by either side.

SO ORDERED, this 12 day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

28

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1923-TWT

ORDER

This is a pro se civil action against the Clerk of this Court and various Judges of this Court and the Eleventh Circuit Court of Appeals and others. The Court notes that in a related case where the Plaintiff's appeal was dismissed as frivolous, the Court of Appeals described the Plaintiff's abuse of the judicial system as follows:

[The Plaintiff's] litigious behavior [has] undermined the integrity of the judgments and orders in this case. Although the case is closed, Windsor has repeatedly filed unsubstantiated, duplicative pleadings, many after the district court issued an order denying them. Moreover, his pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice.

After review, permission to file the papers received by the Clerk from the Plaintiff on July 11, 2011 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous.

T:\ORDERS\11\Windsor\11cv1923\filings2.wpd

SO ORDERED, this 12th day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

29

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JUDGE WILLIAM S. DUFFEY, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-1922-TWT

ORDER

This is a pro se civil action against the Clerk of this Court and various Judges of this Court and the Eleventh Circuit Court of Appeals and others. The Court notes that in a related case where the Plaintiff's appeal was dismissed as frivolous, the Court of Appeals described the Plaintiff's abuse of the judicial system as follows:

[The Plaintiff's] litigious behavior [has] undermined the integrity of the judgments and orders in this case. Although the case is closed, Windsor has repeatedly filed unsubstantiated, duplicative pleadings, many after the district court issued an order denying them. Moreover, his pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice.

After review, permission to file the papers received by the Clerk from the Plaintiff on July 11, 2011 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous.

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SO ORDERED, this 12th day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

30

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

THOMAS WOODROW THRASH, et
al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-2027-TWT

ORDER

This is a pro se civil action against the Clerk of this Court and various Judges of this Court and the Eleventh Circuit Court of Appeals and others. The Court notes that in a related case where the Plaintiff's appeal was dismissed as frivolous, the Court of Appeals described the Plaintiff's abuse of the judicial system as follows:

[The Plaintiff's] litigious behavior [has] undermined the integrity of the judgments and orders in this case. Although the case is closed, Windsor has repeatedly filed unsubstantiated, duplicative pleadings, many after the district court issued an order denying them. Moreover, his pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice.

After review, permission to file the papers received by the Clerk from the Plaintiff on July 11, 2011 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous.

SO ORDERED, this 12th day of July, 2011.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

Exhibit

31

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

WILLIAM M. WINDSOR,
Plaintiff

v.

JUDGE WILLIAM S. DUFFEY, et al,
Defendants.

CIVIL ACTION NO.

1:11-CV-01922-TWT

MOTION FOR REMAND

William M. Windsor ("Windsor" or "Plaintiff") hereby files this MOTION FOR REMAND pursuant to 28 U.S.C. § 1447(c) and moves for an emergency hearing. The Plaintiff seeks this relief on several procedural and substantive grounds. Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. On June 19, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County seeking a declaratory judgment pursuant to O.C.G.A. § 9-4-2, et seq. The Civil Action was assigned No. 2011CV200857.
2. There are no claims involving federal statutes in the Verified Complaint. The complaint does not allege claims for acts done within the scope of official duties. The complaint merely seeks a declaration of Georgia law.
3. Plaintiff and six Defendants are citizens of the State of Georgia.

4. Only four of the eight Defendants have been served with the Summons and Verified Complaint.

5. On June 13, 2011, the U.S. Attorney filed a NOTICE OF REMOVAL that alleges to seek to remove Civil Action 2011CV200857 from Fulton County Georgia Superior Court to the United States District Court. The NOTICE OF REMOVAL mentions six (6) Defendants in the opening paragraph, but the NOTICE OF REMOVAL identifies no Defendants in the signature block, and there are no affidavits from any of the Defendants. (A true and correct copy of the NOTICE OF REMOVAL is attached as Exhibit 1 and is referenced and incorporated herein.) There are no affidavits from any of the Defendants.

6. This so-called NOTICE OF REMOVAL is based on 28 U.S.C. § 1442(a)(1) and (3). See NOTICE OF REMOVAL ¶5.

7. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL in the United States District Court.

8. On June 22, 2011, Windsor filed this Motion to Vacate Notice of Removal in Fulton County Superior Court.

9. On July 5, 2011, Windsor filed this Motion for Remand.

I. **THE NOTICE OF REMOVAL WAS FILED FOR IMPROPER PURPOSES, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

10. The NOTICE OF REMOVAL was filed so the Defendants could evade exposure as criminals. By filing the NOTICE OF REMOVAL, Defendants have been able to utilize their racketeering enterprise to shield themselves from an honest judge and jury in the Fulton County Superior Court.

11. The judge to whom this matter was assigned, Thomas Woodrow Thrash has violated Windsor's Constitutional rights up one side and down the other. Details of Mr. Thrash's wrongdoing is provided in PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY MOTION TO RECUSE JUDGE THOMAS WOODROW THRASH filed in 1:11-CV-01922-TWT, incorporated herein as if attached hereto. (Docket #31.)

**II. THE NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

12. The NOTICE OF REMOVAL has multiple procedural defects that make it void on its face. Technical, procedural requirements were not met.

13. Judges Mr. Dubina and Ms. Kravitch have so ruled: (*Russell Corp. v. American Home Assur. Co.*, 264 F.3d 1040, 1044 (11th Cir. 2001).)

14. Judge Mr. Duffey has so ruled: (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007).)

The removing defendants carry the burden to demonstrate that the removal was effected properly, and "this burden is a heavy one." (*Lampkin v. Media General, Inc.*, 302 F. Supp.2d 1293, 1294 (M.D.Ala. 2004). (*Henry County*

School Dist. v. Action Development, Inc., No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.) (See also *Laughlin v. Prudential Ins. Co.*, 882 F.2d. 187 (5th Cir. 1989).)

15. Removal statutes are strictly construed in favor of state court jurisdiction. Judge Mr. Duffey has so ruled:

(*Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941).
(*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.)

16. There is a presumption against removal jurisdiction, and this Court must strictly construe the removal statute. (*Fajen v. Foundation Reserve Ins. Co.*, 683 F.2d 331, 333 (10th Cir.1982).)

17. The NOTICE OF REMOVAL fails on all accounts, so this MOTION FOR REMAND must be granted.

18. **DEFECT #1 -- THE REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE, SO THIS MOTION FOR REMAND MUST BE GRANTED**

19. None of the Defendants have made an appearance. None of the Defendants have filed a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT as required by N.D.Ga Local Rule 3.3 and FRCP 7.1, which was due to be filed with the Clerk "at the time of first appearance." This is a violation of the rules that is a procedural defect. This is

proven by a true and correct copy of the Docket attached as Exhibit 2. There is no proof that the U.S. Attorney has authority to appear for Defendants.

20. The Attorney General for the State of Georgia has a vested interest in this Declaratory Judgment Action and was served with the Verified Complaint in compliance with O.C.G.A. § 9-4-7 (CGA 110-1106). Windsor has afforded the Attorney General the opportunity to be heard and has sought an Answer from the Attorney General whether the Attorney General elects to participate as a party. The Attorney General is not mentioned in the NOTICE OF REMOVAL, and the U.S. Attorneys do not represent the Georgia Attorney General.

21. **DEFECT #2 -- THE ACTION IS NOT YET PENDING IN FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

22. The removal statute requires service prior to removal in the state of Georgia. The removal statute requires that an action must be "pending" in a state court before it may be removed. See 28 U.S.C. § 1442(a) (noting that civil action may be removed to the district court "embracing the place wherein it is **pending**").

23. Under Georgia law, filing a suit "is still not the commencement of suit unless followed by service within a reasonable time." (*McClendon v. Hernando Phosphate Co.*, 28 S.E. 152, 153 (Ga. 1897); *Franek v. Ray*, 236

S.E.2d 629, 632 (Ga. 1977).) Thus, under Georgia law, "an action is not a 'pending' suit until after service of process is perfected." (*Steve A. Martin Agency, Inc. v. PlantersFIRST Corp.*, 678 S.E.2d 186, 188 (Ga. Ct. App. 2009); see also *Jenkins v. Crea*, 656 S.E.2d 849, 850 (Ga. Ct. App. 2008).)

24. Judge Joel F. Dubina, John Ley, Maid of the Mist Corporation, and Maid of the Mist Steamboat Company Limited have not been served with process. Since the Civil Action is not yet "pending" in Fulton County Georgia Superior Court, the text of the removal statute prevents removal prior to service on Judge Joel F. Dubina, John Ley, Maid of the Mist Corporation, and Maid of the Mist Steamboat Company Limited. (28 U.S.C. § 1446(b).)

25. **DEFECT #3 – THE DEFENDANTS DID NOT SIGN OR AUTHORIZE THE NOTICE OF REMOVAL, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

26. The Notice of Removal was not authorized by the Defendants. None of the Defendants signed a consent or otherwise approved the removal. None of the Defendants are identified in the signature block on the NOTICE OF REMOVAL, so the Petition has not been filed on behalf of any of the Defendants.

(See 14C Charles Alan Wright, Arthur R. Miller, and Edward H. Cooper, *Federal Practice and Procedure* § 3730 (4th ed. 2009).)

27. Judge Mr. Johnson has so ruled: *Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).

(See also *Bank of America National Association v. Derisme*, No. 3:10cv900 (D. Conn. 08/13/2010); *Helm v. Drennan*, No. 07-CV-0344-CVE-SAJ (N.D.Ok. 07/25/2007); *Sovereign Bank v. Park Development West, LLC*, No. 06-2603 (E.D.Pa. 08/17/2006); *Williams v. City of Beverly Hills, Missouri*, No. 4:07-CV-661 CAS (E.D.Mo. 09/24/2007); *Evanston Insurance Co. v. O'Conner*, No. 06-4687 (D.N.J. 03/20/2007); *Day Imaging, Inc. v. Color Labs Enterprises, L.L.C.*, No. 09-cv-02123-DME-MEH (D.Colo. 12/11/2009).)

28. **DEFECT #4 – THE REMOVAL IS DEFECTIVE FOR FAILURE TO COMPLY WITH THE RULE OF UNANIMITY.**

29. 28 U.S.C. § 1446(a) states that "defendants desiring to remove any civil action . . . shall file in the district court of the United States . . . a notice of removal." All Defendants have not filed the NOTICE. At best, only one has.

28 U.S.C. § 1446 requires the unanimous consent of *all* defendants to the removal. (*Russell Corp. v. American Home Assurance Co.*, 264 F.3d 1040 (11th Cir. 09/06/2001); *Loftis v. U.S. Parcel Serv., Inc.*, 342 F.3d 509, 516 (6th Cir. 2003); *Maguire v. Genesee County Sheriff*, 601 F.Supp.2d 882 (E.D.Mich. 02/17/2009).)

30. The NOTICE OF REMOVAL fails to claim the consent of ANY Defendant; it clearly fails to explain the absence of consent to the removal by at least 55 of the Defendants. It is defective for violating the rule of unanimity. Since 98.2% of the Defendants did not join in the notice of removal and the NOTICE OF

REMOVAL failed to account for the lack of their consent, the NOTICE is procedurally defective and this MOTION FOR REMAND must be granted.

31. Judges Mr. Johnson, Mr. Duffey Mr. Edmondson, Mr. Cox, and Mr. Ed Carnes have ordered that unanimity is required. Judge Ms. Totenberg so ordered on April 27, 2011:

Russell Corp. v. Am. Home Assur. Co., 264 F.3d 1040, 1044 (11th Cir. 2001). (*Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).) (*Thalacker v. Concessions International, LLC*, No. 1:06-cv-2685-WSD (N.D.Ga. 02/14/2007).) (*In re Ocean Marine Mut. Protection and Indem. Ass'n, Ltd.*, 3 F.3d 353, 355-56 (11th Cir.1993).) (*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

32. **DEFECT #5 -- THE NOTICE OF REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT OF A PLAIN STATEMENT OF THE GROUNDS FOR REMOVAL.**

33. The NOTICE OF REMOVAL has no plain statement of grounds.

34. Judge Ms. Totenberg ordered in April 2011 that a plain statement of the grounds is required:

A defendant or defendants ... shall file in the district court of the United States for the district and division within which such action is pending a notice of removal ... containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action. (*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

35. Judges Mr. Tjoflat, Mr. Marcus, and Ms. Barkett have so ordered: *Lowery v. Alabama Power Co.*, 483 F.3d 1184 (11th Cir. 04/11/2007). Judges Ms. Black, Ms. Hull, and Ms. Kravitch have so ordered: *Roe v. Michelin North America, Inc.*, 613 F.3d 1058 (11th Cir. 08/05/2010). Judges Mr. Edmondson, Mr. Ed Carnes, and Mr. Pryor have so ordered: *Pertka v. Kolter City Plaza II, Inc.*, 608 F.3d 744 (11th Cir. 06/08/2010). Judge Mr. Tjoflat and Mr. Ed Carnes have so ordered: *Cook v. Randolph County, Georgia*, 573 F.3d 1143 (11th Cir. 07/07/2009). Judges Mr. Edmondson and Mr. Wilson have so ordered: *Bautista v. Star Cruises*, 396 F.3d 1289 (11th Cir. 01/18/2005). Judges Mr. Tjoflat and Mr. Anderson have so ordered: *Hernandez v. Seminole County*, 334 F.3d 1233 (11th Cir. 06/24/2003). Judge Mr. Tjoflat has so ordered: *Bradway v. American*, 965 F.2d 991 (11th Cir. 07/07/1992).

36. **DEFECT #6 -- THE NOTICE OF REMOVAL FAILED TO COMPLY WITH THE MANDATORY PROCEDURE TO INCLUDE WITH THE NOTICE OF REMOVAL THE SUMMONS ISSUED BY THE COURT ON ALL DEFENDANTS AND OTHER DOCUMENTS SERVED ON DEFENDANTS CONTAINED IN THE STATE COURT RECORD.**

37. This is a fatal, non-amendable defect that mandates remand. 28 U.S.C. 1446 (a) requires:

"A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together a copy of all process, pleadings, and orders served upon such defendant or defendants in such [action]." **[emphasis added.]**

38. The NOTICE OF REMOVAL fails to include a copy of any summons served on any Defendant. Judge Ms. Totenberg ruled on April 27, 2011 that failure to file copies of all Summons and process is a defect:

...the failure to attach the summons served on all Defendants does not comply with the requirements of 28 U.S.C. § 1446(a). (William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011) – Defendant (Judge) Totenberg.)

"[Section] 1447(c) implicitly recognizes two bases upon which a district court may -- and in one case must -- order a remand: when there is: (1) a lack of subject matter jurisdiction or (2) a defect other than a lack of subject matter jurisdiction." *Snapper, Inc. v. Redan*, 171 F.3d 1249, 1252-1253 (11th Cir.1999). The "defect" noted in Section 1447(c) refers to the failure to follow statutory removal procedures, typically a lack of compliance with either the filing requirements set forth in Section 1446(a).... Id. This Court has found no authority ... that multiple defendants can rely on a single defendant's compliance with 28 U.S.C. § 1446(a). The statute states that "[a] defendant or defendants ... shall file ... a copy of all process, pleadings, and orders served upon such defendant or defendants ..." (William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

III. THE PRINCIPLE OF COMITY AND THE LONG-STANDING PUBLIC POLICY AGAINST FEDERAL COURT INTERFERENCE WITH

**STATE COURT PROCEEDINGS SHOULD PREVAIL AND THIS
MOTION FOR REMAND MUST BE GRANTED.**

39. The federal court should abstain for the sake of non-interference with state court proceedings. The jurisdictional laws of Georgia permit individuals to sue in Georgia courts for violations of any rights secured by the Constitution and laws of Georgia. Prohibition of and interference with the State of Georgia in carrying out the important and necessary task of enforcing its own laws against socially harmful conduct that the State believes in good faith to be punishable under its own laws and Constitution would result in a chilling effect on all Georgia citizens' right to the availability of relief under the Constitution and laws of Georgia. The Constitution and laws of Georgia provide for a plain, speedy, and efficient remedy to violations of its laws, therefore the federal court should abstain from this action under the "abstention doctrine." Judge Mr. Story has ruled:

"...where plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand."). Sound reasons exist for so limiting the exercise of removal jurisdiction. For one, the removal of cases to federal courts implicates principles of federalism. As the Supreme Court has explained: The power reserved to the states under the Constitution to provide for the determination of controversies in their courts, may be restricted only by the action of Congress in conformity to the Judiciary Articles of the Constitution. "Due regard for the rightful independence of state governments, which should actuate federal courts, requires that they scrupulously confine their own jurisdiction to the precise limits which the statute has defined." *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 109, 61 S.Ct. 868, 85 L.Ed. 1214 (1941) (quoting *Healy v. Ratta*, 292 U.S. 263, 270, 54 S.Ct. 700, 78 L.Ed. 1248 (1934)). (See also *Crowe v. Coleman*,

113 F.3d 1536, 1538 (11th Cir. 1997) (internal quotations omitted). (*Poll v. Deli Management, Inc.*, No. 1:07-CV-0959-RWS (N.D.Ga. 08/24/2007).)

**IV. THE DEFENDANTS HAVE FAILED TO PROVE
THE EXISTENCE OF FEDERAL JURISDICTION,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

40. The Defendants have the burden of proving the existence of federal jurisdiction, and they have failed to do so. Mr. Huber's NOTICE OF REMOVAL does not even include the word "jurisdiction."

Removal jurisdiction merely refers to the right of a defendant to move a lawsuit filed in state court to the federal district court for the federal judicial district in which the state court sits. (*Wikipedia.*)

41. Mr. Huber's NOTICE OF REMOVAL mentions **removal** "pursuant to 28 U.S.C. §1442(a)(1),(3)," but that's it. Nothing is proven or argued or anything.

42. The sole issue in this matter is a declaration of the meaning and terms of Georgia state law O.C.G.A. § 10-6-5. The legislative intent and purpose of the Georgia Declaratory Judgment Act is to settle and relieve against uncertainty and insecurity with respect to rights, status, and legal interpretation. O.C.G.A. § 9-4-1 (CGA § 110-1111). Pursuant to O.C.G.A. § 9-4-2(b) (GCA § 110-1101) the Georgia Superior Courts are charged with the responsibility to "determine and settle by declaration any justiciable controversy of a civil nature where it appears

to the court that the ends of justice require that such should be made for the guidance and protection of the petitioner, and when such a declaration will relieve the petitioner from uncertainty and insecurity with respect to his rights, status, and legal relations." Only the Georgia Superior Courts have the authority for a declaratory judgment action regarding Georgia statutes.

43. The NOTICE OF REMOVAL fails to address subject matter jurisdiction at all, so the MOTION TO REMAND must be granted.

"...even though an action is eligible for removal pursuant to 28 U.S.C. §1442(a)(1), it is still subject to dismissal for lack of subject matter jurisdiction. See Rankin v. I.R.S., No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001) (noting that "[t]he issue of whether the court has subject matter jurisdiction and the issue of whether there is removal jurisdiction, however, involve separate considerations.") (Morse v. United States, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).) [emphasis added.]

44. Judges Mr. Tjoflat and Ms. Black have ruled that defendants have the burden of proving the existence of federal jurisdiction, as have Judges Mr. O'Kelley, and Mr. Story:

(Tapscott v. MS Dealer Service Corp., 77 F.3d 1353, 1356 (11th Cir. 1996).) (Standridge v. Wal-Mart Stores, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).) (Wells Fargo Bank NA v. Narh, No. 1:06-CV-0580-RWS (N.D.Ga. 05/09/2006).)

45. So ordered Judge Mr. Thrash on April 22, 2011 as in 2007:

(Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).) (AR

Motorsports, Inc. v. City of Lawrenceville, Georgia, No. 1:07-CV-847-TWT (N.D.Ga. 08/07/2007).)

V. **THE NOTICE OF REMOVAL FAILED TO ASSERT GROUNDS FOR SUBJECT MATTER JURISDICTION AND FAILED TO RAISE A DEFENSE, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

46. There are no grounds even asserted for subject matter jurisdiction.

This was an obligation that the NOTICE OF REMOVAL failed to address, so this MOTION FOR REMAND must be granted.

(See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001); *Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).)

47. **Subject-matter jurisdiction** is the authority of a court to hear cases of a particular type or cases relating to a specific subject matter. By far the most important two categories of federal subject-matter jurisdiction in non-criminal cases are federal question jurisdiction and diversity jurisdiction. (Wikipedia.)

48. Judge Mr. Forrester has ruled that failure to assert grounds for subject matter jurisdiction and failure to raise a defense require that the case be remanded:

When considering such a motion, a court should examine closely the grounds asserted for its subject matter jurisdiction. "As a congressionally imposed infringement upon a state's power to determine controversies in their [sic] courts, removal statutes must be strictly construed." *Cowart Ironworks, Inc. v. Phillips Construction Co.*, 507 F. Supp. 740, 743 (S.D. Ga. 1981). "Where the basis for jurisdiction is doubtful, the court should resolve such doubt in favor of remand." *Id.*; *Clyde v. National Data Corp.*, 609 F. Supp.

216 (N.D. Ga. 1985). (*Hall v. Travelers Ins. Cos.*, 691 F. Supp. 1406 (N.D.Ga. 04/29/1988).)

49. Federal officers must raise a federal defense before removing to federal court, and the NOTICE OF REMOVAL failed to do so. Judges Mr. Edmondson, Mr. Tjoflat, Mr. Anderson, Ms. Black, Mr. Ed Carnes, Ms. Barkett, Mr. Marcus, and Mr. Wilson have all so ordered:

(*Bellsouth Telecommunications, Inc. v. MCI Metro Access Transmission*, 317 F.3d 1269, 317 F.3d 1270 (11th Cir. 01/10/2003).)

An unbroken line of Supreme Court decisions extending back nearly a century and a quarter have understood all the various incarnations of the federal officer removal statute to require the averment of a federal defense. (*Mesa et al. v. California*, 109 S. Ct. 959, 489 U.S. 121 (U.S. 02/21/1989).)

50. The U.S. district courts may hear only cases arising under federal law and treaties, cases involving ambassadors, admiralty cases, controversies between states or between a state and citizens of another state, lawsuits involving citizens of different states, and against foreign states and citizens. Judge Mr. Story ruled:

No federal question is present on the face of Plaintiff's Complaint, and the requirements for diversity jurisdiction are not satisfied. The Court therefore concludes that it lacks subject matter jurisdiction and that this action is frivolous. (*HSBC Mortgage Services, Inc. v. Williams*, No. 1:07-CV-2863-RWS (N.D.Ga. 12/10/2007).)

51. This case does not arise under federal law or treaties. It does not involve an ambassador. It is not an admiralty case. It is not a controversy between states. It is not a controversy between a state and citizens of another state. All

parties are from Georgia, as admitted on the New Case Filing Form included as part of the Notice of Removal. It is not a case against foreign states and citizens.

52. According to Judge Mr. Duffey, federal courts are courts of limited jurisdiction:

Federal courts are courts of limited jurisdiction, and thus a federal court must take care to ensure that it has jurisdiction for all cases that come before it. (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See Judge Mr. Duffey's ruling also in *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006) and *Stegeman v. Wachovia Bank, National Association*, No. 1:06-cv-0247-WSD (N.D.Ga. 04/04/2006).)

53. This Court does not have original jurisdiction. So says Judge Mr. Story:

A defendant may only remove an action from state court if the federal court would possess original jurisdiction over the subject matter. 28 U.S.C. § 1441(a). *Williams v. Best Buy Co.*, 269 F.3d 1316, 1319 (11th Cir.2001). 28 U.S.C. § 1447(c). (*Kofi Boateng v. Morrison Management Specialists, Inc.*, No. 1:11-CV-00142-RWS (N.D.Ga. 06/13/2011).)

54. This Court lacks subject matter jurisdiction. Lack of subject matter jurisdiction requires remand to the state court. (28 U.S.C. § 1447(c), FRCP 12(h)(3); *Standridge v. Wal-Mart*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

55. The U.S. District Court lacks federal-question jurisdiction because there is no dispute as to the validity, construction or effect of a federal statute with a cause of action "arising under" the laws of the United States. So says Judge Mr.

Baverman in *Wells Fargo Bank v. Cyrus*, No. 1:10-CV-02064-RLV-AJB (N.D.Ga. 07/15/2010).

56. No federal statute has been included in the causes of action. To meet the requirement of a case "arising under" federal law, the federal question must appear on the face of the plaintiff's complaint. There is no federal question presented on the face of the Verified Complaint. Windsor intends this Action to be solely based on Georgia law.

Federal courts use the "well-pleaded complaint" rule to determine "arising under" jurisdiction. *Long*, 201 F.3d at 758. That rule provides that "'federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint.'" *Id.* (quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). *The Fair v. Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

57. Judge Mr. Duffey has regularly ruled that when a Plaintiff has relied exclusively on state law, remand is required:

"...a suit arises under the Constitution and laws of the United States only when the plaintiff's statement of his own cause of action shows that it is based upon those laws or that Constitution. ... In this case, it is clear that Plaintiff relies exclusively on state law, and thus the well-pleaded complaint rule is not satisfied. Because Defendant fails to demonstrate that the Court has subject matter jurisdiction over this case, the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c). (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).)

"In this case, it is clear that Plaintiff relies exclusively on state law, and thus the well-pleaded complaint rule is not satisfied. ...the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c)." (*Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006).)

"Because Ms. Davis fails to demonstrate that the Court has subject matter jurisdiction over this case, the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c)." (*PHH Mortgage Corp. v. Diamond*, No. 1:06-cv-0673-WSD (N.D.Ga. 03/29/2006).)

See also *Chase Home Finance, LLC v. Mungaro*, No. 1:05-cv-3082-WSD (N.D.Ga. 12/08/2005). (See also *State v. Serries*, No. 1:10-cv-01564 -WSD (N.D.Ga. 07/16/2010); *Cunningham v. HSBC Mortgage Services*, No. 1:07-cv-1346-WSD (N.D.Ga. 06/20/2007); *Chase Manhattan Mortgage Corp. v. Gresham*, No. 1:05-cv-1944-WSD (N.D.Ga. 11/17/2005).)

58. Judge Mr. Thrash said on April 22, 2011 that a Georgia law issue is not a matter of federal law:

In *Grable & Sons Metal Products, Inc. v. Darue Engineering and Manufacturing*, 545 U.S. 308 (2005), the Supreme Court held that a state-law claim gives rise to federal jurisdiction when it "necessarily raise[s] a . . . disputed and substantial" federal issue. *Id.* at 314. The Eleventh Circuit applied Grable's substantiality test in *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290 (11th Cir. 2008). *Austin v. Ameriquest Mortgage Co.*, 510 F. Supp. 2d 1218, 1226-27 (N.D. Ga. 2007). (*Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al*, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).)

59. The U.S. District Court lacks diversity jurisdiction because the Plaintiff and Defendants are all citizens of Georgia. The amount in controversy well exceeds the minimum amount, but this is irrelevant as there is not diversity between the parties.

VI. **THIS COURT IS REQUIRED TO RESOLVE ALL DOUBTS ABOUT
FEDERAL JURISDICTION IN FAVOR OF REMAND,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

60. This Court is required to resolve all doubts about federal jurisdiction in favor of remand. *Id.* ("where plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand") (citing *Boyer v. Snap-on Tools Corp.*, 913 F.2d 108 (3rd Cir. 1990), cert. denied, 498 U.S. 1085, 111 S. Ct. 959, 112 L. Ed. 2d 1046 (1991); *Coker v. Amoco Oil Co.*, 709 F.2d 1433 (11th Cir. 1983); *STANDRIDGE v. WAL-MART STORES*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

61. Judge Mr. Thrash has so ruled:

(*Saye v. Unumprovident Corp.*, No. 1:07-CV-31-TWT (N.D.Ga. 08/09/2007).)

62. The Defendants have waived any grounds for removal not included in their initial notice. So says Judge Mr. Thrash:

The initial notice of removal must include all grounds for removal or they are waived. 28 U.S.C. § 1446(c)(2). (*ING USA Annuity and Life Insurance Co. v. J.P. Morgan Securities, Inc.*, No. 1:08-CV-1748-TWT (N.D.Ga. 09/30/2008).)

**VII. THE REMOVAL IS DEFECTIVE PURSUANT TO
28 U.S.C § 1442 (a)(1) BECAUSE FEDERAL OFFICERS
HAVE NOT RAISED A FEDERAL DEFENSE,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

63. The U.S. Attorney erroneously cites 28 U.S.C. § 1442(a)(1) as a basis for the removal.

28 U.S.C. § 1442(a)(1) provides that "a civil action ... commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress...."

64. 28 U.S.C. § 1442(a)(1) does not apply because the Verified Complaint is not about suing "in an official or individual capacity for any act under color of such office or... under any Act of Congress...." (See *Mesa v. California*, 489 U.S. 121, 109 S. Ct. 959, 103 L. Ed. 2d 99 (1989).)

65. Maid of the Mist Corporation and Maid of the Mist Steamboat Company Limited are not federal officers, so they have no right to raise a federal defense. The Georgia Attorney General is not a federal officer and has no right to raise a federal defense.

66. None of the other Defendants have raised any defense whatsoever to the Civil Action. The ONLY statement made by the U.S. Attorney in the NOTICE OF REMOVAL is: "This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1), (3)."

67. There is no citation of case law to support such a claim. 28 U.S.C. § 1442(a)(1) and (3) have nothing to do with defenses to a declaratory judgment action, so no defense has been raised.

The purpose of section 1442(a)(1) is to "permit[] the removal of those actions commenced in state court that expose a federal official to potential civil liability or criminal penalty for an act performed ... under color of office." *Murray v. Murray*, 621 F.2d 103, 107 (5th Cir.1980). *Willingham*, 395 U.S. at 405, 89 S. Ct. at 1815.

68. The U.S. Attorney has failed to meet the Supreme Court's stated requirements for removal pursuant to 28 U.S.C. § 1442(a)(1) that are binding precedents recognized by the Eleventh Circuit.

Proper removal of an action under section 1442(a)(1) has historically required the satisfaction of two separate requirements. **First, the defendant must advance a "colorable defense arising out of [his] duty to enforce federal law."** *Mesa v. California*, 489 U.S. 121, 133, 109 S. Ct. 959, 966-67, 103 L. Ed. 2d 99 (1989) ...absent the assertion of a federal defense, a state court action against a federal officer is not removable. *Id.* **[emphasis added.]**

Second, the defendant must establish that there is a "causal connection between what the officer has done under asserted official authority" and the action against him. *Maryland v. Soper*, 270 U.S. 9, 33, 46 S. Ct. 185, 190, 70 L. Ed. 449 (1926) (interpreting predecessor statute); see also *Willingham*, 395 U.S. at 409, 89 S. Ct. at 1817. (*Magnin v. Teledyne Continental Motors*, 91 F.3d 1424 (11th Cir. 08/15/1996).) **[emphasis added.]**

69. This Civil Action is a declaratory judgment action about Georgia state law. So, it is impossible for a Defendant to raise a colorable defense as the

Defendants have nothing to defend. There can be no causal connection because this is merely a declaratory judgment action.

70. This Court's exercise of federal-question jurisdiction over this state-law claim would be inappropriate because there is no dispute as to any federal statute.

"A removing defendant bears the burden of proving proper federal jurisdiction." *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294 (11th Cir. 2008)

71. In this matter, NO federal issue exists. There is no disputed question of federal law.

Grable, 545 U.S. at 313 (quoting *Shulthis v. McDougal*, 225 U.S. 561, 569 (1912)). (See also *Fed. Trade Comm'n v. Tashman*, 318 F.3d 1273, 1279 (11th Cir. 2003) (Vinson, J., dissenting).)

72. This Civil Action does not seek to hold an officer of the United States in violation of state law while simultaneously executing his duties as prescribed by federal law.

VIII. THE REMOVAL IS DEFECTIVE PURSUANT TO
28 U.S.C § 1442 (a)(3) BECAUSE FEDERAL OFFICERS HAVE NOT
RAISED A FEDERAL DEFENSE,
SO THE NOTICE OF REMOVAL MUST BE VACATED.

73. The U.S. Attorney also erroneously cited 28 U.S.C. § 1442(a)(3) as a basis for the removal.

28 U.S.C. § 1442(a)(3) provides that “a civil action or criminal prosecution commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: Any officer of the courts of the United States, for any act under color of office or in the performance of his duties;”

74. 28 U.S.C. § 1442(a)(3) does not apply because the Verified Complaint is not about “any act under color of office or in the performance of [anyone’s] duties.”

75. The federal interest in this matter is insubstantial, and the exercise of federal-question jurisdiction would disrupt the Congressionally-approved balance of federal and state judicial responsibilities.

“[F]ederal jurisdiction demands not only a contested federal issue, but a substantial one, indicating a serious federal interest in claiming the advantages thought to be inherent in a federal forum.” *Grable*, 545 U.S. at 313.

76. The U.S. District Court’s exercise of federal-question jurisdiction over this state-law claim would be inappropriate because there is no dispute as to any federal statute.

“A removing defendant bears the burden of proving proper federal jurisdiction.” *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294 (11th Cir. 2008) (quoting *Leonard v. Enter. Rent a Car*, 279 F.3d 967, 972 (11th Cir. 2002)).

77. In this matter, NO federal issue exists. There is no disputed question of federal law. The meaning of a Georgia state statute is the only legal and factual issue contested.

Federal-question jurisdiction over state-law claims is confined to those claims that "really and substantially involv[e] a dispute or controversy respecting the validity, construction or effect of [federal] law." *Grable*, 545 U.S. at 313 (quoting *Shulthis v. McDougal*, 225 U.S. 561, 569 (1912)). (See also *Fed. Trade Comm'n v. Tashman*, 318 F.3d 1273, 1279 (11th Cir. 2003) (Vinson, J., dissenting).)

78. There is no legal authority to permit a Federal court to claim jurisdiction over a state declaratory judgment action. This Civil Action does not seek to hold an officer of the United States in violation of state law while simultaneously executing his duties as prescribed by federal law.

The removal statute is strictly construed against removal jurisdiction and doubt is resolved in favor of remand. *Libhart v. Santa Monica Dairy Co.*, 592 F.2d 1062, 1064 (9th Cir. 1979); *Prize Frize Inc. v. Matrix Inc.*, 167 F.3d 1261, 1265 (9th Cir. 1999).

79. This Court must confirm that jurisdiction must remain with the Superior Court of Fulton County, Georgia.

28 U.S.C. § 1446 (c)(4) provides: The United States district court in which such notice is filed shall examine the notice promptly. If it clearly appears on the face of the notice and any exhibits annexed thereto that removal should not be permitted, the court shall make an order for summary remand.

IX. THE POSITION OF THE U.S. ATTORNEYS IN THE NOTICE OF REMOVAL IS SUBJECT TO LITIGATION, AND IF THIS COURT DOES

NOT DENY REMOVAL FOR THE REASONS SPECIFIED ABOVE.
WINDSOR DEMANDS DISCOVERY AND AN EVIDENTIARY HEARING.

80. Should this Court fail to deny removal on the grounds specified above, this Court should conduct a de novo hearing. This Court must permit Windsor full discovery on the scope question. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

81. Plaintiff has filed this Motion for Remand within thirty (30) days of the filing of the Notice of Removal. Therefore, this Motion for Remand is timely

82. For the aforementioned reasons, this Court should order that remand is required to the Superior Court of Fulton County in the State of Georgia.

WHEREFORE, Windsor respectfully requests:

- a. order that Windsor may immediately conduct discovery;
- b. schedule an evidentiary hearing on the issue of removal and remand;
- c. order that remand is required;
- d. order that jurisdiction for this Civil Action is with the Superior Court of Fulton County Georgia; and
- e. grant any other relief this Court deems just and proper.

Respectfully submitted this 5th day of July, 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 5th day of July, 2011.

A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.

William M. Windsor

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing MOTION by fax and mail with sufficient postage addressed to:

NEELI BEN-DAVID
ASSISTANT U.S. ATTORNEY
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6303 -- Facsimile: (404) 581-6181
Email: neeli.ben-david@usdoj.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 5th day of July, 2011.



William M. Windsor
Pro Se

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

Exhibit

32

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

WILLIAM M. WINDSOR,
Plaintiff

v.

James N. Hatten, et al,
Defendants.

CIVIL ACTION NO.

1:11-CV-01923-TWT

MOTION FOR REMAND

William M. Windsor ("Windsor" or "Plaintiff") hereby files this MOTION FOR REMAND pursuant to 28 U.S.C. § 1447(c) and moves for an emergency hearing. The Plaintiff seeks this relief on several procedural and substantive grounds. Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. On May 20, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County against Defendants stating claims for violation of Georgia statutes. The Civil Action was assigned No. 2011CV200971.
2. There are no claims involving federal statutes in the Verified Complaint. The complaint does not allege claims for acts done within the scope of the Defendants' official duties.
3. Plaintiff and Defendants are citizens of the State of Georgia.

4. Only 11 of the 16 Defendants have been served with the Summons and Verified Complaint.

5. On June 13, 2011, the U.S. Attorney filed a NOTICE OF REMOVAL that alleges to seek to remove Civil Action 2011CV200971 from Fulton County Georgia Superior Court to the United States District Court. The NOTICE OF REMOVAL mentions seven (7) Defendants in the opening paragraph, but the NOTICE OF REMOVAL identifies no Defendants in the signature block, and there are no affidavits from any of the Defendants. A true and correct copy of the NOTICE OF REMOVAL is attached as Exhibit 1.

6. This so-called NOTICE OF REMOVAL is based on 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679. *See* NOTICE OF REMOVAL ¶7.

7. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL in the United States District Court.

8. On June 22, 2011, Windsor filed a Motion to Vacate Notice of Removal in this Court.

9. On July 5, 2011, Windsor filed this Motion for Remand.

I. **THE NOTICE OF REMOVAL WAS FILED FOR IMPROPER PURPOSES, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

10. The NOTICE OF REMOVAL was filed so the Defendants could evade exposure as criminals. By filing the NOTICE OF REMOVAL, Defendants

have been able to utilize their racketeering enterprise to shield themselves from an honest judge and jury in the Fulton County Superior Court.

11. The judge to whom this matter was assigned, Thomas Woodrow Thrash, has violated Windsor's Constitutional rights up one side and down the other. Details of Mr. Thrash's wrongdoing is provided in PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY MOTION TO RECUSE JUDGE THOMAS WOODROW THRASH filed in 1:11-CV-01923-TWT, incorporated herein as if attached hereto. (Docket #43.)

**II. THE NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

12. The NOTICE OF REMOVAL has multiple procedural defects that make it void on its face. Technical, procedural requirements were not met.

13. Judges Mr. Dubina and Ms. Kravitch have so ruled: (*Russell Corp. v. American Home Assur. Co.*, 264 F.3d 1040, 1044 (11th Cir. 2001).)

14. Judge Mr. Duffey has so ruled: (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007).)

The removing defendants carry the burden to demonstrate that the removal was effected properly, and "this burden is a heavy one." (*Lampkin v. Media General, Inc.*, 302 F. Supp.2d 1293, 1294 (M.D.Ala. 2004). (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.) (See also *Laughlin v. Prudential Ins. Co.*, 882 F.2d. 187 (5th Cir. 1989).)

15. Removal statutes are strictly construed in favor of state court jurisdiction. Judge Mr. Duffey has so ruled:

(Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100, 108-09 (1941).
(Henry County School Dist. v. Action Development, Inc., No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.)

16. The NOTICE OF REMOVAL fails on all accounts, so this MOTION FOR REMAND must be granted.

17. **DEFECT #1 -- THE REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

18. None of the Defendants have made an appearance. None of the Defendants have filed a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT as required by N.D.Ga Local Rule 3.3 and FRCP 7.1, which was due to be filed with the Clerk "at the time of first appearance." This is a violation of the rules that is a procedural defect. This is proven by a true and correct copy of the Docket is attached as Exhibit 2, incorporated herein. There is no proof that the U.S. Attorneys, Yates, Huber, and Ben-David have authority to appear for Defendants.

**19. DEFECT #2 -- THE ACTION IS NOT YET PENDING IN
FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

20. The removal statute requires service prior to removal in the state of Georgia. The removal statute requires that an action must be "pending" in a state court before it may be removed. See 28 U.S.C. § 1442(a) (noting that civil action may be removed to the district court "embracing the place wherein it is pending").

Under Georgia law, filing a suit "is still not the commencement of suit unless followed by service within a reasonable time." (*McClendon v. Hernando Phosphate Co.*, 28 S.E. 152, 153 (Ga. 1897); *Franek v. Ray*, 236 S.E.2d 629, 632 (Ga. 1977).) Thus, under Georgia law, "an action is not a 'pending' suit until after service of process is perfected." (*Steve A. Martin Agency, Inc. v. PlantersFIRST Corp.*, 678 S.E.2d 186, 188 (Ga. Ct. App. 2009); see also *Jenkins v. Crea*, 656 S.E.2d 849, 850 (Ga. Ct. App. 2008).)

21. Judge Julie E. Carnes, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, and B. Grutby have not been served with process. Windsor also filed a motion with this Court seeking to add six additional Defendants.

22. Since the Civil Action is not yet "pending" in Fulton County Georgia Superior Court, the text of the removal statute prevents removal prior to service on Judge Julie E. Carnes, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, and B. Grutby. (28 U.S.C. § 1446(b).)

23. **DEFECT #3 – THE DEFENDANTS DID NOT SIGN OR AUTHORIZE THE NOTICE OF REMOVAL, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

24. The Notice of Removal was not authorized by the Defendants. None of the Defendants signed a consent or otherwise approved the removal. None of the Defendants are identified in the signature block on the NOTICE OF REMOVAL, so the Petition has not been filed on behalf of any of the Defendants.

(See 14C Charles Alan Wright, Arthur R. Miller, and Edward H. Cooper, *Federal Practice and Procedure* § 3730 (4th ed. 2009).)

25. Judge Mr. Johnson has so ruled: *Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).

(See also *Bank of America National Association v. Derisme*, No. 3:10cv900 (D. Conn. 08/13/2010); *Helm v. Drennan*, No. 07-CV-0344-CVE-SAJ (N.D.Ok. 07/25/2007); *Sovereign Bank v. Park Development West, LLC*, No. 06-2603 (E.D.Pa. 08/17/2006); *Williams v. City of Beverly Hills, Missouri*, No. 4:07-CV-661 CAS (E.D.Mo. 09/24/2007); *Evanston Insurance Co. v. O'Conner*, No. 06-4687 (D.N.J. 03/20/2007); *Day Imaging, Inc. v. Color Labs Enterprises, L.L.C.*, No. 09-cv-02123-DME-MEH (D.Colo. 12/11/2009).)

26. **DEFECT #4 – THE REMOVAL IS DEFECTIVE FOR FAILURE TO COMPLY WITH THE RULE OF UNANIMITY.**

27. 28 U.S.C. § 1446(a) states that "defendants desiring to remove any civil action . . . shall file in the district court of the United States . . . a notice of removal." All Defendants have not filed the NOTICE. At best, only one has.

28 U.S.C. § 1446 requires the unanimous consent of *all* defendants to the removal. (*Russell Corp. v. American Home Assurance Co.*, 264 F.3d 1040 (11th Cir. 09/06/2001); *Loftis v. U.S. Parcel Serv., Inc.*, 342 F.3d 509, 516 (6th Cir. 2003); *Maguire v. Genesee County Sheriff*, 601 F.Supp.2d 882 (E.D.Mich. 02/17/2009).)

28. The NOTICE OF REMOVAL fails to claim the consent of ANY Defendant; it clearly fails to explain the absence of consent to the removal by at least 55 of the Defendants. It is defective for violating the rule of unanimity. Since 98.2% of the Defendants did not join in the notice of removal and the NOTICE OF REMOVAL failed to account for the lack of their consent, the NOTICE is procedurally defective and this MOTION FOR REMAND must be granted.

29. Judges Mr. Johnson, Mr. Duffey Mr. Edmondson, Mr. Cox, and Mr. Ed Carnes have ordered that unanimity is required:

Russell Corp. v. Am. Home Assur. Co., 264 F.3d 1040, 1044 (11th Cir. 2001). (*Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).) (*Thalacker v. Concessions International, LLC*, No. 1:06-cv-2685-WSD (N.D.Ga. 02/14/2007).) (*In re Ocean Marine Mut. Protection and Indem. Ass'n, Ltd.*, 3 F.3d 353, 355-56 (11th Cir.1993).)

30. Judge Ms. Totenberg ordered on April 27, 2011 that unanimity is required.

(William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

31. **DEFECT #5 – THE NOTICE OF REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT OF A PLAIN STATEMENT OF THE GROUNDS FOR REMOVAL.**

32. Judge Ms. Totenberg ordered in April 2011 that a plain statement of the grounds is required:

(William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

33. Judges Mr. Tjoflat, Mr. Marcus, and Ms. Barkett have so ordered: *Lowery v. Alabama Power Co.*, 483 F.3d 1184 (11th Cir. 04/11/2007). Judges Ms. Black, Ms. Hull, and Ms. Kravitch have so ordered: *Roe v. Michelin North America, Inc.*, 613 F.3d 1058 (11th Cir. 08/05/2010). Judges Mr. Edmondson, Mr. Ed Carnes, and Mr. Pryor have so ordered: *Pertka v. Kolter City Plaza II, Inc.*, 608 F.3d 744 (11th Cir. 06/08/2010). Judges Mr. Tjoflat and Mr. Ed Carnes have so ordered: *Cook v. Randolph County, Georgia*, 573 F.3d 1143 (11th Cir. 07/07/2009). Judges Mr. Edmondson and Mr. Wilson have so ordered: *Bautista v. Star Cruises*, 396 F.3d 1289 (11th Cir. 01/18/2005). Judges Mr. Tjoflat and Mr. Anderson have so ordered: *Hernandez v. Seminole County, Florida*, 334 F.3d

1233 (11th Cir. 06/24/2003). Judge Mr. Tjoflat has so ordered: *Bradway v. American National Red Cross*, 965 F.2d 991 (11th Cir. 07/07/1992).

34. **DEFECT #6 -- THE NOTICE OF REMOVAL FAILED TO COMPLY WITH THE MANDATORY PROCEDURE TO INCLUDE WITH THE NOTICE OF REMOVAL THE SUMMONS ISSUED BY THE COURT ON ALL DEFENDANTS, DISCOVERY, AND OTHER DOCUMENTS SERVED ON DEFENDANTS CONTAINED IN THE STATE COURT RECORD.**

35. This is a fatal, non-amendable defect that mandates remand. 28 U.S.C. § 1446 (a) requires:

"A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together a copy of all process, pleadings, and orders served upon such defendant or defendants in such]action." [emphasis added.]

36. The NOTICE OF REMOVAL fails to include a copy of any summons served on any Defendant.

37. Judge Ms. Totenberg ruled on April 27, 2011 that failure to file copies of all Summons and process is a defect:

"[Section] 1447(c) implicitly recognizes two bases upon which a district court may -- and in one case must -- order a remand: when there is: (1) a

lack of subject matter jurisdiction or (2) a defect other than a lack of subject matter jurisdiction." *Snapper, Inc. v. Redan*, 171 F.3d 1249, 1252-1253 (11th Cir.1999). The "defect" noted in Section 1447(c) refers to the failure to follow statutory removal procedures, typically a lack of compliance with either the filing requirements set forth in Section 1446(a) or the timeliness requirements set forth in Section 1446(b). *Id.* ... Defendants' failure to include with their notice of removal the summons or process issued by the Court on all defendants, discovery, and other documents served on Defendants contained in the state court record is a fatal, non-amendable defect that mandates remand. This Court has found no authority to support Defendants' contention that multiple defendants can rely on a single defendant's compliance with 28 U.S.C. § 1446(a). The statute states that "[a] defendant or defendants ... shall file ... a copy of all process, pleadings, and orders served upon such defendant or defendants ..." (*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

**III. THE PRINCIPLE OF COMITY AND THE LONG-STANDING
PUBLIC POLICY AGAINST FEDERAL COURT INTERFERENCE WITH
STATE COURT PROCEEDINGS SHOULD PREVAIL AND THIS
MOTION FOR REMAND MUST BE GRANTED.**

38. The federal court should abstain for the sake of non-interference with state court proceedings. The jurisdictional laws of Georgia permit individuals to sue in Georgia courts for violations of any rights secured by the Constitution and laws of Georgia.

39. Prohibition of and interference with the State of Georgia in carrying out the important and necessary task of enforcing its own laws against socially harmful conduct that the State believes in good faith to be punishable under its

own laws and Constitution would result in a chilling effect on all Georgia citizens' right to the availability of relief under the Constitution and laws of Georgia.

40. The Constitution and laws of Georgia provide for a plain, speedy, and efficient remedy to violations of its laws, therefore the federal court should abstain from this action under the "abstention doctrine."

41. Judge Mr. Story has ruled:

"...where plaintiff and defendant clash about jurisdiction, uncertainties are resolved in favor of remand."). Sound reasons exist for so limiting the exercise of removal jurisdiction. For one, the removal of cases to federal courts implicates principles of federalism. As the Supreme Court has explained: The power reserved to the states under the Constitution to provide for the determination of controversies in their courts, may be restricted only by the action of Congress in conformity to the Judiciary Articles of the Constitution. "Due regard for the rightful independence of state governments, which should actuate federal courts, requires that they scrupulously confine their own jurisdiction to the precise limits which the statute has defined." *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 109, 61 S.Ct. 868, 85 L.Ed. 1214 (1941) (quoting *Healy v. Ratta*, 292 U.S. 263, 270, 54 S.Ct. 700, 78 L.Ed. 1248 (1934)). (See also *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997) (internal quotations omitted). (*Poll v. Deli Management, Inc.*, No. 1:07-CV-0959-RWS (N.D.Ga. 08/24/2007).)

**IV. THE DEFENDANTS HAVE FAILED TO PROVE
THE EXISTENCE OF FEDERAL JURISDICTION,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

42. The Defendants have the burden of proving the existence of federal jurisdiction, and they have failed to do so. Mr. Huber's NOTICE OF REMOVAL does not even include the word "jurisdiction."

Removal jurisdiction merely refers to the right of a defendant to move a lawsuit filed in state court to the federal district court for the federal judicial district in which the state court sits. (*Wikipedia*.)

43. Mr. Huber's NOTICE OF REMOVAL mentions **removal** "pursuant to 28 U.S.C. §1442(a)(1)," but that's it. Nothing is proven or argued or anything.

44. The NOTICE OF REMOVAL fails to address subject matter jurisdiction at all, so the MOTION TO REMAND must be granted.

"...even though an action is eligible for removal pursuant to 28 U.S.C. §1442(a)(1), it is still subject to dismissal for lack of subject matter jurisdiction. See Rankin v. I.R.S., No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001) (noting that "[t]he issue of whether the court has subject matter jurisdiction and the issue of whether there is removal jurisdiction, however, involve separate considerations." (Morse v. United States, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).) [emphasis added.]

45. Judges Mr. Tjoflat and Ms. Black have ruled that defendants have the burden of proving the existence of federal jurisdiction, as have Judges Mr. O'Kelley, and Mr. Story. (*Tapscott v. MS Dealer Service Corp.*, 77 F.3d 1353, 1356 (11th Cir. 1996).) (*Standridge v. Wal-Mart Stores*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).) (*Wells Fargo Bank NA v. Narh*, No. 1:06-CV-0580-RWS (N.D.Ga. 05/09/2006).)

46. So ordered Judge Mr. Thrash on April 22, 2011 as in 2007:

(Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).) (AR

Motorsports, Inc. v. City of Lawrenceville, Georgia, No. 1:07-CV-847-TWT (N.D.Ga. 08/07/2007).)

V. **THE NOTICE OF REMOVAL FAILED TO ASSERT GROUNDS FOR SUBJECT MATTER JURISDICTION AND FAILED TO RAISE A DEFENSE, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

47. There are no grounds even asserted for subject matter jurisdiction.

This was an obligation that the NOTICE OF REMOVAL failed to address, so this MOTION FOR REMAND must be granted.

(See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001); *Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).)

48. Judge Mr. Forrester has ruled that failure to assert grounds for subject matter jurisdiction and failure to raise a defense require that the case be remanded:

When considering such a motion, a court should examine closely the grounds asserted for its subject matter jurisdiction. "As a congressionally imposed infringement upon a state's power to determine controversies in their [sic] courts, removal statutes must be strictly construed." (*Hall v. Travelers Ins. Cos.*, 691 F. Supp. 1406 (N.D.Ga. 04/29/1988).)

49. Federal officers must raise a federal defense before removing to federal court, and the NOTICE OF REMOVAL failed to do so. Judges Mr. Edmondson, Mr. Tjoflat, Mr. Anderson, Ms. Black, Mr. Ed Carnes, Ms. Barkett, Mr. Marcus, and Mr. Wilson have all so ordered:

(*Bellsouth Telecommunications, Inc. v. MCI Metro Access Transmission*, 317 F.3d 1269, 317 F.3d 1270 (11th Cir. 01/10/2003).)

In sum, an unbroken line of Supreme Court decisions extending back nearly a century and a quarter have understood all the various incarnations of the federal officer removal statute to require the averment of a federal defense. (*Mesa et al. v. California*, 109 S. Ct. 959, 489 U.S. 121 (U.S. 02/21/1989).)

50. The U.S. district courts may hear only cases arising under federal law and treaties, cases involving ambassadors, admiralty cases, controversies between states or between a state and citizens of another state, lawsuits involving citizens of different states, and against foreign states and citizens.

51. Judge Mr. Story has ruled:

No federal question is present on the face of Plaintiff's Complaint, and the requirements for diversity jurisdiction are not satisfied. The Court therefore concludes that it lacks subject matter jurisdiction and that this action is frivolous. (*HSBC Mortgage Services, Inc. v. Williams*, No. 1:07-CV-2863-RWS (N.D.Ga. 12/10/2007).)

52. This case does not arise under federal law or treaties. It does not involve an ambassador. It is not an admiralty case. It is not a controversy between states. It is not a controversy between a state and citizens of another state. All parties are from Georgia, as admitted on the New Case Filing Form included as part of the Notice of Removal. It is not a case against foreign states and citizens.

53. According to Judge Mr. Duffey, federal courts are courts of limited jurisdiction:

Federal courts are courts of limited jurisdiction, and thus a federal court must take care to ensure that it has jurisdiction for all cases that come before

it. (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See Judge Mr. Duffey's ruling also in *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006) and *Stegeman v. Wachovia Bank, National Association*, No. 1:06-cv-0247-WSD (N.D.Ga. 04/04/2006).)

54. This Court does not have original jurisdiction. So says Judge Mr.

Story:

A defendant may only remove an action from state court if the federal court would possess original jurisdiction over the subject matter. 28 U.S.C. § 1441(a). *Williams v. Best Buy Co.*, 269 F.3d 1316, 1319 (11th Cir.2001). 28 U.S.C. § 1447(c). (*Kofi Boateng v. Morrison Management Specialists, Inc.*, No. 1:11-CV-00142-RWS (N.D.Ga. 06/13/2011).)

55. This Court lacks subject matter jurisdiction. Lack of subject matter jurisdiction requires remand to the state court. (28 U.S.C. § 1447(c), FRCP 12(h)(3); *Standridge v. Wal-Mart*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

56. The U.S. District Court lacks federal-question jurisdiction because there is no dispute as to the validity, construction or effect of a federal statute with a cause of action "arising under" the laws of the United States. So says Judge Mr. Baverman in *Wells Fargo Bank v. Cyrus*, No. 1:10-CV-02064-RLV-AJB (N.D.Ga. 07/15/2010).

57. The instant Civil Action is pursuant to the Georgia RICO Act, O.C.G.A. § 16-14-1 et seq. No federal statute has been included in the causes of action. To meet the requirement of a case "arising under" federal law, the federal

question must appear on the face of the plaintiff's complaint. There is no federal question presented on the face of the Verified Complaint. Windsor intends this Action to be solely based on Georgia law. Windsor specifically excluded federal statutes that could have been raised so this action would remain in Georgia courts.

Federal courts use the "well-pleaded complaint" rule to determine "arising under" jurisdiction. *Long*, 201 F.3d at 758. That rule provides that "federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." *Id.* (quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). *The Fair v. Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

58. Judge Mr. Duffey has regularly ruled that when a Plaintiff has relied exclusively on state law, remand is required:

"In this case, it is clear that Plaintiff relies exclusively on state law, and thus the well-pleaded complaint rule is not satisfied. Because Defendant fails to demonstrate that the Court has subject matter jurisdiction over this case, the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c)." (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See also *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006).) (See also *PHH Mortgage Corp. v. Diamond*, No. 1:06-cv-0673-WSD (N.D.Ga. 03/29/2006).) (See also *Chase Home Finance, LLC v. Mungaro*, No. 1:05-cv-3082-WSD (N.D.Ga. 12/08/2005); *State v. Serries*, No. 1:10-cv-01564 -WSD (N.D.Ga. 07/16/2010); *Cunningham v. HSBC Mortgage Services*, No. 1:07-cv-1346-WSD (N.D.Ga. 06/20/2007); *Chase Manhattan Mortgage Corp. v. Gresham*, No. 1:05-cv-1944-WSD (N.D.Ga. 11/17/2005).)

59. Judge Mr. Thrash said on April 22, 2011 that a Georgia RICO action, upon which this action is based, is not a matter of federal law:

(Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).)

60. The U.S. District Court lacks diversity jurisdiction because the Plaintiff and the Defendants are all citizens of Georgia. The amount in controversy well exceeds the minimum amount, but this is irrelevant as there is not diversity between the parties.

VI. **THIS COURT IS REQUIRED TO RESOLVE ALL DOUBTS ABOUT
FEDERAL JURISDICTION IN FAVOR OF REMAND,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

61. This Court is required to resolve all doubts about federal jurisdiction in favor of remand.

(See *Boyer v. Snap-on Tools Corp.*, 913 F.2d 108 (3rd Cir. 1990), cert. denied, 498 U.S. 1085, 111 S. Ct. 959, 112 L. Ed. 2d 1046 (1991); *Coker v. Amoco Oil Co.*, 709 F.2d 1433 (11th Cir. 1983); *STANDRIDGE v. WAL-MART STORES*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

62. Judge Mr. Thrash has so ruled:

(*Saye v. Unumprovident Corp.*, No. 1:07-CV-31-TWT (N.D.Ga. 08/09/2007).)

63. The Defendants have waived any grounds for removal not included in their initial notice. So says Judge Mr. Thrash:

The initial notice of removal must include all grounds for removal or they are waived. 28 U.S.C. § 1446(c)(2). (*ING USA Annuity and Life*

**VII. THE REMOVAL IS DEFECTIVE PURSUANT TO
28 U.S.C § 1442 (a)(1) BECAUSE FEDERAL OFFICERS
HAVE NOT RAISED A FEDERAL DEFENSE,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

64. The U.S. Attorney erroneously cites 28 U.S.C. § 1442(a)(1) as a basis for the removal.

28 U.S.C. § 1442(a)(1) provides that “a civil action ... commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress....”

65. 28 U.S.C. § 1442(a)(1) does not apply because the Verified Complaint is not about suing “in an official or individual capacity for any act under color of such office or ... under any Act of Congress....” (See *Mesa v. California*, 489 U.S. 121, 109 S. Ct. 959, 103 L. Ed. 2d 99 (1989).)

66. None of the other Defendants have raised any defense whatsoever to the Civil Action. The ONLY statement made by the U.S. Attorney in the NOTICE OF REMOVAL is: “This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.”

67. There is no citation of case law to support such a claim. 28 U.S.C. § 1442(a)(1) has nothing to do with defenses to this Civil Action, so no defense has been raised.

68. The U.S. Attorney has failed to meet the Supreme Court's stated requirements for removal pursuant to 28 U.S.C. § 1442(a)(1) that are binding precedents recognized by the Eleventh Circuit.

Proper removal of an action under section 1442(a)(1) has historically required the satisfaction of two separate requirements. **First, the defendant must advance a "colorable defense arising out of [his] duty to enforce federal law."** *Mesa v. California*, 489 U.S. 121, 133, 109 S. Ct. 959, 966-67, 103 L. Ed. 2d 99 (1989) ...absent the assertion of a federal defense, a state court action against a federal officer is not removable. *Id.* **[emphasis added.]**

Second, the defendant must establish that there is a "causal connection between what the officer has done under asserted official authority" and the action against him. *Maryland v. Soper*, 270 U.S. 9, 33, 46 S. Ct. 185, 190, 70 L. Ed. 449 (1926) (interpreting predecessor statute); see also *Willingham*, 395 U.S. at 409, 89 S. Ct. at 1817. (*Magnin v. Teledyne Continental Motors*, 91 F.3d 1424 (11th Cir. 08/15/1996).) **[emphasis added.]**

69. It is impossible for a Defendant to raise a colorable defense to charges of racketeering as racketeering is not something that one may do under their federal employment. Each Defendant has been sued personally for acts that were not under color of their office.

70. This Court's exercise of federal-question jurisdiction over this state-law claim would be inappropriate because there is no dispute as to any federal statute.

"A removing defendant bears the burden of proving proper federal jurisdiction." *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294 (11th Cir. 2008)

71. In this matter, NO federal issue exists. There is no disputed question of federal law.

Federal-question jurisdiction over state-law claims is confined to those claims that "really and substantially involv[e] a dispute or controversy respecting the validity, construction or effect of [federal] law." *Grable*, 545 U.S. at 313 (quoting *Shulthis v. McDougal*, 225 U.S. 561, 569 (1912)). (See also *Fed. Trade Comm'n v. Tashman*, 318 F.3d 1273, 1279 (11th Cir. 2003) (Vinson, J., dissenting).)

72. This Civil Action does not seek to hold an officer of the United States in violation of state law while simultaneously executing his duties as prescribed by federal law. In this Civil Action, federal employees ignored the limitations on their powers. They intentionally committed acts that violate the Georgia RICO Act, and they knowingly participated in an enterprise designed to damage Windsor. Defendants did not act within the scope of their federal duties; what they did was not required of them by federal law, and they did not do what federal law required. It is well established that a federal employee's actions lie outside the scope of his

or her authority when he or she fails to comply with the affirmative requirements of the law.

...we look to (1) whether the officers were acting "within the outer perimeter of [their] line of duty" as defined by federal statutory and regulatory law, *Barr v. Matteo*, 360 U.S. 564, 575, 79 S.Ct. 1335, 3 L.Ed. 2d 1434 (1959) (plurality opinion), and (2) whether "in doing [those acts, they] did no more than what was necessary and proper for [them] to do" as demarcated by the Constitution, see *Neagle*, 135 U.S. at 57, 10 S.Ct. at 666. As the Supreme Court explained, "a federal official may not with impunity ignore the limitations which the controlling law has placed on his powers." *Butz v. Economou*, 438 U.S. 478, 489, 98 S.Ct. 2894, 2902, 57 L.Ed. 2d 895 (1978). Indeed, it is a tautology that a federal officer's actions lie outside the scope of his authority when the officer fails to comply with the affirmative requirements of federal statutory or regulatory law, see *id.* at 489--91, 98 S.Ct. at 2902--03; *Castro v. United States*, 560 F.3d 381, 390--91 (5th Cir. 2009); *United States Fid. & Guar. Co. v. United States*, 837 F.2d 116, 120 (3d Cir.1988), and his actions fail to qualify as "necessary and proper" if committed in violation of the negative injunctions of the Constitution, see *Butz*, 438 U.S. at 489--91, 98 S.Ct. at 2902--03; *Castro*, 560 F.3d at 389; *Medina*, 259 F.3d at 225; *Red Lake Band of Chippewa Indians*, 800 F.2d at 1196; see also *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 689--90, 69 S.Ct. 1457, 1461, 93 L.Ed. 1628 (1949); *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 170--71 (1803).

**VIII. THE REMOVAL IS DEFECTIVE PURSUANT TO 28 U.S.C §2679
BECAUSE FEDERAL EMPLOYEES WERE NOT ACTING WITHIN THE
SCOPE OF THEIR OFFICIAL DUTIES WHEN THEY PARTICIPATED IN
THE VIOLATION OF CRIMINAL STATUTES TO DAMAGE WINDSOR,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

73. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor.

74. The Verified Complaint specifies violation of the following Georgia statutes as the sole basis for the RICO claim: Obstruction of Justice and Tampering with Evidence pursuant to O.C.G.A. § 16-10-94; Perjury – Violation of O.C.G.A. § 16-10-70; Subornation of Perjury – Violation of O.C.G.A. § 16-10-72, and O.C.G.A. § 16-10-93; Theft by Deception - O.C.G.A. § 16-8-3.

In *Mesa v. California*, the Supreme Court denied removal under the federal officer removal statute to two postal employees, 28 U.S.C. § 1442(a)(1), because they failed to establish that they were acting within the scope of their official duties and therefore, had no colorable federal defense to the state law charges of reckless driving and related offenses. 489 U.S. 121, 127–28, 109 S.Ct. 959, 963–64, 103 L.Ed. 2d 99 (1989). Because the federal employees' actions fell outside the scope of their federal duties, California's interest in vindicating the rights of its citizens did not frustrate any valid federal interest. (*Denson v. United States*, 574 F.3d 1318 (11th Cir. 07/15/2009).)

The question of whether an employee's conduct was within the scope of his employment "is governed by the law of the state where the incident occurred." (See *S.J. & W. Ranch*, 913 F.2d at 1542; *Williams v. United States*, 350 U.S. 857, 76 S. Ct. 100, 100 L. Ed. 761 (1955) (per curiam), vacating 215 F.2d 800 (9th Cir. 1954); 28 U.S.C. § 1346(b).)

75. Georgia law does not permit anyone to violate its RICO Act. Georgia law says the conduct must be within the general duties of employment for which the employee was hired, and none of the Defendants were hired to violate criminal statutes and commit racketeering.

"The court found that there were material questions of fact as to whether the cameraman was acting within the scope of his employment at the time he

pointed a gun at the appellant." Id. (*Sevilla v. United States*, No. 1:06-CV1710-JOF (N.D.Ga. 06/01/2007).)

In *Bennett v. United States*, 102 F.3d 486, 489 (11th Cir. 1996), the Eleventh Circuit considered whether the United States could be held liable for a soldier's accidental shooting on an army base. Id. at 488. "when an employee undertakes an act purely personal in nature, no respondeat superior liability may be imposed." Id. The Eleventh Circuit noted that "[t]he question of whether a given act falls within the scope of employment is highly fact-specific, and turns on the unique circumstances of the case at bar." Id. (*Amedisys Holding, LLC v. Interim Healthcare of Atlanta, Inc.*, Denise Cathey, Brenda Hogan, and, No. 1:11-cv-1437-WSD (N.D.Ga. 06/03/2011).)

76. The U.S. Attorney is not impartial; the U.S. Attorneys are "interested parties." The U.S. Attorneys are representing some of the Defendants in related matters against Windsor.

Moreover, the statutory interpretation urged by defendant Lehtinen is particularly suspect because it leaves the determination of a dispositive issue in FTCA cases to an interested party. Under 28 U.S.C. § 2679(c), the Attorney General is required to "defend any civil action or proceeding brought in any court against any employee of the Government . . . for any such damage or injury." Id. We do not believe Congress intended to entrust the party responsible for providing the federal employee's defense with the power to make a scope determination that will have the result of dismissing the plaintiff's suit for lack of jurisdiction. *Nasuti*, 906 F.2d at 812-13; *Petrusky*, 728 F. Supp. at 894; see *Gogek*, 729 F. Supp. at 933. Our concern with the impartiality of the scope determination is especially acute in a situation like the one in this case where the authority to make scope certifications has been delegated to the federal employee defendant or his colleagues. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

77. This Civil Action is about the corrupt practices of the Defendants, using the federal court system in Fulton County Georgia to commit criminal acts against Windsor and others. Windsor must argue that under these circumstances, this Civil Action must not be moved to the same federal court system that Windsor is suing. The very clerks that Windsor has charged with racketeering are the clerks who will be handling the various filings in this matter. The judges named as Defendants are friends of this Court. Windsor can be treated fairly and impartially only if he is on the neutral turf of the Fulton County Superior Court.

IX. THE POSITION OF THE U.S. ATTORNEYS IN THE NOTICE OF REMOVAL IS SUBJECT TO LITIGATION, AND IF THIS COURT DOES NOT DENY REMOVAL FOR THE REASONS SPECIFIED ABOVE, WINDSOR DEMANDS DISCOVERY AND AN EVIDENTIARY HEARING.

78. Should this Court fail to deny removal on the grounds specified above, this Court should conduct a de novo hearing on whether the Defendants were not acting within the scope of their official duties when they committed acts that Windsor complains of in the Verified Complaint. This Court must permit Windsor full discovery on the scope question. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

79. Plaintiff has filed this Motion for Remand within thirty (30) days of the filing of the Notice of Removal. Therefore, this Motion for Remand is timely

CONCLUSION

80. The burden of establishing federal jurisdiction rests upon the party seeking removal, and Defendants have failed to carry this burden.

81. For the aforementioned reasons, this Court should order that remand is required to the Superior Court of Fulton County in the State of Georgia.

WHEREFORE, Windsor respectfully requests:

- a. order that Windsor may immediately conduct discovery;
- b. schedule an evidentiary hearing on the issue of removal and remand;
- c. order that remand is required;
- d. order that jurisdiction for this Civil Action is with the Superior Court of Fulton County Georgia; and
- e. grant any other relief this Court deems just and proper.

Respectfully submitted this 5th day of July, 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 5th day of July, 2011.

William M. Windsor

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 5th day of July, 2011.

William M. Windsor

P.O. Box 681236
Marietta, GA 30068
Telephone: 770-578-1056
Fax: 770-234-4106
williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing MOTION by fax and mail with sufficient postage addressed 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

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 5th day of July, 2011.

William M. Windsor
Pro Se

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

Exhibit

33

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

WILLIAM M. WINDSOR,
Plaintiff

v.

Thomas Woodrow Thrash, et. al,
Defendants.

)
)
) CIVIL ACTION NO.
)
) 1:11-CV-2027-TWT
)
)
)

MOTION FOR REMAND

William M. Windsor ("Windsor" or "Plaintiff") hereby files this MOTION FOR REMAND pursuant to 28 U.S.C. § 1447(c) and moves for an emergency hearing. The Plaintiff seeks this relief on several procedural and substantive grounds. Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. On June 20, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County against 56 Defendants stating claims for violation of Georgia statutes. The Civil Action was assigned No. 2011CV202263.
2. There are no claims involving federal statutes in the Verified Complaint. The complaint does not allege claims for acts done within the scope of the Defendants' official duties.
3. Plaintiff and Defendants are citizens of the State of Georgia.

4. On June 21, 2011, Defendant Christopher Huber ("Mr. Huber") was served with the Summons and Verified Complaint. He is the only Defendant of the 56 Defendants who has thus far been served with the Summons and Complaint.

5. On June 22, 2011, the U.S. Attorney filed a NOTICE OF REMOVAL that removed Civil Action 2011CV202263 from Fulton County Georgia Superior Court to the United States District Court. (A true and correct copy of the NOTICE OF REMOVAL is attached as Exhibit 1 and is referenced and incorporated herein.) The NOTICE OF REMOVAL mentions only one Defendant, Christopher Huber, and purports to remove the case solely due to the motion of Mr. Huber. (Exhibit 1 hereto, pp.4-5.) There are no affidavits from Mr. Huber or any of the Defendants.

6. On June 24, 2011, Windsor filed a Motion to Vacate the Notice of Removal. On July 5, 2011, Windsor filed this Motion for Remand.

I. THE NOTICE OF REMOVAL WAS FILED FOR IMPROPER PURPOSES, SO THIS MOTION FOR REMAND MUST BE GRANTED.

7. The NOTICE OF REMOVAL was filed so the Defendants could evade exposure as criminals. By filing the NOTICE OF REMOVAL, Defendants have been able to utilize their racketeering enterprise to shield themselves from an honest judge and jury in the Fulton County Superior Court.

8. Christopher Huber and the U.S. Attorney's Office were notified that their notices of removal were illegal. They received the Motion to Vacate the

Notice of Removal filed in both Civil Action No. 1:11-CV-01922-TWT and No. 1:11-CV-01923-TWT, incorporated herein as if attached hereto. Mr. Huber also received an email from Windsor with a cease and desist notice. (A true and correct copy of the email is attached as Exhibit 3 and is incorporated herein.)

9. The judge to whom this matter was assigned, Thomas Woodrow Thrash, is a DEFENDANT who has previously violated Windsor's Constitutional rights up one side and down the other. Details of Mr. Thrash's wrongdoing is provided in PLAINTIFF WILLIAM M. WINDSOR'S EMERGENCY MOTION TO RECUSE JUDGE THOMAS WOODROW THRASH filed in 1:11-CV-2027-TWT, incorporated herein as if attached hereto. (Docket #4.)

**II. THE NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

10. The NOTICE OF REMOVAL has multiple procedural defects that make it void on its face. Technical, procedural requirements must be met.

11. Defendants Mr. Dubina and Ms. Kravitch have so ruled: (*Russell Corp. v. American Home Assur. Co.*, 264 F.3d 1040, 1044 (11th Cir. 2001).)

12. Defendant Mr. Duffey has so ruled: (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007).)

The removing defendants carry the burden to demonstrate that the removal was effected properly, and "this burden is a heavy one." (*Lampkin v. Media General, Inc.*, 302 F. Supp.2d 1293, 1294 (M.D.Ala. 2004). (*Henry County*

School Dist. v. Action Development, Inc., No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.) (See also *Laughlin v. Prudential Ins. Co.*, 882 F.2d. 187 (5th Cir. 1989).)

13. Removal statutes are strictly construed in favor of state court jurisdiction. Defendant Mr. Duffey has so ruled:

(*Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941).
(*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.)

14. The NOTICE OF REMOVAL fails on all accounts, so this MOTION FOR REMAND must be granted.

15. **DEFECT #1 – THE REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

16. None of the Defendants have made an appearance. None of the Defendants have filed a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT as required by N.D.Ga Local Rule 3.3 and FRCP 7.1, which was due to be filed with the Clerk “at the time of first appearance.” This is a violation of the rules that is a procedural defect. This is proven by a true and correct copy of the Docket is attached as Exhibit 2, incorporated herein. There is no proof that the U.S. Attorneys, Yates, Huber, and Ben-David have authority to appear for Defendants.

17. DEFECT #2 -- THE ACTION IS NOT YET PENDING IN FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES, SO THIS MOTION FOR REMAND MUST BE GRANTED.

18. The removal statute requires service prior to removal in the state of Georgia. The removal statute requires that an action must be "pending" in a state court before it may be removed. See 28 U.S.C. § 1442(a) (noting that civil action may be removed to the district court "embracing the place wherein it is **pending**").

19. Under Georgia law, "an action is not a 'pending' suit until after service of process is perfected." (*McClendon v. Hernando Phosphate Co.*, 28 S.E. 152, 153 (Ga. 1897); *Franek v. Ray*, 236 S.E.2d 629, 632 (Ga. 1977).) (*Steve A. Martin Agency, Inc. v. PlantersFIRST Corp.*, 678 S.E.2d 186, 188 (Ga. Ct. App. 2009); see also *Jenkins v. Crea*, 656 S.E.2d 849, 850 (Ga. Ct. App. 2008).)

20. 55 of the 56 Defendants have not been served with process. Since the Civil Action was not yet "pending" in Fulton County Georgia Superior Court, the removal statute was violated and this constitutes a defect. (28 U.S.C. § 1446(b).)

21. DEFECT #3 -- THE DEFENDANTS DID NOT SIGN OR AUTHORIZE THE NOTICE OF REMOVAL, SO THIS MOTION FOR REMAND MUST BE GRANTED.

22. The Notice of Removal was not authorized by the Defendants. **None** of the Defendants signed a consent or otherwise approved the removal. **None** of

the Defendants are identified in the signature block on the NOTICE OF REMOVAL, so the Petition has not been filed on behalf of any of the Defendants.

(See 14C Charles Alan Wright, Arthur R. Miller, and Edward H. Cooper, *Federal Practice and Procedure* § 3730 (4th ed. 2009).)

23. Defendant Mr. Johnson has so ruled: *Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).

(See also *Bank of America National Association v. Derisme*, No. 3:10cv900 (D. Conn. 08/13/2010); *Helm v. Drennan*, No. 07-CV-0344-CVE-SAJ (N.D.Ok. 07/25/2007); *Sovereign Bank v. Park Development West, LLC*, No. 06-2603 (E.D.Pa. 08/17/2006); *Williams v. City of Beverly Hills, Missouri*, No. 4:07-CV-661 CAS (E.D.Mo. 09/24/2007); *Evanston Insurance Co. v. O'Conner*, No. 06-4687 (D.N.J. 03/20/2007); *Day Imaging, Inc. v. Color Labs Enterprises, L.L.C.*, No. 09-cv-02123-DME-MEH (D.Colo. 12/11/2009).)

24. **DEFECT #4 – THE REMOVAL IS DEFECTIVE FOR FAILURE TO COMPLY WITH THE RULE OF UNANIMITY.**

25. 28 U.S.C. § 1446(a) states that "defendants desiring to remove any civil action . . . shall file in the district court of the United States . . . a notice of removal." All Defendants have not filed the NOTICE. At best, only one has.

28 U.S.C. § 1446 requires the unanimous consent of *all* defendants to the removal. (*Russell Corp. v. American Home Assurance Co.*, 264 F.3d 1040 (11th Cir. 09/06/2001); *Loftis v. U.S. Parcel Serv., Inc.*, 342 F.3d 509, 516 (6th Cir. 2003); *Maguire v. Genesee County Sheriff*, 601 F.Supp.2d 882 (E.D.Mich. 02/17/2009).)

26. The NOTICE OF REMOVAL fails to claim the consent of ANY Defendant; it clearly fails to explain the absence of consent to the removal by at

least 55 of the Defendants. It is defective for violating the rule of unanimity. Since 98.2% of the Defendants did not join in the notice of removal and the NOTICE OF REMOVAL failed to account for the lack of their consent, the NOTICE is procedurally defective and this MOTION FOR REMAND must be granted.

27. Defendants Mr. Johnson, Mr. Duffey Mr. Edmondson, Mr. Cox, and Mr. Ed Carnes have ordered that unanimity is required:

Russell Corp. v. Am. Home Assur. Co., 264 F.3d 1040, 1044 (11th Cir. 2001). (*Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).) (*Thalacker v. Concessions International, LLC*, No. 1:06-cv-2685-WSD (N.D.Ga. 02/14/2007).) (*In re Ocean Marine Mut. Protection and Indem. Ass'n, Ltd.*, 3 F.3d 353, 355-56 (11th Cir.1993).)

28. Defendant Ms. Totenberg ordered on April 27, 2011 that unanimity is required:

(*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

29. **DEFECT #5 -- THE NOTICE OF REMOVAL FAILS TO COMPLY WITH THE REQUIREMENT OF A PLAIN STATEMENT OF THE GROUNDS FOR REMOVAL.**

30. Defendant Ms. Totenberg ordered in April 2011 that a plain statement of the grounds is required:

31. A defendant or defendants ... shall file in the district court of the United States for the district and division within which such action is pending a

notice of removal ... containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action. (*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

32. Defendant Mr. Tjoflat, Defendant Mr. Marcus, and Defendant Ms. Barkett have so ordered: *Lowery v. Alabama Power Co.*, 483 F.3d 1184 (11th Cir. 04/11/2007). Defendant Ms. Black, Defendant Ms. Hull, and Defendant Ms. Kravitch have so ordered: *Roe v. Michelin North America, Inc.*, 613 F.3d 1058 (11th Cir. 08/05/2010). Defendant Mr. Edmondson, Defendant Mr. Ed Carnes, and Defendant Mr. Pryor have so ordered: *Pertka v. Kolter City Plaza II, Inc.*, 608 F.3d 744 (11th Cir. 06/08/2010). Defendant Mr. Tjoflat and Defendant Mr. Ed Carnes have so ordered: *Cook v. Randolph County, Georgia*, 573 F.3d 1143 (11th Cir. 07/07/2009). Defendant Mr. Edmondson and Defendant Mr. Wilson have so ordered: *Bautista v. Star Cruises*, 396 F.3d 1289 (11th Cir. 01/18/2005). Defendant Mr. Tjoflat and Defendant Mr. Anderson have so ordered: *Hernandez v. Seminole County, Florida*, 334 F.3d 1233 (11th Cir. 06/24/2003). Defendant Mr. Tjoflat has so ordered: *Bradway v. American National Red Cross*, 965 F.2d 991 (11th Cir. 07/07/1992).

33. **DEFECT #6 – THE NOTICE OF REMOVAL FAILED TO COMPLY WITH THE MANDATORY PROCEDURE TO INCLUDE WITH THE NOTICE OF REMOVAL THE SUMMONS ISSUED BY THE COURT ON ALL DEFENDANTS, DISCOVERY, AND OTHER DOCUMENTS SERVED ON DEFENDANTS CONTAINED IN THE STATE COURT RECORD.**

34. This is a fatal, non-amendable defect that mandates remand. 28

U.S.C. 1446 (a) requires:

“A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together a copy of **all process, pleadings, and orders served upon such defendant or defendants** in such]action.” [emphasis added.]

35. Defendant Ms. Totenberg ruled on April 27, 2011 that failure to file copies of all Summons and process is a defect:

...the failure to attach the summons served on all Defendants does not comply with the requirements of 28 U.S.C. § 1446(a). (William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011) – Defendant (Judge) Totenberg.)

III. **THE PRINCIPLE OF COMITY AND THE LONG-STANDING PUBLIC POLICY AGAINST FEDERAL COURT INTERFERENCE WITH STATE COURT PROCEEDINGS SHOULD PREVAIL AND THIS MOTION FOR REMAND MUST BE GRANTED.**

36. The federal court should abstain for the sake of non-interference with state court proceedings. The jurisdictional laws of Georgia permit individuals to sue in Georgia courts for violations of any rights secured by the Constitution and laws of Georgia.

37. Prohibition of and interference with the State of Georgia in carrying out the important and necessary task of enforcing its own laws against socially harmful conduct that the State believes in good faith to be punishable under its own laws and Constitution would result in a chilling effect on all Georgia citizens' right to the availability of relief under the Constitution and laws of Georgia.

38. The Constitution and laws of Georgia provide for a plain, speedy, and efficient remedy to violations of its laws, therefore the federal court should abstain from this action under the "abstention doctrine."

39. Defendant Mr. Story has ruled:

Due regard for the rightful independence of state governments, which should actuate federal courts, requires that they scrupulously confine their own jurisdiction to the precise limits which the statute has defined." *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 109, 61 S.Ct. 868, 85 L.Ed. 1214 (1941) (quoting *Healy v. Ratta*, 292 U.S. 263, 270, 54 S.Ct. 700, 78 L.Ed. 1248 (1934)). (See also *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997) (internal quotations omitted). (*Poll v. Deli Management, Inc.*, No. 1:07-CV-0959-RWS (N.D.Ga. 08/24/2007).)

**IV. THE DEFENDANTS HAVE FAILED TO PROVE
THE EXISTENCE OF FEDERAL JURISDICTION.**

SO THIS MOTION FOR REMAND MUST BE GRANTED.

40. The Defendants have the burden of proving the existence of federal jurisdiction, and they have failed to do so. Mr. Huber's NOTICE OF REMOVAL only mentions the word "jurisdiction" once regarding the Federal Tort Claims Act, and the reference is to removal jurisdiction.

41. Mr. Huber's NOTICE OF REMOVAL mentions **removal** "pursuant to 28 U.S.C. §1442(a)(1)," but that's it. Nothing is proven or argued or anything.

42. The NOTICE OF REMOVAL fails to address subject matter jurisdiction at all, so the MOTION TO REMAND must be granted.

"...even though an action is eligible for removal pursuant to 28 U.S.C. §1442(a)(1), it is still subject to dismissal for lack of subject matter jurisdiction. See Rankin v. I.R.S., No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001) (noting that "[t]he issue of whether the court has subject matter jurisdiction and the issue of whether there is removal jurisdiction, however, involve separate considerations." (Morse v. United States, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).) [emphasis added.]

43. Defendants Mr. Tjoflat and Ms. Black have ruled that defendants have the burden of proving the existence of federal jurisdiction, as have Defendants Mr. O'Kelley, and Mr. Story.

(Tapscott v. MS Dealer Service Corp., 77 F.3d 1353, 1356 (11th Cir. 1996).) (Standridge v. Wal-Mart Stores, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).) (Wells Fargo Bank NA v. Narh, No. 1:06-CV-0580-RWS (N.D.Ga. 05/09/2006).)

44. So ordered Defendant Mr. Thrash on April 22, 2011 as in 2007:

(Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).) (*AR Motorsports, Inc. v. City of Lawrenceville, Georgia*, No. 1:07-CV-847-TWT (N.D.Ga. 08/07/2007).)

V. **THE NOTICE OF REMOVAL FAILED TO ASSERT GROUNDS FOR SUBJECT MATTER JURISDICTION AND FAILED TO RAISE A DEFENSE, SO THIS MOTION FOR REMAND MUST BE GRANTED.**

45. There are no grounds even asserted for subject matter jurisdiction.

This was an obligation that the NOTICE OF REMOVAL failed to address, so this MOTION FOR REMAND must be granted.

(See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001); *Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).)

46. Defendant Mr. Forrester has ruled that failure to assert grounds for subject matter jurisdiction and failure to raise a defense require that the case be remanded:

When considering such a motion, a court should examine closely the grounds asserted for its subject matter jurisdiction. "As a congressionally imposed infringement upon a state's power to determine controversies in their [sic] courts, removal statutes must be strictly construed." *Cowart Ironworks, Inc. v. Phillips Construction Co.*, 507 F. Supp. 740, 743 (S.D. Ga. 1981). "Where the basis for jurisdiction is doubtful, the court should resolve such doubt in favor of remand." *Id.*; *Clyde v. National Data Corp.*, 609 F. Supp. 216 (N.D. Ga. 1985). (*Hall v. Travelers Ins. Cos.*, 691 F. Supp. 1406 (N.D.Ga. 04/29/1988).)

47. Federal officers must raise a federal defense before removing to federal court, and the NOTICE OF REMOVAL failed to do so. Defendants Mr. Edmondson, Mr. Tjoflat, Mr. Anderson, Ms. Black, Mr. Ed Carnes, Ms. Barkett, Mr. Marcus, and Mr. Wilson have all so ordered:

(Bellsouth Telecommunications, Inc. v. MCI Metro Access Transmission, 317 F.3d 1269, 317 F.3d 1270 (11th Cir. 01/10/2003).)

In sum, an unbroken line of Supreme Court decisions extending back nearly a century and a quarter have understood all the various incarnations of the federal officer removal statute to require the averment of a federal defense. *(Mesa et al. v. California, 109 S. Ct. 959, 489 U.S. 121 (U.S. 02/21/1989).)*

48. The U.S. district courts may hear only cases arising under federal law and treaties, cases involving ambassadors, admiralty cases, controversies between states or between a state and citizens of another state, lawsuits involving citizens of different states, and against foreign states and citizens.

49. Defendant Mr. Story has ruled:

No federal question is present on the face of Plaintiff's Complaint, and the requirements for diversity jurisdiction are not satisfied. The Court therefore concludes that it lacks subject matter jurisdiction and that this action is frivolous. *(HSBC Mortgage Services, Inc. v. Williams, No. 1:07-CV-2863-RWS (N.D.Ga. 12/10/2007).)*

50. This case does not arise under federal law or treaties. It does not involve an ambassador. It is not an admiralty case. It is not a controversy between states. It is not a controversy between a state and citizens of another state. All

parties are from Georgia, as admitted on the New Case Filing Form included as part of the Notice of Removal. It is not a case against foreign states and citizens.

51. According to Defendant Mr. Duffey, federal courts are courts of limited jurisdiction:

Federal courts are courts of limited jurisdiction, and thus a federal court must take care to ensure that it has jurisdiction for all cases that come before it. (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See Defendant Mr. Duffey's ruling also in *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006) and *Stegeman v. Wachovia Bank, National Association*, No. 1:06-cv-0247-WSD (N.D.Ga. 04/04/2006).)

52. This Court does not have original jurisdiction. So says Defendant Mr. Story:

A defendant may only remove an action from state court if the federal court would possess original jurisdiction over the subject matter. 28 U.S.C. § 1441(a). *Williams v. Best Buy Co.*, 269 F.3d 1316, 1319 (11th Cir.2001). 28 U.S.C. § 1447(c). (*Kofi Boateng v. Morrison Management Specialists, Inc.*, No. 1:11-CV-00142-RWS (N.D.Ga. 06/13/2011).)

53. This Court lacks subject matter jurisdiction. Lack of subject matter jurisdiction requires remand to the state court. (28 U.S.C. § 1447(c), FRCP 12(h)(3); *Standridge v. Wal-Mart*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

54. The U.S. District Court lacks federal-question jurisdiction because there is no dispute as to the validity, construction or effect of a federal statute with a cause of action "arising under" the laws of the United States. So says Defendant

Mr. Baverman in *Wells Fargo Bank v. Cyrus*, No. 1:10-CV-02064-RLV-AJB (N.D.Ga. 07/15/2010).

55. The instant Civil Action is pursuant to the Georgia RICO Act, O.C.G.A. § 16-14-1 et seq. No federal statute has been included in the causes of action. To meet the requirement of a case "arising under" federal law, the federal question must appear on the face of the plaintiff's complaint. There is no federal question presented on the face of the Verified Complaint. Windsor intends this Action to be solely based on Georgia law. Windsor specifically excluded federal statutes that could have been raised so this action would remain in Georgia courts.

Federal courts use the "well-pleaded complaint" rule to determine "arising under" jurisdiction. *Long*, 201 F.3d at 758. That rule provides that "'federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint.'" *Id.* (quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). *The Fair v. Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

56. Defendant Mr. Duffey has regularly ruled that when a Plaintiff has relied exclusively on state law, remand is required:

In this case, it is clear that Plaintiff relies exclusively on state law, and thus the well-pleaded complaint rule is not satisfied. Because Defendant fails to demonstrate that the Court has subject matter jurisdiction over this case, the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c). (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (*Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006).) (*PHH Mortgage Corp. v. Diamond*, No. 1:06-cv-0673-WSD (N.D.Ga. 03/29/2006).) (See also *Chase Home Finance, LLC v. Mungaro*, No. 1:05-cv-3082-WSD (N.D.Ga. 12/08/2005).

(See also *State v. Serries*, No. 1:10-cv-01564 -WSD (N.D.Ga. 07/16/2010); *Cunningham v. HSBC Mortgage Services*, No. 1:07-cv-1346-WSD (N.D.Ga. 06/20/2007); *Chase Manhattan Mortgage Corp. v. Gresham*, No. 1:05-cv-1944-WSD (N.D.Ga. 11/17/2005).)

57. Defendant Mr. Thrash said on April 22, 2011 that a Georgia RICO action, upon which this action is based, is not a matter of federal law:

("[M]ere references in a complaint to violations of federal law as predicate acts to a state RICO claim do not, without more, confer federal court jurisdiction."); *Austin v. Ameriquest Mortgage Co.*, 510 F. Supp. 2d 1218, 1226-27 (N.D. Ga. 2007). (*Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al*, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).)

58. The U.S. District Court lacks diversity jurisdiction because the Plaintiff and the Defendants are all citizens of Georgia. The amount in controversy well exceeds the minimum amount, but this is irrelevant as there is not diversity between the parties.

VI. **THIS COURT IS REQUIRED TO RESOLVE ALL DOUBTS ABOUT
FEDERAL JURISDICTION IN FAVOR OF REMAND,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

59. This Court is required to resolve all doubts about federal jurisdiction in favor of remand.

(*Boyer v. Snap-on Tools Corp.*, 913 F.2d 108 (3rd Cir. 1990), cert. denied, 498 U.S. 1085, 111 S. Ct. 959, 112 L. Ed. 2d 1046 (1991); *Coker v. Amoco Oil Co.*, 709 F.2d 1433 (11th Cir. 1983); *STANDRIDGE v. WAL-MART STORES*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

60. Defendant Mr. Thrash has so ruled:

(*Saye v. Unumprovident Corp.*, No. 1:07-CV-31-TWT (N.D.Ga. 08/09/2007).)

61. The Defendants have waived any grounds for removal not included in their initial notice. So says Defendant Mr. Thrash:

The initial notice of removal must include all grounds for removal or they are waived. 28 U.S.C. § 1446(c)(2). (*ING USA Annuity and Life Insurance Co. v. J.P. Morgan Securities, Inc.*, No. 1:08-CV-1748-TWT (N.D.Ga. 09/30/2008).)

**VII. THE REMOVAL IS DEFECTIVE PURSUANT TO
28 U.S.C § 1442 (a)(1) BECAUSE FEDERAL OFFICERS
HAVE NOT RAISED A FEDERAL DEFENSE,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

62. The U.S. Attorney erroneously cites 28 U.S.C. § 1442(a)(1) as a basis for the removal.

28 U.S.C. § 1442(a)(1) provides that “a civil action ... commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress....”

63. 28 U.S.C. § 1442(a)(1) does not apply because the Verified Complaint is not about suing “in an official or individual capacity for any act under color of

such office or... under any Act of Congress...." (See *Mesa v. California*, 489 U.S. 121, 109 S. Ct. 959, 103 L. Ed. 2d 99 (1989).)

64. None of the other Defendants have raised any defense whatsoever to the Civil Action. The ONLY statement made by the U.S. Attorney in the NOTICE OF REMOVAL is: "This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679."

65. There is no citation of case law to support such a claim. 28 U.S.C. § 1442(a)(1) has nothing to do with defenses to this Civil Action, so no defense has been raised.

66. The U.S. Attorney has failed to meet the Supreme Court's stated requirements for removal pursuant to 28 U.S.C. § 1442(a)(1) that are binding precedents recognized by the Eleventh Circuit.

Proper removal of an action under section 1442(a)(1) has historically required the satisfaction of two separate requirements. **First, the defendant must advance a "colorable defense arising out of [his] duty to enforce federal law."** *Mesa v. California*, 489 U.S. 121, 133, 109 S. Ct. 959, 966-67, 103 L. Ed. 2d 99 (1989) ...absent the assertion of a federal defense, a state court action against a federal officer is not removable. *Id.* **[emphasis added.]**

Second, the defendant must establish that there is a "causal connection between what the officer has done under asserted official authority" and the action against him. *Maryland v. Soper*, 270 U.S. 9, 33, 46 S. Ct. 185, 190, 70 L. Ed. 449 (1926) (interpreting predecessor statute); see also *Willingham*, 395 U.S. at 409, 89 S. Ct. at 1817. (*Magnin v. Teledyne*

Continental Motors, 91 F.3d 1424 (11th Cir. 08/15/1996).) [emphasis added.]

67. It is impossible for a Defendant to raise a colorable defense to charges of racketeering as racketeering is not something that one may do under their federal employment. Each Defendant has been sued personally for acts that were not under color of their office. This Court's exercise of federal-question jurisdiction over this state-law claim would be inappropriate because there is no dispute as to any federal statute.

"A removing defendant bears the burden of proving proper federal jurisdiction." *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294 (11th Cir. 2008)

68. In this matter, NO federal issue exists. There is no disputed question of federal law.

Federal-question jurisdiction over state-law claims is confined to those claims that "really and substantially involv[e] a dispute or controversy respecting the validity, construction or effect of [federal] law." *Grable*, 545 U.S. at 313 (quoting *Shulthis v. McDougal*, 225 U.S. 561, 569 (1912)). (See also *Fed. Trade Comm'n v. Tashman*, 318 F.3d 1273, 1279 (11th Cir. 2003) (Vinson, J., dissenting).)

69. This Civil Action does not seek to hold an officer of the United States in violation of state law while simultaneously executing his duties as prescribed by federal law. In this Civil Action, federal employees ignored the limitations on their powers. They intentionally committed acts that violate the Georgia RICO Act, and

they knowingly participated in an enterprise designed to damage Windsor.

Defendants did not act within the scope of their federal duties; what they did was not required of them by federal law, and they did not do what federal law required.

It is well established that a federal employee's actions lie outside the scope of his or her authority when he or she fails to comply with the affirmative requirements of the law.

...we look to (1) whether the officers were acting "within the outer perimeter of [their] line of duty" as defined by federal statutory and regulatory law, *Barr v. Matteo*, 360 U.S. 564, 575, 79 S.Ct. 1335, 3 L.Ed. 2d 1434 (1959) (plurality opinion), and (2) whether "in doing [those acts, they] did no more than what was necessary and proper for [them] to do" as demarcated by the Constitution, see *Neagle*, 135 U.S. at 57, 10 S.Ct. at 666. As the Supreme Court explained, "a federal official may not with impunity ignore the limitations which the controlling law has placed on his powers." *Butz v. Economou*, 438 U.S. 478, 489, 98 S.Ct. 2894, 2902, 57 L.Ed. 2d 895 (1978). Indeed, it is a tautology that a federal officer's actions lie outside the scope of his authority when the officer fails to comply with the affirmative requirements of federal statutory or regulatory law, see *id.* at 489--91, 98 S.Ct. at 2902--03; *Castro v. United States*, 560 F.3d 381, 390--91 (5th Cir. 2009); *United States Fid. & Guar. Co. v. United States*, 837 F.2d 116, 120 (3d Cir.1988), and his actions fail to qualify as "necessary and proper" if committed in violation of the negative injunctions of the Constitution, see *Butz*, 438 U.S. at 489--91, 98 S.Ct. at 2902--03; *Castro*, 560 F.3d at 389; *Medina*, 259 F.3d at 225; *Red Lake Band of Chippewa Indians*, 800 F.2d at 1196; see also *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 689--90, 69 S.Ct. 1457, 1461, 93 L.Ed. 1628 (1949); *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 170--71 (1803).

**VIII. THE REMOVAL IS DEFECTIVE PURSUANT TO 28 U.S.C §2679
BECAUSE FEDERAL EMPLOYEES WERE NOT ACTING WITHIN THE**

**SCOPE OF THEIR OFFICIAL DUTIES WHEN THEY PARTICIPATED IN
THE VIOLATION OF CRIMINAL STATUTES TO DAMAGE WINDSOR,
SO THIS MOTION FOR REMAND MUST BE GRANTED.**

70. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor.

71. The Verified Complaint specifies violation of the following Georgia statutes as the sole basis for the RICO claim: Obstruction of Justice and Tampering with Evidence pursuant to O.C.G.A. § 16-10-94; Perjury – Violation of O.C.G.A. § 16-10-70; Subornation of Perjury – Violation of O.C.G.A. § 16-10-72, and O.C.G.A. § 16-10-93; Theft by Deception - O.C.G.A. § 16-8-3.

In *Mesa v. California*, the Supreme Court denied removal under the federal officer removal statute to two postal employees, 28 U.S.C. § 1442(a)(1), because they failed to establish that they were acting within the scope of their official duties and therefore, had no colorable federal defense to the state law charges of reckless driving and related offenses. 489 U.S. 121, 127--28, 109 S.Ct. 959, 963--64, 103 L.Ed. 2d 99 (1989). Because the federal employees' actions fell outside the scope of their federal duties, California's interest in vindicating the rights of its citizens did not frustrate any valid federal interest. (*Denson v. United States*, 574 F.3d 1318 (11th Cir. 07/15/2009).)

72. The question of whether an employee's conduct was within the scope of his employment "is governed by the law of the state where the incident occurred." (See *S.J. & W. Ranch*, 913 F.2d at 1542; *Williams v. United States*, 350 U.S. 857, 76 S. Ct. 100, 100 L. Ed. 761 (1955) (per curiam), vacating 215 F.2d

800 (9th Cir. 1954); 28 U.S.C. § 1346(b).) Georgia law does not permit anyone to violate its RICO Act. Georgia law says the conduct must be within the general duties of employment for which the employee was hired, and none of the Defendants were hired to violate criminal statutes and commit racketeering.

"The court found that there were material questions of fact as to whether the cameraman was acting within the scope of his employment at the time he pointed a gun at the appellant." *Id.* (*Sevilla v. United States*, No. 1:06-CV1710-JOF (N.D.Ga. 06/01/2007) – Defendant (Judge) Forrester.)

73. In *Bennett v. United States*, 102 F.3d 486, 489 (11th Cir. 1996), the Eleventh Circuit considered whether the United States could be held liable for a soldier's accidental shooting on an army base. *Id.* at 488. "when an employee undertakes an act purely personal in nature, no respondeat superior liability may be imposed." *Id.* The Eleventh Circuit noted that "[t]he question of whether a given act falls within the scope of employment is highly fact-specific, and turns on the unique circumstances of the case at bar." *Id.* (*Amedisys Holding, LLC v. Interim Healthcare of Atlanta, Inc.*, Denise Cathey, Brenda Hogan, and, No. 1:11-cv-1437-WSD (N.D.Ga. 06/03/2011) – Defendant Mr. Duffey.)

74. The U.S. Attorney is not impartial; the U.S. Attorneys are "interested parties." The U.S. Attorneys are representing some of the Defendants in related matters against Windsor.

Moreover, the statutory interpretation urged by defendant Lehtinen is particularly suspect because it leaves the determination of a dispositive issue in FTCA cases to an interested party. Under 28 U.S.C. § 2679(c), the Attorney General is required to "defend any civil action or proceeding brought in any court against any employee of the Government . . . for any such damage or injury." *Id.* We do not believe Congress intended to entrust the party responsible for providing the federal employee's defense with the power to make a scope determination that will have the result of dismissing the plaintiff's suit for lack of jurisdiction. *Nasuti*, 906 F.2d at 812-13; *Petrousky*, 728 F. Supp. at 894; see *Gogek*, 729 F. Supp. at 933. Our concern with the impartiality of the scope determination is especially acute in a situation like the one in this case where the authority to make scope certifications has been delegated to the federal employee defendant or his colleagues. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

75. This Civil Action is about the corrupt practices of the Defendants, using the federal court system in Fulton County Georgia to commit criminal acts against Windsor and others. Windsor must argue that under these circumstances, this Civil Action must not be moved to the same federal court system that Windsor is suing. The very clerks that Windsor has charged with racketeering are the clerks who will be handling the various filings in this matter. The judges named as Defendants are friends of this Court. Windsor can be treated fairly and impartially only if he is on the neutral turf of the Fulton County Superior Court.

IX. THE POSITION OF THE U.S. ATTORNEYS IN THE NOTICE OF REMOVAL IS SUBJECT TO LITIGATION, AND IF THIS COURT DOES NOT DENY REMOVAL FOR THE REASONS SPECIFIED ABOVE, WINDSOR DEMANDS DISCOVERY AND AN EVIDENTIARY HEARING.

76. Should this Court fail to deny removal on the grounds specified above, this Court should conduct a de novo hearing on whether the Defendants were not acting within the scope of their official duties when they committed acts that Windsor complains of in the Verified Complaint. This Court must permit Windsor full discovery on the scope question. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

77. Plaintiff has filed this Motion for Remand within thirty (30) days of the filing of the Notice of Removal. Therefore, this Motion for Remand is timely

CONCLUSION

78. The burden of establishing federal jurisdiction rests upon the party seeking removal, and Defendants have failed to carry this burden.

79. For the aforementioned reasons, this Court should order that remand is required to the Superior Court of Fulton County in the State of Georgia.

WHEREFORE, Windsor respectfully requests:

- a. order that Windsor may immediately conduct discovery;
- b. schedule an evidentiary hearing on the issue of removal and remand;
- c. order that remand is required;
- d. order that jurisdiction for this Civil Action is with the Superior Court of Fulton County Georgia; and
- e. grant any other relief this Court deems just and proper.

Respectfully submitted this 5th day of July, 2011.



William M. Windsor

Pro Se

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Marietta, GA 30068

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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 5th day of July, 2011.

A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.

William M. Windsor

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 5th day of July, 2011.



William M. Windsor

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williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing MOTION by fax and mail with sufficient postage addressed to:

NEELI BEN-DAVID
ASSISTANT U.S. ATTORNEY
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6303 -- Facsimile: (404) 581-6181
Email: neeli.ben-david@usdoj.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 5th day of July, 2011.



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