

Exhibit

5

No.

In The Supreme Court of the United States

In re WILLIAM M. WINDSOR

WILLIAM M. WINDSOR,

Petitioner

v.

Christopher Huber, Sally Quillian Yates, William S. Duffey, 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, 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. Johnson, E. Clayton Scofield, Russell G. Vineyard, Paul Howard, Jr., 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, James N. Hatten, Anniva Sanders, Joyce White, Beverly Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum, Vicki Hanna, John Ley, Neeli Ben-David, John A. Horn, Maid of the Mist Corporation, Maid of the Mist Steamboat Company Limited, and Unknown Does,

Respondents

On Petition for Writ of Mandamus

To The United States District Court for the Northern District of Georgia

EMERGENCY APPLICATION FOR STAY

William M. Windsor

Pro Se

PO Box 681236

Marietta, GA 30068

770-578-1094

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INTRODUCTION

This Application seeks to order a stay in Civil Action Nos. 1:11-CV-01923-TWT, 1:11-CV-01922-TWT, 1:11-02027-TWT, and 1:11-02326-TWT (“Underlying Actions”) in the United States District Court for the Northern District of Georgia (“NDGa”). This Application precedes the filing of Windsor’s Petition for Writ of Mandamus.

Judge Thomas Woodrow Thrash (“Judge Thrash”) has violated Windsor’s Constitutional rights and rights to due process in a wide variety of ways. He has done it intentionally for the purpose of destroying Windsor and to conceal the corruption in the federal courts in Atlanta. Windsor has nowhere to turn except this Court. This Court cannot sanction the unbelievable legal abuse that Judge Thrash is inflicting.

STATEMENT OF RELIEF SOUGHT

1. Windsor seeks a stay in the Underlying Actions and in Appeals in 1:11-CV-01922-TWT Number not Assigned (Docket #46), 1:11-CV-01923-TWT Number not Assigned (Docket #62), 1:11-CV-01923-TWT Number not Assigned (Docket #Unknown), 1:11-CV-01923-TWT Number not Assigned (Docket #80), 1:11-CV-01923-TWT Number not Assigned (Docket #83), 1:11-CV-01923-TWT Number not Assigned (Docket #87), and 1:11-CV-02027-TWT No, 11-13215-C (Docket #26) in the Eleventh Circuit (“Appellate Actions”). Windsor seeks a stay to prevent irreparable harm as he has been injured, will be further injured, and has no adequate remedy at law.

2. Pursuant to Supreme Court Rule 23.3, the Orders that Windsor is asking this Court to review are Exhibits 1 to 26 to this Application. A wide variety of statutes, rules, and Constitutional rights have been violated by Judge Thomas Woodrow Thrash. A Motion to Dismiss is pending a decision the week of August 1, 2011. This is why this Application is an EMERGENCY.

3. Rule 23.3 requires that this Application show that the requested relief has been sought from the lower courts. This is detailed in paragraphs 63-69 below.

4. This stay is necessary to protect Windsor from the wrongful acts of the United States District Court for the Northern District of Georgia and the United States Court of Appeals for the Eleventh Circuit.

5. The Underlying Actions are part of litigation involving Georgia federal judges who are operating a criminal racketeering enterprise.

6. Windsor has attempted to file several motions for stays with the District Court, but they have been ignored, and Judge Thrash has ordered that they may not be filed, and they simply disappear – never docketed and never returned. Therefore, Windsor comes to this Court and files this Application for Stay pursuant to Supreme Court Rule 23. Windsor asks that a stay be ordered and that no bond be required.

FACTUAL BACKGROUND

7. Windsor has been working to expose corruption and criminal activity in the federal courts in Atlanta for five years.

8. On May 12, 2011, Windsor was notified that a federal prisoner was approached by someone with the U.S. government with a deal to let him out of prison if he would infiltrate organizations of people battling government corruption, and the assassination of Windsor and another man in Georgia was mentioned.

Civil Action No. 1:11-CV-01922-TWT

9. On May 19, 2011, Windsor filed a simple Declaratory Judgment Action in the Superior Court of Fulton County asking the court to declare what Georgia's statute means as to power of attorney agreements. The civil action was assigned No. 2011CV200857.

10. On June 13, 2011, U.S. Attorneys filed a NOTICE OF REMOVAL in regard to No. 2011CV200857, and it became N.D.Ga Civil Action No. 1:11-CV-01922-TWT ("01922"), and was assigned to Judge Thrash.

11. The Docket shows most of the activity in Civil Action 1:11-CV-01922-TWT. (Exhibit 27 is a true and correct copy of the Docket.)

12. The Docket shows that Judge Thrash entered orders without giving Windsor the opportunity to file responses.

13. The Docket shows that Judge Thrash has ignored Windsor's motions such as the MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01922 Docket #5.) This MOTION documents and cites the many ways that the Notice of Removal was illegal and defective.

14. On June 15, 2011, Judge Thrash denied a hearing on a request for a TRO and denied the motion for TRO. (A true and correct copy of the order is Exhibit

26 hereto, referenced and incorporated herein.) Judge 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." Judge Thrash stated in his June 15, 2011 Order Denying TRO that the Motion for TRO fails because Windsor was seeking to commit the unauthorized practice of law. These are false statements that Judge Thrash knows are false.

15. The Docket does not reflect a number of motions that Windsor attempted to file, including a Motion for Remand. Judge Thrash denied the filing of this motion and many others.

Civil Action No. 1:11-CV-01923-TWT

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

17. On June 13, 2011, U.S. Attorneys filed a NOTICE OF REMOVAL in regard to Fulton County Superior Court Action No. 2011CV200971. No. 2011CV200971 became N.D.Ga Civil Action No. 1:11-CV-01923-TWT ("01923"), and was assigned to JUDGE THRASH. (01923 Docket #1.)

18. The Docket shows most of the activity in Civil Action 1:11-CV-01923-TWT. (Exhibit 28 is a true and correct copy of the Docket.)

19. The Docket shows that Judge Thrash entered orders without giving Windsor the opportunity to file responses.

20. The Docket shows that Judge Thrash has ignored Windsor's motions such as the MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01922 Docket #5.) This MOTION documents and cites the many ways that the Notice of Removal was illegal and defective.

21. The Docket does not reflect a number of motions that Windsor attempted to file, including a Motion for Remand. Judge Thrash denied the filing of this motion and many others.

22. 01923 Docket #73 is the "Minute Entry" made at 3:52 pm on July 15, 2011. 01923 Docket #74 is a permanent injunction order issued sometime thereafter on July 15, 2011 that denies Windsor the ability to file any lawsuit in any court anywhere in America for the rest of his life. This permanent injunction was issued after denying every right to due process. Windsor was denied the right to file a response to the motion, denied subpoenas for witnesses, denied the ability to submit documents into the record, denied the ability to call witnesses, denied the right to testify himself, and more. Judge Thrash decided the matter before hearing from Windsor, had the order written before the hearing began, and read it at the end of the 37 minute hearing. He then instructed the Office of the Clerk of the Court to delay filing Windsor's appeal.

23. On July 22, 2011, Judge Thrash entered an order denying Windsor the right to send letters to anyone in the federal courthouses. [01923 Docket # 85.] (Exhibit 16.) Windsor has learned that the U.S. mail was intercepted and was not delivered to addressees. This was done and the order was issued to block Windsor's

ability to reach witnesses to provide evidence against the corrupt judges. So much for the First Amendment!

Civil Action No. 1:11-CV-02027-TWT

24. On June 20, 2011, Windsor filed a Verified Complaint pursuant to Georgia RICO in Fulton County Superior Court. It was assigned Civil Action No. 2011CV202263.

25. On June 22, 2011, U.S. Attorneys filed a Notice of Removal to remove the case to federal court. Judge Thrash was the lead Defendant, and the case was assigned to Judge Thrash -- Civil Action 1:11-CV-02027-TWT ("2011-02027").

26. The Docket shows most of the activity in Civil Action 1:11-CV-02027-TWT. (Exhibit 29 is a true and correct copy of the Docket.)

27. The Docket shows that Judge Thrash entered orders without giving Windsor the opportunity to file responses.

28. The Docket shows that Judge Thrash has ignored Windsor's motions such as a MOTION TO VACATE NOTICE OF REMOVAL that was presented to the Clerk on June 24, 2011. This MOTION documented and cited the many ways that the Notice of Removal was illegal and defective. Docket #18 shows that the motions presented on June 24, 2011 were denied filing.

29. The Docket does not reflect a number of motions that Windsor attempted to file, including a Motion for Remand. Judge Thrash denied the filing of this motion and many others.

Civil Action No. 1:11-CV-02326-TWT

30. On June 23, 2011, Windsor filed a Verified Complaint pursuant to Georgia RICO in Fulton County Superior Court. It was assigned Civil Action No. 2011CV202457.

31. Windsor attempted to obtain an ex parte TRO to block the illegal removal. Judge Constance C. Russell denied the request for an ex parte TRO hearing, so Windsor filed an appeal to the Georgia Court of Appeals on July 14, 2011.

32. On July 15, 2011, after being told the case was on appeal, U.S. Attorneys filed a Notice of Removal to remove the case to federal court. Judge Thrash was a Defendant, and the case was assigned to Judge Thrash -- Civil Action 1:11-CV-02326-TWT ("02326").

33. The Docket shows most of the activity in Civil Action 1:11-CV-02326-TWT. (Exhibit 30 is a true and correct copy of the Docket.)

34. The Docket shows that Judge Thrash entered orders without giving Windsor the opportunity to file responses.

35. The Docket shows that Judge Thrash has blocked the filing of EVERYTHING that Windsor has presented to the Clerk for filing. Windsor submitted numerous motions to the Clerk for filing prior to the entry of the July 22, 2011 order denying Windsor the ability to file. The motions that Windsor can prove were signed for by the Clerk include Motion to vacate Notice of Removal, Motion for Remand, Motion to Recuse Judge Thrash, and a Motion to Request a Certificate of necessity pursuant to 28 U.S.C. 292.

REASONS A STAY SHOULD BE ISSUED:
THE DISTRICT COURT HAS NO JURISDICTION,
AND THE ORDERS ARE VOID.

36. The District Court has no jurisdiction.

37. A review of the Dockets (Exhibits 27, 28, 29, and 30) shows that the District Court never made a determination as to whether it had jurisdiction in these removed actions. Not only did the District Court fail to meet this requirement, but the District Court ignored Windsor's four motions to deny removal and refused to allow Windsor's four motions for remand to be filed.

38. 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. The District Court failed to do so, and the court's so-called orders are void.

(Adams v. State, No. 1:07-cv-2924-WSD-CCH (N.D.Ga. 03/05/2008).) (See Steel Co. v. Citizens for a Better Env't, 523 U.S. 83, 94 (1998); University of S. Ala. v. The Am. Tobacco Co., 168 F.3d 405, 410 (11th Cir. 1999); Jean Dean v. Wells Fargo Home Mortgage, No. 2:10-cv-564-FtM-29SPC (M.D.Fla. 04/21/2011); Taylor v. Appleton, 30 F.3d 1365, 1366 (11th Cir. 1994).)

39. The District Court's orders were, and are, void. This Court has stated:

[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).)

40. Fraud was committed in the removal of these cases from the Fulton County Superior Court. The District Court has committed fraud upon the court as

has the U.S. Attorney. The District Court has not followed mandatory statutory procedures. The District Court committed unlawful acts. The District Court has violated due process. The District Court is part of a criminal racketeering enterprise. The District Court 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. Windsor has proof of all of this, but it is not being attached as it would create an overwhelming document.

41. Judge Thrash has demonstrated pervasive bias, and Judge Thrash's failure to recuse himself is additional grounds for disqualification. A study of pro se cases that Judge Thrash has handled reveals that he has a proven overwhelming bias against pro se plaintiffs. Judge Thrash has an "extra-judicial" bias against pro se parties. According to Windsor's review of every case Judge Thrash has handled in his career using www.versuslaw.com, no pro se plaintiff has ever won in Judge Thrash's court; 90% of pro se cases are dismissed, and 10% are defeated at summary judgment; no pro se plaintiff has ever received a jury trial

42. Failure to follow the mandatory requirements of the law is a further evidence of the appearance of partiality of Judge Thrash. This required recusal. (*Liteky v. U.S.*, 114 S.Ct. 1147 (1994); *Rankin v. Howard* (1980) 633 F.2d 844, cert den; *Zeller v. Rankin*, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326; *Piper v. Pearson*, 2 Gray 120, cited in *Bradley v. Fisher*, 13 Wall 335, 20 L.Ed. 646(1872).)

43. Judge Thrash has committed treason.

Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. *U.S. v. Will*, 449 U.S. 200, 216,

09/10/2008); *Western Water Management, Inc. v. Brown*, 40 F.3d 105, 109 (5th Cir. 1994.) [emphasis added.]

49. 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 Judge Thrash has, then he has defrauded not only the Plaintiff involved, but has also the government.

50. Windsor filed appeals of the injunctions on filing restrictions, but Judge Thrash ignored the appeals. He held a hearing and issued the permanent injunction is a case that was on appeal for his illegal preliminary injunction order. The Supreme Court stated the law on jurisdiction quite clearly in 1982:

“Even before 1979, it was generally understood that a federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance -- it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal. *See, e.g., United States v. Hitchmon*, 587 F.2d 1357 (CA5 1979).” (*Griggs v. Provident Consumer Discount* 459 U. S. 56 (1982).)

51. For these many reasons, The District Court has no jurisdiction.

THE DISTRICT COURT VIOLATED WINDSOR'S RIGHTS TO DUE PROCESS.

52. The District Court has violated just about every right to due process that there is. Fairness is not even a word in Judge Thrash's vocabulary with Windsor.

53. Judge Thrash allowed illegal, defective notices of removal to remove cases from Fulton County Superior Court. Judge Thrash failed to review the notices of removal and failed to rule on jurisdiction. Judge Thrash allowed the U.S. Attorney to file motions allegedly for Defendants, but required filings and

right to make objections. He refused to allow Windsor to be sworn in so his testimony would be on the record. He refused to rule on the objections that Windsor made during the hearing. Before he gave his argument, Windsor asked Judge Thrash if an order had already been written deciding the motion even before Windsor's presentation was heard. Judge Thrash snapped and said he was not going to answer any questions. Following Windsor's presentation after a few comments between the judge and the U.S. Attorney, after never leaving the bench, Judge Thrash leaned to his left and read the order. Exhibit 31 is an affidavit from Jeff Goolsby, one of the many in the courtroom who saw that the judge was totally biased and had already written the order.

56. On July 22, 2011, Judge Thrash violated Windsor's First Amendment rights to free speech and probably committed mail theft and interference with private communications via the U.S. mail by interfering with letters mailed to federal employees.

57. The Orders of Judge Thrash contain perjury, were issued to obstruct justice, violate the rules, and ignore the statutes. This Court doesn't want to get bogged down in facts, so Windsor will simply state that he can document anything that this Court would care to see.

58. Judge Thrash has ordered Windsor to post a \$50,000 cash bond or surety bond. Windsor has no job and no money and no ability to post a bond. Judge Thrash made no inquiries into Windsor's ability to pay.

59. It seems silly to even cite any law on this because the violations are so

filings are denied, but Windsor has presented a number of motions and affidavits to the Clerk for filing, but these have disappeared, and the Clerk of the Court refuses to respond as to the whereabouts of these filings. The District Court is totally nonresponsive.

69. This Application is verified, so it serves as a sworn affidavit under penalty of perjury from William M. Windsor.

CONCLUSION

70. Supreme Court Rule 23 provides that "a stay may be granted by a Justice as permitted by law.

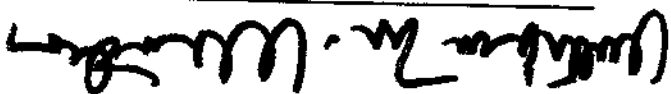
71. Windsor has shown that he will suffer irreparable harm if this Application is not granted.

WHEREFORE, Windsor respectfully requests:

- a. that a stay of all orders issued in the Underlying Actions be ordered without bond pending the filing of and decision on Windsor's Petition for Writ of Mandamus;
- b. that a stay of all activity be ordered without bond in Appeals of all orders in the Underlying Actions and that the time for filing appeals be frozen pending the filing of and decision on Windsor's Petition for Writ of Mandamus; and
- c. that the Chief Justice name a judge from outside the territory of the Eleventh Circuit to preside over the Underlying Actions;
- d. that the new presiding judge review jurisdiction and issue appropriate orders;

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William M. Windsor
Pro Se



Respectfully submitted this 28th day of July, 2011.

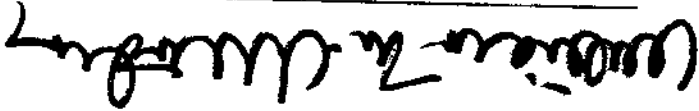
f. that this Court grant such other and further relief as is appropriate.

and other documents as of the date and time presented;

e. that the Clerk of the Court be ordered to file all of Windsor's motions

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William M. Windsor
Pro Se



This 28th day of July, 2011.

Christopher J. Huber, Neel Ben-David, Darcy Coty
ASSISTANT U.S. ATTORNEYS
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W.
Atlanta, Georgia 30303
Telephone: (404) 581-6292 -- Facsimile: (404) 581-6181
Email: chrs.huber@usdoj.gov

follows:

States Postal Service first-class mail with sufficient postage attached, addressed as

I hereby certify that I served this APPLICATION FOR STAY by United

CERTIFICATE OF SERVICE

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 APPLICATION are true and correct based upon my personal knowledge, except as to the matters herein stated

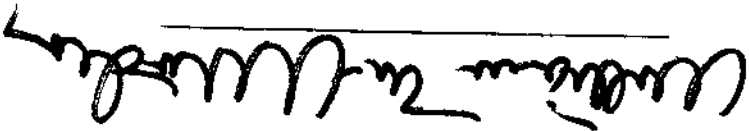
to be alleged on information and belief, and that as to those matters I believe them

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 28th day of July 2011.



William M. Windsor

No.

In The Supreme Court of the United States

In re WILLIAM M. WINDSOR

WILLIAM M. WINDSOR,

Petitioner

v.

Christopher Huber, Sally Quillian Yates, William S. Duffey, 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. Shoop, 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. Johnson, E. Clayton Scofield, Russell G. Vineyard, Paul Howard, Jr., 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, James N. Hatten, Anniva Sanders, Joyce White, Beverly Gutting, Margaret Callier, B. Grubby, Douglas J. Mincher, Jessica Birnbaum, Vicki Hanna, John Ley, Neeli Ben-David, John A. Horn, Maid of the Mist Corporation, Maid of the Mist Steamboat Company Limited, and Unknown Does,

Respondents

On Petition for Writ of Mandamus

To The United States District Court for the Northern District of Georgia

EMERGENCY APPLICATION FOR STAY -- EXHIBITS

William M. Windsor
Pro Se

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Marietta, GA 30068

770-578-1094

Exhibit

1

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, Arniva Sanders, J. White,
B. Gutting, Margaret Callier, B. Gruby,
Douglas J. Mincher, Jessica Birnbaum,
Judge William S. Duffey, Judge Orinda D.
Evans, Judge Julie B. 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.

ORDER

WHEREAS, defendants Judge William S. Duffey, Judge Orinda D. Evans,
Judge Julie B. 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

CIVIL ACTION NO.

1:11-CV-01922-TWT

to the Complaint until July 25, 2011.

SO ORDERED this 16 day of June, 2011.

Thomas W. Bland
UNITED STATES DISTRICT JUDGE

Exhibit 2

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

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

T:\ORDERS\11Windsor\1cv1922\pfo.wpd

Exhibit

3

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. Windsor v. Hallen, et al.*, No. 1:11-CV-1922-TWT (N.D. Ga.) ("Windsor III"); *Windsor v. Hallen, 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 Orinda 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 F.*"). 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. Hallen, 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 III*, 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 defective; 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

⁷ 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." *Litky 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. *Litky*, 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." *Litky*, 510 U.S. at 555. (Emphasis added).

Plaintiff's affidavit and pleadings 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

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." *Likey*, 510 U.S. at 555. Judge Thrash's findings, 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." *Likey*, 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. Whiesel*, 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.

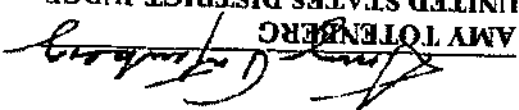
C. SUMMARY OF RULINGS

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 L. TENENBERG
UNITED STATES DISTRICT JUDGE

Exhibit

4

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

6 Exhibit

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 the 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

7

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

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

WILLIAM M. WINDSOR,
Plaintiff,
v.
JUDGE WILLIAM S. DUFFEY, et al.,
Defendants.

ORDER

This is a pro se civil action against 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 the clerical and judicial operations and is an impediment to the administration of justice.

The Plaintiff's Motions [Doc. 12, 24, 26 & 27] are DENIED. The claims are

frivolous.

SO ORDERED, this 13 day of July, 2011.

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

Exhibit

8

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, Annva Sanders, J. White,
B. Gutting, Margaret Callier, B. Grutby,
Douglas J. Mincher, Jessica Birnbaum,
Judge William S. Duffey, Judge Orinda D.
Evans, Judge Julie B. 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.

ORDER

WHEREAS, defendants James M. Hatten, Annva Sanders, J. White, B.

Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum,

Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie B. 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.

1:11-CV-01923-TWT

CIVIL ACTION NO.

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.

Thomas M. Cook
UNITED STATES DISTRICT JUDGE

Prepared by:

Christopher J. Huber
Assistant U.S. Attorney

Exhibit 9

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

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Case 1:11-cv-01923-TWT Document 33 Filed 06/17/11 Page 2 of 2

Exhibit 10

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 Orinda 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. Hallen, 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 defective; 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,

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.” *Litky 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. *Litky*, 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." *Litky*, 510 U.S. at 555. (Emphasis added).

Plaintiff's affidavit and pleadings 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

* 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." *Likey*, 510 U.S. at 555. Judge Thrash's findings, 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." *Likey*, 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. Gristmore*, 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 "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.

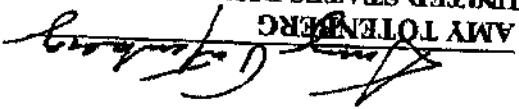
C. SUMMARY OF RULINGS

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

11

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

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JAMES N. HATTEN, et al.,

Defendants.

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 12

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

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

WILLIAM M. WINDSOR,
Plaintiff,
v.
JAMES N. HATTEN, et al.,
Defendants.

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 the 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 13

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 the 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 13, 2011 is GRANTED. The Motion for Reconsideration contains Mr. Windsor's usual outlandish ravings and preposterous claims. However, the motion

does show that he has received notice of the July 15, 2011 hearing and the July 12, 2011 Order setting forth the limitations which will govern the hearing. The Motion for Reconsideration is DENIED.

SO ORDERED, this 14th day of July, 2011.

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

Exhibit 14

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

**1:11-cv-01923-TWT
 Windsor v. Hatten et al
 Honorable Thomas W. Thrash, Jr.**

Minute Sheet for proceedings held In Open Court on 07/15/2011.

**TIME COURT COMMENCED: 2:00 P.M.
 TIME COURT CONCLUDED: 2:37 P.M.
 TIME IN COURT: 0:37
 OFFICE LOCATION: Atlanta
 COURT REPORTER: Monty Vann
 DEPUTY CLERK: Sheila Sewell**

ATTORNEY(S)

Christopher Huber representing United States
 William M. Windsor appearing Pro Se

PROCEEDING

Motion Hearing(Motion Hearing Non-evidentiary);

MINUTE TEXT:

The Court heard from counsel for defendants and plaintiff on defendants
 Motion for Modification of Protective Order [40]. Defendants
 exhibits 1-5 ADMITTED. The Court granted the defendants' Motion to
 Modify the Protective Order and enjoined the plaintiff from filing any
 new lawsuit without approval of a district court in the district that the
 lawsuit is to be filed. If lawsuit names federal judges or court
 employees the plaintiff must tender \$50,000 bond. A written order to
 follow later this afternoon.
 Hearing Concluded
 Exhibits retained by the Court to be forwarded to the Clerks Office.

HEARING STATUS:

EXHIBIT STATUS:

Exhibit 15

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]. 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.

\$50,000.00 cash bond or a \$50,000.00 corporate surety bond sufficient to satisfy an award of Rule 11 sanctions since such actions are presumably frivolous. Failure to obey this Order, including by attempting to avoid or circumvent the intent of this Order, will be grounds for sanctions including contempt.

SO ORDERED, this 15 day of July, 2011.

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

Exhibit 16

instances, to unnamed employees in various court positions. The letters seek "people to testify that the judges have committed crimes," and other information to the same effect. Although carefully worded, the letters are threatening in nature, and appear to have been written with an intent to intimidate the recipients. The Court is further informed that similar letters have been sent to the employees of the Court of Appeals. Under existing procedures, each of these letters has been screened and would have to be distributed and delivered by Marshal's Service and Court personnel. As such, much in the same manner as the Plaintiff's frivolous, malicious and vexatious pleadings, the letters represent a disruption of the Court's clerical processes and abuse of the Court's resources. This is true without considering the potential distraction or upset that may be caused the employees intended to receive these letters.

The Court views this latest action of Plaintiff as a continuation of the misconduct identified by the Court of Appeals as "a burden to clerical and judicial operations" and "an impediment to the administration of justice." While the Court has sought to limit the Plaintiff's filing of pleadings in recognition of his misconduct, the Court has not had reason to address other than pleadings. The Plaintiff's latest actions establish that reason. In light of the most recent actions of the Plaintiff and to ensure the object of this Court's earlier Order is realized; that the judicial and clerical operations of this court not be disrupted,

IT IS HEREBY ORDERED that any future mailings received from the Plaintiff or a person acting on his behalf and addressed to multiple employees of the Court, will not be delivered to the employees, but will be delivered to the Clerk of Court or such other person or persons as the Clerk shall designate for that purpose; and

That the Clerk, or his designee, will make provisions to review the correspondence and, after review, will recommend to a judge of this Court whether to respond, return, distribute, discard, or otherwise process said correspondence.

Dated this 22nd day of July, 2011.

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

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

WILLIAM M. WINDSOR

Plaintiff,

Civil Action No.

1:11-CV-01923-TWT

v.

JAMES N. HATTEN, ET AL.

Defendants.

ORDER

The Court having reviewed non-party movants Maid of the Mist Corporation and Maid of the Mist Steamboat Company, Ltd.'s motion for access to exhibits referred to in July 15, 2011 hearing transcript and having determined that the motion is ripe for determination, the Court grants the motion and enters this order directing that the clerk make the exhibits from the July 15, 2011 hearing available to Maid's counsel and/or his designee for inspection and copying of the same. **SO ORDERED**, this 27th day of July, 2011.

/s/Thomas W. Thrash
Thomas W. Thrash, Judge
United States District Court
Northern District of Georgia

Exhibit

18

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. 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");

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. Hallen, 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; 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 defective; 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." 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."

Litky 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

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.

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
AMY TOTENBERG
UNITED STATES DISTRICT JUDGE

Exhibit 19

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

Exhibit 22

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

William M. Windsor,

Plaintiff,

v.

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 Torenberg, Robert L. Vining,
Horace T. Ward, Janet F. King, Susan S. Cole,
Alan J. Bavernan, 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,
Margaret Callier, Douglas J. Mincher,
B. Gruby, Jessica Birnbaum, Vicki Hanna,
John Ley, Joel F. Dubina, Ed Carnes,
Rosemary Barket, 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,

CIVIL ACTION NO.
1:11-cv-2027-TWT

Emmett Ripley Cox, Paul Howard, Jr.,)
the United States of America, and)
Unknown Does,)
)
Defendants.)

ORDER

WHEREAS, defendants Thomas W. Thrash, Christopher Huber, Sally Quillian Yates, William S. Duffey, Jr., 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. Johnson, 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 and the United States of America have shown good cause as to why their Motion For An Extension Of Time To File Responsive Pleadings Or Motions should be granted,

IT IS HEREBY ORDERED that the motion is GRANTED and that the above-named 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 above-named defendants' representation requests or 60 days after all of the above-named defendants have been served with a copy of the complaint, whichever is later.

SO ORDERED this 13th day of July, 2011.

/s/Thomas W. Thrash

THE HONORABLE THOMAS W. THRASH, JR.
UNITED STATES DISTRICT JUDGE

Prepared by:

Neeli Ben-David
Assistant U.S. Attorney

Exhibit

23

Horn, and Unknown Does, Fulton County Superior Court Civil Action File No. 2011CV202457, now pending in the Superior Court of Fulton County, Georgia, in accordance with 28 U.S.C. § 1442, pursuant to the provisions of 28 U.S.C. § 1447(b), as amended, it is hereby ORDERED:

The Clerk of the Superior Court of Fulton County, Georgia is hereby ORDERED to deliver forthwith to the Clerk of this Court, located at United States Courthouse, 2200 Richard B. Russell Federal Building, 75 Spring St., S.W., Atlanta, Georgia 30303, one (1) complete certified copy of the entire record herein to date in the above-referenced case.

SO ORDERED this 18th day of July, 2011.

/s/Thomas W. Thrash
UNITED STATES DISTRICT JUDGE

Submitted by:

/s/ Darcy F. Coty
Assistant U.S. Attorney

Exhibit

24

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

William M. Windsor,)

Plaintiff,)

v.)

CIVIL ACTION NO.
1:11-cv-2326-TWT

The United States of America,)
Christopher Huber, Sally Quillian Yates,)
William S. Duffey, 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,)
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. Johnson, 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, Jr.,)
Neeli Ben-David, John A. Horn, and)

Unknown Does,

Defendants.

)
)
)

ORDER

WHEREAS, Defendants the United States of America, Christopher Huber, Sally Quillian Yates, Judge William S. Duffey, Judge Thomas Woodrow Thrash, Judge Orinda D. Evans, Judge Julie E. Carnes, Judge Steve C. Jones, Judge Timothy C. Batten, Judge Clarence Cooper, Judge J. Owen Forrester, Judge Willis B. Hunt, Judge Harold L. Murphy, Judge William C. O'Kelley, Judge Charles A. Pannell, Judge Marvin H. Shoob, Judge Richard W. Story, Judge G. Ernest Tidwell, Judge Amy Totenberg, Judge Robert L. Vining, Judge Horace T. Ward, Judge Janet F. King, Judge Susan S. Cole, Judge Alan J. Baverman, Judge Gerrilyn G. Brill, Judge C. Christopher Hagy, Judge Linda T. Walker, Judge Walter E. Johnson, Judge E. Clayton Scofield, Judge 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, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge Frank M. Hull, Judge James Larry Edmondson, Judge Stanley Marcus, Judge William H. Pryor, Judge Gerald Bard Tjoflat, Judge Susan H. Black, Judge Charles R. Wilson, Judge James C. Hill, Judge Beverly B. Martin, Judge Peter T. Fay, Judge Phyllis A. Kravitch,

Judge R. Lanier Anderson, Judge Emmett Ripley Cox, Neeli Bend-David, and John Horn have shown good cause as to why their Motion For An Extension Of Time To File Responsive Pleadings Or Motions should be granted,

IT IS HEREBY ORDERED that the motion is GRANTED and that the above-named 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 above-named Defendants' representation requests or 60 days after all of the above-named Defendants have been served with a copy of the complaint, whichever is later.

SO ORDERED this 21st day of July, 2011.

/s/Thomas W. Thrash
THE HONORABLE THOMAS W. THRASH, JR.
UNITED STATES DISTRICT JUDGE

Prepared by:

/s/ Darcy F. Coty
Darcy F. Coty
Assistant U.S. Attorney

Exhibit

25

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

CHRISTOPHER HUBER, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:11-CV-2326-TWT

ORDER

This is a pro se civil action against various Judges of this Court and the Eleventh Circuit Court of Appeals and others. It is before the Court on the United States' Motion for Protective Order [Doc. 6] 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.

The United States' 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 21 day of July, 2011.

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

Exhibit

26

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

27

**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: 1:11-cv-02326-TWT

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. (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 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)

		Hearing, denying <u>27</u> Motion for Reconsideration. Signed by Judge Thomas W. Thrash, Jr on 7/13/11. (dr) (Entered: 07/14/2011)
07/14/2011	<u>44</u>	NOTICE of receipt of corresponce by William M. Windsor. (fem) (Entered: 07/14/2011)
07/14/2011	<u>45</u>	NOTICE Of Filing of Notice of Appeal by William M. Windsor. (fem) (Entered: 07/14/2011)
07/14/2011	<u>46</u>	NOTICE OF APPEAL as to <u>42</u> Order, <u>41</u> Order, <u>25</u> Order on Motion for Protective Order, <u>19</u> Order on Motion for Extension of Time, <u>39</u> Order on Motion for Recusal, Order on Motion to Strike, Order on Motion for Leave to File, by William M. Windsor. Transcript Order Form due on 7/28/2011. No fee,IFP forms and appeal fee letter forwarded to plaintiff.(fem) Modified on 7/14/2011 to correct docket text. (fem). (Entered: 07/14/2011)
07/14/2011	<u>47</u>	Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re <u>46</u> Notice of Appeal, (Attachments: # <u>1</u> Appeal Fee Letter)(fem) (Entered: 07/14/2011)
07/14/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>48</u> Order. (dr) (Entered: 07/14/2011)
07/15/2011	<u>49</u>	ORDER that permission to file the papers received by the Clerk from the Plaintiff on 7/14/11 is GRANTED. Signed by Judge Thomas W. Thrash, Jr on 7/15/11. (dr) (Entered: 07/18/2011)
07/15/2011	<u>50</u>	NOTICE Of Filing of Emergency Request for Consent to File Motion to Confirm Stay by William M. Windsor (dr) (Entered: 07/18/2011)
07/15/2011	<u>51</u>	EMERGENCY Request for Consent to File MOTION to Confirm Stay by William M. Windsor. (dr) (Entered: 07/18/2011)
07/18/2011		Clerks Certificate of Mailing as to William M. Windsor re <u>49</u> Order. (dr) (Entered: 07/18/2011)
07/19/2011	<u>52</u>	MOTION to Dismiss <i>The Federal Defendants' Motion to Dismiss</i> 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 Federal Defendants' Memorandum Of Points And Authorities In Support Of Motion To Dismiss, # <u>2</u> Text of Proposed Order)(Huber, Christopher) (Entered: 07/19/2011)

PACER Service Center			
Transaction Receipt			
07/28/2011 11:21:12			
PACER Login:	wc3030	Client Code:	
Description:	Docket Report	Search Criteria:	1:11-cv-01922-TWT
Billable Pages:	5	Cost:	0.40

Exhibit 28

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

4months, APPEAL, EXH, SUBMDJ

Windsor v. Hatten et al
Assigned to: Judge Thomas W. Thrash, Jr
Case: 1:11-cv-02326-TWT
Case in other court: Superior Court of Fulton County,
Georgia, 2011CV200971
Cause: 28:1443(1)Removal from State Court - Civil Rights
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

Annva 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)

Defendant

Judge Joel R. Dubina

Defendant

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

John Ley

Defendant

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

Judge Julie E. Carnes

Defendant

Judge Orinda D. Evans

Defendant

Judge William S. Duffey

Defendant

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

Jessica Birbaum
TERMINATED: 06/13/2011

Defendant

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

Douglas J. Mincher
TERMINATED: 06/13/2011

Defendant

B. Grubby

Defendant

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

Margaret Calher
TERMINATED: 06/13/2011

Defendant

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

B. Gutting
TERMINATED: 06/13/2011

Defendant

ATTORNEY TO BE NOTICED

Defendant

United States

Defendant

Does 8 to 1000

Defendant

John Doe 2

Defendant

John Doe 1

Defendant

Jane Doe 5

Defendant

Jane Doe 4

Defendant

Jane Doe 3

Defendant

Jane Doe 2

Defendant

Jane Doe 1

Defendant

Judge Frank M. Hull

Defendant

Judge Rosemary Barkett

Defendant

Judge Ed Carnes

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

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

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

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

Georgia Athletic and Entertainment
Commission

Defendant

Judge Moore

Defendant

Therese Tran

Movant

Maid of the Mist Corporation

represented by Carl Hugo Anderson, Jr.
Hawkins Parnell Thackston & Young,
LLP
303 Peachtree Street, N.E.
4000 SunTrust Plaza
Atlanta, GA 30308-3243
404-614-7400
Fax: 404-614-7500
Email: canderson@hpylaw.com
ATTORNEY TO BE NOTICED

Sarah Louise Bright
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303 Peachtree Street, N.E.
4000 SunTrust Plaza
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404-614-7534
Email: sbright@hpylaw.com
ATTORNEY TO BE NOTICED

represented by Carl Hugo Anderson, Jr.
(See above for address)
ATTORNEY TO BE NOTICED

Sarah Louise Bright
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/13/2011	1	NOTICE OF REMOVAL with COMPLAINT filed by James N. Hatten, Douglas J. Mincher, T. White, Jessica Birnbaum, B. Gutting, Anniva Sanders, Margaret Caller. Consent form to proceed before U.S. Magistrate and pretrial instructions

06/13/2011	2	MOTION for Extension of Time File Responsive Pleading or Motion and Brief in Support with Brief in Support by Rosemary Barket, Jessica Birnbaum, Margaret Callier, Ed Carnes, Julie E. Carnes, James N. Hatten, Frank M. Hull, John Ley, Douglas J. Mincher, Arniya Sanders, J. White, William M. Windsor, United States. (Attachments: # 1 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	3	NOTICE by United States of Substitution of United States as Defendant (Attachments: # 1 Exhibit A)(Huber, Christopher) (Entered: 06/13/2011)
06/13/2011	4	MOTION for Protective Order with Brief in Support by United States. (Attachments: # 1 Brief Memorandum of Points and Authorities in Support of Motion for a Protective Order, # 2 Text of Proposed Order)(Huber, Christopher) (Entered: 06/13/2011)
06/14/2011	5	Certificate of Interested Persons and Corporate Disclosure Statement, by William M. Windsor. (rvb) (Entered: 06/15/2011)
06/14/2011	6	RESPONSE re 4 MOTION for Protective Order, filed by William M. Windsor. (Attachments: # 1 Exhibit A)(rvb) (Entered: 06/15/2011)
06/14/2011	7	MOTION to Deny Removal, Emergency MOTION for Discovery, MOTION for Hearing, by William M. Windsor. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(rvb) (Entered: 06/15/2011)
06/15/2011	10	Letter from William M. Windsor requesting subpoenas. (dtb) (Entered: 06/16/2011)
06/15/2011	11	Letter from William M. Windsor regarding his notice of filings and motions. (dtb) (Entered: 06/16/2011)
06/15/2011	12	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. (dtb) (Entered: 06/16/2011)
06/15/2011	13	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. (dtb) (Entered: 06/16/2011)
06/15/2011	14	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. (dtb) (Entered: 06/16/2011)

provided. (Attachments: # 1 Exhibit A - Complaint, # 2 Exhibit B - Certification, # 3 Text of Proposed Order, # 4 Civil Cover Sheet) (dtb) Please visit our website at <http://www.gand.uscourts.gov> to obtain Pretrial Instructions. (Entered: 06/13/2011)

06/15/2011	15	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	16	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	17	MOTION to Approve Evidence by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	18	NOTICE OF Filing of Motion for CM/ECF Password by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	19	MOTION for CM/ECF Password by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	20	NOTICE OF Filing of Motion to Require Sworn Verification with All Filings by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	21	MOTION to Require Sworn Verifications with All Filings by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	22	NOTICE OF Filing of Motion for Protection from Judge Orinda D. Evans by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	23	MOTION for Protection from Judge Orinda D. Evans by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	24	NOTICE OF Filing of Motion for Protection from Judge William S. Duffey by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	25	MOTION for Protection from Judge William S. Duffey by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	26	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	27	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	28	Letter from William M. Windsor enclosing three (3) Notices of Filings. (dfb) (Entered: 06/16/2011)
06/15/2011	29	NOTICE OF Filing of Certificate of Interested Persons and Corporate Disclosure Statement by William M. Windsor. (dfb) (Entered: 06/16/2011)
06/15/2011	30	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	31	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	32	Letter from William M. Windsor requesting copies of all Notices of Electronic Filing. (dfb) (Entered: 06/16/2011)
06/16/2011	8	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 4 MOTION for Protective Order, submitted to District Judge Thomas W. Thrash. (ss) (Entered: 06/16/2011)
06/16/2011	9	ORDER that the 2 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 9 Order (ank) (Entered: 06/16/2011)
06/17/2011		Clerks Notation re 8 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	33	ORDER granting the United States' 4 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 33 Order on Motion for Protective Order. (dfb) (Entered: 06/17/2011)
06/17/2011	34	NOTICE OF Filing Emergency Motion for Temporary Restraining Order and Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	35	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	36	NOTICE OF Filing of Response to the Federal Defendants' Motion for an Extension of Time to File Responsive Pleading or Motion to Strike, by William M. Windsor. (rvb) (Entered: 06/20/2011)

06/17/2011	37	Emergency MOTION for Temporary Restraining Order, MOTION for Hearing, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	38	MOTION for Reconsideration re 9 Order on Motion for Extension of Time, by William M. Windsor. (rvb) (Entered: 06/20/2011)
06/17/2011	39	RESPONSE re 2 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	40	Emergency MOTION for Protective Order Seeking Modification of Protective Order with Brief In Support by United States. (Attachments: # 1 Memorandum in Support, # 2 Exhibit 1, # 3 Text of Proposed Order)(Huber, Christopher) (Entered: 06/22/2011)
06/22/2011	41	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 41 Order (dr) (Entered: 06/23/2011)
06/23/2011	42	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	43	EMERGENCY MOTION to Recuse Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011		Submission of 43 MOTION for Recusal, submitted to District Judge Army Totenberg. (dr) (Entered: 06/23/2011)
06/24/2011	44	RESPONSE in Opposition re 43 MOTION for Recusal filed by United States. (Attachments: # 1 Exhibit 1)(Huber, Christopher) (Entered: 06/24/2011)
06/28/2011	45	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	46	REPLY to Response to 43 MOTION for Recusal filed by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	47	MOTION to Strike 44 Response in Opposition to Motion by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	48	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 48 Notice of Filing, which was FILED IN ERROR in the wrong case. (dr) (Entered: 06/28/2011)

06/30/2011	49	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	50	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	51	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. (cc) (Entered: 07/01/2011)
07/01/2011	52	NOTICE OF Filing William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (Attachments: # 1 William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash, # 2 Exhibit 1, # 3 Exhibit 2)(cc) (Entered: 07/01/2011)
07/01/2011	53	ORDER DENYING Plaintiff's motion to recuse 43. For the same reasons, the court DENIES Plaintiff's motion for certificate of necessity 50 and corresponding motion for a hearing filed July 1, 2011 51. The Court additionally DENIES Plaintiff's Motion to Strike 47. Signed by Judge Amy Totenberg on 7/1/2011. (cc) (Entered: 07/01/2011)
07/01/2011		Clerks Certificate of Mailing as to William M. Windsor re 53 Order. (cc) (Entered: 07/01/2011)
07/06/2011	54	NOTICE of Hearing on Motion re: 40 Emergency MOTION Seeking AM in ATLA Courtroom 2108 before Judge Thomas W. Thrash Jr. (ss) 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 54 Notice of Hearing on Motion 7/15/11. (ss) (Entered: 07/06/2011)
07/06/2011	55	AMENDED NOTICE of Hearing on Motion re: 40 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 55 Amended Notice of Hearing on Motion 7/15/11, time change only. (ss) (Entered: 07/06/2011)
07/06/2011	56	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 56 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	57	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 57 Order. (dr) (Entered: 07/07/2011)
07/11/2011		Submission of 7 MOTION to Deny Removal MOTION for Discovery MOTION for Hearing, 21 MOTION to Require Sworn Verifications with All Filings, 19 MOTION for CM/BCE Password, 37 MOTION for Temporary Restraint Order MOTION for Hearing, 17 MOTION to Approve Evidence, 15 MOTION for the Court to Order All Defendants to Be Present to Testify at the Removal Hearing, 25 MOTION for Protection from Judge William S. Duffey, 38 MOTION for Reconsideration re 9 Order, 23 MOTION for Protection from Judge Orinda D. Evans, 40 Emergency MOTION for Protective Order Seeking Modification of Protective Order, 13 MOTION for Order, 27 MOTION to Disqualify Attorney, submitted to District Judge Thomas W. Thrash. (dr) (Entered: 07/11/2011)
07/12/2011	58	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 58 Order. (ss) (Entered: 07/12/2011)
07/12/2011		Clerks Certificate of Mailing re 58 Order, Delivery of order to USM. (ss) (Entered: 07/12/2011)
07/12/2011	59	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 59 Order (dr) (Entered: 07/13/2011)
07/13/2011	63	ORDER denying 25 Motion for Miscellaneous Relief, denying 27 Motion to Disqualify Attorney, denying 37 Motion for TRO, denying 37 Motion for Hearing, denying 38 Motion for Reconsideration, denying 40 Motion for Protective Order, denying 7 Motion for Miscellaneous Relief, denying 7 Motion for Discovery, denying 7 Motion for Hearing, denying 13 Motion for Order, denying 15 Motion for Miscellaneous Relief, denying 17 Motion for Miscellaneous Relief, denying 19 Motion for Miscellaneous Relief, denying 21 Motion for Miscellaneous Relief, denying 23 Motion for Miscellaneous Relief. Signed by Judge Thomas W. Thrash, Jr on 7/13/11. (dr) (Entered: 07/14/2011)

07/13/2011	65	NOTICE of Filing of Request for Consent to file motion for reconsideration of order dated 7/12/11 by William M. Windsor (dr) (Entered: 07/14/2011)
07/13/2011	66	REQUEST for Consent to File Emergency MOTION for Reconsideration of 58 Order, by William M. Windsor. (dr) (Entered: 07/14/2011)
07/14/2011	60	NOTICE of receipt of correspondence by William M. Windsor. (fem) (Entered: 07/14/2011)
07/14/2011	61	NOTICE OF Filing of Notice of Appeal by William M. Windsor. (fem) (Entered: 07/14/2011)
07/14/2011	62	NOTICE OF APPEAL as to 9 Order on Motion for Extension of Time, 33 Order on Motion for Protective Order, 59 Order, 53 Order on Motion for Recusal, Order on Motion to Strike, Order on Motion for Leave to File, 58 Order, 57 Order by William M. Windsor. Filing fee \$ 455, receipt number GAN100037140. Transcript Order Form due on 7/28/2011 (Attachments: # 1 Exhibits 1-4, # 2 Exhibits 5-11, # 3 Exhibits 12-17, # 4 Exhibit 18, # 5 Exhibit 19, # 6 Exhibit 24, # 7 Exhibit 25)(fem) Modified on 7/15/2011 to correct docket text. (fem). (Entered: 07/14/2011)
07/14/2011		Clerks Certificate of Mailing as to William M. Windsor re 63 Order. (dr) (Entered: 07/14/2011)
07/14/2011	64	Transmission of Certified Copy of Notice of Appeal, Orders and Docket Sheet to US Court of Appeals re: 62 Notice of Appeal. (kac) (Entered: 07/14/2011)
07/14/2011	67	ORDER that permission to file the papers received by the Clerk from the Plaintiff on 7/13/11 is GRANTED. The motion does show that he has received notice of the 7/15/11 hearing and the 7/12/11 Order setting forth the limitations which will govern the hearing. The 66 Motion for Reconsideration is DENIED. Signed by Judge Thomas W. Thrash, Jr on 7/14/11. (dr) (Entered: 07/14/2011)
07/14/2011		Clerks Certificate of Mailing as to William M. Windsor re 67 Order. (dr) (Entered: 07/14/2011)
07/14/2011	68	RESPONSE to 62 Notice of Appeal filed by United States. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2)(Huber, Christopher) (Entered: 07/14/2011)
07/14/2011	69	NOTICE of Correction Regarding by United States re 68 Response to Notice of Appeal (Attachments: # 1 Exhibit 1)(Huber, Christopher) Modified text on 7/15/11 (dr). (Entered: 07/14/2011)
07/15/2011	70	ORDER that permission to file the papers received by the Clerk from the Plaintiff on 7/15/11 is GRANTED with respect to his Reply to Certain Defendants' Response to Notice of Appeal. Signed by Judge Thomas W. Thrash, Jr on 7/15/11. (dr) (Entered: 07/15/2011)
07/15/2011	71	NOTICE of Filing of Emergency Request for Consent to file Reply to Certain Defendants' Response to Notice of Appeal by William M. Windsor. (dr) (Entered: 07/15/2011)

07/15/2011	72	REPLY to 68 Response to Notice of Appeal filed by William M. Windsor. (dr) (Entered: 07/15/2011)
07/15/2011		Clerks Certificate of Mailing as to William M. Windsor re 70 Order (dr) (Entered: 07/15/2011)
07/15/2011	73	Minute Entry for proceedings held before Judge Thomas W. Thrash, Jr: Motion Hearing held on 7/15/2011. The Court heard from counsel for defendants and plaintiff on defendants Motion for Modification of Protective Order 40. Defendants exhibits 1-5 ADMITTED. The Court granted the defendants' Motion to Modify the Protective Order and enjoined the plaintiff from filing any new lawsuit without approval of a district court in the district that the lawsuit is to be filed. If lawsuit names federal judges or court employees the plaintiff must tender \$50,000 bond. (Court Reporter Monty Vann)(dr) (Entered: 07/15/2011)
07/15/2011	74	ORDER granting 40 Motion for Protective Order; Plaintiff, William M. Windsor, and any parties acting in concert with him or at his best, are PERMANENTLY ENJOINED from filing any complaint or initiating any proceeding, including any new lawsuit or administrative proceeding, in any court (state or federal) or agency in the United States without first obtaining leave of a federal district court in the district in which the new complaint or proceeding is to be filed. If the lawsuit or administrative proceeding names federal judges or court employees, the Plaintiff must also tender a \$50,000.00 cash bond or a \$50,000.00 corporate surety bond sufficient to satisfy an award of Rule 11 sanctions since such actions are presumably frivolous. Signed by Judge Thomas W. Thrash, Jr on 7/13/11. (dr) (Entered: 07/15/2011)
07/15/2011		Clerks Certificate of Mailing as to William M. Windsor re 74 Order. (dr) (Entered: 07/15/2011)
07/15/2011	75	ORDER that permission to file the papers received by the Clerk from the Plaintiff on 7/14/11 is GRANTED. Signed by Judge Thomas W. Thrash, Jr on 7/15/11. (dr) (Entered: 07/18/2011)
07/15/2011	76	NOTICE OF Filing of Emergency Request for Consent to File Motion to Confirm Stay by William M. Windsor (dr) (Entered: 07/18/2011)
07/15/2011	77	EMERGENCY Request for Consent to File MOTION to Confirm Stay by William M. Windsor. (dr) (Entered: 07/18/2011)
07/15/2011	78	EXHIBITS from 7/15/11 hearing received from Courtroom Deputy and placed in Exhibit room. Defendants 1-6. (dr) (Entered: 07/18/2011)
07/15/2011	79	NOTICE OF Filing of Amended Notice of Appeal by William M. Windsor. (fem) (Entered: 07/18/2011)
07/15/2011	80	Amended NOTICE OF APPEAL as to 70 Order, 75 Order, 74 Order on Motion for Protective Order, by William M. Windsor. Transcript Order Form due on 7/29/2011. No Fee, IFP forms and appeal fee letter forwarded to plaintiff.(fem) (Entered: 07/18/2011)

07/18/2011	81	Clerks Certificate of Mailing as to William M. Windsor re 75 Order. (dr) (Entered: 07/18/2011)
07/18/2011		Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re 80 Notice of Appeal (Attachments: # 1 Appeal Fee Letter)(fem) (Entered: 07/18/2011)
07/19/2011	82	NOTICE OF Filing of Second Amended Notice of Appeal by William M. Windsor (fem) (Entered: 07/19/2011)
07/19/2011	83	Second Amended NOTICE OF APPEAL as to 70 Order, 75 Order, 74 Order on Motion for Protective Order, by William M. Windsor. Transcript Order Form due on 8/2/2011 (Attachments: # 1 Exhibits)(fem) (Entered: 07/19/2011)
07/19/2011	84	Transmission of Certified Copy of Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re 83 Notice of Appeal (fem) (Entered: 07/19/2011)
07/22/2011	85	ORDER that any future mailings received from the Plaintiff or a person acting on his behalf and addressed to multiple employees of the Court, will not be delivered to the employees, but will be delivered to the Clerk of Court or such other person or persons as the Clerk shall designate for that purpose; and That the Clerk, or his designee, will make provisions to review the correspondence and, after review, will recommend to a judge of this Court whether to respond, return, distribute, discard, or otherwise process said correspondence. Signed by Judge Thomas W. Thrash, Jr on 7/22/11. (dr) (Entered: 07/22/2011)
07/25/2011	86	Notice of Filing of Third Amended Notice of Appeal by William M. Windsor. (fem) (Entered: 07/25/2011)
07/25/2011	87	THIRD AMENDED NOTICE OF APPEAL as to 85 Order, by William M. Windsor. Transcript Order Form due on 8/8/2011. No Fee, IFP forms and appeal fee letter forwarded to plaintiff. (fem) Modified on 7/25/2011 to correct docket text. (fem). (Entered: 07/25/2011)
07/25/2011	88	Transmission of Certified Copy of THIRD AMENDED Notice of Appeal, Judgment, Order and Docket Sheet to US Court of Appeals re 87 Notice of Appeal (Attachments: # 1 Appeal Fee Letter)(fem) (Entered: 07/25/2011)
07/26/2011	89	MOTION for Order Non-Party Movants Maid of the Mist Corporation and Maid of the Mist Steamboat Company, Ltd.'s Motion for Access to Exhibits Referred to in July 15, 2011 Hearing Transcript with Brief in Support by Maid of the Mist Corporation, Maid of the Mist Steamboat Company, Ltd. (Attachments: # 1 Exhibit, # 2 Text of Proposed Order)(Anderson, Carl) (Entered: 07/26/2011)
07/27/2011	90	ORDER granting 89 Motion for access to exhibits; the Clerk is directed to make the exhibits from the 7/15/11 hearing available to Maid's counsel and/or his designee for inspection and copying of the same. Signed by Judge Thomas W. Thrash, Jr on 7/27/11. (dr) (Entered: 07/27/2011)

PACER Service Center	
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Description: Docket Report	Search Criteria: 1:11-cv-01923-TWT
Billable Pages: 9	Cost: 0.72

07/27/2011	Clerks Certificate of Mailing as to William M. Windsor re 90 Order. (dr) (Entered: 07/27/2011)
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Exhibit 29

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

4months, APPEAL, PROTO, SUBMDI

Windsor v. Thrash et al

Assigned to: Judge Thomas W. Thrash, Jr

Case: 1:11-cv-02326-TWT

Case in other court: USCA-11th Circuit, 11-13215-C

Superior Court of Fulton County,

2011CV202263

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

Plaintiff

William M. Windsor

represented by **William M. Windsor**

P. O. Box 681236

Martha, GA 30068

770-578-1094

PRO SE

Defendant

Thomas Woodrow Thrash

represented by **Neill Ben-David**

U.S. Attorney's Office-ATL

600 U.S. Courthouse

75 Sprng Street, S.W.

Atlanta, GA 30303

404-581-6303

Email: neil.ben-david@usdoj.gov

ATTORNEY TO BE NOTICED

Defendant

Christopher Huber

represented by **Neill Ben-David**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant

William S. Duffey

represented by **Neill Ben-David**

(See above for address)

ATTORNEY TO BE NOTICED

Defendant
Orinda D. Evans

Defendant
Julie E. Carnes

Defendant
Steve C. Jones

Defendant
Timothy C. Batten

Defendant
Clarence Cooper

Defendant
J. Owen Forrester

Defendant
Walls B. Hunt

Defendant
Harold L. Murphy

Defendant
William C. O'Kelley

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

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represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
James C. Hill

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Charles R. Wilson

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Susan H. Black

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Gerald Bard Tjoflat

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
William H. Pryor

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Stanley Marcus

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
James Larry Edmondson

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Frank M. Hill

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Rosemary Barlett

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Beverly Gutting

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Joyce White

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Amiya Sanders

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
James N. Hatten

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Emmett Ripley Cox

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
R. Lanier Anderson

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Phyllis A. Kravitch

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Peter T. Ray

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Beverly B. Martin

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed 06/22/2011	1	NOTICE OF REMOVAL with COMPLAINT filed by Christopher Huber Consent form to proceed before U.S. Magistrate and pretrial instructions provided. () (Attachments: # 1 Exhibit A - 1 Summons & Complaint, # 2 Exhibit A - 2 Exhibits 1 - 5, # 3 Exhibit A - 3 Exhibits 6 - 10, # 4 Exhibit A - 4 Exhibit A - 2 Exhibits 11, # 5 Exhibit A - 5 Exhibits 12 - 18, # 6 Exhibit A - 6 Exhibits 19 - 27, # 7 Exhibit B, # 8 Text of Proposed Order, # 9 Civil Cover Sheet)(eop) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions.
#	Docket Text	

Defendant
Unknown Does

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
Vicki Hanna

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Jessica Birnbaum

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Douglas J. Mincher

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
B. Gruby

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

Defendant
Margaret Callier

represented by Neeli Ben-David
(See above for address)
ATTORNEY TO BE NOTICED

06/22/2011	2	NOTICE by Christopher Huber Notice of Substitution of United States as Defendant (Attachments: # 1 Exhibit A)(Ben-David, Neeli) (Entered: 06/22/2011)
06/23/2011	3	NOTICE of Filing Emergency Motion to Disqualify Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011	4	EMERGENCY MOTION to Disqualify Judge Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/23/2011)
06/23/2011	5	ORDER directing the Clerk to assign the 4 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 4 MOTION to Disqualify Judge, submitted to District Judge Army Totenberg. (dr) (Entered: 06/23/2011)
06/23/2011		Clerks Certificate of Mailing as to William M. Windsor re 5 Order. (dr) (Entered: 06/23/2011)
06/23/2011	6	MOTION for Protective Order by Defendants Christopher Huber and the United States of America with Brief In Support by Christopher Huber. (Ben-David, Neeli) (Entered: 06/23/2011)
06/24/2011	7	RESPONSE in Opposition re 4 MOTION to Disqualify Judge filed by Christopher Huber. (Attachments: # 1 Exhibit 1)(Ben-David, Neeli) (Entered: 06/24/2011)
06/24/2011	8	NOTICE of Filing Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/27/2011)
06/24/2011	9	SUPPLEMENTAL AFFIDAVIT of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (dr) (Entered: 06/27/2011)
06/28/2011	10	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	11	REPLY to Response to 4 MOTION to Disqualify Judge filed by William M. Windsor. (dr) (Entered: 06/28/2011)
06/28/2011	12	MOTION to Strike 7 Response in Opposition to Motion by William M. Windsor. (dr) (Entered: 06/28/2011)
06/30/2011	13	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)

(Entered: 06/22/2011)

06/30/2011	14	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	15	NOTICE OF Filing William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash by William M. Windsor. (Attachments: # 1 William M. Windsor's Second Supplemental Affidavit of Prejudice of Thomas Woodrow Thrash, # 2 Exhibit 1, # 3 Exhibit 2)(cc) (Entered: 07/01/2011)
07/01/2011	16	ORDER DENYING Plaintiff's motion to recuse 4. For the same reasons, the court DENIES Plaintiff's motion for certificate of necessity 14 and corresponding motion for a hearing filed July 1, 2011. The Court additionally DENIES Plaintiff's Motion to Strike 12. Signed by Judge Army Totenberg on 7/1/2011. (lcc) (Entered: 07/01/2011)
07/01/2011		Clerks Certificate of Mailing as to William M. Windsor re 16 Order. (lcc) (Entered: 07/01/2011)
07/06/2011	17	ORDER granting 6 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 17 Order. (dr) (Entered: 07/07/2011)
07/07/2011	18	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 18 Order. (dr) (Entered: 07/07/2011)
07/07/2011	19	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	20	RESPONSE to 6 MOTION for Protective Order and 12 MOTION to Strike 7 Response, filed by William M. Windsor. (dr) (Entered: 07/07/2011)
07/12/2011	21	MOTION for Extension of Time to File Responsive Pleadings with Brief In Support by R. Lanier Anderson, Rosemary Barket, Timothy C. Batten, Alan J. Baverman, Jessica Birnbaum, Susan H. Black, Gerrilyn 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. Grubby, 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

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07/15/2011	30	EMERGENCY Request for Consent to File MOTION to Confirm Stay by William M. Windsor. (dr) (Entered: 07/18/2011)
07/18/2011		Clerks Certificate of Mailing as to William M. Windsor re 28 Order. (dr) (Entered: 07/18/2011)
07/26/2011	31	USCA Acknowledgment of 26 Notice of Appeal, filed by William M. Windsor. Case Appealed to USCA-11th Circuit. Case Number 11-13215-C. (pjm) (Entered: 07/27/2011)

Sally Quillian Yates
Defendant

represented by **Darcy F. Coty**
U.S. Attorneys Office - ATL
Assistant United States Attorney,
Criminal Division
600 Richard Russell Building
75 Spring Street, S.W.
Atlanta, GA 30303
404-581-6043
Fax: 404-581-6150
Email: Darcy.Coty@usdoj.gov
ATTORNEY TO BE NOTICED

Christopher Huber
Defendant

V.

William M. Windsor
represented by **William M. Windsor**
P.O. Box 681236
Marietta, GA 30068
770-578-1094
PRO SE

Plaintiff

Case in other court: Superior Court of Fulton County,
2011CV202457
Cause: 28:1443(1)Removal from State Court - Civil Rights

Assigned to: Judge Thomas W. Thrash, Jr
Cases: 1:06-cv-00714-ODE
1:09-cv-01543-WSD
1:09-cv-02027-WSD
1:11-cv-01922-TWT
1:11-cv-01923-TWT
1:11-cv-02027-TWT

Date Filed: 07/15/2011
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government
Defendant

U.S. District Court
Northern District of Georgia (Atlanta)
CIVIL DOCKET FOR CASE #: 1:11-cv-02326-TWT

4months, PROTO

Defendant
G. Ernest Tidwell

Defendant
Richard W. Story

Defendant
Marvin H. Shoob

Defendant
Charles A. Pannell

Defendant
William C. O'Kelley

Defendant
Harold L. Murphy

Defendant
Willis B. Hunt

Defendant
J. Owen Forrester

Defendant
Clarence Cooper

Defendant
Timothy C. Batten

Defendant
Steve C. Jones

Defendant
Jude E. Carnes

Defendant
Orinda D. Evans

Defendant
Thomas Woodrow Thrash

Defendant
William S. Duffey

Defendant
Joyce White

Defendant
Annya Sanders

Defendant
James N. Hatten

Defendant
Russell G. Vineyard

Defendant
E. Clayton Scofield

Defendant
Walter E. Johnson

Defendant
Linda T. Walker

Defendant
C. Christopher Hagy

Defendant
Cerrlyn G. Brill

Defendant
Alan J. Baverman

Defendant
Susan S. Cole

Defendant
Janet F. King

Defendant
Horace T. Ward

Defendant
Robert L. Vining

Defendant
Amy Totenberg

Date Filed	#	Docket Text
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ATTORNEY TO BE NOTICED
 (See above for address)

represented by **Darcy K. Coty**

United States of America

Defendant

Unknown Does

Defendant

John A. Horn

Defendant

Neel Ben-David

Defendant

Paul Howard, Jr.

Defendant

Emmett Ripley Cox

Defendant

R. Lanier Anderson

Defendant

Phyllis A. Kravitch

Defendant

Peter T. Fay

Defendant

Beverly B. Martin

Defendant

James C. Hill

Defendant

Charles R. Wilson

Defendant

Susan H. Black

Defendant

07/15/2011	1	NOTICE OF REMOVAL with COMPLAINT with JURY DEMAND filed by Christopher Huber. Consent form to proceed before U.S. Magistrate and pretrial instructions provided. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Civil Cover Sheet) (rej) Please visit our website at http://www.gand.uscourts.gov to obtain Pretrial Instructions. (Entered: 07/18/2011)
07/18/2011	2	ORDER that the Clerk of the Superior Court of Fulton County, Georgia is ordered to deliver forthwith to the Clerk of this Court, 1 complete certified copy of the entire record herein to date in the above-referenced case. Signed by Judge Thomas W. Thrash, Jr on 7/18/11. (dr) (Entered: 07/18/2011)
07/18/2011		Clerks Certificate of Mailing as to William M. Windsor re 2 Order. (dr) (Entered: 07/18/2011)
07/18/2011	3	Transmittal Letter sent to the Superior Court of Fulton County with a certified copy of 2 Order. (dr) (Entered: 07/18/2011)
07/18/2011	4	NOTICE of Substitution of United States as Defendant by Christopher Huber (Coty, Darcy) (Entered: 07/18/2011)
07/19/2011	5	MOTION for Extension of Time to File Answer or Responsive Pleading by United States of America. (Attachments: # 1 Text of Proposed Order)(Coty, Darcy) (Entered: 07/19/2011)
07/19/2011	6	MOTION for Protective Order by United States of America. (Attachments: # 1 Text of Proposed Order)(Coty, Darcy) (Entered: 07/19/2011)
07/21/2011	7	ORDER granting 5 Motion for Extension of Time to Answer or Respond to the Complaint until 30 days after the US Department of Justice has rendered its determination on all of the Defendants' representation requests or 60 days after all of the named Defendants have been served with a copy of the complaint, whichever is later. Signed by Judge Thomas W. Thrash, Jr on 7/21/11. (dr) (Entered: 07/21/2011)
07/21/2011		Clerks Certificate of Mailing as to William M. Windsor re 7 Order. (dr) (Entered: 07/21/2011)
07/21/2011	8	ORDER granting 6 Motion for Protective Order, all outstanding discovery is quashed and no responses to the discovery by any party or non-party are required. 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 7/21/11. (dr) (Entered: 07/22/2011)
07/22/2011		Clerks Certificate of Mailing as to William M. Windsor re 8 Order. (dr) (Entered: 07/22/2011)

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Billable Pages:	4
Cost:	0.32

Exhibit

31

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA - ATLANTA DIVISION

WILLIAM M. WINDSOR,
Plaintiff

v.
James N. Hatten, Arniva Sanders, J. White,
B. Gutting, Margaret Callier, B. Grubby,
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 Barket, Judge Frank M.
Hull,
Defendants.

AFFIDAVIT OF JEFF GOOLSBY

I, **JEFF GOOLSBY**, the undersigned, hereby declare under penalty of

perjury:

1. My name is **JEFF GOOLSBY**. I am over the age of 21, am competent to provide this affidavit, and have personal knowledge of the matters stated herein.

2. I am not a party to this lawsuit.

3. I attended the July 15, 2011 hearing in this matter.

4. It was clear that Judge Thomas W. Thrash had reached a decision before the hearing began. He did not do anything that would have been necessary to compose and prepare his order based on Mr. Windsor's presentation.

Jeff Goodisby
~~Jeff Goodisby~~

Executed this 15TH day of July 2011.

the foregoing is true and correct.

In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that

FURTHER AFFIANT SAITH NOT.

and removed from office for violation of his oath of office and law violations.

done to him appeared typical and indicates that Judge Thrash should be impeached

6. All of the things that Mr. Windsor recounted that Judge Thrash had

his reputation of ruling against every pro se plaintiff totaling 138 cases.

Mr. Windsor, which follows his usual handling of pro se plaintiff lawsuits based on

5. It was a clear absolute appearance of bias and did commit bias against

purpose of damage to Windsor.

easy to see what he was doing. It appeared to me that the hearing was for the

prepared document. I was seated on the far right side of the courtroom and it was

Immediately, he announced his decision and clearly read from a previously