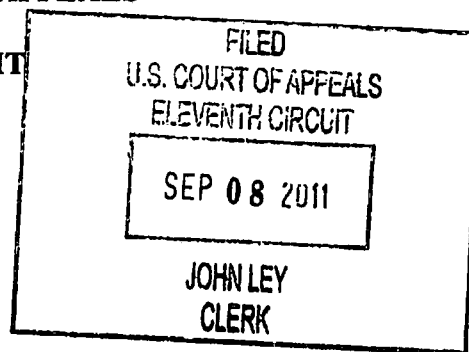


**IN THE UNITED STATES COURT OF APPEALS**

**FOR THE ELEVENTH CIRCUIT**

\_\_\_\_\_  
No. 11-13305-E  
\_\_\_\_\_



In re: BARBARA G. WINDSOR,

Petitioner.

-----  
On Petition for Writ of Mandamus to the United States  
District Court for the Northern District of Georgia  
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BEFORE: TJOFLAT, CARNES, and PRYOR, Circuit Judges.

BY THE COURT:

Before the Court is Barbara G. Windsor's Petition for Writ of Mandamus and her "Emergency Motion for Stay to Judge Beverly Martin," and "Motion to Accept Power of Attorney."

As an initial matter, pursuant to this Court's policies related to the random assignment of matters to judges of this Court, the petition and motions have been assigned to this panel for initial consideration.

The Court, on its own motion, directs the Clerk to place the "Motion to Accept Power of Attorney" UNDER SEAL, as it contains sensitive information regarding Petitioner.

The "Motion to Accept Power of Attorney" is DENIED.

Petitioner alleges in her petition that she filed three separate notices of appeal that were not docketed or transmitted to this Court. Our initial review of the district court proceedings reveals that a notice of appeal, dated April 11, 2011, was not docketed because it did not contain

an "original" signature. It also appears that the April 11, 2011, notice of appeal, was resubmitted on April 28, 2011, but it was not docketed or transmitted to this Court because the district court had concerns regarding the authenticity of the "original" signature on that document. Petitioner has also alleged that she submitted another notice of appeal on November 5, 2010, but there is nothing on the district court's docket that indicates the notice of appeal was received by the district court.

As a general rule, a district court has a ministerial duty to forward to the proper court of appeals a notice of appeal that is filed in the district court. See Fed.R.App.P. 3(d); Dickerson v. McClellan, 37 F.3d 251, 252 (6th Cir. 1994). Nevertheless, the signature requirement for notices of appeal are governed by Federal Rule of Civil Procedure 11(a), which provides that the "court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention." See Fed.R.Civ.P. 11; Becker v. Montgomery, 532 U.S. 757, 121 S.Ct. 1801, 149 L.Ed.2d 983 (2001); see also Fed.R.App.P. 1(a)(2).

Here, the district court has had ongoing concerns that Petitioner's husband, a non-lawyer, has been attempting to represent Petitioner, a non-party, in the district court proceedings. Because the district court is in the best position, under the circumstances presented here, to identify issues regarding the authenticity of the signatures on the notices of appeals, the district court's decision to have Petitioner submit a notice of appeal containing an "original" signature was appropriate.

Furthermore, the district court has raised legitimate concerns regarding the authenticity of the signature on the April 28, 2011, notice of appeal. When the district court attempted to hold a hearing to verify the authenticity of that signature, the hearing was continued at Petitioner's request, and we expect that the district court will make a factual determination regarding the

authenticity of the signature on the April 28, 2011, notice of appeal as expediently as possible.

Thus, under these circumstances, Petitioner has failed to demonstrate that this Court should grant Petitioner the extraordinary remedy she seeks. Accordingly, the petition for writ of mandamus is DENIED.

Petitioner's "Emergency Motion for Stay . . ." is DENIED.

**UNITED STATES COURT OF APPEALS  
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING  
56 Forsyth Street, N.W.  
Atlanta, Georgia 30303

John Ley  
Clerk of Court

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September 08, 2011

James N. Hatten  
Richard B. Russell Bldg & US Courthouse  
75 SPRING ST SW  
STE 2211  
ATLANTA, GA 30303-3309

Appeal Number: 11-13305-E  
Case Style: In re: Barbara Windsor  
District Court Docket No: 1:09-cv-01543-WSD

The enclosed order has been entered. No further action will be taken in this matter.

The district court clerk is requested to acknowledge receipt on the copy of this letter enclosed to the clerk.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Denise E. O'Guin, E  
Phone #: (404) 335-6188

Enclosure(s)

DIS-4 Multi-purpose dismissal letter