

Exhibit

23

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

WILLIAM M. WINDSOR, Plaintiff)	CIVIL ACTION NO.
)	
v.)	1:11-CV-02326-TWT
)	
Christopher Huber, Sally Quillian Yates, Et Al.)	
Defendants.)	
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REQUEST FOR CONSENT TO FILE MOTION FOR REMAND

William M. Windsor (“Windsor” or “Plaintiff”) hereby files this REQUEST FOR CONSENT TO FILE MOTION FOR REMAND (“MFR”) pursuant to 28 U.S.C. § 1447(c) and moves for an emergency hearing. The Plaintiff seeks this relief on several procedural and substantive grounds, not the least of which is the fact that the Case File from Fulton County Superior Court (Docket #19) clearly shows on Doc.19-4, ¶¶104-112 that this matter was appealed on July 14, 2011 prior to the filing of the Notice of Removal on July 18, 2011 (Doc.19-4, ¶115). Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. On June 20, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County against the Defendants stating claims for violation of Georgia statutes. The Civil Action was assigned No. 2011CV202457.

2. There are no claims involving federal statutes in the Verified Complaint. The complaint does not allege claims for acts done within the scope of the Defendants' official duties. Paragraph 75 of the Verified Complaint makes it clear that this Civil Action could not be removed:

"The N.D.Ga. does not have jurisdiction over this matter on removal. None of the causes of action meet the requirements for removal expressed in federal statutes. 28 U.S.C. § 1442(a)(1), 28 U.S.C. § 1442(a)(1), and 28 U.S.C. § 2679 do not apply. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor. In addition, every federal judge in Fulton County Georgia is named as a party."

3. Paragraph 76 of the Verified Complaint makes it clear that NO FEDERAL STATUTE has been included in this Civil Action:

"This Civil Action is pursuant to the Georgia Racketeer Influenced and Corrupt Organizations Act, O.C.G.A. § 16-14-1 et seq. ("RICO"). No federal statute has been included in the causes of action."

4. Plaintiff and Defendants are citizens of the State of Georgia.

5. Windsor sought an ex parte TRO hearing with Judge Constance C. Russell. When Judge Russell denied the request, Windsor filed an appeal and paid the required fee to the Fulton County Superior Court on July 14, 2011. A true and correct copy of the Notice of Appeal is attached as Exhibit 1 hereto.

6. Defendant Christopher Huber ("Mr. Huber") was not served with a Summons and Verified Complaint. Mr. Huber contacted Windsor to offer to waive

service. Windsor declined and advised Mr. Huber that the matter was appealed. A true and correct copy of the email string is attached as Exhibit 2 hereto.

7. The only Defendant served thus far is Paul Howard, Jr.

8. On July 15, 2011, the U.S. Attorney filed a NOTICE OF REMOVAL (“NOR”) that purports to remove Civil Action 2011CV202457 from Fulton County Georgia Superior Court to the United States District Court. (A true and correct copy of the NOR is attached as Exhibit 3 and is referenced and incorporated herein.) The lawsuit was on appeal, and a supersedeas was in place, so Mr. Huber had no legal right to file a NOR.

9. The NOR mentions only one Defendant, Christopher Huber, and purports to remove the case solely due to the motion of Mr. Huber. (Exhibit 3 hereto, pp.4-5.) There are no affidavits from Mr. Huber or any of the Defendants.

10. Windsor did not receive notice of the NOR until July 20, 2011.

11. On August 8, 2011, Windsor filed this MFR.

I. **THE NOTICE OF REMOVAL WAS FILED FOR IMPROPER PURPOSES, SO THIS MFR MUST BE GRANTED.**

12. The NOR was filed so Defendants could evade exposure as criminals.

By filing the NOR, Defendants have been able to utilize their corruption to shield themselves from an honest judge and jury in the Fulton County Superior Court.

13. Mr. Huber and the U.S. Attorney's Office were notified that their previous notices of removal were illegal. They received the Motion to Vacate the Notice of Removal filed in Civil Action No. 1:11-CV-01922-TWT, No. 1:11-CV-01923-TWT, and 1:11-CV-02027-TWT, referenced and incorporated herein as if attached hereto. Mr. Huber also received emails from Windsor with cease and desist notices. (A true and correct copy of the emails are attached as Exhibit 4, referenced and incorporated herein.)

14. The judge to whom this matter was assigned, Thomas Woodrow Thrash ("TWT"), is a DEFENDANT who has previously violated Windsor's Constitutional rights up one side and down the other. Details of TWT's wrongdoing is provided in WINDSOR'S EMERGENCY MOTION TO RECUSE JUDGE THOMAS WOODROW THRASH filed in 1:11-CV-02027-TWT, referenced and incorporated herein as if attached hereto. (2011-02027 Docket #4.)

**II. THE NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE,
SO THIS MFR MUST BE GRANTED.**

15. The NOR has multiple procedural defects that make it void on its face. Technical, procedural requirements must be met.

16. Defendants Dubina and Kravitch have so ruled: (*Russell Corp. v. American Home Assur. Co.*, 264 F.3d 1040, 1044 (11th Cir. 2001).)

17. Defendant Duffey has so ruled: (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007).)

The removing defendants carry the burden to demonstrate that the removal was effected properly, and "this burden is a heavy one." (*Lampkin v. Media General, Inc.*, 302 F. Supp.2d 1293, 1294 (M.D.Ala. 2004). (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.) (See also *Laughlin v. Prudential Ins. Co.*, 882 F.2d. 187 (5th Cir. 1989).)

18. Removal statutes are strictly construed in favor of state court jurisdiction. Defendant Duffey has so ruled:

(*Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941). (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.)

19. There is a presumption against removal jurisdiction, and this Court must strictly construe the removal statute. (*Fajen v. Foundation Reserve Ins. Co.*, 683 F.2d 331, 333 (10th Cir.1982).)

20. The NOR fails on all accounts, so this MFR must be granted.

21. **DEFECT #1 -- THE NOR FAILS TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE.**

22. None of the Defendants have made an appearance. None of the Defendants have filed a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT as required by N.D.Ga Local Rule 3.3 and FRCP 7.1, which was due to be filed with the Clerk "at the time of first

appearance.” This is a violation of the rules that is a procedural defect. This is proven by a true and correct copy of the Docket is attached as Exhibit 5, referenced and incorporated herein. There is no proof that the U.S. Attorneys, Sally Quillian Yates and Darcy F. Coty have authority to appear for Defendants.

23. DEFECT #2 -- THE ACTION WAS NOT YET PENDING IN FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES.

24. The removal statute requires service prior to removal in the state of Georgia. The removal statute requires that an action must be "pending" in a state court before it may be removed. See 28 U.S.C. § 1442(a) (noting that civil action may be removed to the district court "embracing the place wherein it is **pending**").

25. According to *Black's Law Dictionary*, the word pending means "remaining undecided" or "awaiting decision." (*Black's Law Dictionary* 1154 (7th ed. 1999).) An action must have "commenced" before it can be "pending." A determination of whether the action was pending in a Georgia court at the time of removal requires reference to Georgia law. Under Georgia law, "there is a substantial difference between the commencement of an action and its being a suit pending between the parties." (*McClendon v. Hernando Phosphate Co.*, 28 S.E. 152, 153 (Ga. 1897).) Georgia law preserves this distinction, as filing a suit "is still not the commencement of suit unless followed by service within a reasonable

time." (*Franek v. Ray*, 236 S.E.2d 629, 632 (Ga. 1977).) Thus, under Georgia law, "an action is not a 'pending' suit until after service of process is perfected." (*Steve A. Martin Agency, Inc. v. PlantersFIRST Corp.*, 678 S.E.2d 186, 188 (Ga. Ct. App. 2009); see also *Jenkins v. Crea*, 656 S.E.2d 849, 850 (Ga. Ct. App. 2008).)

26. None of the Defendants except Howard have been served with process. Since the Action was not yet "pending" in Fulton County Superior Court, the removal statute was violated and this is a defect. (28 U.S.C. § 1446(b).)

27. **DEFECT #3 -- THE DEFENDANTS DID NOT SIGN OR AUTHORIZE THE NOR, SO THIS MFR MUST BE GRANTED.**

28. The NOR was not authorized by the Defendants. **None** of the Defendants signed a consent or otherwise approved the removal. **None** of the Defendants are identified in the signature block on the NOR, so the Petition has not been filed on behalf of any of the Defendants.

(See 14C Charles Alan Wright, Arthur R. Miller, and Edward H. Cooper, *Federal Practice and Procedure* § 3730 (4th ed. 2009) ("[A]ll of the defendants in the state court action must consent to the removal, and the notice of removal must be signed by all of the defendants, although other forms of manifested consent may be acceptable to the federal court.")

29. Defendant Johnson has so ruled: *Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).

(See also *Bank of America National Association v. Derisme*, No. 3:10cv900 (D. Conn. 08/13/2010); *Helm v. Drennan*, No. 07-CV-0344-

CVE-SAJ (N.D.Ok. 07/25/2007); *Sovereign Bank v. Park Development West, LLC*, No. 06-2603 (E.D.Pa. 08/17/2006); *Williams v. City of Beverly Hills, Missouri*, No. 4:07-CV-661 CAS (E.D.Mo. 09/24/2007); *Evanston Insurance Co. v. O'Conner*, No. 06-4687 (D.N.J. 03/20/2007); *Day Imaging, Inc. v. Color Labs Enterprises, L.L.C.*, No. 09-cv-02123-DME-MEH (D.Colo. 12/11/2009.)

30. **DEFECT #4 – THE REMOVAL IS DEFECTIVE FOR FAILURE TO COMPLY WITH THE RULE OF UNANIMITY.**

31. 28 U.S.C. § 1446(a) states that "**defendants desiring to remove any civil action** . . . shall file in the district court of the United States . . . a notice of removal." All Defendants have not filed the NOTICE. At best, only one has.

28 U.S.C. § 1446 requires the unanimous consent of *all* defendants to the removal. (*Russell Corp. v. American Home Assurance Co.*, 264 F.3d 1040 (11th Cir. 09/06/2001); *Loftis v. U.S. Parcel Serv., Inc.*, 342 F.3d 509, 516 (6th Cir. 2003); *Maguire v. Genesee County Sheriff*, 601 F.Supp.2d 882 (E.D.Mich. 02/17/2009).)

32. The NOR fails to claim the consent of ANY Defendant; it clearly fails to explain the absence of consent to the removal by at least 55 of the Defendants. It is defective for violating the rule of unanimity. Since 98.2% of the Defendants did not join in the notice of removal and the NOR failed to account for the lack of their consent, the NOR is procedurally defective and this MFR must be granted.

33. Defendants Johnson, Duffey, Edmondson, Cox, and Ed Carnes have ordered that unanimity is required:

Russell Corp. v. Am. Home Assur. Co., 264 F.3d 1040, 1044 (11th Cir. 2001). (*Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ

(N.D.Ga. 08/02/2010).) (*Thalacker v. Concessions International, LLC*, No. 1:06-cv-2685-WSD (N.D.Ga. 02/14/2007).) (*In re Ocean Marine Mut. Protection and Indem. Ass'n, Ltd.*, 3 F.3d 353, 355-56 (11th Cir.1993).)

34. Defendant Totenberg ordered on April 27, 2011 that unanimity is required:

(*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

35. **DEFECT #5 -- THE NOR FAILS TO COMPLY WITH THE REQUIREMENT OF A PLAIN STATEMENT OF THE GROUNDS FOR REMOVAL.**

36. Defendant Totenberg ordered in April 2011 that a plain statement of the grounds is required:

A defendant or defendants ... shall file in the district court of the United States for the district and division within which such action is pending a notice of removal ... containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action. (*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

37. Defendants Tjoflat, Marcus, and Barkett have so ordered: *Lowery v. Alabama Power Co.*, 483 F.3d 1184 (11th Cir. 04/11/2007). Defendant Black, Defendant Hull, and Defendant Kravitch have so ordered: *Roe v. Michelin North America, Inc.*, 613 F.3d 1058 (11th Cir. 08/05/2010). Defendants Edmondson, Ed Carnes, and Pryor have so ordered: *Pertka v. Kolter City Plaza II, Inc.*, 608 F.3d

744 (11th Cir. 06/08/2010). Defendants Tjoflat and Ed Carnes have so ordered:

Cook v. Randolph County, Georgia, 573 F.3d 1143 (11th Cir. 07/07/2009).

Defendants Edmondson and Wilson have so ordered: *Bautista v. Star Cruises*, 396

F.3d 1289 (11th Cir. 01/18/2005). Defendants Tjoflat and Anderson have so

ordered: *Hernandez v. Seminole County, Florida*, 334 F.3d 1233 (11th Cir.

06/24/2003). Defendant Tjoflat has so ordered: *Bradway v. American National*

Red Cross, 965 F.2d 991 (11th Cir. 07/07/1992).

38. **DEFECT #6 -- THE NOR FAILED TO COMPLY WITH THE MANDATORY PROCEDURE TO INCLUDE WITH THE NOR THE SUMMONS ISSUED BY THE COURT ON ALL DEFENDANTS, DISCOVERY, AND OTHER DOCUMENTS SERVED ON DEFENDANTS.**

39. This is a fatal, non-amendable defect that mandates remand. 28

U.S.C. 1446 (a) requires:

“A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together a copy of **all process, pleadings, and orders served upon such defendant or defendants** in such]action.” [**emphasis added.**]

40. Defendant Totenberg ruled on April 27, 2011 that failure to file copies of all Summons and process is a defect:

...the failure to attach the summons served on all Defendants does not comply with the requirements of 28 U.S.C. § 1446(a). (*William & Jin Nam*,

Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011) – Defendant (Judge) Totenberg.)

III. THE PRINCIPLE OF COMITY AND THE LONG-STANDING PUBLIC POLICY AGAINST FEDERAL COURT INTERFERENCE WITH STATE COURT PROCEEDINGS SHOULD PREVAIL.

41. The federal court should abstain for the sake of non-interference with state court proceedings. The jurisdictional laws of Georgia permit individuals to sue in Georgia courts for violations of any rights secured by the Constitution and laws of Georgia.

42. Prohibition of and interference with the State of Georgia in carrying out the important and necessary task of enforcing its own laws against socially harmful conduct that the State believes in good faith to be punishable under its own laws and Constitution would result in a chilling effect on all Georgia citizens' right to the availability of relief under the Constitution and laws of Georgia.

43. The Constitution and laws of Georgia provide for a plain, speedy, and efficient remedy to violations of its laws, therefore the federal court should abstain from this action under the "abstention doctrine."

44. Defendant Story has ruled:

Due regard for the rightful independence of state governments, which should actuate federal courts, requires that they scrupulously confine their own jurisdiction to the precise limits which the statute has defined." *Shamrock*

Oil & Gas Corp. v. Sheets, 313 U.S. 100, 109, 61 S.Ct. 868, 85 L.Ed. 1214 (1941) (quoting *Healy v. Ratta*, 292 U.S. 263, 270, 54 S.Ct. 700, 78 L.Ed. 1248 (1934)). (See also *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997) (internal quotations omitted). (*Poll v. Deli Management, Inc.*, No. 1:07-CV-0959-RWS (N.D.Ga. 08/24/2007).)

IV. **THE DEFENDANTS HAVE FAILED TO PROVE THE EXISTENCE OF FEDERAL JURISDICTION.**

45. The Defendants have the burden of proving the existence of federal jurisdiction, and they have failed to do so. Mr. Huber's NOR only mentions the word "jurisdiction" once regarding the Federal Tort Claims Act, and the reference is to removal jurisdiction.

46. The NOR mentions **removal** "pursuant to 28 U.S.C. §1442(a)(1)," but that's it. Nothing is proven or argued or anything.

47. The NOR fails to address subject matter jurisdiction at all, so the MFR must be granted.

"...even though an action is eligible for removal pursuant to 28 U.S.C. §1442(a)(1), it is still subject to dismissal for lack of subject matter jurisdiction. See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001) (noting that "[t]he issue of whether the court has subject matter jurisdiction and the issue of whether there is removal jurisdiction, however, involve separate considerations.") (*Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).) [emphasis added.]

48. Defendants Tjoflat and Black have ruled that defendants have the burden of proving the existence of federal jurisdiction, as have Defendants O'Kelley and Story.

(*Tapscott v. MS Dealer Service Corp.*, 77 F.3d 1353, 1356 (11th Cir. 1996).) (*Standridge v. Wal-Mart Stores*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).) (*Wells Fargo Bank NA v. Narh*, No. 1:06-CV-0580-RWS (N.D.Ga. 05/09/2006).)

49. So ordered Defendant Thrash on April 22, 2011 as in 2007:

(*Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al*, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).) (*AR Motorsports, Inc. v. City of Lawrenceville, Georgia*, No. 1:07-CV-847-TWT (N.D.Ga. 08/07/2007).)

V. **THE NOR FAILED TO ASSERT GROUNDS FOR SUBJECT MATTER JURISDICTION AND FAILED TO RAISE A DEFENSE.**

50. There are no grounds even asserted for subject matter jurisdiction, an obligation that the NOR failed to address, so this MFR must be granted.

(See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001); *Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).)

51. Defendant Forrester has ruled that failure to assert grounds for subject matter jurisdiction and failure to raise a defense require that the case be remanded:

When considering such a motion, a court should examine closely the grounds asserted for its subject matter jurisdiction. "As a congressionally imposed infringement upon a state's power to determine controversies in their [sic] courts, removal statutes must be strictly construed." *Cowart Ironworks, Inc. v. Phillips Construction Co.*, 507 F. Supp. 740, 743 (S.D. Ga. 1981).

"Where the basis for jurisdiction is doubtful, the court should resolve such doubt in favor of remand." Id.; *Clyde v. National Data Corp.*, 609 F. Supp. 216 (N.D. Ga. 1985). (*Hall v. Travelers Ins. Cos.*, 691 F. Supp. 1406 (N.D.Ga. 04/29/1988).)

52. Federal officers must raise a federal defense before removing to federal court, and the NOR failed to do so. Defendants Edmondson, Tjoflat, Anderson, Black, Ed Carnes, Barkett, Marcus, and Wilson have all so ordered:

(Bellsouth Telecommunications, Inc. v. MCImetro Access Transmission, 317 F.3d 1269, 317 F.3d 1270 (11th Cir. 01/10/2003).)

In sum, an unbroken line of Supreme Court decisions extending back nearly a century and a quarter have understood all the various incarnations of the federal officer removal statute to require the averment of a federal defense. (*Mesa et al. v. California*, 109 S. Ct. 959, 489 U.S. 121 (U.S. 02/21/1989).) [**emphasis added.**]

53. The U.S. district courts may hear only cases arising under federal law and treaties, cases involving ambassadors, admiralty cases, controversies between states or between a state and citizens of another state, lawsuits involving citizens of different states, and against foreign states and citizens.

54. Defendant Story has ruled:

No federal question is present on the face of Plaintiff's Complaint, and the requirements for diversity jurisdiction are not satisfied. The Court therefore concludes that it lacks subject matter jurisdiction and that this action is frivolous. (*HSBC Mortgage Services, Inc. v. Williams*, No. 1:07-CV-2863-RWS (N.D.Ga. 12/10/2007).)

55. This Civil Action does not arise under federal law or treaties. It does not involve an ambassador. It is not an admiralty case. It is not a controversy between states. It is not a controversy between a state and citizens of another state. All parties are from Georgia, as admitted on the New Case Filing Form included as part of the NOR. It is not a case against foreign states and citizens.

56. According to Defendant Duffey, federal courts are courts of limited jurisdiction:

Federal courts are courts of limited jurisdiction, and thus a federal court must take care to ensure that it has jurisdiction for all cases that come before it. (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See Defendant Duffey's ruling also in *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006) and *Stegeman v. Wachovia Bank, National Association*, No. 1:06-cv-0247-WSD (N.D.Ga. 04/04/2006).)

57. This Court does not have original jurisdiction. So says Defendant Story:

A defendant may only remove an action from state court if the federal court would possess original jurisdiction over the subject matter. 28 U.S.C. § 1441(a). *Williams v. Best Buy Co.*, 269 F.3d 1316, 1319 (11th Cir.2001). 28 U.S.C. § 1447(c). (*Kofi Boateng v. Morrison Management Specialists, Inc.*, No. 1:11-CV-00142-RWS (N.D.Ga. 06/13/2011).)

58. This Court lacks subject matter jurisdiction. Lack of subject matter jurisdiction requires remand to the state court. (28 U.S.C. § 1447(c), FRCP 12(h)(3); *Standridge v. Wal-Mart*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

59. The U.S. District Court lacks federal-question jurisdiction because there is no dispute as to the validity, construction, or effect of a federal statute with a cause of action "arising under" the laws of the U.S. So says Defendant Baverman in *Wells Fargo Bank v. Cyrus*, No. 1:10-CV-02064-RLV-AJB (N.D.Ga. 07/15/2010).

60. The instant Civil Action is pursuant to the Georgia RICO Act, O.C.G.A. § 16-14-1 et seq. No federal statute has been included in the causes of action. To meet the requirement of a case "arising under" federal law, the federal question must appear on the face of the plaintiff's complaint. There is no federal question presented on the face of the Verified Complaint. Windsor intends this Action to be solely based on Georgia law. Windsor specifically excluded federal statutes that could have been raised so this action would remain in Georgia courts. Paragraph 76 of the Verified Complaint states clearly that NO FEDERAL STATUTE has been included in this Civil Action.

Federal courts use the "well-pleaded complaint" rule to determine "arising under" jurisdiction. *Long*, 201 F.3d at 758. That rule provides that "federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint." Id. (quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). *The Fair v. Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

61. Defendant Duffey has regularly ruled that when a Plaintiff has relied exclusively on state law, remand is required:

In this case, it is clear that Plaintiff relies exclusively on state law, and thus the well-pleaded complaint rule is not satisfied. Because Defendant fails to demonstrate that the Court has subject matter jurisdiction over this case, the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c). (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (*Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006).) (*PHH Mortgage Corp. v. Diamond*, No. 1:06-cv-0673-WSD (N.D.Ga. 03/29/2006).) (See also *Chase Home Finance, LLC v. Mungaro*, No. 1:05-cv-3082-WSD (N.D.Ga. 12/08/2005). (See also *State v. Serries*, No. 1:10-cv-01564 -WSD (N.D.Ga. 07/16/2010); *Cunningham v. HSBC Mortgage Services*, No. 1:07-cv-1346-WSD (N.D.Ga. 06/20/2007); *Chase Manhattan Mortgage Corp. v. Gresham*, No. 1:05-cv-1944-WSD (N.D.Ga. 11/17/2005).)

62. Defendant Thrash said on April 22, 2011 that a Georgia RICO action, upon which this action is based, is not a matter of federal law:

("[M]ere references in a complaint to violations of federal law as predicate acts to a state RICO claim do not, without more, confer federal court jurisdiction."); *Austin v. Ameriquest Mortgage Co.*, 510 F. Supp. 2d 1218, 1226-27 (N.D. Ga. 2007). (*Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al*, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).)

63. The U.S. District Court lacks diversity jurisdiction because the Plaintiff and the Defendants are all citizens of Georgia.

VI. **THIS COURT IS REQUIRED TO RESOLVE ALL DOUBTS ABOUT FEDERAL JURISDICTION IN FAVOR OF REMAND.**

64. This Court is required to resolve all doubts about federal jurisdiction in favor of remand.

(*Boyer v. Snap-on Tools Corp.*, 913 F.2d 108 (3rd Cir. 1990), cert. denied, 498 U.S. 1085, 111 S. Ct. 959, 112 L. Ed. 2d 1046 (1991); *Coker v. Amoco Oil Co.*, 709 F.2d 1433 (11th Cir. 1983); *STANDRIDGE v. WAL-MART STORES*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

65. Defendant Thrash has so ruled:

(*Saye v. Unumprovident Corp.*, No. 1:07-CV-31-TWT (N.D.Ga. 08/09/2007).)

66. The Defendants have waived any grounds for removal not included in their initial notice. So says Defendant Thrash:

The initial notice of removal must include all grounds for removal or they are waived. 28 U.S.C. § 1446(c)(2). (*ING USA Annuity and Life Insurance Co. v. J.P. Morgan Securities, Inc.*, No. 1:08-CV-1748-TWT (N.D.Ga. 09/30/2008).)

**VII. THE REMOVAL IS DEFECTIVE PURSUANT TO
28 U.S.C § 1442 (a)(1) BECAUSE FEDERAL OFFICERS
HAVE NOT RAISED A FEDERAL DEFENSE.**

67. The U.S. Attorney erroneously cites 28 U.S.C. § 1442(a)(1) as a basis for the removal.

28 U.S.C. § 1442(a)(1) provides that “a civil action ... commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress....”

68. 28 U.S.C. § 1442(a)(1) does not apply because the Verified Complaint is not about suing “in an official or individual capacity for any act under color of such office or... under any Act of Congress....” (See *Mesa v. California*, 489 U.S. 121, 109 S. Ct. 959, 103 L. Ed. 2d 99 (1989).)

69. None of the other Defendants have raised any defense whatsoever to the Civil Action. The ONLY statement made by the U.S. Attorney in the NOR is: “This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.” There is no citation of case law to support such a claim. 28 U.S.C. § 1442(a)(1) has nothing to do with defenses to this Civil Action, so no defense has been raised.

70. The U.S. Attorney has failed to meet the Supreme Court’s stated requirements for removal pursuant to 28 U.S.C. § 1442(a)(1) that are binding precedents recognized by the Eleventh Circuit.

Proper removal of an action under section 1442(a)(1) has historically required the satisfaction of two separate requirements. **First, the defendant must advance a "colorable defense arising out of [his] duty to enforce federal law."** *Mesa v. California*, 489 U.S. 121, 133, 109 S. Ct. 959, 966-67, 103 L. Ed. 2d 99 (1989) ...absent the assertion of a federal defense, a state court action against a federal officer is not removable. Id. [**emphasis added.**]

Second, the defendant must establish that there is a "causal connection between what the officer has done under asserted official authority" and the action against him. *Maryland v. Soper*, 270 U.S. 9, 33, 46 S. Ct. 185, 190, 70 L. Ed. 449 (1926) (interpreting predecessor statute); see also

Willingham, 395 U.S. at 409, 89 S. Ct. at 1817. (*Magnin v. Teledyne Continental Motors*, 91 F.3d 1424 (11th Cir. 08/15/1996).) [**emphasis added.**]

71. It is impossible for a Defendant to raise a colorable defense to charges of racketeering as racketeering is not something that one may do under their federal employment. Each Defendant has been sued personally for acts that were not under color of their office. This Court's exercise of federal-question jurisdiction over this state-law claim would be inappropriate because there is no dispute as to any federal statute.

"A removing defendant bears the burden of proving proper federal jurisdiction." *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294 (11th Cir. 2008)

72. In this matter, there is no disputed question of federal law.

Federal-question jurisdiction over state-law claims is confined to those claims that "really and substantially involv[e] a dispute or controversy respecting the validity, construction or effect of [federal] law." *Grable*, 545 U.S. at 313 (quoting *Shulthis v. McDougal*, 225 U.S. 561, 569 (1912)). (See also *Fed. Trade Comm'n v. Tashman*, 318 F.3d 1273, 1279 (11th Cir. 2003) (Vinson, J., dissenting).)

73. This Civil Action does not seek to hold an officer of the United States in violation of state law while simultaneously executing his duties as prescribed by federal law. Federal employees ignored the limitations on their powers. They intentionally committed acts that violate the Georgia RICO Act, and they knowingly participated in an enterprise designed to damage Windsor. Defendants

did not act within the scope of their federal duties; what they did was not required of them by federal law, and they did not do what federal law required. It is well established that a federal employee's actions lie outside the scope of authority when he or she fails to comply with the affirmative requirements of the law.

...we look to (1) whether the officers were acting "within the outer perimeter of [their] line of duty" as defined by federal statutory and regulatory law, *Barr v. Matteo*, 360 U.S. 564, 575, 79 S.Ct. 1335, 3 L.Ed. 2d 1434 (1959) (plurality opinion), and (2) whether "in doing [those acts, they] did no more than what was necessary and proper for [them] to do" as demarcated by the Constitution, see *Neagle*, 135 U.S. at 57, 10 S.Ct. at 666. As the Supreme Court explained, "a federal official may not with impunity ignore the limitations which the controlling law has placed on his powers." *Butz v. Economou*, 438 U.S. 478, 489, 98 S.Ct. 2894, 2902, 57 L.Ed. 2d 895 (1978). Indeed, it is a tautology that a federal officer's actions lie outside the scope of his authority when the officer fails to comply with the affirmative requirements of federal statutory or regulatory law, see *id.* at 489--91, 98 S.Ct. at 2902--03; *Castro v. United States*, 560 F.3d 381, 390--91 (5th Cir. 2009); *United States Fid. & Guar. Co. v. United States*, 837 F.2d 116, 120 (3d Cir.1988), and his actions fail to qualify as "necessary and proper" if committed in violation of the negative injunctions of the Constitution, see *Butz*, 438 U.S. at 489--91, 98 S.Ct. at 2902--03; *Castro*, 560 F.3d at 389; *Medina*, 259 F.3d at 225; *Red Lake Band of Chippewa Indians*, 800 F.2d at 1196; see also *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 689--90, 69 S.Ct. 1457, 1461, 93 L.Ed. 1628 (1949); *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 170--71 (1803).

VIII. THE REMOVAL IS DEFECTIVE PURSUANT TO 28 U.S.C §2679 BECAUSE FEDERAL EMPLOYEES WERE NOT ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES WHEN THEY PARTICIPATED IN THE VIOLATION OF CRIMINAL STATUTES TO DAMAGE WINDSOR.

74. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor.

75. The Verified Complaint specifies violation of the following Georgia statutes as the sole basis for the RICO claim: Obstruction of Justice and Tampering with Evidence pursuant to O.C.G.A. § 16-10-94; Perjury – Violation of O.C.G.A. § 16-10-70; Subornation of Perjury – Violation of O.C.G.A. § 16-10-72, and O.C.G.A. § 16-10-93; Theft by Deception - O.C.G.A. § 16-8-3.

In *Mesa v. California*, the Supreme Court denied removal under the federal officer removal statute to two postal employees, 28 U.S.C. § 1442(a)(1), because they failed to establish that they were acting within the scope of their official duties and therefore, had no colorable federal defense to the state law charges of reckless driving and related offenses. 489 U.S. 121, 127--28, 109 S.Ct. 959, 963--64, 103 L.Ed. 2d 99 (1989). Because the federal employees' actions fell outside the scope of their federal duties, California's interest in vindicating the rights of its citizens did not frustrate any valid federal interest. (*Denson v. United States*, 574 F.3d 1318 (11th Cir. 07/15/2009).)

76. The question of whether an employee's conduct was within the scope of his employment "is governed by the law of the state where the incident occurred." (See *S.J. & W. Ranch*, 913 F.2d at 1542; *Williams v. United States*, 350 U.S. 857, 76 S. Ct. 100, 100 L. Ed. 761 (1955) (per curiam), vacating 215 F.2d 800 (9th Cir. 1954); 28 U.S.C. § 1346(b).) Georgia law does not permit anyone to violate its RICO Act. Georgia law says the conduct must be within the general

duties of employment for which the employee was hired, and none of the Defendants were hired to violate criminal statutes and commit racketeering.

“The court found that there were material questions of fact as to whether the cameraman was acting within the scope of his employment at the time he pointed a gun at the appellant.” *Id.* (*Sevilla v. United States*, No. 1:06-CV1710-JOF (N.D.Ga. 06/01/2007) – Defendant (Judge) Forrester.)

77. In *Bennett v. United States*, 102 F.3d 486, 489 (11th Cir. 1996), the Eleventh Circuit considered whether the United States could be held liable for a soldier's accidental shooting on an army base. *Id.* at 488. “when an employee undertakes an act purely personal in nature, no respondeat superior liability may be imposed.” *Id.* The Eleventh Circuit noted that “[t]he question of whether a given act falls within the scope of employment is highly fact-specific, and turns on the unique circumstances of the case at bar.” *Id.* (*Amedisys Holding, LLC v. Interim Healthcare of Atlanta, Inc.*, Denise Cathey, Brenda Hogan, and, No. 1:11-cv-1437-WSD (N.D.Ga. 06/03/2011) – Judge was Defendant Duffey.)

78. The U.S. Attorney is not impartial; the U.S. Attorneys are “interested parties.” The U.S. Attorneys are representing some of the Defendants in related matters against Windsor.

Moreover, the statutory interpretation urged by defendant Lehtinen is particularly suspect because it leaves the determination of a dispositive issue in FTCA cases to an interested party. Under 28 U.S.C. § 2679(c), the Attorney General is required to “defend any civil action or proceeding brought in any court against any employee of the Government . . . for any

such damage or injury." Id. We do not believe Congress intended to entrust the party responsible for providing the federal employee's defense with the power to make a scope determination that will have the result of dismissing the plaintiff's suit for lack of jurisdiction. *Nasuti*, 906 F.2d at 812-13; *Petrousky*, 728 F. Supp. at 894; see *Gogek*, 729 F. Supp. at 933. Our concern with the impartiality of the scope determination is especially acute in a situation like the one in this case where the authority to make scope certifications has been delegated to the federal employee defendant or his colleagues. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

79. This Civil Action is about the corrupt practices of the Defendants, using the federal court system in Fulton County Georgia to commit criminal acts against Windsor and others. Windsor must argue that under these circumstances, this Civil Action must not be moved to the same federal court system that Windsor is suing. The very clerks that the Plaintiff has charged with racketeering are the clerks who will be handling the various filings in this matter. The judges named as Defendants are friends of this Court. The Plaintiff can be treated fairly and impartially only if he is on the neutral turf of the Fulton County Superior Court.

IX. THE POSITION OF THE U.S. ATTORNEYS IN THE NOTICE OF REMOVAL IS SUBJECT TO LITIGATION, AND IF THIS COURT DOES NOT DENY REMOVAL FOR THE REASONS SPECIFIED ABOVE, WINDSOR DEMANDS DISCOVERY AND AN EVIDENTIARY HEARING.

80. Should this Court fail to deny removal on the grounds specified above, this Court should conduct a de novo hearing on whether the Defendants were not acting within the scope of their official duties when they committed acts

that the Plaintiff complains of in the Verified Complaint. This Court must permit the Plaintiff full discovery on the scope question. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

CONCLUSION

81. The burden of establishing federal jurisdiction rests upon the party seeking removal, and Defendants have failed to carry this burden.

82. Exhibit A is the MOTION FOR REMAND and Exhibit B is the NOTICE OF FILING OF THE MOTION FOR REMAND.

83. For the aforementioned reasons, this Court should order that remand is required to the Superior Court of Fulton County in the State of Georgia.

WHEREFORE, the Plaintiff respectfully requests:

- a. order that Windsor may immediately conduct discovery;
- b. schedule an evidentiary hearing on the issue of removal and remand;
- c. order that remand is required;
- d. order that jurisdiction for this Civil Action is with the Superior Court of Fulton County Georgia; and
- e. grant any other relief this Court deems just and proper.

Respectfully submitted this 8th day of August, 2011.



William M. Windsor
Pro Se

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

VERIFICATION OF WILLIAM M. WINDSOR

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

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

This 8th day of August, 2011.

A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.

William M. Windsor

CERTIFICATE OF COMPLIANCE

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

This 8th day of August, 2011.



William M. Windsor

P.O. Box 681236
Marietta, GA 30068
Telephone: 770-578-1056
Fax: 770-234-4106
williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing REQUEST by mail with sufficient postage addressed to:

DARCY COTY
ASSISTANT U.S. ATTORNEY
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6043 -- Facsimile: (404) 581-4667

Lanna Renee Hill
Office of the Fulton County Attorney
141 Pryor St., Suite 4038, Atlanta, GA 30303
404-612-0246 - Fax: 404-730-6324
Email: lanna.hill@fultoncountyga.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 8th day of August, 2011.



William M. Windsor
Pro Se

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Exhibit

A

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

WILLIAM M. WINDSOR, Plaintiff)	CIVIL ACTION NO.
)	
v.)	1:11-CV-02326-TWT
)	
Christopher Huber, Sally Quillian Yates, Et Al.)	
Defendants.)	
<hr/>		

MOTION FOR REMAND

William M. Windsor (“Windsor” or “Plaintiff”) hereby files this MOTION FOR REMAND (“MFR”) pursuant to 28 U.S.C. § 1447(c) and moves for an emergency hearing. The Plaintiff seeks this relief on several procedural and substantive grounds, not the least of which is the fact that the Case File from Fulton County Superior Court (Docket #19) clearly shows on Doc.19-4, ¶¶104-112 that this matter was appealed on July 14, 2011 prior to the filing of the Notice of Removal on July 18, 2011 (Doc.19-4, ¶115). Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. On June 20, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County against the Defendants stating claims for violation of Georgia statutes. The Civil Action was assigned No. 2011CV202457.

2. There are no claims involving federal statutes in the Verified Complaint. The complaint does not allege claims for acts done within the scope of the Defendants' official duties. Paragraph 75 of the Verified Complaint makes it clear that this Civil Action could not be removed:

"The N.D.Ga. does not have jurisdiction over this matter on removal. None of the causes of action meet the requirements for removal expressed in federal statutes. 28 U.S.C. § 1442(a)(1), 28 U.S.C. § 1442(a)(1), and 28 U.S.C. § 2679 do not apply. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor. In addition, every federal judge in Fulton County Georgia is named as a party."

3. Paragraph 76 of the Verified Complaint makes it clear that NO FEDERAL STATUTE has been included in this Civil Action:

"This Civil Action is pursuant to the Georgia Racketeer Influenced and Corrupt Organizations Act, O.C.G.A. § 16-14-1 et seq. ("RICO"). No federal statute has been included in the causes of action."

4. Plaintiff and Defendants are citizens of the State of Georgia.

5. Windsor sought an ex parte TRO hearing with Judge Constance C. Russell. When Judge Russell denied the request, Windsor filed an appeal and paid the required fee to the Fulton County Superior Court on July 14, 2011. A true and correct copy of the Notice of Appeal is attached as Exhibit 1 hereto.

6. Defendant Christopher Huber ("Mr. Huber") was not served with a Summons and Verified Complaint. Mr. Huber contacted Windsor to offer to waive

service. Windsor declined and advised Mr. Huber that the matter was appealed. A true and correct copy of the email string is attached as Exhibit 2 hereto.

7. The only Defendant served thus far is Paul Howard, Jr.

8. On July 15, 2011, the U.S. Attorney filed a NOTICE OF REMOVAL (“NOR”) that purports to remove Civil Action 2011CV202457 from Fulton County Georgia Superior Court to the United States District Court. (A true and correct copy of the NOR is attached as Exhibit 3 and is referenced and incorporated herein.) The lawsuit was on appeal, and a supersedeas was in place, so Mr. Huber had no legal right to file a NOR.

9. The NOR mentions only one Defendant, Christopher Huber, and purports to remove the case solely due to the motion of Mr. Huber. (Exhibit 3 hereto, pp.4-5.) There are no affidavits from Mr. Huber or any of the Defendants.

10. Windsor did not receive notice of the NOR until July 20, 2011.

11. On August 8, 2011, Windsor filed this MFR.

I. **THE NOTICE OF REMOVAL WAS FILED FOR IMPROPER PURPOSES, SO THIS MFR MUST BE GRANTED.**

12. The NOR was filed so Defendants could evade exposure as criminals. By filing the NOR, Defendants have been able to utilize their corruption to shield themselves from an honest judge and jury in the Fulton County Superior Court.

13. Mr. Huber and the U.S. Attorney's Office were notified that their previous notices of removal were illegal. They received the Motion to Vacate the Notice of Removal filed in Civil Action No. 1:11-CV-01922-TWT, No. 1:11-CV-01923-TWT, and 1:11-CV-02027-TWT, referenced and incorporated herein as if attached hereto. Mr. Huber also received emails from Windsor with cease and desist notices. (A true and correct copy of the emails are attached as Exhibit 4, referenced and incorporated herein.)

14. The judge to whom this matter was assigned, Thomas Woodrow Thrash ("TWT"), is a DEFENDANT who has previously violated Windsor's Constitutional rights up one side and down the other. Details of TWT's wrongdoing is provided in WINDSOR'S EMERGENCY MOTION TO RECUSE JUDGE THOMAS WOODROW THRASH filed in 1:11-CV-02027-TWT, referenced and incorporated herein as if attached hereto. (2011-02027 Docket #4.)

**II. THE NOTICE OF REMOVAL IS PROCEDURALLY DEFECTIVE,
SO THIS MFR MUST BE GRANTED.**

15. The NOR has multiple procedural defects that make it void on its face. Technical, procedural requirements must be met.

16. Defendants Dubina and Kravitch have so ruled: (*Russell Corp. v. American Home Assur. Co.*, 264 F.3d 1040, 1044 (11th Cir. 2001).)

17. Defendant Duffey has so ruled: (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007).)

The removing defendants carry the burden to demonstrate that the removal was effected properly, and "this burden is a heavy one." (*Lampkin v. Media General, Inc.*, 302 F. Supp.2d 1293, 1294 (M.D.Ala. 2004). (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.) (See also *Laughlin v. Prudential Ins. Co.*, 882 F.2d. 187 (5th Cir. 1989).)

18. Removal statutes are strictly construed in favor of state court jurisdiction. Defendant Duffey has so ruled:

(*Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 108-09 (1941). (*Henry County School Dist. v. Action Development, Inc.*, No. 1:07-cv-1490-WSD (N.D.Ga. 09/06/2007) – Judge William S. Duffey.)

19. There is a presumption against removal jurisdiction, and this Court must strictly construe the removal statute. (*Fajen v. Foundation Reserve Ins. Co.*, 683 F.2d 331, 333 (10th Cir.1982).)

20. The NOR fails on all accounts, so this MFR must be granted.

21. **DEFECT #1 -- THE NOR FAILS TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE.**

22. None of the Defendants have made an appearance. None of the Defendants have filed a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT as required by N.D.Ga Local Rule 3.3 and FRCP 7.1, which was due to be filed with the Clerk "at the time of first

appearance.” This is a violation of the rules that is a procedural defect. This is proven by a true and correct copy of the Docket is attached as Exhibit 5, referenced and incorporated herein. There is no proof that the U.S. Attorneys, Sally Quillian Yates and Darcy F. Coty have authority to appear for Defendants.

23. DEFECT #2 -- THE ACTION WAS NOT YET PENDING IN FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES.

24. The removal statute requires service prior to removal in the state of Georgia. The removal statute requires that an action must be "pending" in a state court before it may be removed. See 28 U.S.C. § 1442(a) (noting that civil action may be removed to the district court "embracing the place wherein it is **pending**").

25. According to *Black's Law Dictionary*, the word pending means "remaining undecided" or "awaiting decision." (*Black's Law Dictionary* 1154 (7th ed. 1999).) An action must have "commenced" before it can be "pending." A determination of whether the action was pending in a Georgia court at the time of removal requires reference to Georgia law. Under Georgia law, "there is a substantial difference between the commencement of an action and its being a suit pending between the parties." (*McClendon v. Hernando Phosphate Co.*, 28 S.E. 152, 153 (Ga. 1897).) Georgia law preserves this distinction, as filing a suit "is still not the commencement of suit unless followed by service within a reasonable

time." (*Franek v. Ray*, 236 S.E.2d 629, 632 (Ga. 1977).) Thus, under Georgia law, "an action is not a 'pending' suit until after service of process is perfected." (*Steve A. Martin Agency, Inc. v. PlantersFIRST Corp.*, 678 S.E.2d 186, 188 (Ga. Ct. App. 2009); see also *Jenkins v. Crea*, 656 S.E.2d 849, 850 (Ga. Ct. App. 2008).)

26. None of the Defendants except Howard have been served with process. Since the Action was not yet "pending" in Fulton County Superior Court, the removal statute was violated and this is a defect. (28 U.S.C. § 1446(b).)

27. **DEFECT #3 -- THE DEFENDANTS DID NOT SIGN OR AUTHORIZE THE NOR, SO THIS MFR MUST BE GRANTED.**

28. The NOR was not authorized by the Defendants. None of the Defendants signed a consent or otherwise approved the removal. None of the Defendants are identified in the signature block on the NOR, so the Petition has not been filed on behalf of any of the Defendants.

(See 14C Charles Alan Wright, Arthur R. Miller, and Edward H. Cooper, *Federal Practice and Procedure* § 3730 (4th ed. 2009) ("[A]ll of the defendants in the state court action must consent to the removal, and the notice of removal must be signed by all of the defendants, although other forms of manifested consent may be acceptable to the federal court.")

29. Defendant Johnson has so ruled: *Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ (N.D.Ga. 08/02/2010).

(See also *Bank of America National Association v. Derisme*, No. 3:10cv900 (D. Conn. 08/13/2010); *Helm v. Drennan*, No. 07-CV-0344-

CVE-SAJ (N.D.Ok. 07/25/2007); *Sovereign Bank v. Park Development West, LLC*, No. 06-2603 (E.D.Pa. 08/17/2006); *Williams v. City of Beverly Hills, Missouri*, No. 4:07-CV-661 CAS (E.D.Mo. 09/24/2007); *Evanston Insurance Co. v. O'Conner*, No. 06-4687 (D.N.J. 03/20/2007); *Day Imaging, Inc. v. Color Labs Enterprises, L.L.C.*, No. 09-cv-02123-DME-MEH (D.Colo. 12/11/2009).

30. **DEFECT #4 – THE REMOVAL IS DEFECTIVE FOR FAILURE TO COMPLY WITH THE RULE OF UNANIMITY.**

31. 28 U.S.C. § 1446(a) states that "**defendants desiring to remove any civil action** . . . shall file in the district court of the United States . . . a notice of removal." All Defendants have not filed the NOTICE. At best, only one has.

28 U.S.C. § 1446 requires the unanimous consent of *all* defendants to the removal. (*Russell Corp. v. American Home Assurance Co.*, 264 F.3d 1040 (11th Cir. 09/06/2001); *Loftis v. U.S. Parcel Serv., Inc.*, 342 F.3d 509, 516 (6th Cir. 2003); *Maguire v. Genesee County Sheriff*, 601 F.Supp.2d 882 (E.D.Mich. 02/17/2009).)

32. The NOR fails to claim the consent of ANY Defendant; it clearly fails to explain the absence of consent to the removal by at least 55 of the Defendants. It is defective for violating the rule of unanimity. Since 98.2% of the Defendants did not join in the notice of removal and the NOR failed to account for the lack of their consent, the NOR is procedurally defective and this MFR must be granted.

33. Defendants Johnson, Duffey, Edmondson, Cox, and Ed Carnes have ordered that unanimity is required:

Russell Corp. v. Am. Home Assur. Co., 264 F.3d 1040, 1044 (11th Cir. 2001). (*Demmons v. Fulton County*, No. 1:09-CV-2312-TWT-WEJ

(N.D.Ga. 08/02/2010.) (*Thalacker v. Concessions International, LLC*, No. 1:06-cv-2685-WSD (N.D.Ga. 02/14/2007).) (*In re Ocean Marine Mut. Protection and Indem. Ass'n, Ltd.*, 3 F.3d 353, 355-56 (11th Cir.1993).)

34. Defendant Totenberg ordered on April 27, 2011 that unanimity is required:

(*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

35. **DEFECT #5 -- THE NOR FAILS TO COMPLY WITH THE REQUIREMENT OF A PLAIN STATEMENT OF THE GROUNDS FOR REMOVAL.**

36. Defendant Totenberg ordered in April 2011 that a plain statement of the grounds is required:

A defendant or defendants ... shall file in the district court of the United States for the district and division within which such action is pending a notice of removal ... containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action. (*William & Jin Nam, Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation*, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011).)

37. Defendants Tjoflat, Marcus, and Barkett have so ordered: *Lowery v. Alabama Power Co.*, 483 F.3d 1184 (11th Cir. 04/11/2007). Defendant Black, Defendant Hull, and Defendant Kravitch have so ordered: *Roe v. Michelin North America, Inc.*, 613 F.3d 1058 (11th Cir. 08/05/2010). Defendants Edmondson, Ed Carnes, and Pryor have so ordered: *Pertka v. Kolter City Plaza II, Inc.*, 608 F.3d

744 (11th Cir. 06/08/2010). Defendants Tjoflat and Ed Carnes have so ordered:

Cook v. Randolph County, Georgia, 573 F.3d 1143 (11th Cir. 07/07/2009).

Defendants Edmondson and Wilson have so ordered: *Bautista v. Star Cruises*, 396

F.3d 1289 (11th Cir. 01/18/2005). Defendants Tjoflat and Anderson have so

ordered: *Hernandez v. Seminole County, Florida*, 334 F.3d 1233 (11th Cir.

06/24/2003). Defendant Tjoflat has so ordered: *Bradway v. American National*

Red Cross, 965 F.2d 991 (11th Cir. 07/07/1992).

38. **DEFECT #6 -- THE NOR FAILED TO COMPLY WITH THE MANDATORY PROCEDURE TO INCLUDE WITH THE NOR THE SUMMONS ISSUED BY THE COURT ON ALL DEFENDANTS, DISCOVERY, AND OTHER DOCUMENTS SERVED ON DEFENDANTS.**

39. This is a fatal, non-amendable defect that mandates remand. 28

U.S.C. 1446 (a) requires:

“A defendant or defendants desiring to remove any civil action or criminal prosecution from a State court shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together a copy of **all process, pleadings, and orders served upon such defendant or defendants** in such]action.” **[emphasis added.]**

40. Defendant Totenberg ruled on April 27, 2011 that failure to file copies of all Summons and process is a defect:

...the failure to attach the summons served on all Defendants does not comply with the requirements of 28 U.S.C. § 1446(a). (*William & Jin Nam*,

Individually, and William Nam As the Personal v. U.S. Xpress, Inc., A Nevada Corporation, No. 1:10-CV-3924-AT (N.D.Ga. 04/27/2011) – Defendant (Judge) Totenberg.)

III. THE PRINCIPLE OF COMITY AND THE LONG-STANDING PUBLIC POLICY AGAINST FEDERAL COURT INTERFERENCE WITH STATE COURT PROCEEDINGS SHOULD PREVAIL.

41. The federal court should abstain for the sake of non-interference with state court proceedings. The jurisdictional laws of Georgia permit individuals to sue in Georgia courts for violations of any rights secured by the Constitution and laws of Georgia.

42. Prohibition of and interference with the State of Georgia in carrying out the important and necessary task of enforcing its own laws against socially harmful conduct that the State believes in good faith to be punishable under its own laws and Constitution would result in a chilling effect on all Georgia citizens' right to the availability of relief under the Constitution and laws of Georgia.

43. The Constitution and laws of Georgia provide for a plain, speedy, and efficient remedy to violations of its laws, therefore the federal court should abstain from this action under the "abstention doctrine."

44. Defendant Story has ruled:

Due regard for the rightful independence of state governments, which should actuate federal courts, requires that they scrupulously confine their own jurisdiction to the precise limits which the statute has defined." *Shamrock*

Oil & Gas Corp. v. Sheets, 313 U.S. 100, 109, 61 S.Ct. 868, 85 L.Ed. 1214 (1941) (quoting *Healy v. Ratta*, 292 U.S. 263, 270, 54 S.Ct. 700, 78 L.Ed. 1248 (1934)). (See also *Crowe v. Coleman*, 113 F.3d 1536, 1538 (11th Cir. 1997) (internal quotations omitted). (*Poll v. Deli Management, Inc.*, No. 1:07-CV-0959-RWS (N.D.Ga. 08/24/2007).)

IV. **THE DEFENDANTS HAVE FAILED TO PROVE THE EXISTENCE OF FEDERAL JURISDICTION.**

45. The Defendants have the burden of proving the existence of federal jurisdiction, and they have failed to do so. Mr. Huber's NOR only mentions the word "jurisdiction" once regarding the Federal Tort Claims Act, and the reference is to removal jurisdiction.

46. The NOR mentions **removal** "pursuant to 28 U.S.C. §1442(a)(1)," but that's it. Nothing is proven or argued or anything.

47. The NOR fails to address subject matter jurisdiction at all, so the MFR must be granted.

"...even though an action is eligible for removal pursuant to 28 U.S.C. §1442(a)(1), it is still subject to dismissal for lack of subject matter jurisdiction. See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001) (noting that "[t]he issue of whether the court has subject matter jurisdiction and the issue of whether there is removal jurisdiction, however, involve separate considerations.") (*Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).) [emphasis added.]

48. Defendants Tjoflat and Black have ruled that defendants have the burden of proving the existence of federal jurisdiction, as have Defendants O'Kelley and Story.

(*Tapscott v. MS Dealer Service Corp.*, 77 F.3d 1353, 1356 (11th Cir. 1996).) (*Standridge v. Wal-Mart Stores*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).) (*Wells Fargo Bank NA v. Narh*, No. 1:06-CV-0580-RWS (N.D.Ga. 05/09/2006).)

49. So ordered Defendant Thrash on April 22, 2011 as in 2007:

(*Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al*, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).) (*AR Motorsports, Inc. v. City of Lawrenceville, Georgia*, No. 1:07-CV-847-TWT (N.D.Ga. 08/07/2007).)

V. **THE NOR FAILED TO ASSERT GROUNDS FOR SUBJECT MATTER JURISDICTION AND FAILED TO RAISE A DEFENSE.**

50. There are no grounds even asserted for subject matter jurisdiction, an obligation that the NOR failed to address, so this MFR must be granted.

(See *Rankin v. I.R.S.*, No. 5:01-CV-79-OC10GRJ, 2001 WL 34107044, at *1 (M.D. Fla. May 16, 2001); *Morse v. United States*, No. 2:07-cv-249-FtM-34DNF (M.D.Fla. 12/04/2007).)

51. Defendant Forrester has ruled that failure to assert grounds for subject matter jurisdiction and failure to raise a defense require that the case be remanded:

When considering such a motion, a court should examine closely the grounds asserted for its subject matter jurisdiction. "As a congressionally imposed infringement upon a state's power to determine controversies in their [sic] courts, removal statutes must be strictly construed." *Cowart Ironworks, Inc. v. Phillips Construction Co.*, 507 F. Supp. 740, 743 (S.D. Ga. 1981).

"Where the basis for jurisdiction is doubtful, the court should resolve such doubt in favor of remand." *Id.*; *Clyde v. National Data Corp.*, 609 F. Supp. 216 (N.D. Ga. 1985). (*Hall v. Travelers Ins. Cos.*, 691 F. Supp. 1406 (N.D.Ga. 04/29/1988).)

52. Federal officers must raise a federal defense before removing to federal court, and the NOR failed to do so. Defendants Edmondson, Tjoflat, Anderson, Black, Ed Carnes, Barkett, Marcus, and Wilson have all so ordered:

(Bellsouth Telecommunications, Inc. v. MCImetro Access Transmission, 317 F.3d 1269, 317 F.3d 1270 (11th Cir. 01/10/2003).)

In sum, an unbroken line of Supreme Court decisions extending back nearly a century and a quarter have understood all the various incarnations of the federal officer removal statute to require the averment of a federal defense. (*Mesa et al. v. California*, 109 S. Ct. 959, 489 U.S. 121 (U.S. 02/21/1989).) [emphasis added.]

53. The U.S. district courts may hear only cases arising under federal law and treaties, cases involving ambassadors, admiralty cases, controversies between states or between a state and citizens of another state, lawsuits involving citizens of different states, and against foreign states and citizens.

54. Defendant Story has ruled:

No federal question is present on the face of Plaintiff's Complaint, and the requirements for diversity jurisdiction are not satisfied. The Court therefore concludes that it lacks subject matter jurisdiction and that this action is frivolous. (*HSBC Mortgage Services, Inc. v. Williams*, No. 1:07-CV-2863-RWS (N.D.Ga. 12/10/2007).)

55. This Civil Action does not arise under federal law or treaties. It does not involve an ambassador. It is not an admiralty case. It is not a controversy between states. It is not a controversy between a state and citizens of another state. All parties are from Georgia, as admitted on the New Case Filing Form included as part of the NOR. It is not a case against foreign states and citizens.

56. According to Defendant Duffey, federal courts are courts of limited jurisdiction:

Federal courts are courts of limited jurisdiction, and thus a federal court must take care to ensure that it has jurisdiction for all cases that come before it. (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (See Defendant Duffey's ruling also in *Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006) and *Stegeman v. Wachovia Bank, National Association*, No. 1:06-cv-0247-WSD (N.D.Ga. 04/04/2006).)

57. This Court does not have original jurisdiction. So says Defendant Story:

A defendant may only remove an action from state court if the federal court would possess original jurisdiction over the subject matter. 28 U.S.C. § 1441(a). *Williams v. Best Buy Co.*, 269 F.3d 1316, 1319 (11th Cir.2001). 28 U.S.C. § 1447(c). (*Kofi Boateng v. Morrison Management Specialists, Inc.*, No. 1:11-CV-00142-RWS (N.D.Ga. 06/13/2011).)

58. This Court lacks subject matter jurisdiction. Lack of subject matter jurisdiction requires remand to the state court. (28 U.S.C. § 1447(c), FRCP 12(h)(3); *Standridge v. Wal-Mart*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

59. The U.S. District Court lacks federal-question jurisdiction because there is no dispute as to the validity, construction, or effect of a federal statute with a cause of action "arising under" the laws of the U.S. So says Defendant Baverman in *Wells Fargo Bank v. Cyrus*, No. 1:10-CV-02064-RLV-AJB (N.D.Ga. 07/15/2010).

60. The instant Civil Action is pursuant to the Georgia RICO Act, O.C.G.A. § 16-14-1 et seq. No federal statute has been included in the causes of action. To meet the requirement of a case "arising under" federal law, the federal question must appear on the face of the plaintiff's complaint. There is no federal question presented on the face of the Verified Complaint. Windsor intends this Action to be solely based on Georgia law. Windsor specifically excluded federal statutes that could have been raised so this action would remain in Georgia courts. Paragraph 76 of the Verified Complaint states clearly that NO FEDERAL STATUTE has been included in this Civil Action.

Federal courts use the "well-pleaded complaint" rule to determine "arising under" jurisdiction. *Long*, 201 F.3d at 758. That rule provides that "'federal jurisdiction exists only when a federal question is presented on the face of the plaintiff's properly pleaded complaint.'" Id. (quoting *Caterpillar Inc. v. Williams*, 482 U.S. 386, 392 (1987)). *The Fair v. Kohler Die & Specialty Co.*, 228 U.S. 22, 25 (1913).

61. Defendant Duffey has regularly ruled that when a Plaintiff has relied exclusively on state law, remand is required:

In this case, it is clear that Plaintiff relies exclusively on state law, and thus the well-pleaded complaint rule is not satisfied. Because Defendant fails to demonstrate that the Court has subject matter jurisdiction over this case, the Court is required to remand this action pursuant to 28 U.S.C. § 1447(c). (*Deutsche Bank Nat'l v. Eberhart*, No. 1:06-cv-1588-WSD (N.D.Ga. 07/10/2006).) (*Equity Residential Properties v. Bravo*, No. 1:06-cv-1012-WSD (N.D.Ga. 05/03/2006).) (*PHH Mortgage Corp. v. Diamond*, No. 1:06-cv-0673-WSD (N.D.Ga. 03/29/2006).) (See also *Chase Home Finance, LLC v. Mungaro*, No. 1:05-cv-3082-WSD (N.D.Ga. 12/08/2005). (See also *State v. Serries*, No. 1:10-cv-01564 -WSD (N.D.Ga. 07/16/2010); *Cunningham v. HSBC Mortgage Services*, No. 1:07-cv-1346-WSD (N.D.Ga. 06/20/2007); *Chase Manhattan Mortgage Corp. v. Gresham*, No. 1:05-cv-1944-WSD (N.D.Ga. 11/17/2005).)

62. Defendant Thrash said on April 22, 2011 that a Georgia RICO action, upon which this action is based, is not a matter of federal law:

("[M]ere references in a complaint to violations of federal law as predicate acts to a state RICO claim do not, without more, confer federal court jurisdiction."); *Austin v. Ameriquest Mortgage Co.*, 510 F. Supp. 2d 1218, 1226-27 (N.D. Ga. 2007). (*Federal Home Loan Bank of Atlanta v. Countrywide Securities Corporation, et al*, No. 1:11-CV-489-TWT (N.D.Ga. 04/22/2011).)

63. The U.S. District Court lacks diversity jurisdiction because the Plaintiff and the Defendants are all citizens of Georgia.

VI. **THIS COURT IS REQUIRED TO RESOLVE ALL DOUBTS ABOUT FEDERAL JURISDICTION IN FAVOR OF REMAND.**

64. This Court is required to resolve all doubts about federal jurisdiction in favor of remand.

(*Boyer v. Snap-on Tools Corp.*, 913 F.2d 108 (3rd Cir. 1990), cert. denied, 498 U.S. 1085, 111 S. Ct. 959, 112 L. Ed. 2d 1046 (1991); *Coker v. Amoco Oil Co.*, 709 F.2d 1433 (11th Cir. 1983); *STANDRIDGE v. WAL-MART STORES*, 945 F. Supp. 252 (N.D.Ga. 09/18/1996).)

65. Defendant Thrash has so ruled:

(*Saye v. Unumprovident Corp.*, No. 1:07-CV-31-TWT (N.D.Ga. 08/09/2007).)

66. The Defendants have waived any grounds for removal not included in their initial notice. So says Defendant Thrash:

The initial notice of removal must include all grounds for removal or they are waived. 28 U.S.C. § 1446(c)(2). (*ING USA Annuity and Life Insurance Co. v. J.P. Morgan Securities, Inc.*, No. 1:08-CV-1748-TWT (N.D.Ga. 09/30/2008).)

**VII. THE REMOVAL IS DEFECTIVE PURSUANT TO
28 U.S.C § 1442 (a)(1) BECAUSE FEDERAL OFFICERS
HAVE NOT RAISED A FEDERAL DEFENSE.**

67. The U.S. Attorney erroneously cites 28 U.S.C. § 1442(a)(1) as a basis for the removal.

28 U.S.C. § 1442(a)(1) provides that “a civil action ... commenced in a State court against any of the following may be removed by them to the district court of the United States for the district and division embracing the place wherein it is pending: The United States or any agency thereof or any officer (or any person acting under that officer) of the United States or of any agency thereof, sued in an official or individual capacity for any act under color of such office or on account of any right, title or authority claimed under any Act of Congress....”

68. 28 U.S.C. § 1442(a)(1) does not apply because the Verified Complaint is not about suing “in an official or individual capacity for any act under color of such office or... under any Act of Congress...” (See *Mesa v. California*, 489 U.S. 121, 109 S. Ct. 959, 103 L. Ed. 2d 99 (1989).)

69. None of the other Defendants have raised any defense whatsoever to the Civil Action. The ONLY statement made by the U.S. Attorney in the NOR is: “This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.” There is no citation of case law to support such a claim. 28 U.S.C. § 1442(a)(1) has nothing to do with defenses to this Civil Action, so no defense has been raised.

70. The U.S. Attorney has failed to meet the Supreme Court’s stated requirements for removal pursuant to 28 U.S.C. § 1442(a)(1) that are binding precedents recognized by the Eleventh Circuit.

Proper removal of an action under section 1442(a)(1) has historically required the satisfaction of two separate requirements. **First, the defendant must advance a "colorable defense arising out of [his] duty to enforce federal law,"** *Mesa v. California*, 489 U.S. 121, 133, 109 S. Ct. 959, 966-67, 103 L. Ed. 2d 99 (1989) ...absent the assertion of a federal defense, a state court action against a federal officer is not removable. *Id.* [**emphasis added.**]

Second, the defendant must establish that there is a "causal connection between what the officer has done under asserted official authority" and the action against him. *Maryland v. Soper*, 270 U.S. 9, 33, 46 S. Ct. 185, 190, 70 L. Ed. 449 (1926) (interpreting predecessor statute); see also

Willingham, 395 U.S. at 409, 89 S. Ct. at 1817. (*Magnin v. Teledyne Continental Motors*, 91 F.3d 1424 (11th Cir. 08/15/1996).) [emphasis added.]

71. It is impossible for a Defendant to raise a colorable defense to charges of racketeering as racketeering is not something that one may do under their federal employment. Each Defendant has been sued personally for acts that were not under color of their office. This Court's exercise of federal-question jurisdiction over this state-law claim would be inappropriate because there is no dispute as to any federal statute.

"A removing defendant bears the burden of proving proper federal jurisdiction." *Adventure Outdoors, Inc. v. Bloomberg*, 552 F.3d 1290, 1294 (11th Cir. 2008)

72. In this matter, there is no disputed question of federal law.

Federal-question jurisdiction over state-law claims is confined to those claims that "really and substantially involv[e] a dispute or controversy respecting the validity, construction or effect of [federal] law.'" *Grable*, 545 U.S. at 313 (quoting *Shulthis v. McDougal*, 225 U.S. 561, 569 (1912)). (See also *Fed. Trade Comm'n v. Tashman*, 318 F.3d 1273, 1279 (11th Cir. 2003) (Vinson, J., dissenting).)

73. This Civil Action does not seek to hold an officer of the United States in violation of state law while simultaneously executing his duties as prescribed by federal law. Federal employees ignored the limitations on their powers. They intentionally committed acts that violate the Georgia RICO Act, and they knowingly participated in an enterprise designed to damage Windsor. Defendants

did not act within the scope of their federal duties; what they did was not required of them by federal law, and they did not do what federal law required. It is well established that a federal employee's actions lie outside the scope of authority when he or she fails to comply with the affirmative requirements of the law.

...we look to (1) whether the officers were acting "within the outer perimeter of [their] line of duty" as defined by federal statutory and regulatory law, *Barr v. Matteo*, 360 U.S. 564, 575, 79 S.Ct. 1335, 3 L.Ed. 2d 1434 (1959) (plurality opinion), and (2) whether "in doing [those acts, they] did no more than what was necessary and proper for [them] to do" as demarcated by the Constitution, see *Neagle*, 135 U.S. at 57, 10 S.Ct. at 666. As the Supreme Court explained, "a federal official may not with impunity ignore the limitations which the controlling law has placed on his powers." *Butz v. Economou*, 438 U.S. 478, 489, 98 S.Ct. 2894, 2902, 57 L.Ed. 2d 895 (1978). Indeed, it is a tautology that a federal officer's actions lie outside the scope of his authority when the officer fails to comply with the affirmative requirements of federal statutory or regulatory law, see *id.* at 489--91, 98 S.Ct. at 2902--03; *Castro v. United States*, 560 F.3d 381, 390--91 (5th Cir. 2009); *United States Fid. & Guar. Co. v. United States*, 837 F.2d 116, 120 (3d Cir.1988), and his actions fail to qualify as "necessary and proper" if committed in violation of the negative injunctions of the Constitution, see *Butz*, 438 U.S. at 489--91, 98 S.Ct. at 2902--03; *Castro*, 560 F.3d at 389; *Medina*, 259 F.3d at 225; *Red Lake Band of Chippewa Indians*, 800 F.2d at 1196; see also *Larson v. Domestic & Foreign Commerce Corp.*, 337 U.S. 682, 689--90, 69 S.Ct. 1457, 1461, 93 L.Ed. 1628 (1949); *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 170--71 (1803).

VIII. THE REMOVAL IS DEFECTIVE PURSUANT TO 28 U.S.C §2679 BECAUSE FEDERAL EMPLOYEES WERE NOT ACTING WITHIN THE SCOPE OF THEIR OFFICIAL DUTIES WHEN THEY PARTICIPATED IN THE VIOLATION OF CRIMINAL STATUTES TO DAMAGE WINDSOR.

74. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor.

75. The Verified Complaint specifies violation of the following Georgia statutes as the sole basis for the RICO claim: Obstruction of Justice and Tampering with Evidence pursuant to O.C.G.A. § 16-10-94; Perjury – Violation of O.C.G.A. § 16-10-70; Subornation of Perjury – Violation of O.C.G.A. § 16-10-72, and O.C.G.A. § 16-10-93; Theft by Deception - O.C.G.A. § 16-8-3.

In *Mesa v. California*, the Supreme Court denied removal under the federal officer removal statute to two postal employees, 28 U.S.C. § 1442(a)(1), because they failed to establish that they were acting within the scope of their official duties and therefore, had no colorable federal defense to the state law charges of reckless driving and related offenses. 489 U.S. 121, 127--28, 109 S.Ct. 959, 963--64, 103 L.Ed. 2d 99 (1989). Because the federal employees' actions fell outside the scope of their federal duties, California's interest in vindicating the rights of its citizens did not frustrate any valid federal interest. (*Denson v. United States*, 574 F.3d 1318 (11th Cir. 07/15/2009).)

76. The question of whether an employee's conduct was within the scope of his employment "is governed by the law of the state where the incident occurred." (See *S.J. & W. Ranch*, 913 F.2d at 1542; *Williams v. United States*, 350 U.S. 857, 76 S. Ct. 100, 100 L. Ed. 761 (1955) (per curiam), vacating 215 F.2d 800 (9th Cir. 1954); 28 U.S.C. § 1346(b).) Georgia law does not permit anyone to violate its RICO Act. Georgia law says the conduct must be within the general

duties of employment for which the employee was hired, and none of the Defendants were hired to violate criminal statutes and commit racketeering.

“The court found that there were material questions of fact as to whether the cameraman was acting within the scope of his employment at the time he pointed a gun at the appellant.” *Id.* (*Sevilla v. United States*, No. 1:06-CV1710-JOF (N.D.Ga. 06/01/2007) – Defendant (Judge) Forrester.)

77. In *Bennett v. United States*, 102 F.3d 486, 489 (11th Cir. 1996), the Eleventh Circuit considered whether the United States could be held liable for a soldier's accidental shooting on an army base. *Id.* at 488. “when an employee undertakes an act purely personal in nature, no respondeat superior liability may be imposed.” *Id.* The Eleventh Circuit noted that “[t]he question of whether a given act falls within the scope of employment is highly fact-specific, and turns on the unique circumstances of the case at bar.” *Id.* (*Amedisys Holding, LLC v. Interim Healthcare of Atlanta, Inc.*, Denise Cathey, Brenda Hogan, and, No. 1:11-cv-1437-WSD (N.D.Ga. 06/03/2011) – Judge was Defendant Duffey.)

78. The U.S. Attorney is not impartial; the U.S. Attorneys are “interested parties.” The U.S. Attorneys are representing some of the Defendants in related matters against Windsor.

Moreover, the statutory interpretation urged by defendant Lehtinen is particularly suspect because it leaves the determination of a dispositive issue in FTCA cases to an interested party. Under 28 U.S.C. § 2679(c), the Attorney General is required to “defend any civil action or proceeding brought in any court against any employee of the Government . . . for any

such damage or injury." *Id.* We do not believe Congress intended to entrust the party responsible for providing the federal employee's defense with the power to make a scope determination that will have the result of dismissing the plaintiff's suit for lack of jurisdiction. *Nasuti*, 906 F.2d at 812-13; *Petrousky*, 728 F. Supp. at 894; see *Gogek*, 729 F. Supp. at 933. Our concern with the impartiality of the scope determination is especially acute in a situation like the one in this case where the authority to make scope certifications has been delegated to the federal employee defendant or his colleagues. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

79. This Civil Action is about the corrupt practices of the Defendants, using the federal court system in Fulton County Georgia to commit criminal acts against Windsor and others. Windsor must argue that under these circumstances, this Civil Action must not be moved to the same federal court system that Windsor is suing. The very clerks that the Plaintiff has charged with racketeering are the clerks who will be handling the various filings in this matter. The judges named as Defendants are friends of this Court. The Plaintiff can be treated fairly and impartially only if he is on the neutral turf of the Fulton County Superior Court.

IX. THE POSITION OF THE U.S. ATTORNEYS IN THE NOTICE OF REMOVAL IS SUBJECT TO LITIGATION, AND IF THIS COURT DOES NOT DENY REMOVAL FOR THE REASONS SPECIFIED ABOVE, WINDSOR DEMANDS DISCOVERY AND AN EVIDENTIARY HEARING.

80. Should this Court fail to deny removal on the grounds specified above, this Court should conduct a de novo hearing on whether the Defendants were not acting within the scope of their official duties when they committed acts

that the Plaintiff complains of in the Verified Complaint. This Court must permit the Plaintiff full discovery on the scope question. (*S.J. & W. Ranch Inc. v. Lehtinen*, 913 F.2d 1538 (11th Cir. 10/10/1990).)

CONCLUSION

81. The burden of establishing federal jurisdiction rests upon the party seeking removal, and Defendants have failed to carry this burden.

82. For the aforementioned reasons, this Court should order that remand is required to the Superior Court of Fulton County in the State of Georgia.

WHEREFORE, the Plaintiff respectfully requests:

- a. order that Windsor may immediately conduct discovery;
- b. schedule an evidentiary hearing on the issue of removal and remand;
- c. order that remand is required;
- d. order that jurisdiction for this Civil Action is with the Superior Court of Fulton County Georgia; and
- e. grant any other relief this Court deems just and proper.

Respectfully submitted this 8th day of August, 2011.



William M. Windsor

Pro Se

PO Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

Email: williamwindsor@bellsouth.net

VERIFICATION OF WILLIAM M. WINDSOR

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

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

This 8th day of August, 2011.

A handwritten signature in black ink, appearing to read "William M. Windsor", written over a horizontal line.

William M. Windsor

CERTIFICATE OF COMPLIANCE

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

This 8th day of August, 2011.



William M. Windsor

P.O. Box 681236
Marietta, GA 30068
Telephone: 770-578-1056
Fax: 770-234-4106
williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing REQUEST by mail with sufficient postage addressed to:

DARCY COTY
ASSISTANT U.S. ATTORNEY
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6043 -- Facsimile: (404) 581-4667

Lanna Renee Hill
Office of the Fulton County Attorney
141 Pryor St., Suite 4038, Atlanta, GA 30303
404-612-0246 - Fax: 404-730-6324
Email: lanna.hill@fultoncountyga.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 8th day of August, 2011.



William M. Windsor
Pro Se

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

Exhibit

B

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

WILLIAM M. WINDSOR,)	
Plaintiff)	CIVIL ACTION NO.
)	
v.)	1:11-CV-02326-TWT
)	
Christopher Huber, et. al,)	
Defendants)	
<hr/>		

NOTICE OF FILING OF MOTION FOR REMAND

Plaintiff William M. Windsor hereby gives NOTICE OF FILING OF MOTION FOR REMAND for consideration in connection with this matter.

Submitted, this 8th day of August 2011.



William M. Windsor
Pro Se
PO Box 681236, Marietta, GA 30068
Phone: 770-578-1094 - Fax: 770-234-4106
Email: williamwindsor@bellsouth.net

CERTIFICATE OF COMPLIANCE

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


William M. Windsor

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CERTIFICATE OF SERVICE

I hereby certify that I served this NOTICE OF FILING by depositing in the United States Mail with sufficient postage addressed as follows:

DARCY COTY
ASSISTANT U.S. ATTORNEY
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6043 -- Facsimile: (404) 581-4667
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Lanna Renee Hill
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141 Pryor St., Suite 4038, Atlanta, GA 30303
404-612-0246 - Fax: 404-730-6324
Email: lanna.hill@fultoncountyga.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 8th day of August 2011.



William M. Windsor
Pro Se

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William M. Windsor

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August 8, 2011

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

Re: 1:11-CV-02326-TWT

Dear Clerk:

When you read these words, the enclosed document is filed in this Civil Action. Please docket this filing immediately.

- NOTICE OF FILING & REQUEST FOR CONSENT TO FILE & NOTICE OF FILING & MOTION FOR REMAND

Delivery of documents to the Office of the Clerk of the Court constitutes filing. The Office of the Clerk has no legal right to block the docketing of anything that I properly present to the Clerk of the Court.

Requests for Consent must also be filed as each one that is denied will be the subject of an appeal, and it is essential that these are part of the record. Requests for Consent are just another form of document that the Clerk must docket because these are filed upon delivery to the Office of the Clerk.

it is settled law that delivery of a pleading to a proper official is sufficient to constitute filing thereof. *United States v. Lombardo*, 241 U.S. 73, 36 S. Ct. 508, 60 L. Ed. 897 (1916); *Milton v. United States*, 105 F.2d 253, 255 (5th Cir. 1939). In *Greeson v. Sherman*, 265 F. Supp. 340 (D.C.Va.1967) it was held that a pleading delivered to a deputy clerk at his home at night was thereby "filed." (*FREEMAN v. GIACOMO COSTA FU ANDREA*, 282 F. Supp. 525 (E.D.Pa. 04/5/1968).)

FRCP Rule 5(d)(2): "**A paper is filed by delivering it: (A) to the clerk....**"
 FRCP Rule 77 (a) "When Court Is Open. Every district court is considered always open for filing any paper, issuing and returning process, making a motion, or entering an order." **[emphasis added.]**

"The duty of the clerk is to make his record correctly represent the proceedings in the case...." (*WETMORE v. KARRICK*, 27 S. Ct. 434, 205 U.S. 141 (U.S. 03/11/1907).) **Failing to file documents presented and reflect the documents on the docket is a failure to perform the ministerial duties of the Clerk of the Court. [emphasis added.]**

"...his [Clerk of the Court] job is to file pleadings and other documents, maintain the court's files and inform litigants of the entry of court orders." *Sanders v. Department of Corrections*, 815 F. Supp. 1148, H49(N.D. Ill. 1993). (*WILLIAMS v. PUCINSKI*, 01C5588 (N.D.Ill. 01/13/2004).)

The clerk of a court, like the Recorder is required to accept documents filed. It is not incumbent upon him to judicially determine the legal significance of the tendered documents. *In re Halladjian*, 174 F. 834 (C.C.Mass.1909); *United States, to Use of Kinney v. Bell*, 127 F. 1002 (C.C.E.D.Pa.1904); *State ex rel. Kaufman v. Sutton*, 231 So.2d 874 (Fla.App.1970); *Malinou v. McElroy*, 99 R.I. 277, 207 A.2d 44 (1965); *State ex rel. Wanamaker v. Miller*, 164 Ohio St. 176, 177, 128 N.E.2d 110 (1955.). (*Daniel K. Mayers Et Al., v. Peter S. Ridley Et Al.* No. 71-1418 (06/30/72, United States Court of Appeals for the DC Circuit.) **[emphasis added.]**

The specific allegation in Mr. Snyder's complaint is that Mr. Nolen, acting as the Circuit Court Clerk, refused to file or actually removed already filed papers from the court's docket. Under Illinois law, **the clerk simply has the ministerial duty to file papers** that conform to the technical rules of court. See *In re Estate of Davison*, 430 N.E.2d 222, 223 (Ill. App. Ct. 1981) ("Delivery alone has been held to constitute filing since the person filing has no control over the officer who receives documents. Subsequent ministerial tasks of the clerk evidence the filing of a document but are not essential to its perfection." (internal citation omitted)); *Roesch-Zeller, Inc. v. Hollembeak*, 124 N.E.2d 662, 664 (Ill. App. Ct. 1955) ("**The duty of the clerk to file the document on the date it was presented to him was a ministerial act**, the performance of which could be compelled by writ of

mandamus." (*Snyder v. Nolen*, 380 F.3d 279 (7th Circuit, 08/13/2004).) **[emphasis added.]**

The word "filed" the Act uses, is, as applied to court proceedings, a word of art, having a long established and well understood meaning, deriving from the practice of filing papers on a string or wire. **It requires of one filing a suit, merely the depositing of the instrument with the custodian for the purpose of being filed.** Except where some specific statute otherwise provides, and none such is present here, it charges him with no further duty, subjects him to no untoward consequences as a result of the failure of the custodian to do his duty, by placing the instrument on the file, or as in modern practice placing his file mark on the instrument. Collected in vol. 3 *Words and Phrases*, First Series, pp. 2764-2770, inclusive; vol. 2 *Words and Phrases*, Second Series, pp. 531, 534, may be found cases from many jurisdictions, all to the same effect, that **the filing of a paper is the delivery of it to the officer at his office**, to be kept by him as a paper on file, and that the file mark of the officer is evidence of the filing, but it is not the essential element of the act. A paper may be filed without being marked or endorsed by the clerk, *In re Conant's Estate*, 43 Or. 530, 73 P. 1018; *Holman v. Chevallier*, 14 Tex. 337; *Eureka Stone Co. v. Knight*, 82 Ark. 164, 100 S.W. 878; *Darnell v. Flynn*, 69 W.Va. 146, 71 S.E. 16. Perhaps the best statement of the meaning and consequences of filing is to be found in the *Chevallier* case, supra. "Though the ancient mode of filing papers has gone into disuse, the phraseology of the ancient practice is retained, in the common expressions 'to file,' 'to put on file,' 'to take off the file,' &c., from 'filum' the thread, string, or wire used in ancient practice, for connecting the papers together. The term 'file' is also used to denote the paper placed with the Clerk, and assigned by the law to his official keeping. A file is a record of the Court.(1 Litt., 112; Burr. L.D. tit. File.) It is the duty of the Clerk, when a paper is thus placed in his custody or 'filed' with him, to endorse upon it the date of its reception, and retain it in his office, subject to inspection by whomsoever it may concern; and that is what is meant by his 'filing' the paper. **But where the law requires or authorizes a party to file it, it simply means that he shall place it in the official custody of the Clerk.** That is all that is required of him; and if the officer omits the duty of endorsing upon it the date of the filing, that should not prejudice the rights of the party. And hence it is the common practice, where that has been omitted, for the officer, with the sanction of the Court, to make the endorsement now for then; the doing of the act now, that is, at the time when it is actually done, being allowed to operate as a substitute and equivalent for doing it

then, or when it should have been done. And acts thus allowed to be done by the Clerk of the Court, with the sanction of the Court, have the same effect as if they had been done at the proper time. (1 Stra. 639; 2 Tidd's Pr. 932.) It was the filing of the affidavit and certificate by the party, under the statute, and not the endorsement of the date of their reception, or the filing by the Clerk, which was a condition precedent to the issuing of the execution in this case. The object of the motion to obtain the authority of the Court for the filing of the clerk now for then was that the Court might receive evidence of the time of the actual filing by the party, in order that the filing by the Clerk might relate back, and take effect from that period, as though it had been done then, when it should have been done. (*Milton v. United States*, 105 F.2d 253 (5th Cir. 07/06/1939).) *JOHANSSON v. TOWSON*, 177 F. Supp. 729 (M.D.Ga. 02/17/1959). [**emphasis added.**]

The Federal Rules of Civil Procedure provide that 'The district courts shall be deemed always open for the purpose of filing any pleading * * *' Rule 77(a); that 'The clerk's office with the clerk or a deputy clerk in attendance shall be open during business hours on all days except Sundays and legal holidays * * *', Rule 77(c); that 'A civil action is commenced by filing a complaint with the court', Rule 3 and that 'The filing of pleadings and other papers with the court as required by these rules shall be made by filing them with the clerk of the court, except that the judge may permit the papers to be filed with him, in which event he shall note thereon the filing date and forthwith transmit them to the office of the clerk.' Rule 5(e), 28 U.S.C.A. The tracing of our word 'file' to the Latin word 'filum' and its reference to the ancient practice of placing papers on a thread or wire for safekeeping and later reference is done in many cases, notably in *United States v. Lombardo*, 1916, 241 U.S. 73, 36 S. Ct. 508, 60 L. Ed. 897 and more recently in *Milton v. United States*, 5 Cir., 1939, 105 F.2d 253, 255. The latter case points out that **all that is required on the part of a person filing a paper with an official is 'merely the depositing of the instrument with the custodian for the purpose of being filed'**. (See *Palcar Real Estate Co. v. Commissioner of Internal Revenue*, 8 Cir., 1942, 131 F.2d 210; *Schultz v. United States*, Ct.Cl.1955, 132 F.Supp. 953, 955; *McCord v. Commissioner of Internal Revenue*, 1941, 74 App.D.C. 369, 123 F.2d 164, 165; *Central Paper Co. v. Commissioner of Internal Revenue*, 6 Cir., 1952, 199 F.2d 902, 904. (*JOHANSSON v. TOWSON*, 177 F. Supp. 729 (M.D.Ga. 02/17/1959).) [**emphasis added.**]

The filing of a paper takes place upon the delivery of it to the officer at his office. *Milton v. United States*, 5th Cir. 1939, 105 F.2d 253; *Poynor v. Commissioner*, 5th Cir. 1936, 81 F.2d 521. When the mails are utilized for the purpose of filing an instrument, the filing takes place upon delivery at the office of the official required to receive it. *Wampler v. Snyder*, 1933, 62 App. D.C. 215, 66 F.2d 195. (*Phinney v. Bank of Southwest National Association*, 335 F.2d 266 (5th Cir. 08/05/1964).) (See also *United States v. Missco Homestead Ass'n Inc.*, 185 F.2d 283 (8th Cir. 11/01/1950).) (*DIENSTAG v. ST. PAUL FIRE & MARINE INS. CO.*, 164 F. Supp. 603 (S.D.N.Y. 11/18/1957); *Thorndal v. Smith, Wild, Beebe & Cades*, 339 F.2d 676 (8th Cir. 01/04/1965); *LONE STAR PRODUCING CO. v. GULF OIL CORP.*, 208 F. Supp. 85 (E.D.Tex. 07/17/1962).) [**emphasis added.**]

Although *Lombardo* was decided before the Federal Rules of Civil Procedure were promulgated, courts have relied on it and *Federal Rules of Civil Procedure* 3, 5(e), and 77 for the same proposition. See, e.g., *Milton v. United States*, 105 F.2d 253, 255 (5th Cir. 1939) ("**The word 'filed' . . . requires of one filing a suit, merely the depositing of the instrument with the custodian for the purpose of being filed. Except where specific statute otherwise provides, and none such is present here, it charges him with no further duty, [and] subjects him to no untoward consequences.**"); *Greeson v. Sherman*, 265 F.Supp. 340, 342 (W.D. Va. 1967) ("[I]f rule 3 is read in conjunction with Rule 5(e) . . . [a complaint is filed when] the complaint is delivered to an officer of the court who is authorized to receive it."); *Freeman v. Giacomo Costa Fu Andrea*, 282 F.Supp. 525, 527 (E.D.Pa. 1968) ("[I]t is settled law that delivery of a pleading to a proper official is sufficient to constitute filing thereof.") In *Cintron v. Union Pacific R. Co.*, 813 F.2d 917, 920 (9th Cir. 1987), the court said: The consensus is that "[p]apers and pleadings including the original complaint are considered filed when they are placed in the possession of the clerk of the court." C. Wright & A. Miller, *Federal Practice and Procedure* § 1153 (1969). See *United States v. Dae Rim Fishery Co.*, 794 F.2d 1392, 1395 (9th Cir. 1986). The court then discussed earlier cases, including *Loya v. Desert Sands Unified School Dist.*, 721 F.2d 279 (9th Cir. 1983). . . . (*Stone Street Capital, Inc. v. McDonald's Corp.*, 300 F.Supp.2d 345 (D.Md. 11/06/2003).) [**emphasis added.**]

Filing is complete once the document is delivered to and received by the proper official. *United States v. Lombardo*, 241 U.S. 73, 76, 36 S.Ct. 508, 60 L.Ed. 897 (1916). Although *Lombardo* was decided before the Federal

Rules of Civil Procedure were promulgated, courts have relied on it and Federal Rules of Civil Procedure 3, 5(e), and 77 for the same proposition. See, e.g., *Milton v. United States*, 105 F.2d 253, 255 (5th Cir. 1939); *Greeson v. Sherman*, 265 F. Supp. 340, 342 (W.D.Va. 1967) ("If Rule 3 is read in conjunction with Rule 5 (e) . . . [a complaint is filed when] the complaint is delivered to an officer of the court who is authorized to receive it."); *Freeman v. Giacomo Costa Fu Andrea*, 282 F. Supp. 525, 527 (E.D.Pa. 1968) ("[I]t is settled law that delivery of a pleading to a proper official is sufficient to constitute filing thereof."). (*CENTRAL STATES, SE & SW PENSION v. PARAMOUNT LIQUOR*, 34 F.Supp.2d 1092 (N.D.Ill. 02/09/1999).) [**emphasis added.**]

The Office of the Clerk has no legal basis to deny the docketing of all documents filed prior to 3:50 pm on July 22, 2011 or all Requests for Consent filed after July 22, 2011. A judge may not deny the docketing of properly filed documents. **The docketing of filed documents is a ministerial act that the Office of the Clerk is obligated to perform.** (See *RAY v. UNITED STATES*, 57 S. Ct. 700, 301 U.S. 158 (U.S. 04/26/1937).) [**emphasis added.**]

The employees of the Offices of the Clerk of the Court have violated their Oath of Office:

28 USC 951: Each clerk of court and his deputies shall take the following oath or affirmation before entering upon their duties: "I, ___ XXX, having been appointed ___, do solemnly swear (or affirm) that I will truly and faithfully enter and record all orders, decrees, judgments and proceedings of such court, and will faithfully and impartially discharge all other duties of my office according to the best of my abilities and understanding. So help me God."

Sincerely,



William M. Windsor

William M. Windsor

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

August 8, 2011

Judge Thomas Woodrow Thrash
United States District Court
Northern District of Georgia
75 Spring Street, SW #2188
Atlanta, Georgia 30303-3361

Re: 1:11-CV-02326-TWT

Dear Judge Thrash:

I have just had a Request for Consent to file a Motion for Remand delivered to the Clerk for filing.

You have no legal basis whatsoever to deny the filing of this motion, and you are obligated to order the remand of this Civil Action immediately.

Sincerely,



William M. Windsor

cc: Darcy Coty
Lanna Renee Hill

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

William M. Windsor,)

Plaintiff,)

v.)

CIVIL ACTION NO. _____

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.)

NOTICE OF REMOVAL

The United States of America (the "United States"), by and through the United States Attorney for the Northern District of Georgia, respectfully files this notice removing this cause from the Superior Court of Fulton County, Georgia, to this Court, on behalf Christopher Huber, who is employed as an Assistant United States Attorney with the Office of the United States Attorney for the Northern District of Georgia; and, as grounds therefor, states as follows:

1. On June 23, 2011, plaintiff William M. Windsor ("Plaintiff") filed a civil complaint (the "Complaint") in the Superior Court of Fulton County, styled William M. Windsor 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, 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, Fulton County Superior Court Civil Action File No. 2011CV202457 (the "State Court Action"), naming Christopher Huber, an Assistant United States Attorney with the Office of the United States Attorney for the Northern District of Georgia, as a defendant.

2. On July 15, 2011, defendant Christopher Huber notified plaintiff that he was waiving service of the Complaint. A copy of the Complaint is attached hereto as Exhibit "A," as required by 28 U.S.C. § 1446(a).

3. Upon information and belief, the Fulton County Superior Court held hearings in the State Court Action on June 24, 2011 and July 1, 2011. Upon information and belief, the Fulton County Superior Court issued three orders, two on July 1, 2011, and one on July 11, 2011, in the State Court Action. All three orders are attached hereto as Exhibit "B."

4. The Complaint alleges common law torts, violations of state law and

constitutional violations, all of which arise out of Mr. Huber's performance of his official duties as an Assistant United States Attorney.

5. The matter was referred to the United States Attorney for the Northern District of Georgia, who completed a review and certified that with respect to the matters referred to in the Complaint, Mr. Huber was acting within the scope of his employment with the Office of the United States Attorney for the Northern District of Georgia at all times relevant to this action. The certification is attached hereto as Exhibit "C." The United States is separately filing a notice that, pursuant to the provisions of the Federal Tort Claims Act (the "FTCA"), 28 U.S.C. § § 2671, et seq., the United States must be substituted for Mr. Huber with regard to the non-constitutional claims filed against him.

6. Pursuant to the FTCA, the United States is the only proper defendant to the non-constitutional claims asserted by Plaintiff against Mr. Huber in this action, as Plaintiff's exclusive remedy is provided by the FTCA, Mr. Huber is immune from suit and liability with regard to those claims, and the United States District Court for this district has exclusive jurisdiction over those claims. See 28 U.S.C.

7. This action is one that may be removed to the United States District Court pursuant to 28 U.S.C. § 1442(a)(1) and 28 U.S.C. § 2679.

WHEREFORE, the United States, on behalf of defendant Christopher

Huber, removes the State Court Action to this Court for such further proceedings as may be appropriate. The United States has submitted with this Notice of Removal a proposed order that would constitute a Writ of Certiorari directing the Clerk of the Superior Court of Fulton County, Georgia, to deliver forthwith to the Clerk of Court for the Northern District of Georgia a complete certified copy of the entire record in the Superior Court.

Respectfully submitted, this 15th day of July, 2011.

SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

/s/Darcy Coty
Assistant U.S. Attorney
Georgia Bar No.259280
600 U.S. Courthouse
75 Spring Street, SW
Atlanta, Georgia 30303
(404) 581-6043 (telephone)
(404) 581-4667 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the foregoing Notice of Removal and proposed Order on the plaintiff to the State Court Action by causing true and correct copies thereof to be placed in the U.S. Mail, with proper postage affixed, and addressed as follows:

William M. Windsor
P.O. Box 681236
Marietta, Georgia 30068

This 15th day of July, 2011.

/s/Darcy Coty
Assistant U.S. Attorney
Georgia Bar No.259280

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

William M. Windsor,)

Plaintiff,)

v.)

CIVIL ACTION NO.)

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,)
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B. Grutby, Jessica Birnbaum, Vicki Hanna,)
John Ley, Joel F. Dubina, Ed Carnes,)
Rosemary Barkett, Frank M. Hull,)
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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

This matter having been removed to the Court by defendant Christopher Huber upon the filing of a Notice of Removal of the case styled William M. Windsor 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, 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, 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 _____ day of _____, 2011.

UNITED STATES DISTRICT JUDGE

Submitted by:

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

Exhibit A

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

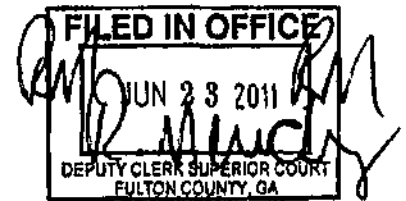
WILLIAM M. WINDSOR,)
Plaintiff)

v.)

CIVIL ACTION NO.

2011CV202457

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)
Birnbau, 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.)



VERIFIED COMPLAINT

William M. Windsor ("Windsor or "Plaintiff") hereby files this VERIFIED
COMPLAINT. Windsor shows the Court as follows:

PRELIMINARY STATEMENT

1. This Court has an obligation to Georgia citizens such as Windsor to “insure justice to all...” So says the Preamble to the Georgia Constitution, and this is emphasized in the Bill of Rights to the Georgia Constitution. Windsor has been denied justice through the efforts of what he believes a jury will declare to be in violation of the Georgia RICO statutes.

2. Article I, Section I, Paragraph I of the Georgia Constitution provides that “No person shall be deprived of life, liberty, or property except by due process of law.” Article I, Section I, Paragraph II of the Georgia Constitution provides that “Protection to person and property is the paramount duty of government and shall be impartial and complete. No person shall be denied the equal protection of the laws.” Article I, Section I, Paragraph IX of the Georgia Constitution provides that “The people have the right to assemble peaceably for their common good and to apply by petition or remonstrance to those vested with the powers of government for redress of grievances.” Article I, Section I, Paragraph XII of the Georgia Constitution provides that “No person shall be deprived of the right to prosecute or defend, either in person or by an attorney, that person's own cause in any of the courts of this state.”

3. Windsor has been denied these rights by people operating corruptly in

and criminally in Fulton County, Georgia by Defendants.

4. An online legal dictionary defines corrupt as “having an unlawful or evil motive; *especially* characterized by improper and usually unlawful conduct intended to secure a benefit for oneself or another.” This description properly defines Defendants.

5. The actions of people who are federal judges in Fulton County Georgia and who are employees of the courts and offices of the Clerk of the Court of both the Northern District of Georgia (“N.D.Ga.”) and the Eleventh Circuit (“11th Cir.”) bring shame on the legal system. Defendants have conspired to violate the law and the rights of Windsor and others.

6. Defendants have used their offices to commit crimes and to attempt to shield themselves and their fellow racketeers from indictment and impeachment.

7. Defendants commit a wide variety of crimes and wrongdoing that are not acts that they are authorized to do in their jobs. They commit acts that are specifically and undeniably prohibited in their roles.

8. Defendants purporting to be judges ignore the facts; invent their own facts; ignore the Federal Rules of Civil Procedure (“FRCP”), the Local Rules (“L.R.”), and the Federal Rules of Evidence (“FRE”); ignore the law; ignore applicable case law; cite erroneous case law; commit perjury by making statements

that they know to be false in their orders; violate parties' rights in any way they can; commit obstruction of justice; deny access to the courts; and trample the Constitutional rights of litigants without a thought. They manipulate the judicial system to deprive parties such as Windsor of their legal and Constitutional rights. They commit criminal acts without a thought.

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

10. Windsor's only recourse is with the state of Georgia. This Court and a jury of Fulton County citizens must protect Windsor. It is an obligation mandated by the Georgia Constitution, the laws of Georgia, and federal statutes as well.

PARTIES

11. William M. Windsor ("Windsor" or "Plaintiff") is a resident of Cobb County, Georgia and a citizen of the United States with his residence at 3924

Lower Roswell Road, Marietta, GA 30068. Windsor has been a defendant in MIST-1 and the BOGUS ACTION, and is Plaintiff in MIST-2 and this action.

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

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

14. Mr. William S. Duffey, Jr. ("Mr. Duffey") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1721

Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Mr. Duffey has purported to issue orders in Civil Action 1:09-CV-01543-WSD (“BOGUS ACTION”) and Civil Action 1:09-CV-02027-WSD (“MIST-2”). Service against Mr. Duffey can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

15. Mrs. Orinda D. Evans (“Mr. Evans”) is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 1988 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Mrs. Evans is somehow a “party” to the BOGUS ACTION. Mrs. Evans claimed jurisdiction over Civil Action 1:06-CV-0714-ODE (“MIST-1”). Service against Mrs. Evans can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

16. Ms. Julie E. Carnes (“Ms. Julie Carnes”) is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 2167 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Ms. Julie Carnes is the Chief Judge for the United States District Court for the Northern District of Georgia operating in Fulton County, Georgia. Service against Ms. Julie Carnes can be perfected via

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

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

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

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

20. Mr. J. Owen Forrester (“Mr. Forrester”) is subject to jurisdiction and

venue in this Court. His place of business is United States District Court, 1921 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Mr. Forrester is a judge for the United States District Court for the Northern District of Georgia operating in Fulton County, Georgia who was originally the judge in Civil Action 1:06-CV-0714-ODE (“MIST-1”). Service against Mr. Forrester can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

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

23. Mr. William C. O’Kelley (“Mr. O’Kelley”) is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1942

Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. O'Kelley can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

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

26. Mr. Richard W. Story ("Mr. Story") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 2121 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW,

Atlanta, Fulton County, Georgia 30303. Service against Mr. Story can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

28. Ms. Amy Totenberg (“Ms. Totenberg”) is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 2321 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Totenberg can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

29. Mr. Robert L. Vining (“Mr. Vining”) is subject to jurisdiction and venue in this Court. His place of business is United States District Court, Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Vining can be perfected via

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

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

31. Ms. Janet F. King ("Ms. King") is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 2007 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. King can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

33. Mr. Alan J. Baverman ("Mr. Baverman") is subject to jurisdiction and venue in this Court. His place of business is United States District Court, 1868 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW,

Atlanta, Fulton County, Georgia 30303. Service against Mr. Baverman can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

34. Ms. Gerrilyn G. Brill (“Ms. Brill”) is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 1837 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Brill can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

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

personal capacity.

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

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

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

40. Mr. Joel F. Dubina (“Mr. Dubina”) is subject to jurisdiction and venue

in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Mr. Dubina is the Chief Judge for the United States Court of Appeals for the Eleventh Circuit Court operating in Fulton County, Georgia. Service against Mr. Dubina can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

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

43. Ms. Frank M. Hull (“Ms. Hull”) is subject to jurisdiction and venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303.

Service against Ms. Hull can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

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

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

47. Mr. Gerald Bard Tjoflat (“Mr. Tjoflat”) is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the

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

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

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

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

51. Ms. Beverly B. Martin (“Ms. Martin”) is subject to jurisdiction and

venue in this Court. Her place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Martin can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

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

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

55. Mr. Emmett Ripley Cox (“Mr. Cox”) is subject to jurisdiction and venue in this Court. His place of business is United States Court of Appeals for the Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303. Service against Mr. Cox can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

56. Sally Quillian Yates (“Ms. Yates”) is subject to the jurisdiction and venue in this Court. She is U.S. Attorney in Atlanta, Georgia. Her place of business is U.S. Attorney, 600 Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, Atlanta, GA 30303. Service against Ms. Yates can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

58. Miss Anniva Sanders (“Miss Sanders”) is subject to jurisdiction and venue in this Court. Miss Sanders may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States

Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued in personal capacity.

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

60. Ms. Beverly Gutting (“Ms. Gutting”) is subject to jurisdiction and venue in this Court. Ms. Gutting may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued in personal capacity.

61. Ms. Margaret Callier (“Ms. Callier”) is subject to jurisdiction and venue in this Court. Ms. Callier may be served at her place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued in personal capacity.

62. B. Grutby (“Grutby”) is subject to jurisdiction and venue in this Court. Grutby may be served at place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd

Floor, Atlanta, GA 30303. Defendant is sued in personal capacity.

63. Mr. Douglas J. Mincher (“Mr. Mincher”) is subject to jurisdiction and venue in this Court. Mr. Mincher may be served at his place of business, c/o Clerk of the Court, Richard B. Russell Federal Building & United States Courthouse, 75 Spring St, NW, 22nd Floor, Atlanta, GA 30303. Defendant is sued in personal capacity.

64. Ms. Jessica Birnbaum (“Ms. Birnbaum”) is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, 1721 Richard B. Russell Federal Building and U.S. Courthouse, 75 Spring Street, SW, Atlanta, Georgia 30303. Defendant is sued in personal capacity.

65. Ms. Vicki Hanna (“Ms. Hanna”) is subject to jurisdiction and venue in this Court. Her place of business is United States District Court, Richard B. Russell Federal Building and U.S. Courthouse, Suite 1988 - 75 Spring Street, SW, Atlanta, Fulton County, Georgia 30303. Service against Ms. Hanna can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

66. John Ley (“Mr. Ley”) is subject to jurisdiction and venue in this Court. Service against Mr. Ley can be perfected via personal service at his place of business, John Ley, Clerk of the Court, United States Court of Appeals for the

Eleventh Circuit, 56 Forsyth Street, NW, Atlanta, Fulton County, Georgia 30303.

Defendant is sued in personal capacity.

67. Mr. Paul Howard, Jr. ("Mr. Howard") is subject to jurisdiction and venue in this Court. His place of business is Fulton County District Attorney's Office, 136 Pryor Street SW, Atlanta, Georgia 30303. Service against Mr. Howard can be perfected via personal service at the foregoing address. Defendant is sued in personal capacity.

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

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

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

JURISDICTION AND VENUE

71. This Court has jurisdiction over the Defendants and over the subject matter of this action. An actual controversy exists within this Court's jurisdiction.

72. This Court has subject matter jurisdiction under the Georgia Constitution; O.C.G.A. § 9-4-1, et seq.

73. Pursuant to O.C.G.A. §9-10-30 venue is proper in the Fulton County Superior Court as Defendants are operating within the geographical boundaries of that Court and equitable relief is sought against these Defendants.

74. Pursuant to O.C.G.A. §9-10-31 venue is proper in the Fulton County Superior Court as Mrs. Evans and other Defendants reside in Fulton County, Georgia.

75. The N.D.Ga. does not have jurisdiction over this matter on removal. None of the causes of action meet the requirements for removal expressed in federal statutes. 28 U.S.C. § 1442(a)(1), 28 U.S.C. § 1442(a)(1), and 28 U.S.C. § 2679 do not apply. The Defendants were not acting within the scope of their official duties when they committed acts of racketeering against Windsor. In addition, every federal judge in Fulton County Georgia is named as a party.

76. This Civil Action is pursuant to the Georgia Racketeer Influenced and Corrupt Organizations Act, O.C.G.A. § 16-14-1 et seq. ("RICO"). No federal statute has been included in the causes of action.

FACTUAL BACKGROUND

77. Windsor is a Defendant in Civil Action No. 1:06-CV-0714-ODE in the N.D.Ga ("MIST-1"). Every statement of "fact" in the 50-paragraph verified complaint is false as to Windsor. Mrs. Evans ignored the undeniable proof and

ruled against Windsor while personally committing many acts of racketeering.

78. So-called judges of the 11th Cir. issued many orders ruling against Windsor in appeals related to MIST-1 and other civil actions while personally committing a wide variety of acts of racketeering and corruption.

79. Windsor is allegedly a Defendant in a so-called Civil Action No. 1:09-CV-01543-WSD in the N.D.Ga (“BOGUS ACTION”). The Federal Rules of Civil Procedure (Rules 3 and 4) require a petition and issuance and service of a summons to create a civil action, but there are neither in the BOGUS ACTION. A true and correct copy of the Court Docket is Exhibit 1 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263.¹ Windsor has been “hijacked” and forced to be a part of a proceeding that is invalid, yet the federal courts will not do anything about it.

80. There are many irregularities with the BOGUS ACTION. Acts of racketeering and wrongdoing have been committed personally by Mrs. Evans, Mr. Duffey, the U.S. Attorney’s Office, Mr. Huber, the Office of the Clerk of the Court of both the N.D.Ga and the 11th Cir. as well as many of the so-called judges with the 11th Cir.

81. The BOGUS ACTION has been a kangaroo court filled with the

¹ All referenced dockets and docket items are referenced and incorporated herein as if attached hereto. This has been done to reduce the size of this Verified Complaint and reduce the cost of printing and distributing it. These documents are all in the public record and are available from Windsor in electronic formats.

widest variety of racketeering. The BOGUS ACTION has been orchestrated to conceal obstruction of justice and criminal violations by Mrs. Evans and others.

82. Windsor has had approximately \$1,500,000.00 “stolen” from him in the guise of lawsuits (MIST-1 and the BOGUS ACTION).

83. Windsor is Plaintiff in Civil Action 1:09-CV-02027-WSD (“MIST-2”), and action in which Mr. Duffey has taken the term Kangaroo Court to a whole new level. Obstruction of justice, perjury, subornation of perjury, and other acts of racketeering are already proven with the contents of the dockets in MIST-1, the BOGUS ACTION, MIST-2, and all related appeals, referenced and incorporated herein as if attached to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263.

84. Defendants violate the Local Civil Rules for the N.D.Ga and 11th Cir, the Federal Rules of Civil Procedure (“FRCP”), the Federal Rules of Appellate Procedure (“FRAP”), the Code of Judicial Conduct (“CJC”), and civil and criminal statutes routinely.

85. Upon information and belief, the Clerks of the Courts of the N.D.Ga and 11th Cir and their staffs function according to many of the rules with most clients represented by attorneys. But the Clerks of the Courts of the N.D.Ga and 11th Cir and their staffs also operate a criminal enterprise personally from their

legitimate federal offices in any matter pertaining to Windsor and other pro se parties.

86. Non-party Barbara Windsor ("BGW") became involved in the BOGUS ACTION through a request for production of financial documents from her, a non-party, including her own separate property, which is protected by Article I, Paragraph XXVII of the Georgia Constitution. BGW has been physically and mentally incapable of handling matters relating to the BOGUS ACTION. Windsor has been unable to afford an attorney or find one who would take action against corrupt judges. BGW has asked Windsor to handle the matter for her. Mr. Duffey has refused to allow Windsor to help his wife in what Windsor believes is a violation of Georgia law. This is detailed in Fulton County Superior Court Case No. 2011CV200857 ("DECLARATORY JUDGMENT ACTION").

87. The so-called judges of the 11th Cir have been personally shielding Mrs. Evans for years and ruling against Windsor when the facts and the law meant that Windsor should have prevailed at the appellate court.

88. The personal criminal acts and improper acts of various Defendants are mind boggling. The proof is all in the record.

89. On June 16, 2010, Mr. Hatten, or someone working with him, illegally issued a Writ of Execution in the BOGUS ACTION. Mr. Hatten, Mr. Ley, and

their staff operate personally in regard to Windsor and other designated pro se parties in an illegal, unethical, unbelievable manner for the purpose of damaging Windsor and others for the benefit of the racketeering enterprise.

90. Upon information and belief, the Defendants could care less about the law when it comes to pro se parties and parties seeking to expose the federal courts for corruption.

91. Defendants have directed judicial employees to personally violate the law and the rules for the purpose of damaging Windsor and others. Documents presented for filing have disappeared. Notices of Appeals have never been filed. Windsor has proof of all types of illegal activities regarding the court dockets, civil actions presented for filing, documents presented for filing, changes to the dockets, backdating of docket entries, and more. Windsor has proof of personal collusion between the office of the clerk and N.D.Ga Defendant judges.

92. Mr. Duffey and Mrs. Evans are pathological liars who personally have committed massive perjury.

93. Mr. Hatten and Mr. Ley simply ignore letters from Windsor about their wrongdoing and the wrongdoing of their staffs.

94. Chief Judges Julie Carnes and Joel Dubina ignore criminal acts of the federal judges in Atlanta as have every federal judge who has considered undeniable judicial misconduct charges filed by Windsor against Mrs. Evans.

95. Windsor presented criminal charges against 11 federal judges in Fulton County to the Fulton County District Attorney, Mr. Howard, and he did nothing and has aided the racketeering enterprise. Windsor presented similar information to Ms. Yates and Mr. Huber, and they ignored the overwhelming proof and have aided the racketeering enterprise.

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

97. On May 19, 2011, Windsor filed a Verified Declaratory Judgment Action in the Superior Court of Fulton County. The Civil Action was assigned No. 2011CV200857.

98. On May 20, 2011, Windsor filed a Verified Complaint in the Superior Court of Fulton County. The Civil Action was assigned No. 2011CV200971.

99. On June 21, 2011, Windsor filed Civil Action No. 2011CV202263 in the Fulton County Superior Court. The case was assigned to Judge Craig L. Schwall.

100. On June 23, 2011, Windsor filed this Civil Action in the Fulton County Superior Court.

N.D.GA CIVIL ACTION NO. 1:11-CV-01922-TWT ("01922")

101. On June 13, 2011, Ms. Yates and/or Mr. Huber filed a NOTICE OF REMOVAL in No. 2011CV200857. No. 2011CV200857 became N.D.Ga Civil Action No. 1:11-CV-01922-TWT ("01922"), and was assigned to Mr. Thrash. (A true and correct copy of the Docket in 01922 is Exhibit 2 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, and all of the contents of the docket are referenced and incorporated herein.) (A true and correct copy of the NOTICE OF REMOVAL is 01922 Docket #1 and Exhibit 3 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.) There is nothing in the record of any court to indicate that Ms. Yates and/or Mr. Huber represent any of the Defendants or had any authority to file anything in 01922. The docket erroneously shows Mr. Huber to be the attorney for various Defendants, but this is bogus.

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

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

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

105. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01922 Docket #5.) (A true and correct copy of the MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING is Exhibit 4 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.)

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

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

108. On June 15, 2011, Mr. Thrash denied Windsor a hearing on the TRO and denied the motion for TRO. (A true and correct copy of the June 15, 2011 Order Denying TRO is 01922 Docket #17, and Exhibit 5 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.) In this Order Denying TRO, Mr. Thrash commits obstruction of justice, violates the rules, establishes his participation in the racketeering enterprise, and commits perjury.

109. On June 17, 2011, Windsor filed a RESPONSE TO THE FEDERAL DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION AND MOTION TO STRIKE. (01922 Docket #23.) The Clerk of the Court failed to file the motion; docket 23 is merely the "notice of filing of the motion" that every pro se party is required to file with the motion. (A true and correct copy of the Response sent for filing is Exhibit 6 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.) Exhibit 24 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a

true and correct copy of the cover letter that accompanied the Response, referenced and incorporated herein; Exhibit 25 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the electronic confirmation of receipt by Defendant Gutting showing receipt at 8:01 am on June 17, 2011, referenced and incorporated herein.

110. On June 17, 2011, three days after the U.S. Attorney filed its non-expedited, non-emergency motion, Windsor received an order (the "01922 EXTENSION ORDER") dated June 16, 2011 (Docket #19) by mail. (Exhibit 7 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the June 16, 2011 EXTENSION ORDER.) Judge Thrash violated Windsor's rights under the FRCP and L.R. by issuing the EXTENSION ORDER before giving Windsor the prescribed period of time to respond to the motion. This served the needs of the racketeering enterprise in a most significant way.

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

motion. (A true and correct copy of the Motion sent for filing is Exhibit 8 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.) (Exhibit 26 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the cover letter that accompanied the Motions; Exhibit 27 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the electronic confirmation of receipt by Defendant White showing receipt at 12:30 pm on June 17, 2011. Defendant White failed to file the motions; the docket does not show these emergency filings.

112. On June 17, 2011, Mr. Thrash entered an order (“01922 PROTECTIVE ORDER”) (01922 Docket #25.) (Exhibit 9 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the June 17, 2011 01922 PROTECTIVE ORDER.) Mr. Thrash violated Windsor’s rights under the FRCP and L.R. by issuing the PROTECTIVE ORDER for the many reasons detailed in 01922 Docket #6. In addition, Mr. Thrash commits obstruction of justice, perjury and proves his criminal bias. Mr. Thrash had no evidence before him of any type from any of the Defendants. The only evidence before him was the sworn under penalty of perjury testimony of #Windsor, yet this criminal says: “This is the latest in a series of

frivolous, malicious and vexatious lawsuits filed by the Plaintiff.” This is absolutely false, and it served the needs of the racketeering enterprise in a most significant way. 01922 is simply a declaratory judgment action that asks the Fulton County Superior Court to clarify a state statute. Mr. Thrash ignored all of Windsor’s filings because he was acting as a racketeer rather than as a judge.

113. In the 01922 PROTECTIVE ORDER, Mr. Thrash (who no longer has jurisdiction in 01922 due to his illegal acts) purported to quash discovery, though there was not even a motion before the court seeking to have discovery quashed. Mr. Thrash purported to issue filing restrictions against Windsor though there was no notice and no hearing as required by absolutely binding court precedents that a real judge would have to honor. Mr. Thrash also purportedly ordered Windsor to post a cash bond or surety bond that he does not have the ability to post though there was no notice, no hearing, and no inquiry into ability to pay as required by absolutely binding court precedents that a real judge would have to honor.

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

114. On June 13, 2011, Ms. Yates and/or Mr. Huber filed a NOTICE OF REMOVAL in No. 2011CV200971. No. 2011CV200971 became N.D.Ga Civil Action No. 1:11-CV-01923-TWT (“01923”), and was assigned to Mr. Thrash. (A true and correct copy of the Docket in 01923 is Exhibit 10 to the Verified

Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, and all of the contents of the docket are referenced and incorporated herein.) (A true and correct copy of the NOTICE OF REMOVAL is 01923 Docket #1 and Exhibit 11 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.) There is nothing in the record of any court to indicate that Ms. Yates and/or Mr. Huber represent any of the Defendants or had any authority to file anything in 01923. The docket erroneously shows Mr. Huber to be the attorney for various Defendants, but this is bogus.

115. On June 13, 2011, the U.S. Attorney filed a MOTION FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION. (01923 Docket #2.) The U.S. Attorney is not representing any of the Defendants, and none of the Defendants have made appearances. The motion was not an emergency motion, and it did not request expedited consideration.

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

117. On June 14, 2011, Windsor filed a RESPONSE TO THE MOTION FOR PROTECTIVE ORDER. (01923 Docket #6.) (A true and correct copy of the RESPONSE TO THE MOTION FOR PROTECTIVE ORDER is Exhibit 12 to the

Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.)

118. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING. (01923 Docket #7.) (A true and correct copy of the MOTION TO DENY REMOVAL AND EMERGENCY MOTION FOR HEARING is Exhibit 13 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.)

119. On June 15, 2011, Windsor filed a MOTION TO DISQUALIFY MS. YATES, MR. HUBER, AND THE U.S. ATTORNEY'S OFFICE. (01923 Docket #27.) This Motion explains their lack of authority and details conflicts galore. (A true and correct copy of the MOTION TO DISQUALIFY MS. YATES, MR. HUBER, AND THE U.S. ATTORNEY'S OFFICE is Exhibit 14 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263, referenced and incorporated herein.)

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

121. On June 17, 2011, Windsor filed a RESPONSE TO THE FEDERAL DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE

RESPONSIVE PLEADING OR MOTION AND MOTION TO STRIKE. (01923 Docket #23.) (Exhibit 15 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the Response; Exhibit 16 is a true and correct copy of the cover letter that accompanied the Response; Exhibit 17 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the electronic confirmation of receipt by Defendant Gutting showing receipt at 8:01 am on June 17, 2011. Defendant Gutting failed to file the motion; docket 23 is merely the “notice of filing of the motion” that every pro se party is required to file with the motion, one of the two documents that she signed to accept at 8:01 am.

122. At 10:00 am on June 17, 2011, three days after the U.S. Attorney filed its non-expedited, non-emergency motion, Windsor received an order (the “01923 EXTENSION ORDER”) dated June 16, 2011 (01923 Docket #9) by mail. (Exhibit 18 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the June 16, 2011 01923 EXTENSION ORDER.) Mr. Thrash violated Windsor’s rights under the FRCP and L.R. by issuing the EXTENSION ORDER before giving Windsor the prescribed period of time to respond to the motion. This served the needs of the racketeering enterprise in a most significant way.

123. On June 17, 2011 at 12:30 pm, Windsor presented an EMERGENCY MOTION FOR RECONSIDERATION OF ORDER (DOCKET #9) GRANTING AN EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION and an EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND HEARING to Defendant White for filing. (Exhibit 19 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the EMERGENCY MOTION FOR RECONSIDERATION OF ORDER (DOCKET #9) GRANTING AN EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION; Exhibit 20 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND HEARING; Exhibit 21 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the cover letter that accompanied the Motions; Exhibit 22 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the electronic confirmation of receipt by Defendant White showing receipt at 12:30 pm on June 17, 2011. Defendant White failed to file the motions; the docket does not show these emergency filings.

124. On June 17, 2011, Judge Thrash entered an order (“01923 PROTECTIVE ORDER”) (01923 Docket #33.) (Exhibit 23 to the Verified Complaint in Fulton County Superior Court Civil Action No. 2011CV202263 is a true and correct copy of the June 17, 2011 01923 PROTECTIVE ORDER.) Mr. Thrash violated Windsor’s rights under the FRCP and L.R. by issuing the 01923 PROTECTIVE ORDER for the many reasons detailed in 01923 Docket #31. In addition, Mr. Thrash commits obstruction of justice, perjury and proves his criminal bias. Mr. Thrash had no evidence before him of any type from any of the Defendants. The only evidence before him was the sworn under penalty of perjury testimony of Windsor, yet this criminal Thrash says: “This is the latest in a series of frivolous, malicious and vexatious lawsuits filed by the Plaintiff.” This is absolutely false, and it served the needs of the racketeering enterprise in a most significant way. 01922 is simply a declaratory judgment action that asks the Fulton County Superior Court to clarify a state statute. Mr. Thrash ignored all of Windsor’s filings because he was acting as a racketeer rather than as a judge.

125. In the 01923 PROTECTIVE ORDER, Mr. Thrash (who no longer has jurisdiction as a judge in 01923 due to his illegal acts) purported to quash discovery, though there was not even a motion before the court seeking to have discovery quashed. Mr. Thrash purported to issue filing restrictions against

Windsor though there was no notice and no hearing as required by absolutely binding court precedents that a real judge would have to honor. Mr. Thrash also purportedly ordered Windsor to post a cash bond or surety bond that he does not have the ability to post though there was no notice, no hearing, and no inquiry into ability to pay as required by absolutely binding court precedents that a real judge would have to honor.

**FULTON COUNTY SUPERIOR COURT CIVIL ACTION NO.
2011CV202263 AND N.D.GA CIVIL ACTION NO. 1:11-CV-2027-TWT**

126. On June 21, 2011, Windsor filed Civil Action No. 2011CV202263 in the Fulton County Superior Court. The case was assigned to Judge Craig L. Schwall.

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

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

129. On June 22, 2011, Windsor filed an EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND HEARING in Civil Action No.

2011CV202263. Windsor went to the courtroom of Judge Schwall and sat in the rear while a criminal trial was being conducted. When Judge Schwall called Windsor's matter, he informed Windsor that a Notice of Removal had been filed at 1:41 pm and that Judge Schwall no longer had jurisdiction.

130. Windsor has received no notice of the removal from any of the Defendants.

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

132. On June 22, 2011, it seems that Mr. Huber had a U.S. Attorney, Neeli Ben-David ("Ben-David"), file a NOTICE OF REMOVAL in No. 2011CV202263 and in the N.D.Ga which created N.D.Ga Civil Action No. 1:11-CV-2027-TWT ("2011-2027"). (A true and correct copy of the NOTICE OF REMOVAL in 2011-2027 is Exhibit 2 hereto, and all of the contents of the docket are referenced and incorporated herein.) (A true and correct copy of the Docket in 2011-2027 is Exhibit 3 hereto, and all of the contents of the docket are referenced and incorporated herein.) There is nothing in the record of any court to indicate that Mr. Huber or Ben-David represent any of the Defendants or had any authority to

file anything in 2011-2027. The docket shows that there are no attorneys representing any of the Defendants except Mr. Huber.

133. On June 22, 2011, Ben-David filed a NOTICE OF SUBSTITUTION OF UNITED STATES AS DEFENDANT. (2011-02027 Docket #2.) (A true and correct copy of the NOTICE OF SUBSTITUTION OF UNITED STATES AS DEFENDANT in 2011-2027 is Exhibit 4 hereto, and all of the contents of the docket are referenced and incorporated herein.) The U.S. Attorney is not representing any of the Defendants other than perhaps Mr. Huber, and none of the Defendants have made appearances. Exhibit A to the NOTICE OF SUBSTITUTION OF UNITED STATES AS DEFENDANT is a Certification from John A. Horn ("Mr. Horn"), Acting United States Attorney. The Certification is false. While not referenced on the NOTICE OF SUBSTITUTION OF UNITED STATES AS DEFENDANT, Exhibit B is a Certification from Ms. Yates in a different civil action. This Certification is also false.

134. On June 23, 2011, Windsor filed a Motion to Disqualify Mr. Thrash in 2011-2027. Mr. Thrash commits obstruction of justice, perjury, and has proven his criminal bias. Mr. Thrash has issued orders against Windsor in 01922 and 01923 that are absolutely, improper, false, and issued to serve the needs of the racketeering enterprise in a most significant way. Mr. Thrash ignored all of

Windsor's filings because he was acting as a racketeer rather than as a judge. The MOTION TO DISQUALIFY Mr. Thrash is referenced and incorporated herein as if attached hereto. It details the many, many reasons why Mr. Thrash must be disqualified, not the least of which is 28 U.S.C. § 455, which states that an judge must disqualify himself in a matter where he is a party.

135. Mr. Thrash is a criminal who commits racketeering crimes that he is not allowed to commit as a federal judge. He illegally uses the office of a federal judge to personally participate in the operation of the corrupt criminal enterprise operated by the federal courts in Fulton County, Georgia.

136. Every federal judge who Windsor has had dealings with in Fulton County Georgia has proven to be corrupt. Every time a new so-called judge appears, they commit similar criminal acts. Upon information and belief, every federal judge in Fulton County Georgia is a participant in the racketeering enterprise.

137. Upon information and belief, these Defendants could not act alone in this wrongdoing. Windsor believes the law clerks of Mrs. Evans and Mr. Duffey had to be involved. Upon information and belief, law clerks for Mrs. Evans and Mr. Duffey, were involved in preparing improper orders used to damage Windsor. Staff in the clerks' offices and staff of other defendants have clearly been involved.

138. On June 23, 2011, Windsor filed a VERIFIED COMPLAINT to commence this Civil Action.

139. On June 23, 2011, Windsor filed an EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER AND HEARING.

140. Since 2006, federal court employees in Fulton County, Georgia have conspired to damage Windsor, and a number of civil and criminal violations have been committed.

141. Upon information and belief, these Defendants could not act alone in this wrongdoing. Windsor believes the law clerks of Mrs. Evans and Mr. Duffey had to be involved. Upon information and belief, law clerks for Mrs. Evans and Mr. Duffey, were involved in preparing improper orders used to damage Windsor. Staff in the clerks' offices and the staff of other defendants have clearly been involved.

FIRST CAUSE OF ACTION

Violation of Georgia RICO Act – O.C.G.A. § 16-14-1 et seq

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

143. The conduct of Defendants violates the Georgia Racketeer Influenced

and Corrupt Organizations Act, O.C.G.A. § 16-14-1 et seq ("Georgia RICO"), as more fully set forth below.

144. Defendants have engaged in an ongoing pattern of racketeering activity as defined by O.C.G.A. § 16-14-3.

145. Defendants knowingly devised or participated in a scheme to defraud Windsor. They did so willingly with an intent to defraud.

146. The activity engaged in by Defendants consists of two or more predicate acts of racketeering activity, the most recent of which occurred within four years after the commission of a prior act of racketeering activity.

147. The activity engaged in by Defendants had the same or similar purposes, results, participants, victims, or methods of commission, or is otherwise interrelated by distinguishing characteristics and are not isolated events.

148. The racketeering activity of Defendants pursuant to O.C.G.A. § 16-14-3 includes a pattern of Obstruction of Justice; Tampering with Evidence pursuant to O.C.G.A. § 16-10-94; Perjury – Violation of O.C.G.A. § 16-10-70; Subornation of Perjury – Violation of O.C.G.A. § 16-10-72, and O.C.G.A. § 16-10-93; Theft by Deception - O.C.G.A. § 16-8-3.

149. Defendants have committed numerous violations of predicate acts as part of the pattern of racketeering activity. Defendants have denied Windsor's

Constitutional rights so as to obstruct justice. Defendants have ignored the facts, ignored the law, cited erroneous case law, cited case law that does not support the subject of the citation. Orders have been issued that contained false statements and perjury. Defendants acting as judges have sanctioned and suborned perjury by the Plaintiffs in MIST-1 and their attorneys. This has been done to obstruct justice. Defendants have denied Windsor's access to the courts to obstruct justice. Mr. Dubina and Ms. Julie Carnes ignored the wrongdoing of Mrs. Evans and Mr. Duffey to sanction obstruction of justice. The BOGUS ACTION was manufactured to obstruct justice and damage Windsor. Documents and evidence presented to Mr. Hatten's office and Mr. Ley's office have intentionally disappeared – tampering with evidence. Upon information and belief, documents and evidence have been tampered with. Upon information and belief, docket entries have been entered and changed to obstruct justice. A judgment and writ of execution were entered to obstruct justice and damage Windsor. Windsor has been repeatedly denied subpoenas to obstruct justice. Windsor has been denied the ability to obtain testimony from others so as to obstruct justice. Mr. Hatten and Mr. Ley have ignored communications from Windsor so as to obstruct justice. Windsor has been denied copies of his court records so as to obstruct justice. A variety of actions have been taken by defendants to obstruct justice and shield Mrs.

Evans and Mr. Duffey from potential indictment and impeachment. Judges have committed perjury. Documents have been concealed to obstruct justice. Laws and rules have been violated to obstruct justice. Orders have been issued to obstruct justice. Valid motions have been denied to obstruct justice. The right to file motions has been denied to obstruct justice. Windsor has been denied the ability to serve as an agent for his wife pursuant to a power of attorney to obstruct justice. Windsor has been libeled to obstruct justice. Judges have refused to recuse themselves to obstruct justice. Mr. Duffey falsely claimed documents were not provided to him so he could obstruct justice and damage Windsor. Judges have claimed Windsor's appeals have been frivolous to obstruct justice. Judges have not properly handled various filings to obstruct justice. Judges ignore emergency motions to obstruct justice. The appeals of Windsor and BGW are not processed promptly or at all to obstruct justice. Mr. Duffey issued an order to compel to obstruct justice and damage Windsor. Defendants have failed to file civil actions presented by Windsor for filing in order to obstruct justice. Mr. Hatten's staff has given false information to Windsor to obstruct justice. Judges have issued various orders to obstruct justice. Mrs. Evans and Mr. Duffey have refused to honor case law that established binding precedents on what happens when an appeal is filed; this has been done to obstruct justice. Mr. Hatten and/or his staff have taken

money from Windsor and BGW for services and have failed to provide the services. BGW's filings have been held for as long as 68 days to obstruct justice. Mr. Duffey is accusing Windsor of violating court orders, committing forgery, and committing the unauthorized practice of law for the purpose of damaging Windsor and to obstruct justice. It is possible that one or more of the Defendants may be attempting to have Windsor killed to obstruct justice. Someone has directed Mr. Hatten and his staff and Mr. Ley and his staff to commit various acts that violate Windsor's rights and obstruct justice. Ms. Yates, Mr. Huber, Ben-David, and Mr. Horn have committed a variety of acts.

150. The "pattern of racketeering activity" consisted of many incidents of racketeering activity that have the same or similar intents, results, accomplices, victims, and methods of commission and are interrelated by distinguishing characteristics.

151. The acts of racketeering activity committed by Defendants have the same or similar methods of commission in that they involve the various aspects of committing fraud in legal matters, including obstruction of justice, perjury, false statements in orders, improper claims of law and case law, and more.

152. The acts of racketeering activity committed by Defendants have the same or similar objective: commit fraud upon the courts and upon Windsor and his

wife.

153. The acts of racketeering activity committed by Defendants have the same or similar victims, including William M. Windsor, Barbara G. Windsor, Alcatraz Media, LLC, and Alcatraz Media, Inc. Upon information and belief, the acts of racketeering activity have affected others who have been parties to civil actions in the N.D.Ga. and the Eleventh Circuit, including, upon information and belief, James Stegeman, Janet McDonald, Jeff Goolsby, David Yang, and C. Smith.

154. The acts of racketeering activity committed by Defendants are otherwise related by distinguishing characteristics including, but not limited to, the involvement of obstruction of justice.

155. The racketeering acts are related. The racketeering acts have the same or similar purposes, results, participants, victims, and/or methods of commission and are otherwise interrelated by distinguishing characteristics and are not isolated events.

156. Defendants' acts of racketeering activity involve a distinct threat of long-term racketeering activity.

157. This activity has continued for years, is ongoing at the present time, and will continue into the future with a threat of repetition unless halted by judicial

intervention.

158. Defendants' actions appear to be part of a regular way of conducting business.

159. Defendants were aware of the general existence and nature of the enterprise, that it extended beyond each person's individual role, and with that awareness participated in, aided, or furthered the enterprise's activities or had an ownership interest in the enterprise.

160. Each Defendant has participated in the operation and/or management of the affairs of an enterprise.

161. The actions of Defendants in engaging in the conspiracy are not part of functions legally performed by a judge or judicial employees, and thus are non-judicial. Judges do not have immunity for non-judicial acts.

162. The association of Defendants constitutes an enterprise. The enterprise is composed of groups of individuals and entities associated in fact although not a legal entity.

163. The enterprise was established and maintained for the purpose of committing illegal acts.

164. Defendants' violations of the Georgia RICO Act proximately have caused Windsor to suffer injury to his property.

165. Windsor has been injured by reason of Defendants' violation of O.C.G.A. § 16-14-4(a) and is entitled to recover three times the actual damages sustained and his costs of suit including reasonable attorneys' fees, filing fees, court reporter costs, printing, mailing, shipping, legal research, and miscellaneous expenses.

166. In addition, Defendants' actions showed willful misconduct, malice, fraud, wantonness, oppression and an entire want of care that raises the presumption of conscious indifference to consequences and specific intent to cause harm, entitling Windsor to receive punitive damages sufficient to deter, penalize, or punish Defendants in light of the circumstances of the case.

167. Under O.C.G.A. § 51-12-5.1(b), punitive damages may be awarded in such tort actions in which it is proven by clear and convincing evidence that Defendants' actions showed willful misconduct, malice, fraud, wantonness, oppression, and that entire want of care which raises the presumption of conscious indifference to consequences.

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

169. Pursuant to O.C.G.A. § 16-14-6(a), Windsor asks this Court to issue

appropriate orders and judgment requiring Defendants to cease their illegal conduct and impose reasonable restrictions upon Defendants' future activities sufficient to prohibit future violations of the law.

170. Defendants' violations of the Georgia RICO Act were intended to and did in fact subvert the legal and judicial process in MIST-1, the BOGUS ACTION, MIST-2, 2011CV200857, 2011CV200971, 01922, 01923, and 20112027.

171. The tortious conduct of Defendants demonstrated an indifference to and a reckless disregard for Windsor. The conduct involved repeated actions. The harm was the result of intentional malice, trickery, and deceit.

172. Defendants are guilty of violation of the Georgia RICO Act.

SECOND CLAIM FOR RELIEF

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

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

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

175. Defendants breached their legal duties.

176. The Plaintiff was damaged as a result.

THIRD CLAIM FOR RELIEF

Violation of Constitutional Rights

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

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

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

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

181. Defendants have violated Windsor's rights under the Constitution. Defendants have violated ARTICLE I SECTION I of the BILL OF RIGHTS of the Georgia Constitution, Paragraphs I, II, V, and IX.

FOURTH CLAIM FOR RELIEF

New Law

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

183. Windsor must also argue for extending, modifying, or reversing existing law or for establishing new law. The whole idea of justice requires fairness, honesty, impartial judges. While it may be unusual to bring an action against federal judicial employees in Superior Court, the citizens of Georgia must have some means for corruption such as this to be dealt with so those involved may be held accountable. The federal court system in Fulton County is corrupt and will not police itself.

PRAYER FOR RELIEF

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

DECLARATORY RELIEF

184. Declare that legal process has been issued in Fulton County Georgia in violation of Georgia law.

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

INJUNCTIVE RELIEF

186. Unless Defendants are enjoined from certain acts, Windsor will continue to suffer immediate and irreparable harm. The harm suffered by Windsor

far exceeds any inconvenience that would be caused on these defendants. The equities clearly balance in Windsor's favor. Windsor has no adequate remedy at law.

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

- a. that a hearing will be immediately scheduled on the Motion for Temporary Restraining Order;
- b. that the Motion for Temporary Restraining Order be GRANTED;
- c. that Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from taking any action in an attempt to remove this Civil Action to federal court;
- d. that Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from taking any action in an attempt to remove any Civil Action to federal court that is in violation of statutes and case law regarding removals;
- e. that Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from issuing Writs of Execution in Georgia without proper issuance and notice of judgments;

- f. that Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from further actions in the N.D.Ga or 11th Cir. involving Windsor that violate the law and Windsor's rights, pending further order of the Court;
- g. that the Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from prohibiting any access to the courts by William M. Windsor or anyone working with him or on his behalf and are RESTRAINED from enforcing any injunctions or filing restrictions issued in the N.D.Ga or 11th Cir., pending further order of the Court;
- h. that all Defendants be hereby temporarily RESTRAINED and preliminarily and permanently enjoined from destroying any evidence or erasing or modifying any information on any computers relevant in any way to Windsor, Alcatraz Media, LLC, Alcatraz Media, Inc., or any of the Defendants related to Civil Action No. 1:06-CV-0714-ODE, Civil Action No. 1:09-CV-01543-WSD, Civil Action No. 1:09-CV-02027-WSD, Civil Action No. 1:11-CV-01922-TWT, Civil Action No. 1:11-CV-01923-TWT, and Civil Action No. 1:11-CV-2027-TWT, in

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

- i. that the Defendants shall be prohibited from engaging in any enterprise in violation of O.C.G.A. § 16-14-4;
- j. that a preliminary injunction hearing will be scheduled within 14 days of the issuance of the order on this Motion;
- k. that Windsor may immediately conduct depositions and discovery prior to the preliminary injunction hearing;
- l. that the Defendants be temporarily RESTRAINED and preliminarily and permanently enjoined from prohibiting any access to the courts by William M. Windsor or anyone working with him or on his behalf and are RESTRAINED from enforcing any injunctions or filing restrictions issued in the United States District Court for the Northern District of Georgia or the United States Court of Appeals for the Eleventh Circuit, pending further order of the Court;
- m. that a Protective Order will be issued to provide protection to Windsor from bodily harm by any of the Defendants or people acting in their behalf; and

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

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

COMPENSATORY DAMAGES

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

PUNITIVE DAMAGES

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

EXPENSES OF LITIGATION

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

This 23rd day of June, 2011.



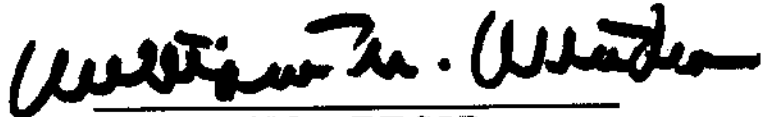
WILLIAM M. WINDSOR
Pro Se

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

DEMAND FOR JURY TRIAL

Windsor hereby demands a trial by jury.

This 23rd day of June, 2011.

A handwritten signature in black ink, appearing to read "William M. Windsor". The signature is written in a cursive style and is positioned above a horizontal line.

WILLIAM M. WINDSOR
Pro Se

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

VERIFICATION OF WILLIAM M. WINDSOR

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

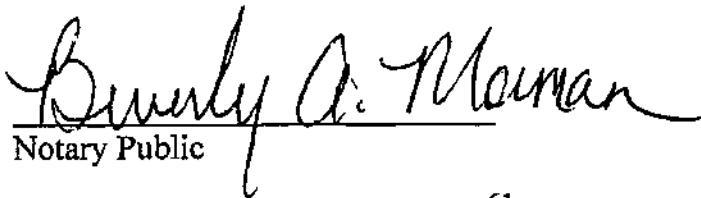
In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 23rd day of June, 2011.

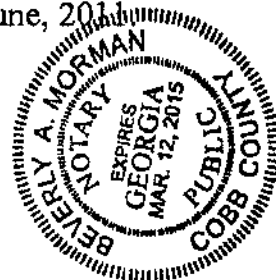


William M. Windsor

Sworn and subscribed before me this 23rd day of June, 2011.



Notary Public



Exhibit

1

William M. Windsor

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

Importance: High

Mr. Huber:

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

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

You can't file motions or notices without appearances.

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

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

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

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

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

Please cease and desist.

William M. Windsor
bill@billwindsor.com

Office: 770-578-1094

***Confidentiality Notice.** *The Electronic Communications Privacy Act, 18 U.S.C. 119 Sections 2510-2521 et seq., governs distribution of this "Message," including attachments. The originator intended this Message for the specified recipients only; it may contain the originator's confidential and proprietary information. The originator hereby notifies unintended recipients that they have received this Message in error, and strictly proscribes their Message review, dissemination, copying, and content-based actions. Recipients-in-error shall notify the originator immediately by e-mail, and delete the original message. Authorized carriers of this message shall expeditiously deliver this Message to intended recipients. See: Quon v. Arch.

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Select another
search type

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In the SUPERIOR COURT
Fulton County, Georgia
Case No. 2011CV202457

WILLIAM M. WINDSOR VS.
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**

Filed on 06/23/2011

Case Type: TORT/NEGLIGENCE

Judge: Constance C. Russell

Current Status: Filed

Defendant Defendant Attorneys

Huber,
Christopher
Yates, Sally
Quillian
Duffey, William S
Thrash, Thomas
Woodrow
Evans, Orinda D
Carnes, Julie E
Jones, Steve C
Batten, Timothy C
Cooper, Clarence
Forrester, J Owen
Hunt, Willis B
Murphy, Harold L
Okelley, William C
Pannell, Charles
A
Shoob, Marvin H
Story, Richard W
Tidwell, G Ernest
Totenberg, Amy
Vining, Robert L
Ward, Horace T
King, Janet F
Cole, Susan S
Baverman, Alan J

Brill, Gerrilyn G
Hagy, C
Christopher
Walker, Linda T
Johnson, Walter
E
Scofield, E
Clayton
Vineyard, Russell
G
Hatten, James N
Sanders, Anniva
White, Joyce
Gutting, Beverly
Callier, Margaret
Mincher, Douglas
J
Grutby, B
Birnbaum,
Jessica
Hanna, Vicki
Ley, John
Dubina, Joel F
Carnes, Ed
Barkett,
Rosemary
Hull, Frank M
Edmondson,
James Larry
Marcus, Stanley
Pryor, William H
Tjoflat, Gerald
Bard
Black, Susan H
Wilson, Charles R
Hill, James C
Martin, Beverly B
Fay, Peter T

Kravitch, Phyllis A
Anderson, R
Lanier
Cox, Emmett
Ripley
Howard, Paul Jr
David, Neeli Ben
Horn, John A

2011 CV 202457

Plaintiff **Plaintiff Attorneys**
Windsor, William Prose
M
P.O. BOX 681236
MARIETTA, GA
30068

Events and Orders of the Court

- 8. 06/29/2011 AFFIDAVIT 1-3 24
- 7. 06/28/2011 ORDER OF TRANSFER *transfer to J Ruvell for J Schmale*
- 6. 06/27/2011 MOTION *to amend parties (add lawyers 1-7)*
- 5. 06/27/2011 MOTION *to conduct discovery 1-32*
- 06/23/2011 Jury Trial Requested
- 4. 06/23/2011 MOTION *for RO & hearing 1-29* 140
- 3. 06/23/2011 MOTION *for RO & hearing 1-23 regarding filing w/ clerk*
- 06/23/2011 CASE INITIATION FORM
- 1. 06/23/2011 PLAINTIFF'S ORIGINAL PETITION 1-64 42

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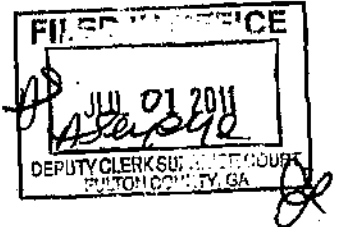
- 1. Original petition pages 1-64
- 3. Motion pages 1-23
- 4. motion pages 1-29
- 5. Motion pages 1-32
- 6. Motion pages 1-7
- 8. Affidavit pages 1-3

Exhibit B



ORIGINAL

**IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA**



L

**WILLIAM WINDSOR,
Plaintiff,**

v.

**INDICTMENT NO.
2011CV202457**

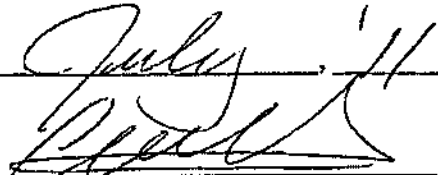
**CHRISTOPHER HUBER,
SALLY YATES, et. al. ,
Defendants.**

**ORDER DENYING EX PARTE HEARING
ON PLAINTIFF'S EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER**

The Plaintiff filed this action naming all of the federal trial judges of the Northern district of Georgia and all of the judges of the Eleventh Circuit Court of Appeals, as well as various federal employees. After a hearing the Court finds that the Plaintiff is not entitled to an ex parte hearing on his request for an emergency TRO hearing. The Plaintiff's request for an ex parte hearing in order to prevent the Defendants from potentially removing this action to federal court is not the sort of harm which in the Court's judgment warrants granting the extraordinary relief of holding an ex parte hearing under Georgia law.

For the reasons set forth above the Plaintiff's request for an ex parte TRO hearing is denied.

So Ordered this 1st Day of July, 2011.



JUDGE CONSTANCE C. RUSSELL
FULTON COUNTY SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

L

FILED IN OFFICE
JUL 01 2011
Shiroya
DEPUTY CLERK SUPERIOR COURT
FULTON COUNTY, GA

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

 ORIGINAL

WILLIAM WINDSOR,
Plaintiff,

V.

INDICTMENT NO.
2011CV202457

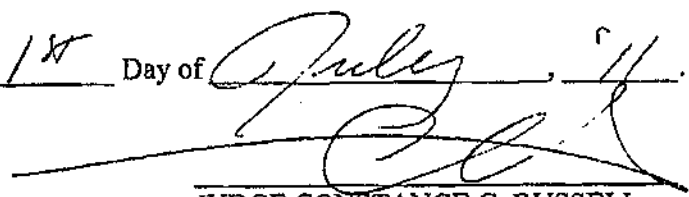
CHRISTOPHER HUBER,
SALLY YATES, et. al. ,
Defendants.

RULE NISI

The Plaintiff filed this action naming all of the federal trial judges of the Northern District of Georgia and all of the judges of the Eleventh Circuit Court of Appeals, as well as various federal employees. The Court has denied Plaintiff's request for an ex parte TRO hearing. It is the Court's understanding that the action has not yet been served.

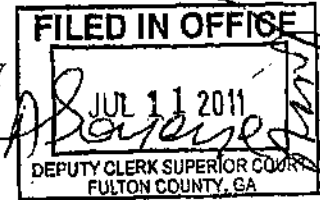
Provided there has been proper personal service on all affected parties of the motion, complaint and NISI, a hearing on Plaintiff's emergency TRO request shall be held on July 18, 2011 at 10:00 a.m. in Courtroom 5B of the Fulton County Superior Court.

So Ordered this 1st Day of July, 2011.



JUDGE CONSTANCE C. RUSSELL
FULTON COUNTY SUPERIOR COURT
ATLANTA JUDICIAL CIRCUIT

IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



William M. Windsor
Plaintiff(s)
v.

Civil Action No. : 2011CV202457

Christopher Huber

*
*
*
*
*
*

**ORDER DENYING PLAINTIFF'S SECOND
REQUEST FOR EX PARTE TRO**

Plaintiff's Second Emergency Request for TRO seeks to have this Court enter an ex parte order to restrain members of the federal judiciary and various federal employees from engaging in conduct which Plaintiff believes to be unlawful pending a TRO hearing. Most specifically the Plaintiff's concerns center on various orders entered by judges of the Northern District of Georgia regarding Plaintiff's filings. The Court does not find that the conduct alleged authorizes granting the Defendant the extraordinary relief of an ex parte hearing or ex parte TRO. The Plaintiff may appeal the orders entered by the federal judiciary in the federal courts. Insofar as the current filing may be deemed a request to reconsider the Court's previous ruling it is Denied.

So ORDERED this 10 day of July, 2011.

Judge Constance C. Russell
Fulton County Superior Court
Atlanta Judicial Circuit

Exhibit C

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

William M. Windsor,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO.
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, 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.)

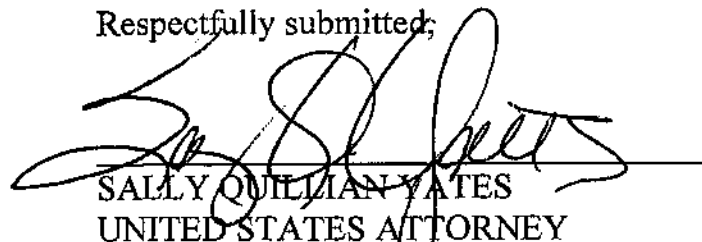
CERTIFICATION

Pursuant to 28 U.S.C. § 2679, by virtue of the authority vested in me by the Assistant Attorney General under 28 C.F.R. §§ 15.3 and 15.4, I hereby certify that:

- (1) I have reviewed the Complaint in this action;
- (2) On the basis of the information now available, with respect to the matters referred to in the Complaint, defendant Christopher Huber was acting within the scope of his employment with the U.S. Department of Justice at all times relevant to this action.

This 15 day of July, 2011.

Respectfully submitted;


SALLY QUILLIAN YATES
UNITED STATES ATTORNEY

JS44 (Rev. 1/08 NDGA)

CIVIL COVER SHEET

The JS44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of initiating the civil docket record. (SEE INSTRUCTIONS ATTACHED)

<p>I. (a) PLAINTIFF(S) WILLIAM M. WINDSOR</p> <p>(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF <u>Cobb</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small></p>	<p>DEFENDANT(S) CHRISTOPHER HUBER, ET AL.</p> <p>COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT <u>Fulton</u> <small>(IN U.S. PLAINTIFF CASES ONLY)</small></p> <p><small>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED</small></p>
<p>(c) ATTORNEYS <small>(FIRM NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS)</small></p> <p>PRO SE</p>	<p>ATTORNEYS <small>(IF KNOWN)</small></p> <p>Darcy F. Coty Assistant U.S. Attorney 600 U.S. Courthouse, 75 Spring Street Atlanta, GA 30303</p>

II. BASIS OF JURISDICTION
(PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. GOVERNMENT PLAINTIFF	<input type="checkbox"/> 3 FEDERAL QUESTION (U.S. GOVERNMENT NOT A PARTY)
<input checked="" type="checkbox"/> 2 U.S. GOVERNMENT DEFENDANT	<input type="checkbox"/> 4 DIVERSITY (INDICATE CITIZENSHIP OF PARTIES IN ITEM III)

III. CITIZENSHIP OF PRINCIPAL PARTIES
(PLACE AN "X" IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT) (FOR DIVERSITY CASES ONLY)

<small>PLF</small>	<small>DEF</small>	<small>PLF</small>	<small>DEF</small>		
<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 4	<input type="checkbox"/> 4	CITIZEN OF THIS STATE	INCORPORATED OR PRINCIPAL PLACE OF BUSINESS IN THIS STATE
<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 5	<input type="checkbox"/> 5	CITIZEN OF ANOTHER STATE	INCORPORATED AND PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 6	<input type="checkbox"/> 6	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	FOREIGN NATION

IV. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

<input type="checkbox"/> 1 ORIGINAL PROCEEDING	<input checked="" type="checkbox"/> 2 REMOVED FROM STATE COURT	<input type="checkbox"/> 3 REMANDED FROM APPELLATE COURT	<input type="checkbox"/> 4 REINSTATED OR REOPENED	<input type="checkbox"/> 5 TRANSFERRED FROM ANOTHER DISTRICT (Specify District)	<input type="checkbox"/> 6 MULTIDISTRICT LITIGATION	<input type="checkbox"/> 7 APPEAL TO DISTRICT JUDGE FROM MAGISTRATE JUDGE JUDGMENT
--	--	--	---	---	---	--

V. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE - DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

(IF COMPLEX, CHECK REASON BELOW)

<input type="checkbox"/> 1. Unusually large number of parties.	<input type="checkbox"/> 6. Problems locating or preserving evidence
<input type="checkbox"/> 2. Unusually large number of claims or defenses.	<input type="checkbox"/> 7. Pending parallel investigations or actions by government.
<input type="checkbox"/> 3. Factual issues are exceptionally complex	<input type="checkbox"/> 8. Multiple use of experts.
<input type="checkbox"/> 4. Greater than normal volume of evidence.	<input type="checkbox"/> 9. Need for discovery outside United States boundaries.
<input type="checkbox"/> 5. Extended discovery period is needed.	<input type="checkbox"/> 10. Existence of highly technical issues and proof.

CONTINUED ON REVERSE

<small>FOR OFFICE USE ONLY</small>	<small>RECEIVED</small>	<small>AMOUNT</small>	<small>APPELLING (IF APPLICABLE)</small>	<small>MAG. JUDGE (IF APPLICABLE)</small>
<small>JUDGE</small>	<small>MAG. JUDGE</small>	<small>NATURE OF SUIT</small>	<small>CAUSE OF ACTION</small>	

VI. NATURE OF SUIT (PLACE AN "X" IN ONE BOX ONLY)

CONTRACT - "0" MONTHS DISCOVERY TRACK

- 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT
- 152 RECOVERY OF DEFAULTED STUDENT LOANS (Excl. Veterans)
- 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS

CONTRACT - "4" MONTHS DISCOVERY TRACK

- 130 INSURANCE
- 120 MARINE
- 130 MILLER ACT
- 140 NEGOTIABLE INSTRUMENT
- 151 MEDICARE ACT
- 160 STOCKHOLDERS' SUITS
- 190 OTHER CONTRACT
- 195 CONTRACT PRODUCT LIABILITY
- 196 FRANCHISE

REAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 210 LAND CONDEMNATION
- 220 FORECLOSURE
- 230 RENT LEASE & EJECTMENT
- 240 TORTS TO LAND
- 245 TORT PRODUCT LIABILITY
- 290 ALL OTHER REAL PROPERTY

TORTS - PERSONAL INJURY - "4" MONTHS DISCOVERY TRACK

- 310 AIRPLANE
- 315 AIRPLANE PRODUCT LIABILITY
- 320 ASSAULT, LIBEL & SLANDER
- 330 FEDERAL EMPLOYERS' LIABILITY
- 340 MARINE
- 345 MARINE PRODUCT LIABILITY
- 350 MOTOR VEHICLE
- 355 MOTOR VEHICLE PRODUCT LIABILITY
- 360 OTHER PERSONAL INJURY
- 362 PERSONAL INJURY - MEDICAL MALPRACTICE
- 365 PERSONAL INJURY - PRODUCT LIABILITY
- 368 ASBESTOS PERSONAL INJURY PRODUCT LIABILITY

TORTS - PERSONAL PROPERTY - "4" MONTHS DISCOVERY TRACK

- 370 OTHER FRAUD
- 371 TRUTH IN LENDING
- 380 OTHER PERSONAL PROPERTY DAMAGE
- 385 PROPERTY DAMAGE PRODUCT LIABILITY

BANKRUPTCY - "0" MONTHS DISCOVERY TRACK

- 422 APPEAL 28 USC 158
- 423 WITHDRAWAL 28 USC 157

CIVIL RIGHTS - "4" MONTHS DISCOVERY TRACK

- 441 VOTING
- 442 EMPLOYMENT
- 443 HOUSING/ACCOMMODATIONS
- 444 WELFARE
- 440 OTHER CIVIL RIGHTS
- 445 AMERICANS with DISABILITIES - Employment
- 446 AMERICANS with DISABILITIES - Other

IMMIGRATION - "0" MONTHS DISCOVERY TRACK

- 462 NATURALIZATION APPLICATION
- 463 HABEAS CORPUS- Alien Detainee
- 465 OTHER IMMIGRATION ACTIONS

PRISONER PETITIONS - "0" MONTHS DISCOVERY TRACK

- 510 MOTIONS TO VACATE SENTENCE
- 530 HABEAS CORPUS
- 535 HABEAS CORPUS DEATH PENALTY
- 540 MANDAMUS & OTHER
- 550 CIVIL RIGHTS - Filed Pro se
- 555 PRISON CONDITION(S) - Filed Pro se

PRISONER PETITIONS - "4" MONTHS DISCOVERY TRACK

- 550 CIVIL RIGHTS - Filed by Counsel
- 555 PRISON CONDITION(S) - Filed by Counsel

FORFEITURE/PENALTY - "4" MONTHS DISCOVERY TRACK

- 610 AGRICULTURE
- 620 FOOD & DRUG
- 625 DRUG RELATED SEIZURE OF PROPERTY 21 USC 881
- 630 LIQUOR LAWS
- 640 R.R. & TRUCK
- 650 AIRLINE REGS.
- 660 OCCUPATIONAL SAFETY / HEALTH
- 690 OTHER

LABOR - "4" MONTHS DISCOVERY TRACK

- 710 FAIR LABOR STANDARDS ACT
- 720 LABOR/MGMT. RELATIONS
- 730 LABOR/MGMT. REPORTING & DISCLOSURE ACT
- 740 RAILWAY LABOR ACT
- 790 OTHER LABOR LITIGATION
- 791 EMPL. RET. INC. SECURITY ACT

PROPERTY RIGHTS - "4" MONTHS DISCOVERY TRACK

- 810 COPYRIGHTS
- 840 TRADEMARK

PROPERTY RIGHTS - "8" MONTHS DISCOVERY TRACK

- 830 PATENT

SOCIAL SECURITY - "0" MONTHS DISCOVERY TRACK

- 861 HIA (1395(f))
- 862 BLACK LUNG (923)
- 863 DIWC (405(f))
- 863 DIWW (405(g))
- 864 SSID TITLE XVI
- 865 RSI (405(g))

FEDERAL TAX SUITS - "4" MONTHS DISCOVERY TRACK

- 870 TAXES (U.S. Plaintiff or Defendant)
- 871 IRS - THIRD PARTY 26 USC 7609

OTHER STATUTES - "4" MONTHS DISCOVERY TRACK

- 480 STATE REAPPORTIONMENT
- 490 BANKS AND BANKING
- 450 COMMERCE/ICC RATES/ETC.
- 460 DEPORTATION
- 470 RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS
- 480 CONSUMER CREDIT
- 490 CABLE/SATELLITE TV
- 810 SELECTIVE SERVICE
- 875 CUSTOMER CHALLENGE 12 USC 3410
- 891 AGRICULTURAL ACTS
- 892 ECONOMIC STABILIZATION ACT
- 893 ENVIRONMENTAL MATTERS
- 894 ENERGY ALLOCATION ACT
- 895 FREEDOM OF INFORMATION ACT
- 900 APPEAL OF PEE DETERMINATION UNDER EQUAL ACCESS TO JUSTICE
- 950 CONSTITUTIONALITY OF STATE STATUTES
- 890 OTHER STATUTORY ACTIONS

OTHER STATUTES - "8" MONTHS DISCOVERY TRACK

- 410 ANTI-TRUST
- 850 SECURITIES / COMMODITIES / EXCHANGE

OTHER STATUTES - "0" MONTHS DISCOVERY TRACK

- ARBITRATION (Confirm / Vacate / Order / Modify)

(Note: Mark underlying Nature of Suit as well)

*** PLEASE NOTE DISCOVERY TRACK FOR EACH CASE TYPE. SEE LOCAL RULE 26.3**

VII. REQUESTED IN COMPLAINT:

CHECK IF CLASS ACTION UNDER F.R.Civ.P. 23 DEMAND \$ _____

JURY DEMAND YES NO (CHECK YES ONLY IF DEMANDED IN COMPLAINT)

VIII. RELATED/REFILED CASE(S) IF ANY
 JUDGE Thrash, Evans & Duffey

1:11-cv-1922-TWT, 1:11-cv-1923-TWT
 DOCKET NO. 1:11-cv-2027-TWT, 1:09-cv-2027-WSD
 1:09-cv-1543-WDE, 1:06-cv-0714-ODE

CIVIL CASES ARE DEEMED RELATED IF THE PENDING CASE INVOLVES: (CHECK APPROPRIATE BOX)

- 1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 2. SAME ISSUE OF FACT OR ARISES OUT OF THE SAME EVENT OR TRANSACTION INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK INCLUDED IN AN EARLIER NUMBERED PENDING SUIT.
- 4. APPEALS ARISING OUT OF THE SAME BANKRUPTCY CASE AND ANY CASE RELATED THERETO WHICH HAVE BEEN DECIDED BY THE SAME BANKRUPTCY JUDGE.
- 5. REPETITIVE CASES FILED BY PRO SE LITIGANTS.
- 6. COMPANION OR RELATED CASE TO CASE(S) BEING SIMULTANEOUSLY FILED (INCLUDE ABBREVIATED STYLE OF OTHER CASE(S)):

7. EITHER SAME OR ALL OF THE PARTIES AND ISSUES IN THIS CASE WERE PREVIOUSLY INVOLVED IN CASE NO. _____, WHICH WAS DISMISSED. This case IS IS NOT (check one box) SUBSTANTIALLY THE SAME CASE.

Dany City
 SIGNATURE OF ATTORNEY OF RECORD

07.15.2011
 DATE

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

WILLIAM M. WINDSOR, Plaintiff)	CIVIL ACTION NO.
)	
v.)	1:11-CV-02326-TWT
)	
Christopher Huber, et. al,)	
Defendants)	
<hr/>		

**NOTICE OF FILING OF
REQUEST FOR CONSENT TO FILE MOTION FOR REMAND**

Plaintiff William M. Windsor hereby gives NOTICE OF FILING OF
REQUEST FOR CONSENT TO FILE MOTION FOR REMAND for
consideration in connection with this matter.

Submitted, this 8th day of August 2011.



William M. Windsor
Pro Se
PO Box 681236, Marietta, GA 30068
Phone: 770-578-1094 - Fax: 770-234-4106
Email: williamwindsor@bellsouth.net

CERTIFICATE OF COMPLIANCE

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



William M. Windsor

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CERTIFICATE OF SERVICE

I hereby certify that I served this NOTICE OF FILING by depositing in the United States Mail with sufficient postage addressed as follows:

DARCY COTY
ASSISTANT U.S. ATTORNEY
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6043 -- Facsimile: (404) 581-4667
Darcy.Coty@usdoj.gov

Lanna Renee Hill
Office of the Fulton County Attorney
141 Pryor St., Suite 4038, Atlanta, GA 30303
404-612-0246 - Fax: 404-730-6324
Email: lanna.hill@fultoncountyga.gov

I have also prepared a copy for each Defendant to be served with the Summons and Complaint.

This 8th day of August 2011.



William M. Windsor
Pro Se

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