

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

---

**MAID OF THE MIST CORPORATION and  
MAID OF THE MIST STEAMBOAT COMPANY, LTD., Appellees,  
v.  
ALCATRAZ MEDIA, LLC, ALCATRAZ MEDIA, INC., Defendants; and  
WILLIAM M. WINDSOR, Appellant and Defendant.**

**And**

**William M. Windsor, Appellant  
v.  
United States of America, et al, Appellees and Defendants**

---

**Appeal from the United States District Court  
for the Northern District of Georgia, Atlanta Division  
Case No. 1:06-CV-0714-ODE – Judge Orinda D. Evans  
Case No. 1:09-CV-02027-WSD - Judge William S. Duffey, Jr.**

---

**PETITION FOR PANEL REHEARING AND PETITION FOR EN BANC  
CONSIDERATION**

---

**William M. Windsor  
P.O. Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094 - Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)**

**PRO SE FOR DEFENDANT/APPELLANT,  
WILLIAM M. WINDSOR**

**TABLE OF CONTENTS**

TABLE OF CONTENTS..... ii.

TABLE OF AUTHORITIES.....iii.

STATEMENT OF THE ISSUES ASSERTED TO MERIT  
EN BANC CONSIDERATION.....1

STATEMENT OF THE COURSE OF PROCEEDINGS  
AND DISPOSITION OF THE CASE .....2

STATEMENT OF FACTS NECESSARY TO ARGUMENT  
OF THE ISSUES .....2

ARGUMENT AND AUTHORITIES .....2

CONCLUSION .....19

## TABLE OF AUTHORITIES

### Cases:

- Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929)...10
- Antoine v. Byers & Anderson, Inc.* 508 U.S.429, 113 S. Ct. 2167, 2170 N4 (1993)...6
- Armstrong v. Manzo*, 380 U. S. 545, 552 (1965)....8
- Baldwin v. Hale*, 1 Wall. 223, 233 (1864)...8
- Berger v. United States*, 255 U. S. 22 (1921)...4
- Bivens v. Six Unknown Named Agents*, 304 U.S. 388 (1971)...6
- Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000)...10
- Braatelian v. United States*, 147 F.2d 888, 895 (8th Cir. 1945)....6
- Bradley v. Fisher*, 13 Wall., at 351....6
- Broadcasting Inc. v. EchoStar Communications Corp.*, 532 F.3d 1294, 87 U.S.P.Q.2d 1187 (11th Cir. 07/07/2008)...9
- Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985)...7
- Campbell v. Meredith Corp.*, No. 09-3067 (10th Cir. 08/24/2009)....7
- Canon 3 of the *Code of Judicial Conduct*...4
- Carey v. Phipus*, 435 U.S. 247, 253 (1978)...6
- Chandler v. Judicial Council of the Tenth Circuit*, 398 U.S. 74, 140, 90 S. Ct. 1648, 1682, 26 L. Ed. 2d 100 (1970) (Douglas, J., dissenting); *id.* at 141-42, 90 S. Ct. at 1682-83 (Black, J., dissenting)...6
- Cobell v. Norton*, 226 F.Supp.2d 1 (D.D.C. 09/17/2002)...10, 13
- Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993)...4
- Concrete Pipe & Products of Cal., Inc. v. Construction Laborers Pension Trust for Southern Cal.*, 508 U. S. 602, 617 (1993)...8
- Corcoran v. Levenhagen*, 558 U.S. \_\_\_\_ (2009), (08-10495)...2
- Davis v. Jones*, 506 F.3d 1325 (11th Cir. 11/08/2007)...19
- Dennis v. Sparks*, 449 U.S. 24, 28 n.5, 101 S. Ct. 183, 187 n.5, 66 L. Ed. 2d 185 (1980)...6
- Dunham v. Dunham*, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896)...10
- Ex parte Virginia*, 100 U.S. 339, 25 L. Ed. 676 (1880)...3
- Ex parte Virginia*, 100 U.S. 339, 348-349 (1880)...6
- Exparte Virginia*,100 U.S. 339, 342, 343, 25 L. Ed. 676....6
- Feng Gui Zheng v. U.S. Attorney General*, No. 10-12189 (11th Cir. 01/04/2011)....5

*Forrester v. White*, 484 U. S., at 227-229....6

*Franklin v. State of Oregon, State Welfare Division*, 662 F.2d 1337, 1342 (9th Cir. 1981)....3

FRCP Rule 60(b) or (d)....6

*Fuentes v. Shevin*, 407 U. S. 67, 80 (1972)....8

*Goddard v. Urrea*, 847 F2d 765 (11th Cir. 1988)...6

*Goldberg v. Kelly*, 397 U.S. 254, 267 (1970)....3

*Gonzales v. United States*, 348 U.S. 407, 75 S. Ct. 409, 99 L. Ed. 467 (1955)....8

*Gravel v. United States*, 408 U.S. 606, 627, 33 L. Ed. 2d 583, 92 S. Ct. 2614 (1972)....3

*Gravel v. United States*, 408 U.S. 606, 627, 33 L. Ed. 2d 583, 92 S. Ct. 2614 (1972)...6

*Hall v. Small Bus. Admin.*, 695 F.2d 175, 179 (5th Cir. 1983)...4

*Hamdi v. Rumsfeld*, 124 S.Ct. 2633, 542 U.S. 507, 159 L.Ed.2d 578 (U.S. 06/28/2004)...8

*Hamm v. Members of Bd. of Regents of State of Fla.*, 708 F.2d 647, 651 (11th Cir. 1983).....11

*Harrison v. McBride*, 428 F.3d 652 (7th Cir. 10/27/2005)...4

*Hill v. Carpenter*, 323 Fed.Appx. 167 (3d Cir. 04/22/2009)...9

*Holden v. Hardy*, 169 U.S. 366, 389...8

*Imbler v. Pachtman*, 424 U.S. 409, 429, 47 L. Ed. 2d 128, 96 S. Ct. 984 (1976)....6

*Imbler v. Pachtman*, 424 U.S. 409, 429, 96 S. Ct. 984, 994, 47 L. Ed. 2d 128 (1976)....6

In *McPherson v. Kelsey, et al.* U.S. District Court case number 5:93-cv-166...6

*In re Grand Jury Subpoenas*, supra at 581....6

*In re Packer Ave. Assocs.*, 884 F.2d 745, 748 (3d Cir. 1989)....9

*In re Village of Willowbrook*, 37 Ill.App.2d 393 (1962)...10

*Isaacs v. State*, 257 Ga. 126, 127, 355 S.E.2d 644 (1987)....4

*John Briggs, Et Al. v. Guy Goodwin, Individually*, No. 75-1642 (DC Circuit, 09/21/77)....6

*Johnson v. Mississippi*, 403 U.S. 212, 216 (1971)...4

*King v. State*, 246 Ga. 386, 389-90, 271 S.E.2d 630 (1980)...4

*Koon v. United States*, 518 U.S. 81, 100, 116 S.Ct. 2035, 2047, 135 L.Ed. 2d 392 (1996)....9

*Lennon Anderson v. Vanguard Car Rental USA Inc*, No. 10-14452 (11th Cir. 06/01/2011)....5

*Lewis v. State of New York*, 547 F.2d 4 (2d Cir. 1976)....3

*Liteky v U.S.*, 510 US 540 (1994)....4

*Lynch v. Johnson*, 420 F.2d 818 (6th Cir. 1970)....6

*Manufacturers Hanover Trust Co. v. Yanakas*, 7 F.3d 310 (2nd Cir. 10/18/1993)....10

*Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894)...3

*Marshall v. Jerrico*, 446 U.S. 238, 242 (1980)....3

*Miller v. Donald*, 541 F.3d 1091 (11th Cir. 08/29/2008)...9

*Mireles v. Waco*, 502 U.S. 9, 112 S. Ct. 286 (1991)...6

*Mullane v. Central Hanover Bank & Trust Co.*, 339 U. S. 306, 313 (1950)...8

*Ortman v. Thomas*, 906 F. Supp. 416, 424 (E.D. Mich. 1995)...9

*Ortman v. Thomas*, 99 F.3d 807, 810-11 (6th Cir. 1996)...9

*O'Shea v. Littleton*, 414 U.S. 488, 503, 94 S. Ct. 669, 679, 38 L. Ed. 2d 674 (1974)....6

*Palko v. Connecticut*, 302 U.S. 319 (1937)...3

*Phillips v. Joint Legis. Comm. on Performance and Expenditure Review of the State of Miss.*, 637 F.2d 1014, 1020 (5th Cir. 1981)....10

*Potashnick v. Port City Constr. Co.*, 609 F.2d 1101, 1111 (5th Cir. 1980)....4

*Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986)...6

*Pulliam v. Allen*, 466 U.S. 522, 536-543 (1984)....6

*Ragsdale v. Rubbermaid, Inc.*, 193 F.3d 1235, 1238 (11th Cir. 1999)....5

*Richardson v. Koshiba*, 693 F.2d 911 (9th Cir. 1982)....6

*Shore v. Howard*, 414 F. Supp. 379 (N.D. Tex. 1976)....6

*Skelly Oil Co. v. Universal Oil Products Co.*, 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949)...10

*Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934)...3

*Stephens v. Stephens*, 249 Ga. 700, 702, 292 S.E.2d 689, 691 (1982)....4

*Stone v Powell*, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976)....4

*Strawbridge v. Bednarik*, 460 F. Supp. 1171, 1173 (E.D.Pa.1978)....6

*Stump v. Sparkman*, 435 U. S., 356, 357, 360....6

*The People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934)...10

*Thomas Stasel v. The American Home Security Corporation*, 362 Ill. 350; 199 N.E. 798 (1935)...10

*Trujillo v. U.S. Attorney General*, No. 09-14401 (11th Cir. 10/07/2010)....5

*United States v. Anzelmo*, 319 F. Supp. 1106, 1118-19 (E.D. La. 1970)....6

*United States v. Columbia Broad. Sys., Inc.*, 497 F.2d 107, 109 (5th Cir.

1974)...4  
*United States v. Conkins*, 9 F.3d 1377, 1382 (9th Cir. 1993)...3  
*United States v. Craig*, supra...6  
*United States v. DiCarlo*, 565 F.2d 802, 806 (1977)...6  
*United States v. Flint*, 178 Fed. Appx. 964 (11th Cir. 2006) (per curiam).....9  
*United States v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004)...8  
*United States v. Gillock*, 587 F.2d 284 (6th Cir. 11/01/1978)...4  
*United States v. Hastings*, 681 F.2d 706 (11th Cir. 07/12/1982)...6  
*United States v. Isaacs*, 493 F.2d 1124 (7th Cir.), cert. denied, 417 U.S. 976 (1974).....6  
*United States v. Isaacs*, 493 F.2d at 1133....6  
*United States v. Lee*, 106 U.S. 196, 220, 1 S. Ct. 240, 261, 27 L. Ed. 171 (1882).....6  
*United States v. Manton*, 107 F.2d 834 (2d Cir. 1938)...7  
*United States v. Powerstein*, 185 Fed.Appx. 811 (11th Cir. 06/19/2006)....8  
*United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996).....11  
*United States v. Smiley*, 553 F.3d 1137 (8th Cir. 01/26/2009)...7  
*Ward v. Monroeville*, 409 U. S. 57, 61-62 (1972)...8  
*Weese v. Schukman*, 98 F.3d 542, 552 (10th Cir. 1996)...7  
*Williams v. Turpin*, 87 F.3d 1204 (11th Cir. 06/24/1996)...8  
*Windsor v. McVeigh*, 93 U.S. 274, 277, 278, 23 L. Ed. 914.....8  
*Zipperer v. City of Fort Myers*, 41 F.3d 619, 623 (11th Cir. 1995)...6

William M. Windsor (“Windsor” or “Appellant”) hereby moves, pursuant to FRAP Rule 35 AND 40 for panel rehearing and en banc determination. An en banc consideration is necessary to secure or maintain uniformity of the court’s decisions and because the proceeding involves a question of exceptional importance. The Order was issued on June 1, 2011, and as Judge Evans is an officer of the United States and is a party to this Appeal, this Petition was to be filed within 45 days after entry of “judgment” on June 1, 2011.

**STATEMENT OF THE ISSUES ASSERTED TO MERIT**  
**REHEARING AND EN BANC CONSIDERATION**

The panel decision conflicts with decisions of the United States Supreme Court and with decisions of the Eleventh Circuit and all federal courts, and consideration by the full court is therefore necessary to secure and maintain uniformity of the court’s decisions.

The proceeding involves one or more questions of exceptional importance because it involves issues on which the panel decision conflicts with the authoritative decisions of other courts.

The Panel has consolidated appeals in two separate civil actions involving seven (7) orders and is allowing one 20-page response. This is totally improper. This does not provide sufficient pages to convey important information. The issues are provided below and cannot be repeated here due to page limitations.

**STATEMENT OF THE COURSE OF PROCEEDINGS**  
**AND DISPOSITION OF THE CASE**

Windsor filed two notices of appeal in Civil Action 1:06-CV-0714-ODE that were assigned Appeal No. 10-15587 and 11-10257.

Windsor filed two notices of appeal in Civil Action 1:09-CV-02027-WSD that were assigned Appeal No. 10-14899 and 10-15798.

Windsor was never given an opportunity to file his Appellant's Briefs.

On June 1, 2011, the panel of Judges Barkett, Hull, and Marcus issued an order dismissing the four Windsor appeals. The Order says: "DISMISSED AS FRIVOLOUS." No explanation was given. (See Appendix for a copy of the three-sentence order.)

On June 13, 2011, this Petition for Rehearing and Petition for En Banc Consideration was filed.

**STATEMENT OF FACTS NECESSARY TO**  
**ARGUMENT OF THE ISSUES**

The appeals were dismissed with no explanation and briefs were not allowed. Page limits allow no further statement of facts.

**ARGUMENT AND AUTHORITIES**

**10-15587 POINT #1:** The panel issued an opinion regarding recusal that ignored the facts and conflicts with the United States Supreme Court decision in *Corcoran v. Levenhagen*, 558 U.S. \_\_\_\_ (2009), (08-10495). "...the Seventh



Circuit erred in disposing of Corcoran's other claims without explanation of any sort." The Eleventh Circuit provided NO explanation of any type in the June 1, 2011 Order in these appeals. (See Appendix hereto.) If the panel has an explanation for how the appeals could be considered frivolous, Windsor should have been afforded the due process right to read it and respond. The panel denied Windsor a complete record of the case, and Windsor was afforded no procedural safeguards. (See *Franklin v. State of Oregon, State Welfare Division*, 662 F.2d 1337, 1342 (9th Cir. 1981); *Lewis v. State of New York*, 547 F.2d 4 (2d Cir. 1976).) This is worthy of en banc consideration because the decision of the panel conflicts with the Supreme Court.

**10-15587 POINT #2:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. The Order is a violation of legal and Constitutional rights. If this Petition is denied, the decision is that citizens of the United States do not have any Constitutional rights. (*Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934); *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970); *Palko v. Connecticut*, 302 U.S. 319 (1937); *Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894); *Marshall v. Jerrico*, 446 U.S. 238, 242 (1980); *United States v. Conkins*, 9 F.3d 1377, 1382 (9th Cir. 1993); *Ex parte Virginia*, 100 U.S. 339, 25 L. Ed. 676 (1880); *Gravel v. United States*, 408 U.S. 606, 627, 33 L. Ed. 2d 583,

92 S. Ct. 2614 (1972); *United States v. Gillock*, 587 F.2d 284 (6th Cir.

11/01/1978); and many others.)

**10-15587 POINT #3:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. Case law provides that pervasive bias and refusal to recuse herself renders Judge Evans without jurisdiction.

(*Berger v. United States*, 255 U. S. 22 (1921); *Harrison v. McBride*, 428 F.3d 652 (7th Cir. 10/27/2005); *Potashnick v. Port City Constr. Co.*, 609 F.2d 1101, 1111 (5th Cir. 1980) (“Any question of a judge’s impartiality threatens the purity of the judicial process and its institutions”); *King v. State*, 246 Ga. 386, 389-90, 271 S.E.2d 630 (1980); *Hall v. Small Bus. Admin.*, 695 F.2d 175, 179 (5th Cir. 1983); *United States v. Columbia Broad. Sys., Inc.*, 497 F.2d 107, 109 (5th Cir. 1974); *Stephens v. Stephens*, 249 Ga. 700, 702, 292 S.E.2d 689, 691 (1982); *Isaacs v. State*, 257 Ga. 126, 127, 355 S.E.2d 644 (1987).) Every person “has a constitutional and statutory right to an impartial and fair judge at all stages of the proceeding.” (*Liteky v U.S.*, 510 US 540 (1994). (See *Stone v Powell*, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).) “[t]rial before an ‘unbiased judge’ is essential to due process.” (*Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993) (citation omitted).)

**10-15587 POINT #4:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. Judge Evans has no legal authority to enter an order blocking the filing of a lawsuit against her. If this Petition is denied, the decision is that judges have the right to decide cases that involve them personally. (Canon 3 of the *Code of Judicial Conduct*.)

**10-15587 POINT #5:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. Errors of Fact are grounds for

appeal. The averments in the October 22 Petition are false and do not track arguments in MIST-1, the matter over which Judge Evans presides. If this Petition is denied, the decision is that judges have the right to commit perjury, and false statements in orders are not grounds for appeal. (Judges Barkett and Marcus recently identified errors of fact and law as grounds for appeal in *Trujillo v. U.S. Attorney General*, No. 09-14401 (11th Cir. 10/07/2010). Judges Hull and Marcus recently identified errors of fact and law as grounds for appeal in *Feng Gui Zheng v. U.S. Attorney General*, No. 10-12189 (11th Cir. 01/04/2011).

**10-15587 POINT #6:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. The October 26 Petition has nothing to do with the same factual predicate or nucleus of operative facts as MIST-1. If this Petition is denied, the decision is that “the same factual predicate or nucleus of operative facts” is redefined to mean that preclusion applies to the facts in multiple cases even though an injunction order states that it applies to only one case. (*Ragsdale v. Rubbermaid, Inc.*, 193 F.3d 1235, 1238 (11th Cir. 1999); *Lennon Anderson v. Vanguard Car Rental USA Inc*, No. 10-14452 (11th Cir. 06/01/2011).)

**10-15587 POINT #7:** If this Petition is denied, the decision is that judges have jurisdiction to enter retroactive orders to block lawsuits against federal employee friends. If this Petition is denied, the decision is that a judge may order

the Clerk of the Court to hold and refuse to file verified complaints properly presented for filing. There is no legal authority for this.

**10-15587 POINT #8:** The panel issued an opinion in which the content of the Order conflicts with the law and the rules. If this Petition is denied, the decision is that judges have the authority to amend the FRCP without Congressional authority, pre-empting the legally-provided recourse of filing actions pursuant to FRCP Rule 60(b) or (d) or independent actions in equity or actions for judicial corruption and fraud upon the court in prior cases. The FRCP are promulgated by the United States Supreme Court pursuant to the Rules Enabling Act, and then the United States Congress has 7 months to veto the rules promulgated or they become part of the FRCP. FRCP Rule 60(b), FRCP Rule 60(d), independent actions in equity, and actions for judicial corruption and fraud upon the court in prior cases are allowed under the FRCP, and there is no amendment pending.

**10-15587 POINT #9:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that judges have the authority to issue filing restrictions without notice or the opportunity to be heard. (*Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986); *Zipperer v. City of Fort Myers*, 41 F.3d 619, 623 (11th Cir. 1995); and MANY other cases.)

**10-15587 POINT #10:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that judges have the right to be corrupt, ignore the facts and the law, and violate numerous criminal statutes in an effort to shield themselves from impeachment and indictment.

*(Bivens v. Six Unknown Named Agents*, 304 U.S. 388 (1971) (*Carey v. Phipps*, 435 U.S. 247, 253 (1978).) *Goddard v. Urrea*, 847 F.2d 765 (11th Cir. 1988). *Mireles v. Waco*, 502 U.S. 9, 112 S. Ct. 286 (1991); In *McPherson v. Kelsey, et al.* U.S. District Court case number 5:93-cv-166; *Ex parte Virginia*, 100 U.S. 339, 348-349 (1880), or from a suit for prospective injunctive relief, *Pulliam v. Allen*, 466 U.S. 522, 536-543 (1984); *Forrester v. White*, 484 U.S., at 227-229; *Stump v. Sparkman*, 435 U.S., 356, 357, 360 ; *Bradley v. Fisher*, 13 Wall., at 351; *Antoine v. Byers & Anderson, Inc.* 508 U.S. 429, 113 S. Ct. 2167, 2170 N4 (1993); *John Briggs, Et Al. v. Guy Goodwin, Individually*, No. 75-1642 (DC Circuit, 09/21/77); *Shore v. Howard*, 414 F. Supp. 379 (N.D. Tex. 1976); *Ex parte Virginia*, 100 U.S. 339, 342, 343, 25 L. Ed. 676; *Lynch v. Johnson*, 420 F.2d 818 (6th Cir. 1970); *Richardson v. Koshiba*, 693 F.2d 911 (9th Cir. 1982); *United States v. Lee*, 106 U.S. 196, 220, 1 S. Ct. 240, 261, 27 L. Ed. 171 (1882); *United States v. Isaacs*, 493 F.2d at 1133; *Dennis v. Sparks*, 449 U.S. 24, 28 n.5, 101 S. Ct. 183, 187 n.5, 66 L. Ed. 2d 185 (1980); *Imbler v. Pachtman*, 424 U.S. 409, 429, 96 S. Ct. 984, 994, 47 L. Ed. 2d 128 (1976); *O'Shea v. Littleton*, 414 U.S. 488, 503, 94 S. Ct. 669, 679, 38 L. Ed. 2d 674 (1974). (See also *Chandler v. Judicial Council of the Tenth Circuit*, 398 U.S. 74, 140, 90 S. Ct. 1648, 1682, 26 L. Ed. 2d 100 (1970) (Douglas, J., dissenting); *id.* at 141-42, 90 S. Ct. at 1682-83 (Black, J., dissenting); *Braatlien v. United States*, 147 F.2d 888, 895 (8th Cir. 1945); *Strawbridge v. Bednarik*, 460 F. Supp. 1171, 1173 (E.D.Pa.1978).) (*United States v. Hastings*, 681 F.2d 706 (11th Cir. 07/12/1982); *United States v. Isaacs*, 493 F.2d 1124 (7th Cir.), cert. denied, 417 U.S. 976 (1974). (See also *Imbler v. Pachtman*, 424 U.S. 409, 429, 47 L. Ed. 2d 128, 96 S. Ct. 984 (1976); *Gravel v. United States*, 408 U.S. 606, 627, 33 L. Ed. 2d 583, 92 S. Ct. 2614 (1972); *United States v. DiCarlo*, 565 F.2d 802, 806 (1977); *In re Grand Jury Subpoenas*, supra at 581, *United States v. Craig*, supra; *United States v. Anzelmo*, 319 F. Supp. 1106, 1118-19 (E.D. La. 1970). No federal

official has ever been held exempt from prosecution for his commission of a federal crime. (*United States v. Manton*, 107 F.2d 834 (2d Cir. 1938); (*Bulloch v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985).) (See also *United States v. Smiley*, 553 F.3d 1137 (8th Cir. 01/26/2009); *Weese v. Schukman*, 98 F.3d 542, 552 (10th Cir. 1996); *Campbell v. Meredith Corp.*, No. 09-3067 (10th Cir. 08/24/2009).)

**10-15587 POINT #11:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that judges may completely foreclose a party's access to the courts and do so without notice or the opportunity to be heard. (See, for example, *United States v. Powerstein*, 185 Fed.Appx. 811 (11th Cir. 06/19/2006).)

**10-15587 POINT #12:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that judges may deny the rights to due process.

(See *Williams v. Turpin*, 87 F.3d 1204 (11th Cir. 06/24/1996); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U. S. 306, 313 (1950); *Concrete Pipe & Products of Cal., Inc. v. Construction Laborers Pension Trust for Southern Cal.*, 508 U. S. 602, 617 (1993); *Ward v. Monroeville*, 409 U. S. 57, 61-62 (1972); *Fuentes v. Shevin*, 407 U. S. 67, 80 (1972); *Baldwin v. Hale*, 1 Wall. 223, 233 (1864); *Armstrong v. Manzo*, 380 U. S. 545, 552 (1965) (other citations omitted); *Hamdi v. Rumsfeld*, 124 S.Ct. 2633, 542 U.S. 507, 159 L.Ed.2d 578 (U.S. 06/28/2004); *Holden v. Hardy*, 169 U.S. 366, 389; *United States v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004); *Gonzales v. United States*, 348 U.S. 407, 75 S. Ct. 409, 99 L. Ed. 467 (1955); (*Windsor v. McVeigh*, 93 U.S. 274, 277, 278, 23 L. Ed. 914.)

**10-15587 POINT #13:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that errors of law are no longer an abuse of discretion.

A court "by definition abuses its discretion when it makes an error of law," (*Koon v. United States*, 518 U.S. 81, 100, 116 S.Ct. 2035, 2047, 135 L.Ed. 2d 392 (1996); *Broadcasting Inc. v. EchoStar Communications Corp.*, 532 F.3d 1294, 87 U.S.P.Q.2d 1187 (11th Cir. 07/07/2008).)

**10-15587 POINT #14:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous for a party to cite the applicable decisions and case law of other federal courts. This means that an appellate court can call any appeal frivolous simply because a party cited binding court precedents.

The Sixth Circuit rejected an injunctive order prohibiting a plaintiff from "filing any civil lawsuit . . . based upon or arising out of" the underlying suit. (*Ortman v. Thomas*, 99 F.3d 807, 810-11 (6th Cir. 1996) (quoting *Ortman v. Thomas*, 906 F. Supp. 416, 424 (E.D. Mich. 1995)). "[t]he absolute bar to further litigation . . . is too broad." *Id.* at 811; *Hill v. Carpenter*, 323 Fed.Appx. 167 (3d Cir. 04/22/2009); *In re Packer Ave. Assocs.*, 884 F.2d 745, 748 (3d Cir. 1989).)

**10-15587 POINT #15:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous for a party to cite in an appeal in the 11<sup>th</sup> Circuit the applicable decisions and case law from the 11<sup>th</sup> Circuit that do not allow, and have vacated, injunctions prohibiting filings that require leave of court as Judge Evans has done. (See *Miller v. Donald*, 541 F.3d 1091 (11th Cir. 08/29/2008); *United States v. Flint*, 178 Fed. Appx. 964 (11th Cir. 2006) (per curiam).)

**10-15587 POINT #16:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the

decision is that it is frivolous for a party to claim the lower court committed reversible error.

**10-15587 POINT #16:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that fraud upon the court is not grounds for an appeal.

*(Cobell v. Norton*, 226 F.Supp.2d 1 (D.D.C. 09/17/2002).) *The People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929); *In re Village of Willowbrook*, 37 Ill.App.2d 393 (1962); *Dunham v. Dunham*, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896); *Skelly Oil Co. v. Universal Oil Products Co.*, 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); *Thomas Stasel v. The American Home Security Corporation*, 362 Ill. 350; 199 N.E. 798 (1935); *Manufacturers Hanover Trust Co. v. Yanakas*, 7 F.3d 310 (2nd Cir. 10/18/1993).)

**11-10257 POINT #1:** See 10-15587 POINT #1, repeated here.

**11-10257 POINT #2:** See 10-15587 POINT #15, repeated here.

**11-10257 POINT #3:** See 10-15587 POINT #2, repeated here.

**11-10257 POINT #4:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. Case law provides that pervasive bias and refusal to recuse herself renders Judge Evans without jurisdiction. Judge Evans has no authority to refuse to allow a motion to be filed calling for her recusal due to pervasive bias. 28 U.S.C. § 455 and the Code of Judicial Conduct do not give a judge that right.

*(Bolin v. Story*, 225 F.3d 1234, 1239 (11th Cir. 2000); *Phillips v. Joint Legis. Comm. on Performance and Expenditure Review of the State of*



*Miss.*, 637 F.2d 1014, 1020 (5th Cir. 1981); *Hamm v. Members of Bd. of Regents of State of Fla.*, 708 F.2d 647, 651 (11th Cir. 1983); *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996.)

**11-110257 POINT #5:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge has the power to deny a party the right to take legal action against the judge. (See cases cited in **10-15587 POINT #10** above.)

**11-110257 POINT #6:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may refuse to allow motions to be filed with no justification whatsoever.

**11-10257 POINT #7:** See 10-15587 POINT #8, repeated here.

**11-10257 POINT #8:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous for a party to claim the lower court committed reversible error.

**10-14899 POINT #1:** The panel issued an Order that has overlooked or misapprehended the facts. There is insufficient room in a 20-page petition to list these. When Windsor filed the Notice of Appeal in this matter, he was in the middle of four eye surgeries attempting to restore his ability to read. All he could

do was file a simple notice stating that the details would be provided in his appeal brief.

**10-14899 POINT #2:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that abuse of discretion is no longer a valid grounds for appeal.

**10-14899 POINT #3:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that violation of Constitutional rights is no longer a valid grounds for appeal.

**10-14899 POINT #4:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that denial of due process is no longer a valid grounds for appeal. (See cases cited above.)

**10-14899 POINT #5:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that violation of various statutes and errors of law are no longer a valid grounds for appeal.

**10-14899 POINT #6:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that judicial bias is no longer a valid grounds for appeal.

**10-14899 POINT #7:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that fraud upon the court is no longer a valid grounds for appeal. (*Cobell v. Norton*, 226 F.Supp.2d 1 (D.D.C. 09/17/2002).)

**10-14899 POINT #8:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that errors of fact are no longer a valid grounds for appeal. It is frivolous for any party to present errors of fact as grounds for an appeal.

**10-14899 POINT #9:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may commit massive perjury in an order, making statements that the facts and evidence prove to be totally false and the appellant may not even present the perjury and false statements for consideration on appeal.

**10-14899 POINT #10:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may falsely claim that a party did not file a response to a motion to dismiss, when the party did.

**10-14899 POINT #11:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the

decision is that a judge may direct the Clerk of the Court to not file documents submitted to the Clerk for filing.

**10-14899 POINT #12:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge is immune from a lawsuit. Many cases establish that this is not the case.

**10-14899 POINT #13:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may participate in racketeering and organized crime and have immunity.

**10-14899 POINT #14:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may never take acts that cause them to lose jurisdiction.

**10-14899 POINT #15:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may force a pro se party to reduce his verified complaint to no more than 50 pages and then order that the defendant was not given fair notice of what the claims are. Besides being outrageously false, the fair notice before the Court and the parties was massive. On Page 18 of the Order, Judge Duffey claims inadequate allegations were made regarding false statements made in orders, yet a

verified affidavit filed and made part of the record listed each false statement and provided citations to the record in MIST-1 to prove the statements were false.

**10-14899 POINT #16:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may issue an order against a pro se party giving one days' notice to file a response to a motion to dismiss, lifting a stay by making absolutely false statements that the judge knows were false.

**10-14899 POINT #17:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to claim that the filing of an appeal does not divest the district court of jurisdiction regarding the specific matter appealed.

**10-14899 POINT #18:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a party may be found to have violated a court order when the order required action to be taken by medical personnel who are out of the control of the party.

**10-14899 POINT #19:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a party may not respond to a motion to dismiss by seeking to have a motion to dismiss be converted to a motion for summary judgment.

**10-14899 POINT #20:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a party may not be allowed to request to amend pleadings prior to consideration of a motion to dismiss due to inadequate pleadings.

**10-14899 POINT #21:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may take the position that a response and motion seeking the relief “deny the so-called “motions to dismiss” filed by the Defendants” is not a response to the motions to dismiss.

**10-14899 POINT #22:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may issue a motion to dismiss against a plaintiff without ruling on relevant motions filed by the plaintiff prior to the order granting the motion to dismiss or thereafter.

**10-14899 POINT #23:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a judge may issue a motion to dismiss without advising the plaintiff if the dismissal is with or without prejudice.

**10-14899 POINT #24:** If this Petition is denied, the decision is that a judge may be a gangster doing anything and everything to damage a litigant with total

disregard for the facts, the law, the Constitution, the Bill of Rights, his oath of office, the Code of Judicial Conduct, and everything else that's right and good.

**10-14899 POINT #25:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous for a party to claim the lower court committed reversible error.

**10-15798 POINT #1:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a party may not file an amended notice of appeal when post-judgment orders are issued.

**10-15798 POINT #1:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that a party must pay \$455 to file amended notices of appeal while the rules and published information of the Clerk of the Court do not require any filing fee for an amendment.

**10-15798 POINT #2:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. The Order is a violation of legal and Constitutional rights. If this Petition is denied, the decision is that citizens of the United States do not have any Constitutional rights.

**10-15798 POINT #3:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to file an appeal due to abuse of discretion.

**10-15798 POINT #4:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to file an appeal due to fraud upon the court.

**10-15798 POINT #5:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to file an appeal due to perjury by the judge.

**10-15798 POINT #6:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to file an appeal due to errors of fact.

**10-15798 POINT #7:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to file an appeal due to errors of law.

**10-15798 POINT #8:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to file an appeal due to denial of due process.

**10-15798 POINT #9:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the



decision is that it is frivolous to file an appeal due to judicial bias. (*Davis v. Jones*, 506 F.3d 1325 (11th Cir. 11/08/2007).)

**10-15798 POINT #10:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous to file an appeal due to violation of statutes by the judge.

**10-15798 POINT #11:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that the Clerk of the Court may refuse to file documents properly presented to the Clerk for filing and thereby deny the party his response to a motion for sanctions. If this Petition is denied, the decision is that the Clerk of the Court has the authority to repeal the Federal Rules of Civil Procedure at will.

**10-15798 POINT #12:** The panel issued an opinion in which the content of the Order conflicts with many court decisions. If this Petition is denied, the decision is that it is frivolous for a party to claim the lower court committed reversible error.

### **CONCLUSION**

Windsor expresses a belief, based on a reasoned and studied lay judgment, that the panel decision is contrary to the Constitution, Bill of Rights, decisions of the Supreme Court of the United States and the precedents of this circuit cited

above and that consideration by the full court is necessary to secure and maintain uniformity of decisions in this court. Windsor expresses a belief, based on a reasoned and studied lay judgment, that this appeal involves one or more questions of exceptional importance as cited above. The Georgia State Bar Rules and Regulations provide that an attorney may urge any permissible construction of the law favorable to his client, without regard to his professional opinion as to the likelihood that the construction will ultimately prevail. His conduct is within the bounds of the law, and therefore permissible, if the position taken is supported by the law or is supportable by a good faith argument for an extension, modification, or reversal of the law. A pro se party has the same rights, and Windsor's appeals have massive case law to support that Windsor should prevail in each of these appeals.

Windsor expresses a belief that this is an order that should get Judges Barkett, Hull, and Marcus impeached and indicted. This Order is CRIMINAL!

WHEREFORE, Windsor respectfully requests that the Court order as follows:

- (1) grant this PETITION FOR REHEARING and HEARING EN BANC;
- (2) restore the cases to the calendar for Appellant to file briefs;
- (3) grant such other and further relief as justice requires in association with this Petition.

Respectfully submitted, this 13th day of June, 2010.



WILLIAM M. WINDSOR

**Pro Se**

PO Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

## CERTIFICATE OF INTERESTED PERSONS

William M. Windsor, Pro Se, hereby certifies pursuant to FRAP 26.1 and 11<sup>th</sup> Cir. Rule 26.1-1 that the following persons, judges, associations of person, firms, partnerships, or corporations may have an interest in the outcome of this case:

- 20/20.
- 60 Minutes.
- ABC News.
- Adams, Sigmund R., Esq.
- Administrative Offices of the United States Courts.
- Alcatraz Media, Inc., and Alcatraz Media, LLC, Defendants (jointly “Alcatraz”).
- American Civil Liberties Union.
- Anderson, Judge R. Lanier, United States Appellate Judge.
- Anderson, Jr., Carl Hugo (“Mr. Anderson”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Ash, Carol, Commissioner of New York State Office of Parks Recreation and Historic Preservation.
- Atlanta Journal & Constitution.

- Baldwin, Congresswoman Tammy.
- Barkett, Judge Rosemary, United States Appellate Judge.
- Batten, Timothy C., United States District Judge.
- Berry, Judith L. (“Berry”), customer of Alcatraz and Maid.
- Berman, Congressman Howard.
- Birch, Judge Stanley F., United States Appellate Judge.
- Black, Judge Susan H., United States Appellate Judge.
- Blackburn, Judge, United States District Judge.
- Boucher, Congressman Rick.
- Bright, Sarah Louise (“Ms. Bright”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Brown, Marc W. (“Mr. Brown”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Carlson, Sandra (“Carlson”), Assistant Controller of Maid.
- Camp, Jack T., United States District Judge.
- Cardin , Senator Benjamin L.
- Carnes, Judge Ed, United States Appellate Judge.
- Carnes, Judge, United States District Judge.
- Castro, Bernadette.
- CBS News.

- Chaffetz, Congressman Jason.
- Chambliss, Senator Saxby.
- Chu, Congresswoman Judy.
- Coble, Congressman Howard.
- Cohen, Congressman Steve.
- Committee on the Judiciary of the United States House of Representatives.
- Conway, Judge, United States District Judge.
- Conyers, Jr., Chairman John.
- Cooper, Clarence, United States District Judge.
- Cornyn, Senator John.
- Cox, Judge Emmett Ripley, United States Appellate Judge.
- Cuomo, Andrew, New York State Attorney General.
- Cutter, Cory.
- Dateline NBC.
- Delahunt, Congressman Bill.
- DiNapoli, Thomas, New York State Comptroller.
- Dubina, Judge Joel F., United States Appellate Judge.
- Duffey, Hon. William S. (“Judge Duffey”), United States District Judge.
- Durbin, Senator Dick J.

- Edmondson, Judge J.L., United States Appellate Judge.
- Evans, Hon. Orinda D. (“Judge Evans”), United States District Judge.
- Everybody Loves Travel, LLC, company owned by the owners of Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Fay, Judge Peter T., United States Appellate Judge.
- Federal Bureau of Investigation (“FBI”).
- Federal Bureau of Investigation – Atlanta Office – Morning Watch Commander.
- Feingold, Senator Russ D.
- Feinstein, Senator Dianne.
- The Fifth Estate.
- Forbes, Congressman J. Randy.
- Forrester, J. Owen, United States District Judge.
- Franken, Senator Al.
- Franks, Congressman Trent.
- Fuller, Judge, United States District Judge.
- Gallegly, Congressman Elton.
- Georgia Athletic and Entertainment Commission (“GAEC”).
- Gerstenlauer, James.
- Glynn, Christopher (“Glynn”), President of Maid.

- Godbold, Judge John C., United States Appellate Judge.
- Gohmert, Congressman Louie.
- Graham, Senator Lindsey.
- Gonzalez, Congressman Charles A.
- Granade, Judge, United States District Judge.
- Grassley, Senator Chuck.
- Gutierrez, Congressman Luis V.
- Harper, Congressman Gregg.
- Hatch, Senator Orrin G.
- Hatten, James N.
- Hawkins & Parnell (“H&P”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Hill, Judge James C., United States Appellate Judge.
- Holder, Eric H.
- Hull, Judge Frank M., United States Appellate Judge.
- Huber, Christopher J, United States Attorney.
- Hunt, Willis B., Jr., United States District Judge.
- Isakson, Senator Johnny.
- Issa, Congressman Darrell.
- Jackson Lee, Congresswoman Sheila.



- Johnson, Congressman Hank.
- Jones, Special Agent Gregory.
- Jordan, Congressman Jim.
- Judicial Conference of the United States.
- Judicial Council of the Eleventh Circuit.
- Kahn, Thomas K,
- Katzman, Archie, Acting Chairman of Niagara Parks Commission.
- Kaufman, Senator Ted.
- Kerwin, Adrienne, Esq.
- King, Congressman Steve.
- Klobucher, Senator Amy.
- Kohl, Senator Herb.
- Kravitch, Judge Phyllis A., United States Appellate Judge.
- Kyl, Senator Jon.
- Leahy, Senator Patrick J.
- Leon, Richard J., United States District Court Judge
- Lofgren, Congresswoman Zoe.
- Maffei, Congressman Dan.

- Maid of the Mist Corporation (“Corporation”), Respondent, and Maid of the Mist Steamboat Company, Ltd. (“Steamboat”), Respondent, (jointly “Maid”).
- Marcus, Judge Stanley, United States Appellate Judge.
- Martin, Beverly B., United States District Judge.
- McCall, Carl.
- McGuinty, Dalton, Premier of Ontario.
- Mendell, Brett A. (“Mr. Mendell”), Former Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Mickle, Judge, United States District Judge.
- Moore, Judge, United States District Judge.
- Moye, Charles A., United States District Judge.
- Murphy, Harold., United States District Judge.
- Nadler, Congressman Jerrold.
- National Association of Ticket Brokers.
- NBC News.
- New York State Bar Association.
- New York State Office of Parks, Recreation and Historic Preservation
- New York State Comptroller’s Office.

- New York State Supreme Court.
- New York Times.
- Niagara County New York District Attorney.
- Niagara Falls Cruise Lines.
- Niagara Falls Reporter.
- Niagara Parks Commission.
- O’Kelley, William C., United States District Judge.
- Obama, President Barrack.
- Palin, Sarah.
- Pannell, Charles A., United States District Judge.
- Parker, Tim.
- Parlato, Frank.
- Pataki, George.
- Paterson, David, Governor of the State of New York.
- Penland, James W. (“Mr. Penland”), Former Counsel for William M. Windsor, Petitioner.
- Phillips Lytle (“Phillips”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Poe, Congressman Ted.
- Pryor, Judge William H., United States Appellate Judge.

- Pushkarsh, Christopher.
- Quillen, Henry.
- Quillian Yates, Sally, Acting United States Attorney.
- Raley, G. Brian (“Mr. Raley”), Former Counsel for Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Reserve 123, Inc., a company owned by the owners of Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Reserve XL, Inc., a company owned by the owners of Defendants, Alcatraz Media, Inc., and Alcatraz Media LLC.
- Ripley’s Entertainment.
- Rojas Rafter, Carmen, Esq.
- Romney, Mitt.
- Rooney, Congressman Thomas J.
- Round America, LLC, a company started by William M. Windsor.
- Royal, Judge, United States District Judge.
- Ruddy, Timothy P. (“Ruddy”), Vice-President of Maid.
- Russ, Arthur (“Mr. Russ”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Rutkowski, Edward J.
- Sanchez, Congresswoman Linda.

- Schiff, Congressman Adam.
- Schul, Robert J. (“Schul”), Controller of Maid.
- Schumer, Senator Chuck.
- Sensenbrenner, Jr., Congressman Jim.
- Sessions, Senator Jeff.
- Shelnutt, Gentry, Esq.
- Shoob, Marvin H., United States District Judge.
- Smith, Congressman Lamar.
- Smith, Monique, Ontario Minister of Tourism.
- Specter, Senator Arlen.
- Spitzer, Eliot L.
- State Bar of Georgia.
- Story, Richard W., United States District Judge.
- Sullivan, Kathleen E. (“Ms. Sullivan”), Former Counsel for Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Take 5 Tours, Inc., a company owned by the owners of Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Thrash, Thomas W., United States District Judge.
- Tidwell, G. Ernest, United States District Judge.
- Tjoflat, Judge Gerald Bard, United States Appellate Judge.

- United States Attorney General.
- United States Attorney's Office.
- United States Court of Appeals for the Eleventh Circuit.
- United States Department of Justice.
- United States District Court for the Northern District of Georgia.
- United States Senate Committee on the Judiciary.
- United States Supreme Court.
- Vining, Robert L, Jr., United States District Judge.
- Wall Street Journal.
- Ward, Horace T., United States District Judge.
- Washington Post.
- Wasserman Schultz, Congresswoman Debbie.
- Waters, Congresswoman Maxine.
- Weiner, Congressman Anthony.
- Wexler, Congressman Robert.
- Whitehouse, Senator Sheldon.
- Wilson, Judge Charles R., United States Appellate Judge.
- Windsor, William M. ("Windsor or Petitioner"), Defendant and  
Petitioner. (Defendants Alcatraz and Windsor are reflected herein as  
"A&W.")

- Yates, Sally Quillian, Esq.
- ZZ Tours, Inc., a company started by William M. Windsor.

### **Corporate Disclosure Statement**

No corporate disclosure statement is necessary for this party because Windsor is a natural, human, person.

Respectfully submitted this 13th day of June 2011.

William M. Windsor:



William M. Windsor  
**Pro Se**

P.O. Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

**CERTIFICATE OF COMPLIANCE**

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.



---

**WILLIAM M. WINDSOR**

**Pro Se**

PO Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)



**CERTIFICATE OF SERVICE**

I hereby certify that I have served the foregoing **PETITION FOR PANEL REHEARING AND PETITION FOR EN BANC CONSIDERATION** by depositing the same with the United States Postal Service with sufficient postage and addressed as follows:

Carl Hugo Anderson, Jr., Esq.  
HAWKINS PARNELL  
4000 Suntrust Plaza - 303 Peachtree Street - Atlanta, Georgia 30308  
Telephone: 404-614-7400 - Facsimile: 404-614-7500  
Email: canderson@hptylaw.com

Chris Huber, Esq.  
Sally Quillian Yates, Esq.  
United States of America - U.S. Attorney's Office  
United States District Court  
Richard B. Russell Federal Building and U.S. Courthouse  
75 Spring Street, SW, Atlanta, Georgia 30303

This 13th day of June, 2010.



---

**WILLIAM M. WINDSOR**  
Pro Se

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

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

---

**MAID OF THE MIST CORPORATION and  
MAID OF THE MIST STEAMBOAT COMPANY, LTD., Appellees,  
v.  
ALCATRAZ MEDIA, LLC, ALCATRAZ MEDIA, INC., Defendants; and  
WILLIAM M. WINDSOR, Appellant and Defendant.**

**And**

**William M. Windsor, Appellant  
v.  
United States of America, et al, Appellees and Defendants**

---

**Appeal from the United States District Court  
for the Northern District of Georgia, Atlanta Division  
Case No. 1:06-CV-0714-ODE – Judge Orinda D. Evans  
Case No. 1:09-CV-02027-WSD - Judge William S. Duffey, Jr.**

---

**PETITION FOR PANEL REHEARING AND PETITION FOR EN BANC  
CONSIDERATION -- APPENDIX**

---

**William M. Windsor  
P.O. Box 681236 - Marietta, GA 30068  
Telephone: 770-578-1094 - Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)**

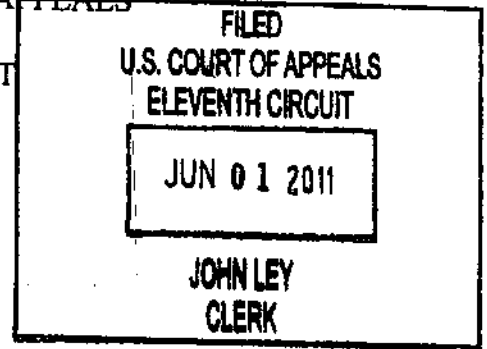
**PRO SE FOR DEFENDANT/APPELLANT,  
WILLIAM M. WINDSOR**

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

\_\_\_\_\_  
No. 10-14899-HH, 10-15798-H  
\_\_\_\_\_

WILLIAM M. WINDSOR,



Plaintiff - Appellant,

versus

UNITED STATES OF AMERICA,  
JUDGE ORINDA D. EVANS,  
HAWKINS PARNELL THACKSTON YOUNG,  
CARL HUGO ANDERSON,  
PHILLIPS LYTLE, LLP,  
et al.,

Defendants - Appellees.

\_\_\_\_\_  
No. 10-15587-H, 11-10257-H  
\_\_\_\_\_

MAID OF THE MIST CORPORATION,  
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs - Counter  
Defendants - Appellees,

versus

ALCATRAZ MEDIA, LLC,  
ALCATRAZ MEDIA, INC., et al.,

Defendants - Counter  
Claimants,

WILLIAM M. WINDSOR,

Defendant - Counter  
Claimant - Appellant.

---

Appeal from the United States District Court for the  
Northern District of Georgia

---

Before: BARKETT, HULL, and MARCUS, Circuit Judges.

BY THE COURT:

Consistent with our December 17, 2010, order issued in appeal numbers 10-12731, et al., the appeals in case numbers 10-14899, 10-15587, 10-15798, and 11-10257 are before the Court for a frivolity determination.

Based upon our review, appeal numbers 10-14899, 10-15587, 10-15798, and 11-10257 are DISMISSED AS FRIVOLOUS. See 11th Cir.R. 42-4.

Appellant is restricted to filing one motion for reconsideration from this order that does not exceed 20 pages in length.

10-14899

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