IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA

William M. Windsor, Plaintiff	)	
	)	CIVIL ACTION NO.
v.	)	
	)	2011cv206243
Fulton County, Office of the Fulton County District Attorney, Paul Howard, Jr., Cynthia Nwokocha, Naomi Fudge, Rebecca Keel, Waverly Settles, Lieutenant English, Deputy Betts, Deputy Roye, Steve Broadbent, and Unknown Does, Defendants	)	

MOTION TO STRIKE

DEFENDANT'S NOTICE OF FILING OF EVIDENCE

William M. Windsor ("Windsor") hereby files this MOTION TO STRIKE DEFENDANTS' NOTICE OF FILING OF EVIDENCE. Windsor shows the Court as follows:

1. On October 6 2011, the Defendants filed a "Notice of Filing of Original Evidence."

2. While Windsor's allegations against the federal judiciary are not the subject of this Civil Action, those allegations are absolutely true, totally documented, and uncontroverted. The Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Twelfth, and Fifteenth Affidavits of William M.

Windsor contain sworn evidence. Windsor will admit significant evidence into the record at the Preliminary Injunction Hearing. Exhibit 116 to the Twentieth Affidavit of William M. Windsor is a true and correct copy of a WSB-TV report on August 21, 2011 about a special FBI squad being established in Atlanta to investigate corruption among judges.

3. This Court needs to know that from January 1, 2008 until today, there has not been one single party sign an affidavit of any type in any legal action involving Windsor in the federal courts in Atlanta as to any fact. Windsor has sworn to everything that he has written with thousands of pages of sworn testimony in the records of the courts. When there is no evidence from the opposing party, a judge cannot make a finding of fact that says anything other than what Windsor has presented. But, the orders of the federal courts from 2008 to the present have claimed there were findings of fact against Windsor. This is outrageous, and it is one of the easiest ways to prove the corruption. This has been done intentionally.

4. The Twelfth Affidavit of William M. Windsor (referenced and incorporated herein as if attached hereto) details the many ways that the federal judges in Atlanta commit crimes and operate a criminal racketeering enterprise.

5. Windsor objects to the so-called evidence that the Defendants are attempting to admit and moves that it be stricken. These orders are bogus. They lack legal basis, have no factual basis, and they are the product of many, many violations of the rights to due process.

6. Windsor moves to strike anything but citations of statutes and case law in the Defendants' Briefs, motions, and responses as nothing presented is evidence or is admissible. Anything presented is hearsay at best. (O.C.G.A. § 24-1-2, 24-3-1.)

7. Windsor has admitted evidence into the record of the Court as to facts, and these facts must be believed absent any sworn testimony to the contrary. (O.C.G.A. § 24-4-7, 24-4-8.)

8. The Defendants have failed to produce any evidence to repel claims against them, so this Court must presume that the charges are well-founded. (O.C.G.A. § 24-4-22.)

9. Defendants have failed to respond to letters from Windsor, and they are therefore presumed to have admitted the acts mentioned in the letters. (See Exhibits 2, 3, 4, 5, 6, 7, 8, 11, 13, 16, 17, 18, 19, 20, 21, 22, 24, 30, 31, 32, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 49, 51, and 52 to the First Amended Verified Complaint and the First Affidavit of William M. Windsor.) (O.C.G.A. § 24-4-23.)

10. The only so-called evidence presented by the defendants are four orders from federal court judges. These orders are inadmissible as to any alleged facts stated therein as courts may not accept a court's order as proof of anything but that an order was issued. Certified copies of orders are the best evidence, and the Defendants have failed to introduce certified copies, and the evidence is inadmissible. (O.C.G.A. § 24-5-1, 24-5-2, 24-5-4, 24-5-31.)

11. Under the ***Federal Rules of Evidence*** Rule 201(b), A judicially noticed fact must be one not subject to reasonable dispute in that it is either (1) generally known within the territorial jurisdiction of the trial court or (2) capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Windsor assumes Georgia has a similar statute. The orders that the Defendants wish to admit as evidence in this case are disputed. They are inaccurate, and the issuance of these orders is perjury and obstruction of justice that is part of the subject of Windsor's evidence to the Grand Jury.

12. Attachment 1 to the Defendants' Notice of Filing of Original Evidence is a document titled "Case: 1:11-cv-01923-TWT Document 74." This purports to be a Permanent Injunction entered against Windsor. However, this is not a certified copy of this document. It is unsigned. The Office of the Clerk of the Court of Fulton County has refused to accept unsigned orders such as this from

Windsor, so this Court certainly may not accept it. The County Attorney was not involved with this document and may not admit it into evidence. Judge Thomas W. Thrash is located just a few blocks away, and if the Defendants want to admit this into the record, they will need Judge Thrash to appear on the witness stand as he is the only person whom can testify as to whether this document was even prepared by him, and Windsor does not believe Judge Thrash will ever put himself in the position to be cross-examined by Windsor because he will be proven to be a criminal. Federal law requires that all valid orders must bear the seal of the Clerk of the Court, and this does not.

13. 28 U.S.C. § 1691 provides: "All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof."

14. Orders that do not bear the seal of the court and the signature of the clerk are in violation of 28 U.S.C. § 1691 and are therefore VOID.

> The word "process" at 28 U.S.C. 1691 means a court order. See ***Middleton Paper Co. v. Rock River Paper Co.***, 19 F. 252 (C.C. W.D. Wisconsin 1884); ***Taylor v. U.S.***, 45 F. 531 (C.C. E.D. Tennessee 1891); ***U.S. v. Murphy***, 82 F. 893 (**DCUS** Delaware 1897); ***Leas & McVitty v. Merriman***, 132 F. 510 (C.C. W.D. Virginia 1904); ***U.S. v. Sharrock***, 276 F. 30 (**DCUS** Montana 1921); ***In re Simon***, 297 F. 942, 34 ALR 1404 (2nd Cir. 1924); ***Scanbe Mfg. Co. v. Tryon***, 400 F.2d 598 (9th Cir. 1968); and ***Miles v. Gussin***, 104 B.R. 553 (Bankruptcy D.C. 1989).

15. Attachment 1 to the Defendants' Notice of Filing is a bogus document for many reasons. Exhibit 118 to the Twenty-First Affidavit of William M. Windsor is the Second Amended Notice of Appeal that details much of the wrongdoing by Judge Thrash in this matter. Judge Thrash is a criminal. He has apparently been hand-picked to dispose of all of Windsor's civil actions after they were illegally removed from Fulton County Superior Court. He has violated rules and statutes repeatedly. He has violated every form of due process. This order was issued after Windsor was denied the right to file a response to the Defendant's motion, was denied subpoenas for witnesses, was denied the right to call witnesses, was denied the right to testify himself, was denied the right to present evidence, and had all of his objections ignored. Windsor was afforded 15 minutes to sp4eak at a hearing. He began by asking if an order had already been written before hearing word one from Windsor. Thrash refused to answer, and then a few minutes later, he turned to his left and read form the order that had been written before the hearing began. Kangaroo Court is a polite term for what took place.

16. Attachment 2 to the Defendants' Notice of Filing of Original Evidence is a document titled "Case: 1:09-cv-01543-WSD Document 99." This purports to be an opinion and order. However, this is not a certified copy of this document. The County Attorney was not involved with this document and may

not admit it into evidence. Judge William S. Duffey is located just a few blocks away, and if the Defendants want to admit this into the record, they will need Judge Duffey to appear on the witness stand as he is the only person whom can testify as to whether this document was even prepared by him, and Windsor does not believe Judge Duffey will ever put himself in the position to be cross-examined by Windsor because he will be proven to be a criminal. Federal law requires that all valid orders must bear the seal of the Clerk of the Court, and this does not.

17. Attachment 2 to the Defendants' Notice of Filing is a bogus document for many reasons. Exhibit 108 to the Twenty-First Affidavit of William M. Windsor is Windsor's November 5, 2010 Notice of Appeal that details some of the issues. Judge Duffey is as big a crook as Judge Thrash. This so-called civil action is not even a valid action. It was invented to damage Windsor and shield judge Orinda D. Evans from arrest, indictment, conviction, prison, disgrace, and impeachment. A civil action requires a summons and a complaint, and there were neither. This case just appeared. Judge Duffey acted corruptly from Day One. The Second, Third, Fourth, Fifth, Seventh, and Eleventh Affidavits of William M. Windsor provide evidence of some of Judge Duffey's wrongdoing. Judge Duffey's favorite techniques are to destroy evidence and lie. Windsor filed an Amended Notice of Appeal in this "action" that identified 28 filings that Windsor

has proven were filed (by signed receipt by the Clerk of the Court), but none of these were ever docketed or processed. This began on September 24, 2010 and continues to the present. Exhibit 109 to the Twenty-First Affidavit of William M. Windsor is Windsor's Amended Notice of Appeal.

18. Attachment 3 to the Defendants' Notice of Filing of Original Evidence is a document titled "Case: 1:09-CV-01543-WSD Document 52." This is an order of the Eleventh Circuit. However, this is not a certified copy of this document. It is unsigned. The Office of the Clerk of the Court of Fulton County has refused to accept unsigned orders such as this from Windsor, so this Court certainly may not accept it. The County Attorney was not involved with this document and may not admit it into evidence. Judge William S. Duffey is located just a few blocks away, and if the Defendants want to admit this into the record, they will need Judge Duffey to appear on the witness stand as he is the only person whom can testify as to whether this document was even prepared by him, and Windsor does not believe Judge Duffey will ever put himself in the position to be cross-examined by Windsor because he will be proven to be a criminal.

19. Attachment 3 to the Defendants' Notice of Filing is a bogus document for many reasons. Exhibit 110 to the Twenty-First Affidavit of William M. Windsor is Windsor's Appellant's Brief. Exhibit 111 to the Twenty-First Affidavit

of William M. Windsor is Windsor's Motion for Reconsideration. This order had no basis in fact or law. The Eleventh Circuit intentionally denied Windsor's rights to damage him.

20. Attachment 4 to the Defendants' Notice of Filing of Original Evidence is a document titled "Case: 1:11-cv-02326-TWT Document 38." This purports to be a Permanent Injunction entered against Windsor. However, this is not a certified copy of this document. It is unsigned. The Office of the Clerk of the Court of Fulton County has refused to accept unsigned orders such as this from Windsor, so this Court certainly may not accept it. The County Attorney was not involved with this document and may not admit it into evidence. Judge Thomas W. Thrash is located just a few blocks away, and if the Defendants want to admit this into the record, they will need Judge Thrash to appear on the witness stand as he is the only person whom can testify as to whether this document was even prepared by him, and Windsor does not believe Judge Thrash will ever put himself in the position to be cross-examined by Windsor because he will be proven to be a criminal. Federal law requires that all valid orders must bear the seal of the Clerk of the Court, and this does not.

21. Attachment 4 to the Defendants' Notice of Filing is a bogus document for many reasons. Exhibit 112 to the Twenty-First Affidavit of William M.

Windsor is the July 20, 2011 Notice of Appeal from Fulton County Superior Court that Judge Thrash that Judge Thrash apparently destroyed because it has never been docketed or processed. Other documents attached to the Twenty-First Affidavit of William M. Windsor include the cover letter that was sent with the Notice to the Clerk of the Court, the courier proof of delivery that proves the Notice was received by the Clerk of the Court, and receipt is filing in the federal court. Exhibit 113 to the Twenty-First Affidavit of William M. Windsor is the Docket in 1:11-CV-02326-TWT which proves that neither of these notices were ever docketed, nor was Windsor's Motion for Remand, which was filed on August 8, 2011. Exhibit 114 to the Twenty-First Affidavit of William M. Windsor is the REQUEST FOR CONSENT TO FILE NOTICE OF STATUS OF APPEAL WITH GEORGIA COURT OF APPEALS. This is a notice that Judge Thrash has not allowed to be filed. It details that Civil Action 1:11-CV-02326-TWT is invalid because its predecessor 2011Cv202457 was appealed to the Georgia Court of Appeals several days before an illegal notice of removal was filed to remove the case to federal court. Exhibit 115 to the Twenty-First Affidavit of William M. Windsor is the REQUEST FOR CONSENT TO FILE A RESPONSE TO PAUL HOWARD'S MOTION TO DISMISS. Judge Thrash did not allow it to be filed, and he did not allow Windsor's exhibits to be filed. Judge Thrash is a Defendant

in this action, and he has ignored motions for recusal, failed to ever consider if he had jurisdiction (which he didn't), has ignored the fact that the matter is on appeal, and has blocked Windsor's filing of evidence, affidavits, motions, and more. Judge Thomas W. Thrash is as corrupt as they come. He is a crook.

22. 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 Windsor properly presents to the Clerk of the Court.

23. 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**.]
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> "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 i**s 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. Chevaillier***, 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 ***Chevaillier*** 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 bo 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 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**.]

24. 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."

WHEREFORE, Windsor respectfully requests that this Court enter an order as follows:

a. that the Defendants' Notice of Filing of original Evidence be stricken;

b. that the Defendants shall not be allowed to admit orders of a federal court as evidence in this Civil Action;

c. that this Court issue an order requesting that Judge Thrash approve subpoenas for Judge Orinda D. Evans, Judge William S. Duffey, and Judge Thomas W. Thrash to testify at a hearing or in a deposition; and

d. that the Court grant such other and further relief as is appropriate.

Respectfully submitted this 7th day of October, 2011.

William M. Windsor
Pro Se

PO Box 681236
Marietta, GA 30068
Phone: 770-578-1094
Fax: 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 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 7th day of October, 2011.

William M. Windsor

Sworn to before me, this 7th day of October, 2011.

Notary Public

KATHRYN H. DAVIS NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES FEB. 17, 2015

CERTIFICATE OF COMPLIANCE

I hereby certify that this pleading has been prepared in Times New Roman 14-point font.

William M. Windsor

P.O. Box 681236
Marietta, GA 30068
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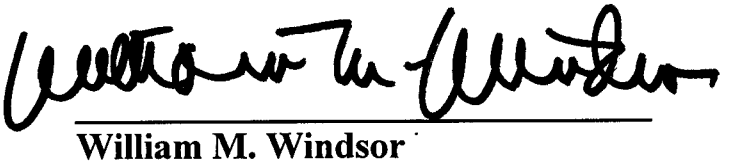
CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing by depositing the same with the United States Postal Service with sufficient postage and addressed as follows:

Lanna Renee Hill
R. David Ware
Kaye Woodward Burrell
Jerolyn Webb Ferrari
Office of the Fulton County Attorney
141 Pryor Street, Suite 4038 -- Atlanta, GA 30303
404-612-0246 -- Fax: 404-730-6324
Lanna.hill@fultoncountyga.gov

This 7th day of October, 2011.



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