

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

WILLIAM M. WINDSOR,)	
Plaintiff)	
)	
v.)	CIVIL ACTION NO.
)	
JUDGE WILLIAM S. DUFFEY,)	1:11-CV-01922-TWT
MAID OF THE MIST)	
CORPORATION, MAID OF THE)	
MIST STEAMBOAT COMPANY,)	
LTD., JUDGE ORINDA D. EVANS,)	
JUDGE JULIE E. CARNES, JUDGE)	
JOEL F. DUBINA, JOHN LEY, AND)	
JAMES N. HATTEN,)	
Defendants.)	
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**REQUEST FOR CONSENT TO FILE MOTION FOR
HEARING ON MOTION FOR FIRST AMENDMENT RIGHTS AND DUE
PROCESS RIGHTS**

William M. Windsor (“Windsor”) hereby files this REQUEST FOR CONSENT TO FILE MOTION FOR HEARING ON MOTION FOR FIRST AMENDMENT RIGHTS AND DUE PROCESS RIGHTS. Windsor shows as follows:

1. Windsor hereby requests consent to file a Motion for a hearing on the Motion seeking an Order by the Court directing Clerk of the Court James N. Hatten to serve on Windsor all minutes, orders, judgments, judicial and clerical

records in this Civil Action with due authentication by the Clerk - the NEFs (Notices of Electronic Filing). Windsor needs proof regarding the entry of all items shown on the PACER and CM/ECF docket, including all NEFs. Windsor needs this information to date, and he needs to receive all such information as it is generated in the future.

2. The "Standing Order In re: Electronic Case Filing Standing Order No. 04-01 and Administrative Procedures" on the court clerk's website -- Section V Public Access on page APP.H - A 13 says: "Access to the electronic docket and documents filed in ECF is available to the public at no charge at the Clerk's Office during regular business hours."

3. Windsor has gone to the Clerk's Office and has written to the Clerk requesting the NEFs, and all requests have been denied or ignored.

4. Pro se parties do not have access to the CM/ECF system information that attorneys, clerks, and judges have. This puts pro se parties in a lower class of litigants, and it is a violation of equal protection and due process.

5. The Clerk of the Court and this Court have no right to deny Windsor access to records that the Court's standing orders state are available to any party during regular business hours.

6. The Clerk of the Court and this Court have no right to deny Windsor access to records in his case that will prove wrongdoing by the Office of the Clerk, the judge, and his staff.

7. The Clerk of the Court and this Court have no right to deny Windsor access to records that have been provided to the attorney for the opposing party.

8. NEFs have information that will enable Windsor to prove racketeering and corruption. The NEFs may provide information that will prove that Windsor's documents have not been docketed on a timely basis, or at all.

9. The NEFs have information that may enable Windsor to prove that docket entries have been backdated.

10. The NEFs have information that will enable Windsor to prove that he has not received some items shown on the docket that have been provided to the opposing party.

11. The NEFs have information that will enable Windsor to show that the electronic records systems of the U.S. courts, PACER and CM/ECF, are being used to commit large-scale fraud on the people.

12. The NEFs have information that will enable Windsor to show that the records, which are published online by the U.S. courts, are not true court records.

13. The large-scale fraud in PACER and CM/ECF was previously opined by Dr. Joseph Zernik as primarily directed against *pro se* filers, non-attorney individuals, who come to the U.S. courts in efforts to protect their rights. The essence of the fraud is in the online publications of simulated, fake court records. The courts themselves do not consider such records as valid and effectual, unless they are duly authenticated. However, *pro se* filers are routinely denied access to the electronic authentication records (NEFs), which would enable them to distinguish between valid and void court records.

14. The NEFs have information that will enable Windsor to prove that he has been denied access to the electronic authentication records (NEFs), which will enable him to distinguish between valid and void court records.

15. The NEFs have information that will enable Windsor to prove organized fraud by the judiciary on the estimated 30% of *pro se* litigants.

16. The NEFs have information that will enable Windsor to prove that the federal courts in Atlanta are violating Windsor's rights and committing crimes by simulating legal process.

17. The NEFs have information that will enable Windsor to prove that government employees have recklessly causes to be delivered to others documents that simulate a summons, complaint, judgment, or other court process with the

intent to: (1) induce payment of a claim from another person; or (2) cause another to: (A) submit to the putative authority of the document; or (B) take any action or refrain from taking any action in response to the document, in compliance with the document, or on the basis of the document.

18. The NEFs have information that will enable Windsor to prove that by denying Windsor access to this information while automatically sending it all to the attorney for the opposing party, the courts are grossly violating the rights of due process.

19. Windsor is denied access to information that will enable him to prove records that are false and orders that are void.

20. The NEF today is the definitive record indicating the entry of minutes, orders, and judgments of the U.S. courts. The listing of such minutes, orders, and judgments in the PACER dockets, in itself, is not necessarily indicative of entry of such judicial records as valid and effectual records of the court. Examples have been recorded in various U.S. courts of minutes, orders, and judgments, which were published in the PACER dockets, but were not authenticated as entered through the issuance of a valid NEF. Obviously, such minutes, orders, and judgments are not deemed valid and effectual by the U.S. courts. The NEFs have information that will enable Windsor to prove this.

21. A Review published in an international, peer-reviewed computer science journal with Editorial Board listing scholars from six (6) European nations and Canada, opined large-scale computer fraud in the design and operation of PACER and CM/ECF. The main points noted in the review were: (1) All attestation/authentication records (NEFs - Notice of Electronic Filing) of judicial records (minutes, orders, judgments), which are required in order to render them such that command "full faith and credit," are concealed from public access. Therefore, the public is unable to distinguish valid and effectual records from void, not voidable records, both being published by the courts in PACER. (2) The NEF was opined as invalid as to form: It lacks a certification statement "I, the undersigned, hereby certify...", it fails to state the name and authority of an individual, issuing the NEF as a Deputy Clerk of the Court. (3) The NEF bears no valid signature, either graphic or digital. Instead - it carries a machine generated encrypted "checksum" string.

22. The system is amenable to manipulations, where invalid PACER docket notations correspond to records that were never deemed entered, valid and effectual U.S. court records. However, to a naive reader, such notations would appear as valid court records.

23. Therefore, the system as a whole has been opined as undermining the accountability of the Court Clerk for integrity of court records.

24. Clerks certificate of mailings as to William M. Windsor and other such docket entries appear in the online PACER docket with no docket number and no link to any record. Therefore, these PACER docket notations should be deemed false and deliberately misleading.

25. Windsor also needs proof of all orders. Windsor has not received all orders signed and issued under seal, in violation of 28 U.S.C. 1691.

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).

26. Therefore, Windsor is requesting an order by the Court for Due Process Notice and Service by Clerk of the Court James N. Hatten.

27. Windsor asks that this Motion be docketed pursuant to Due Process and that a valid adjudication of the Motion be noticed and served on the parties.

WHEREFORE, Windsor respectfully requests:

- a. that this Motion be granted;
- b. that a hearing be scheduled;

- c. that an order for Due Process Notice by Clerk of the Court James N. Hatten be issued;
- d. that this Motion and the Order be docketed pursuant to Due Process and that a valid adjudication of the Motion be noticed and served on the parties;
- e. that Windsor be provided copies of all court records as requested in this Motion, including all audit data; and
- f. that this Court grant such other and further relief as is appropriate.

Respectfully submitted this 27th day of June, 2011.



William M. Windsor

Pro Se

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Marietta, GA 30068

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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 27th day of June, 2011.

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

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

William M. Windsor
Pro Se

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CERTIFICATE OF SERVICE

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

CHRISTOPHER J. HUBER
ASSISTANT U.S. ATTORNEY
Georgia Bar No. 545627
600 Richard B. Russell Federal Bldg.
75 Spring Street, S.W. -- Atlanta, Georgia 30303
Telephone: (404) 581-6292 -- Facsimile: (404) 581-6181
Email: chris.huber@usdoj.gov

This 27th day of June, 2011.



William M. Windsor
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