

**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)	EMERGENCY MOTION
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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EMERGENCY MOTION FOR CONSENT TO FILE
MOTION FOR RECONSIDERATION OF ORDER (DOCKET #25)
ISSUING FILING INJUNCTION

William M. Windsor (“Windsor” or “Plaintiff”) hereby files this
EMERGENCY MOTION FOR RECONSIDERATION OF ORDER (DOCKET
#25) ISSUING FILING INJUNCTION.

Windsor shows the Court as follows:

FACTUAL BACKGROUND

1. On May 19, 2011, Windsor filed the Verified Complaint in the Superior Court of Fulton County. The Civil Action was assigned No. 2011CV200857.

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

3. On June 13, 2011, the U.S. Attorney filed DEFENDANTS' MOTION FOR PROTECTIVE ORDER. (Docket #4.)

4. On June 14, 2011, Windsor filed a MOTION TO DENY REMOVAL and a RESPONSE TO THE FEDERAL DEFENDANTS' MOTION FOR A PROTECTIVE ORDER.

5. On June 17, 2011, Windsor filed a RESPONSE TO THE FEDERAL DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO FILE RESPONSIVE PLEADING OR MOTION AND MOTION TO STRIKE.

6. On June 17, 2011, this Court issued a Protective Order (Docket #25). (Exhibit A is a true and correct copy of the June 17, 2011 PROTECTIVE ORDER.) Pro Se parties do not receive copies of electronic filings.

THE DEFENDANTS' MOTION FOR MODIFICATION OF PROTECTIVE ORDER IS PROCEDURALLY DEFECTIVE FOR FAILURE TO COMPLY WITH THE REQUIREMENT THAT DEFENDANTS MUST MAKE AN APPEARANCE, AND THIS MOTION MUST BE DENIED.

1. None of the Defendants have made an appearance.
2. None of the Defendants filed a CERTIFICATE OF INTERESTED PERSONS AND CORPORATE DISCLOSURE STATEMENT as required by N.D.Ga Local Rule 3.3 and FRCP 7.1, which was due to be filed with the Clerk "at the time of first appearance. The Docket is attached as Exhibit B.
3. The U.S. Attorneys, Sally Quillian Yates and Christopher Huber, have no authority to appear for the Defendants. The NOTICE OF SUBSTITUTION filed allegedly on behalf of some of the Defendants is a false pleading by Sally Quillian Yates and Christopher Huber. It was filed on behalf of only 7 of the 16 Defendants, and there has been no order entered regarding the so-called "notice."
4. The DEFENDANTS' MOTION FOR PROTECTIVE ORDER is a false pleading. It purports to be from all of the Defendants' but nine of the

Defendants have not appeared in any manner, and there has been nothing filed to allow the U.S. Attorney to file this.

5. None of the Defendants are identified in the signature block on the DEFENDANTS' MOTION FOR PROTECTIVE ORDER, so the Motion has not been filed on behalf of any of the Defendants

6. There is no indication that any of the Defendants have signed a sworn affidavit in regard to representation or the DEFENDANTS' MOTION FOR PROTECTIVE ORDER.

THE DEFENDANTS' MOTION FOR PROTECTIVE ORDER IS PROCEDURALLY DEFECTIVE BECAUSE THE NOTICE OF REMOVAL IS DEFECTIVE BECAUSE THE ACTION IS NOT YET PENDING IN FULTON COUNTY SUPERIOR COURT AS 28 U.S.C. § 1442 REQUIRES, SO THIS MOTION MUST BE DENIED.

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

8. According to *Black's Law Dictionary*, the word pending means "remaining undecided" or "awaiting decision." *Black's Law Dictionary* 1154 (7th ed. 1999). Under Georgia law, "an action is not a 'pending' suit until after service

of process is perfected." (*Steve A. Martin Agency, Inc. v. PlantersFIRST Corp.*, 678 S.E.2d 186, 188 (Ga. Ct. App. 2009); see also *Jenkins v. Crea*, 656 S.E.2d 849, 850 (Ga. Ct. App. 2008) ("An action is not a pending suit until service is perfected."))

9. Defendants Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, and B. Grutby have not been served with process.

10. Since the Civil Action is not yet "pending" in Fulton County Georgia Superior Court, the text of the removal statute prevents removal prior to service on Judge Joel F. Dubina, John Ley, Maid of the Mist Corporation, and Maid of the Mist Steamboat Company Limited. (28 U.S.C. 1446(b).)

THE REMOVAL IS DEFECTIVE FOR A VARIETY OF REASONS, AND THIS MOTION FOR PROTECTIVE ORDER MUST BE DENIED.

11. Windsor has filed a MOTION TO DENY REMOVAL, AND EMERGENCY MOTION FOR DISCOVERY AND HEARING, referenced and incorporated herein as if attached hereto. This MOTION TO DENY REMOVAL details the many reasons why the NOTICE OF REMOVAL must be denied.

12. The defects in the NOTICE OF REMOVAL mean the MOTION FOR MODIFICATION OF THE ORDER must be stricken and/or denied.

THE MOTION FOR PROTECTIVE ORDER IS DEFECTIVE BECAUSE THIS COURT LACKS JURISDICTION,

SO THE MOTION MUST BE DENIED.

13. This Court lacks jurisdiction. The Notice of Removal was defective and illegal, and this Court has failed to perform its duty to sua sponte order a remand due to the painfully obvious defects. Thomas Woodrow Thrash has been disqualified as judge, and all of his orders are void. He has no jurisdiction. This matter is temporarily in the hands of Judge Amy Totenberg, who is considering the Emergency Motion to Disqualify Thomas Woodrow Trash.

14. Trash's order requiring Windsor to submit Requests for Consent to file is as illegal as it gets, and this Court has lost jurisdiction.

THE DEFENDANTS' MOTION FOR PROTECTIVE ORDER VIOLATES

THE N.D.GA LOCAL RULES,

SO THE MOTION MUST BE DENIED.

15. The U.S. Attorneys did not provide affidavits to support the statements made in THE DEFENDANTS' MOTION FOR PROTECTIVE ORDER.

16. This DEFENDANTS' MOTION FOR PROTECTIVE ORDER must be stricken as it fails to include an affidavit in support of the so-called statements of fact contained therein.

17. The Federal Rules of Civil Procedure provide that all motions that rely on facts must have an affidavit attached. There was no affidavit filed with the DEFENDANTS' MOTION FOR PROTECTIVE ORDER.

18. It is well-established that "If allegations of fact are relied upon, supporting affidavits must be attached...." (LR 7.1A.(1) NDGa.) (*Catch Curve, Inc. v. Graphnet, Inc.*, Case No. 1:06-cv-2386 (N.D. Ga. Sept. 16, 2008).)

19. The U.S. Attorneys did not provide a copy of the DEFENDANTS' MOTION FOR PROTECTIVE ORDER in an expedited manner as required by the Rules. Windsor should have been provided a copy in a manner as expeditious as that used to file with the Court. The Docket shows that the DEFENDANTS' MOTION FOR PROTECTIVE ORDER was filed 2 at the courthouse, but the Certificate of Service shows that Windsor's copy was mailed to him.

WINDSOR HAS BEEN DENIED DUE PROCESS.

HIS CONSTITUTIONAL RIGHTS HAVE BEEN VIOLATED.

20. This Court has abused its judicial discretion and has violated Windsor's Constitutional rights BY granting the Defendants' Motion. (See *Allied Chem. v. Daiflon, Inc.*, 449 U.S. 33, 34-35, 101 S.Ct. 188, 190, 66 L.Ed. 2d. 193 (1980); *In re Temple*, 851 F.2d 1269, 1271 (11th Cir. 1988); *In re Paradyne Corp.*, 803 F.2d 604, 612 (11th Cir. 1986); *U.S. v. Fernandez-Toledo*, 737 F.2d 912, 919 (11th Cir. 1984).)

21. If the government is going to restrict activity, it must be clear about what activity is being restricted. A U.S. statute that is vague can be struck down under the due process requirements of the Constitution. A court order that is vague should be struck down under the due process requirements of the Constitution.

The Protective Order must be vacated.

22. Windsor was denied notice and an opportunity to be heard when the Protective Order was issued, and the Defendants' Motion cannot be considered without a show cause order by this Court and a hearing.

"The essential elements of due process of law are notice, an opportunity to be heard, and the right to defend in an orderly proceeding." (*Fiehe v. R.E. Householder Co.*, 125 So. 2, 7 (Fla. 1929).)

"To dispense with notice before taking property is likened to obtaining judgement without the defendant having ever been summoned." *Mayor of Baltimore vs. Scharf*, 54 Md. 499, 519 (1880).

(See *Kazubowski v. Kazubowski*, 45 Ill.2d 405, 259, N.E.2d 282, 290; *Black's Law Dictionary*, 6th Edition, page 500; *State v. Green*, 232 S.W.2d 897, 903 (Mo. 1950); *Pettit v. Penn.*, La.App., 180 So.2d 66, 69; *Vaughn v. State*, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883.)

23. Due process is best defined in one word -- fairness. Throughout U.S. history, its constitutions, statutes and case law have provided standards for fair treatment of citizens by federal, state and local governments. These standards are known as due process. When a person is treated unfairly by the government, including the courts, he is said to have been deprived of or denied due process.

24. Amendment V of the U.S. Constitution provides: “No person shall be...deprived of life, liberty, or property, without due process of law....”

Amendment XIV of the U.S. Constitution provides: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Article 1 of the Georgia Constitution provides: “No person shall be deprived of life, liberty, or property except by due process of law.”

25. All of these rights have been violated.

WINDSOR HAS BEEN DENIED THE RIGHT TO BE HEARD.

26. Windsor has been denied the right to be heard for six years.

27. Windsor made at least 20 requests for an evidentiary hearing in 2009, but Judge Evans denied every motion. Judge Duffey has denied every request that Windsor has made for hearings as well. Thomas Woodrow Thrash has also ignored or denied every request that Windsor has made for hearings as well. This is a denial of procedural due process.

The maxim "*Audi alteram partem*" means that no person shall be condemned, punished, or have any property or legal right compromised by a court of law without having heard that person. This has been extended to include the right to receive notice of a hearing and to be given an opportunity to be represented or heard at that hearing. (*Caritativo v People of State of California* 357 U.S. 549 (1958).)

...due process has also come to mean that the government, before making any decision which might deprive a citizen of liberty or property, must give notice of the Government's case, afford to the citizen an opportunity of being heard and thus to accommodate a hearing even, in some cases, a trial before an impartial arbitrator. Procedural due process requires notice and an opportunity to be heard before any governmental deprivation of a property or liberty interest. *Zipperer v. City of Fort Myers*, 41 F.3d 619, 623 (11th Cir. 1995).

28. Thus, Windsor was entitled to notice and an opportunity to be heard before this Court imposed the Protective Order, and he is entitled to be heard at a hearing on this Defendants' Motion.

"An essential principle of due process is that a deprivation of life, liberty, or property `be preceded by notice and opportunity for hearing appropriate to the nature of the case' " (quoting *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) quoting *Ward v. Monroeville*, 409 U. S. 57, 61-62 (1972)). (See also *Fuentes v. Shevin*, 407 U. S. 67, 80 (1972) (quoting *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; *Galpin v. Page*, 18 Wall. 350, 368-369; *Anderson National Bank v. Lockett*, 321 U.S. 233, 246; *Hagar v. Reclamation District*, 111 U.S. 701, 708; *Davidson v. New Orleans*, 96 U.S. 97, 107; *Fong Yue Ting v. United States. Wong Quan v. United States. Lee Joe v. United States*, 13 S. Ct. 1016, 149 U.S. 698 (U.S. 05/15/1893); *Mullane v. Central Hanover Bank & Trust, Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950) (quoting *Grannis v. Ordean*, 234 U.S. 385, 394, 34 S.Ct. 779, 783, 58 L.Ed. 1363 (1914); *In re Oliver*, 333 U.S. 257, 273 (1948); *Joint Anti-Fascist Committee v. McGrath*, 341 U.S., at 143, 164-165, 171-172, 178, 185 (concurring opinions of Black, Frankfurter, DOUGLAS, and Jackson, JJ.); *Cole v. Arkansas*, 333 U.S. 196, 201 (1948); *Sniadach v. Family Finance Corp.*, 395 U.S. 337 (1969); *Morgan v. United States*, 304 U.S. 1, 18

(1938); *Grannis v. Ordean*, 234 U.S. 385, 394 (1914); *Mullane v. Central Hanover Trust Co.*, 339 U.S. 306 at 313-314 (1950); *Kleiner v. First National Bank*, 751 F.2d 1193 (11th Cir. 01/31/1985); *Boddie v. Connecticut*, 401 U.S. 371, 379, 91 S. Ct. 780, 786, 28 L. Ed. 2d 113 (1971); *Mathews*, 424 U.S. at 348, 96 S. Ct. at 909; *United States v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004).) (See also *United States v. Owen*, 415 F.2d 383 (8 Cir. 1969); *Chernekov v. United States*, (9 Cir. 1955) 219 F.2d 721; *United States v. Cummins*, 425 F.2d 646, 649, (8 Cir. 1970); *Gonzales v. United States*, 348 U.S. 407, 75 S. Ct. 409, 99 L. Ed. 467 (1955); *Holden v. Hardy*, 169 U.S. 366, 389-90, 18 S.Ct. 383, 387 (1898); *Powell v. Alabama*, 287 U.S. 45, 68, 53 S.Ct. 55, 64 (1932) (citation omitted). (*United States v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004).)

In re Oliver, 333 U.S. 257, 273, 68 S.Ct. 499, 507-08 (1948). "Judgment without such citation and opportunity . . . can never be upheld where justice is justly administered." *Hovey v. Elliott*, 167 U.S. 409, 418, 17 S.Ct. 841, 845 (1897) (citation and internal quotation marks omitted). "A defendant who has been denied an opportunity to be heard in his defense has [indeed] lost something indispensable." *Snyder v. Massachusetts*, 291 U.S. 97, 116, 54 S.Ct. 330, 336 (1934). (*United States v. Frazier*, supra.)

"A sentence of a court pronounced against a party without hearing him, or giving him an opportunity to be heard, is not a judicial determination of his rights, and is not entitled to respect in any other tribunal." (*Windsor v. McVeigh*, 93 U.S. 274, 277, 278, 23 L. Ed. 914; *Hovey v. Elliott*, 167 U.S. 409, 414, 17 S. Ct. 841, 42 L. Ed. 215. (*In re Noell*, 93 F.2d 5 (8th Cir. 11/21/1937).)

The right of a litigant to be heard is one of the fundamental rights of due process of law. A denial of the right requires a reversal. *Reynolds v. Cochran*, 365 U.S. 525, 81 S. Ct. 723, 5 L. Ed. 2d 754; *Hovey v. Elliott*, 167 U.S. 409, 17 S. Ct. 841, 42 L. Ed. 215. (*Council of Federated Organizations v. Mize*, 339 F.2d 898 (5th Cir. 12/22/1964).)

AN ILLEGAL INJUNCTION WAS ISSUED AGAINST WINDSOR
WITHOUT NOTICE, AND HE HAS BEEN
DENIED ACCESS TO THE COURTS.

29. Windsor was given absolutely no warning that Thomas Woodrow Thrash would consider issuing an injunction against him. There was absolutely no communication from Thomas Woodrow Thrash at any time to indicate that such an action might be given any consideration whatsoever.

Considerations of constitutional due process also suggest that the district court's warning must be explicit and clear. (See *Societe Internationale v. Rogers*, 357 U.S. 197, 2 L. Ed. 2d 1255, 78 S. Ct. 1087 (1958); *Hovey v. Elliott*, 167 U.S. 409, 42 L. Ed. 215, 17 S. Ct. 841 (1897); *Insurance Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 706, 72 L. Ed. 2d 492, 102 S. Ct. 2099 (1982); *Choice Hotels International, Inc. v. Goodwin and Boone*, 11 F.3d 469 (4th Cir. 12/09/1993).)

30. Thomas Woodrow Thrash has improperly foreclosed Windsor's access to the court. Thomas Woodrow Thrash issued an injunction without giving Windsor the opportunity to be heard at a hearing. Procedural due process requires notice and an opportunity to be heard before any governmental deprivation of a property or liberty interest. (*Zipperer v. City of Fort Myers*, 41 F.3d 619, 623 (11th Cir. 1995).)

31. Meaningful access to the courts is a Constitutional right that has been denied by Thomas Woodrow Thrash, and this latest motion would deny significant rights.

(See *Procup v. Strickland*, 792 F.2d 1069, 1072 (11th Cir. 1986) (per curiam) (en banc); *Christopher v. Harbury*, 536 U.S. 403, 415 & n.12, 122 S.Ct. 2179, 2187 & n.12, 153 L.Ed.2d 413 (2002).)

32. Thomas Woodrow Thrash has completely closed Windsor's access to the court in violation of the Constitution, the law of the Eleventh Circuit, the Supreme Court, and every other circuit.

"He just cannot be completely foreclosed from any access to the court."
Id. at 1074. (*United States v. Powerstein*, 185 Fed.Appx. 811 (11th Cir. 06/19/2006).) (emphasis added.)

"The only restrictions this Circuit has placed upon injunctions designed to protect against abusive and vexatious litigation is that a litigant cannot be 'completely foreclosed from any access to the court.'" (*Procup v. Strickland*, 792 F.2d 1069 at 1074 (11th Cir. 1986). (See *Shell v. U.S. Dep't of Housing and Urban Development*, No. 09-12811 (11th Cir. 12/02/2009); *Copeland v. Green*, 949 F.2d 390, 391 (11th Cir. 1991) (per curiam); *Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986); *Sires v. Gabriel*, 748 F.2d 49, 51 (1st Cir. 1984); *In re Chapman*, 328 F.3d 903, 905-06 (7th Cir. 2003); *In re Davis*, 878 F.2d 211, 212 (7th Cir. 1989); *Washington v. Alaimo*, 934 F. Supp. 1395 (S.D. Ga. 1986); *Martin-Trigona v. Shaw*, 986 F.2d 1384, 1387 (11th Cir. 1993) (citation omitted); *Ajuluchuku v. Southern New England School of Law*, 1:05-MI-0251, and others, (N.D.Ga. 10/13/2005); *United States v. Flint*, 178 Fed.Appx. 964 (11th Cir. 05/01/2006); *Ortman v. Thomas*, 99 F.3d 807, 811 (6th Cir. 1996); *Rushing v. Kent County Facility*, No. 1:07-cv-580 (W.D.Mich. 07/31/2007); *Moore v. Hillman*, No. 4:06-cv-43 (W.D.Mich. 05/11/2006); *Riccard v. Prudential Ins. Co. of Am.*, 307 F.3d 1277, 1295 n.15 (11th Cir. 2002) (emphasis added). (*Klay v. United Healthgroup, Inc.*, No. 02-1664) (11th Cir. 06/30/2004); *In re Green*, 598 F.2d 1126, 1127 (8th Cir. 1979); *Stone v. South Central Regional Jail*, No. 04-6399 (4th Cir. 08/09/2004); *Armstrong v. Koury Corp.*, 211 F.3d 1264 (4th Cir. 04/10/2000); *Sires v. Gabriel*, 748 F.2d 49, 51 (1st Cir. 1984).)

"[o]ur precedent condemns" the "prospective shutting [of] the courthouse door." *Cofield v. Alabama Public Service Commission*, 936 F.2d 512 at 518 (11th Cir. 1991).)

33. The actions of Thomas Woodrow Thrash are totally unfair and totally illegal. Thomas Woodrow Thrash enjoined Windsor from filing anything in this court while the Defendants may do anything they want.

The Sixth Circuit also rejected an injunctive order prohibiting a vexatious 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. More recently, the Fourth Circuit vacated an injunction prohibiting a plaintiff from filing any papers without leave of court. See *Cromer v. Kraft Foods N. Am., Inc.*, 390 F.3d 812, 818-19 (4th Cir. 2004). . . . it held that an injunction prohibiting the plaintiff from making "any and all filings" was overbroad. *Id.* at 819. (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); *Hubbard v. Azzara*, No. 8:01-cv-1154-T-24 EAJ (M.D.Fla. 09/12/2008).)

34. There was no Show Cause order issued to Windsor before or now, as required by Eleventh Circuit law. Windsor had no notice.

Upon these findings and **consistent with Eleventh Circuit law, this Court required Plaintiff to show cause within ten days... why a Martin-Trigona injunction should not be entered.** (See *Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986); *Torres v. McCoun*, No. 8:08-cv-1605-T-33MSS (M.D.Fla. 09/10/2008); *Western Water Management, Inc. v. Brown*, 40 F.3d 105, 109 (5th Cir. 1994).) [**emphasis added.**]

35. Windsor has never filed anything improper. Windsor is not an abusive litigant. Windsor is an aggrieved party. Windsor has never filed anything frivolous or baseless, and Windsor has requested hearings and conferences so any

issue could be discussed. All of Windsor's motions for hearings and conferences have been denied or ignored.

...drastic remedies such as this "are to be used only in extreme situations as the court has a wide range of lesser sanctions that will not deprive the litigant of his or her day in court." (*Donaldson*, 819 F.2d at 1557 n.6.) (*Riccard*, 307 F.3d at 1295; *Rubenstein v. Bauman*, No. 1:07-cv-798-MHT (M.D.Ala. 05/15/2008).)

...litigiousness alone will not support an injunction against a plaintiff, *Kane v. City of New York*, 468 F. Supp. 586, 590 (S.D.N.Y.), aff'd without op., 614 F.2d 1288 (2d Cir. 1979), and that the use of such measures against a pro se plaintiff should be approached with particular caution, *Hill v. Estelle*, 423 F. Supp. 690, 695 (S.D.Tex.1976). We expect that injunctions against litigants will remain very much the exception to the general rule of free access to the courts. (*Pavilonis v. King*, 626 F.2d 1075 (1st Cir.), cert. denied, 449 U.S. 829, 66 L. Ed. 2d 34, 101 S. Ct. 96 (1980).) (See *Ex parte Tyler*, 70 F.R.D. 456, 457 (E.D.Mo. 1975).)

36. Windsor's legitimate right is to do whatever it takes to receive justice.

...an "injunction against future filings must be tailored to protect the courts and innocent parties, while preserving the legitimate rights of litigants." (*Ferguson*, 808 F.2d at 359-60.)

"...a district court's pre-filing injunction may not extend to filings in any federal appellate court, and ... a district court's pre-filing injunction may not extend to filings in any state court." (*Sieverding v. Colo. Bar Ass'n*, 469 F.3d 1340, 1344 (10th Cir. 2006).) (See *Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181 (5th Cir. 01/03/2008).) [**emphasis added.**]

37. Injunctions affecting access to the courts must be used only sparingly.

... denial of access to the Court is a serious matter and injunctions against such access must be issued only sparingly. See *Raffe v. John Doe*, 619 F. Supp. 891, 898 (S.D.N.Y. 1985); *Kane v. City of New York*, 468 F. Supp. at

590. See *In the matter of Hartford Textile Corp.*, 681 F.2d 895, 896-97 (2d Cir. 1982); *Sassower v. Sansverie*, 885 F.2d 9, 10-11 (2d Cir. 1989) (per curiam). (*Carlin v. Gold Hawk Joint Venture*, 778 F.Supp. 686 (S.D.N.Y. 11/14/1991).)

38. The worst of hardships has resulted from the dishonesty that Windsor has experienced from the crooks in the federal courts in Atlanta, Georgia. Windsor has lost approximately \$1,500,000.00, and much more. None of this should have happened. The hardship has been extreme, unexpected, unfair, and illegal.

WINDSOR HAS BEEN DENIED ANY OPTIONS FOR RESPONDING TO MOTIONS AND ACTIONS IN THIS CIVIL ACTION -- A VIOLATION OF WINDSOR'S CONSTITUTIONAL RIGHTS.

39. Windsor's legal options for responding to the Defendants' Motion have been severely limited by the illegal Protective Order. It is a violation of Windsor's Constitutional rights to have to respond to such a motion as a result. Windsor should be filing motions, but he is enjoined from so doing. Windsor is also blocked by this Court from getting the District Court Clerk to issue subpoenas for depositions and production of documents. Thomas Woodrow Thrash has virtually foreclosed Windsor's access to the courts. The Eleventh Circuit has ruled that this cannot be allowed. (*Procup v. Strickland*, 792 F.2d 1069, 1074 (11th Cir. 1986) (en banc).) Procedural due process requires notice and the opportunity to be heard. Windsor has been denied both.

**THERE IS NO FACTUAL OR LEGAL JUSTIFICATION WHATSOEVER
TO ISSUE A PROTECTIVE ORDER TO THE DEFENDANTS.**

40. The Defendants' Motion was allegedly filed on behalf of Defendants Hatten, Sanders, White, Gutting, Callier, Mincher and Birnbaum. Windsor has never been involved in a lawsuit with these people, and they have no basis to "seek relief."

41. Every single thing that is claimed as to previous litigation is false and malicious. The Verified Complaint, a sworn affidavit from Windsor, tells the true story. Windsor will take a polygraph test at any time about anything he has sworn.

**THE DEFENDANTS' MOTION IS FILLED WITH FALSE STATEMENTS
AND CONTAINS NO INFORMATION THAT MAY BE CONSIDERED BY
THIS COURT.**

42. The DEFENDANTS' MOTION FOR PROTECTIVE ORDER was filled with false information.

43. The Defendants' Motion was allegedly filed on behalf of Defendants Hatten, Sanders, White, Gutting, Callier, Mincher and Birnbaum. Windsor has never been involved in a lawsuit with them, and they have no basis to "seek relief."

**NO HONEST JUDGE HAS EVER FOUND THAT WINDSOR HAS DONE
ANYTHING FRIVOLOUS OR IMPROPER.**

44. Windsor has never done anything wrong, has never made an intentionally false statement under oath. He always tells the truth and nothing but.

45. The so-called argument in the Motion must be stricken as to anything but case law citations as the rest is unsupported and false.

**WINDSOR CANNOT AFFORD \$50,000 BOND, AND THIS
REQUIREMENT IS IMPROPER AND ILLEGAL AND MUST BE
ELIMINATED.**

46. This Court is obligated to determine a party's ability to pay sanctions before issuing them. This Court failed to do so.

47. Windsor has no income, has had no income for several years, and has a negative net worth of approximately \$800,000. Windsor has less than \$50 in the bank, and he has credit card payables that he personally cannot pay.

THE SO-CALLED ARGUMENTS OF THE U.S. ATTORNEY ARE BOGUS.

48. The references to other matters must be disregarded because they are all the subject of this Civil Action – frauds. The only sworn testimony in any court regarding any of this is Windsor's. None of the opposing parties have ever filed any affidavits regarding facts since 2007. The only facts before this Court are Windsor's sworn affidavits and verifications in this matter.

49. The filing restrictions imposed on Windsor have been by corrupt judges who he hopes will soon be headed for prison.

50. Windsor has never abused the judicial system.

51. All of the precedents of the Eleventh Circuit require that a hearing be

held before any filing restrictions are issued. At a hearing, Windsor will prove that virtually everything ever said in orders of the federal judges in Atlanta have been false. He will prove the crimes of the Defendants. So, let's have a hearing!

52. The restrictions on Windsor have been done for one and only one reason – to foster the interests of the racketeering enterprise to attempt to shield the criminal Defendants from indictment, conviction, imprisonment, impeachment, and loss of big fat salaries and pensions.

CONCLUSION

53. The burden of establishing federal jurisdiction rests upon the party seeking removal, and Defendants have failed to carry this burden. Absent a valid Notice of Removal, this Court had no jurisdiction to grant THE FEDERAL DEFENDANTS' MOTION FOR PROTECTIVE ORDER.

54. This Court denied Windsor's most basic fundamental rights to due process.

55. For all of the reasons expressed above, this Court must VACATE THE PROTECTIVE ORDER.

WHEREFORE, Windsor respectfully requests:

- a. grant this Emergency Motion;
- b. eliminate the \$50,000 requirement;

- c. vacate the ORDER dated June 17, 2011; and
- d. grant any other relief this Court deems just and proper.

Respectfully submitted this 29th day of June, 2011.



WILLIAM M. WINDSOR

Pro Se

PO Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

Email: williamwindsor@bellsouth.net

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 29th day of June, 2011.



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.



WILLIAM M. WINDSOR

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

CERTIFICATE OF SERVICE

I hereby certify that on the 29th day of June 2011, I served this CONSENT by fax and by depositing in the United States Mail with sufficient postage 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

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

This 29th day of June, 2011.



WILLIAM M. WINDSOR
Pro Se

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