

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

WILLIAM M. WINDSOR,

Plaintiff,

v.

JUDGE WILLIAM S. DUFFEY, et al.,

Defendants.

CIVIL ACTION FILE  
NO. 1:11-CV-1922-TWT

ORDER

This is a pro se civil action against the Judges of this Court and the Court of Appeals. The Court notes that in a related case where the Plaintiff's appeal was dismissed as frivolous, the Court of Appeals described the Plaintiff's abuse of the judicial system as follows:

[The Plaintiff's ] litigious behavior [has] undermined the integrity of the judgments and orders in this case. Although the case is closed, Windsor has repeatedly filed unsubstantiated, duplicative pleadings, many after the district court issued an order denying them. Moreover, his pleadings are long and repetitive, and the volume of his filings poses a burden to clerical and judicial operations and is an impediment to the administration of justice.

On June 17, 2011, the Court granted the Government's Motion for Protective Order. The Plaintiff has filed a Notice of Appeal.

The Plaintiff's Motion to Proceed in Forma Pauperis should be denied for several reasons. First, I certify that the appeal is not taken in good faith. See 28 U.S.C. § 1915(a)(3). At the hearing on the motion by the United States for an injunction, the government introduced evidence from Mr. Windsor's web site in which he declares his intention to use lawsuits in a campaign of harassment of and retaliation against the federal judiciary. (Government Ex. 1). This purpose is also evident in the reckless, malicious and scurrilous accusations that are littered throughout Mr. Windsor's voluminous papers. The Court of Appeals has already held that his filings pose a burden to clerical and judicial operations and are an impediment to the administration of justice. This appeal is more of the same.

Second, in his application to proceed in forma pauperis, Mr. Windsor refuses to disclose the assets in his wife's name. This is impermissible. The question under 28 U.S.C. § 1915 is whether the litigant is "unable to pay" the costs, and the answer has consistently depended in part on the litigant's actual ability to get funds from a spouse, a parent, an adult sibling, or other next friend. Fridman v. City of New York, 195 F. Supp. 2d 534, 537 (S.D.N.Y. 2002); Williams v. Spencer, 455 F. Supp. 205, 209 (D. Md.1978); Dycus v. Astrue, 2009 WL 47497 \*2 (S.D. Ala.2009). Mr. Windsor and his wife jointly own a home that he says is worth \$1,640,000.00. In their 2009 federal income tax return, Mr. Windsor and his wife reported receiving over

\$48,000.00 in dividend income. Mr. Windsor's elaborate and convoluted exegesis of the state of his financial affairs is not acceptable. He is not "unable to pay" the costs of the appeal. The opportunity to proceed as an indigent in civil cases, created by statute, is not considered a right but a privilege, and "should not be a broad highway into the federal courts." Phillips v. Mashburn, 746 F.2d 782, 785 (11th Cir. 1984). The Plaintiff's Motion to Proceed in Forma Pauperis [Doc. 64] is DENIED. The Plaintiff is ordered to pay the full filing fee in order to pursue the appeal.

SO ORDERED, this 11 day of August, 2011.

/s/Thomas W. Thrash  
THOMAS W. THRASH, JR.  
United States District Judge