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

WILLIAM M. WINDSOR, Plaintiff	)	
v.	)	CIVIL ACTION NO.
JUDGE WILLIAM S. DUFFEY, 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.	)	1:11-CV-01922-TWT

THIRD AMENDED NOTICE OF APPEAL

1. Notice is hereby given that William M. Windsor ("Windsor" or "Plaintiff") in the above-named case hereby amends the appeal filed on July 14, 2011 [Docket #46] and amended on August 1, 2011 [Docket #58] and August 25, 2011 [Docket #71]. The Appeal (No. 11-13212-A) is amended by adding orders entered August 30, 2011 [Docket #73] and August 31 2011 [Docket #75]. (Exhibits A and B are true and correct copies of these Orders.) Windsor also appeals the failure to docket motions and other documents that Windsor has filed with the Clerk of the Court.

2. Windsor is merely adding the orders entered August 30, 2011 [Docket #73] and August 31 2011 [Docket #75] to the initial Appeal. (See ***Rinaldo v. Corbett***, 256 F.3d 1276 (11th Cir. 07/13/2001).) The originally appealed orders are not being attached as exhibits again. The appeal fee has already been paid. This is an amendment, not a new appeal. Amended appeals are absolutely authorized by the FRCP and case law in the Eleventh Circuit. The Clerk of the Court have illegally charged Windsor for amended appeals in the past when ***Federal Rules of Appellate Procedure*** 4(a)(4)(B)(iii) clearly states:

> "No additional fee is required to file an amended notice." (FRAP 4(a)(4)(B)(iii).)
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> See 20 James Wm. Moore, ***Moore's Federal Practice*** § 303.21[3][c] (explaining that a notice of appeal does not ordinarily include orders that have not been entered at the time a notice of appeal is filed and that, for post-notice orders, a second notice or appeal, or an amended notice of appeal, is usually necessary). (***Bogle v. Orange County Board of County Commissioners***, 162 F.3d 653 (11th Cir. 12/09/1998).)
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> "a party intending to challenge an order disposing of [a post-judgment motion] . . . must file a notice of appeal, or an **amended notice of appeal**." Federal Rules of Appellate Procedure 4(a)(4)(B)(ii) and (iii). (***Williams v. Plantation Police Dep't***, 379 Fed.Appx. 866 (11th Cir. 05/17/2010).) [**emphasis added**.]
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> See also ***Finch v. City of Vernon***, 845 F.2d 256, 259-60 (11th Cir. 1988); ***Fuller v. Terry***, 381 Fed.Appx. 907 (11th Cir. 06/03/2010); ***Davis v. Locke***, 936 F.2d 1208 (11th Cir. 07/26/1991); ***United States v. Elso***, 571 F.3d 1163 (11th Cir. 06/19/2009); ***United States v. Calles***, No. 07-10166 (11th Cir. 03/31/2008).)

3. Windsor has also moved the 11th Circuit to allow appeals filed on July 14, 2011 in Civil Actions 1:11-CV-01923-TWT, 1:11-CV-01922-TWT, AND 1:11-CV-02027-TWT to be considered as one appeal. The 11th Circuit erroneously assigned Docket #58 an Appeal No. 11-13253-A, so Windsor is also moving the Eleventh Circuit to correct that by consolidating it with Appeal No. 11-13212-A.

4. This appeal is necessary due to the violation of Windsor's Constitutional rights by Judge Thomas Woodrow Thrash ("TWT"), abuse of "discretion," fraud upon the court by TWT, perjury, and more. The appeal will be based upon abuse of discretion, violation of Constitutional rights, denial of due process, errors of law, violation of statutes, errors of fact, violations of various statutes, judicial bias, corruption, conspiracy, racketeering, and more.

5. TWT's orders were, and are, **void**. The U.S. Supreme Court has stated that if a court is "without authority, its judgments and orders are regarded as nullities." (***Elliot v. Piersol***, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).)

6. Fraud was committed in the removal of this case from the Fulton County Superior Court. This fraud means this Court does not have jurisdiction. TWT has committed fraud upon the court as has the U.S. Attorney.

7. TWT has not followed mandatory statutory procedures. TWT committed unlawful acts. TWT has violated due process. TWT is part of a

criminal racketeering enterprise. TWT has not complied with the rules, the Code of Judicial Conduct, or the Federal Rules of Civil Procedure. Upon information and belief, TWT does not have a copy of his oath of office in his chambers. This means this Court does not have subject matter jurisdiction.

8. It is clear and well established law that a judge must first determine whether the judge has jurisdiction before hearing and ruling in any case. TWT failed to do so, and his so-called orders are void. (***Adams v. State***, No. 1:07-cv-2924-WSD-CCH (N.D.Ga. 03/05/2008).) (***See Steel Co. v. Citizens for a Better Env't***, 523 U.S. 83, 94 (1998); see also ***University of S. Ala. v. The Am. Tobacco Co.***, 168 F.3d 405, 410 (11th Cir. 1999) ("[O]nce a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue."). (***Jean Dean v. Wells Fargo Home Mortgage***, No. 2:10-cv-564-FtM-29SPC (M.D.Fla. 04/21/2011).) (***Taylor v. Appleton***, 30 F.3d 1365, 1366 (11th Cir. 1994).)

9. Failure to follow the mandatory requirements of the law is a further evidence of the appearance of partiality of TWT. This required recusal.

> **"Disqualification is required** if an objective observer would entertain reasonable questions about the judges impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge **must be disqualified."** (***Liteky v. U.S.***, 114 S.Ct. 1147 (1994).)
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> ***Rankin v. Howard*** (1980) 633 F.2d 844, cert den. ***Zeller v. Rankin***, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326. When a judge knows that he

lacks jurisdiction, or acts face of clearly statutes valid statutes expressly depriving him of jurisdiction, judicial immunity is lost.

"When there is no jurisdiction, there can be no discretion, for discretion is incident to jurisdiction." ***Piper v. Pearson***, 2 Gray 120, cited in ***Bradley v. Fisher***, 13 Wall 335, 20 L. Ed. 646 (1872).

10. TWT has committed treason.

Whenever a judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. ***U.S. v. Will***, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); ***Cohens v. Virginia***, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

11. Amendment V of the U.S. Constitution provides: "No person shall be...deprived of life, liberty, or property, without due process of law...." Article 1of the Georgia Constitution provides: "No person shall be deprived of life, liberty, or property except by due process of law."

12. All of these rights have been violated.

13. TWT has improperly foreclosed Windsor's access to the court. TWT 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).)

14. Meaningful access to the courts is a Constitutional right that has been denied by TWT, and this latest order denies 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).)

15. There was no Show Cause order issued to Windsor as required by Eleventh Circuit law. Windsor has had no proper 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**.]

16. Every judge or government attorney takes an oath to support the U.S. Constitution. Whenever any judge violates the Constitution in the course of performing his/her duties, as TWT has, then he has defrauded not only the Plaintiff involved, but has also the government.

17. The Court of Appeals has jurisdiction pursuant to 28 U.S.C. § 1292(a)(1) because one of the district court's rulings (1) imposed an injunction; or (2) had the practical effect of an injunction; or (3) worked a modification of an injunction. The PROTECTIVE ORDER denies rights to Windsor and implicitly enjoins Windsor from future exercise of rights.

18. Injunctions are appealable pursuant to 28 U.S.C. §1292(a). A court order prohibiting someone from doing some specified act is an injunction. The PROTECTIVE ORDER prohibits Windsor from filing anything.

See ***Black's Law Dictionary*** 784 (6th ed. 1990) (defining "injunction" as "[a] court order prohibiting someone from doing some specified act or commanding someone to undo some wrong or injury"). (***Nken v. Holder***, 129 S.Ct. 1749, 173 L.Ed.2d 550 (U.S. 04/22/2009).) (See also ***KPMG, LLP v. SEC***, 289 F.3d 109, 124 (D.C. Cir. 2002); ***Lundberg v. United States***, No. 09-01466 (D.D.C. 07/01/2010).)

"...we have jurisdiction under 28 U.S.C. § 1292(a)(1) (1982), which permits an immediate appeal from the issuance of a new or modified injunction. It is immaterial that the court characterized the March order as a finding of contempt. 'an injunction does not cease to be appealable under section 1292(a) (1) merely because it is contained in an order for civil contempt.' ***Szabo v. U.S. Marine Corp.***, 819 F.2d 714, 718 (7th Cir. 1987); see also ***I.A.M. Nat'l Pension Fund Benefit Plan A v. Cooper Indus.***, 252 U.S. App. D.C. 189, 789 F.2d 21, 23-24 (D.C. Cir.), cert. denied, 479 U.S. 971, 107 S. Ct. 473, 93 L. Ed. 2d 417 (1986). Accordingly, we have jurisdiction over Eastern's appeal under 28 U.S.C. § 1292(a) (1)." (06/07/88 ***International Association v. Eastern Airlines, Inc.***, No. 88-7079, UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT.)

...preliminary injunctions are appealable orders under 28 U.S.C. § 1292(a)(1). See, e.g., ***El Paso Natural Gas Co. v. Neztsosie***, 526 U.S. 473, 482 (1999).

...we have appellate jurisdiction to review the District Court's granting or denying of a preliminary injunction. See ***Davis v. Pension Benefit Guar. Corp.***, 571 F.3d 1288, 1291 (D.C. Cir. 2009). A restraining order lasting longer than 14 days generally is considered an injunction, the granting or denying of which is subject to appeal. See ***Sampson v. Murray***, 415 U.S. 61, 86 (1974); ***United States v. E-Gold, Ltd.***, 521 F.3d 411, 414-15 (D.C. Cir. 2008) (order restraining "assets pending trial and judgment" is an "injunction" under 28 U.S.C. § 1292(a)(1)). (***In re Any and all Funds or Other Assets, in Brown Brothers Harriman & Co. Account #8870792 in the Name of Tiger Eye Investments Ltd.***, 613 F.3d 1122 (D.C.Cir. 07/16/2010).)

> Under 28 U.S.C. § 1292(a)(1), the court has jurisdiction to review "[i]nterlocutory orders of the district courts of the United States ... granting, continuing, modifying, refusing, or dissolving injunctions, or refusing to dissolve or modify injunctions...." 28 U.S.C. § 1292(a)(1). Although the provision is typically invoked to appeal preliminary injunctions, it can be invoked to appeal permanent injunctions that are interlocutory in nature. ***Smith v. Vulcan Iron Works***, 165 U.S. 518 (1897); see also ***Ty, Inc. v. Publ'ns Int'l Ltd.***, 292 F.3d 512, 516 (7th Cir. 2002), cert. denied, 123 S. Ct. 892 (2003); ***Cohen v. Bd. of Trs. of Univ. of Med. & Dentistry***, 867 F.2d 1455, 1464 n.7 (3d Cir. 1989); ***CFTC v. Preferred Capital Inv. Co.***, 664 F.2d 1316, 1319 n.4 (5th Cir. 1982); 16 Charles Alan Wright & Arthur R. Miller, ***Federal Practice and Procedure*** § 3924 (2d ed. 1996). (***National Railroad Passenger Corporation v. ExpressTrak, L.L.C.***, 330 F.3d 523 (D.C.Cir. 06/06/2003).)
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> Under 28 U.S.C. § 1292(a)(1), circuit courts have jurisdiction to review "[i]nterlocutory orders . . . granting, continuing, modifying, refusing or dissolving injunctions." Regardless of how the district court may choose to characterize its order, **section 1292(a)(1) applies to any order that has "the practical effect of granting or denying an injunction**," so long as it also "might have a serious, perhaps irreparable, consequence, and . . . can be effectually challenged only by immediate appeal." ***I.A.M. Nat'l Pension Fund Benefit Plan A v. Cooper Indus., Inc.***, 789 F.2d 21, 23-24 (D.C. Cir. 1986) (internal quotation marks omitted). [**emphasis added**.]

19. In this matter, practicality and fundamental fairness require that the orders be appealable. TWT has obliterated Windsor's Constitutional rights and rights to due process.

20. Windsor's fundamental rights are seriously prejudiced by the appealed orders. Many jurisdictions make an exception for decisions that are particularly prejudicial to the rights of one of the parties. The Court of Appeals has the recognized right to do what is fair and practical. The Court of Appeals cannot

allow TWT to blatantly violate Windsor's rights. The courthouse doors have been closed to Windsor in violation of extensive case law. Windsor has been denied the right to petition the government for redress of grievances. Windsor has been denied rights pursuant to the Constitution and Bill of Rights.

> It is sometimes appropriate to give the finality requirement a practical rather than a technical construction. ***Firestone Tire & Rubber Co. v. Risjord***, 449 U.S. 368, 375, 66 L. Ed. 2d 571, 101 S. Ct. 669 (1981). See ***In Re Coordinated Pretrial Proceedings***, 747 F.2d 1303, 1305 (9th Cir. 1984). "Final . . . does not necessarily mean the last order possible to be made in a case." ***Gillespie v. United States Steel Corp.***, 379 U.S. 148, 152, 13 L. Ed. 2d 199, 85 S. Ct. 308 (1964). (***United States v. Washington***, 761 F.2d 1404 (9th Cir. 05/28/1985).)

21. Some of the appealed orders may be considered "collateral orders." It deals with an important issue that is completely separate from the underlying civil action, and it is effectively unreviewable on appeal from a final judgment because the impact cannot be reversed, and no compensation is available for the wrongdoing.

> In order to be considered a collateral order, it would have to "...resolve an important issue completely separate from the merits of the action, and be effectively unreviewable on appeal from a final judgment." ***Coopers & Lybrand v. Livesay***, 437 U.S. 463, 468 (1978) (footnote omitted). See ***Cohen v. Beneficial Indus. Loan Corp.***, 337 U.S. 541 (1949) (setting out the collateral order doctrine). (See also ***Kassuelke v. Alliant Techsystems, Inc.***, 223 F.3d 929, 931 (8th Cir. 2000).)
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> To be appealable as a collateral order under ***Cohen***, "the order must conclusively determine the disputed question, resolve an important issue completely separate from the merits of the action, and be effectively

unreviewable on appeal from a final judgment." ***Risjord***, 449 U.S. at 375 (quoting ***Coopers & Lybrand v. Livesay***, 437 U.S. 463, 468, 57 L. Ed. 2d 351, 98 S. Ct. 2454 (1978)). (***United States v. One 1986 Ford Pickup***, 56 F.3d 1181 (9th Cir. 06/08/1995).)

22. In this matter, TWT issued an order that had immediate and irreparable impact on Windsor. The statute of limitations is running on claims that Windsor needs to file, and TWT is blocking Windsor from filing anything and taking action to protect his rights. When the statute of limitations expires, Windsor suffers irreparable harm. If Windsor is not given the opportunity to have his motions for remand considered, he will be irreparably harmed as he will have no recourse.

The courts of appeal have considered "irreparable harm" relevant in determining whether jurisdiction is available pursuant to the collateral order doctrine -- which the Government does not invoke -- but not pursuant to § 1291 itself. See ***Trout***, 891 F.2d at 335; ***Rosenfeld***, 859 F.2d at 721-22; ***Palmer v. City of Chicago***, 806 F.2d 1316, 1318 (7th Cir. 1986).

Forgay v. Conrad, 47 U.S. (6 How.) 201, 204 (1848), which held an interlocutory appeal will lie from an order that "directs the property in dispute to be delivered to the complainant" and "subject[s the appellant] to irreparable injury."

23. TWT has never had any jurisdiction over this Civil Action.

24. Orders issued by TWT are invalid. Orders have not been signed, issued under seal, or signed by the Clerk of the Court 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).

25. These civil actions are now on appeal and are stayed.

26. In the words of Defendant Duffey:

("[A] federal district court and a federal court of appeals should not attempt to assert jurisdiction over a case simultaneously. The filing of a notice of appeal is an event of jurisdictional significance--it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). (***Bryant v. Jones***, No. 1:04-cv-2462-WSD (N.D.Ga. 01/10/2007).)

27. Windsor has many orders from the United States Court of Appeals for the Eleventh Circuit that provide that this civil action is stayed and hundreds from federal courts everywhere. See ***Mahone v. Ray***, 326 F.3d 1176, 1179 (11th Cir. 2003) and hundreds of others.

28. TWT has demonstrated pervasive bias, and he lost jurisdiction when he failed to recuse himself. A study of pro se cases that TWT has handled reveals that TWT has a proven overwhelming bias against pro se plaintiffs. TWT has an "extra-judicial" bias against pro se parties. According to Windsor's review of every case TWT has handled in his career using www.versuslaw.com, no pro se

plaintiff has ever won in TWT's court; 90% of pro se cases are dismissed, and 10% are defeated at summary judgment; no pro se plaintiff has ever received a jury trial.

29. This is a case of the most overt bias imaginable. TWT has made absolutely false statements in his orders and has announced that he has reached a decision in the case without having any facts before him except Windsor's.

30. The ~~August 11, 2011~~ ORDER (~~Docket #66~~) contains perjury, cites erroneous law, contains information that this Court has no legal right to include in an order, and constitutes obstruction of justice in violation of 18 U.S.C. § 1503.

31. The District Court ("DC") has no legal right to quote something in an order from the Court of Appeals. (ORDER, P.1 ¶2 and P.2, ¶1, Lines 8-10.) ***Federal Rules of Evidence*** Rule 201 specifically disallows this.

32. Judge Thrash has committed perjury in his order when he states that Windsor's filings of July 29, 2011 were "attempted abuse of the judicial system." A notice of leave cannot be an attempted abuse of the legal system. Attorneys are allowed to file them. For example, Docket #74 is Notice for Leave of Absence filed by Christopher Huber. That was the only document presented for filing in this Civil Action on July 29, 2011. A true and correct copy of this filing is attached hereto as Exhibit C and is incorporated herein.

33. Judge Thrash has violated Canon 3 E. (1) of the Code of Judicial Conduct: "Judges shall disqualify themselves in any proceeding in which their impartiality might reasonably be questioned, including but not limited to instances where: (c) the judge or the judge's spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person, or any other member of the judge's family residing in the judge's household: (i) is a party to the proceeding, or an officer, director, or trustee of a party;" Judge Thrash is a defendant in two cases with Windsor, and he is disqualified from presiding in this case.

> At least since the time of Lord Coke, (Nemo debet esse judex in propria causa -- no one may be a Judge in his own case), a fundamental precept of due process has been that an interested party in a dispute cannot also sit as a decision-maker. See, e.g., ***Withrow v. Larkin***, 421 U.S. 35, 46-47, 43 L. Ed. 2d 712, 95 S. Ct. 1456 (1975); ***Gibson v. Berryhill***, 411 U.S. 564, 578-79, 36 L. Ed. 2d 488, 93 S. Ct. 1689 (1973); ***Wolkenstein v. Reville***, 694 F.2d 35, 38-39 (2d Cir. 1982). (***International Association of Machinists and Aerospace Workers v. Metro-North Commuter Railroad***, 24 F.3d 369 (2nd Cir. 04/18/1994).)
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> "No man is allowed to be a judge in his own cause, because his interest would certainly bias his judgment, and, not improbably, corrupt his integrity. With equal, nay with greater reason, a body of men are unfit to be both judges and parties at the same time . . . ." ***The Federalist No. 10***, p. 79 (C. Rossiter ed. 1961) (J. Madison). See ***In re Murchison***, 349 U. S. 133, 136 (1955) (Black, J.) ("[O]ur system of law has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome."); ***Spencer v. Lapsley***, 20 How. 264, 266 (1858) (recognizing statute accords with this maxim); see also ***Publius Syrus, Moral Sayings 51***

(D. Lyman transl. 1856) ("No one should be judge in his own cause."); B. Pascal, ***Thoughts, Letters and Opuscules*** 182 (O. Wight transl. 1859) ("It is not permitted to the most equitable of men to be a judge in his own cause."); 1 W. Blackstone, ***Commentaries*** *91 ("[I]t is unreasonable that any man should determine his own quarrel."). (Gutierrez de Martinez v. Lamagno, 515 U.S. 417, 115 S.Ct. 2227 (U.S. 06/14/1995).)

Due process of law as guaranteed by the Fourteenth Amendment to the Constitution of the United States requires that no man shall be judge in his own cause.

34. ***Hibben v. Smith***, 24 S. Ct. 88, 191 U.S. 310 (U.S. 11/30/1903)

acknowledged that it was well established no man can be a judge in his own case over 100 years ago:

Plaintiff claims while town trustees may apportion and determine the special benefits of a local assessment the benefits must be apportioned and determined by due process of law; and that among the certain established and recognized maxims of right that are guaranteed by the Federal Constitution, is that no man shall be a judge in his own cause. The old maxims show that this is essential. Coke, ***Litt***, 141 a; ***Broom Max***. (8th Am. ed.) 116; ***Littleto***n, § 212; ***Earl of Derby's case***, 12 Coke, 114; ***Jenk. Cent.*** Cas. 40; ***Pandect's Pass***. II, lib. 5, 17.

If the duty to be exercised is of such a judicial character that under the influence of his interest in the subject matter the judge may so decide as to give to himself an unjust or inequitable advantage and perforce impose upon other parties a corresponding inequity or disadvantage, it is a case where the constitutional guaranty of due process of law is applicable. ***North Bloomfield G. M. Co. v. Keyser***, 58 California, 315; ***Helbron v. Campbell***, 23 Pac. Rep. 122; ***Meyer v. City of San Diego***, 121 California, 102; ***Inhabitants of North Hampton v. Smith***, 11 Metc. (Mass.) 390; ***Taylor v. Williams***, 26 Texas, 583.

As to taxpayers being disqualified the disqualification does not spring from the fact that the judge is a citizen, inhabitant and taxpayer of the city, but

from the circumstance that he owns property within the city which may or may not be liable to taxation as he may decide. The authorities agree that in such a case the citizen and taxpayer is disqualified. ***City of Oakland v. Oakland Water Front Co.***, 118 California, 249; ***State v. Young***, 31 Florida, 594; ***Peck v. Freeholders of Essex***, 21 N. J. L. 656; ***Ex parte Harris***, 26 Florida, 77 (23 Am. St. Rep. 548); City of ***Guthrie v. Shaffer***, 7 Oklahoma, 459; ***Austin v. Nalle***, 85 Texas, 520; ***State v. City of Cisco*** (Tex. Civ.), 33 S. W. Rep. 244; ***Jefferson Co., etc., v. Milwaukee Co., etc.***, 20 Wisconsin, 139.

The disqualification is applicable to all officers and boards whose duties are judicial. ***Elliott on Muncp. Corporations***, § 130; ***Markley v. Rudy***, 115 Indiana, 533; ***Meyer v. Shields***, 61 Fed. Rep. 713, 723; ***Stockwell v. Township Board of White Lake***, 22 Michigan, 341; ***Conklin v. Squire***, 29 Weekly Law Bull. 157.

Had one of the appellees brought suit against the town to determine and collect the cost of paving the street crossings, and all the members of this town board had been on the jury, either plaintiff or defendant could have challenged them for cause, for the reason that they were residents and taxpayers of the town. ***Hern v. City of Greensburg***, 51 Indiana, 119; ***Town of Albion v. Hetrick***, 90 Indiana, 545, 549; ***City of Goshen v. England***, 119 Indiana, 368; ***Gaff v. State***, 155 Indiana, 277.

Necessity does not cure this defect except in general and universal questions which do not apply to this case. ***Board of Com. of Fountain Co. v. Loeb***, 68 Indiana, 29; ***State v. Crane***, 36 N. J. L. 394, 400; ***Moses v. Julian***, 45 N.H . 52; 84 Am. Dec. 114; ***Washington Ins. Co. v. Price***, Hopk. Ch. 1; Anonymous, 1 Salk. 396.

Nor is the legislature the final judge of this necessity. To say that the legislature is the final judge in all cases of what interest will disqualify, would be to repudiate all our constitutions, both written and unwritten, and to leave the citizen at the mercy of every legislative whim and caprice. Such a legislative act is unconstitutional. ***Cooley's Const. Lim.*** (6th ed.) 506, et seq.; ***Conklin v. Squire***, 29 Weekly Law Bull. 157; ***Day v. Savadge***, Hob. 85; ***Hasketh v. Braddock***, 3 Burr. 1847; ***Bonham Case***, 8 Coke, 212, 219, 224; ***Great Charte v. Kensington***, 2 Stra. 1173; ***State v. Castleberry***, 23 Alabama, 85; ***Chamber v. Hodges***, 23 Texas, 104.

The judgment rendered under such circumstances is void -- not voidable and can be attacked collaterally. ***Sanborn v. Fellows***, 22 N. H. 473; ***Moses v. Julian***, 45 N. H. 52; ***Stearns v. Wright***, 51 N. H. 600; ***Bass v. City of Ft. Wayne***, 121 Indiana, 389; ***Chicago & Atlanta Ry. Co. v. Summers***, 113 Indiana, 10; ***Gay v. Minot***, 3 Cush. 353; ***Hall v. Thayer***, 105 Massachusetts, 219; ***Taylor v. County Com. of Worcester***, 105 Massachusetts, 225; ***State v. Crane***, 36 N. J. L. 394; ***Wetzel v. State***, 5 Tex. Civ. App. 17; ***Donnelly v. Howard***, 60 California, 291; ***Galbreath v. Newton***, 30 Mo. App. 380.

For other cases on the point that no one can be a judge in his own case, see 67 additional case law citations in ***Hibben v. Smith.***

35. ***Jones v. Luebbers***, 359 F.3d 1005 (8th Cir. 03/03/2004) says:

"[C]learly established Federal law, as determined by the Supreme Court of the United States", 28 U.S.C. § 2254(d)(1), recognizes not only actual bias, but also the appearance of bias, as grounds for disqualification:

A fair trial in a fair tribunal is a basic requirement of due process. Fairness of course requires an absence of actual bias in the trial of cases. But our system has always endeavored to prevent even the probability of unfairness. To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. That interest cannot be defined with precision. Circumstances and relationships must be considered. This Court has said, however, that "Every procedure which would offer a possible temptation to the average man as a judge... not to hold the balance nice, clear, and true between the State and the accused denies the latter due process of law."

In re Murchison, 349 U.S. 133, 136 (1955) (quoting ***Tumey v. Ohio***, 273 U.S. 510, 535 (1927)) (omission in original).

Where a judge's interest in the outcome of a case is pecuniary, application of the rule from ***Murchison*** and ***Tumey*** is simple and the need for disqualification usually will be clear. For example, the Court found a due process violation and held there to be an impermissible appearance of bias where a judicial officer's compensation depended at least in part on

obtaining convictions. ***Tumey***, 273 U.S. at 535. Similarly, the Court found a due process violation where an appellate judge participated in a case and set forth a rule of law applicable in a separate, pending proceeding in which the appellate judge was personally involved as a litigant. ***Aetna Life Ins. Co. v. Lavoie***, 475 U.S. 813, 821 (1986).

36. Eleventh Circuit Defendants TJOFLAT, BLACK and WILSON said this in ***Callahan v. Campbell***, 427 F.3d 897 (11th Cir. 10/05/2005):

> A fair trial in a fair tribunal is a basic requirement of due process. . . .
>
> To this end no man can be a judge in his own case and no man is permitted to try cases where he has an interest in the outcome. . . . It would be very strange if our system of law permitted a judge to act as a grand jury and then try the very persons accused as a result of his investigations. Id. at 136--37, 75 S.Ct. at 625. Callahan interprets ***Murchison*** as holding that "when a judge's participation in a case allows the judge to acquire extra-judicial knowledge that directly relates to issues over which the judge is presiding, recusal is required because it is difficult if not impossible for a judge to free himself from the influence of what took place."

37. Judge Thrash has a proven bias against pro se parties as no pro se plaintiff has ever won in his court.

> The appearance of impropriety may also result where the judge has evidenced a bias directed against a class of which the defendant is a member. See ***Berger v. U. S.***, 255 U.S. 22, 41 S. Ct. 230, 65 L. Ed. 481 (1921) (espionage convictions of German-American defendants overturned as result of trial judge's alleged anti-German-American remarks); ***U. S. v. Thompson***, 483 F.2d 527 (3d Cir. 1973), (draft violator's conviction overturned because judge's alleged statement that he had a policy of ordering a standard sentence for all such violators evidenced a bias against the class of which defendant was a member). (***United States v. Cuyler***, 584 F.2d 644 (3rd Cir. 09/29/1978).)

38. Eleventh Circuit Defendants EDMONDSON, BIRCH, and BLACK said this in ***Whisenhant v. Allen***, 556 F.3d 1198 (11th Cir. 02/03/2009):

> It is long established that "[a] fair trial in a fair tribunal is a basic requirement of due process." ***In re Murchison***, 349 U.S. at 136, 75 S.Ct. at 625. The Supreme Court has identified various situations in which "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." ***Withrow v. Larkin***, 421 U.S. 35, 47, 95 S.Ct. 1456, 1464 (1975). Such cases include those in which the judge has a pecuniary interest in the outcome or has been personally abused or criticized by the party before him. Id.

39. Windsor has been treated unfairly; his due process rights have been violated. The DC has personal and financial incentives to rule against Windsor.

> A litigant is denied due process if he is in fact treated unfairly. ***Margoles***, 660 F.2d at 296. After reviewing various judicial disqualification cases, the court stated that "those few cases in which due process considerations were the basis for reversal involved serious facts supporting a finding of prejudice, not mere speculation and 'appearances.'" Id. Due process violations occur where there [is] actually some incentive [for the judge] to find one way or the other, i.e., financial considerations [Ward, 409 U.S. 57, 93 S. Ct. 80, 34 L. Ed. 2d 267 ; ***Tumey v. Ohio***, 273 U.S. 510, 47 S. Ct. 437, 71 L. Ed. 749 (1927); ***Aetna***, 475 U.S. 813, 106 S. Ct. 1580, 89 L. Ed. 2d 823] or previous participation by the trying judge in the proceedings at which the contempt occurred [***In re Murchison***, 349 U.S. 133, 75 S. Ct. 623, 99 L. Ed. 2d 942; ***Taylor v. Hayes***, 418 U.S. 488, 94 S. Ct. 2697, 2704-05 (1974); ***Mayberry v. Pennsylvania***, 400 U.S. 455, 91 S. Ct. 499, 504-05, 27 L. Ed. 2d 532 (1971)]. ***Margoles***, 660 F.2d at 297 (quoting ***Howell v. Jones***, 516 F.2d 53 (5th Cir. 1975)). (***UNITED STATES EX REL. DEL VECCHIO v. ILLINOIS DEPT***, 795 F. Supp. 1406 (N.D.Ill. 06/9/1992).)
>
> "A fair trial in a fair tribunal is a basic requirement of due process." ***In re Murchison***, 349 U.S. 133, 136 (1955); see also ***Ward v. Village of Monroeville***, 409 U.S. 57 (1972). Due process demands more than that the sentencer actually be impartial; rather, "'justice must satisfy the appearance

of justice.'" ***In re Murchison***, 349 U.S., at 136, quoting Offutt v. United States, 348 U.S. 11, 14 (1954); see also In re Murchison, 349 U.S., at 136 ("Our system of law has always endeavored to prevent even the probability of unfairness."); ***Mayberry v. Pennsylvania***, 400 U.S. 455, 469 (1971) (Harlan, J., concurring) ("The appearance of even-handed justice . . . is at the core of due process"). The risk that Judge Chapman may have brought to bear on his decision specific information about Robertson not presented as evidence in the sentencing proceeding is too great in this case to satisfy the demands of the Due Process Clause. (***ANDREW EDWARD ROBERTSON v. CALIFORNIA***, 111 S. Ct. 568, 498 U.S. 1004 (U.S. 12/03/1990).)

40. Judge Thrash has become embroiled in a bitter dispute with Windsor, and he is disqualified. The Ninth Circuit recently said this in ***Richard D. Hurles v. Charles L. Ryan***, No. 08-99032 (9th Cir. 07/07/2011):

> "A fair trial in a fair tribunal is a basic requirement of due process." ***In re Murchison***, 349 U.S. 133, 136 (1955). Indeed, the "legitimacy of the Judicial Branch ultimately depends on its reputation for impartiality and nonpartisan-ship." ***Mistretta v. United States***, 488 U.S. 361, 407 (1989). This most basic tenet of our judicial system helps to ensure both litigants' and the public's confidence that each case has been fairly adjudicated by a neutral and detached arbiter. An appearance of impropriety, regardless of whether such impropriety is actually present or proven, erodes that confidence and weakens our system of justice.
>
> While most claims of judicial bias are resolved "by common law, statute, or the professional standards of the bench and bar," the Due Process Clause of the Fourteenth Amendment "establishes a constitutional floor." ***Bracy v. Gramley***, 520 U.S. 899, 904 (1997) (citations omitted). To safeguard the right to a fair trial, the Constitution requires judicial recusal in cases where "the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable." ***Withrow v. Larkin***, 421 U.S. 35, 47 (1975). "The Court asks not whether the judge is actually, subjectively biased, but whether the average judge in his position is likely to be neutral, or whether there is an unconstitutional potential for bias." ***Caperton v. A.T. Massey Coal Co.***, 129 S. Ct. 2252, 2262 (2009) (internal quotation marks

omitted). The Supreme Court has declared:

Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance nice, clear and true between the state and the accused, denies the latter due process of law. (Tumey v. Ohio, 273 U.S. 510, 532 (1927).)

A claimant need not prove actual bias to make out a due process violation. ***Johnson v. Mississippi***, 403 U.S. 212, 215 (1971); ***Aetna Life Ins. Co. v. Lavoie***, 475 U.S. 813, 825 (1986). Indeed, the Supreme Court has pointed out that it would be nearly impossible for a litigant to prove actual bias on the part of a judge. ***Caperton***, 129 S. Ct. at 2262-63; see also ***Vasquez v. Hillery***, 474 U.S. 254, 263 (1986) ("[W]hen the trial judge is discovered to have had some basis for rendering a biased judgment, his actual motivations are hidden from view, and we must presume the process was impaired." (citing ***Tumey***, 273 U.S. at 535). It is for this reason that the Court's precedents on judicial bias focus on the appearance of and potential for bias, not actual, proven bias. Due process thus mandates a "stringent rule" for judicial conduct, and requires recusal even of judges "who would do their very best to weigh the scales of justice equally" if the risk of bias is too high. Murchison, 349 U.S. at 136.

In determining what constitutes a risk of bias that is "too high," the Supreme Court has emphasized that no mechanical definition exists; cases requiring recusal "cannot be defined with precision" because "[c]ircumstances and relationships must be considered." Id.; see also ***Lavoie***, 475 U.S. at 822 (internal citations omitted). The Supreme Court has just re-affirmed this functional approach. See ***Caperton***, 129 S. Ct. at 2265-66.

The Court's call for pragmatism is particularly important in this instance, for capital cases mandate an even "greater degree of reliability" than other cases do. ***Murray v. Giarratano***, 492 U.S. 1, 9 (1989); ***Woodson v. North Carolina***, 428 U.S. 280, 304 (1976). We are compelled to acknowledge "that the penalty of death is qualitatively different" from any other penalty and that "there is a corresponding difference in the need for reliability in the determination that death is the appropriate punishment." ***Woodson***, 428 U.S. at 305. As required by the Supreme Court, we therefore utilize a functional

approach to the facts of this case as they relate to the Court's established case law.

The Supreme Court's judicial bias doctrine has evolved as it confronts new scenarios "which, as an objective matter, require recusal." ***Caperton***, 129 S. Ct. at 2259. The most basic example of probable bias occurs when the judge " 'has a direct, personal, substantial pecuniary interest in reaching a conclusion against [one of the litigants].' " ***Crater v. Galaza***, 491 F.3d 1119, 1131 (9th Cir. 2007) (quoting ***Tumey***, 273 U.S. at 523). The Court has also held that other financial interests may mandate recusal, even when they are not "as direct or positive as [they] appeared to be in [***Tumey***]." ***Gibson v. Berryhill***, 411 U.S. 564, 579 (1973); see also ***Ward v. Monroeville***, 409 U.S. 57 (1972); ***Lavoie***, 475 U.S. 813. However, financial conflicts of interest are not the only relevant conflicts for judicial bias purposes. See ***Caperton***, 129 S. Ct. at 2260 (explaining that judicial bias doctrine encompasses "a more general concept of interests that tempt adjudicators to disregard neutrality"). The Court has thus required recusal if the judge "becomes 'embroiled in a running, bitter controversy' " with one of the litigants, id. at 2262 (quoting ***Mayberry v. Pennsylvania***, 400 U.S. 455, 465 (1971)); if she becomes "enmeshed in matters involving [a litigant]," ***Johnson v. Mississippi***, 403 U.S. 212, 215 (1971); or "if the judge acts as 'part of the accusatory process,' " ***Crater***, 491 F.3d at 1131 (quoting ***Murchison***, 349 U.S. at 137). At bottom, then, the Court has found a due process violation when a judge holds two irreconcilable roles, such that her role as an impartial arbiter could become compromised. ***Murchison***, 349 U.S. at 137; see also ***Crater***, 491 F.3d at 1131.

41. Judge Thrash's bias is dripping from his orders. He prejudged every issue in this and all other cases. Judge Thrash is a criminal who is hell bent on doing whatever it takes to violate all of Windsor's rights.

Bias exists where a court has prejudged, or reasonably appears to have prejudged, an issue. The disciplinary proceedings must "satisfy the appearance of justice." ***In re Murchison***, 349 U.S. at 136 (quoting ***Offutt v. United States***, 348 U.S. 11, 14, 99 L. Ed. 11, 75 S. Ct. 11 (1954). (***Partington v. Gedan***, 880 F.2d 116 (9th Cir. 03/13/1989).)

42. The DC has violated just about every rule in the book. He must be disqualified, indicted, convicted, imprisoned, disgraced, and impeached.

43. The denial of docketing of the documents that Windsor filed with his motions and responses is an outrageous denial of due process.

44. Windsor has not yet fully researched the legal issues, but he will do so by the time he files his Appellant's Brief, so he reserves the right to include anything deemed appropriate in the Brief.

Submitted, this 1st day of September 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

I, William M. Windsor, swear that I am authorized to make this verification and that the facts alleged in the foregoing NOTICE 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. This Notice is also a Sworn Affidavit.

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 1st day of September 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
Pro Se

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Telephone: 770-578-1094
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CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing THIRD AMENDED NOTICE OF APPEAL 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 1st day of September 2011.

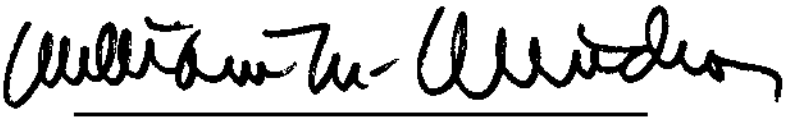

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Exhibit

A

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 various Judges of this Court and the Eleventh Circuit Court of Appeals and others. 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.

After review, the Plaintiff's Consent to File a Response to the Defendants' Motion to Dismiss [Doc. 57] is GRANTED. The Plaintiff's Request for an Extension of Time [Doc. 57] is GRANTED. The response to the Motion to Dismiss must be filed no

later than September 15, 2011. The Plaintiff's Motion for Leave to Exceed Page Limitation [Doc. 55] is DENIED. The response to the Motion to Dismiss (including attachments) may not exceed the page limitations of Local Rule 7.1.

SO ORDERED, this 29 day of August, 2011.

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

Exhibit

B

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 Clerk of this Court and various Judges of this Court and the Eleventh Circuit Court of Appeals and others. 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.

After review, permission to file the papers received by the Clerk from the Plaintiff on July 29, 2011 is DENIED. The papers constitute attempted abuse of the judicial system. The claims are frivolous.

SO ORDERED, this 30 day of August, 2011.

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

Exhibit

C

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

WILLIAM M. WINDSOR, Plaintiff	)	
v.	)	CIVIL ACTION NO.
JUDGE WILLIAM S. DUFFEY, 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.	)	1:11-CV-01922-TWT **EMERGENCY MOTION**

NOTICE OF FILING OF REQUEST FOR CONSENT TO FILE NOTICE OF LEAVE

Plaintiff William M. Windsor hereby gives NOTICE OF FILING OF REQUEST FOR CONSENT TO FILE NOTICE OF LEAVE for consideration in connection with this matter.

Submitted, this 29th day of July 2011.

William M. Windsor
Pro Se
PO Box 681236, Marietta, GA 30068
Phone: 770-578-1094 - Fax: 770-234-4106
Email: williamwindsor@bellsouth.net

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.

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Telephone: 770-578-1094
Facsimile: 770-234-4106
Email: williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that I served this NOTICE OF FILING 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 July 2011.

William M. Windsor
Pro Se

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

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

WILLIAM M. WINDSOR, Plaintiff	)	
v.	)	CIVIL ACTION NO.
JUDGE WILLIAM S. DUFFEY, 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.	)	1:11-CV-01922-TWT **EMERGENCY MOTION**

REQUEST FOR CONSENT TO FILE NOTICE OF LEAVE

COMES NOW Plaintiff William M. Windsor, and moves this Court to request consent TO FILE A NOTICE OF LEAVE. Windsor shows the Court as follows:

1. On July 27, 2011, Windsor sent a letter to the Court with dates that he will be on vacation.

2. Windsor will be on vacation on the following dates: August 1, 2011 to August 8, 2011 and August 15 to August 22, 2011. Windsor will be traveling by

car to visit family, and he will be caring for two granddaughters while their parents are out of town.

3. Pursuant to LR 83.1(E)(4), ND Ga, it is Windsor's understanding that he is not required to file a formal petition for leave of absence and accompanying order since the individual periods of the leave are less than twenty (20) days.

4. According to Judge Duffey's Clerk, Jessica Birnbaum, attorneys simply file a notice such as this through CM/ECF under Other Filings - Other Documents. Windsor is deprived of that right and equal protection by being treated as a lower class of litigant.

WHEREFORE, Windsor requests that the Court do as follows:

(1) grant this REQUEST;

(2) allow this REQUEST to be filed as the Notice of Leave;

(3) Schedule nothing during these dates, and calculate Windsor's unavailability during these dates in setting times to respond; and

(4) grant such other and further relief as the Court feels is appropriate.

Submitted, this 29th day of July 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 REQUEST 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.

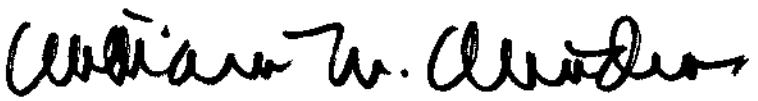
In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct based upon my personal knowledge.

This 29th day of July 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.



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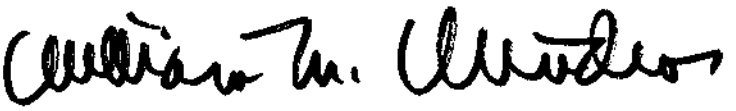
This 29th day of July 2011.



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