

APPEAL # 10-11758-HH; 10-11981-HH; 10-12515-HH; 10-12516-HH

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

**MAID OF THE MIST CORPORATION and
MAID OF THE MIST STEAMBOAT COMPANY, LTD., Appellees,
v.**

**ALCATRAZ MEDIA, LLC, ALCATRAZ MEDIA, INC., Defendants; and
WILLIAM M. WINDSOR, Appellant and Defendant.**

**Appeal from the United States District Court
for the Northern District of Georgia, Atlanta Division
Case No. 1:06-CV-00714-ODE
Judge Orinda D. Evans**

**PETITION FOR EN BANC DETERMINATION ON
FILING OF MOTION FOR CERTIFICATE OF NECESSITY**

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STATEMENT OF ISSUES TO MERIT EN BANC CONSIDERATION

1. The Panel issued an order that conflicts with binding precedents of this Circuit and the Supreme Court on filing, recusal/disqualification, and due process.

STATEMENT OF COURSE OF PROCEEDINGS & ESSENTIAL FACTS

2. On August 29, 2005, the Plaintiffs initiated this civil action in the Superior Court of Gwinnett County, Georgia. The “Final Order and Judgment” was entered December 9, 2008. In 2009, Windsor began efforts to reopen the case. The Appealed Order was entered April 9, 2010. A Notice of Appeal was filed on April 16, 2010. A Notice of Amended Appeal was filed on April 27, 2010. A Second Amended Notice of Appeal was filed on May 5, 2010. On May 5, 2010, the appeal fee was docketed as paid. On June 16, 2010, this Court entered an order. On October 25, 2010, Windsor filed a Motion for Intercircuit Assignment. **No order was ever issued on this motion.** In November 2010, Windsor filed motions to disqualify Panel Judges Edmondson and Wilson as well as other individual judges of the Eleventh Circuit. **No orders were ever issued on these motions.** On June 20 and 23, 2011, Windsor filed Verified Complaints pursuant to Georgia RICO in Fulton County Superior Court (Nos. 2011CV202263 and 2011CV202457). On June 22, and July 15, 2011, U.S. Attorneys filed illegal notices of removal to remove the cases to federal court where they became civil actions

1:11-CV-02027-TWT (“2011-02027”) and 1:11-CV-02326-TWT (“02326”). All judges of the 11th Circuit are Defendants in these cases. On September 12, 2011, Windsor filed a TIME-SENSITIVE MOTION FOR CERTIFICATE OF NECESSITY (“MCN”). On October 28, 2011, an order was filed refusing to consider the MCN. (Exhibit A is a true and correct copy of this OCTOBER 28, 2011 ORDER that is the opinion sought to be determined en banc.)

ARGUMENT AND AUTHORITIES

3. The Panel decision conflicts with decisions of the U.S. Supreme Court and of the 11th Circuit and consideration by the full court is therefore necessary to secure and maintain uniformity of the court’s decisions, and there are matters of exceptional importance that require an en banc determination.

4. 28 U.S.C. § 292 allows the Chief Judge of the United States Court of Appeals for the Eleventh Circuit to request assignment of judges from outside this circuit by submitting a Certificate of Necessity to the Chief Justice of the United States Supreme Court.

I. THERE IS NO LEGAL AUTHORITY FOR THE PANEL TO CANCEL A MOTION FILED WITH THE COURT, AND THE PANEL AND THE CLERK OF THE COURT HAVE COMMITTED FELONIES.

5. The MCN was filed on September 12, 2011. Exhibit B shows the “Filed” Stamp with an X that was added at a later date.

6. Receipt of the MCN by the Office of the Clerk of the Court constitutes filing.

The docketing of filed documents is a ministerial act that the Office of the Clerk is obligated to perform. (See *Ray v. United States*, 57 S. Ct. 700, 301 U.S. 158 (U.S. 04/26/1937).)

Filing is complete once the document is delivered to and received by the proper official. *United States v. Lombardo*, 241 U.S. 73, 76, 36 S.Ct. 508, 60 L.Ed. 897 (1916). The filing of a paper takes place upon the delivery of it to the officer at his office. *Milton v. United States*, 5th Cir. 1939, 105 F.2d 253; *Poynor v. Commissioner*, 5th Cir. 1936, 81 F.2d 521.

“The duty of the clerk is to make his record correctly represent the proceedings in the case...” (*Wetmore v. Karrick*, 27 S. Ct. 434, 205 U.S. 141 (U.S. 03/11/1907).) Failing to file documents presented and reflect the documents on the docket is a failure to perform the ministerial duties of the Clerk of the Court.

The right of access to courts requires that an individual have "adequate, effective, and meaningful" access to court procedures. *Ryland v. Shapiro*, 708 F.2d 967, 972 (5th Cir. 1983); see also *Bounds v. Smith*, 430 U.S. 817, 822, 52 L. Ed. 2d 72, 97 S. Ct. 1491 (1977); *Rudolph v. Locke*, 594 F.2d 1076, 1078 (5th Cir. 1979). ... courts have found various acts of delay in court proceedings and suppression or destruction of evidence to constitute an impermissible burden on the right of access to courts. See *Germany v. Vance*, 868 F.2d 9, 15 (1st Cir. 1989); *Jackson v. Procnier*, 789 F.2d 307, 311 (5th Cir. 1986) ("Any deliberate impediment to access, even a delay of access, may constitute a constitutional deprivation"); *Bell v. Milwaukee*, 746 F.2d 1205, 1260-63 (7th Cir. 1984); *Ryland v. Shapiro*, 708 F.2d 967, 973 (5th Cir. 1983) (conduct which interferes with the right to institute a suit constitutes actionable impediment to right of access); *Rheuark v. Shaw*, 628 F.2d 297, 302 (5th Cir. 1980) (conduct by state officers which delays appellate process may prejudice right of access to courts); *McCray v. Maryland*, 456 F.2d 1, 6 (4th Cir. 1972) (right of access violated where court official, by refusal or neglect, impedes the filing of court papers); *Sigafus v. Brown*, 416 F.2d 105, 107 (7th Cir. 1969) (destruction of legal papers necessary for appeal constitutes denial of access); *Crews v. Petrosky*, 509 F. Supp. 1199, 1204 (W.D. Pa. 1981) (allegation that clerk of court

delayed filing of a petition for appeal may state valid claim for violation of right of access). (*Chrissy F. v. Mississippi Dept. of Pub. Welfare*, 780 F. Supp. 1104 (S.D.Miss. 12/6/1991).) (See also *Green v. Johnson*, 977 F.2d 1383, 1389 (10th Cir. 1992); *Simkins v. Bruce*, 406 F.3d 1239 (10th Cir. 05/09/2005); *Bilbrew v. Wilkinson*, 05-0130. (S.D.Tex. 11/09/2005).)

The right of access is protected by the First Amendment right to petition for redress of grievances and the Fourteenth Amendment right to procedural and substantive due process. *Jackson v. Procnier*, 789 F.2d 307, 310 (5th Cir. 1986).

The constitutional right of access to the courts includes access to the courts for general civil legal matters. *Toussaint v. McCarthy*, 926 F.2d 800, 809-10 (9th Cir. 1991) (Wiggins, J., dissenting); *Straub v. Monge*, 815 F.2d 1467, 1470 (11th Cir.), cert. denied, 484 U.S. 946, 98 L. Ed. 2d 363, 108 S. Ct. 336 (1987); *Jackson*, 789 F.2d at 311; *Corpus v. Estelle*, 551 F.2d 68, 70 (5th Cir. 1977).

7. There is no legal authority that allows anyone to remove filed documents from the court record. Windsor believes the removal of the documents from the court record is a criminal violation of 18 U.S.C. § 2071. (*Gravel v. United States*, 92 S. Ct. 2614, 408 U.S. 606 (U.S. 06/29/1972).) The Eleventh Circuit doesn't appear to have cases involving 18 U.S.C. § 2071, but other circuits do.

II. AN ALLEGED "INJUNCTION" AGAINST FILING IS VOID WHEN THERE WAS NO DUE PROCESS.

8. Due process requires notice and an opportunity to be heard. The OCTOBER 28, 2011 ORDER seems to now be claiming that what appeared to be a mere comment in a June 29, 2010 order is an injunction. Windsor was never given notice nor an opportunity to be heard on what has now become a loss of rights.

9. There is no legal authority to allow a judge to deny a party the right to act in a lawsuit or an appeal to protect his Constitutional rights.

10. 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).)

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).)

(See *Armstrong v. Manzo*, 380 U. S. 545, 552 (1965); *Baldwin v. Hale*, 1 Wall. 223, 233 (1864); *Boddie v. Connecticut*, 401 U.S. 371, 379, 91 S. Ct. 780, 786, 28 L. Ed. 2d 113 (1971); *Mullane v. Central Hanover Bank & Trust, Co.*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950); *United States v. Flint*, 178 Fed.Appx. 964 (11th Cir. 05/01/2006).)

11. There was no Show Cause order issued to Windsor as required by Eleventh Circuit law. Windsor was denied 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).)

“...before a judge issues a prefiling injunction ... even a narrowly tailored one, he must afford a litigant notice and an opportunity to be heard.” See, e.g., *Brow*, 994 F.2d at 1038; *De Long*, 912 F.2d at 1147; *In re Powell*, 851 F.2d 427, 431 (D.C. Cir. 1988); *In re Oliver*, 682 F.2d 443, 444, 446 (3d Cir. 1982); *In re Hartford Textile Corp.*, 613 F.2d 388, 390 (2d Cir. 1979). (*Safir v. United States Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986).)

“A person's right to reasonable notice of a charge against him, and an opportunity to be heard in his defense - a right to his day in court - are basic in our system of jurisprudence; and these rights include, as a minimum, a right to examine the witnesses against him, to offer testimony, and to be represented by counsel.” (*United States v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004).)

See *De Long v. Hennessey*, 912 F.2d 1144, 1147 (9th Cir. 1990) (finding due process violation where plaintiff "was not provided with an opportunity to oppose the order before it was entered"); *In re Powell*, 851 F.2d 427, 431 (D.C. Cir. 1988) ("If a pro se litigant is to be deprived of such a vital constitutional right as access to the courts, he should, at least, be provided with an opportunity to oppose the entry of an order restricting him before it is entered."); see also *United States v. Powerstein*, 185 F. App'x 811, 813 (11th Cir. 2006) ("[A]ppellant was entitled to notice and an opportunity to be heard before the court imposed the injunctive order complained of."). (*Smith v. United States*, No. 09-14173 (11th Cir. 07/09/2010).)

III. THE RELIEF REQUESTED IN THE SEPTEMBER 12, 2011 MCN IS DIFFERENT FROM THE RELIEF REQUESTED IN AN OCTOBER 25, 2010 MOTION.

12. The 2010 motion relief was to ask Chief Judge Joel F. Dubina to assign judges from outside this circuit. In 2011, Windsor first became aware of the certificate of necessity. The 2011 MCN asked that the Chief Judge of the United States Court of Appeals for the Eleventh Circuit submit a Certificate of Necessity to the Chief Justice of the United States Supreme Court. Contrary to the OCTOBER 28, 2011 ORDER, the relief was not the same. The 2011 MCN was 13 pages while the 2020 motion was only two pages and was solely focused on the Jack Camp action taken by the judges.

IV. EVEN IF THE RELIEF WERE THE SAME, CIRCUMSTANCES ARE DIFFERENT, AND THE CIRCUMSTANCES MAKE EACH RECUSAL REQUEST DIFFERENT.

13. On October 25, 2010, Windsor did not have two civil actions pending against each judge in the Eleventh Circuit. The fact that each judge now has an extremely personal interest in damaging Windsor makes the September 12, 2011 MCN TOTALLY different.

V. THERE WAS NEVER A DECISION ENTERED ON THE OCTOBER 25, 2010 MOTION.

14. The Docket shows that there was never a decision entered on the October 25, 2020 motion (10-6164754-1).

15. *Black's Law Dictionary* defines "motion" as "a written or oral application requesting a court to make a specified ruling or order. [*Cases: Federal Civil Procedure* 921–928.] FRAP Rule 27 grants parties the right to file motions, responses, and replies. Rule 27 provides that a "motion will be decided..." "The Federal Rules of Appellate Procedure are statutory law..." (*United States v. Levy*, No. 01-17133 (11th Cir. 12/03/2004).) So say Panel Judges Edmondson and Wilson as well as Judges, Tjoflat, Anderson, Birch, Dubina, Black, Carnes, Barkett, Hull, Marcus, and Pryor.

16. Judges have an obligation to rule on all motions. (See *Salgado v. Garcia*, No. 02-55557 (9th Cir. 09/13/2004).) *Judicial Code of Conduct* Canon

3A(4) provides: “A judge should accord to every person who has a legal interest in a proceeding...the full right to be heard according to law.” The full right to be heard requires rulings on motions. *Judicial Code of Conduct* Canon 3A(5) provides: “A judge should dispose promptly of the business of the court.” The “business of the court” requires prompt rulings on motions. The Commentary on Canon 3A(5) says:

“In disposing of matters promptly, efficiently, and fairly, a judge must demonstrate due regard for the rights of the parties to be heard and to have issues resolved without unnecessary cost or delay. A judge should monitor and supervise cases to reduce or eliminate dilatory practices, avoidable delays, and unnecessary costs. **Prompt disposition of the court’s business requires a judge** to devote adequate time to judicial duties, **to be** punctual in attending court and **expeditious in determining matters under submission**, and to take reasonable measures to ensure that court personnel, litigants, and their lawyers cooperate with the judge to that end.” **[emphasis added.]** (*Judicial Code of Conduct for United States Judges*, Administrative Office of the U.S. Courts (www.uscourts.gov/RulesAndPolicies/CodesOfConduct). **[emphasis added.]**)

17. All motions must be resolved at or before a final decision is made, otherwise the decision is not a final judgment and attempts to appeal will be frustrated. Pending motions usually have a significant impact on the proceedings and the final decision, so they may not be ignored.

18. Since the Panel ignored this vital motion and the motions to disqualify the individual judges, there is absolutely no basis for the OCTOBER 28, 2011 ORDER.

VI. THE BINDING PRECEDENT OF U.S. V. WILL AND 28 U.S.C. 292 REQUIRE THAT THE MCN BE CONSIDERED AND GRANTED.

19. The Chief Judge must issue a Certificate of Necessity to seek a new panel to consider this appeal.

20. Windsor's verified complaints charge the judges of the Eleventh Circuit with dishonesty, criminal acts, racketeering, and corruption. Specific illegal acts of Panel judges Edmondson and Wilson have been detailed in Motions to Disqualify filed in this appeal. Any judge from this circuit assigned to hear this case has a personal interest in the case. A Judge may not hear a case due to personal interest. The judges of the Eleventh Circuit have a personal interest. There are thousands of other judges who are available to hear this case.

“The rule of necessity is generally invoked in cases in which no judge in the country is capable of hearing the case. See *In re Petition to Inspect and Copy Grand Jury Materials*, 735 F.2d 1261, 1266-67 (11th Cir.1984).

21. The Supreme Court precedent on this issue, *United States v. Will*, explained the “Rule of Necessity” in 1980, and it has not been modified by the Supreme Court in the 31 years-to-date. **This Rule was developed to protect**

litigants not give corrupt judges the right to commit crimes against litigants.

“This Rule [of Necessity] provides that if the Judges who ordinarily would hear the case are likely to disqualify themselves because of their interest in its outcome, **they may hear the case if, otherwise, it would not be heard at all.** *United States v. Will*, 449 U.S. 200, 212-13, 66 L. Ed. 2d 392, 101 S. Ct. 471 (1980). **Will traces the long history of the Rule of Necessity and explains that its purpose is to ensure litigants the right to review of their claims.** Id. at 213-17. **[emphasis added.]**

“It was precisely considerations of this kind that gave rise to the Rule of Necessity, a well-settled principle at common law that, as Pollack put it, **“although a judge had better not, if it can be avoided, take part in the decision of a case in which he has any personal interest,** yet he not only may but must do so if the case cannot be heard otherwise.” F. Pollack, *A First Book of Jurisprudence* 270 (6th ed. 1929).

22. *Jefferson County v. Acker*, 92 F.3d 1561 (11th Cir. 1996) (rev’d on other grounds) says: **“Every United States circuit judge in the country is eligible to be sent to Jefferson County to do judicial work.** See 28 U.S.C. § 291 (assignment of circuit judges); see also § 292 (assignment of district judges).”

This case expresses that impartiality is key, and the law of the Eleventh Circuit is that any federal judge from anywhere in the country can be called upon to handle this Appeal. The Eleventh Circuit’s BINDING PRECEDENT is that recusal is required because there are impartial judges elsewhere who can handle the case.

23. Windsor is suing every federal judge in Atlanta, and he is doing everything in his power to get them indicted, convicted, imprisoned, and impeached. He is trying to get them to lose their jobs and their pensions. He is trying to get them disgraced. This is as personal as it gets, and this requires judges from another Circuit.

24. The Constitution, Bill of Rights, 28 U.S.C. § 455, 28 U.S.C. § 292, 28 U.S.C. § 294, and the Rule of Necessity require an impartial judge from anywhere in the country. Every rule and statute and fundamental right is that Windsor is to

be given a fair hearing and trial, but the federal judges in Atlanta have many times violated every form of rights that Windsor is supposed to have. Federal judges in Atlanta operate a criminal racketeering enterprise, and they will never be impartial. Every judge in the Eleventh Circuit is the subject of criminal charges that Windsor has presented to the Fulton County Grand Jury and is presenting to the federal grand jury.

The declared purpose of [28 U.S.C.] § 455 is to guarantee litigants a fair forum in which they can pursue their claims. (*United States v. Will*, 449 U.S. 200, 212-13, 66 L. Ed. 2d 392, 101 S. Ct. 471 (1980).)

25. The doctrine of the “Rule of Necessity” is secondary to 28 U.S.C. § 455, the Constitution, the Bill of Rights, the rights to due process, 28 U.S.C. § 292, and 28 U.S.C. § 294. And what the Rule of Necessity actually provides is that if there are judges who do not have a personal interest (and there are hundreds), they must be assigned to hear the case.

26. 28 U.S.C. § 455(b)(5)(i) provides that a federal judge "shall ... disqualify himself [when] [h]e ... is a party to the proceeding"). THIS IS A LAW. *United States v. Will*, explains definitively that when all local judges are disqualified, the court must look to other available provisions for calling another judge in. That provision now exists in 28 U.S.C. § 292.

27. Federal judges in Atlanta have no supportable reason for infringing on Windsor’s fundamental rights.

In 1934, the United States Supreme Court held that due process is violated “if a practice or rule offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental.” (*Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934).)

28. An inherent right is the honesty of the judge. Federal judges in Atlanta have committed perjury and obstruction of justice. Federal judges in Atlanta have violated many canons of the *Code of Judicial Conduct* as well as rules in the State Bar of Georgia Code of Professional Conduct. Inherent in due process is the expectation that the judge will not violate criminal statutes. Federal judges in Atlanta have violated criminal statutes. These judges ignore the law, ignore or twist the facts to use inapplicable law, and abuse and disadvantage Windsor. The Constitution allegedly guarantees Windsor a fair and impartial judge. Federal judges in Atlanta denied Windsor’s guarantee to inflict their extra-judicial bias.

Every person “has a constitutional and statutory right to an impartial and fair judge at all stages of the proceeding.” (*Liteky v U.S.*, 510 US 540 (1994). (See *Stone v Powell*, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).) “[t]rial before an ‘unbiased judge’ is essential to due process.” *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993) (citation omitted).)

“[t]rial before an ‘unbiased judge’ is essential to due process.” *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993) (citation omitted). (See also *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S. Ct. 11, 13 (1954); *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976); *Peters v. Kiff*, 407, U.S. 493, 502 (1972)

29. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980).

30. The OCTOBER 28, 2011 ORDER (Footnote #1) seems to claim that Windsor has attempted to force judges to recuse themselves by engaging in personal attacks on them. The case cited was a seldom-cited case of attorney misconduct. *Standing Committee v. Yagman*, 55 F.3d 1430, 1443-1444 (9th Cir. 1995) has never been cited as the reason that a Certificate of Necessity should not be granted. Windsor has very specific criminal charges against each of the judges of the Eleventh Circuit. These aren't "personal attacks." These are documented, significant criminal charges with the evidence to back them up.

31. *Bolin v. Story*, 225 F.3d 1234, 225 F.3d 1234 (11th Cir. 09/06/2000) provides that "...we follow both *Tapia-Ortiz* and *Switzer* in concluding that the rule of necessity allows at least those judges on this Court who have not been involved in plaintiffs' prior appeals to hear this appeal." There is no judge in the Eleventh Circuit who has not been involved in Windsor's appeals.

32. *Bolin v. Story* does conflict with the binding precedent Supreme Court decision in *U.S. v. Will* that provides that judges from another circuit must handle this appeal. The Eleventh Circuit corrected the partially-misguided decision in *Bolin v. Story* four years later:

“...that rule [Rule of Necessity] only applies to courts of last resort or where no judge at all would be available. See *United States v. Will*, 449 U.S. 200, 212-216, 101 S. Ct. 471, 479-81 (1980) (discussing the history and application of the rule of necessity). (*Evans v. Stephens*, No. 02-16424 (11th Cir. 10/14/2004).)

VII. THE ACTIONS OF THE PANEL AND THE JUDGES OF THE ELEVENTH CIRCUIT ARE VIOLATIONS OF WINDSOR’S FIRST AMENDMENT RIGHTS.

33. Windsor has a First Amendment right to petition for redress of grievances. The U.S. Supreme Court has made this clear. (*Borough of Duryea, Pennsylvania v. Guarnieri*, 131 S.Ct. 2488, 180 L.Ed.2d 408 (U.S. 06/20/2011); *NAACP v. Button*, 83 S. Ct. 328, 371 U.S. 415 (U.S. 01/14/1963).)

34. Windsor’s MCN is a petition for redress of grievances. It is a “petition” to have the legal requirement that judges may not preside with a personal interest in an action. In this case, the judges of the Eleventh Circuit have a very personal interest in doing anything and everything they can to damage Windsor. Windsor must have protection from this.

35. Virtually every action by judges in the District Court and at the Eleventh Circuit has been designed to deny Windsor’s Constitutional rights.

36. Judges Edmondson, Wilson, and Kravitch had an obligation to recuse themselves, but they have failed to do so.

37. The Supreme Court has expressed that Panel Judges Edmondson, Wilson, and Kravitch were to proceed no further after Windsor filed his Motion for Certificate of Necessity. (*Berger v. U.S.*, 255 U. S. 22 (1921).)

Failure to follow the mandatory requirements of the law pursuant to 28 U.S.C. § 455 requires disqualification and is a further evidence of the appearance of partiality of TWT. (*Liteky v. U.S.*, 114 S.Ct. 1147 (1994); *Rankin v. Howard* (1980) 633 F.2d 844, cert den.)

CONCLUSION

38. The Panel issued the ORDER because they are criminally biased against Windsor.

39. The entire Eleventh Circuit must vote to hear this matter and reverse the decision, or you will all be guilty of yet another crime of obstruction of justice by intentionally lying to deny this appeal to damage Windsor.

WHEREFORE, Windsor requests:

- a. that this Petition be granted;
- b. that the Order of October 28, 2011 be vacated;
- c. that Judges Edmondson, Wilson, and Kravitch be disqualified;
- d. that this Court vacate orders entered after the October 28, 2011 Order;
and
- e. that this Court grant such other and further relief as is appropriate.

Submitted, this 18th day of November 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, state that I am authorized to make this verification on behalf of myself and that the facts stated above are true and correct. This is based upon my personal knowledge. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that this is true and correct.

I express a belief, based on a reasoned and studied judgment, that the Panel decision is contrary to decisions of the Supreme Court of the U.S. and the precedents of this circuit and that consideration by the full court is necessary to secure and maintain uniformity of decisions in this court.

This 18th day of November 2011.



William M. Windsor

CERTIFICATE OF INTERESTED PERSONS

William M. Windsor, Pro Se, hereby certifies pursuant to FRAP 26.1 and 11th Cir. Rule 26.1-1 that the following persons, judges, associations of person, firms, partnerships, or corporations may have an interest in the outcome of this case:

- 20/20.
- 60 Minutes.
- ABC News.
- Adams, Sigmund R., Esq.
- Administrative Offices of the U.S. Courts.
- Alcatraz Media, Inc., and Alcatraz Media, LLC, Defendants (jointly “Alcatraz”).
- American Civil Liberties Union.
- Anderson, Judge R. Lanier, U.S. Appellate Judge.
- Anderson, Jr., Carl Hugo (“Mr. Anderson”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Ash, Carol, Commissioner of New York State Office of Parks Recreation and Historic Preservation.

- Atlanta Journal & Constitution.
- Baldwin, Congresswoman Tammy.
- Barkett, Judge Rosemary, U.S. Appellate Judge.
- Batten, Timothy C., U.S. District Judge.
- Berry, Judith L. (“Berry”), customer of Alcatraz and Maid.
- Berman, Congressman Howard.
- Birch, Judge Stanley F., U.S. Appellate Judge.
- Black, Judge Susan H., U.S. Appellate Judge.
- Blackburn, Judge, U.S. District Judge.
- Boucher, Congressman Rick.
- Bright, Sarah Louise (“Ms. Bright”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Brown, Marc W. (“Mr. Brown”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Carlson, Sandra (“Carlson”), Assistant Controller of Maid.
- Camp, Jack T., U.S. District Judge.
- Cardin , Senator Benjamin L.
- Carnes, Judge Ed, U.S. Appellate Judge.
- Carnes, Judge, U.S. District Judge.
- Castro, Bernadette.

- CBS News.
- Chaffetz, Congressman Jason.
- Chambliss, Senator Saxby.
- Chu, Congresswoman Judy.
- Coble, Congressman Howard.
- Cohen, Congressman Steve.
- Committee on the Judiciary of the U.S. House of Representatives.
- Conway, Judge, U.S. District Judge.
- Conyers, Jr., Chairman John.
- Cooper, Clarence, U.S. District Judge.
- Cornyn, Senator John.
- Cox, Judge Emmett Ripley, U.S. Appellate Judge.
- Cuomo, Andrew, New York State Attorney General.
- Cutter, Cory.
- Dateline NBC.
- Delahunt, Congressman Bill.
- DiNapoli, Thomas, New York State Comptroller.
- Dubina, Judge Joel F., U.S. Appellate Judge.
- Duffey, Hon. William S. (“Judge Duffey”), U.S. District Judge.
- Durbin, Senator Dick J.

- Edmondson, Judge J.L., U.S. Appellate Judge.
- Evans, Hon. Orinda D. (“Judge Evans”), U.S. District Judge.
- Everybody Loves Travel, LLC, company owned by the owners of Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Fay, Judge Peter T., U.S. Appellate Judge.
- Federal Bureau of Investigation (“FBI”).
- Federal Bureau of Investigation – Atlanta Office – Morning Watch Commander.
- Feingold, Senator Russ D.
- Feinstein, Senator Dianne.
- The Fifth Estate.
- Forbes, Congressman J. Randy.
- Forrester, J. Owen, U.S. District Judge.
- Franken, Senator Al.
- Franks, Congressman Trent.
- Fuller, Judge, U.S. District Judge.
- Gallegly, Congressman Elton.
- Georgia Athletic and Entertainment Commission (“GAEC”).
- Gerstenlauer, James.
- Glynn, Christopher (“Glynn”), President of Maid.

- Godbold, Judge John C., U.S. Appellate Judge.
- Gohmert, Congressman Louie.
- Graham, Senator Lindsey.
- Gonzalez, Congressman Charles A.
- Granade, Judge, U.S. District Judge.
- Grassley, Senator Chuck.
- Gutierrez, Congressman Luis V.
- Gutting, Beverly
- Harper, Congressman Gregg.
- Hatch, Senator Orrin G.
- Hatten, James N.
- Hawkins & Parnell (“H&P”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Hill, Judge James C., U.S. Appellate Judge.
- Holder, Eric H.
- Hull, Judge Frank M., U.S. Appellate Judge.
- Huber, Christopher J, U.S. Attorney.
- Hunt, Willis B., Jr., U.S. District Judge.
- Isakson, Senator Johnny.
- Issa, Congressman Darrell.

- Jackson Lee, Congresswoman Sheila.
- Johnson, Congressman Hank.
- Jones, Special Agent Gregory.
- Jones, Steve C.
- Jordan, Congressman Jim.
- Judicial Conference of the U.S..
- Judicial Council of the 11th Circuit.
- Kahn, Thomas K,
- Katzman, Archie, Acting Chairman of Niagara Parks Commission.
- Kaufman, Senator Ted.
- Kerwin, Adrienne, Esq.
- King, Congressman Steve.
- Klobucher, Senator Amy.
- Kohl, Senator Herb.
- Kravitch, Judge Phyllis A., U.S. Appellate Judge.
- Kyl, Senator Jon.
- Leahy, Senator Patrick J.
- Leon, Richard J., U.S. District Court Judge
- Lofgren, Congresswoman Zoe.
- Maffei, Congressman Dan.

- Maid of the Mist Corporation (“Corporation”), and Maid of the Mist Steamboat Company, Ltd. (“Steamboat”), (jointly “Maid”).
- Marcus, Judge Stanley, U.S. Appellate Judge.
- Martin, Beverly B., U.S. District Judge.
- McCall, Carl.
- McGuinty, Dalton, Premier of Ontario.
- Mendell, Brett A. (“Mr. Mendell”), Former Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Mickle, Judge, U.S. District Judge.
- Moore, Judge, U.S. District Judge.
- Moye, Charles A., U.S. District Judge.
- Murphy, Harold., U.S. District Judge.
- Nadler, Congressman Jerrold.
- National Association of Ticket Brokers.
- NBC News.
- New York State Bar Association.
- New York State Office of Parks, Recreation and Historic Preservation
- New York State Comptroller’s Office.
- New York State Supreme Court.

- New York Times.
- Niagara County New York District Attorney.
- Niagara Falls Cruise Lines.
- Niagara Falls Reporter.
- Niagara Parks Commission.
- O’Kelley, William C., U.S. District Judge.
- Obama, President Barrack.
- Palin, Sarah.
- Pannell, Charles A., U.S. District Judge.
- Parker, Tim.
- Parlato, Frank.
- Pataki, George.
- Paterson, David, Governor of the State of New York.
- Penland, James W. (“Mr. Penland”), Former Counsel for William M. Windsor, Petitioner.
- Phillips Lytle (“Phillips”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Poe, Congressman Ted.
- Pryor, Judge William H., U.S. Appellate Judge.
- Pushkarsh, Christopher.

- Quillen, Henry.
- Quillian Yates, Sally, Acting U.S. Attorney.
- Raley, G. Brian (“Mr. Raley”), Former Counsel for Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Reserve 123, Inc., a company owned by the owners of Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Reserve XL, Inc., a company owned by the owners of Defendants, Alcatraz Media, Inc., and Alcatraz Media LLC.
- Ripley’s Entertainment.
- Rojas Rafter, Carmen, Esq.
- Romney, Mitt.
- Rooney, Congressman Thomas J.
- Round America, LLC, a company owned by Barbara G. Windsor.
- Royal, Judge, U.S. District Judge.
- Ruddy, Timothy P. (“Ruddy”), Vice-President of Maid.
- Russ, Arthur (“Mr. Russ”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Rutkowski, Edward J.
- Sanchez, Congresswoman Linda.
- Sanders, Anniva.

- Schiff, Congressman Adam.
- Schul, Robert J. (“Schul”), Controller of Maid.
- Schumer, Senator Chuck.
- Sensenbrenner, Jr., Congressman Jim.
- Sessions, Senator Jeff.
- Shelnutt, Gentry, Esq.
- Shoob, Marvin H., U.S. District Judge.
- Smith, Congressman Lamar.
- Smith, Monique, Ontario Minister of Tourism.
- Specter, Senator Arlen.
- Spitzer, Eliot L.
- State Bar of Georgia.
- Story, Richard W., U.S. District Judge.
- Sullivan, Kathleen E. (“Ms. Sullivan”), Former Counsel for Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Take 5 Tours, Inc., a company owned by the owners of Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Thrash, Thomas W., U.S. District Judge.
- Tidwell, G. Ernest, U.S. District Judge.
- Tjoflat, Judge Gerald Bard, U.S. Appellate Judge.

- Totenberg, Amy.
- U.S. Attorney General.
- U.S. Attorney's Office.
- U.S. Court of Appeals for the 11th Circuit.
- U.S. Department of Justice.
- U.S. District Court for the Northern District of Georgia.
- U.S. Senate Committee on the Judiciary.
- U.S. Supreme Court.
- Vining, Robert L, Jr., U.S. District Judge.
- Wall Street Journal.
- Ward, Horace T., U.S. District Judge.
- Washington Post.
- Wasserman Schultz, Congresswoman Debbie.
- Waters, Congresswoman Maxine.
- Weiner, Congressman Anthony.
- Wexler, Congressman Robert.
- White, Joyce.
- Whitehouse, Senator Sheldon.
- Wilson, Judge Charles R., U.S. Appellate Judge.
- Windsor, Barbara G.

- Windsor, William M. (“Windsor or Petitioner”), Plaintiff and Appellant
- Yates, Sally Quillian, Esq.
- ZZ Tours, Inc., a company owned by Barbara G. Windsor.
- King, Janet F.
- Cole, Susan S.
- Baverman, Alan J.
- Brill, Gerrilyn G.
- Hagy, C. Christopher
- Walker, Linda T.
- Johnson, Walter E.
- Scofield, E. Clayton,
- Howard, Paul, Jr.,
- Callier, Margaret.
- Grutby, B.
- Mincher, Douglas J.
- Birnbaum, Jessica
- Hanna, Vicki.
- Ben-David, Neeli.
- Horn, John A.

- Coty, Darcy.
- Fudge, Naomi.
- Betts, Deputy Sheriff
- Noye, Deputy Sheriff.
- English, Deputy Sheriff.
- Keel, Rebecca.
- Nwokocha, Cynthia.
- Jackson, Ted.
- Leighty, Christopher.
- Edwards, William “Bill”.
- Eaves, John
- Garner, Joan P.
- Darnell, Emma I.
- Lowe, Tom.
- Hausmann, Liz.
- Potts, Robb.
- Russell, Constance.
- Schwall, Craig.
- Wright, Cynthia.

Corporate Disclosure Statement

No corporate disclosure statement is necessary for this party because Windsor is a natural, human, person.

Submitted this 18th day of November 2011.

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

William M. Windsor

Pro Se

P.O. Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

Email: williamwindsor@bellsouth.net

CERTIFICATE OF COMPLIANCE

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. This Petition is less than 15 pages.

A handwritten signature in black ink, appearing to read "William M. Windsor". The signature is written in a cursive style with a horizontal line underneath it.

William M. Windsor

Pro Se

PO Box 681236

Marietta, GA 30068

Telephone: 770-578-1094

Facsimile: 770-234-4106

Email: williamwindsor@bellsouth.net

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing by U.S. Postal Service with sufficient postage attached, 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

Carl H. Anderson, Jr.
Sarah H. Bright
HAWKINS PARNELL
4000 SunTrust Plaza
303 Peachtree Street, N.E.
Atlanta, GA 30308

This 18th day of November 2011.



William M. Windsor
Pro Se

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

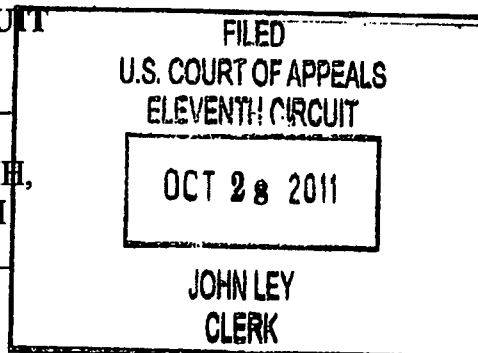
Exhibit

A

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

Nos. 10-11758-HH, 10-11981-HH,
10-12515-HH & 10-12516-HH



MAID OF THE MIST CORPORATION,
MAID OF THE MIST STEAMBOAT COMPANY, LTD.,

Plaintiffs-Counter Defendants-Appellees,

versus

WILLIAM M. WINDSOR,

Defendant-Counter Claimant-Appellant.

Appeal from the United States District Court for the
Northern District of Georgia

BEFORE: EDMONDSON, WILSON, and KRAVITCH, Circuit Judges.

BY THE COURT:

On June 16, 2010, in an order entered in Appeal Nos. 10-11758 and 10-11981, this Court forbade Appellant from filing multiple motions seeking the same relief. On June 29, 2010, the Court issued an order in Appeal Nos. 10-12515 and 10-12516 with the same prohibition.

On February 18, 2011, we denied Appellant's motion for intercircuit assignment of judges. Appellant's September 12, 2011, "Time-Sensitive Motion for Certificate of Necessity" seeks the same relief we have already denied him in these appeals. The Clerk is directed to return the "Time-

Sensitive Motion for Certificate of Necessity” to Appellant unfiled.¹

¹ The Court notes that the “Time-Sensitive Motion for Certificate of Necessity” is substantively meritless:

It has long been established...that a party cannot force a judge to recuse himself by engaging in personal attacks on the judge: “Nor can that artifice prevail, which insinuates that the decision of this court will be the effect of personal resentment; for, if it could, every man could evade the punishment due to his offences, by first pouring a torrent of abuse upon his judges, and then asserting that they act from passion....”

Standing Committee on Discipline of U.S. Dist. Court for Cent. Dist. of California v. Yagman, 55 F.3d 1430, 1443-1444 (9th Cir. 1995) (quoting Respublica v. Oswald, 1 U.S. (1 Dall.) 319, 326, 1 L.Ed. 155 (Pa.1788)).

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

October 28, 2011

William M. Windsor
PO BOX 681236
MARIETTA, GA 30068

Appeal Number: 10-11758-HH;10-11981-HH;10-12515-HH;10-12516-HH
Case Style: Maid Of The Mist Corp., et al v. William M. Windsor
District Court Docket No: 1:06-cv-00714-ODE

The following action has been taken in the referenced case:

The enclosed order has been ENTERED.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Elora Jackson, HH
Phone #: (404) 335-6173

MOT-2 Notice of Court Action

Exhibit

B

**PRO SE FOR DEFENDANT / APPELLANT,
WILLIAM M. WINDSOR**

William M. Windsor
P.O. Box 681236, Marietta, GA 30068
770-578-1094, Fax: 770-234-4106, Email: williamwindsor@bellsouth.net

TIME-SENSITIVE MOTION FOR CERTIFICATE OF NECESSITY

Appeal from the United States District Court
for the Northern District of Georgia, Atlanta Division
Case No. 1:06-CV-00714-ODE-1
Judge Orinda D. Evans

**ALCATRAZ MEDIA, LLC, ALCATRAZ MEDIA, INC., Defendants; and
WILLIAM M. WINDSOR, Appellant and Defendant.**

v.

**MAID OF THE MIST CORPORATION and
MAID OF THE MIST STEAMBOAT COMPANY, LTD., Appellees,**

**FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
SEP 12 2011
JOHN LEY
Clerk**

**FOR THE ELEVENTH CIRCUIT
IN THE UNITED STATES COURT OF APPEALS**

**U.S. COURT OF APPEALS
RECEIVED
CLERK
SEP 12 2011
ATLANTA, GA.**

APPROVAL #10311758-HH; 10-11981-HH; 10-12515-HH; 10-12516-HH

and an extra-judicial bias against anyone who would sue a judge friend with the Defendants. Friendships create an extra-judicial bias in favor of the friend

5. Any judge from this circuit assigned to hear this case will be friends

interest in the case as a defendant.

4. Any judge from this circuit assigned to hear this case has a personal

treatment from judges in this circuit.

3. Windsor knows from experience that he has not obtained fair

criminal acts, racketeering, and corruption.

2. Windsor's verified complaint charges these judges with dishonesty,

Defendant in the lawsuits filed against the judges of the Eleventh Circuit.

TWT and 1:11-CV-02326-TWT). The judge in the Underlying Action is a co-

named as a Defendant in at least two actions filed by Windsor (1:11-CV-02027-

1. Every judge from this circuit and the Northern District of Georgia is

SEEK A NEW PANEL TO CONSIDER THIS APPEAL.

THE CHIEF JUDGE MUST ISSUE A CERTIFICATE OF NECESSITY TO

Certificate of Necessity to the Chief Justice of the United States Supreme Court.

Judge must request assignment of judges from outside this circuit by submitting a

Judge of the United States Court of Appeals for the Eleventh Circuit that the Chief

who, pursuant to 28 U.S.C. § 292 and 28 U.S.C. § 294, hereby shows the Chief

COMES NOW Plaintiff William M. Windsor ("Windsor" or "Plaintiff")

6. Windsor is working night and day trying to get every federal judge in

Atlanta arrested, convicted, and impeached. Federal judges in Atlanta hate, loathe, and despise Windsor. This Court must ask the Chief Judge of the Eleventh Circuit for a Certificate of Necessity.

7. A Judge may not hear a case due to personal interest. TWT and the federal judges in Atlanta have a personal interest. There are thousands of judges who are available to hear this case.

"The rule of necessity is generally invoked in cases in which no judge in the country is capable of hearing the case. See *In re Petition to Inspect and Copy Grand Jury Materials*, 735 F.2d 1261, 1266-67 (11th Cir.1984).

8. The Supreme Court precedent on this issue, *United States v. Will*,

explained the "Rule of Necessity" in 1980, and it has not been modified by the

Supreme Court in the 31 years-to-date. This Rule was developed to protect

litigants not give corrupt judges the right to commit crimes against litigants.

"This Rule [of Necessity] provides that if the Judges who ordinarily would hear the case are likely to disqualify themselves because of their interest in its outcome, they may hear the case if, otherwise, it would not be heard at all. *United States v. Will*, 449 U.S. 200, 212-13, 66 L. Ed. 2d 392, 101 S. Ct. 471 (1980). Will traces the long history of the Rule of Necessity and explains that its purpose is to ensure litigants the right to review of their claims. Id. at 213-17. [emphasis added.]

"It was precisely considerations of this kind that gave rise to the Rule of Necessity, a well-settled principle at common law that, as Pollack put it, "although a judge had better not, if it can be avoided, take part in the decision of a case in which he has any personal interest, yet he not only may but must do so if the case cannot be heard otherwise." F. Pollack, A *First Book of Jurisprudence* 270 (6th ed. 1929).

Eleventh Circuit's BINDING PRECEDENT on TWT and federal judges in Atlanta

from anywhere in the country can be called upon to handle this Action. The impartiality is key, and the law of the Eleventh Circuit is that any federal judge under the circumstances..." **[emphasis added]**.] This case expresses that "[b]ecause we have no interest, financial or other, that requires disqualification The court in *Jefferson County* actually ruled that recusal was not required (assignment of circuit judges); see also id. § 292 (assignment of district judges)." **eligible to be sent to Jefferson County to do judicial work.** See 28 U.S.C. § 291 other grounds) says: **"Every United States circuit judge in the country is**

9. *Jefferson County v. Acker*, 92 F.3d 1561 (11th Cir. 1996) (rev'd on No. 93-1453, supra, at 7 (emphasis added). [under § 455]. "S. Rep. No. 93-419, supra, at 7 (emphasis added); H. R. Rep. "The statutes contain ample authority for chief judges to assign other judges to replace either a circuit or district court judge who become disqualified "The Reports of the two Houses continued: Rep. No. 93-1453, p. 5 (1973) (emphasis added). **impartiality, he should disqualify himself and let another judge preside over the case.**" S. Rep. No. 93-419, p. 5 (1973) (emphasis added); H. R. **"[I]f there is [any] reasonable factual basis for doubting the judge's**

case. For example: upon disqualification of a particular judge, another would be assigned to the The House and Senate Reports on § 455 reflect a constant assumption that disqualification by reason of an interest or the appearance of possible bias. "The objective of § 455 was to deal with the reality of a positive

Windsor is to be given a fair hearing and trial, but ODE has violated every form of

in the country as needed. Every rule and statute and fundamental right is that

U.S.C. § 294, and the Rule of Necessity require an impartial judge from anywhere

13. The Constitution, Bill of Rights, 28 U.S.C. § 455, 28 U.S.C. § 292, 28

are thousands of judges who are available to hear this case.

hear a case due to personal interest. ODE has an absolute personal interest. There

acts, perjury, obstruction of justice, racketeering, and corruption. A judge may not

12. Windsor's verified complaint charges ODE with dishonesty, criminal

are co-Defendants with ODE.

filed by Windsor In several of these cases, all of the judges of the Eleventh Circuit

11. Judge Orinda D. Evans ("ODE") is a defendant in many legal actions

SEEK A NEW JUDGE TO PRESIDE OVER THE UNDERLYING ACTION.

THE CHIEF JUDGE MUST ISSUE A CERTIFICATE OF NECESSITY TO

from another Circuit.

trying to get them disgraced. This is as personal as it gets, and this requires a judge

impeached. He is trying to get them to lose their jobs and their pensions. He is

everything in his power to get them indicted, convicted, imprisoned, and

10. Windsor is suing every federal judge in Atlanta, and he is doing

handle the case.

is that recusal is required because there are impartial judges elsewhere who can

rights that Windsor is supposed to have many times. Federal judges in Atlanta operate a criminal racketeering enterprise, and they will never be impartial. Every federal judge in Georgia is a defendant in cases filed by Windsor. Every federal judge in Georgia is the subject of criminal charges that Windsor has presented to the Fulton County Grand Jury.

14. The statutes regarding recusal and disqualification were established by Congress to ensure parties in lawsuits of a fair and impartial judge. When it comes to Windsor, there are no fair or impartial judges in the area of the Eleventh Circuit. **The declared purpose of [28 U.S.C.] § 455 is to guarantee litigants a fair forum in which they can pursue their claims. (United States v. Will, 449 U.S. 200, 212-13, 66 L. Ed. 2d 392, 101 S. Ct. 471 (1980).)**

15. ODE and the other federal judges in Atlanta obviously have a personal interest. Their liberty, property, careers, financial security, and reputations are all at stake, and that's about as personal as it gets.

16. The doctrine of the "Rule of Necessity" is secondary to 28 U.S.C. § 455, the Constitution, the Bill of Rights, the rights to due process, 28 U.S.C. § 292, and 28 U.S.C. § 294. And what the Rule of Necessity actually provides is that if there are judges who do not have a personal interest (and there are hundreds), they must be assigned to hear the case.

17. 28 U.S.C. § 455(b)(5)(i) provides that a federal judge "shall ... disqualify himself [when] [h]e ... is a party to the proceeding"). *United States v.*

United Mine Workers v. Illinois State Bar Ass'n (1967), 389 US 217, 19 L Ed 2d 426, 88 S Ct 353, 42 Ohio Ops 2d 394. Right to petition for redress of grievances is among most precious liberties safeguarded by Bill of Rights

United Mine Workers v. Illinois State Bar, 389 U.S. 217 (1967), 19 L Ed 2d 426, 88 S Ct 353, 42 Ohio Ops 2d 394; *Brotherhood of R.R. Trainmen v. Virginia State Bar*, 377 U.S. 1 (1964); *NAACP v. Button*, 371 U.S. 415 (1963); *Ex Parte Young*, 209 U.S. 123 (1908). See also *Cottig v. Kansas City Stockyards Co.*, 183 U.S. 79, 10Z (1901).) Chief Justice John Marshall decisively repudiated this argument over 175 years ago when he declared federal courts to be the final and authoritative expositors of the Constitution. (*Cohens v. Virginia*, 19 U.S. (6 Wheat.) 264 (1821). See also *Martin v. Hunter's Lessee*, 14 U.S. (1 Wheat.) 304 (1816).

judges in Atlanta are denying this right.

the Constitution for the United States of America as well. TWT and the federal protected by the First and Fourteenth Amendments and perhaps by Article III of

20. Rights of citizens to litigate meritorious claims against judges are

cases, but Windsor has been denied an impartial judge.

Constitutions guarantee a party an impartial and disinterested tribunal in civil

19. The due process clauses of both the Georgia and the United States

obligated to do so.

which the judge's impartiality might reasonably be questioned, and ODE is

18. A judge is supposed to disqualify himself or herself in a proceeding in

now exists in 28 U.S.C. § 292.

must look to other available provisions for calling another judge in. That provision

Will, explains definitively that when all local judges are disqualified, the court

and this right is intimately connected, both origin and in purpose, with other First Amendment rights of free speech and free press.

We note initially that the Supreme Court has recently reaffirmed the principle that petitioning, like "other guarantees of [the first amendment,] * * * is an assurance of a particular freedom of expression." *McDonald v. Smith*, 472 U.S. 479, 105 S. Ct. 2787, 2789, 86 L. Ed. 2d 384 (1985). This reaffirmation clearly underscores the coequal status of the right to petition with other first amendment rights. (*In re IBP Confidential Business Documents Litig.* (1986, CA8 Iowa), 800 F2d 787.)

21. Judges are required to be impartial. ODE and federal judges in Atlanta have demonstrated pervasive bias against Windsor. ODE and federal judges in Atlanta haven't shown an ounce of impartiality. Judges are required to be neutral.

The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. . . . At the same time, it preserves both the appearance and reality of fairness . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present his case with assurance that the arbiter is not predisposed to find against him." (*Marshall v. Jerrico*, 446 U.S. 238, 242 (1980); *Schweiker v. McClure*, 456 U.S. 188, 195 (1982).)

22. There is no neutrality. ODE and federal judges in Atlanta have

deprived Windsor of his interests and rights.

23. ODE and federal judges in Atlanta have no supportable reason for infringing on Windsor's fundamental rights.

In 1934, the United States Supreme Court held that due process is violated "if a practice or rule offends some principle of justice so rooted in the traditions and conscience of our people as to be ranked as fundamental." (*Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934).)

federal judges in Atlanta have not been honest. ODE and federal judges in Atlanta

27. An inherent Constitutional right is the honesty of the judge. ODE and

and the Eleventh Circuit.

experience is that this is a universal practice in the Northern District of Georgia
the facts to use inapplicable law, and abuse and disadvantage Windsor. Windsor's
federal judges in Atlanta have done. These judges ignore the law, ignore or twist
may not take the law into their own hands. But this is precisely what ODE and

26. For due process and to secure Windsor's Constitutional rights, judges

parties.

effective due process as those who utilize an attorney. But ODE hates Pro Se
surreptitiously extinguish that right. Pro Se Litigants have no less of a right to
prejudice. Furthermore, no law, regulation, or policy should exist to abridge or
representation. That right should be enjoyed without fear of harassment or judicial

25. The Sixth Amendment provides the Constitutional right to self-

ODE and federal judges in Atlanta have violated criminal statutes.

due process is the expectation that the judge will not violate criminal statutes.
well as rules in the State Bar of Georgia Code of Professional Conduct. Inherent in
judges in Atlanta have violated many canons of the Code of Judicial Procedure as
in Atlanta have committed perjury and obstruction of justice. ODE and federal

24. An inherent right is the honesty of the judge. ODE and federal judges

have violated Canon 2 and other Canons of the Code of Judicial Conduct (“CJC”). ODE The Constitution guarantees Windsor a fair and impartial judge. ODE and federal judges in Atlanta denied Windsor’s guarantee to inflict their extra-judicial bias.

Every person “has a constitutional and statutory right to an impartial and fair judge at all stages of the proceeding.” (*Linky v U.S.*, 510 US 540 (1994). (See *Stone v Powell*, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).) “[t]rial before an ‘unbiased judge’ is essential to due process.” *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993) (citation omitted).)

29. A judge is supposed to disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned. ODE and federal judges in Atlanta have failed to do so.

30. ODE and federal judges in Atlanta are in a clear violation of their ministerial duties pursuant to Canon 3B(3) of the Judicial Code of Conduct that states: “A judge should initiate appropriate action when the judge becomes aware of reliable evidence indicating the likelihood of unprofessional conduct by a judge or lawyer.”

31. ODE and federal judges in Atlanta, as members of the State Bar of Georgia, have violated numerous provisions of the State Bar of Georgia Code of Professional Conduct. ODE and federal judges in Atlanta violated the Code of Judicial Conduct. ODE and federal judges in Atlanta violated laws of the United

- States of America and the State of Georgia.
32. ODE and federal judges in Atlanta have violated Windsor's civil and constitutional rights under color of law.
- “[t]rial before an ‘unbiased judge’ is essential to due process.” *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension Trust*, 508 U.S. 602, 617 (1993) (citation omitted). (See also *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954); *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976); *Peters v. Kiff*, 407 U.S. 493, 502 (1972)
33. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases. *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242, 100 S.Ct. 1610, 1613 (1980).
- Partiality in favor of the government may raise a defendant's due process concerns.” *In re United States of America*, 441 F.3d at 66 (citing *In re Murchison*, 349 U.S. 133 (1955)).
- 28 U.S.C. 455 may sometimes bar trial by judges who have no actual bias and who would do their very best to weigh the scales of justice equally between contending parties, but due process of law requires no less.” *Taylor v. Hayes*, 418 U.S. 488, 501 (1974) (citations and quotation marks omitted). See also *Murchison*, 349 U.S. at 136.
34. Windsor requests for an order asking Joel F. Dubina, Chief Judge of the 11th Circuit Court of Appeals, to certify this case to the Chief Justice of the United State Supreme Court for assignment of a new judge in the Underlying Action.

35. In the case of Judge Jack Camp, all of the United States District Court judges recused themselves, and Judge Joel F. Dubina asked The Chief Justice of The Supreme Court to act. According to the website of the United States District Court for the Northern District of Georgia:

“The Chief Justice of the United States made the designation on the recommendation of the Judicial Conference Committee on Intercircuit Assignments after Chief Judge Joel F. Dubina of the U.S. Court of Appeals for the Eleventh Circuit requested the assignment of a judge from outside the circuit. The assignment was made in accordance with standard intercircuit assignment procedures and pursuant to Title 28, United States Code, Section 294(d).”

36. If one federal judge accused of buying \$160 worth of cocaine and Roxycodone for a stripper girlfriend causes every federal judge to disqualify themselves, then a lawsuit against the federal judges in the same circuit for many criminal violations of a much more serious nature also warrants disqualification of all the federal judges in the area.

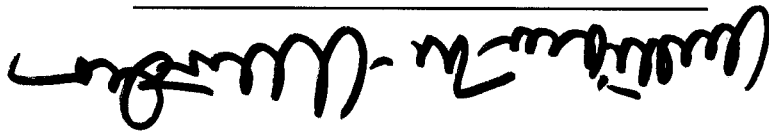
37. For the reasons stated above, the Plaintiff respectfully requests that this Court enter an order as follows:

a. that Windsor’s motion is granted;

b. that Chief Judge Joel F. Dubina be asked to issue Certificate of Necessity to request assignment of judges from outside this circuit for this appeal and for the Underlying Action;

- c. that a Temporary Restraining Order will be issued until judges from outside this circuit can be assigned; and
- d. grant such other relief as the Court feels is appropriate.

Respectfully submitted, this 12th day of September 2011.



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Pro Se

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Email: williamwindsor@bellsouth.net

VERIFICATION OF WILLIAM M. WINDSOR

I, William M. Windsor, state that I am authorized to make this verification on behalf of myself and that the facts stated above are true and correct. This is based upon my personal knowledge. In accordance with 28 U.S.C. § 1746, I declare under penalty of perjury that this is true and correct.

This 12th day of September 2011.



William M. Windsor

CERTIFICATE OF INTERESTED PERSONS

William M. Windsor, Pro Se, hereby certifies pursuant to FRAP 26.1 and 11th Cir. Rule 26.1-1 that the following persons, judges, associations of person, firms, partnerships, or corporations may have an interest in the outcome of this case:

- 20/20.
- 60 Minutes.
- ABC News.
- Adams, Sigmund R., Esq.
- Administrative Offices of the United States Courts.
- Alcatraz Media, Inc., and Alcatraz Media, LLC, Defendants (jointly “Alcatraz”).
- American Civil Liberties Union.
- Anderson, Judge R. Lanier, United States Appellate Judge.
- Anderson, Jr., Carl Hugo (“Mr. Anderson”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Ash, Carol, Commissioner of New York State Office of Parks Recreation and Historic Preservation.

- Atlanta Journal & Constitution.
- Baldwin, Congresswoman Tammy.
- Barkett, Judge Rosemary, United States Appellate Judge.
- Batten, Timothy C., United States District Judge.
- Berry, Judith L. (“Berry”), customer of Alcatraz and Maid.
- Berman, Congressman Howard.
- Birch, Judge Stanley F., United States Appellate Judge.
- Black, Judge Susan H., United States Appellate Judge.
- Blackburn, Judge, United States District Judge.
- Boucher, Congressman Rick.
- Bright, Sarah Louise (“Ms. Bright”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Brown, Marc W. (“Mr. Brown”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Carlson, Sandra (“Carlson”), Assistant Controller of Maid.
- Camp, Jack T., United States District Judge.
- Cardin, Senator Benjamin L.
- Carnes, Judge Ed, United States Appellate Judge.
- Carnes, Judge, United States District Judge.
- Castro, Bernadette.

- CBS News.
- Chaffetz, Congressman Jason.
- Chambliss, Senator Saxby.
- Chu, Congresswoman Judy.
- Coble, Congressman Howard.
- Cohen, Congressman Steve.
- Committee on the Judiciary of the United States House of Representatives.
- Conway, Judge, United States District Judge.
- Conyers, Jr., Chairman John.
- Cooper, Clarence, United States District Judge.
- Cornyn, Senator John.
- Cox, Judge Emmett Ripley, United States Appellate Judge.
- Cuomo, Andrew, New York State Attorney General.
- Cutter, Cory.
- Dateline NBC.
- Delahunt, Congressman Bill.
- DiNapoli, Thomas, New York State Comptroller.
- Dubina, Judge Joel F., United States Appellate Judge.
- Duffey, Hon. William S. (“Judge Duffey”), United States District Judge.

- Durbin, Senator Dick J.
- Edmondson, Judge J.L., United States Appellate Judge.
- Evans, Hon. Orinda D. (“Judge Evans”), United States District Judge.
- Everybody Loves Travel, LLC, company owned by the owners of Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Fay, Judge Peter T., United States Appellate Judge.
- Federal Bureau of Investigation (“FBI”).
- Federal Bureau of Investigation – Atlanta Office – Morning Watch Commander.
- Feingold, Senator Russ D.
- Feinstein, Senator Dianne.
- The Fifth Estate.
- Forbes, Congressman J. Randy.
- Forrester, J. Owen, United States District Judge.
- Franken, Senator Al.
- Franks, Congressman Trent.
- Fuller, Judge, United States District Judge.
- Gallegly, Congressman Elton.
- Georgia Athletic and Entertainment Commission (“GAEC”).
- Gerstenlauer, James.

- Glynn, Christopher (“Glynn”), President of Maid.
- Godbold, Judge John C., United States Appellate Judge.
- Gohmert, Congressman Louie.
- Graham, Senator Lindsey.
- Gonzalez, Congressman Charles A.
- Granade, Judge, United States District Judge.
- Grassley, Senator Chuck.
- Gutierrez, Congressman Luis V.
- Gutting, Beverly
- Harper, Congressman Gregg.
- Hatch, Senator Orrin G.
- Hatten, James N.
- Hawkins & Parnell (“H&P”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Hill, Judge James C., United States Appellate Judge.
- Holder, Eric H.
- Hull, Judge Frank M., United States Appellate Judge.
- Huber, Christopher J., United States Attorney.
- Hunt, Willis B., Jr., United States District Judge.
- Isakson, Senator Johnny.

- Issa, Congressman Darrell.
- Jackson Lee, Congresswoman Sheila.
- Johnson, Congressman Hank.
- Jones, Special Agent Gregory.
- Jones, Steve C.
- Jordan, Congressman Jim.
- Judicial Conference of the United States.
- Judicial Council of the Eleventh Circuit.
- Kahn, Thomas K.
- Katzman, Archie, Acting Chairman of Niagara Parks Commission.
- Kaufman, Senator Ted.
- Kerwin, Adrienne, Esq.
- King, Congressman Steve.
- Klobucher, Senator Amy.
- Kohl, Senator Herb.
- Kravitch, Judge Phyllis A., United States Appellate Judge.
- Kyl, Senator Jon.
- Leahy, Senator Patrick J.
- Leon, Richard J., United States District Court Judge
- Lofgren, Congresswoman Zoe.

- Maffei, Congressman Dan.
- Maid of the Mist Corporation (“Corporation”), and Maid of the Mist Steamboat Company, Ltd. (“Steamboat”), (jointly “Maid”).
- Marcus, Judge Stanley, United States Appellate Judge.
- Martin, Beverly B., United States District Judge.
- McCall, Carl.
- McGuinty, Dalton, Premier of Ontario.
- Mendell, Brett A. (“Mr. Mendell”), Former Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Mickle, Judge, United States District Judge.
- Moore, Judge, United States District Judge.
- Moye, Charles A., United States District Judge.
- Murphy, Harold., United States District Judge.
- Nadler, Congressman Jerold.
- National Association of Ticket Brokers.
- NBC News.
- New York State Bar Association.
- New York State Office of Parks, Recreation and Historic Preservation
- New York State Comptroller’s Office.

- New York State Supreme Court.
- New York Times.
- Niagara County New York District Attorney.
- Niagara Falls Cruise Lines.
- Niagara Falls Reporter.
- Niagara Parks Commission.
- O’Kelley, William C., United States District Judge.
- Obama, President Barack.
- Palin, Sarah.
- Pannell, Charles A., United States District Judge.
- Parker, Tim.
- Parlato, Frank.
- Pataki, George.
- Paterson, David, Governor of the State of New York.
- Penland, James W. (“Mr. Penland”), Former Counsel for William M. Windsor, Petitioner.
- Phillips Lytle (“Phillips”), Counsel for Respondents, Maid of the Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Poe, Congressman Ted.
- Pryor, Judge William H., United States Appellate Judge.

- Pushkarsh, Christopher.
- Quillen, Henry.
- Quillian Yares, Sally, Acting United States Attorney.
- Raley, G. Brian (“Mr. Raley”), Former Counsel for Defendants
Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Reserve 123, Inc., a company owned by the owners of Defendants
Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Reserve XL, Inc., a company owned by the owners of Defendants,
Alcatraz Media, Inc., and Alcatraz Media LLC.
- Ripley’s Entertainment.
- Rojas Rafter, Carmen, Esq.
- Romney, Mitt.
- Rooney, Congressman Thomas J.
- Round America, LLC, a company owned by Barbara G. Windsor.
- Royal, Judge, United States District Judge.
- Ruddy, Timothy P. (“Ruddy”), Vice-President of Maid.
- Russ, Arthur (“Mr. Russ”), Counsel for Respondents, Maid of the
Mist Corp. and Maid of the Mist Steamboat Company, Ltd.
- Rutkowski, Edward J.
- Sanchez, Congresswoman Linda.

- Sanders, Anniva.
- Schiff, Congressman Adam.
- Schul, Robert J. (“Schul”), Controller of Maid.
- Schumer, Senator Chuck.
- Sensenbrenner, Jr., Congressman Jim.
- Sessions, Senator Jeff.
- Shelmut, Gentry, Esq.
- Shoob, Marvin H., United States District Judge.
- Smith, Congressman Lamar.
- Smith, Monique, Ontario Minister of Tourism.
- Specter, Senator Arlen.
- Spitzer, Eliot L.
- State Bar of Georgia.
- Story, Richard W., United States District Judge.
- Sullivan, Kathleen E. (“Ms. Sullivan”), Former Counsel for Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Take 5 Tours, Inc., a company owned by the owners of Defendants Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Alcatraz Media, Inc., and Alcatraz Media, LLC.
- Thrash, Thomas W., United States District Judge.
- Tidwell, G. Ernest, United States District Judge.

- Tjoflat, Judge Gerald Bard, United States Appellate Judge.
- Totenberg, Army.
- United States Attorney General.
- United States Attorney's Office.
- United States Court of Appeals for the Eleventh Circuit.
- United States Department of Justice.
- United States District Court for the Northern District of Georgia.
- United States Senate Committee on the Judiciary.
- United States Supreme Court.
- Vining, Robert L, Jr., United States District Judge.
- Wall Street Journal.
- Ward, Horace T., United States District Judge.
- Washington Post.
- Wasserman Schultz, Congresswoman Debbie.
- Waters, Congresswoman Maxine.
- Weiner, Congressman Anthony.
- Wexler, Congressman Robert.
- White, Joyce.
- Whitehouse, Senator Sheldon.
- Wilson, Judge Charles R., United States Appellate Judge.

- Windsor, Barbara G.
- Windsor, William M. (“Windsor or Petitioner”), Plaintiff and Appellant
- Yates, Sally Quillian, Esq.
- ZZ Tours, Inc., a company owned by Barbara G. Windsor.
- King, Janet F.
- Cole, Susan S.
- Baverman, Alan J.
- Brill, Gerrilyn G.
- Hagy, C. Christopher
- Walker, Linda T.
- Johnson, Walter E.
- Scofield, E. Clayton,
- Howard, Paul, Jr.,
- Callier, Margaret.
- Grutby, B.
- Mincher, Douglas J.
- Birnbaum, Jessica
- Hanna, Vicki.
- Ben-David, Neeli.

- Horn, John A.
- Coty, Darcy.
- Fudge, Naomi.
- Betts, Deputy Sheriff
- Noye, Deputy Sheriff.
- English, Deputy Sheriff.
- Keel, Rebecca.
- Nwokocha, Cynthia.
- Jackson, Ted.
- Leighty, Christopher.
- Edwards, William “Bill”.
- Eaves, John
- Garner, Joan P.
- Darnell, Emma I.
- Lowe, Tom.
- Hausmann, Liz.
- Potts, Robb.
- Russell, Constance.
- Schwall, Craig.
- Wright, Cynthia.

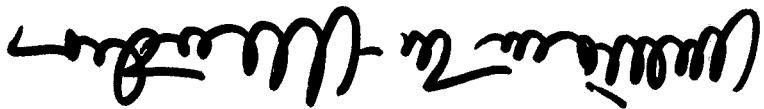
Corporate Disclosure Statement

No corporate disclosure statement is necessary for this party because

Windsor is a natural, human, person.

Respectfully submitted this 12th day of September 2011.

William M. Windsor:



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Pro Se

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CERTIFICATE OF COMPLIANCE

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.



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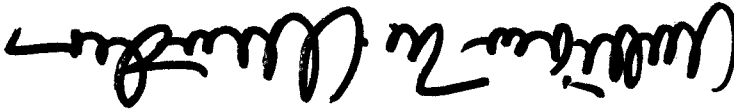
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Pro Se

William M. Windsor



This 12th day of September 2011.

Carl Hugo Anderson, Jr., Esq.
Sarah Bright, Esq.
Marc W. Brown, Esq.
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Postal Service with sufficient postage attached, addressed as follows:

I hereby certify that I have served the foregoing MOTION by United States

CERTIFICATE OF SERVICE