

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

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

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**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.**

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**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**

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**PETITION FOR HEARING EN BANC  
AND PETITION FOR PANEL REHEARING**

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## **STATEMENT OF ISSUES TO MERIT EN BANC CONSIDERATION**

The Panel issued an order that conflicts with binding precedents of this Circuit and the Supreme Court on many key issues. The Panel ignored the facts.

## **STATEMENT OF COURSE OF PROCEEDINGS & ESSENTIAL FACTS**

The underlying action began on 8-29-05. Windsor is a defendant; there was no legal basis whatsoever to sue him, and he was unable to file a counterclaim. The “Final Order and Judgment” was entered 12-9-08. In 2009, Windsor began efforts to reopen the case. After 213 days of ignoring everything, Judge Evans issued an order on 12-22-09 on all pending motions. She denied Plaintiffs’ requests for attorneys’ fees. On 12-31-09, Windsor filed a Notice of Appeal of all pending post-judgment issues. On 1-6-10, Plaintiffs filed a Motion for Attorney’s Fees. The Appealed Orders were entered 4-9-10 and 4-26-10. Notices of Appeal were filed on 4-16-10, 4-27-10, 5-5-10, and 5-25-10. On 10-25-10, Windsor filed a Motion for Intercircuit Assignment. 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 6-20-11 and 6-23-11, Windsor filed Verified Complaints pursuant to Georgia RICO in Fulton County Superior Court (Nos. 2011CV202263 and 2011CV202457). On 7-22-11 and 7-15-11, 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 9-12-11, Windsor filed a TIME-SENSITIVE MOTION FOR CERTIFICATE OF NECESSITY (“MCN”- Exh. B). On 10-28-11, an order was filed refusing to consider the MCN. On 10-31-11, the Panel issued the ORDER DENYING APPEAL (“ODA” - Exh. A). On 11-18-11, Windsor filed a Petition for En Banc Consideration of the OCTOBER 28, 2011 ORDER.

### **ARGUMENT AND AUTHORITIES**

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. Not a single one the 90 errors identified by Windsor was discussed, nor were any of the 397 cases and statutes cited by Windsor. MANY opinions of Panel members prove Windsor’s positions, and some of these are cited below.

1. **The Panel “voided” a filed motion without legal authority, and the Panel and the Clerk of the Court have committed felonies.** The Panel instructed the Clerk to remove the filed MCN documents from the court record. Criminal statutes prohibit this -- 18 U.S.C. § 2071. The ODA must be vacated.

**PANEL DECISION CONFLICTS: *Ray v. United States*, 57 S. Ct. 700, 301 U.S. 158 (U.S. 04/26/1937); *United States v. Lombardo*, 241 U.S. 73, 76, 36 S.Ct. 508, 60 L.Ed. 897 (1916); *Wetmore v. Karrick*, 27 S. Ct. 434, 205 U.S. 141 (U.S. 03/11/1907); *Gravel v. United States*, 92 S. Ct. 2614, 408 U.S. 606 (U.S.**

06/29/1972); *Armstrong v. Manzo*, 380 U. S. 545, 552 (1965); *Baldwin v. Hale*, 1 Wall. 223, 233 (1864); *Boddie v. Conn.*, 401 U.S. 371, 379, 91 S. Ct. 780, 786, 28 L. Ed. 2d 113 (1971); *Mullane v. Central Hanover*, 339 U.S. 306, 314, 70 S.Ct. 652, 657, 94 L.Ed. 865 (1950); *Zipperer v. City of Fort Myers*, 41 F.3d 619, 623 (11th Cir. 1995) (Before Black); *U.S. v. Flint*, 178 Fed.Appx. 964 (11th Cir. 05/01/2006).

2. **There was never a decision entered on the October 25, 2010 motion.**

FRAP Rule 27 grants parties the right to file motions, responses, and replies and provides that a “motion will be decided....” This is statutory law.

**PANEL DECISION CONFLICTS:** Rule 27; *U.S. v. Levy*, No. 01-17133 (11th Cir. 12/03/2004) (Before Anderson, Hull, Pryor). There must be many more.

3. **The binding precedents of U.S. v. Will, 28 U.S.C. 292, due process, and recusal require that the MCN be considered and granted.** The Chief Judge must issue a Certificate of Necessity to seek a new panel for the appeal.

**PANEL DECISION CONFLICTS:** *Jefferson County v. Acker*, 92 F.3d 1561 (11th Cir. 1996) (Before Panel Judge Edmondson); *U.S. v. Will*, 449 U.S. 200, 212-13, 66 L. Ed. 2d 392, 101 S. Ct. 471 (1980); 28 U.S.C. § 291, 28 U.S.C. § 292, and 28 U.S.C. § 294; *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934); *Liteky v U.S.*, 510 US 540 (1994); *Marshall v. Jerrico*, 446 U.S. 238, 242, (1980); *Stone v Powell*, 428 US 465, 483 n. 35, 96 S. Ct. 3037, 49 L. Ed. 2d 1067 (1976).

4. **The Panel used the wrong standard of review.** The precedents of the Supreme Court and the 11th Circuit provide that clear error was appropriate -- errors in this case are so fundamental that, absent the errors, an unbiased judge would have reached a different result. The District Court (“DC”) did not even make it clear which statute(s) she relied upon in issuing the orders. The Panel should have conducted a de novo review under both its review and supervisory powers. Even if abuse of discretion, the DC did not apply the proper legal

standard, follow proper procedures in making the determination, and based an award upon clearly erroneous findings of fact. (*Cordoba*, 419 F.3d at 1180.)

**PANEL DECISION CONFLICTS:** *United States v. Olano*, 507 U. S. 725, 732–736 (1993); *Long v. Florida*, 805 F.2d 1542, 1550 (11th Cir.1986) (Before Fay); *In re Red Carpet Corp.*, 902 F.2d 883, 890 (11th Cir. 1990) (Before Fay).

5. **The DC did not have jurisdiction to consider the motions filed by the Plaintiffs after all issues were on appeal.** **ALL** case law of the Supreme Court and the 11th Circuit says that jurisdiction was with the 11th Circuit. Only 6 post-judgment motions may stay a party’s notice of appeal, and Plaintiffs’ motion was not one of the six. [Fed. R. App. P. 4(a) (4) (A) (i) to (vi).]

**PANEL DECISION CONFLICTS:** *Griggs v. Provident Consumer Disc.*, 459 U.S. 56, 58 (1982); *Shivers v. Hill*, 205 Fed.Appx. 788 (11th Cir. 11/14/2006) (Before Tjoflat, Anderson, Birch); *Thompson v. Relationserve Media*, 610 F.3d 628 (11th Cir. 06/30/2010) (Before Tjoflat, Black, DC Judge Evans); *Stevens v. Wachovia Bank*, No. 09-12816 (11th Cir. 03/09/2010) (Before Panel Judge Wilson, Tjoflat, Barkett); *Mahone v. Ray*, 326 F.3d 1176 (11th Cir. 04/02/2003) (Before Panel Judge Wilson, Carnes, Marcus); *Weaver v. Florida Power*, 172 F.3d 771, 9 A.D. Cases 363 (11th Cir. 04/13/1999) (Before Tjoflat, Dubina); *U.S. v. Tovar-Rico*, 61 F.3d 1529 (11th Cir. 08/28/1995) (Before Panel Judge Edmondson and Barkett).

6. **The motion for attorneys’ fees was filed too late.** The motion for “sanctions” was not made prior to judicial rejection of the offending motion(s). The Panel’s decision conflicts with decisions in this very case by the DC and 11<sup>th</sup> Circuit that such motions for sanctions are not allowed.

**PANEL DECISION CONFLICTS:** *Peer v. Lewis*, No. 09-10882 (11th Cir.2010) (Before Pryor, Fay); *In re Walker*, 532 F.3d 1304 (11th Cir.2008) (Before Dubina, Black, Pryor); *Maid v. Alcatraz*, 1:06-CV-0714-ODE, Doc.390 - May 22, 2009 Order, P.16 and Order in Appeal No.09-13086-DD (Before Hull, Marcus, Pryor).

7. **Attorney's fees are barred by collateral estoppel, issue preclusion, the consent final order and judgment, and the order of December 22, 2009.**

PANEL DECISION CONFLICTS: *Bobby v. Bies*, 129 S.Ct. 2145 (U.S.2009); *Taylor v. Sturgell*, 128 S.Ct. 2161, 553 U.S. 880, (U.S.2008); *Gjellum v. City*, 829 F.2d 1056 (11th Cir.1987) (Before Panel Judges Kravitch and Edmondson); *Abele v. Tolbert*, No. 07-10302 (11th Cir.2007) (Before Tjoflat, Hull, Pryor.)

8. **Windsor's Constitutional rights to due process were violated.** The violations by the DC are immense. Despite many requests for hearings and conferences, there was absolutely no communication from the DC at any time to indicate that sanctions might be given any consideration whatsoever as the law demands. There has apparently never been a case in history like this that restricted one party from filing while allowing the opposite party to file anything. This is a matter of exceptional importance that requires an en banc determination.

PANEL DECISION CONFLICTS: *Procup v. Strickland*, 792 F.2d 1069, 1072 (11th Cir.1986) (Before Panel Judges Kravitch and Edmondson, Tjoflat, Hill, Fay, Anderson); *Byrne v. Nezhad*, 261 F.3d 1075, 1133-34 (11th Cir.2001) (Before Tjoflat, Birch, Dubina); *U.S. v. Powerstein*, 185 Fed.Appx. 811 (11th Cir.2006); *Shell v. HUD*, No. 09-12811 (11th Cir.2009) (Before Carnes, Marcus, Fay); *Copeland v. Green*, 949 F.2d 390, 391 (11th Cir.1991) (per curiam); *Martin-Trigona v. Shaw*, 986 F.2d 1384, 1387 (11th Cir.1993) (Before Panel Judge Kravitch, Birch and Carnes); *U.S. v. Flint*, 178 Fed.Appx. 964 (11th Cir.2006); *Riccard v. Prudential*, 307 F.3d 1277, 1295 n.15 (11th Cir.2002) (Before Panel Judge Edmondson, Carnes); *Klay v. United Health.*, No. 02-1664) (11th Cir.2004) (Before Tjoflat); and *Cofield v. Alabama Pub Serv*, 936 F.2d 512 at 518 (11th Cir.1991); *Mullane v. Central Hanover Bank & Trust Co.*, 339 U. S. 306, 313 (1950).

9. **The DC was obligated to weigh evidence to evaluate whether Windsor took any actions in bad faith, but the DC denied Windsor the ability to present evidence at the hearing.** The hearings were a due process outrage.

**PANEL DECISION CONFLICTS:** *Thomas v. Tenneco*, 293 F.3d 1306 (11th Cir. 06/13/2002) (Before Birch and Dubina); *U.S. v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004) (Before Panel Judges Edmondson and Wilson, Tjoflat, Anderson, Birch, Dubina, Black, Carnes, Barkett, Hull, Marcus); *Chambers v. NASCO*, 501 U.S. 32, 49-50 (1991); *Roadway Express v. Piper*, 100 S. Ct. 2455, (U.S. 06/23/1980).

**10. The hearing on April 8, 2010 did not comply with due process at all, and the DC violated its own order of March 9, 2010.**

**PANEL DECISION CONFLICTS:** *Amlong & Amlong, P.A. v. Denny's, Inc.*, 457 F.3d 1180 at 1193 (11th Cir. 2006); *U.S. v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004) (Before Panel Judges Edmondson and Wilson, Tjoflat, Anderson, Birch, Dubina, Black, Carnes, Barkett, Hull, Marcus); *Powell v. Alabama*, 287 U.S. 45, 68, 53 S.Ct. 55, 64 (1932); *In re Oliver*, 333 U.S. 257, 273, 68 S.Ct. 499, 507-08 (1948); *Snyder v. Mass.*, 291 U.S. 97, 116, 54 S.Ct. 330, 336 (1934); *Windsor v. McVeigh*, 93 U.S. 274, 277, 278.

**11. The District Court improperly limited the presentation of evidence at the April 8, 2010 Hearing.** In the Order that set the Hearing, the DC stated that Windsor would be allowed to present testimony as to whether attorneys' fees should be awarded. At the Hearing, the DC said the testimony would be restricted to the reasonableness of the fees. The DC denied Windsor the ability to address the essential issue. The DC even denied Windsor the ability to ask questions about the reasonableness of fees.

**PANEL DECISION CONFLICTS:** *Mullane v. Central Hanover Bank & Trust Co.*, 339 U. S. 306, 313 (1950); *Grannis v. Ordean*, 234 U.S. 385, 394.

**12. The DC did not permit Windsor to call witnesses.** The DC denied subpoenas, and Windsor was denied the ability to cross-examine or put documents into evidence.

**PANEL DECISION CONFLICTS:** *Adkins v. Christie*, No. 06-13057 (11th Cir.2007) (Before Panel Judges Edmondson and Wilson, Birch); *U.S. v. Frazier*, No. 01-14680 (11th Cir. 10/15/2004) (Before Panel Judges Edmondson and Wilson, Tjoflat, Anderson, Birch, Dubina, Black, Carnes, Barkett, Hull, Marcus); *Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934).

13. **DC did not consider the law at all in the April 8, 2010 hearing or in the April 9, 2010 order.** The only case cited by DC in the entire APRIL 9, 2010 ORDER does not support the APRIL 9, 2010 ORDER. It dealt with mandatory attorney fee awards under the Fair Labor Standards Act.

**PANEL DECISION CONFLICTS:** The universal requirement that there must be a legal basis for decisions.

14. **Windsor was given no warning whatsoever that sanctions or attorneys' fees might be considered.** Warnings are required.

**PANEL DECISION CONFLICTS:** *Byrne v. Nezhad*, 261 F.3d 1075, 1133-34 (11th Cir.2001) (Before Tjoflat, Birch, Dubina); *Kelly v. Old Dominion Freight Line*, 376 Fed.Appx. 909 (11th Cir. 04/27/2010) (Before Black, Pryor, Fay).

15. **Sanctions were awarded pursuant to 28 U.S.C. 1927, but the statute does not apply to pro se parties who are not attorneys.**

**PANEL DECISION CONFLICTS:** *Byrne v. Nezhad*, 261 F.3d 1075, 1133-34 (11th Cir.2001) (Before Tjoflat, Birch, Dubina); *Roadway Express v. Piper*, 100 S. Ct. 2455, (U.S. 06/23/1980); *Chambers v. NASCO*, 501 U.S. 32, 47, (1991).

16. **O.C.G.A 13-6-11 is not applicable in this action for a number of reasons.** The Plaintiffs and the DC falsely claimed that the DC could award attorney's fees pursuant to O.C.G.A. § 13-6-11. O.C.G.A. § 13-6-11 applies **ONLY** to recovery of attorneys' fees for the **Plaintiffs'** claims. Windsor is a defendant.

**PANEL DECISION CONFLICTS:** *Chong v. Reebaa Construction, Inc.*, 2008-GA-A0717.002; *Monterrey Mexican Restaurant of Wise, Inc. v. Leon*, 282 Ga. App. 439, 638 S.E.2d 879 (2006); *Trader's Ins. Co. v. Mann*, 118 Ga. 381, 45 S.E. 426 (1903); *Brown v. Baker*, 197 Ga. App. 466, 398 S.E.2d 797 (1990); *Lineberger v. Williams*, 195 Ga.App. 186, 188-189 (Ga. Ct. App. 1990.)

17. **There is no evidence of bad faith.** Attorneys' Fees (sanctions) require a showing of bad faith. Windsor testified that there was no proof of bad faith, and there was no testimony to the contrary.

**PANEL DECISION CONFLICTS:** *Patel v. McCall*, 200 Fed.Appx. 841 (11th Cir. 09/06/2006); *Byrne v. Nezhat*, 261 F.3d 1075 (11th Cir. 08/14/2001) (Before Tjoflat, Dubina, and Birch); *Roadway Express v. Piper*, 447 U.S. 752, (1980); *Amlong & Amlong v. Denny's*, No. 04-14499 (11th Cir. 07/31/2006) (Before Hull, Marcus, Hill); *Barnes v. Dalton*, 158 F.3d 1212, 1214 (11th Cir.1998) (Before Panel Judge Edmondson, Tjoflat, Carnes); *Chambers*, 501 U.S. at 50, 111 S.Ct. at 2132.

18. **Plaintiffs did not satisfy the standard for the DC to invoke its "inherent powers."**

**PANEL DECISION CONFLICTS:** *In re Sunshine*, 456 F.3d 1291 at 1304-1305 (11<sup>th</sup> Cir.2006) (Before Tjoflat and Barkett); *Martin v. Automobile Lamborghini*, 307 F.3d 1332 (11<sup>th</sup> Cir.2002) (Before Panel Judges Edmondson & Kravitch,Barkett).

19. **The DC and the Panel could not make "findings of fact" favoring the Plaintiffs as the only evidence in the court record was from Windsor.**

**PANEL DECISION CONFLICTS:** *EEOC v. Pet*, 719 F.2d 383, 384 (11th Cir. 1983); *Walker v. NationsBank*, 53 F.3d 1548, 1558 (11th Cir.1995) (Before Cox); *Johnson v. Florida*, 348 F.3d 1334, 1354 (11th Cir.2003) (Before Panel Judges Edmondson and Kravitch, Barkett).

20. **The Sanctions Hearing should have focused on Windsor's motive, but the DC would not allow that testimony.**

**PANEL DECISION CONFLICTS:** *Kreager v. Solomon & Flanagan, P.A.*, 775



F.2d 1541 (11th Cir. 11/15/1985) (Before Panel Judge Kravitch, Fay); *Rothenberg v. Security Management*, 736 F.2d 1470, 1472 (11th Cir.1984) (Before Anderson).

21. **Windsor did nothing frivolous as the record of the DC proved.**

PANEL DECISION CONFLICTS: *Schwartz v. Millon Air*, 341 F.3d 1220, 1225-26 (11th Cir.2003) (Panel Judge Edmondson, Dubina); *Amlong*, 500 F.3d at 1241-42.

22. **Plaintiffs said that what Windsor was thinking was the key issue**

**regarding bad faith, and Windsor testified there was no bad faith.**

PANEL DECISION CONFLICTS: *Jones*, 49 F.3d at 694-95; *Corp. v. Assoc. Cont.*, 877 F.2d 938, 943 (11th Cir.1989), cert. denied, 493 U.S. 1079 (1990) (Before Panel Judge Kravitch, Cox); *Souran v. Travelers*, 982 F.2d 1497, 1506 (11th Cir.1993) (Before Tjoflat, Cox); *Chambers*, 501 U.S. at 49, 111 S. Ct. at 2135, 115 L. Ed. 2d at 48; *In re Mroz*, 65 F.3d 1567, 1575 (11<sup>th</sup> Cir. 1995) (Before Cox).

23. **Financial information provided by the Plaintiffs was insufficient.** The

Panel erroneously claims that “Windsor challenges neither Maid of the Mist’s specific time or expense entries nor the specific hourly rates charged.” But he did in the 10-11758-A Brief, pp.57-59. Plaintiffs did not provide the information necessary to discern the amount of Plaintiffs’ claimed entitlement. The DC made no specific factual or legal findings.

PANEL DECISION CONFLICTS: *Reynolds v. Roberts*, 207 F.3d 1288, 1302 (11th Cir. 2000) (Before Tjoflat, Dubina); *Amlong & Amlong v. Denny’s*, No. 04-14499 (11th Cir. 07/31/2006) (Before Hull, Marcus, Hill).

24. **Sanctions against pro se parties are almost non-existent and are**

**inappropriate.** “Sanctions on pro se litigants are appropriate if they were warned that their claims are frivolous and they were aware of ‘ample legal authority holding squarely against them.’”

**PANEL DECISION CONFLICTS:** *Redeker-Barry v. United States*, No. 08-16166 (11th Cir. 06/25/2009) (Before Panel Judge Wilson, Carnes, Hull); *Spivey v. Zant*, 683 F.2d 881 (11th Cir. 08/16/1982) (Before Tjoflat and Fay); *Pollinger v. Internal Revenue Service Oversight Board*, No. 09-12295 (11th Cir.2010) (Before Birch, Carnes, Marcus); *Barrett v. United States*, No. 09-15159 (11th Cir.2010) (Before Panel Judge Wilson, Barkett, Hull).

25. **Plaintiffs did not meet the requirements to show “vexatious.”** They presented no affidavits and no testimony even attempting to show that Windsor took action for an improper purpose, without reasonable cause. Windsor made it clear that he only sought to bring the Plaintiffs to justice.

**PANEL DECISION CONFLICTS:** *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 421, 98 S. Ct. 694, 700, 54 L. Ed. 2d 648 (1978).

26. **The Panel failed to address Windsor’s charges that Judge Evans is biased and corrupt.** This is detailed in 10-11758-A Brief, pp.65-67.

27. **DC did not determine Windsor’s ability to pay, and this must be considered under the court's inherent power to impose a sanction.** DC made no factual inquiry into whether or not Windsor could pay the sanctions as required by law.

**PANEL DECISION CONFLICTS:** *Martin v Automobili Lamborghini*, 307 F.3d 1332 (11th Cir. 09/30/2002) (Before Panel Judge Edmondson, Barkett, and Kravitch); *Durrett v. Jenkins*, 678 F.2d 911 (11th Cir. 06/14/1982) (Before Tjoflat); *Byrne v. Nezhad*, 261 F.3d 1075 (11th Cir. 08/14/2001) (Before Tjoflat, Dubina, and Birch); *Campos v. City of Naples*, 202 Fed.Appx. 381 (11th Cir. 10/25/2006) (Before Anderson, Birch, and Hill); *Chambers v. NASCO, Inc.*, 501 U.S. 32, 49-50 (1991).

28. **The panel failed to address that there are 126 false statements in the contempt order.** The DC is a pathological liar, and the record proves it.

29. **There is evidence that Windsor was not allowed to present at the Hearings, and the denial was an abuse of due process and Windsor's Constitutional rights.** 15 pages do not permit a listing of the MASSIVE Constitutional violations.

30. **There was no contempt; the injunction violates FRCP Rule 65 because it is ambiguous.** The DC admitted the legal requirement that “an ordinary person reading the court’s order should be able to ascertain from the document itself exactly what is proscribed.” Then she outrageously claims that “claims arising from the same factual predicate or nucleus of operative facts as the instant case” and “would be barred by the doctrine of res judicata” should be comprehensible to an ordinary citizen. Ridiculous!

**PANEL DECISION CONFLICTS:** *International Longshoremen's Ass'n v. Philadelphia Marine Trade Ass'n*, 389 U.S. 64, 76, 88 S. Ct. 201, 19 L. Ed. 2d 236 (1967); *Pasadena City Board Education et al. v. Spangler et al.*, 96 S. Ct. 2697, 427 U.S. 424 (U.S. 06/28/1976); *Securities and Exchange Commission v. Smyth*, 420 F.3d 1225 (11th Cir. 08/10/2005); *United States v. Turner*, 812 F.2d 1552 (11th Cir. 03/30/1987); *Hughey v. JMS Dev. Corp.*, 78 F.3d 1523, 1531 (11th Cir.1996) (Before Anderson and Carnes); *Planetary Motion, Inc. v. Techplosion*, 261 F.3d 1188 (11th Cir. 08/16/2001) (Before Panel Judge Wilson); *American Red Cross v. Palm Beach Blood Bank*, 47 U.S.P.Q.2d 1139, 143 F.3d 1407 (11th Cir. 06/16/1998) (Before Tjoflat); *Abbott Laboratories v. Unlimited Beverages*, 218 F.3d 1238, 218 F.3d 1238 (11th Cir. 07/14/2000) (before Panel Judge Edmondson and Barkett).

31. **The December 22, 2009 injunction order is all about res judicata, and res judicata did not apply.** The DC tried to deny that res judicata applied, but the injunction order specifies res judicata.

“Finally, Windsor is ORDERED not to file in any court any new lawsuit which involves claims arising from the same factual predicate or nucleus of operative facts as the instant case. **These claims would be barred by the doctrine of res judicata.** The filing of such claims would serve no purpose except to harass Plaintiffs, and would probably result in sanctions against Windsor.” (Docket #723, Order dated December 22, 2009, P.19-¶4.)

The April 26, 2010 Contempt Order has nothing to do with issue preclusion.

Windsor’s actions in Washington-DC are not subject to res judicata because res judicata does not apply to an independent action in equity, action pursuant to Rule 60(d), or an action pursuant to the court’s inherent powers, for fraud on the court.

**PANEL DECISION CONFLICTS:** *United States v. Beggerly*, 524 U.S. 38, 46 (1998); *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 244 (1944); *Day v. Benton*, No. 08-16958 (11th Cir. 09/24/2009) (Before Hull, Marcus, Pryor).

**32. Windsor’s actions with the appellate court and in Washington-DC are not improper because the “nucleus of operative fact” pertains only to facts and causes of action that existed (or could have been claimed) at the time this action was filed on August 29, 2005.** There was no “nucleus of operative fact” issue with Windsor’s appellate actions or the Washington-DC Action.

**PANEL DECISION CONFLICTS:** *Sherrod v School Board*, 272 Fed. Appx. 828 (11th Cir. 2008) (Before Dubina, Marcus, Pryor); *Manning v. City of Auburn*, 953 F.2d 1355, 1360 (11th Cir.1992) (Before Kravitch and Edmondson); *Pleming v. Universal-Rundle*, 142 F.3d 1354 (11th Cir. 06/08/1998) (Before Birch, Fay); *Travelers Indemnity v. Bailey*, 129 S.Ct. 2195, 174 L.Ed.2d 99 (U.S. 06/18/2009); *Salazar v. Buono*, No. 08-472 (U.S. 04/28/2010); *Nevada v. U.S.*, 463 U. S. 110, 130 (1983) (quoting *Cromwell v. County of Sac*, 94 U. S. 351, 352 (1877)).

**33. The requirements were not met for a finding of contempt.** The Plaintiffs produced absolutely no evidence that Windsor willfully violated the

injunction. He didn't. *Black's Law Dictionary* defines "willful" as voluntary and intentional." The two cases cited by the Panel (*McGregor v. Chierico* and *Jordan v. Wilson*) require willful disregard of the authority of the Court as expressed in 2007 in *Georgia Power Co. v. National Labor Relations Board*, 484 F.3d 1288 (11th Cir. 04/17/2007), which has precedence over any case cited by the Panel. The other case cited by the Plaintiffs was 17 years prior (*Howard Johnson v. Khimani*). Because the contempt sanction was criminal, willfulness is absolutely required, and there was no such showing.

**PANEL DECISION CONFLICTS:** *U.S. v. Baldwin*, 770 F.2d 1550, 1558 (11th Cir. 1985) (Before Panel Judge Kravitch); *Riccard v. Prudential Ins.*, 307 F.3d 1277, 1296 (11th Cir. 2002) (Before Panel Judge Edmondson, Carnes); *Georgia Power v. NLRB*, 484 F.3d 1288 (11th Cir. 04/17/2007) (Before Marcus and Hill); *Fleischmann Distilling v. Maier Brewing*, 87 S. Ct. 1404 (U.S. 05/08/1967).

**34. Windsor's actions in Washington-DC are not subject to res judicata because the parties are not identical and the causes of action are totally**

**different.** The Panel ignored that the injunction order was based on res judicata.

(Docket #723, Order dated December 22, 2009, P.19-¶4.)

**PANEL DECISION CONFLICTS:** *In re Piper Aircraft Corp.*, 244 F.3d 1289, 1296 (11th Cir. 2001); *Sherrod v. School Board of Palm Beach County*, No. 07-13747 (11th Cir. 04/07/2008) (Before Dubina, Marcus, Pryor); and many others.

**35. DC had the inherent power to reopen the case for an investigation of fraud upon the courts, but she told Windsor that she had no such power.** That was a lie.

**PANEL DECISION CONFLICTS:** *Hazel-Atlas Glass v. Hartford-Empire*, 322 U.S. 238, 64 S. Ct. 997, 88 L. Ed. 1250 (1944); *Plaut v. Spendthrift Farm*, No. 93-1121 (U.S. 04/18/1995); *Rozier v. Ford*, 573 F.2d 1332, 1337-38 (5th Cir. 1978); *Day v. Benton*, No. 08-16958 (11th Cir. 09/24/2009) (Before Hull, Marcus, Pryor); *In re Ocon*, No. 08-11226 (11th Cir. 02/19/2009) (Before Birch, Hull, Pryor).

36. **False statements were made to the court by Plaintiffs' attorney.** The Panel ignored the documented proof.

37. **There has been fraud upon the courts.** The DC has obstructed justice by concealing the documents submitted to the court under seal for an in camera inspection. [Doc. 168.] The Panel ignored this.

38. **Windsor was not provided the legal protections required in a criminal contempt hearing.** \$5,000 of the sanctions that Windsor was forced to pay were paid to the Court rather than to the Plaintiffs. This made the Contempt Hearing a criminal contempt proceeding, and Windsor was not given the protection or the procedures required. Judge Tjoflat is the expert on this issue!

**PANEL DECISION CONFLICTS:** *Chandler v. James*, 180 F.3d 1254, 136 Ed. Law Rep. 201 (11<sup>th</sup> Cir. 07/13/1999) (Before Tjoflat); *United States v. Rizzo*, 539 F.2d 458 (5th Cir.1976); See *Young v. United States ex rel. Vuitton et Fils S.A.*, 481 U.S. 787, 798-99, 107 S.Ct. 2124, 2133, 95 L.Ed.2d 740 (1987).

39. **The Panel gave no valid legal authority.** The Panel cited only 8 cases:

- i. *Cordoba* (ORDER, pp.3-4) are irrelevant as to standard of review. (See ¶¶ 4, 14 above.)
- ii. *Cliff* (ORDER, pp.3-4) are irrelevant as to standard of review. (See ¶¶14 above.)

- iii. *Chambers v. Nasco* (ORDER, p.4) supports Windsor's positions. (See ¶¶6, 7, 8, 9, 10, 14 above.)
- iv. *Hutto v. Finney* (ORDER, p.4) supports Windsor's position. (See ¶¶14 above.)
- v. *McGregor v. Chierico* (ORDER, p.6) supports Windsor's position. (See ¶¶13 & 15 above.)
- vi. *Jordan v. Wilson* (ORDER, p.6) supports Windsor's position. (See ¶¶13 & 15 above.)
- vii. *Doe v. Bush* (2001) (ORDER, p.6) is not the precedent on contempt, and Windsor's contempt hearing was criminal not civil. (See ¶¶ 15 above.)
- viii. *Howard Johnson v. Khimani* (1990) (ORDER, p.6) is not the precedent on contempt, and Windsor's contempt hearing was criminal not civil. (See ¶¶ 13, 15 above.)

Windsor cited 397 cases in this appeal. Please see Page viii above; each of the case law citations for 11<sup>th</sup> Circuit Judges is indexed for easy reference.

### CONCLUSION

40. The Panel issued the ORDER because they are criminally biased against Windsor. The entire 11th Circuit must vote to hear this matter and reverse the decision. This Petition must be granted. Failure to do so will be a criminal act.

Submitted, this 21st day of November 2011.



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Pro Se

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Email: [williamwindsor@bellsouth.net](mailto: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 and to address important issues.

This 21st day of November 2011.

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

William M. Windsor

## CERTIFICATE OF INTERESTED PERSONS

William M. Windsor, Pro Se, hereby certifies pursuant to FRAP 26.1 and 11<sup>th</sup> 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.
- Shelnett, 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 21st day of November 2011.



---

**William M. Windsor**  
**Pro Se**

P.O. Box 681236  
Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto: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.



---

**William M. Windsor**  
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**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 21st day of November 2011.



---

**William M. Windsor**  
**Pro Se**

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Marietta, GA 30068  
Telephone: 770-578-1094  
Facsimile: 770-234-4106  
Email: [williamwindsor@bellsouth.net](mailto:williamwindsor@bellsouth.net)

# **Exhibit**

# **A**

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT U.S. COURT OF APPEALS

ELEVENTH CIRCUIT

OCTOBER 31, 2011

JOHN LEY

CLERK

Nos. 10-11758, 10-11981, 10-12515, 10-12516  
Non-Argument Calendar

D.C. Docket No. 1:06-cv-00714-ODE

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

Plaintiffs  
Counter Defendants  
Appellees,

versus

ALCATRAZ MEDIA, LLC,  
ALCATRAZ MEDIA, INC.,

Defendants  
Counter Claimants,

WILLIAM M. WINDSOR,

Defendant  
Counter Claimant  
Appellant.

---

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

---

(October 31, 2011)

Before EDMONDSON, WILSON and KRAVITCH, Circuit Judges.

PER CURIAM:

In 2005, Maid of the Mist Corporation and Maid of the Mist Steamboat Company, LTD. (collectively, “Maid of the Mist”) sued William Windsor and two business entities in state court for interfering with business operations. After removal and much litigation, the district court granted summary judgment and entered a consent final order and judgment resolving all claims in the case. Despite agreeing to the final order, Windsor continues to submit filings in this matter.<sup>1</sup>

This opinion addresses four consolidated appeals brought by Windsor. In a previous order we determined that any appeal he files must first pass a frivolity screening. After numerous notices of appeal, we decided that Windsor could seek review of four of the district court’s orders: (1) its April 9, 2010 order imposing

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<sup>1</sup> In addition to numerous orders, this Court has issued two opinions in this litigation. *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 294 F. App’x 463 (11th Cir. 2008) (per curiam) (“*Maid I*”); *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 388 F. App’x 940 (11th Cir. 2010) (per curiam) (“*Maid II*”).

attorneys' fees against Windsor; (2) its April 26, 2010 order finding Windsor in contempt of a December 22, 2009 order; (3) its April 30, 2010 order imposing additional attorneys' fees against Windsor; and (4) its May 4, 2010 denial of reconsideration of the April 9, 2010 order. Our analysis will focus on those orders, and we disregard Windsor's countless remaining attacks on the district court proceedings.

I.

The district court—on Maid of the Mist's motion for post-judgment attorneys' fees and expenses—ordered Windsor to pay \$192,377.87 for his post-judgment litigation actions, pursuant to its inherent authority, *inter alia*. It concluded that the dozens of motions filed by Windsor after his first Rule 60(b) motion were “totally frivolous,” “filed in bad faith,” “objectively unreasonable,” and served to “vexatiously and unreasonably multipl[y] the proceedings in this closed case . . . in which [Maid of the Mist] prevailed on the merits nearly three years ago.”

Windsor appeals from both the district court's order awarding attorneys' fees and its denial of his motion to reconsider that award. Those decisions are subject to abuse-of-discretion review. *See Cordoba v. Dillard's, Inc.*, 419 F.3d 1169, 1179–80 (11th Cir. 2005) (“The abuse-of-discretion standard also applies to

the extent that the district court's order [awarding attorneys' fees] relies on 28 U.S.C. § 1927 or the court's inherent power."); *Cliff v. Payco Gen. Am. Credits, Inc.*, 363 F.3d 1113, 1121 (11th Cir. 2004) ("[W]e also review the denial of his motion for reconsideration for an abuse of discretion."). A federal court, acting under its inherent power, can assess attorneys' fees if a party "has acted in bad faith, vexatiously, wantonly, or for oppressive reasons." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 45–46, 111 S. Ct. 2123 (1991) (internal quotation marks omitted).

The imposition of sanctions in this instance transcends a court's equitable power concerning relations between the parties and reaches a court's inherent power to police itself, thus serving the dual purpose of "vindicat[ing] judicial authority without resort to the more drastic sanctions available for contempt of court and mak[ing] the prevailing party whole for expenses caused by his opponent's obstinacy."

*Id.* at 46 (alterations in original) (quoting *Hutto v. Finney*, 437 U.S. 678, 689 n.14, 98 S. Ct. 2565 (1978)). "Because of their very potency, inherent powers must be exercised with restraint and discretion." *Id.* at 44.

Based on our review of the extensive record and the parties' briefs, the district court did not abuse its discretion by awarding the fees requested by Maid of the Mist. None of Windsor's arguments regarding the district court's ability to

award sanctions are persuasive and, accordingly, each is summarily dismissed. Furthermore, Windsor challenges neither Maid of the Mist's specific time or expense entries nor the specific hourly rates charged. Because the district court possessed the discretion to award attorneys' fees, and because Windsor did not challenge the attorneys' fees calculation, we affirm. Likewise, we conclude that the district court did not abuse its discretion in denying Windsor's motion for reconsideration of the attorneys' fees award.

## II.

Windsor next appeals from the district court's order finding him in contempt of its filing injunction.<sup>2</sup>

This court reviews the grant or denial of a motion for civil contempt under the abuse of discretion standard. Upon appellate review, a civil contempt order may be upheld only if the proof of the defendant's contempt is clear and convincing. "This clear and convincing proof must also demonstrate that 1) the allegedly violated order was valid and lawful; 2) the order was clear, definite and unambiguous; and 3) the alleged violator had the ability to comply with the order."

---

<sup>2</sup> We previously upheld the district court's order preventing Windsor from filing any motion, pleading, or other document in connection with the facts underlying the original lawsuit in this case. *Maid II*, 388 F. App'x at 942. Accordingly, all of Windsor's arguments pertaining to the legitimacy of the filing injunction have previously been adjudicated.

*McGregor v. Chierico*, 206 F.3d 1378, 1383 (11th Cir. 2000) (quoting *Jordan v. Wilson*, 851 F.2d 1290, 1292 n.2 (11th Cir. 1988) (per curiam)). “[T]he focus of the court’s inquiry in civil contempt proceedings is not on the subjective beliefs or intent of the alleged contemnors in complying with the order, but whether in fact their conduct complied with the order at issue.” *Doe v. Bush*, 261 F.3d 1037, 1047 (11th Cir. 2001) (quoting *Howard Johnson Co. v. Khimani*, 892 F.2d 1512, 1516 (11th Cir. 1990)).

In its December 22, 2009 order, which we previously upheld, the district court ruled that “Windsor is ORDERED not to file in *any* court any new lawsuit which involves claims arising from the same factual predicate or nucleus of operative facts as the instant case.” (emphasis in original). In February 2010, Windsor filed a complaint in the United States District Court for the District of Columbia arising out of the same operative facts at issue in the previous litigation. Windsor’s contempt is clear and convincing in this case. First, we previously determined that the December 22 order preventing future filings was valid and lawful. Second, the portion preventing Windsor from filing suit in any court could not have been clearer. Finally, Windsor could have complied with the provision prohibiting the filing of additional lawsuits by not filing additional lawsuits.



Accordingly, we conclude that the district court did not abuse its discretion in granting the civil contempt motion.

III.

Finally, Windsor appeals the district court's award of additional attorneys' fees for the work completed outside of the time frame covered by the initial award. Windsor makes no discernible argument as to why the district court abused its discretion in awarding additional fees. Accordingly, his claims are summarily dismissed.

IV.

Based on the foregoing discussion, the district court's orders are **AFFIRMED**.

Maid of the Mist's motion for sanctions under Federal Rule of Appellate Procedure 38 is **DENIED**.

# **Exhibit**

# **A**

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT U.S. COURT OF APPEALS

ELEVENTH CIRCUIT  
OCTOBER 31, 2011

Nos. 10-11758, 10-11981, 10-12515, 10-12516  
Non-Argument Calendar

JOHN LEY  
CLERK

D.C. Docket No. 1:06-cv-00714-ODE

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

Plaintiffs  
Counter Defendants  
Appellees,

versus

ALCATRAZ MEDIA, LLC,  
ALCATRAZ MEDIA, INC.,

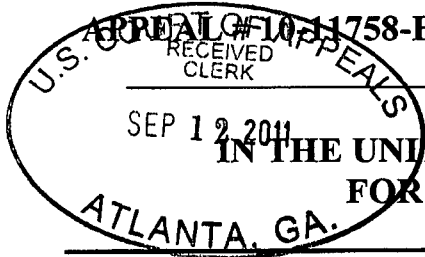
Defendants  
Counter Claimants,

WILLIAM M. WINDSOR,

Defendant  
Counter Claimant  
Appellant.

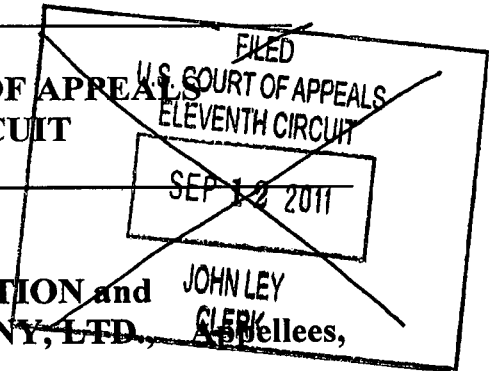
# **Exhibit**

# **B**



APPELLANT # 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 JOHN LEY  
MAID OF THE MIST STEAMBOAT COMPANY, LTD., CLERK, Attorneys,

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-1  
Judge Orinda D. Evans

---

**TIME-SENSITIVE MOTION FOR CERTIFICATE OF NECESSITY**

---

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

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

---

COMES NOW Plaintiff William M. Windsor (“Windsor” or “Plaintiff”) who, pursuant to 28 U.S.C. § 292 and 28 U.S.C. § 294, hereby shows the Chief Judge of the United States Court of Appeals for the Eleventh Circuit that the Chief Judge must request assignment of judges from outside this circuit by submitting a Certificate of Necessity to the Chief Justice of the United States Supreme Court.

**THE CHIEF JUDGE MUST ISSUE A CERTIFICATE OF NECESSITY TO SEEK A NEW PANEL TO CONSIDER THIS APPEAL.**

1. Every judge from this circuit and the Northern District of Georgia is named as a Defendant in at least two actions filed by Windsor (1:11-CV-02027-TWT and 1:11-CV-02326-TWT). The judge in the Underlying Action is a co-Defendant in the lawsuits filed against the judges of the Eleventh Circuit.

2. Windsor’s verified complaint charges these judges with dishonesty, criminal acts, racketeering, and corruption.

3. Windsor knows from experience that he has not obtained fair treatment from judges in this circuit.

4. Any judge from this circuit assigned to hear this case has a personal interest in the case as a defendant.

5. Any judge from this circuit assigned to hear this case will be friends with the Defendants. Friendships create an extra-judicial bias in favor of the friend and an extra-judicial bias against anyone who would sue a judge friend.

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).

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

**"[If] there is [any] reasonable factual basis for doubting the judge's 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. Rep. No. 93-1453, p. 5 (1973) (emphasis added).

“The Reports of the two Houses continued:

“The statutes contain ample authority for chief judges to assign other judges to replace either a circuit or district court judge who become disqualified [under § 455].” S. Rep. No. 93-419, supra, at 7 (emphasis added); H. R. Rep. No. 93-1453, supra, at 7 (emphasis added).

9. *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 id. § 292 (assignment of district judges).”

The court in *Jefferson County* actually ruled that recusal was not required “[b]ecause we have no interest, financial or other, that requires disqualification under the circumstances....” **[emphasis added.]** 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 Action. The Eleventh Circuit’s BINDING PRECEDENT on TWT and federal judges in Atlanta



is that recusal is required because there are impartial judges elsewhere who can handle the case.

10. 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 a judge from another Circuit.

**THE CHIEF JUDGE MUST ISSUE A CERTIFICATE OF NECESSITY TO SEEK A NEW JUDGE TO PRESIDE OVER THE UNDERLYING ACTION.**

11. Judge Orinda D. Evans (“ODE”) is a defendant in many legal actions filed by Windsor. In several of these cases, all of the judges of the Eleventh Circuit are co-Defendants with ODE.

12. Windsor’s verified complaint charges ODE with dishonesty, criminal acts, perjury, obstruction of justice, racketeering, and corruption. A Judge may not hear a case due to personal interest. ODE has an absolute personal interest. There are thousands of judges who are available to hear this case.

13. 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 as needed. Every rule and statute and fundamental right is that Windsor is to be given a fair hearing and trial, but ODE has violated every form of

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.*

*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.

18. A judge is supposed to disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, and ODE is obligated to do so.

19. The due process clauses of both the Georgia and the United States Constitutions guarantee a party an impartial and disinterested tribunal in civil cases, but Windsor has been denied an impartial judge.

20. Rights of citizens to litigate meritorious claims against judges are protected by the First and Fourteenth Amendments and perhaps by Article III of the Constitution for the United States of America as well. TWT and the federal judges in Atlanta are denying this right.

*(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 *Cotting 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).

*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

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).)

24. An inherent right is the honesty of the judge. ODE and federal judges in Atlanta have committed perjury and obstruction of justice. ODE and federal judges in Atlanta have violated many canons of the Code of Judicial Procedure 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. ODE and federal judges in Atlanta have violated criminal statutes.

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

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

27. An inherent Constitutional right is the honesty of the judge. ODE and federal judges in Atlanta have not been honest. ODE and federal judges in Atlanta

have violated Canon 2 and other Canons of the Code of Judicial Conduct (“CJC”).

28. 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.” (*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).)

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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**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.

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

William M. Windsor

## **CERTIFICATE OF INTERESTED PERSONS**

William M. Windsor, Pro Se, hereby certifies pursuant to FRAP 26.1 and 11<sup>th</sup> 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 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., United States District Judge.
- Obama, President Barrack.
- 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.