

No. _____

In The
Supreme Court of the United States

In re WILLIAM M. WINDSOR

WILLIAM M. WINDSOR, *Petitioner*

vs.

James N. Hatten, et al, *Respondents*

On Petition for Writ of Mandamus and/or Prohibition
To The United States Court of Appeals for the ELEVENTH CIRCUIT

**PETITION FOR WRIT OF MANDAMUS
AND/OR PROHIBITION**

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QUESTIONS PRESENTED

The Petitioner brought suit in Case No. 2011-CV-200971 in the Superior Court of Fulton County Georgia for Violation of state laws.

Case No. 2011-CV-200971 was unlawfully removed to federal court where the U.S. District Court for the Northern District of Georgia (“DISTRICT COURT”) never addressed the removal and never determined jurisdiction. A series of Void Orders and Void Judgments were issued by the DISTRICT COURT, including Permanent Injunction Orders that purported to deny William M. Windsor (“WINDSOR”) the right to file any action in a state court anywhere in America. WINDSOR was denied appeals by wrongful denial of In Forma Pauperis status.

This Petition arises out of orders in the DISTRICT COURT and the U.S. Court of Appeals for the ELEVENTH CIRCUIT (“11TH CIRCUIT”).

- I. Is a federal court order void when jurisdiction is never determined? If so, every order of the DISTRICT COURT and 11TH CIRCUIT are invalid, and this Court’s task is simple.
- II. Does a federal court judge lack jurisdiction to place restrictions on the operation of state courts?
- III. Is a federal court order placing restrictions on the operation of state courts a void order?
- IV. Did the 11TH CIRCUIT err by denying appeals of William M. Windsor (“WINDSOR”) that incorporate the jurisdiction issue and the state court authority issue?

- V. Did the DISTRICT COURT and the 11TH CIRCUIT err by denying In Forma Pauperis status to WINDSOR?
- VI. Are there exceptional circumstances that require this Court to issue a Writ?

PARTIES TO THE PROCEEDING

All parties to the proceeding in the court whose judgment is the subject of this Petition are as follows:

William M. Windsor, Petitioner, Appellant, and Plaintiff
("WINDSOR")

James N. Hatten, Anniva Sanders, J. White, B. Gutting, Margaret Callier, B. Grutby, Douglas J. Mincher, Jessica Birnbaum, Judge William S. Duffey, Judge Orinda D. Evans, Judge Julie E. Carnes, John Ley, Judge Joel F. Dubina, Judge Ed Carnes, Judge Rosemary Barkett, Judge Frank M. Hull, Defendants
("DEFENDANTS")¹

JUDGE THOMAS W. THRASH
("JUDGE THRASH")

United States District Court for the Northern District of Georgia
("DISTRICT COURT")

United States Court of Appeals for the ELEVENTH CIRCUIT
("11TH CIRCUIT")

CORPORATE DISCLOSURE STATEMENT

Pursuant to Rule 29.6, WINDSOR states that no parties are corporations.

¹ All DEFENDANTS are represented by the U.S. Attorney's Office.

RELATED CASES

Windsor v. Hatten, et al, Civil Action No. 2011-CV-200971, Superior Court of Fulton County Georgia.

Windsor v. Hatten, et al, Civil Action No. 1:11-CV-01923-TWT, United States District Court for the Northern District of Georgia, Atlanta Division (“01923”), Judgment entered 11/16/2011.

Windsor v. Hatten, et al, APPEAL NO. 22-12038-J and 22-12411-J Consolidated in the United States Court of Appeals for the 11TH CIRCUIT, Order entered 04/13/2023.

Windsor v. Hatten, et al, APPEAL NO. 22-12038 in the United States Court of Appeals for the 11TH CIRCUIT, Order entered 04/13/2023, case pending.

Windsor v. Hatten, et al, APPEAL NO. 22-12411 in the United States Court of Appeals for the 11TH CIRCUIT, Order entered 04/13/2023, case pending.

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Windsor v. Hatten, et al, APPEAL NO. 11-14124 in the United States Court of Appeals for the 11TH CIRCUIT, Order dismissed 01/23/2012 due to denial of In Forma Pauperis. [11TH CIRCUIT 11-14124 Docket #19.] Net worth was shown as negative of approximately \$1,000,000. [11-1424 DOCKET #3.]

Windsor v. Hatten, et al, APPEAL NO. 11-14202 in the United States Court of Appeals for the 11TH CIRCUIT, Order entered 12/14/2011. [11TH CIRCUIT 11-14021 Docket #16.] [01923 DOCKET #131.]

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² To control the size of the Appendix, the PETITIONER references the electronic dockets whenever possible. If the Court prefers to have everything on paper, he will be happy to provide them. He has sent a Flash Drive containing all referenced documents to the Clerk of Court for filing.

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**IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF MANDAMUS
AND / OR WRIT OF PROHIBITION**

WINDSOR respectfully applies pursuant to 28 U.S.C. § 1651, Rule 20.3 of this Court's Rules, and the Court's Inherent Power that a Writ of Mandamus and/or a Writ of Prohibition issue to review the judgments and inaction below.

The Writ should be directed to the judges of the U.S. Court of Appeals for the ELEVENTH CIRCUIT, JUDGE THOMAS W. THRASH, and all federal judges in the State of Georgia.

The relief is not available from any other court as The United States Supreme Court is the only higher court, and there are no other options.

OPINIONS BELOW

A recent opinion of the United States Court of Appeals for the 11TH CIRCUIT appears at APPENDIX 26 to the Petition and is pending and unpublished.

The first Injunction Order of the United States District Court for the Northern District of Georgia appears at APPENDIX 3 to the Petition and is unpublished and is a void order. [APPENDIX 3 – 06/17/2011.]

The second Injunction Order of the United States District Court for the Northern District of Georgia appears at APPENDIX 4 to the Petition and is unpublished. [APPENDIX 4 - 07/15/2011.]

The third Injunction Order of the United States District Court for the Northern District of Georgia appears at APPENDIX 5 to the Petition and is Unpublished. [APPENDIX 5 - 07/22/2011.]

The fourth Injunction Order of the United States District Court for the Northern District of Georgia appears at APPENDIX 6 to the Petition and is Unpublished. It charges \$5,950,000 - \$50,000 per Summons -. [APPENDIX 6 - 10/26/2011.]

The fifth Injunction Order of the United States District Court for the Northern District of Georgia appears at APPENDIX 8 to the Petition and is Reported on Fastcase. [APPENDIX 8 - 02/12/2018.]

The sixth Injunction Order of the United States District Court for the Northern District of Georgia appears at APPENDIX 14 to the Petition and is Unpublished. It enjoins WINDSOR from acting as a Next Friend or Attorney-in-Fact in Texas. 03/09/2022.

JURISDICTION

This Court has jurisdiction pursuant to 28 U.S.C. § 1651(a) and Supreme

Court Rule 20.3.

This Court has jurisdiction because the Orders in question are VOID ORDERS. The orders of the federal DISTRICT COURT placing restrictions on state court actions are unlawful and unconstitutional. The orders of the 11TH CIRCUIT allowing the DISTRICT COURT to order restrictions on state court actions are unlawful and unconstitutional.

There is no legal authority, and these orders deprive WINDSOR of fundamental Constitutional rights. This Court always has jurisdiction to deal with Constitutional violations and void judgments.

The 11TH CIRCUIT had jurisdiction pursuant to 28 U.S.C. § 1292(a)(1) because the DISTRICT COURT's orders (1) imposed an injunction; or (2) had the practical effect of an injunction; or (3) worked a modification of an injunction. The most recent orders (APPENDICES 1 and 2) deny rights to WINDSOR and as many as 1,000,000 of his acquaintances and implicitly enjoin WINDSOR and others. The orders are not allowed under the terms of APPENDICES 4 and 9.

Injunctions are appealable pursuant to 28 U.S.C. § 1292(a).

Black's Law Dictionary 784 (6th ed. 1990) (defines "injunction" as "[a] court order prohibiting someone from doing some specified act or commanding someone to undo some wrong or injury").

1292(a)(1) applies to any order that has "the practical effect of granting or

denying an injunction,” so long as it also “might have a serious, perhaps irreparable, consequence, and ... can be effectually challenged only by immediate appeal.” *I.A.M Nat'l Pension Fund Benefit Plan Av. Cooper Indus., Inc.*, 789 F.2d 21, 23-24 (D.C. Cir. 1986) (internal quotation marks omitted).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

11 U.S.C. § 101)

(15) The term “entity” includes person, estate, trust, governmental unit, and United States trustee.

(32) The term “insolvent” means — (A) with reference to an entity other than a partnership and a municipality, financial condition such that the sum of such entity’s debts is greater than all of such entity’s property, at a fair valuation....

28 U.S.C. § 1651:

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

All Writs Act

The All Writs Act is a United States federal statute, codified at 28 U.S.C. § 1651, which authorizes the United States federal courts to “issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.”

Amendment V of the United States Constitution

“No person shall be...deprived of life, liberty, or property, without due process of law...”

Amendment VI of the United States Constitution

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.

Article I of the Georgia Constitution

Section I - RIGHTS OF PERSONS - Paragraph I. Life, liberty, and property. No person shall be deprived of life, liberty, or property except by due process of law.

Section I - RIGHTS OF PERSONS - Paragraph XXVII. Spouse's separate property. The separate property of each spouse shall remain the separate property of that spouse except as otherwise provided by law.

Article III of the United States Constitution

Section 1. The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish.

“ The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority....

Georgia Code -- Title 19 - Domestic Relations -- Chapter 3 - Marriage Generally -- Article 1 - General Provisions -- § 19-3-9. Each Spouse's Property Separate

The separate property of each spouse shall remain the separate property of that spouse, except as provided in Chapters 5 and 6 of this title and except as otherwise provided by law.

STATEMENT OF THE CASE

1. This PETITION regards the United States District Court for the Northern District of Georgia Civil Action No. 1:11-CV-01923-TWT (“01923”) and Appeal No. 22-12038-J and Appeal No. 22-12411-J (22-12038-22-12411-APPEALS”), which were consolidated by the United States Court of Appeals for the ELEVENTH CIRCUIT. Appeal No. 22-12038-J was filed on 06/06/2022, but jurisdiction was not resolved for 312 days. [APPENDIX 26.]

2. Seven (7) DISTRICT COURT orders were appealed on June 6, 2022 and July 7, 2022 (APPENDICES 6 and 17). But WINDSOR is asking that all 11TH CIRCUIT orders be declared void. These are APPEAL NOs. 11-13363; 11-13391; 11-14021; 11-14124; 11-14202; 11-14502; 11-14847; 11-15275; 12-10157; 18-11067; 22-12038; 22-12411; 11-13214; and 11-13244 (“APPEALS”).³ WINDSOR is asking that all DISTRICT COURT orders be declared void. These are 01923 Orders with Docket Numbers 9, 33, 41, 53, 57, 58, 59, 63, 67, 70, 74, 75, 85, 90, 97, 98, 100, 103, 106, 107, 110, 116, 122, 123, 124, 125, 126, 127, 128, 129, 133, 134, 136, 141, 142, 143, 146, 147, 148, 149, 154, 155, 156, 174, 175, 180, 181, 182, 183, 199, 200, 201, 202, 203, 204, 205, 211, 212, 213, 214, 215, 216, 221,

³ These are all 11TH CIRCUIT appeal numbers, and each of these appeals is referenced and incorporated herein.

226, 229, 239, 240, 241, 243, 245, 246, 251, 254, 260, 262, 264, 274, 275, 283, 285, 286 ("DC ORDERS").⁴ There are six (6) injunction orders [APPENDICES 3, 4, 5, 6, 9, and 14. [APPENDIX 10 is the Docket for 01923.]⁵

3. The relief requested herein is primarily due to the failure of the DISTRICT COURT to establish jurisdiction; due process violations galore; no authority for a federal judge to issue an injunction to be applied to state court matters; and violation of the Constitution of the State of Georgia and abuse of discretion in denying In Forma Pauperis status with the 11TH CIRCUIT.

4. Some history is necessary for a full understanding of the case. WINDSOR has been denied his Constitutional and legal rights for 12 years.

5. In 2005 at the age of 56, WINDSOR thought judges were honest and court was where justice is done.

6. On 08/29/2005, WINDSOR, who was retired, was sued in the Superior Court of Gwinnett County Georgia, Case No. 05A-10097-3. The sworn complaint was completely false as was proven by deposition testimony.

⁴ These are all DISTRICT COURT Docket numbers for orders, and each of these orders is referenced and incorporated herein.

⁵ WINDSOR has no explanation for why some DEFENDANTS are shown as Dismissed on 06/13/2011; there is no such order.

7. On 03/28/2006, Case No. 05A-10097-3 was removed to federal court where it became Case No. 1:06-CV-00714-ODE with Judge Orinda D. Evans.

WINDSOR quickly discovered that Judge Orinda D. Evans was corrupt. He then experienced corruption with other federal judges, including JUDGE THRASH.

WINDSOR was a very experienced and highly-regarded corporate executive who had been President of a Goldman Sachs company and CEO of a Mitt Romney Bain Capital company, and he was shocked to find out how naïve he was about judges.

8. The actions of Judge Orinda D. Evans, JUDGE THRASH, and the 11TH CIRCUIT cost WINDSOR millions and wiped out his finances. He has struggled financially ever since and at age 74 is in Chapter 13 Bankruptcy (Case # 6-21-bk-04061 in the U.S. Bankruptcy Court for the Middle District of Florida).

9. WINDSOR was brought up by wonderful parents who never lied, and they taught him this important lesson. WINDSOR has never lied in a legal matter, and he became committed to trying to make a difference in the legal system with those, like himself, who could not afford attorneys.

10. Blessed with a MENSA IQ, very strong reading and comprehension skills, and 42-words-per-minute typing speed with two fingers, WINDSOR studied paralegal work and in 2010 began helping people (at no charge) who could not

afford attorneys or paralegals (63% of the parties in civil courts today). 13 years later, he has helped several thousand people.

11. In 2008, WINDSOR began publishing articles online about pro se issues, and in 2009, he began hosting an online radio show for those who could not afford attorneys. In 2010, he hosted an online video conference and was contacted by over 10,000 people who wanted to tell him their stories of INjustice. This led to WINDSOR driving to all 50 states and DC in 2012 and 2013 to film a documentary about government, judicial, and law enforcement corruption. The plan was to film 51 people, but 2,500 showed up to be filmed. He managed to film 1,500 in a year. Constituents of members of the House and Senate met WINDSOR in D.C. to personally deliver the Documentary to their legislators. Most were hand-delivered. When constituents were not available, the documentary DVD was mailed to their legislators. Videos were posted on YouTube and Facebook.

12. Because of his work, WINDSOR received hundreds of threats from people on the other side of stories he shared. It began about the time he managed to help get a judge to vacate an order that required a 15-year-old girl to have unsupervised sleepover visits with her biological father who sexually molested her.

13. In late May 2011, WINDSOR was informed by radio talk show hosts of a plan to have him killed. WINDSOR notified the FBI and spoke with agent Harry Hammick, but it seems nothing was investigated.

14. JUDGE THRASH and the judges of the 11TH CIRCUIT established a prejudice against and hatred of WINDSOR, so he never received due process.

15. On 05/20/2011, WINDSOR filed *Windsor v. Hatten, et al*, Civil Action No. 2011CV200971 in the Superior Court of Fulton County Georgia.

16. On 06/13/2011, a Notice of Removal of Civil Action No. 2011CV200971 was filed by the DEFENDANTS. [1:11-CV-01923-TWT Docket #1.] The case became *Windsor v. Hatten, et al*, Civil Action No. 1:11-CV-01923-TWT, U.S. District Court for the Northern District of Georgia, Atlanta (“01923”).

17. On 06/13/2011, the DEFENDANTS filed a Motion for Protective Order regarding discovery. [01923 Docket #4.] On 06/14/2011, WINDSOR filed a Motion to Deny Removal. [01923 Docket #7.]

18. Neither the motion to deny removal nor jurisdiction were ever addressed by the DISTRICT COURT in 01923. This can be seen on the 01923 Docket - APPENDIX 10.

19. On 06/17/2011, an Order granted the DEFENDANTS’ Motion for Protective Order [APPENDIX 3.] While not addressed or requested as relief by

the DEFENDANTS, the DISTRICT COURT ordered:

“No party need respond to any filing by the Plaintiff absent an Order to do so by this Court. The Plaintiff is ordered to post a cash bond or corporate surety bond acceptable to the Clerk in the amount of \$50,000.00 to satisfy any award of Rule 11 sanctions before filing any additional papers in this case without the consent of the Court.”

20. The DISTRICT COURT did not have jurisdiction and violated due process as there was neither notice nor an opportunity to be heard.

21. On 06/22/2011, an Emergency Motion *Seeking Modification of Protective Order* was filed by the DEFENDANTS. The U.S. Attorney asked the DISTRICT COURT “...to include barring filing in any court, including any state court...” [01923 Docket #40.] There is no legal basis for such an order. This EMERGENCY MOTION contains a false, unsubstantiated claim.

22. On 06/23/2011, WINDSOR filed a Motion to Recuse JUDGE THRASH. [01923 Docket #41.] On 07/01/2011, WINDSOR filed a Second Supplemental Affidavit of Prejudice of JUDGE THRASH. [01923 Docket #52.]

23. On 07/12/2011, JUDGE THRASH issued an order regarding the hearing scheduled for 07/15/2011 limiting documents, setting time limits at 20 minutes each, and directing that no witnesses would be called. [01923 Docket #58.] It was an evidentiary hearing with evidence and due process denied.

24. On 07/14/2011, WINDSOR filed a Notice of Appeal as to six orders.

[01923 Docket #62.]

25. On 07/15/2011, a so-called hearing was held and a permanent injunction order was issued that says WINDSOR may not file lawsuits or administrative proceedings “in any court (state or federal).” A Transcript of Proceedings was issued. [01923 Docket #238.] It shows the Order was prepared prior to the hearing and arguments were heard. The Order reads:

“Plaintiff, William M. Windsor, and any parties acting in concert with him or at his behest, are PERMANENTLY ENJOINED from filing any complaint or initiating any proceeding, including any new lawsuit or administrative proceeding, in any court (state or federal) or agency in the United States without first obtaining leave of a federal district court in the district in which the new complaint or proceeding is to be filed. If the lawsuit or administrative proceeding names federal judges or court employees, the Plaintiff must also tender a \$50,000.00 cash bond or a \$50,000.00 corporate surety bond sufficient to satisfy an award of Rule 11 sanctions since such actions are presumably frivolous.” [APPENDIX 4-P.2.]

26. This permanent injunction order was issued after denying rights to due process. WINDSOR understands it is a Void Order as federal judges have no jurisdiction over state courts; then there’s the Constitutional protections denied.

27. On 07/18/2011, WINDSOR filed an Amended Notice of Appeal as to Order on Motion for Protective Order (01923 Docket 74) and (01923 Docket #70, #75, and #80). [01923 Docket #93.] It was assigned Case # 11-13244-B

28. On 07/19/2011, WINDSOR filed a Second Amended Notice of Appeal (01923 Docket #70, #75, 83, and on Protective Order (01923 Docket #74).

[01923 Docket #83.] It was assigned Case # 11-13391-B.

29. On 07/22/2011, JUDGE THRASH sua sponte entered an Order (“Mail Injunction Order”) that any future United States mail received from WINDSOR or a person acting on his behalf will not be delivered to the employees. [APPENDIX

5.] This appears to be a federal crime.

30. On 07/25/2011, WINDSOR filed a Third Amended Notice of Appeal as to the 07/22/2011 Order. [01923 Docket #87.] It was Case # 11-13363-B.

31. On 08/10/2011, an Application to Appeal In Forma Pauperis was filed as to the 07/18/2011 Amended Notice of Appeal. [01923 Docket #102.] On 08/11/2011, JUDGE THRASH denied WINDSOR’s Application. [01923 Docket #104.] Cases cited in support of this order were from New York, Maryland, and Alabama, which are not relevant to a Georgia case. The Georgia Constitution and Georgia law dictate that the separate property of each individual in a marriage shall remain the separate property of that person, except as specifically dictated by other laws. [APPENDIX 12, P.3, Paragraph 27.] There is no law that makes Georgia separate property joint for an application for In Forma Pauperis.

32. On 08/11/2011, WINDSOR’s 08/02/2011 Request to file in the state court was delivered to federal Judge Charles A. Pannell, Jr. Permission to file was denied by JUDGE THRASH. [01923 Docket #103.] As per the Injunction Order,

WINDSOR filed Requests to File with the Clerk, but these have not been recorded on the Docket. In his Requests, WINDSOR stated that the INJUNCTION ORDER was void, and he stated that the DISTRICT COURT did not have jurisdiction over state court matters. APPENDIX 11 is one example.

33. On 08/19/2011, WINDSOR was invited to appear before the Fulton County Georgia Grand Jury for a Presentment of criminal charges against Judge Orinda D. Evans, JUDGE THRASH, and others. The Grand Jury instructed WINDSOR to return at their next session on 08/23/2011 to continue his testimony. JUDGE THRASH confirmed this in an order: "The Plaintiff was allowed to appear before the Grand Jury [REDACTED] 01923 Docket #123, P.2.]

34. On 08/22/2011, an Order was issued by JUDGE THRASH denying Windsor's right to file in state court [REDACTED] 01923 Docket #107.]

35. On 08/23/2011, WINDSOR returned to the Fulton County Courthouse as scheduled to appear before the Grand Jury. He was denied the continuation of his testimony by Fulton County Assistant District Attorney Waverly Settles. When he returned to try again at the Grand Jury's next session on 08/30/2011, he was removed from the courthouse and issued a Criminal Trespass Warning.

36. On 08/24/2011, the 11TH CIRCUIT dismissed WINDSOR's Amended Notice of Appeal of the 07/15/2011 injunction order in Case # 11-

13363-B claiming the appeal fee had not been paid, but it had. [01923 Docket #110.] APPENDIX 13 shows the appeal fee was paid, and subsequent filings show they were amendments to that appeal. WINDSOR could not afford to pay again.

37. On 08/29/011, WINDSOR filed his Fourth Amended Appeal as to eight orders. [01923 Docket 114.]

38. WINDSOR knew the "INJUNCTION ORDER" was void. Despite that fact, WINDSOR made requests before filing to avoid contempt.

39. On 09/01/2011 and 09/06/2011, WINDSOR delivered documents to the Clerk seeking consent to file complaints in the Superior Court of Fulton County. They were not docketed.

40. On 09/15/2011, the 11TH CIRCUIT dismissed WINDSOR's Amended appeal in Case # 11-13244-BB for failure to pay the filing fee. [01923 Docket #119.] On 09/20/2011, the 11TH CIRCUIT dismissed his Amended Appeal in Case # 11-13391-B for failure to pay the filing fee. [01923 Docket #121.] As shown above, the appeal fee had been paid. WINDSOR's Applications showed a negative net worth of \$1,254,574. 11 U.S.C. § 101 (32) says this is insolvency. -

41. On 09/22/2011, JUDGE THRASH denied permission to file a Superior Court of Fulton County complaint. He noted that WINDSOR's testimony

before the Grand Jury. JUDGE THRASH was one of the people WINDSOR was seeking to have charged criminally. ¶01923 Docket #123.]

42. On 09/27/2011, WINDSOR filed a Notice of Appeal as to four orders, including the Order on the Motion for Protective Order. ¶01923 Docket #130.]

43. On 09/27/2011, WINDSOR filed a verified Application to Appeal In Forma Pauperis. ¶01923 Docket #131.] It showed a negative net worth of \$1,254,574, total monthly expenses of \$11,450 and income of \$4,000.

44. On 09/28/2011, the 11TH CIRCUIT dismissed the Appeal in Case # 11-13214-BB for lack of jurisdiction as non-final orders. ¶01923 Docket #134.]

45. On 09/28/2011, the DISTRICT COURT denied WINDSOR permission to file any attachments with the Notice of Appeal delivered to the Clerk on 09/27/2011, and any Notice of Appeal filed hereafter. ¶01923 Docket #133.]

46. On 09/29/2011, the DISTRICT COURT denied the 09/27/2011 Application to Appeal In Forma Pauperis. All pending Applications to Proceed In Forma Pauperis were DENIED. ¶01923 Docket #136.]

47. On 10/18/2011, an Amended Notice of Appeal was filed. ¶01923 Docket #152.]

48. On 10/26/2011, the DISTRICT COURT issued an Order requiring WINDSOR to post a \$50,000.00 cash bond or corporate surety for a summons for

each federal judge or employee. [APPENDIX 6.] Due process was ignored.

49. On 11/08/2011, a Second Amended Notice of Appeal was filed. [01923 Docket #167.]

50. On 11/08/2011, WINDSOR filed a verified Application to Appeal In Forma Pauperis. [01923 Docket #169.] He explained his financial position in great detail, and it proves JUDGE THRASH had made false and malicious statements in denying In Forma Pauperis. [APPENDIX 7.]

51. On 11/09/2011, the DISTRICT COURT issued an Order denying the 11/08/2011 Application to Appeal In Forma Pauperis. [01923 Docket #174.]

52. On 11/15/2011, the DISTRICT COURT denied the Motion for Issuance of Subpoenas. [01923 Docket #180.]

53. **On 11/16/2011, the DISTRICT COURT declared that Case 1-11-CV-01923-TWT was dismissed with prejudice.** “The Clerk is directed not to file any papers received from the Plaintiff other than a Notice of Appeal with no attachments without my express consent.” [APPENDIX 8.]

54. On 11/23/2011, the 11TH CIRCUIT denied WINDSOR’s motion to proceed In Forma Pauperis. [01923 Docket #199.]

55. On 12/14/2011, the 11TH CIRCUIT dismissed WINDSOR’s appeal in Case #11-14202-B. [01923 Docket #202.] On 12/22/2011, the 11TH CIRCUIT

dismissed WINDSOR's appeal in Case # 11-14847-B. [01923 Docket #203.] Both were sua sponte for lack of jurisdiction and ignored injunctions.

56. On 12/29/2011, the 11TH CIRCUIT notified WINDSOR that upon expiration of 14 days from the date of the order, the Petition for Mandamus would be dismissed by the clerk unless fees (\$450) was paid in 11-14124-B. [01923 Docket #204.] An Application for In Forma Pauperis was filed 09/08/2011.

57. On 01/06/2012, a Notice of Appeal was filed. [01923 Docket #206.]

58. On 01/17/2012, the 11TH CIRCUIT received Appeal Fees \$455 - receipt number GAN100042471 in Case #11-14021-B. [01923 Docket #208.]

59. On 01/20/2012, JUDGE THRASH of the DISTRICT COURT sua sponte ordered that all pending motions were denied. [01923 Docket #211.]

60. On 01/23/2012, the 11TH CIRCUIT dismissed the appeal regarding the Petition for Writ of Mandamus to the DISTRICT COURT claiming WINDSOR had failed to pay the filing and docketing fees. [01923 Docket #212.] His Application for In Forma Pauperis was wrongly denied.

61. On 01/25/2012, the 11TH CIRCUIT dismissed the appeal sua sponte in Case #11-15275-B claiming non-final orders. [01923 Docket #213.]

62. On 01/31/2012, the 11TH CIRCUIT dismissed the appeal in Case # 11-14021-B. [01923 Docket #214.]

63. On 04/15/2013, the 11TH CIRCUIT dismissed WINDSOR's appeals in Case #12-10157-B for failure to adequately prosecute [01923 Docket #216.]

64. In 2013, an attempt was made to murder WINDSOR. He was shot at, but the bullets hit a car to his right on the Montana Interstate. He received an email taking credit for the shooting, and WINDSOR was able to trace the IP to identify the shooter as Sean Boushie, a Montana man who had threatened WINDSOR hundreds of times because he filmed a woman Sean Boushie hated. Two police departments, two sheriff's departments, and four courts did nothing.

65. On 05/05/2017, WINDSOR was hit at 75 miles-per-hour by an 18-wheeler. His car was lifted off all four wheels and turned 180-degrees before he was dropped to the Florida Turnpike in eight high-speed spins. He narrowly escaped death twice and is now disabled. He is in constant pain. He can no longer walk, has lost the use of his left hand, has herniated discs and/or bulging discs on every disc in his neck and back. He also has a Diastasis Recti abdominal injury. Some believe this was attempted murder because Sean Boushie was involved according to an eyewitness who called 911 that day.

66. WINDSOR needs hundreds of thousands of dollars in surgery, but corrupt Judge Jeffrey L. Ashton dismissed WINDSOR's personal injury case (2018-CA-010270 in Ninth Judicial Circuit in Orange County Florida) because he

did not have an attorney. The absence of due process in the case is based in part on Judge Orinda D. Evans, JUDGE THRASH, and the 11TH CIRCUIT.

67. On 02/05/2018, WINDSOR filed a Motion to Modify Injunction [01923 Docket #225.] On 02/12/2018, the DISTRICT COURT issued an Order granting in part and denying in part the MOTION to Modify Injunction [01923 Docket #226.] APPENDIX 9.] The ONLY difference between this order and the 07/15/2011 order is the addition of these words: **“The above restrictions do not apply to appeals in actions already in existence on July 15, 2011, criminal complaints, or petitions for protective orders the Plaintiff feels necessary to protect his personal safety.”** This Order ignored three of the four issues presented, including the issue of lack of jurisdiction over state court matters.

68. On 03/19/2018, a Notice of Appeal was filed [01923 Docket #231.] It was assigned Case #18-11067-H [01923 Docket #234.] The Filing Fee was paid - \$505.00; Receipt number GAN100101518.

69. On 01/03/2019, the 11TH CIRCUIT issued a “Do Not Publish” Opinion in Case #18-11067-HH.) [01923 Docket #239.] This Opinion ignored the fact that the 07/15/2011 injunction order was unlawful and void. The 11TH CIRCUIT denied the Appeal because there had been no change in the law. This ignored the valid laws that pre-existed that required the grant of the Appeal.

70. On 10/04/2019, a Motion for Leave to File Bankruptcy was filed by WINDSOR. [01923 Docket #250.] On 10/28/2019, the DISTRICT COURT granted the Motion for Leave to File Bankruptcy. [01923 Docket #251.]

71. On 09/04/2020, a Request for Clarification on Filing Injunction was filed. [01923 Docket #257.]

72. On 11/04/2020, the DISTRICT COURT denied WINDSOR's Motions for Clarification [01923 Docket #257 and #258]. [01923 Docket #260.]

73. On 03/08/2022, a Request for Leave to File a Complaint was filed. [01923 Docket #261.] On 03/09/2022, WINDSOR's Request was denied.

[APPENDIX 14.] The denial of the right to file lawsuits in Texas as a next friend or as an attorney-in-fact constitutes an injunction, and there was neither notice nor an opportunity to be heard.

74. On 05/24/2022, a Request for Leave to File Guardianship Actions and Appeals in Texas was filed. [01923 Docket #263.]

75. On 05/26/2022, WINDSOR's Motion for Leave to File Guardianship Actions and Appeals in Texas was DENIED. [01923 Docket #264.]

76. On 06/06/2022, WINDSOR filed a Notice of Appeal in 01923. [01923 Docket #265.]

77. On 06/08/2022, WINDSOR filed three Requests for Leave to File in Texas. [01923 Docket #269, #270, and #271.] On 06/30/2022, the DISTRICT COURT denied the three requests to file Texas actions. [01923 Docket #275.]

78. On 07/18/2022, a Notice of Appeal to the 11TH CIRCUIT was timely filed. [APPENDIX 17.] The 11TH CIRCUIT docketed the Appeal on 07/19/2022. [01923 Docket #280.]

79. On 09/07/2022, an order was entered by the 11TH CIRCUIT on the consolidated appeals. [APPENDIX 15.] It stated:

“...the Court finds that Appellant has raised a non-frivolous issue, specifically whether a pre-filing injunction may be extended to filings in state court. *See, e.g., Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181, 192 (5th Cir. 2008).”

80. WINDSOR was overjoyed by this Order. He had communicated many times that a federal judge has no authority over state courts or jurisdiction.

81. On 10/28/2022, WINDSOR responded to the jurisdictional questions raised by the Clerk of the Court in APPEAL NO. 22-12038-J. [APPENDIX 22.]

82. This regards the Notice of Appeal of 4 orders [APPENDIX 16] filed on 06/06/2022 in 01923 Docket #265. APPENDIX 16 reads:

“This is a pro se civil action. It is before the Court on the Plaintiff’s Motion for Leave to File Guardianship Actions and Appeals [Doc. 263]. The Plaintiff’s extraordinary abuse of the judicial process through overly burdensome, vexatious, and frivolous litigiousness led the Court to impose the filing restrictions set forth in the Court’s Order of February 12, 2018.

The current motion seeks to vacate that Order and to allow the Plaintiff to proceed with appeals of an action pending in the Texas Tenth Court of Appeals. The motion, which fails to comply with the Court's Local Rules, shows that Mr. Windsor's extraordinary abuse of the judicial process is continuing. It appears that he is engaged in the unauthorized practice of law. The Court declines the invitation to intervene in the matter pending in the Texas Tenth Court of Appeals. The Plaintiff's Motion for Leave to File Guardianship Actions and Appeals [Doc. 263] is DENIED."

83. The 07/15/2011 ORDER [APPENDIX 4] is a purported injunction.

The 02/12/2018 ORDER [APPENDIX 9] is a slight modification to the purported injunction. The ONLY difference between the 02/12/2018 Order and the 07/15/2011 Order is the addition of these words: "**The above restrictions do not apply to appeals in actions already in existence on July 15, 2011, criminal complaints, or petitions for protective orders the Plaintiff feels necessary to protect his personal safety.**" It does not say anything that would cause the 05/26/2022 ORDER in this action to be denied. [APPENDIX 1.]

84. On 07/18/2022, a Notice of Appeal to the 11TH CIRCUIT was timely filed. [APPENDIX 25.] The 11TH CIRCUIT docketed the Appeal on 07/19/2022. [01923 Docket #278 – 07/18/2022.]

85. On 10/11/2022, WINDSOR received a letter dated 09/22/2022 from David A. Smith and Davina C. Burney-Smith of the District Court Clerk's Office questioning jurisdiction. [APPENDIX 23.] It included an 09/07/2022 order that was not sent to WINDSOR. [APPENDIX 15.]

86. On 10/24/2022, WINDSOR responded to the jurisdictional questions raised by the Clerk of the Court in APPEAL NO. 22-12411-J. [APPENDIX 24.]

87. On 06/09/2022, WINDSOR filed Requests for Leave by Wanda Dutschmann to File Motions for Judicial Review of Documentation or Instrument Purporting to Create a Lien or Claim; for Acquaintances to File; and to File a Civil Rights Complaint [01923 Docket #s 269, 270, 271.]

88. On 06/30/2022, The DISTRICT COURT granted WINDSOR's Notice of Appeal Construed as an Application to Appeal In Forma Pauperis [01923 Docket #274.] After routinely denying such applications, WINDSOR's divorce and bankruptcy mandated approval by JUDGE THRASH

89. On 06/30/2022, the DISTRICT COURT denied the Motion for Leave to File Motions [01923 Docket #269, #270, #271] with false and malicious claims by JUDGE THRASH [01923 Docket #275.]

90. The terms of the 07/15/2011 permanent injunction are very clear "**...filing any complaint or initiating any proceeding, including any new lawsuit or administrative proceeding....**" APPENDIX 16 and 17 have nothing to do with filing a complaint, a new lawsuit, or filing an administrative proceeding.

91. On 07/19/2022, WINDSOR filed a Notice of Appeal as to the 06/30/2022 Order on Motion for Leave to File. [01923 Docket #278.]

92. On 12/09/2022, the 11TH CIRCUIT granted WINDSOR's Motion for Leave to File Out of Time Jurisdictional Question Response on Notice of Appeal (01923 Docket #265). [01923 Docket #285.]

93. On 01/06/2023, an 11TH CIRCUIT Order granted WINDSOR's Motion for Leave to File Jurisdictional Question Response Out of Time in Case # 22-12411-J. [01923 Docket #286.]

STATEMENT OF RELIEF SOUGHT

94. WINDSOR respectfully prays that a writ of mandamus and/or a writ prohibition be issued by this Court directed to the 11TH CIRCUIT:

- a. Vacate all orders in *Windsor v. Hatten, et al*, Civil Action No. 1:11-CV-01923-TWT. Order the United States Court of Appeals for the 11TH CIRCUIT to vacate all orders in response to Civil Action No. 1:11-CV-01923-TWT.
- b. Prohibit the exercise of unlawful jurisdiction by federal courts over state court matters with which it is not vested by law.
- c. Require all Georgia federal courts to comply with the Georgia Constitution on applications for In Forma Pauperis.
- d. Establish a Supreme Court precedent that makes it clear federal courts have no jurisdiction over state courts.

REASONS FOR GRANTING THE PETITION

95. There has been a clear abuse of discretion and a usurpation of judicial power giving rise to error of sufficient magnitude to justify an extraordinary writ.

11 reasons for granting the Petition are detailed below.

I. A FEDERAL COURT ORDER IS VOID WHEN JURISDICTION IS NEVER DETERMINED.

96. Fraud was committed in the removal of Case No. 2011-CV-200971 in the Superior Court of Fulton County Georgia. This fraud means the DISTRICT COURT did not have jurisdiction.

97. The DISTRICT COURT has committed fraud upon the court as has the U.S. Attorney. The DISTRICT COURT has not followed mandatory statutory procedures; has committed unlawful acts; has violated due process. The DISTRICT COURT has not complied with the Rules, the Code of Judicial Conduct, or the Federal Rules of Civil Procedure. The DISTRICT COURT did not have subject matter jurisdiction.

98. It is clear and well-established law that a judge must first determine whether the judge has jurisdiction before hearing and ruling in any case. The DISTRICT COURT failed to do so, and his so-called orders are void. (*Adams v. State*, No. 1:07-cv-2924-WSD-CCH (N.D.Ga. 03/05/2008).) (*See Steel Co. v.*

Citizens for a Better Env't, 523 U.S. 83, 94 (1998); see also *University of S. Ala. v. The Am. Tobacco Co.*, 168 F.3d 405, 410 (11th Cir. 1999); (*Jean Dean v. Wells Fargo Home Mortgage*, No. 2:10-cv-564-FtM-29SPC (M.D.Fla. 04/21/2011).) (*Taylor v. Appleton*, 30 F.3d 1365, 1366 (11th Cir. 1994).)

99. Proceedings *in forma pauperis* are governed by 28 U.S.C. § 1915(a)(1), which states that an individual may proceed without prepayment of fees upon submission of “an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.” (*Adams v. State*, 1:07-cv-2924-WSD-CCH, 3 (N.D. Ga. Mar. 5, 2008).)

100. “A case is properly dismissed for lack of subject matter jurisdiction under Rule 12(b)(1) when the district court lacks the statutory or constitutional power to adjudicate it.” *Lyons v. Litton Loan Servicing LP*, 158 F.Supp.3d 211, 218 (S.D.N.Y. 2016) (quoting *Makarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000)) (*Abdel-Fakhara v. State*, 5:21-cv-198, 9 (D. Vt. Sep. 6, 2022).)

101. An order that exceeds the jurisdiction of the court is void, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue. (See *Rose v. Himely* (1808) 4 Cranch 241, 2 L. ed 608; *Pennoyer v. Neff*

(1877) 95 US 714, 24 L ed 565; *Thompson v. Whitman* (1873) 18 Wall 457, 21 L ed 897; *Windsor v. McVeigh* (1876) 93 US 274, 23 L ed 914; *McDonald v. Mabee* (1917) 243 US 90, 37 Sct 343, 61 L ed 608. “If a court grants relief, which under the circumstances it hasn’t any authority to grant, its judgment is to that extent void.” (1 Freeman on Judgments, 120c.) “A void judgment is no judgment at all and is without legal effect.” (*Jordon v. Gilligan*, 500 F.2d 701, 710 (6th Cir. 1974)) “a court must vacate any judgment entered in excess of its jurisdiction.” (*Lubben v. Selective Service System Local Bd. No. 27*, 453 F.2d 645 (1st Cir. 1972)). A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433.

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

II. A FEDERAL COURT JUDGE DOES NOT HAVE JURISDICTION TO PLACE RESTRICTIONS ON THE OPERATION OF STATE COURTS.

103. Article Three of the United States Constitution establishes the judicial branch of the U.S. federal government. Under Article Three, the judicial branch consists of the Supreme Court of the United States, as well as lower courts created

by Congress. Article Three empowers the courts to handle cases or controversies arising under federal law, as well as other enumerated areas.

104. Article Three grants no powers over state courts.

105. A federal judge has no jurisdiction over state courts, and a federal order for filing restrictions cannot apply to state courts.

106. WINDSOR has researched “filing restrictions” referencing the three key federal precedents in every federal circuit court and has filed the information with the DISTRICT COURT. He could find NO CASE to support the actions of JUDGE THRASH. There has never been one single appellate decision that disagrees with the three cases -- *Baum v. Blue Moon Ventures, LLC*, 513 F.3d 181, 191-92 (5th Cir. 2008); *Sieverding v. Colo. Bar Ass’n*, 469 F.3d 1340, 1344 (10th Cir. 2006); and *Martin-Trigona v. Lavien*, 737 F.2d 1254, 1263 (2d Cir. 1984). See also *Procup v. Strickland*, 760 F.2d 1107 (11th Cir. 05/20/1985).

APPENDIX 21 is a Memorandum of Law that reports on 137 applicable federal cases as of 08/08/2020.

107. “Federal courts have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions.” *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir 1986). In particular, “[t]he court has a responsibility to prevent single litigants

from unnecessarily encroaching on the judicial machinery needed by others.” *Id.* at 1074. To that end, the court may severely restrict a litigant’s filings, but it cannot completely foreclose a litigant from any access to the courts. *Id.* (*Watkins v. Dubreuil* (11th Cir. 2020); (*Dickey v. United States* (11th Cir. 2021).)

108. State court actions cannot impair a federal court’s ability to carry out Article III functions.

109. We review the district court’s decision to impose a filing injunction or restriction for an abuse of discretion. See *Miller v. Donald*, 541 F.3d 1091, 1096 (11th Cir. 2008). We review questions of constitutional law de novo. *Id.*

110. We review issues of subject matter jurisdiction de novo. (*Williams v. Chatman*, 510 F.3d 1290, 1293 (11th Cir. 2007). (*Dickey v. United States*, supra.))

111. There are precedents in every circuit. WINDSOR has not been able to identify a Supreme Court opinion on this issue.

112. Federal case law establishes that a federal judge has no jurisdiction over state courts, and a federal order for filing restrictions cannot apply to state courts. There are many 11TH CIRCUIT precedents. (*Riccard v. Prudential*, 307 F.3d 1277, 1295 n.15 (11th Cir. 2002) (citing *Procup v. Strickland*, 792 F.2d 1069, 1079 (11th Cir. 1986) (en banc)); *Klay v. United*, 376 F.3d 1092, 1099-1102 (11th

Cir. 2004); *Dinardo v. Palm Beach Judge*, 199 Fed.Appx. 731 (11th Cir. 07/18/2006); *Martin-Trigona v. Shaw*, 986 F.2d 1384, 1387-88 (11th Cir. 1993).)

113. If the 02/12/2018 order was a valid order [APPENDIX 9], it only slightly changes the 07/15/2011 order, but it does change it. The 11TH CIRCUIT accepted the appeal but ignored the unanimous law that says a federal judge has no authority over state courts or jurisdiction. [APPENDIX 21.] This was repeatedly ignored the DISTRICT COURT. State and federal courts in Texas have used this to deny the rights of WINDSOR and some of his acquaintances.

114. As WINDSOR stated in 01923 Docket #269, #270, and #271: "There is no legal authority whatsoever for a federal court to have jurisdiction over state court matters, and there is no legal authority for a state court to deny legal and Constitutional rights based on a void order by a federal judge."

115. The decisions in all eleven Circuits appear to be unanimous in providing that federal courts are unable to approve federal courts issuing orders that apply to state courts.

116. **BUT, there is one and only one circuit that has allowed a federal judge to approve federal courts issuing orders that apply to state courts. It's the 11TH CIRCUIT, but only in appeals involving WINDSOR.**

III. A FEDERAL COURT ORDER PLACING RESTRICTIONS ON THE OPERATION OF STATE COURTS IS A VOID ORDER.

117. Void judgments are those rendered by a court which lacked jurisdiction, either of the subject matter or the parties. The DISTRICT COURT and the 11TH CIRCUIT had no power to deal with the state court issue as state courts are not within the scope of the power vested in the federal courts. See: *Tube City Mining v. Otterson*, 16 Ariz. 305, 146 P 203 (1914); *Wahl v. Round Valley Bank* 38 Ariz, 411, 300 P. 955 (1931); and *Millken v. Meyer*, 311 U.S. 457, 61 S. CT. 339, 85 L. Ed. 2d 278 (1940).

118. JUDGE THRASH has never had jurisdiction over state court matters, over guardianship, or over anyone acquainted with WINDSOR.

IV. THE 11TH CIRCUIT ERRED BY DENYING APPEALS OF WINDSOR THAT INCORPORATE THE JURISDICTION ISSUE AND THE STATE COURT ISSUE.

119. These are among the most basic of legal maxims, and the 11TH CIRCUIT simply ignored them. The judges knew better; they simply did it to hurt WINDSOR and shield their own.

V. IN GEORGIA, A PARTY APPLYING FOR IN FORMA PAUPERIS IS NOT REQUIRED TO MAKE FINANCIAL DISCLOSURES OF THE SEPARATE PROPERTY OF A SPOUSE.

120. Denial of In Forma Pauperis based upon WINDSOR's wife kept WINDSOR's appeals from being considered.

121. When WINDSOR moved from Texas to Georgia in 2001 and his wife moved from Ohio to Georgia in 2001, separate accounts, separation of assets, and legal documents were handled by an Estate Planning attorney because Georgia is a separate property state.

122. WINDSOR was married until June 10, 2013. His wife divorced him after 42 years due to her fear that she, the children, or grandchildren would be killed because of WINDSOR's legal efforts.

123. The DISTRICT COURT and the 11TH CIRCUIT repeatedly denied WINDSOR's applications for In Forma Pauperis because WINDSOR did not report his wife's separate assets. The DISTRICT COURT cited case law from states other than Georgia. [APPENDIX 20, P.3.] 08/11/2011.

124. There is no Georgia case law, and there is no opinion of this Court as to this issue, but a Georgia husband has no rights to his spouse's separate property.

125. Paragraph XXVII of the Georgia Constitution Bill of Rights provides: "Spouse's separate property. The separate property of each spouse shall remain the separate property of that spouse except as otherwise provided by law."

126. Georgia Code § 19-3-9 also establishes that the separate property of

each spouse shall remain the separate property of that spouse.

127. WINDSOR's first four amended notices of appeal were timely and properly filed. The Clerk of the 11TH CIRCUIT noted them incorrectly on the Docket; WINDSOR did not owe additional fees. (See *Julie Baker Zalloum v. River Oaks Community Services Association, Inc., et al.*, No. 20-11483 (11th Cir. 2021).)

128. WINDSOR's applications for In Forma Pauperis should not have been denied, and he should not have had his legal right to file appeals stolen.

VI. THIS CASE INVOLVES VOID ORDERS AND JUDGMENTS

129. Void Orders and Void Judgments have no legal force or effect.

130. Law Dictionary defines Void JUDGMENTS as "referring to a statute, contract, ruling or anything which is null and of no effect. **A law or judgment found by an appeals court to be unconstitutional is void.**" [emphasis added.]

131. A void judgment is a simulated judgment devoid of any potency because of jurisdictional defects, in the court rendering it and defect of jurisdiction may relate to a party or parties, the subject matter, the cause of action, the question to be determined, or relief to be granted. (*Davidson Chevrolet v. City and County of Denver*, 330 P.2d 1116, certiorari denied 79 S.Ct. 609, 359 U.S. 926.)

132. A judgment may not be rendered in violation of Constitutional protections. The validity of a judgment may be affected by a failure to give the

constitutionally required due process notice and an opportunity to be heard. (*Earle v. McVeigh*, 91 US 503, 23 L Ed 398.) A void judgment is not entitled to the respect accorded a valid adjudication, but may be entirely disregarded, or declared inoperative by any tribunal in which effect is sought to be given to it. It is attended by none of the consequences of a valid adjudication. It has no legal or binding force or efficacy for any purpose or at any place. ... It is not entitled to enforcement ... All proceedings founded on the void judgment are themselves regarded as invalid. (30A Am Jur Judgments.) Every person is entitled to an opportunity to be heard in a court of law upon every question involving his rights or interests, before he is affected by any judicial decision on the question. *Earle v McVeigh*, 91 US 503, 23 L Ed 398. A judgment of a court without hearing the party or giving him an opportunity to be heard is not a judicial determination of his rights. *Sabariego v Maverick*, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any other tribunal. A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include *Kalb v. Feuerstein* (1940) 308 US 433; *Ex parte Rowland* (1882) 104 U.S. 604, 26 L.Ed. 861: "A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its want of vitality is a dead limb upon the judicial tree, which should be lopped off, if the power to do so exists." *People v. Greene*,

71 Cal. 100 [16 Pac. 197, 5 Am. St. Rep. 448]. “If a court grants relief, which under the circumstances it hasn’t any authority to grant, its judgment is to that extent void.” (1 Freeman on Judgments, 120c.) An illegal order is forever void. An order that exceeds the jurisdiction of the court is void, and can be attacked in any proceeding in any court where the validity of the judgment comes into issue.

133. Cases have been cited above: *Rose v. Himely*; *Pennoyer v. Neff*; *Thompson v. Whitman*; *Windsor v. McVeigh*; *McDonald v. Mabee*; 1 Freeman on Judgments, 120c; *Jordon v. Gilligan*; *Lubben v. Selective Service*; *US v. Holtzman*.

134. This Court must find the orders of the DISTRICT COURT to be unconstitutional and thus VOID.

135. Black’s Law Dictionary, Sixth Edition, page 1574:

“Void judgment. **One which has no legal force or effect, invalidity of which may be asserted by any person whose rights are affected at any time and at any place directly or collaterally.** *Reynolds v. Volunteer State Life Ins. Co.*, *Tex.Civ.App.*, 80 S.W.2d 1087, 1092. **One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force and effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree.** Judgment is a “void judgment” if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process. (*Klugh v. U.S.*, *D.C.S.C.*, 610 F.Supp. 892, 901.) [**emphasis added.**]

136. WINDSOR has the right to assert the invalidity at any time and at any place. Black’s Law Dictionary.

137. Void judgments are those rendered by a court that lacked jurisdiction, either of the subject matter or the parties. The DISTRICT COURT has never had jurisdiction over state court matters, over guardianship, or over anyone acquainted with WINDSOR simply because they are acquainted.

138. No Statute of limitations applies to void judgments, See *Hazel-Atlas Co. Id.*; the case was voided 12 years after the original judgment. See also *V.T.A., Inv. v. Airco, Inc.* 597 F. 2d 220 (10th Cir. 1979). If a judgment is void, the slate must be wiped clean, *Armstrong v. Manzo*, 380 U. S. 545, 552 (1962).

139. Void Ab Initio mandates that a void judgment can never gain legitimacy because it is void from the inception. Therefore, this case is simple, as the judgments are void, then all subsequent orders and judgments are void as a matter of law. The fact is that decisions involving WINDSOR in Georgia, Florida, Texas, Montana, and California have been based on the void judgment.

140. This Court has jurisdiction to review the appealed-from order(s).

141. A judgment is void if it not consistent with Due Process of law. (*Orner v. Shalala*, 30 F.3d 1307, 1308 (C.A.10 (Colo.),1994); *V.T.A., Inc. v. Airco, Inc.*, 597 F.2d 220, 221 (1979).) A judgment reached without due process of law is without jurisdiction and thus void. (*Bass v. Hoagland*, 172 F. 2d 205, 209 (1949).)

142. A void judgment may be entirely disregarded without a judicial

declaration that the judgment is void and differs from a voidable judgment.

143. A federal court order is void order where jurisdiction is never determined. The orders of the DISTRICT COURT must be disregarded.

VII. THIS CASE INVOLVES WINDSOR'S CONSTITUTIONAL DUE PROCESS RIGHTS

144. Due Process requires that citizens receive fair notice of what sort of conduct to avoid. And the Order of 05/26/2022 violated due process as there was no notice and no hearing.

145. The 05/26/2022 ORDER [APPENDIX 1] that is a subject of this Petition has nothing to do with filing a complaint, a new lawsuit, or an administrative proceeding. A Texas application for guardianship in an existing probate court matter is not the filing of a lawsuit and is not an administrative proceeding. And it is a matter over which the DISTRICT COURT has no jurisdiction. No one has ever acted in concert with WINDSOR or at his behest.

146. The 07/15/2011 and 02/12/2018 orders are void orders. They aren't voidable; they are VOID. [APPENDICES 4 and 9.]

147. The Constitution states only one command twice. The Fifth and Fourteenth Amendments say that no one shall be "deprived of life, liberty or property without due process of law." The central promise is that all levels of

government must operate within the law and provide fair procedures. WINDSOR has been deprived of most rights except the right to flush money down the toilet and make filings with the DISTRICT COURT and the 11TH CIRCUIT.

148. Due process requires that the government respect all of the legal rights that are owed to a person according to the law. JUDGE THRASH and other federal judges in Georgia have shown absolutely no respect for WINDSOR's legal rights. They have ignored the law and the facts. WINDSOR has been denied the most fundamental right to not have his legal rights stolen by dishonest judges.

149. Procedural due process guarantees protection to everyone so that statutes, regulations, and enforcement actions ensure that no one is deprived of "life, liberty, or property" without a fair opportunity to affect the judgment or result. JUDGE THRASH and federal judges in Georgia have ignored the law and the rules. This is not abuse of discretion; they violated the Constitution and laws intentionally. (*Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934); *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970); *Palko v. Connecticut*, 302 U.S. 319 (1937).)

150. In this civil action, the fundamental right to have the courts accept WINDSOR's sworn affidavits as true has been violated. (*Marchant v. Pennsylvania R.R.*, 153 U.S. 380, 386 (1894).)

151. Judges are required to be impartial. JUDGE THRASH and federal

judges in Georgia have demonstrated pervasive bias against WINDSOR. JUDGE THRASH and federal judges in Georgia haven't shown an ounce of impartiality.

152. Judges are required to be neutral. (*Marshall v. Jerrico*, 446 U.S. 238, 242 (1980); *Schweiker v. McClure*, 456 U.S. 188, 195 (1982).)

153. There is no neutrality. JUDGE THRASH and federal judges in Georgia have deprived WINDSOR of his interests and rights.

154. In his well-regarded article, "*Some Kind of Hearing*," Judge Henry Friendly says that an important right of due process is "a decision based exclusively on the evidence presented." The decisions of JUDGE THRASH and federal judges in Georgia have not been based upon the evidence presented.

155. Due process is "an established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of the individual." Action denying the process that is "due" is unconstitutional.

156. In this civil action, JUDGE THRASH and federal judges in Georgia have denied the process that is due. Their actions are unconstitutional.

157. JUDGE THRASH and federal judges in Georgia have no supportable reason for infringing on WINDSOR's fundamental rights. (*Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934).)

158. Litigants allegedly have the right to protections expressly created in

statute and case law precedent. Statutes have been violated and overwhelming case law has been ignored by JUDGE THRASH and federal judges in Georgia.

159. Litigants have the right to equal protection of the law regardless of race, creed, color, religion, ethnic origin, age, handicaps, or sex. WINDSOR is handicapped and a minority; he has not received equal protection as a pro se party.

160. Litigants have the right to a remedy, by recourse to the laws, for all injuries or wrongs that they may receive in your person, property, or character. WINDSOR has been denied recourse.

161. Litigants have the right to justice, without being obliged to purchase it; completely, and without any denial; promptly, and without undue delay; in conformance with the laws. JUDGE THRASH and federal judges in Georgia have denied justice and have not conformed with the laws.

162. There is supposed to be a truth finding process:

(Mullane v. Central Hanover Trust Co., 339 U.S. 306, 313 (1950); Mathews v. Eldridge, 424 U.S. 319, 344 (1976); Fuentes v. Shevin, 407 U.S. 67, 81 (1972); Carey v. Piphus, 435 U.S. 247, 266 -67 (1978); Marshall v. Jerrico, Inc., 446 U.S. 238, 242 (1980).)

163. The term due process refers to the requirement that the actions of government be conducted according to the rule of law. No government can be above the law. The principle of due process of law is one of the most important protections against arbitrary rule. JUDGE THRASH and federal judges in Georgia

have denied this fundamental right.

164. An inherent right is the honesty of the judge. JUDGE THRASH and federal judges in Georgia have committed perjury and obstruction of justice; they 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, but JUDGE THRASH and federal judges in Georgia have violated criminal statutes.

165. JUDGE THRASH and federal judges in Georgia have violated Windsor's Fourth Amendment rights.

See *Wolf v. People of State of Colorado*, 338 U.S. 25, 27--28, 69 S.Ct. 1359, 1361, 93 L.Ed. 1782 (1949), overruled on other grounds by *Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed. 2d 1081 (1961); (*Delaware v. Prouse*, 440 U.S. 648, 653, 99 S.Ct. 1391, 1396, 59 L.Ed. 2d 660 (1979); *Marshall v. Barlow's*, 436 U.S. 307, 312, 98 S.Ct. 1816, 1820, 56 L.Ed. 2d 305 (1978).)

166. JUDGE THRASH has violated Windsor's Constitutional rights.

JUDGE THRASH's 06/17/2011 Protective Order obliterates WINDSOR's legal and Constitutional rights.

167. JUDGE THRASH and federal judges in Georgia have violated WINDSOR's rights by using their power to inflict their bias.

168. For due process, WINDSOR has the right to protections expressly created in statute and case law. Due process allegedly ensures that the government

will respect all of a person's legal rights and guarantee fundamental fairness and justice. Due process holds the government subservient to the law of the land, protecting individual persons from the state.

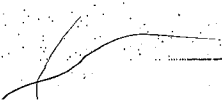
169. Due process requires an established course for judicial proceedings designed to safeguard the legal rights of the individual. Action denying the process that is "due" is unconstitutional. Inherent in the expectation of due process is that the judge will abide by the rules. JUDGE THRASH and federal judges in Georgia have violated rules for the purpose of damaging WINDSOR.

170. An inherent Constitutional right is the honesty of the judge. JUDGE THRASH and federal judges in Georgia have not been honest. JUDGE THRASH and federal judges in Georgia have violated the Code of Judicial Conduct.

171. The Constitution guarantees WINDSOR a fair and impartial judge. JUDGE THRASH and federal judges in Georgia 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; *Johnson v. Mississippi*, 403 U.S. 212, 216 (1971); accord *Concrete Pipe & Prods. V. Constr. Laborers Pension*, 508 U.S. 602, 617 (1993) (citation omitted).)

172. Due process is supposed to guarantee basic fairness and to make people feel that they have been treated fairly.



“justice must give the appearance of justice” (*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).) (*Peters v. Kiff*, 407, U.S. 493, 502 (1972).)

173. The Fifth Amendment protects against abuse of government authority in a legal procedure. The Fifth Amendment guarantee of due process is applicable only to actions of the federal government. The Fourteenth Amendment contains virtually the same phrase, but expressly applied to the states.

174. At a basic level, procedural due process is essentially based on the concept of “fundamental fairness.” For example, in 1934, this 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.”

175. Where an individual is facing a (1) deprivation of (2) life, liberty, or property, (3) procedural due process mandates that he or she is entitled to adequate notice, a hearing, and a neutral judge. Substantive due process refers to the rights granted in the first eight amendments to the Constitution. The Supreme Court has consistently held that Fifth Amendment due process means substantially the same as Fourteenth Amendment due process.

176. JUDGE THRASH and federal judges in Georgia have a Constitutional duty to WINDSOR. They breached their Constitutional duties through action and

inaction. As members of the State Bar of Georgia, have violated numerous provisions of the State Bar of Georgia Code of Professional Conduct.

177. JUDGE THRASH and federal judges in Georgia 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*, 508 U.S. 602, 617 (1993) (citation omitted). (*Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14 (1954); *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976); *Peters v. Kiff*, 407 U.S. 493, 502 (1972)

178. 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)).

179. JUDGE THRASH and federal judges in Georgia have effectively denied WINDSOR's rights of the equal protection under the law in Article VI of the Constitution. Their actions prove that they have exercised their power in this and other actions for their own personal purposes rather than the will of the law.

Littleton v. Berbling, 468 F.2d 389, 412 (7th Cir. 1972), citing *Osborn v. Bank of the United States*, 9 Wheat (22 U.S.) 738, 866, 6 L.Ed 204 (1824); *U.S. v. Simpson*, 927 F.2d 1088 (9th Cir. 1990).

180. The orders issued by JUDGE THRASH and federal judges in Georgia suggest the appearance of animosity towards WINDSOR.

181. These latest purported orders from the DISTRICT COURT deny WINDSOR his fundamental Constitutional right of access to the courts, “unquestionably a right of considerable constitutional significance.” *Miller v. Donald*, 541 F.3d 1091, 1096 (11th Cir. 2008). **Meaningful access to the courts is a constitutional right.** (*Procup v. Strickland*, 792 F.2d 1069, 1072 (11th Cir. 1986) (per curiam) (en banc).) [**emphasis added.**]

182. The 02/12/2018 order is a void order as it fails to comply with the All Writs Act, “[t]he Supreme Court and all courts established by an Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” [APPENDIX 9.] There is absolutely nothing about a Texas state court guardianship matter that aids federal jurisdiction in Georgia or anywhere else.

183. In *Procup v. Strickland*, 792 F.2d 1069 (11th Cir. 1986) (en banc), we held that the district court’s injunction was overbroad and violated a prisoner’s right to access courts because it barred him from filing any case in the district court without an attorney, which, given the facts of his case, effectively prevented him from filing any future suit. 792 F.2d at 1070-71.

VIII. THERE ARE CLEARLY EXCEPTIONAL CIRCUMSTANCES THAT REQUIRE THIS COURT TO ISSUE A WRIT.

184. WINDSOR has been the victim of unlawful orders and judgments for 12 years. Litigants and state and federal courts have used the would-be injunctions of JUDGE THRASH and 11TH CIRCUIT opinions to damage WINDSOR and deny his rights. He has even been denied the right to seek to save the life of an elderly Texas woman who asked him to be her Guardian and save her.

185. The 11TH CIRCUIT is the only court in America to allow a federal judge to issue injunctions denying the right to file legal actions in state courts. They allowed this in spite of their numerous precedents to the contrary.

186. The DISTRICT COURT never established jurisdiction and has acted as if there is no such thing as a right to due process.

187. The DISTRICT COURT has blocked WINDSOR's rights to In Forma Pauperis in the 11TH CIRCUIT despite undeniable evidence of inability to pay, the Georgia Constitution, and a Georgia statute.

188. WINDSOR's only chance for relief is with the United States Supreme Court. He has no other recourse. It is the only court available, and WINDSOR is denied attempts to sue. Mandamus applies when there is a want of remedies.

(Carter v. Seamans, 411 F.2d 767 (5th Cir. 1969), cert. denied, 397 U.S. 941

(1970). WINDSOR has no other legal remedy.

United States ex rel. Girard Trust v. Helvering, 301 U.S. 540, 544 (1937); *Spielman Motor v. Dodge*, 295 U.S. 89 (1935); *Whittier v. Emmet*, 281 F.2d 24, 28-29 (D.C. Cir. 1960); *Nixon v. Sirica*, 487 F.2d 700 (D.C. Cir. 1973); *Lovallo v. Froehlke*, 468 F.2d 340 (2d Cir. 1972), cert. denied, 411 U.S. 918 (1973).

189. The scope of the would-be Injunctions is a gross abuse of discretion.

The DISTRICT COURT had no facts but WINDSOR's, no legal authority, no right to issue an injunction nationwide in every court in the land, and no right to deny WINDSOR the rights to take legal action by ordering \$50,000 payments per party that the Record showed he could never pay.

190. The standards for review are clear, and WINDSOR meets them all.

(*United States v. Washington*, 853 F.3d 946, 962 (9th Cir. 2017).)

191. This is a peculiar emergency, and precedents now exist that are absolutely unlawful and unconstitutional. (*LaBuy v. Howes Leather Co.*, 352 U.S. 249 (1957); *United States v. McGarr*, 461 F.2d 1 (7th Cir. 1972).) Mandamus may be appropriately issued to confine an inferior court to a lawful exercise of prescribed jurisdiction, or when there is an usurpation of judicial power.

(*Schlagenhauf v. Holder*, 379 U.S. 104 (1964).)

192. An injunction "must be tailored to remedy the specific harm alleged."

Lamb-Weston v. McCain Foods, 941 F.2d 970, 974 (9th Cir. 1991). The

injunctions identified herein are overbroad and an abuse of discretion. *Stormans v. Selecky*, 586 F.3d 1109, 1140 (9th Cir. 2009) (citation omitted).

("[A] party may be relieved from a final judgment or decree where it is no longer equitable that the judgment have prospective application." (quoting *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 380 (1992).) (*Leobardo Moreno Galvez, et al v. Lee Cissna, et al*), 52 F.4th 821 (9th Cir. 2022).)

IX. THIS PETITION PRESENTS AN ISSUE OF VITAL IMPORTANCE TO ALL CITIZENS.

193. The Constitution is vital to all Americans, and it is vitally important that courts are not allowed to violate it the way the DISTRICT COURT and 11TH CIRCUIT have done.

194. 63% of the parties in courts today cannot afford an attorney. When judges abuse their discretion and violate state Constitutions and laws to deny In Forma Pauperis, many litigants have lost before they ever had a chance. Poor people deserve justice, too.

X. THIS WRIT WILL BE IN AID OF THE COURT'S APPELLATE JURISDICTION, AND THERE ARE EXCEPTIONAL CIRCUMSTANCES THAT WARRANT THE EXERCISE OF THE COURT'S DISCRETIONARY POWERS. ADEQUATE RELIEF CANNOT BE OBTAINED FROM ANY OTHER COURT.

195. Both the state court issue and the In Forma Pauperis issue need a Supreme Court precedent. The factors for relief are all addressed above.

CONCLUSION

For all the reasons stated above, WINDSOR respectfully requests that this Court issue writs of mandamus and/or prohibition for the remedies requested herein. Order the United States District Court for the Northern District of Georgia, Atlanta Division to vacate all orders in *Windsor v. Hatten, et al*, Civil Action No. 1:11-CV-01923-TWT. Order the United States Court of Appeals for the 11TH CIRCUIT to vacate all orders in response to Civil Action No. 1:11-CV-01923-TWT. Order all Georgia federal courts to comply with the Georgia Constitution on applications for In Forma Pauperis. A Writ of Prohibition must issue to prevent the exercise of unlawful jurisdiction by federal courts over state court matters with which it is not vested by law. Establish a Supreme Court precedent that makes it clear federal courts have no jurisdiction over state courts. And grant all other relief this Court finds important.

Respectfully submitted on May 8, 2023,



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PROOF OF SERVICE

I, William M. Windsor, do swear that on this date, May 8, 2023 as required by Supreme Court Rule 29, I have served the enclosed MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS and PETITION FOR A WRIT OF MANDAMUS AND/OR PROHIBITION on the DEFENDANTS in the above proceeding or their counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

The names and addresses of those served are as follows:

Solicitor General of the United States
 Room 5614, Department of Justice
 950 Pennsylvania Ave., N.W.
 Washington, D.C. 20530-0001.

RYAN K. BUCHANAN – GABRIEL A. MENDEL
 UNITED STATES ATTORNEY -- ASSISTANT U.S. ATTORNEY
 600 United States Courthouse
 75 Ted Turner Drive, S.W., Atlanta, Georgia 30303
 Telephone: 404-581-6000 -- Facsimile: 404-581-6181
 Email: gabriel.mendel@usdoj.gov

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

Executed on May 8, 2023,

15
W.M. Windsor

William M. Windsor

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