

APPEAL NO. 22-12038 and 22-12411

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

WILLIAM M. WINDSOR,
Plaintiff – Appellant,

versus

JAMES N. HATTEN, et al,
Defendants

**Appeal from the United States District Court
for the Northern District of Georgia, Atlanta Division
D.C. Docket No. 1:11-CV-01923-TWT
Judge Thomas Woodrow Thrash**

**APPELLANT’S PETITION FOR REHEARING
AND EN BANC DETERMINATION**

APPENDIX 134

William M. Windsor
5013 S Louise Avenue PMB 1134, Sioux Falls, South Dakota 57108
Phone: 352-661-8472, Email: windsorinsouthdakota@yahoo.com

PRO SE FOR PLAINTIFF/ APPELLANT, WILLIAM M. WINDSOR

[DO NOT PUBLISH]

In the
United States Court of Appeals
For the Eleventh Circuit

No. 22-12038

Non-Argument Calendar

WILLIAM M. WINDSOR,

Plaintiff-Appellant,

versus

JAMES N. HATTEN, et al.,

Defendants,

B. GRUTBY,
JUDGE WILLIAM S. DUFFEY, JR.,
JUDGE ORINDA D. EVANS,
JUDGE JULIE E. CARNES,
JOHN LEY, et al.,

2

Opinion of the Court

22-12038

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:11-cv-01923-TWT

No. 22-12411

Non-Argument Calendar

WILLIAM M. WINDSOR,

Plaintiff-Appellant,

versus

JAMES N. HATTEN, et al.,

Defendants,

B. GRUTBY,
JUDGE WILLIAM S. DUFFEY, JR.,
JUDGE ORINDA D. EVANS,
JUDGE JULIE E. CARNES,

22-12038

Opinion of the Court

3

JOHN LEY, et al.,

Defendants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:11-cv-01923-TWT

Before ROSENBAUM, BRANCH, and GRANT, Circuit Judges.

PER CURIAM:

This appeal is the latest in a line of frivolous litigation pursued by William Windsor, who is proceeding *pro se*. In 2011, the Northern District of Georgia issued a permanent injunction enjoining Windsor from pursuing any proceeding in any court without first obtaining leave of the federal district court in the appropriate district. In the summer of 2022, Windsor submitted various motions in the same district court, and the court denied them. Windsor now appeals those denials. After review, we affirm the district court's decision.

I. Background

The relevant facts involve various motions and notices of appeal filed by Windsor after the issuance of a permanent injunction in 2011. After Windsor sued several federal judges on

the U.S. District Court for the Northern District of Georgia and the U.S. Court of Appeals for the Eleventh Circuit, as well as several court employees (for simplicity's sake, we refer to the group collectively as "the Judges"),¹ the district court entered a permanent injunction against Windsor as follows:

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.

Windsor filed various notices of appeal protesting the injunction. We dismissed his appeals in 2011 for want of prosecution and lack of jurisdiction.

In 2018, Windsor sought modification of the injunction. The district court partially granted his motion by adding language clarifying that the injunction did not apply to criminal complaints or protective orders.² On appeal in 2019, we upheld the district court's denial of the other requested modifications.

¹ Windsor first filed his complaint in the Superior Court of Fulton County, Georgia. The United States removed the action to the Northern District of Georgia.

² The modification added the following language:

22-12038

Opinion of the Court

5

Then, at some point, Windsor became involved with Marcie Schreck, a Texas woman seeking to sue on behalf of her mother. In May 2022, the district court denied Windsor's motion asking the court to grant leave for him and the Schrecks to file guardianship actions in any state court. In June 2022, Windsor appealed, challenging the district court's May 2022 order, along with the 2011 injunction order, the 2018 modification order, and a second order from 2018.³

Also in June 2022, in the same lawsuit, the district court denied three more motions submitted by Windsor for leave to file various motions "based upon the well-documented history of frivolous filings by William Windsor and his abuse of the federal judicial system." In July 2022, Windsor appealed the court's order,

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. However, any proceedings—whether criminal or civil—initiated against any judge or government employee for actions taken in the course of their official duties are still enjoined according to the restrictions outlined above.

³ At another point in 2018, the district court granted two of Windsor's motions for leave to file complaints, concluding the related litigation involving Windsor and his family was "not within the scope of the persons and matters protected by the filing restrictions." In his 2022 appeal, Windsor appears to argue that this second 2018 order should have modified the injunction to allow state court filings.

again raising additional arguments about the 2011 injunction and the 2018 modification order.

This Court directed the clerk's office to consolidate Windsor's June 2022 and July 2022 appeals. After reviewing the parties' responses to jurisdictional questions, we dismissed the appeals in part for lack of jurisdiction, to the extent that Windsor appealed from the 2011 and 2018 orders. But his appeals were allowed to proceed as to the district court's May 21, 2022, and June 30, 2022, orders.

After careful review, we affirm the district court's denial of Windsor's two 2022 motions.

II. Discussion⁴

We have explained that “[a] party fails to adequately brief a claim when he does not plainly and prominently raise it, for instance by devoting a discrete section of his argument to those claims.” *Sapuppo v. Allstate Floridian Ins. Co.*, 739 F.3d 678, 681 (11th Cir. 2014) (quotations omitted). Indeed, “an appellant abandons a claim when he either makes only passing references to it or raises

⁴ The Judges argue we do not have subject matter jurisdiction over the May and June 2022 orders under 28 U.S.C. § 1291 because they were not final. However, we previously issued jurisdictional questions directing the parties to address whether those orders were final and whether we had jurisdiction. After reviewing the jurisdictional responses, we concluded that the appeal could proceed as to the May and June 2022 orders, without reserving any issues or carrying any jurisdictional questions with the case. We see no reason to revisit the issue.

22-12038

Opinion of the Court

7

it in a perfunctory manner without supporting arguments and authority,” particularly “when [it is] ‘buried’ within [the appellant’s main] arguments.” *Id.* at 681–82. “Abandonment of a claim or issue can also occur when the passing references to it are made in the ‘statement of the case’ or ‘summary of the argument[.]’” *Id.* at 681. Although “we read briefs filed by *pro se* litigants liberally,” we nonetheless deem “issues not briefed on appeal by a *pro se* litigant . . . abandoned.” *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) (internal citations omitted). “Moreover, we do not address arguments raised for the first time in a *pro se* litigant’s reply brief.” *Id.*

Windsor abandons his claims relating to the 2022 orders by failing to “plainly and prominently” address them in the argument section of his brief. *See Sapuppo*, 739 F.3d at 681. Although Windsor discusses the 2022 orders in his “statement of the case” section, most of Windsor’s initial brief challenges the validity of the 2011 injunction. He only asserts in passing that the May 2022 order (but not the June 2022 order) violated due process because there was no notice or hearing. Windsor also states that “[t]hese latest purported orders” deny him “his fundamental [c]onstitutional right of access to the courts[.]” Otherwise, Windsor writes in a conclusory fashion that “[a]ll orders” in the case “must be declared void.” These statements are not enough to challenge 2022 orders because they are “only passing references,” lack supporting arguments, and are “buried” within his main arguments about the injunction. *Sapuppo*, 739 F.3d at 681–82. This is true even though Windsor is a *pro se* litigant. *See Timson*, 518 F.3d

8

Opinion of the Court

22-12038

at 874. And although Windsor discusses the 2022 orders in slightly greater detail in his reply brief, his assertions are too little too late. We will not consider an issue raised for the first time in a reply brief. *Id.*

III. Conclusion

We conclude that Windsor abandoned his claims related to the 2022 orders by failing to sufficiently address those orders on appeal. Accordingly, we must affirm.

AFFIRMED.

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

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

David J. Smith
Clerk of Court

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

January 25, 2024

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 22-12038-JJ ; 22-12411 -JJ
Case Style: William Windsor v. B. Grutby, et al
District Court Docket No: 1:11-cv-01923-TWT

Electronic Filing

All counsel must file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. Although not required, non-incarcerated pro se parties are permitted to use the ECF system by registering for an account at www.pacer.gov. Information and training materials related to electronic filing are available on the Court's website.

Enclosed is a copy of the court's decision filed today in this appeal. Judgment has this day been entered pursuant to FRAP 36. The court's mandate will issue at a later date in accordance with FRAP 41(b).

The time for filing a petition for rehearing is governed by 11th Cir. R. 40-3, and the time for filing a petition for rehearing en banc is governed by 11th Cir. R. 35-2. Except as otherwise provided by FRAP 25(a) for inmate filings, a petition for rehearing or for rehearing en banc is timely only if received in the clerk's office within the time specified in the rules. Costs are governed by FRAP 39 and 11th Cir.R. 39-1. The timing, format, and content of a motion for attorney's fees and an objection thereto is governed by 11th Cir. R. 39-2 and 39-3.

Please note that a petition for rehearing en banc must include in the Certificate of Interested Persons a complete list of all persons and entities listed on all certificates previously filed by any party in the appeal. See 11th Cir. R. 26.1-1. In addition, a copy of the opinion sought to be reheard must be included in any petition for rehearing or petition for rehearing en banc. See 11th Cir. R. 35-5(k) and 40-1 .

Counsel appointed under the Criminal Justice Act (CJA) must submit a voucher claiming compensation for time spent on the appeal no later than 60 days after either issuance of mandate or filing with the U.S. Supreme Court of a petition for writ of certiorari (whichever is later) via the eVoucher system. Please contact the CJA Team at (404) 335-6167 or cja_evoucher@call.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Clerk's Office Phone Numbers

General Information:	404-335-6100	Attorney Admissions:	404-335-6122
Case Administration:	404-335-6135	Capital Cases:	404-335-6200
CM/ECF Help Desk:	404-335-6125	Cases Set for Oral Argument:	404-335-6141

OPIN-1 Ntc of Issuance of Opinion