UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI – KANSAS CITY DIVISION

IN RE: ADMINISTRATIVE MATTER)
)
Re: William M. Windsor) Case No. 4:13-MC-09008-FJG

RESPONSE TO ALLIE OVERSTREET'S MOTION TO RECONSIDER AND REVOKE GRANT OF LEAVE TO WILLIAM WINDSOR

Comes Now, William M. Windsor ("WINDSOR") and files this RESPONSE TO ALLIE OVERSTREET'S MOTION TO RECONSIDER AND REVOKE GRANT OF LEAVE TO WILLIAM WINDSOR. WINDSOR shows the Court as follows:

WINDSOR MOVES TO STRIKE ALL STATEMENTS OF ALLEGED FACTS IN THE MEMORANUM IN SUPPORT OF THE MOTION THAT ARE NOT SUPPORTED BY SWORN AFFIDAVIT

1. ALLIE OVERSTREET'S attorney has made many statements that purport to be facts in the MEMORANDUM IN SUPPORT OF THE MOTION TO RECONSIDER, but there are no sworn affidavits or sworn testimony to support any of these alleged facts. Exhibit A hereto is a true and correct copy of the Affidavit of William M. Windsor, and Exhibit 1 thereto is the MEMORANDUM IN SUPPORT OF THE MOTION FOR RECONSIDERATION, with those statements that are being presented as facts that may not be considered by this Court having been lined out by WINDSOR.

> Federal Rules of Evidence Rule 602 requires: "A witness may testify to a matter only if evidence is introduced sufficient to support a finding that the witness has personal knowledge of the matter. Evidence to prove personal knowledge may consist of the witness's own testimony." Federal Rules of Evidence Rule 603 requires: "Before testifying, a witness must give an oath or affirmation to testify truthfully. It must be in a form designed to impress that duty on the witness's conscience." Federal Rules of Evidence Rule 803 states: "Hearsay is not admissible."

2. ALLIE OVERSTREET has not testified at all, and her attorney may not speak to matters about which he has no personal knowledge, may not spout hearsay, and may not testify at all unless under oath. ALLIE OVERSTREET has no personal knowledge whatsoever of any legal matters that WINDSOR has been involved in. WINDSOR moves to strike these statements.

3. Certified copies of orders are the best evidence, and ALLIE OVERSTREET has failed to provide certified copies of orders or documents from other courts. The best evidence rule requires originals. Records may be obtained and certified, but there were no certified copies provided by ALLIE OVERSTREET. Anything in this regard must be stricken and ignored.

4. Pursuant to Federal Rules of Evidence 201 (b), this Court may not take "judicial notice" of matters in other courts. Pursuant to Federal Rules of Evidence 1001, an original writing, recording, or photograph is required in order to prove its content unless these rules or a federal statute provides otherwise. ALLIE OVERSTREET does not meet the requirements of the Federal Rules of Evidence.

ALLIE OVERSTREET DOES NOT HAVE STANDING IN THIS MATTER.

5. ALLIE OVERSTREET does not have standing in this matter. ALLIE OVERSTREET was not a party to the Order of Judge Thomas W. Thrash ("THRASH ORDER"). ALLIE OVERSTREET was not a party to this administrative matter.

THIS COURT HAS NO JURISDICTION OVER THE CASE FILED IN THE MISSOURI STATE COURT, AND THIS COURT HAS NO JURISDICTION OVER THE ILLEGAL REMOVAL OF THE CASE TO FEDERAL COURT

6. Federal courts are courts of limited jurisdiction. (***Godfrey v. Pulitzer Pub. Co.***, 161 F.3d 1137, 1141 (8th Cir. 1998); ***Ark. Blue Cross & Blue Shield v. Little Rock Cardiology Clinic, P.A.***, 551 F.3d 812, 816 (8th Cir. 2009).)

7. This Court has no jurisdiction over the civil complaint that WINDSOR filed in Missouri. The case was illegally removed to federal court. (See Exhibit 2 to the Affidavit of William M. Windsor.) There is no jurisdictional basis for this case to be in federal court.

8. This matter was a simple administrative proceeding to review a proposed civil complaint to ensure that it was not frivolous. After "careful consideration," that determination was made. There is nothing else for this Court to do, and there is no jurisdiction on anything else.

9. ALLIE OVERSTREET failed to establish, as is required, any basis upon which this Court has jurisdiction on an administrative basis to impact an existing civil case.

> The burden of establishing that a cause lies within the limited jurisdiction of the federal courts is on the party asserting jurisdiction: in this instance, the burden is on Lanterman. See ***Ark. Blue Cross & Blue Shield***, 551 F.3d at 816 (citing ***Kokkonen v. Guardian Life Ins. Co. of Am.***, 511 U.S. 375, 377 (1994)).

THE MOTION FOR RECONSIDERATION IS ACTUALLY A MOTION TO DISMISS, WHICH IS NOT ALLOWED UNDER FRCP RULE 60(b)

10. A motion for reconsideration pursuant to FRCP Rule 60(b) is to set aside an order. Under Rule 60 (b), ALLIE OVERSTREET may only ask for that order to be set aside, not for the new form of relief that ALLIE OVERSTREET is seeking (motion to dismiss with prejudice and an order denying WINDSOR his Constitutional rights and legal rights to seek redress of grievances in court).

FEDERAL RULES OF CIVIL PROCEDURE RULE 60 (b) APPLIES TO CIVIL COURT ACTIONS, NOT ADMINISTRATIVE MATTERS.

11. This is an administrative matter, and Federal Rules of Civil Procedure ("FRCP") Rule 60(b) does not apply, as the FRCP clearly indicates.

12. FRCP Rule 1 states: "These rules govern the procedure in all civil actions and proceedings in the United States district courts, except as stated in Rule 81." Rule 81 does not cover administrative matters. WINDSOR researched every federal appellate court decision in every circuit and in the Supreme Court, and there is not a single case to indicate that Rule 60(b) applied to administrative matters. This is a frivolous motion, and this Court should sanction ALLIE OVERSTREET and her attorney under the Court's inherent powers.

ALLIE OVERSTREET FAILED TO PROVIDE ANY AUTHORITY TO INDICATE THAT FRCP RULE 60 (b) (1), (2), (3), and (6) APPLY.

13. FRCP Rule 60 (b) (1) applies to mistakes. There is no mistake in this matter. FRCP Rule 60 (b) (2) applies to newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b). This does not apply at all. FRCP Rule 60 (b) (3) applies to fraud (whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party. WINDSOR did nothing to misrepresent anything, and he has committed no misconduct. FRCP Rule 60 (b) (6) says "any other reason that justifies relief," but this does not apply at all.

THE SO-CALLED MOTION FOR RECONSIDERATION IS ACTUALLY YET ANOTHER MOTION TO DISMISS, AND IT IS UNTIMELY.

14. On April 29, 2013, the Clerk of the State Court docketed WINDSOR'S VERIFIED COMPLAINT. On May 29, 2013, ALLIE OVERSTREET'S attorney filed an ANSWER TO THE VERIFIED COMPLAINT, as shown on the Court's Docket. Exhibit 3 to

the AFFIDAVIT of William M. Windsor is a true and correct copy of the state court DOCKET with numbers added next to each docket entry for identification.

15. On June 3, 2013, ALLIE OVERSTREET filed a motion to dismiss. By filing an ANSWER 30 days after the VERIFIED COMPLAINT was filed but not filing a MOTION TO DISMISS until 78 days after the VERIFIED COMPLAINT was filed, **ALLIE** OVERSTREET lost the right to seek a dismissal. 30 days was the time allowed, and 78 days was too late. This latest effort is 151 days out – 121 days past the 30 days allowed for a motion to dismiss.

> "...a motion to dismiss is made before the filing of an answer...." (***In re Marriage of Busch***, 310 S.W.3d 253 (Mo.App. E.D. 04/27/2010).) Rule 55.27 provides that the filing of a motion to dismiss is to be before filing an answer. (***State of Missouri v. Bonacker***, 791 S.W.2d 494, (June 20, 1990).) Rule 55.27 says: "a motion making any of these defenses shall be made: (A) Within the time allowed for responding to the opposing party's pleading...."

16. This so-called MOTION must be denied. This is the fourth attempt by ALLIE OVERSTREET for a motion to dismiss. This is frivolous and vexatious.

THE ORDER OF JUDGE THOMAS W. THRASH ("THRASH ORDER") SIMPLY PROVIDES FOR AN INITIAL FRIVOLITY SCREENING.

17. The THRASH ORDER does not provide that WINDSOR may not amend a petition, add or delete parties, add or delete exhibits. It states very simply that before WINDSOR may initiate a lawsuit, he must first obtain leave of a federal district court. The THRASH ORDER does not require that WINDSOR submit the proposed complaint or exhibits; all WINDSOR is supposed to do is obtain leave. The expressed intent of the THRASH ORDER is for this to be a frivolity screening. Judge Thrash and every other judge to whom WINDSOR has presented a proposed complaint has approved those proposed actions except when a federal judge is involved. The THRASH ORDER establishes no ongoing review of cases.

18. This MOTION is simply ridiculous in its entirety. ALLIE OVERSTREET is merely hoping that the corruption of the federal courts in Georgia will spill over to Missouri.

19. Brenda Williamson WAS included in the first draft of the complaint sent to this Court for review. She was a John Doe until it was learned that she was involved in the conspiracy. However, as Brenda Williamson has been removed as a party, this is moot anyway.

20. The John Doe parties were named in the first draft of the complaint sent to this Court for review, and this Court approved the filing. There was no restriction placed on the John Doe parties, nor was there any restriction on amending the complaint or adding or subtracting exhibits or causes of action.

21. WINDSOR has done absolutely nothing improper in the Missouri state court action. To the contrary, the sleazy attorney for ALLIE OVERSTREET has committed one violation of the rules and the Code of Professional Conduct after another. He is subject to contempt charges already, and a Rule 11 action is pending the run of the 30-day notice period. WINDSOR is also filing a bar complaint against ALLIE OVERSTREET'S attorney.

22. Pursuant to Missouri Rule 55.33, WINDSOR sought leave to amend the VERIFIED COMPLAINT. WINDSOR was instructed to do this by Missouri state court Judge Rolf to ensure that all elements were adequately covered. Questions were raised by ALLIE OVERSTREET in so-called motions to dismiss, and WINDSOR wanted to ensure that there was no basis for their alleged issues. WINDSOR sought to add one new cause of action that ALLIE OVERSTREET'S attorney said was required under Missouri law.

23. WINDSOR did forget to send the letter from this Court when he sent the VERIFIED COMPLAINT for filing. WINDSOR had set it aside, not knowing how it should be provided, since the Rules were clear about what was to be filed. When WINDSOR realized that

he had failed to put it in the envelope that was sent to the Clerk, he sent it to the Clerk of the Court and served it on each party by mail. ALLIE OVERSTREET absolutely was sent a copy.

24. The mistake was discovered when WINDSOR learned that ALLIE OVERSTREET had been served by the Sheriff. WINDSOR then immediately sent it to the Clerk and to the Defendants. This oversight should not be grounds to dismiss this action at all. It has not affected this matter in any way.

25. Counsel for ALLIE OVERSTREET lied to the state Court by claiming ALLIE OVERSTREET was not provided with a copy. That is a LIE.

WINDSOR BELIEVES THE THRASH ORDER IS A VOID ORDER, AND IF THIS COURT CHOOSES TO ENTERAIN THIS RIDICULOUS MOTION FOR RECONSIDERATION, WINDSOR RESERVES THE RIGHT TO FILE A COUNTER ACTION AS A RULE 60(d) MOTION TO SET ASIDE THE THRASH ORDER

26. WINDSOR has never filed anything frivolous in his life. WINDSOR is not a vexatious litigant. WINDSOR has undeniable proof that federal judges in Georgia are corrupt, and those judges have done and will do anything to stop Windsor from getting them arrested, indicted, convicted, imprisoned, impeached, bankrupted, and disgraced. WINDSOR has massive evidence of hundreds of crimes and massive wrongdoing by federal judges in Georgia.

27. WINDSOR takes the position that the THRASH ORDER is void. Void orders have no effect. In this case, the void order was issued by a judge who did not have jurisdiction. The order is not signed, and it was not stamped and signed by the clerk of the court as required by federal law. The case was illegally removed from the Fulton County Georgia court to the federal court, so the federal court never obtained proper jurisdiction and failed to rule on WINDSOR's motions in that regard. The case was on appeal, so Judge Thomas W. Thrash

("TWT") had lost all jurisdiction on matters such as this. TWT was a defendant in the actions filed by WINDSOR, and he had no authority to serve as judge when WINDSOR filed a proper motion to have a judge from another district assigned the case. It is well-established that a judge may not rule on civil actions that involve him. WINDSOR was denied the right to answer the motion filed by the U.S. Attorney. WINDSOR was denied the right to submit documents into evidence. WINDSOR was denied the ability to testify. And there was absolutely no testimony at the short hearing or by affidavit from any of the Defendants in the civil action that WINDSOR had filed. WINDSOR asked TWT at the start of the short hearing whether he had already written an order deciding the motion before hearing a word from him. TWT got red-faced and refused to answer. At the conclusion of the short hearing, he turned to his left and read the order that he had already written. In anticipation, WINDSOR and several of his courtroom observers went straight to the Clerk's Office where WINDSOR FILED an appeal. It was date stamped, and there are witnesses as to the time in addition to WINDSOR. The Clerk of the Federal District Court then falsified the docket by failing to show WINDSOR's appeal filed until after the court order appeared for filing several hours later. And last but not least, the United States Court of Appeals for the Eleventh Circuit outrageously did not allow WINDSOR to file his appeal brief. Windsor had sued every federal judge in Georgia for blatant corruption. Those judges were intent on doing whatever it took to stop WINDSOR. In a related matter, WINDSOR presented criminal charges against several of the judges to a Fulton County Georgia Grand Jury. His testimony was split over two days with a weekend in between. When WINDSOR returned to continue his testimony, he was met by three Fulton County Sheriff's Deputies and the Chief Investigator for the Fulton County District Attorney (one of those WINDSOR was charging), and he was ordered out of the public courthouse and given a criminal trespass warning that he would

be arrested if he ever returned. Law enforcement and the courts then failed to do anything to correct this crime that WINDSOR believes has a sentence of 10 years in prison.

28. TWT's orders were, and are, **void**. The U.S. Supreme Court has stated that if a court is "without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to a recovery sought, even prior to a reversal in opposition to them. They constitute no justification; and all persons concerned in executing such judgments or sentences, are considered, in law, as trespassers." (***Elliot v. Piersol***, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).)

29. Fraud was committed in the removal of the case from the Fulton County Superior Court. TWT committed fraud upon the court as had the U.S. Attorney. TWT did not follow mandatory statutory procedures. TWT committed unlawful acts. TWT violated due process. TWT is part of a criminal racketeering enterprise. TWT did not comply with the rules, the Code of Judicial Conduct, or the Federal Rules of Civil Procedure. This means TWT did not have subject matter jurisdiction. Upon information and belief, TWT did not have a copy of his oath of office in his chambers.

30. It is clear and well established law that a judge must first determine whether the judge has jurisdiction before hearing and ruling in any case. TWT failed to do so, and his so-called orders are void.

> (***Adams v. State***, No. 1:07-cv-2924-WSD-CCH (N.D.Ga. 03/05/2008).) (***See Steel Co. v. Citizens for a Better Env't***, 523 U.S. 83, 94 (1998); see also ***University of S. Ala. v. The Am. Tobacco Co.***, 168 F.3d 405, 410 (11th Cir. 1999) ("[O]nce a federal court determines that it is without subject matter jurisdiction, the court is powerless to continue."). (***Jean Dean v. Wells Fargo Home Mortgage***, No. 2:10-cv-564-FtM-29SPC (M.D.Fla. 04/21/2011).) (***Taylor v. Appleton***, 30 F.3d 1365, 1366 (11th Cir. 1994).)

31. TWT demonstrated pervasive bias and lost jurisdiction when he failed to recuse himself. A study of pro se cases that TWT has handled reveals that TWT has a proven bias

against pro se plaintiffs and an "extra-judicial" bias against pro se parties. According to WINDSOR'S review of every case TWT had handled in his career using www.versuslaw.com, no pro se plaintiff has ever won in TWT's court; 90% of pro se cases are dismissed; 10% are defeated at summary judgment; no pro se plaintiff has ever received a jury trial.

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

> **"Disqualification is required** if an objective observer would entertain reasonable questions about the judges impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge **must be disqualified**." (***Liteky v. U.S.***, 114 S.Ct. 1147 (1994).) (See also ***Rankin v. Howard*** (1980) 633 F.2d 844, cert den. ***Zeller v. Rankin***, 101 S.Ct. 2020, 451 U.S. 939, 68 L.Ed 2d 326; ***Piper v. Pearson***, 2 Gray 120, cited in ***Bradley v. Fisher***, 13 Wall 335, 20 L. Ed. 646 (1872).

33. Amendment V of the U.S. Constitution provides: "No person shall be...deprived of life, liberty, or property, without due process of law...." Article 1of the Georgia Constitution provides: "No person shall be deprived of life, liberty, or property except by due process of law." All of these rights have been violated. TWT has improperly foreclosed WINDSOR's access to the court. TWT issued an injunction without giving WINDSOR the opportunity to be heard at a hearing. Procedural due process requires notice and an opportunity to be heard before any governmental deprivation of a property or liberty interest. (***Zipperer v. City of Fort Myers***, 41 F.3d 619, 623 (11th Cir. 1995).)

34. Meaningful access to the courts is a Constitutional right that has been denied by TWT, and this alleged order denies significant rights.

> (See ***Procup v. Strickland***, 792 F.2d 1069, 1072 (11th Cir. 1986) (per curiam) (en banc); ***Christopher v. Harbury***, 536 U.S. 403, 415 & n.12, 122 S.Ct. 2179, 2187 & n.12, 153 L.Ed.2d 413 (2002).)

35. There was no Show Cause order issued to WINDSOR as required by Eleventh Circuit law. Windsor did not have proper notice.

> Upon these findings and **consistent with Eleventh Circuit law, this Court required Plaintiff to show cause within ten days... why a Martin-Trigona injunction should not be entered**. (See ***Procup v. Strickland***, 792 F.2d 1069 (11th Cir. 1986); ***Torres v. McCoun***, No. 8:08-cv-1605-T-33MSS (M.D.Fla. 09/10/2008); ***Western Water Management, Inc. v. Brown***, 40 F.3d 105, 109 (5th Cir. 1994).) [**emphasis added**.]

36. The orders issued by TWT are invalid. Orders have not been signed, issued under seal, or signed by the Clerk of the Court in violation of 28 U.S.C. 1691.

> The word "process" at 28 U.S.C. 1691 means a court order. See ***Middleton Paper Co. v. Rock River Paper Co.***, 19 F. 252 (C.C. W.D. Wisconsin 1884); ***Taylor v. U.S.***, 45 F. 531 (C.C. E.D. Tennessee 1891); ***U.S. v. Murphy***, 82 F. 893 (**DCUS** Delaware 1897); ***Leas & McVitty v. Merriman***, 132 F. 510 (C.C. W.D. Virginia 1904); ***U.S. v. Sharrock***, 276 F. 30 (**DCUS** Montana 1921); ***In re* Simon**, 297 F. 942, 34 ALR 1404 (2nd Cir. 1924); ***Scanbe Mfg. Co. v. Tryon***, 400 F.2d 598 (9th Cir. 1968); and ***Miles v. Gussin***, 104 B.R. 553 (Bankruptcy D.C. 1989).

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

38. The case was on appeal, and TWT had no jurisdiction to act at all. (***Bryant v. Jones***, No. 1:04-cv-2462-WSD (N.D.Ga. 01/10/2007).) See ***Mahone v. Ray***, 326 F.3d 1176, 1179 (11th Cir. 2003) and hundreds of others.

39. WINDSOR contends that the alleged order issued by TWT is absolutely void. As a result, WINDSOR was under no obligation to do anything in regard to the alleged order.

ALLIE OVERSTREET'S ATTORNEY IS A SERIAL LIAR, AN EXTREMELY DISHONEST ATTORNEY, AND AN EXCELLENT EXAMPLE OF WHY MOST AMERICANS LOATHE ATTORNEYS.

40. The Affidavit of William M. Windsor dated August 26, 2013 verifies all statements of fact in this RESPONSE and details many of the lies and the dishonesty of ALLIE OVERSTREET'S attorney. The Affidavit addresses much of the garbage in the MEMORANDUM IN SUPPORT OF THE MOTION FOR RECONSIDERATION.

WHEREFORE, WINDSOR prays that this Court enter an order denying ALLIE OVERSTREET'S MOTION TO RECONSIDER AND REVOKE GRANT OF LEAVE TO WILLIAM WINDSOR; and grant such other relief as the Court deems appropriate.

Submitted this 28th day of August, 2013,

William M. Windsor
514 America's Way #4841, Box Elder, SD 57719-7600
Email: nobodies@att.net, Phone: 770-578-1094

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MISSOURI – KANSAS CITY DIVISION

IN RE: ADMINISTRATIVE MATTER	)	
	)	
Re: William M. Windsor	)	Case No. 4:13-MC-09008-FJG
	)	

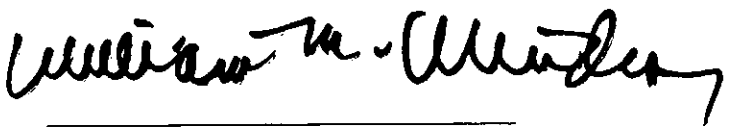
CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing by delivering a copy

by United States Postal Service with sufficient postage paid to:

Matthew J. O'Connor
521 Walnut Street
Kansas City, MO 64106

Submitted this 28th day of August, 2013,



William M. Windsor
514 America's Way #4841 * Box Elder, SD 57719-7600
Email: nobodies@att.net, Phone: 770-578-1094, Fax: 770-234-4106