

Appendix *D*

United States Court of Appeals
for the Fifth Circuit



No. 22-60053

A True Copy
Certified order issued Jul 29, 2022

JAMES C. WINDING,

Tyler W. Caylor
Clerk, U.S. Court of Appeals, Fifth Circuit

Petitioner—Appellant,

versus

SUPERINTENDENT RONALD KING,

Respondent—Appellee.

Appeal from the United States District Court
for the Southern District of Mississippi
USDC No. 5:05-CV-178

Before CLEMENT, HIGGINSON, and DUNCAN, *Circuit Judges.*

PER CURIAM:

James C. Winding, Mississippi prisoner # K8115, moves for voluntary dismissal of this appeal without prejudice. IT IS ORDERED that the motion is GRANTED. *See FED. R. APP. P. 42(b).*

We remind Winding that he remains barred from filing, in this court or in any court subject to this court's jurisdiction, any pleading based, in whole or in part, on his kidnapping and sexual battery convictions and sentences, unless he first obtains leave of the court in which he seeks to make the filing. *See In re Winding*, No. 21-90046 (5th Cir. Dec. 30, 2021)

No. 22-60053

(unpublished). Additionally, Winding is again WARNED that he should review any pending complaints, motions, and appeals and withdraw any that are frivolous or repetitive; his failure to withdraw frivolous or repetitive filings could result in the imposition of monetary sanctions; and he will be subject to additional and progressively more severe sanctions if he files, in this court or any court subject to this court's jurisdiction, any further pleading or challenge to his kidnapping and sexual battery convictions and sentences that is frivolous or repetitive.

Appendix "B"

United States Court of Appeals
for the Fifth Circuit



No. 22-90065

IN RE JAMES C. WINDING,

A True Copy
Certified order issued Jan 10, 2023

Jyle W. Caylor
Clerk, U.S. Court of Appeals, Fifth Circuit

Petitioner.

Motion for Permission to Proceed after Sanction

ORDER:

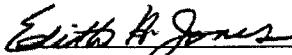
James C. Winding, Mississippi prisoner #K8115, has filed a motion for leave to proceed after this court entered an order barring him from filing any pleading based on his kidnapping and sexual battery convictions and sentences unless he first obtains leave of the court. He seeks to challenge his kidnapping and sexual battery convictions on the grounds that there was a jurisdictional defect in his indictment, that his prosecution and arrest were malicious, and that he was not given *Miranda*¹ warnings. Inasmuch as he seeks leave to file a motion for authorization to file a successive habeas application challenging his kidnapping and sexual battery convictions, Winding would have to satisfy the requirements set forth in 28 U.S.C. § 2244(b). His motion for leave fails to raise a nonfrivolous issue with respect to those requirements. *See* § 2244(b). Accordingly, the motion is DENIED. *See Gelabert v. Lynaugh*, 894 F.2d 746, 748 (5th Cir. 1990).

¹ *Miranda v. Arizona*, 384 U.S. 436 (1966).

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Winding has ignored this court's previous warnings and has remained undeterred by the sanctions previously imposed by this court by continuing to file frivolous, repetitive, or otherwise abusive motions in his district court habeas proceeding challenging his kidnapping and sexual battery convictions and sentences. Accordingly, Winding is ORDERED to pay a sanction of \$500 to the clerk of this court, and he is specifically BARRED from filing, in this court or in any court subject to this court's jurisdiction, any pleading based, in whole or in part, on his kidnapping and sexual battery convictions and sentences until the sanction is satisfied. In the event that Winding satisfies the \$500 sanction, he shall remain BARRED from filing, in this court or in any court subject to this court's jurisdiction, any pleading based, in whole or in part, on his kidnapping and sexual battery convictions and sentences, unless he first obtains leave of the court in which he seeks to file such challenge.

Winding is further WARNED that he should review any pending complaints, motions, and appeals and withdraw any that are frivolous or repetitive, and that failure to withdraw any frivolous or repetitive proceedings could result in the imposition of monetary sanctions. Finally, although we have denied the instant motion for leave to proceed, Winding is again WARNED that filing any frivolous or repetitive pleading or challenge to his kidnapping and sexual battery convictions and sentences, in this court or any court subject to this court's jurisdiction, will subject him to additional and progressively more severe sanctions.



EDITH H. JONES
United States Circuit Judge

Mississippi Department of Corrections
Inmate Time Sheet

Appendix "C"

Offender: WINDING, JAMES C K8115

Housing: MSP, UNIT 26, BLD A, ZONE B, BED 0090

Computation Date: 02/11/2015 09:43

Date Printed: 09/16/2022 14:51

Sentences:

DATE	CAUSE/COUNT	OFFENSE	COMMITTED	COUNTY	SERVE	HOUSE	PROBATION HAB	DEFERRED	OVERRIDE	CONCURRENT	CONSECUTIVE
09/24/03	03KR0052 CT	1099:KIDNAP- 1/1	09/28/02	Adams	30Y		N				
09/24/03	03KR0052 CT	1152:SEXUAL BATTERY 2/2	09/28/02	Adams	30Y		N			03KR0052 CT 1/1	

First Time Offender

Pre Trial/Pre Sentence Jail Time:

FROM	TO	DAYS
10/17/02	09/24/03	342

Total Jail Time: 342

Override:

Computation Details:

DATE	DESCRIPTION
09/24/03	03KR0052 CT 1/1 1099:KIDNAP- 30Y
09/24/03	03KR0052 CT 2/2 1152:SEXUAL BATTERY 30Y CC with 03KR0052 CT 1/1

Summary:

Begin Date	House Arrest Date	Parole Date	ERS Date	Tentative Discharge	Max Discharge	End Date
10/17/2002				10/09/2032	10/09/2032	

Total Term To Serve: 30Y	Total Earned Time: 4Y 131D	Earned Time Lost: 0D	Total MET Earned: 0D	Total Trusty Time Earned: 0D
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Comments:

*Appendix
"C"*

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

Appendix
"JG"

JAMES C. WINDING, #K8115

PLAINTIFF

v.

CIVIL ACTION NO. 5:22-cv-2-DCB-FKB

NATCHEZ ARTS GALLERY

DEFENDANT

ORDER

BEFORE THE COURT is pro se Plaintiff James C. Winding's letter Motion [10] to transfer payment of the filing fee from this civil action to Winding v. King, No. 5:05-cv-178 (S.D. Miss. 2007) to cover copying fees. As previously explained to Plaintiff in the Order [8] denying Plaintiff's motion for a refund of the filing fee, Plaintiff incurred this fee at the time of filing this civil action and the received fee will not be refunded or applied to any other case for any other purpose.

Accordingly, it is hereby,

ORDERED that Plaintiff's Motion [10] is denied.

THIS the 30th day of January, 2023.

s/F. Keith Ball
UNITED STATES MAGISTRATE JUDGE

"J" appears b4
"F"



STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
BURL CAIN
COMMISSIONER

October 14, 2022

→ James Winding, MDOC #K8115
MSP Unit 26, Bld A, Zone B, Bed 90
Parchman, MS 38738

Please file
Letter from
MDOC Commissioner
Sexual Battery does
Not Exist on
N.C.I.C

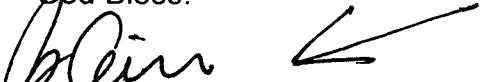
USDC # 5:05-CV-178
malicious Arrest
malicious Procurement

Dear James,

Thank you for your letters regarding your sentencing and incarceration. Yours is an unfortunate situation but please understand I don't have any authority or control over an inmate's sentence rendered by a judge. The judge sets the time and the sentence conditions – I just keep the keys.

If you believe your sentencing was in error, you may wish to seek legal advice. Sorry I can't be of additional assistance to you in this matter.

God Bless!


Burl Cain
MDOC Commissioner



"Appendix"
"E"

STATE OF MISSISSIPPI
DEPARTMENT OF CORRECTIONS
BURL CAIN
COMMISSIONER

Superintendent
Mississippi State Penitentiary

Post Office Box 609
Parchman, Mississippi 38738
(662)745-6611

December 30, 2022

Inmate: James Winding #K8115
Unit: 26A

RE: Your Request for Administrative Remedy: MSP-18-0038

I am in receipt of your request for Administrative Remedy concerning contact Adams County concerning charge/ NCIC Report.

It has been noted that you have a previously rejected ARP concerning the same issue.

Therefore, since this matter has already been rejected, this particular request will not be processed. No other complaints concerning this issue is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Pennington".

Richard Pennington, Director
Administrative Remedy Program

RP/

Pc: File