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APPENDIX A:

HIGHEST LOWER COURT

OPINION & REHEARING ORDER

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.ca11.uscourts.gov

August 03, 2026

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 25-13325-D
Case Style: In re: William James, et al
District Court Docket No: 1:17-cv-01181-TWT

The enclosed order has been ENTERED.

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.

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

MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13325

In re: WILLIAM JAMES,
TERRI V. TUCKER,

Petitioners.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia
D.C. Docket No. 1:17-cv-01181-TWT

Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

The Clerk's Office is DIRECTED to take no action on any additional filings by Petitioners in this closed case, including any motion for reconsideration of this order. The Clerk's Office will not provide notice when no action is taken on such filings.

Any pending motions are DENIED AS MOOT.

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.ca11.uscourts.gov

May 22, 2026

Terri Tucker-Lowe
1136 JOSLIN PATH
DOUGLASVILLE, GA 30274

Appeal Number: 25-13325-D
Case Style: In re: William James, et al
District Court Docket No: 1:17-cv-01181-TWT

The enclosed order has been ENTERED.

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.

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MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13325

In re: WILLIAM JAMES,
TERRI V. TUCKER,

Petitioners.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia
D.C. Docket No. 1:17-cv-01181-TWT

Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

Petitioners' motion to vacate is DENIED. *See* 11th Cir. R. 41-4(b); 11th Cir. R. 27-3.

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.ca11.uscourts.gov

March 31, 2026

William James
14920 S. ASHLAND
HARVEY, IL 60428

Terri Tucker- Lowe
1136 JOSLIN PATH
DOUGLASVILLE, GA 30274

Appeal Number: 25-13325-D
Case Style: In re: William James, et al
District Court Docket No: 1:17-cv-01181-TWT

The enclosed order has been ENTERED.

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.

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MOT-2 Notice of Court Action

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13325

In re: WILLIAM JAMES,
TERRI V. TUCKER,

Petitioners.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia
D.C. Docket No. 1:17-cv-01181-TWT

Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

William James and Terri Lowe (collectively, "Petitioners"),[1] proceeding pro se, move for reconsideration of our order dismissing in part and denying in part their amended mandamus petition. They have also filed motions to take judicial notice, to supplement the record before us, and for sanctions.

Petitioners' amended mandamus petition concerned a civil case they filed in the U.S. District Court for the Northern District of Georgia. In their petition, which they supplemented several times, they asked us to: (1) take judicial notice of the full procedural history; (2) direct the district court to transmit the complete record; (3) consolidate their then-pending appeals into the petition; (4) order the recusal of District Judge Thomas W. Thrash and re-assign the case; (5) enter summary judgment in their favor; (6) enter default and default judgment in their favor; (7) vacate all orders in the district court after the amended complaint was filed; (8) enforce "appropriate" judgments; (9) preserve and adjudicate all issues and relief they have previously sought; (10) issue a remand to consider the merits of their amended complaint; (11) recognize the district court was without jurisdiction to issue certain orders; and (12) hold that a filing injunction order entered against them in district court was unlawful.

As to the merits of Petitioners' amended petition, we denied as unnecessary the requests to take judicial notice of the full

[1] Various filings refer to Terri Lowe as "Terri Tucker," but in Petitioners' amended petition before us, they request that she "be recognized as Terri Lowe."

procedural history and scope and to order the district court to transmit the complete record. We denied as moot their request to consolidate their prior appeals into the mandamus petition because neither appeal was still pending. We held that the Petitioners had the adequate alternative remedy of challenging the filing injunction against them on appeal. We also held that the recusal issue was arguably moot, but that the Petitioners had the adequate alternative remedy of raising the issue in their two prior appeals. We held that the following requests were outside of the limited mandamus power, and, thus, not cognizable in mandamus: (1) enter summary judgment in their favor; (2) order entry of default and default judgment in their favor; (3) vacate all orders docketed after the amended complaint was filed; and (4) enforce all "appropriate" judgments. Finally, as to the remaining requests—(1) preserve and adjudicate all issues and relief previously sought; (2) issue a remand directing the district court to consider the merits of the amended complaint; and (3) recognize that the district court was divested of jurisdiction while the appeals and mandamus petition were pending—we held that these requests were essentially seeking appellate review, and the Petitioners had the adequate alternatively remedy of appealing these issues.

A party seeking rehearing or reconsideration must specifically allege any point of law or fact that this Court overlooked or misapprehended. Fed. R. App. P. 40(a)(2). In the district court context, this Court has held that "[a] motion for reconsideration cannot be used to relitigate old matters, raise argument or present evidence that could have been raised prior to the entry of judgment."

Wilchombe v. TeeVee Toons, Inc., 555 F.3d 949, 957 (11th Cir. 2009) (quotation marks omitted).

Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation marks omitted). The petitioner has the burden of showing that he has no other avenue of relief, and that his right to relief is clear and indisputable. *Mallard v. United States Dist. Court*, 490 U.S. 296, 309 (1989). "[A] writ of mandamus may issue only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *In re Smith*, 926 F.2d 1027, 1030 (11th Cir. 1991) (citation omitted).

A litigant is entitled to appeal from all final decisions of a district court to a court of appeals. 28 U.S.C. § 1291. An appeal from a final judgment brings up all preceding non-final orders. *Kirkland v. Nat'l Mortg. Network, Inc.*, 884 F.2d 1367, 1369-70 (11th Cir. 1989). "[A]n issue is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief." *Christian Coal. of Fla., Inc. v. United States*, 662 F.3d 1182, 1189 (11th Cir. 2011) (quotation omitted).

The Supreme Court has explained that federal courts have inherent powers that are "governed not by rule or statute but by the control necessarily vested in courts to manage their own affairs so as to achieve the orderly and expeditious disposition of cases." *Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (quoting *Link v.*

Wabash R.R. Co., 370 U.S. 626, 630-31 (1962)). Among these inherent powers is the ability to vacate its own judgment when there is proof that a fraud has been perpetrated upon the court. *Id.* at 44.

Here, as an initial matter, Petitioners have filed three motions before us in this proceeding that may be disposed of before consideration of the motion for reconsideration. First, we **GRANT** the motion to take judicial notice, but only to the extent that we acknowledge the existence of these other proceedings involving Petitioners. Second, we **GRANT** the motion to supplement the record, in that we have considered the whole record including those filings referenced in the motion to supplement. Finally, we **DENY** the motion for sanctions as Respondents are not required to appear and answer in this mandamus proceeding, and the Rule 26 provisions that Petitioners cite do not support the imposition of sanctions here.

As for the motion for reconsideration, we construe it as such, even though it is styled as a "petition for panel rehearing and petition for rehearing en banc." Petitioners' argument on reconsideration largely centers around that we failed to consider their proofs of service and the amended complaint as the operative complaint, and that, by stating that these records were unnecessary for its determination, we erred. However, Petitioners advanced these arguments to us in both direct appeals. As such, we correctly concluded in our order that the supplemental records were not required because we did not misapprehend that Plaintiffs previously had the opportunity to raise these arguments. The mandamus

petition was not the proper vehicle to relitigate their arguments from their appeals, and this especially is true for a motion for reconsideration.

As to their argument that mandamus "is proper when ordinary remedies fail," their citation to *Chambers* is inapposite where, again, Petitioners had the opportunity to litigate this issue in their prior appeals.

Finally, with respect to their arguments that we overlooked the judicial conflict of interest and failed to address the jurisdictional arguments as related to the "disqualified judge" entering orders, these arguments are without merit. We did address the same in stating that Petitioners had the adequate alternative remedy of raising these arguments in their prior appeals, which, in fact, they did.

Accordingly, Petitioners have not identified any point of law or fact that we overlooked or misapprehended. We **DENY** Petitioners' reconsideration motion.

In the
United States Court of Appeals
For the Eleventh Circuit

No. 25-13325

In re: WILLIAM JAMES,
TERRI V. TUCKER,

Petitioners.

On Petition for Writ of Mandamus to the
United States District Court for the
Northern District of Georgia
D.C. Docket No. 1:17-cv-01181-TWT

Before JILL PRYOR, NEWSOM, and GRANT, Circuit Judges.

BY THE COURT:

William James and Terri Lowe (collectively, "Petitioners"),[1] proceeding pro se, have filed an amended mandamus petition arising out a civil case they filed in the U.S. District Court for the Northern District of Georgia. In their petition, which they have supplemented several times, they ask us to: (1) take judicial notice of the full procedural history; (2) direct the district court to transmit the complete record; (3) consolidate their then-pending appeals into the petition; (4) order the recusal of District Judge Thomas W. Thrash and re-assign the case; (5) enter summary judgment in their favor; (6) enter default and default judgment in their favor; (7) vacate all orders in the district court after the amended complaint was filed; (8) enforce "appropriate" judgments; (9) preserve and adjudicate all issues and relief they have previously sought; (10) issue a remand to consider the merits of their amended complaint; (11) recognize the district court was without jurisdiction to issue certain orders; and (12) hold that a filing injunction order entered against them in district court was unlawful. They also filed motions to take judicial notice, to file a supplemental appendix, and for entry of default before us.

Mandamus is available "only in drastic situations, when no other adequate means are available to remedy a clear usurpation of power or abuse of discretion." *Jackson v. Motel 6 Multipurpose, Inc.*, 130 F.3d 999, 1004 (11th Cir. 1997) (quotation marks omitted).

[1] Various filings refer to Terri Lowe as "Terri Tucker," but in Petitioners' proposed amended petition before this Court, they request that she "be recognized as Terri Lowe."

The petitioner has the burden of showing that he has no other avenue of relief, and that his right to relief is clear and indisputable. *Mallard v. United States Dist. Court*, 490 U.S. 296, 309 (1989). "[A] writ of mandamus may issue only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *In re Smith*, 926 F.2d 1027, 1030 (11th Cir. 1991) (citation omitted).

A litigant is entitled to appeal from all final decisions of a district court to a court of appeals. 28 U.S.C. § 1291. An appeal from a final judgment brings up all preceding non-final orders. *Kirkland v. Nat'l Mortg. Network, Inc.*, 884 F.2d 1367, 1369-70 (11th Cir. 1989). "An issue is moot when it no longer presents a live controversy with respect to which the court can give meaningful relief." *Friends of Everglades v. S. Fla. Water Mgmt. Dist.*, 570 F.3d 1210, 1216 (11th Cir. 2009) (citation modified).

Here, as an initial matter, Petitioners have filed four motions before us in this proceeding that may be disposed of before our consideration of the substance of the mandamus petition. First, Petitioners' motion to amend their petition for writ of mandamus is **GRANTED**, and we consider the amended petition as the operative petition. Second, we **GRANT** the motion to take judicial notice to the extent that we acknowledge the existence of other proceedings involving Petitioners. Third, we **GRANT** the motion to file the supplemental appendix. Finally, we **DENY** the motion for default in favor of Petitioners as the respondents are not required to appear and answer in this mandamus proceeding.

In considering the requests across the amended mandamus petition and its supplements, we first deny as unnecessary Petitioners' requested relief that we take judicial notice of the full procedural history and scope of the mandamus petition, including documents filed in the district court after the instant petition because we already perform such a review as a matter of course. We also deny as unnecessary the request to order the district court to transmit the complete record, as we have access to all necessary and pertinent filings. We deny as moot Petitioners' request to consolidate their prior appeals, appeal numbers 17-14866 and 18-13553, into the instant mandamus petition as neither appeal is still pending. *Friends of Everglades*, 570 F.3d at 1216.

As for Petitioners' argument that they should not have been subject to the filing injunction as they allege it was unlawful, they had the adequate alternative remedy of challenging the injunction on appeal. *Mallard*, 490 U.S. at 309. The district court explicitly acknowledged the possibility of appeal in explaining the injunction's scope and mechanics, and Petitioners did, in fact, appeal the district court's order.

As to their arguments about recusal, the issue of recusal is arguably moot because the district court closed the case in 2018, and Petitioners' two appeals are final. Regardless, Petitioners had the adequate alternative remedy of raising the recusal issue in their two prior appeals. *Shalhoub*, 855 F.3d at 1259; *Jackson*, 130 F.3d at 1004.

As for Petitioners' requests that we (1) enter summary judgment in their favor; (2) order entry of default and default judgment in their favor; (3) vacate all orders docketed after the amended complaint was filed; and (4) enforce all "appropriate" judgments, these requests are outside of our limited mandamus power because Petitioners are asking us to act ourselves, as opposed to ordering an inferior court to act. *Smith*, 926 F.2d at 1030. As such, Petitioners' requests are not cognizable in mandamus. *Id.*

With respect to Petitioners' remaining requests, namely that we (1) preserve and adjudicate all issues and relief previously sought; (2) issue a remand directing the district court to consider the merits of the amended complaint; and (3) recognize that the district court was divested of jurisdiction while the appeals and mandamus petition were pending, these requests are essentially seeking appellate review of the district court proceedings. Petitioners had the adequate alternative remedy of appealing many of these issues once judgment was entered against them on August 10, 2018. 28 U.S.C. § 1291; *Kirkland*, 884 F.2d at 1369-70. As for the argument that certain orders were void because the district court lacked jurisdiction, Petitioners had the adequate alternative remedy of amending their prior appeal to include these orders. *Mallard*, 490 U.S. at 309.

Accordingly, James and Lowe's amended petition for a writ of mandamus is **DISMISSED IN PART** as moot as to their request to consolidate their appeals and the instant petition, and **DENIED IN PART** as to their remaining requests.

APPENDIX B:

DISTRICT COURT OPINIONS & ORDERS

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion to Stay [Doc. 217] which is DENIED pursuant to the Court's Order of August 10, 2018.

SO ORDERED, this 24th day of November, 2025.

THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. The case was closed in this Court in October, 2017 when the Court entered judgment on the pleadings in favor of all of the Defendants. After the case had been closed for years, the pro se Plaintiffs began filing a slew of motions in June, 2025. It is before the Court on various new motions which were filed in violation of the Court's Order of August 10, 2018 prohibiting the Plaintiffs from filing any motions or papers in this case without getting my permission. The latest Motions [Doc. 209, 210, 211 and 215] are DENIED.

SO ORDERED, this 17th day of October, 2025.

Thomas W. Thrash

THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action that was dismissed and the case closed seven years ago. The numerous Motions recently filed by the pro se Plaintiffs were filed in violation of the Injunction Order issued by this Court on August 10, 2018, prohibiting the Plaintiffs from filing any papers in this case or any new cases related to this case without obtaining my express written permission. The Motions [Doc. 196, 197, 203 & 204] are DENIED.

SO ORDERED, this 8th day of August, 2025.

Thomas W. Thrash

THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. Judgment was entered in favor of the Defendants and this case was closed in August, 2018. All pending motions [Doc. 191 & 194] are DENIED.

SO ORDERED, this 25 day of February, 2020.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Request Permission to File an Objection and Opposition to Order [Doc. 171] and Request for Permission to File Motion to Reconsideration [Doc. 172]. The Plaintiffs are subject to filing restrictions for filing multiple frivolous lawsuits and pleadings. This is more of the same. The Plaintiffs' Request Permission to File an Objection and Opposition to Order [Doc. 171] and Request for Permission to File Motion to Reconsideration [Doc. 172] are DENIED.

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SO ORDERED, this 5 day of September, 2018.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

BARBARA HUNT, et al.,

Defendants.

ORDER

This is a pro se civil RICO action. It is before the Court on the Defendants' Motion for Summary Judgment [Doc. 157] and the Plaintiffs' Motion for Judgment [Doc. 162]. For the reasons set forth below, the Defendants' Motion for Summary Judgment [Doc. 157] is GRANTED and the Plaintiffs' Motion for Judgment [Doc. 162] is DENIED.

I. Background

The Plaintiffs William James and Terri V. Tucker have asserted patently frivolous copyright infringement claims against the Defendants in a series of proceedings in various courts over the course of five years. Each of these actions arises from the same factual allegations. Tucker claims that the Tyler Perry film "Good Deeds" infringed upon the copyright in her book "Bad Apples Can Be Good Fruit." Similarly, James alleges that the Tyler Perry film "Temptation:

Confessions of Marriage Counselor" infringed upon the copyright in his screenplay script titled "Lovers Kill." This is the third action arising out of these allegations that Tucker has filed, and the second action that James has filed. Tucker has previously lost actions arising from these claims in both the Southern District of New York and this Court. James also previously lost a case asserting these allegations in the Northern District of Indiana.

Now, the Plaintiffs have filed yet another action arising from this set of facts in this Court. This time, however, they reconfigured their copyright claims as civil RICO claims. They also added Harpo, Inc., Oprah Winfrey, Oprah Winfrey Network, and Barbara Hunt as defendants. The Court dismissed the claims against Barbara Hunt due to lack of personal jurisdiction.[1] The Court also granted the Defendants' Motion for Judgment on the Pleadings as to the remaining Defendants, finding that the Plaintiffs' claims were frivolous and barred by *res judicata*.[2] The Plaintiffs have since appealed that ruling. The Defendants now move for summary judgment as to their counterclaim. In their counterclaim, the Defendants seek an injunction barring the Plaintiffs from instituting any further legal actions in any courts based on the facts and activities alleged in the previous lawsuits filed by the Plaintiffs.[3] The Plaintiffs

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1 *See* [Doc. 136].

2 *See* [Doc. 138].

3 *See* [Doc. 33] at 14-16.

have also filed a Motion for Judgment, asserting the same arguments this Court and other courts have already rejected.

II. Legal Standard

Summary judgment is appropriate only when the pleadings, depositions, and affidavits submitted by the parties show no genuine issue of material fact exists and that the movant is entitled to judgment as a matter of law.[4] The court should view the evidence and any inferences that may be drawn in the light most favorable to the nonmovant.[5] The party seeking summary judgment must first identify grounds to show the absence of a genuine issue of material fact.[6] The burden then shifts to the non-movant, who must go beyond the pleadings and present affirmative evidence to show that a genuine issue of material fact exists.[7] "A mere 'scintilla' of evidence supporting the opposing party's position will not suffice; there must be a sufficient showing that the jury could reasonably find for that party."[8]

III. Discussion

A. Plaintiffs' Motion for Judgment

First, the Plaintiffs move for entry of judgment in their favor. The

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4 FED. R. CIV. P. 56(a).

5 *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 158-59 (1970).

6 *Celotex Corp. v. Catrett*, 477 U.S. 317, 323-24 (1986).

7 *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 257 (1986).

8 *Walker v. Darby*, 911 F.2d 1573, 1577 (11th Cir. 1990).

Plaintiffs' Motion, which is largely repetitive, unintelligible, and lacking a basis in reality, seems to be another attempt to relitigate this Court's previous orders dismissing their claims.[9] This Court has already dismissed the Plaintiffs' claims against Barbara Hunt for lack of personal jurisdiction,[10] and granted the remaining Defendants' Motion for Judgment on the Pleadings.[11] This Court previously concluded that the Plaintiffs' claims, which are not only frivolous but ludicrous, fail to state a plausible claim for relief. The Court also rejected the Plaintiffs' Motion for Reconsideration.[12] The Court will not further entertain the Plaintiffs' attempts to relitigate issues which it has conclusively ruled upon. This is just another attempt to argue the merits of claims that this Court has already dismissed. Furthermore, the Plaintiffs have already filed a Notice of Appeal. Thus, this Court no longer has jurisdiction over the Plaintiffs' claims.[13] The Plaintiffs' Motion for Judgment is consequently denied.

B. Defendants' Motion for Summary Judgment

Next, the Defendants move for summary judgment as to their

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[9] *See* Pls.' Mot. for J., at 8-10 (arguing that the Defendants are liable for damages under RICO).

[10] *See* [Doc. 136].

[11] *See* [Doc. 138].

[12] *See* [Doc. 154].

[13] *Taylor v. Sterrett*, 640 F.2d 663, 667 (11th Cir. 1981) ("It is the general rule that a district court is divested of jurisdiction upon the filing of the notice of appeal with respect to any matters involved in the appeal.").

counterclaim against the Plaintiffs. In their counterclaim, the Defendants seek an injunction under the All Writs Act enjoining the Plaintiffs from filing future lawsuits based on the same alleged factual predicate for this action and the previous related actions.[14] According to the Defendants, the Plaintiffs are abusive litigants who have asserted baseless copyright infringement claims against them in various courts over the past five years, despite numerous judgments dismissing those claims. The Defendants contend that an injunction barring the Plaintiffs from filing new actions based upon these allegations is necessary due to the Plaintiffs' refusal to stop asserting these same claims.[15]

"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."[16] "The All Writs Act is a codification of this inherent power and provides that '[t]he 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.'"[17] "[T]he Act allows [courts] to safeguard not only ongoing proceedings, but potential future proceedings, as well as already-issued orders and

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[14] *See* [Doc. 33] at 14-16.

[15] Defs.' Mot. for Summ. J., at 8-12.

[16] *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986).

[17] *Maid of the Mist Corp. v. Alcatraz Media, LLC*, 388 F. App'x 940, 942 (11th Cir. 2010) (quoting *Klay v. United Healthgroup, Inc.*, 376 F.3d 1092, 1099 (11th Cir. 2004)).

judgments."[18] District courts have the power under the All Writs Act "to enjoin litigants who are abusing the court system by harassing their opponents."[19] This is because "[a] litigious plaintiff pressing a frivolous claim, though rarely succeeding on the merits, can be extremely costly to the defendant and can waste an inordinate amount of court time."[20] "The court has a responsibility to prevent single litigants from unnecessarily encroaching on the judicial machinery needed by others."[21] And, although a litigant cannot be completely foreclosed from all access to the court, "[a] party seeking to obtain an All Writs Act injunction 'must simply point to some ongoing proceeding, or some past order or judgment, the integrity of which is being threatened by someone else's action or behavior.'"[22] Courts have regularly issued injunctions such as these in response to frivolous litigants.[23]

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18 *Klay*, 376 F.3d at 1099.

19 *Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir. 1980).

20 *Id.*

21 *Procup*, 792 F.2d at 1074.

22 *Maid of the Mist Corp.*, 388 F. App'x at 942 (quoting *Klay*, 376 F.3d at 1100).

23 *See, e.g.*, *Maid of the Mist Corp.*, 388 F. App'x at 942 (concluding that an injunction was proper when the plaintiff "repeatedly filed unsubstantiated, duplicative pleadings, many after the district court issued an order denying them"); *Laosebikan v. Coca-Cola Co.*, 415 F. App'x 211, 215 (11th Cir. 2011) (holding that a filing injunction was appropriate since the vexatious plaintiff's claims were barred by *res judicata*); *Harrelson*, 613 F.2d at 116 (upholding filing injunction when "the plaintiff has forced various defendants in and out of court for almost five years and has had a full opportunity to

The Court concludes that the requested injunction is necessary to protect the integrity of the court system and to prevent the continued harassment of the Defendants by the Plaintiffs. This is the third time that Tucker has asserted these claims against the Perry Defendants and Lions Gate Entertainment. She lost her cases in the Southern District of New York and in this Court. This is the second time that James has asserted his copyright claims against the Perry Defendants and Lions Gate Entertainment. He lost his case in the Northern District of Indiana. The Plaintiffs have demonstrated a consistent disregard for the judgments of the various courts dismissing these actions. Absent an injunction, there is no indication the Plaintiffs will think twice about continuing to assert these baseless claims against the Defendants. The principles of *res judicata* have not served as a deterrent to frivolous filings by the Plaintiffs.

And, the Plaintiffs' conduct within this particular case has itself been disruptive and abusive to the Court's judicial function. The Plaintiffs have filed over 90 purported motions, counter-motions, replies, objections, amendments and exhibits since the commencement of this action, consuming thousands of pages of record. And, as this Court previously noted, each of these filings "had little or no basis in fact or law or relevance, or which are otherwise

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present and litigate his claims"); *In re Williams*, No. MC 117-001, 2017 WL 3167378, at *1-*3 (S.D. Ga. July 25, 2017) (enjoining a "serial frivolous filer" who had engaged in a "campaign of harassment and vexatious litigation in federal courts").

unintelligible."[24] The Plaintiffs have consistently made outrageous and fanciful claims in their filings. This conduct is not only costly and burdensome to the Defendants, but also imposes "a burden to clerical and judicial operations and is an impediment to the administration of justice."[25]

Because of this, the Court concludes that a filing injunction under the All Writs Act is appropriate here. The Court has the inherent jurisdiction to protect itself against the abuses that litigants such as Tucker and James visit upon it.[26] Without an injunction, the Plaintiffs will very likely continue to use the judicial system as a tool to harass the Defendants and waste judicial resources. The Plaintiffs have displayed nothing short of complete disregard for the numerous court rulings in favor of the Defendants. Therefore, the Court orders that the Plaintiffs are enjoined from filing any further pleading, motion, or other paper in relation to the instant action (other than the pending appeal and any appeal of this Order), and any new lawsuit in any court against any of the Defendants named in this action involving claims arising from the same factual predicate or nucleus of operative facts as this case without obtaining the express written permission of the undersigned.

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24 *See* [Doc. 95] at 1.

25 *Maid of the Mist Corp.*, 388 F. App'x at 942.

26 *Procup v. Strickland*, 792 F.2d 1069, 1073 (11th Cir. 1986) ("There should be little doubt that the district court has the jurisdiction to protect itself against the abuses that litigants like Procup visit upon it.").

IV. Conclusion

For the reasons stated above, the Defendants' Motion for Summary Judgment [Doc. 157] is GRANTED and the Plaintiffs' Motion for Judgment [Doc. 162] is DENIED.

SO ORDERED, this 10 day of August, 2018.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiff's Motion for Reconsideration [Doc. 142]. Rule 59(e) of the Federal Rules of Civil Procedure authorizes district courts upon motion to alter or amend a judgment. See Fed. R. Civ. Proc. 59(e). "The decision to alter or amend judgment is committed to the sound discretion of the district judge and will not be overturned on appeal absent an abuse of discretion." American Home Assurance Co. v. Glenn Estess & Assocs., 763 F.2d 1237, 1238-39 (11th Cir. 1985) (citing Commodity Futures Trading Comm'n v. American Commodity Group Corp., 753 F.2d 862, 866 (11th Cir. 1984)). The Federal Rules of Civil Procedure do not specifically authorize motions for reconsideration. Nevertheless, such motions are common in practice.

Local Rule 7.2 provides that motions for reconsideration are not to be filed "as a matter of routine practice," but only when "absolutely necessary." L.R. 7.2E. A party may move for reconsideration only when one of the following has occurred: "an intervening change in controlling law, the availability of new evidence, [or] the need to correct clear error or prevent manifest injustice." Godby v. Electrolux Corp., No. 1:93-CV-0353-ODE, 1994 WL 470220, at *1 (N.D. Ga. May 25, 1994). Further, a party "may not employ a motion for reconsideration as a vehicle to present new arguments or evidence that should have been raised earlier, introduce novel legal theories, or repackage familiar arguments to test whether the Court will change its mind." Brogdon v. National Healthcare Corp., 103 F. Supp. 2d 1322, 1338 (N.D. Ga. 2000); see also Godby, 1994 WL 470220, at *1 ("A motion for reconsideration should not be used to reiterate arguments that have previously been made ... '[It is an improper use of] the motion to reconsider to ask the Court to rethink what the Court [has] already thought through-rightly or wrongly.'") (quoting Above the Belt, Inc. v. Mel Bohannan Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va.1983)) (alterations in original); In re Hollowell, 242 B.R. 541, 542-43 (Bankr. N.D. Ga. 1999) ("Motions for reconsideration should not be used to relitigate issues already decided or as a substitute for appeal ... Such motions also should not be used to raise arguments which were or could have been raised before judgment was issued."). The Motion for

Reconsideration [Doc. 142] makes many false and outrageous claims and is DENIED. The Petition for Writ of Mandamus [Doc. 141] is DENIED. This Court has no jurisdiction to issue a mandamus to the Court of Appeals. The Joint Application to Appeal [Doc. 143] is GRANTED to the extent that the Plaintiffs may appeal as of right and otherwise is DENIED. The Plaintiffs having filed a Notice of Appeal, this Court no longer has jurisdiction. The Clerk is directed to file any papers received from the Plaintiffs but should not docket any papers as motions requiring action by the Court until so ordered by the Court.

SO ORDERED, this 20 day of November, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Defendants' Motion for Judgment on the Pleadings [Doc. 74] of the Winfrey and Perry Defendants. All of the Plaintiffs' claims of copyright infringement are barred by res judicata and collateral estoppel. This is the third time that the Plaintiff Tucker has asserted these claims against the Perry Defendants and Lions Gate Entertainment. She lost her cases in the Southern District of New York and in this Court. This is the second time that the Plaintiff James has asserted his copyright claims against the Perry Defendants and Lions Gate Entertainment. He lost his case in the Northern District of Indiana.

A final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action. Under res

judicata the effect of a judgment extends to the litigation of all issues relevant to the same claim between the same parties, whether or not raised at trial.[1] The bar extends not only to the precise legal theory presented in the previous litigation, but to all legal theories and claims arising out of the same "operative nucleus of fact."[2] Res judicata may be properly applied only if certain prerequisites are met. In the Eleventh Circuit, a party seeking to invoke the doctrine must establish its propriety by satisfying four initial elements: (1) the prior decision must have been rendered by a court of competent jurisdiction; (2) there must have been a final judgment on the merits; (3) both cases must involve the same parties or their privies; and (4) both cases must involve the same causes of action.[3] All of the Plaintiffs' claims relating to the alleged copyright infringement of their works could have been raised in the prior litigation. Recasting the claims as RICO claims does not defeat the res judicata bar. The addition of other Defendants does not defeat the requirement that the "same parties or their privies" must be involved.

The Plaintiffs' copyright claims are also barred by collateral estoppel. To successfully invoke collateral estoppel, a party must demonstrate that: (1) the issue at

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1 *Olmstead v. Amoco Oil Co.*, 725 F.2d 627, 631–32 (11th Cir. 1984).

2 *Id.*

3 *In re Piper Aircraft Corp.*, 244 F.3d 1289, 1296 (11th Cir. 2001).

stake in a pending action is identical to the one involved in the prior litigation; (2) the issue must have been actually litigated in the prior suit; (3) the determination of the issue in the prior litigation must have been a critical and necessary part of the judgment in the action; and (4) the party against whom the earlier decision is asserted must have had a full and fair opportunity to litigate the issue in the earlier proceeding.[4] All of these requirements have been met here. In addition, the Plaintiffs fail to state a plausible claim of copyright infringement as a predicate act for a RICO claim. The Plaintiffs fail to allege sufficient facts to support a plausible claim for relief with respect to their other claims. They are not only frivolous but ludicrous.

The Clerk is directed to enter a final judgment in favor of the Defendants and against the Plaintiffs on all of the Plaintiffs' claims pursuant to Fed. R. Civ. P. 54(b) there being no just reason for delay.

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[4] *Barger v. City of Cartersville, Ga.*, 348 F.3d 1289, 1293 (11th Cir. 2003), *overruled on other grounds by Slater v. United States Steel Corp.*, No. 12-15548, 2017 WL 4110047 (11th Cir. Sept. 18, 2017).

SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion for Recusal [Doc. 120] which is DENIED. The Plaintiffs' unhappiness with my rulings in this and other cases is not a valid basis for seeking recusal.

SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the United States Attorney's Motion to Dismiss Judge Thrash [Doc. 116]. The pro se Plaintiffs filed an Amended Complaint on July 5, 2017 which purported to name me as a Defendant in an obvious ploy to have me recuse. This was three months after the original Complaint was filed. The Plaintiffs did not obtain the consent of the Defendants or an Order of the Court. Therefore, the Amended Complaint is void and a nullity. As set forth in the Motion to Dismiss, the Plaintiffs failed to properly serve the United States Attorney. Furthermore, I have absolute judicial immunity from claims arising out of my rulings in an unrelated case. For all of these reasons, the Motion to Dismiss [Doc. 116] is GRANTED.

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SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion for Judgment of Default [Doc. 119] which is DENIED. The Defendants are not in default.

SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion for Reconsideration [Doc. 81]. Rule 59(e) of the Federal Rules of Civil Procedure authorizes district courts upon motion to alter or amend a judgment. See Fed. R. Civ. Proc. 59(e). "The decision to alter or amend judgment is committed to the sound discretion of the district judge and will not be overturned on appeal absent an abuse of discretion." American Home Assurance Co. v. Glenn Estess & Assocs., 763 F.2d 1237, 1238-39 (11th Cir. 1985) (citing Commodity Futures Trading Comm'n v. American Commodity Group Corp., 753 F.2d 862, 866 (11th Cir. 1984)). The Federal Rules of Civil Procedure do not specifically authorize motions for reconsideration. Nevertheless, such motions are common in practice.

Local Rule 7.2 provides that motions for reconsideration are not to be filed "as a matter of routine practice," but only when "absolutely necessary." L.R. 7.2E. A party may move for reconsideration only when one of the following has occurred: "an intervening change in controlling law, the availability of new evidence, [or] the need to correct clear error or prevent manifest injustice." Godby v. Electrolux Corp., No. 1:93-CV-0353-ODE, 1994 WL 470220, at *1 (N.D. Ga. May 25, 1994). Further, a party "may not employ a motion for reconsideration as a vehicle to present new arguments or evidence that should have been raised earlier, introduce novel legal theories, or repackage familiar arguments to test whether the Court will change its mind." Brogdon v. National Healthcare Corp., 103 F. Supp. 2d 1322, 1338 (N.D. Ga. 2000); see also Godby, 1994 WL 470220, at *1 ("A motion for reconsideration should not be used to reiterate arguments that have previously been made ... '[It is an improper use of] the motion to reconsider to ask the Court to rethink what the Court [has] already thought through-rightly or wrongly.'") (quoting Above the Belt, Inc. v. Mel Bohannan Roofing, Inc., 99 F.R.D. 99, 101 (E.D. Va.1983)) (alterations in original); In re Hollowell, 242 B.R. 541, 542-43 (Bankr. N.D. Ga. 1999) ("Motions for reconsideration should not be used to relitigate issues already decided or as a substitute for appeal ... Such motions also should not be used to raise arguments which were or could have been raised before judgment was issued."). The motion is

not signed by either of the pro se Plaintiffs. This is significant because the motion contains such outrageous misstatements of fact and law that it is subject to Rule 11 sanctions. The motion is frivolous and totally lacking in merit. The Plaintiffs' Motion for Reconsideration [Doc. 81] is DENIED.

SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

APPENDIX C:

OTHER RELEVANT INTERMEDIATE ORDERS BELOW

In the
United States Court of Appeals
For the Eleventh Circuit

No. 18-13553

WILLIAM JAMES,
Sui Juris,
TERRI V. TUCKER,
Sui Juris,
a.k.a. Terri V. Donald-Strickland,
a.k.a. TLo-Redness,

Plaintiffs-Counter Defendants-Appellants,

versus

BARBARA HUNT,
JUDGE THOMAS W. THRASH, JR.,

Defendants-Appellees,

HARPO,
LIONSGATE ENTERTAINMENT,
OPRAH WINFREY NETWORK,
(OWN),
OPRAH WINFREY,
d.b.a. Oprah Winfrey Network,
TYLER PERRY COMPANY,
TYLER PERRY STUDIOS,

(TPS),
TYLER PERRY,
a.k.a. Emmett Perry Jr.,
a.k.a. Emmett J. Perry,
a.k.a. Buddy,
a.k.a. John Ivory,
a.k.a. Emmett M. Perry, et al.,

Defendants-Counter Claimants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:17-cv-01181-TWT

Before WILLIAM PRYOR, Chief Judge, and GRANT and BLACK, Circuit Judges.

BY THE COURT:

Appellants' motion to recall the mandate is DENIED.

In the
United States Court of Appeals
For the Eleventh Circuit

No. 17-14866

WILLIAM JAMES,
Sui Juris,
TERRI V. TUCKER,
Sui Juris
a.k.a. Terri V. Donald-Strickland
a.k.a. TLo-Redness,

Plaintiffs-Counter Defendants-Appellants,

versus

BARBARA HUNT,
JUDGE THOMAS W. THRASH, JR.,

Defendants-Appellees,

HARPO,
LIONSGATE ENTERTAINMENT,
OPRAH WINFREY NETWORK,
(OWN),
OPRAH WINFREY,
d.b.a. Oprah Winfrey Network,
TYLER PERRY COMPANY,
TYLER PERRY STUDIOS,

(TPS),
TYLER PERRY,
a.k.a. Emmett Perry Jr.,
a.k.a. Emmett J. Perry,
a.k.a. Buddy,
a.k.a. John Ivory,
a.k.a. Emmett M. Perry,
a.k.a. Emmbre R. Perry,
a.k.a. Emmitt R. Perry,
a.k.a. Emmett T. Perry,
a.k.a. Willie M. Perry,
a.k.a. Emmett Ty Perry,
a.k.a. Emmett Perry,
a.k.a. Tyler E. Perry,
a.k.a. Tyler Perry Studios,

Defendants-Counter Claimants-Appellees.

Appeal from the United States District Court
for the Northern District of Georgia
D.C. Docket No. 1:17-cv-01181-TWT

Before JORDAN, BLACK, and WILSON, Circuit Judges.

BY THE COURT:

Appellants' motion to recall the mandate is DENIED.

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 17-14866
Non-Argument Calendar

D.C. Docket No. 1:17-cv-01181-TWT

WILLIAM JAMES,
Sui Juris,
TERRI V. TUCKER,
Sui Juris
a.k.a. Terri V. Donald-Strickland
a.k.a. TLo-Redness,

Plaintiffs-Counter Defendants-Appellants,

versus

BARBARA HUNT,
JUDGE THOMAS W. THRASH, JR.,

Defendants-Appellees,

HARPO,
LIONSGATE ENTERTAINMENT,
OPRAH WINFREY NETWORK,
(OWN),
OPRAH WINFREY,
d.b.a. Oprah Winfrey Network,
TYLER PERRY COMPANY,
TYLER PERRY STUDIOS,

(TPS),
TYLER PERRY,
a.k.a. Emmett Perry Jr.,
a.k.a. Emmett J. Perry,
a.k.a. Buddy,
a.k.a. John Ivory,
a.k.a. Emmett M. Perry,
a.k.a. Emmbre R. Perry,
a.k.a. Emmitt R. Perry,
a.k.a. Emmett T. Perry,
a.k.a. Willie M. Perry,
a.k.a. Emmett Ty Perry,
a.k.a. Emmett Perry,
a.k.a. Tyler E. Perry,
a.k.a. Tyler Perry Studios,

Defendants-Counter Claimants-Appellees.

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

(December 20, 2018)

Before WILSON, JORDAN and BLACK, Circuit Judges.

PER CURIAM:

William James and Terri V. Tucker (the Plaintiffs) appeal *pro se* the district court's grant of two Defendants' motions to dismiss claims under Federal Rule of Civil Procedure 12(b) and the remaining Defendants' motion for judgment on the pleadings under Federal Rule of Civil Procedure Rule 12(c). The Plaintiffs bring

five issues on appeal.[1] First, they argue the district court erred in granting judgment on the pleadings to Lionsgate Entertainment (Lionsgate), Tyler Perry, Tyler Perry Company, Tyler Perry Studios (collectively, the Perry Defendants), Oprah Winfrey, Oprah Winfrey Network, and Harpo, Inc. (collectively, the Winfrey Defendants), because claim and issue preclusion did not apply to the instant case and they stated a plausible Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 (RICO) claim. Second, they contend the district court erred in dismissing the claims against defendant Barbara Hunt for lack of personal jurisdiction. Third, they assert the district court abused its discretion in its rulings on the parties' motions for reassignment, recusal, and reconsideration. Fourth, they argue the district court mismanaged the proceedings and/or violated their due process rights by hurriedly issuing various orders. Finally, the Plaintiffs contend the district court abused its discretion in its rulings on the parties' motions related to service of process and default judgment. After review, we affirm the district court.

I. *Judgment on the Pleadings*

[1] While the Plaintiffs have appealed from several more of the district court's orders in the underlying case, their failure to plainly and prominently address issues as to the remaining orders renders such issues abandoned. *See Brown v. United States*, 720 F.3d 1316, 1332 (11th Cir. 2013) (explaining a party abandons a claim or issue on appeal that is not plainly and prominently addressed in its brief). Thus, we will not address any issues related to the district court's: (1) dismissal of the claims against Chief Judge Thrash; (2) rulings on the remaining discovery-related motions; (3) denial of their motions for judgment as a matter of law, for judgment on the pleadings, for summary judgment, and for appeal under 28 U.S.C. § 1292(b) and to transfer the docket to this Court; and (4) Fed. R. Civ. P. 54(b) certification.

As an initial matter, the district court did not abuse its discretion in concluding the Plaintiffs improperly and untimely attempted to amend their complaint, such that their initial complaint was the operative complaint in the underlying proceedings. *See Coventry First, LLC v. McCarty*, 605 F.3d 865, 869 (11th Cir. 2010) (stating we generally review the denial of a motion to amend a complaint under Federal Rule of Civil Procedure 15(a) for an abuse of discretion). The Lionsgate/Perry/Winfrey Defendants filed their answers to the complaint between May 5 and 22, 2017, and Hunt filed her Rule 12(b)(2) motion on May 22, 2017. The Plaintiffs failed to file their amended complaint until July 5, 2017. Thus, their amended complaint was untimely by at least 23 days, and at most 40 days. *See* Fed. R. Civ. P. 15(a)(1) (providing a party may amend its pleading once as a matter of course if it files a motion to amend within either: (a) 21 days after serving the pleading; or (b) if the pleading requires a responsive pleading, 21 days after service of the responsive pleading, or 21 days after service of a 12(b), (e), or (f) motion, whichever is earlier). Further, the record shows the Plaintiffs never asked for, nor received, the Defendants' written consent or the court's leave to file an amended complaint, such that they were not permitted to file the amended complaint. *See* Fed. R. Civ. P. 15(a)(2) (providing, if the amended complaint is untimely, the party can amend its pleading only upon receiving the opposing party's written consent or the court's leave). Despite their *pro se* status, the

Plaintiffs were required to comply with Rule 15(a). *See Moton v. Cowart*, 631 F.3d 1337, 1340 n.2 (11th Cir. 2011) (stating *pro se* litigants must comply with procedural rules).

Nor did the district court err in considering the documents from the Plaintiffs' prior lawsuits, as attached to the Defendants' initial and amended answers, and such consideration did not convert the Rule 12(c) motion for a judgment on the pleadings into a Rule 12(b)(6) motion or Rule 56 motion for summary judgment. Rather, these documents were properly considered in the Rule 12(c) motion because they were central to the Plaintiffs' claims, as they specifically listed their prior lawsuits in their complaint and alleged the lawsuits demonstrated the Defendants' pattern of racketeering and their conspiracy to monopolize the television and film industry. *See Horsley v. Feldt*, 304 F.3d 1125, 1134-35 (11th Cir. 2002) (stating for documents attached to pleadings to be considered in a motion for judgment on the pleadings, they must be central to the plaintiff's claim and undisputed).

The district court did not err in dismissing the Plaintiffs' RICO claims[2] on the pleadings because—even assuming arguendo the Plaintiffs pled applicable

[2] While the Plaintiffs clearly challenge the dismissal of their RICO claims in their initial brief on appeal, they fail to sufficiently brief the remaining claims mentioned in their complaint, as they make only a few passing references, or no reference at all, to the Sherman Anti-Trust Act, the Clayton Act, the Hobbs Act, the U.S. Copyright Act, the First Amendment, the Georgia constitution, or the World Intellectual Property Organization Treaty. *See Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008) (stating while we read *pro se* briefs liberally, issues not

predicate acts for their RICO claims—they failed to plead the claims with the required level of specificity.[3] *See Perez v. Wells Fargo N.A.*, 774 F.3d 1329, 1335 (11th Cir. 2014) (reviewing *de novo* the district court's grant of judgment on the pleadings); *Ambrosia Coal & Constr. Co. v. Morales*, 482 F.3d 1309, 1316 (11th Cir. 2007) (explaining a plaintiff must plead her civil RICO claim, which is essentially a type of fraud claim, with an increased level of specificity). Instead, the Plaintiffs incorporated by reference all prior paragraphs of their complaint, which contained numerous allegations against the Defendants without setting forth specific allegations against each Defendant. *See Lehman v. Lucom*, 727 F.3d 1326, 1330 (11th Cir. 2013) (stating to show a violation of 18 U.S.C. § 1962, a plaintiff must establish conduct of an enterprise through a pattern of racketeering activity); *Cox v. Adm'r, U.S. Steel & Carnegie*, 17 F.3d 1386, 1396 (11th Cir. 1994) (stating to recover on a civil RICO claim, plaintiffs must prove § 1962 was violated, they were injured in their business or property, and the § 1962 violation caused the injury). Namely, the Plaintiffs failed to specifically allege any precise statements, documents, or misrepresentations the Defendants made to them. *See Ambrosia*

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briefed on appeal by a *pro se* litigant are deemed abandoned and we will not consider them); *Brown*, 720 F.3d at 1332 (explaining the party must go beyond making passing references to the claim under different topical headings, and must clearly and unambiguously define the claim and devote a distinct section of his argument to it).

[3] This Court may affirm a district court ruling on any basis supported by the record. *Evans v. Ga. Reg'l Hosp.*, 850 F.3d 1248, 1253 (11th Cir), *cert denied*, 138 S. Ct. 557 (2017).

Coal & Constr. Co., 482 F.3d at 1316-17 (explaining to satisfy the Rule 9(b) standard, a RICO claimant must allege: "(1) the precise statements, documents, or misrepresentations made; (2) the time and place of and person responsible for the statement; (3) the content and manner in which the statements misled [her]; and (4) what the Defendants gained by the alleged fraud"). Additionally, the Plaintiffs failed to specifically allege the time and place of, and the person responsible for, any fraudulent or misleading statements, documents, or misrepresentations, and how they were misled by any of the Defendants' statements, documents, or misrepresentations. *See id.* Even accepting as true all material facts alleged in the Plaintiffs' pleading and viewing those facts in the light most favorable to the Plaintiffs, there are no material facts in dispute and the Lionsgate/Perry/Winfrey Defendants were entitled to judgment as a matter of law, given the Plaintiffs' failure to plead their RICO allegations with the requisite specificity. *See Perez*, 774 F.3d at 1335 (stating judgment on the pleadings is appropriate if—upon accepting as true all material facts alleged in the non-movant's pleading and viewing those facts in the light most favorable to the non-movant—no material facts are in dispute and the movant is entitled to judgment as a matter of law).

II. *Dismissal for Lack of Personal Jurisdiction*

The district court did not err in grating Hunt's motion to dismiss for lack of personal jurisdiction. *See Madara v. Hall*, 916 F.2d 1510, 1514 (11th Cir. 1990)

(reviewing *de novo* the district court's dismissal of a case for lack of personal jurisdiction). The Plaintiffs could not rely upon § 1965(d) of the RICO statute[4] to establish jurisdiction over Hunt because their asserted RICO claim against her is both (1) wholly immaterial, where their true claim against Hunt falls under copyright infringement rather than RICO; and (2) wholly insubstantial, where they failed to state their RICO claims with the requisite specificity. *See Republic of Panama v. BCCI Holdings (Luxembourg) S.A.*, 119 F.3d 935, 941-42 (11th Cir. 1997) (stating as long as an asserted federal claim is not wholly immaterial or insubstantial, a plaintiff is entitled to invoke the federal statute's nationwide-service provision to establish jurisdiction).

III. *Motions for Reassignment, Recusal, and Reconsideration*

The initiating judge did not abuse his discretion in granting the Perry Defendants' motion to reassign the case to Chief Judge Thrash because the initiating judge had inherent authority to manage the district court docket and reassign the case to a judge who had presided over a prior related case. *See Equity Lifestyle Props., Inc. v. Fla. Mowing & Landscape Serv., Inc.*, 556 F.3d 1232, 1240 (11th Cir. 2009) (explaining district courts have inherent authority to manage their own dockets to promote the orderly and expeditious disposition of their cases);

[4] The Plaintiffs have abandoned on appeal any arguments as to jurisdictional bases other than pursuant to § 1965(d). Their single, perfunctory mention of minimum contacts, with no substantive arguments or authority, is insufficient to save such an argument from abandonment. *See Old West Annuity & Life Ins. Co. v. Apollo Group*, 605 F.3d 856, 860 n.1 (11th Cir. 2010).

Young v. City of Palm Bay, Fla., 358 F.3d 859, 863-64 (11th Cir. 2004) (reviewing a district court's decision on how to manage its docket for abuse of discretion). Next, Chief Judge Thrash did not abuse his discretion in denying the Plaintiffs' initial recusal motion because they failed to show a basis for recusal. *See* 28 U.S.C. § 455(a), (b)(1) (providing a presiding judge must recuse himself from a proceeding in which his impartiality might reasonably be questioned, or when he has a personal bias or prejudice toward or against a party); *Christo v. Padgett*, 223 F.3d 1324, 1333 (11th Cir. 2000) (reviewing a district court judge's refusal to recuse himself for an abuse of discretion). Further, Chief Judge Thrash did not abuse his discretion in denying the Plaintiffs' subsequent motions for recusal, reassignment, and/or reconsideration, as nothing prevented him from ruling on the motion to recuse him, and the Plaintiffs' remaining arguments were either improperly raised for the first time in their reply brief, refuted by the record, or too speculative and conclusory to warrant recusal.

IV. *Mismanagement of Proceedings and/or Violation of Due Process Rights*

The district court did not abuse its discretion in making its discovery rulings, did not mismanage the docket, and did not violate the Plaintiffs' due process rights. *See Borden, Inc. v. Fla. E. Coast Ry. Co.*, 772 F.2d 750, 756-57 (11th Cir. 1985) (reviewing a district court's discovery decisions for an abuse of discretion);

Barfield v. Brierton, 883 F.2d 923, 931 (11th Cir. 1989) (reviewing a district court's ruling on a motion to stay for an abuse of discretion).

First, the district court had wide discretion to rule on any discovery requests and did not abuse its discretion by staying the proceedings, filings, and discovery until ruling on the Defendants' pending motions for judgment on the pleadings and motions to dismiss, especially in light of the fact the Plaintiffs' fraud-based claims would have substantially enlarged the scope of discovery and were largely unpersuasive. *See Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1368 (11th Cir. 1997) (providing when a district court is presented with a motion to dispose of a claim for relief that would substantially enlarge the scope of discovery, it should rule on the motion before entering discovery orders). The court's decision to stay the proceedings and filings furthered the goals of controlling the case and saving the time and effort of the court, counsel, and the parties, as the Plaintiffs had filed a substantial amount of motions and other rulings, many of which were frivolous, within three months of the commencement of the lawsuit. *See Landis v. N. Amer. Co.*, 299 U.S. 248, 254 (1936) (explaining a court's power to stay proceedings is incidental to its inherent power to control the disposition of the cases on its docket to save the time and effort of the court, counsel, and the parties).

While the district court ruled on the Defendants' motion to stay within only six days, the Plaintiffs' contention they had no opportunity to respond is belied by

the record. Rather, the record shows they made three filings in the time between the Defendants' motion and the court's ruling, two of which specifically noted the Defendants' motion to stay, and they fail to explain why they were unable to also file a separate response in opposition to the Defendants' motion to stay. The Plaintiffs fail to articulate the basis of their claim for a due process violation, and the record shows no due process violation. Also, the Plaintiffs fail to connect their assertion the district court unfairly allowed the Defendants to proceed, despite being in default, to the court's grant of a stay. Nevertheless, such an assertion is belied by the record, as neither the clerk of court nor the district judge entered default against the Defendants.

Second, the Plaintiffs' assertions—that the district court could not have considered thoroughly their filings when it issued multiple orders on October 19 and that it failed to give in-depth explanations as to each ruling—are speculative and conclusory. In so asserting, the Plaintiffs fail to account for the fact that some of the motions and filings ruled on had been pending for months prior to the district court's multiple orders, and many of the motions and filings overlapped in subject matter. Moreover, the Plaintiffs fail to point to specific orders and explain why they were deficient, such that this Court cannot meaningfully review such a claim. A review of the record shows that, while the district court's orders were

concise, they did not evidence a failure to consider the presented motions or any mismanaging of the docket.

V. *Service-of-Process and Default-Judgment Motions*

Plaintiffs have failed to show how they were harmed by the district court's grant of the Defendants' motion to quash service and returns of service and denial of the Plaintiffs' motion to strike the motion to quash. Rather, the Defendants nevertheless filed answers and responsive pleadings to the Plaintiffs' complaint, and the district court granted the Defendants' dispositive motions for judgment on the pleadings and to dismiss on several bases other than improper service of process. Additionally, the district court did not abuse its discretion in denying the Plaintiffs' default-judgment motions because their complaint failed to state plausible RICO claims against the Defendants, such that default judgment would have been improper. *See Chudasama*, 123 F.3d at 1370 n.41 (explaining "default judgment cannot stand on a complaint that fails to state a claim"); *Solaroll Shade & Shutter Corp., v. Bio-Energy Sys., Inc.*, 803 F.2d 1130, 1134 (11th Cir. 1986) (reviewing a district court's default-judgment ruling for an abuse of discretion). Because the Defendants were not in default, their subsequently filed answers and motions were not improper, and the Plaintiffs' motions to strike those answers and motions were meritless.

AFFIRMED.

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 18-13553
Non-Argument Calendar

D.C. Docket No. 1:17-cv-01181-TWT

WILLIAM JAMES,
Sui Juris,
TERRI V. TUCKER,
Sui Juris,
a.k.a. Terri V. Donald-Strickland,
a.k.a. TLo-Redness,

Plaintiffs-Counter Defendants-Appellants,

versus

BARBARA HUNT,
JUDGE THOMAS W. THRASH, JR.,

Defendants-Appellees,

HARPO,
LIONSGATE ENTERTAINMENT,
OPRAH WINFREY NETWORK,
(OWN),
OPRAH WINFREY,
d.b.a. Oprah Winfrey Network,
TYLER PERRY COMPANY,
TYLER PERRY STUDIOS,

(TPS),
TYLER PERRY,
a.k.a. Emmett Perry Jr.,
a.k.a. Emmett J. Perry,
a.k.a. Buddy,
a.k.a. John Ivory,
a.k.a. Emmett M. Perry, et al.,

Defendants-Counter Claimants-Appellees.

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

(August 12, 2019)

Before WILLIAM PRYOR, GRANT and BLACK, Circuit Judges.

PER CURIAM:

William James and Terri V. Tucker appeal *pro se* the district court's orders: (1) granting summary judgement to Defendants on their counterclaims under the All Writs Act, 28 U.S.C. § 1651(a), against Plaintiffs in their underlying lawsuit, issuing an All Writs Act injunction against Plaintiffs, and denying Plaintiffs' motion for judgment; and (2) denying Plaintiffs' petition for a writ of mandamus, denying their motion for reconsideration, and granting their motion for appeal.

After review, we affirm.

I. BACKGROUND

Briefly, this appeal concerns ongoing litigation originally initiated when Plaintiffs filed a *pro se* complaint against Lionsgate Entertainment (Lionsgate), Tyler Perry, Tyler Perry Company, Tyler Perry Studios (collectively, the Perry Defendants), Oprah Winfrey, Oprah Winfrey Network, and Harpo, Inc. (collectively, the Winfrey Defendants), raising claims under the Racketeer Influenced and Corrupt Organizations Act (RICO), pursuant to 18 U.S.C. §§ 1961 and 1964, the U.S. Copyright Act, 17 U.S.C. § 501, and numerous other state and federal laws, seeking damages and other relief. Their essential claim was that these Defendants criminally plagiarized and/or infringed Tucker's copyrighted book and James's copyrighted screenplay through creating and distributing two Tyler Perry movies.

The district court eventually ruled on several dispositive motions, resulting in the effective dismissal of all of Plaintiffs' pending claims. Plaintiffs then filed an appeal in this Court (Case No. 17-14866), and we affirmed the district court's rulings on several preliminary and dispositive motions. *James v. Hunt*, 761 F. App'x 975 (11th Cir. 2019).

In the meantime, Plaintiffs filed a petition for writ of mandamus, a motion objection to and seeking reconsideration of the orders that were the subject of the then-ongoing appeal, and a "Joint Application to Appeal from All Orders and Final

Order Rule 54(b)." Following Defendants' responses, the district court issued an order: (1) denying Plaintiffs' petition for a writ of mandamus; (2) denying their motion for reconsideration; and (3) granting in part their joint application to appeal to the extent they could appeal as of right, and otherwise denying the joint application (Mandamus Order).

Following the first appeal, the Lionsgate/Perry/Winfrey Defendants filed in the district court a Fed. R. Civ. P. 56 motion for summary judgment on several of their counterclaims for injunctive relief. Specifically, they requested that Plaintiffs be barred from filing any more lawsuits, in either state or federal court, against them based on the same facts and activities, which had formed the basis of numerous prior unsuccessful lawsuits against them. The district court eventually granted this motion and imposed a filing injunction against Plaintiffs (Injunction Order). The instant appeal followed.

II. DISCUSSION

Before addressing the substance of the issues on appeal, it is necessary for us to clarify which of the district court's orders are properly before us. Plaintiffs designate in their notice of appeal, and in their appellate brief, that they are seeking to appeal from all of the district court orders within Documents 1 through 169. They raise 30 "issues" on appeal essentially arguing error as to: (1) the district court's preliminary orders, Docs. 15, 71, 76, 95, 96; (2) the court's earlier orders—

which were the subject of Case No. 17-14866—cumulatively granting and denying Defendants' pending motions, denying Plaintiffs' pending motions, and dismissing Plaintiffs' claims against Defendants, Docs. 124-39; and (3) their attempts at consolidating the instant appeal with the Case No. 17-14866.

However, only the district court's Mandamus Order and Injunction Order are properly before us in the instant appeal. We already have reviewed and ruled upon the district court's prior orders in Case No. 17-14866 and have denied Plaintiffs' motions to consolidate. Our holdings and rulings from the prior appeal are binding on this appeal under the law-of-the-case doctrine and we decline to readdress any issues related to those previously reviewed and ruled upon orders. *United States v. Anderson*, 772 F.3d 662, 668 (11th Cir. 2014) ("The [law-of-the-case] doctrine provides that "[a]n appellate decision binds all subsequent proceedings in the same case." (quoting 18B Wright, Miller & Cooper, Federal Practice & Procedure § 4478 (2d ed. 2002))). We similarly decline to address any issues that could have been raised in the prior appeal but were not. *See United States v. Escobar-Urrego*, 110 F.3d 1556, 1560 (11th Cir. 1997) (concluding that the law-of-the-case doctrine applied both to issues actually raised in a prior appeal and to issues that could have, but were not, raised in a prior appeal).

To the extent Plaintiffs seek review of any order issued by the district court after they filed the instant notice of appeal, we do not have jurisdiction to review

any such orders, as they failed to file a new or amended notice of appeal designating those orders. *See* Fed. R. App. P. 3(c)(1)(B) ("The notice of appeal must . . . designate the judgment, order, or part thereof being appealed . . . ."); *Osterneck v. E.T. Barwick Indus., Inc.*, 825 F.2d 1521, 1528 (11th Cir. 1987) ("The general rule in this circuit is that an appellate court has jurisdiction to review only those judgments, orders or portions thereof which are specified in an appellant's notice of appeal.").

Accordingly, our review in this appeal is limited to the district court's Mandamus Injunction Orders. Plaintiffs, however, fail to properly raise any arguments with regard to these orders. Instead, Plaintiffs' brief on appeal focuses almost exclusively on issues related to district court orders that, as discussed above, are not properly before us in the instant appeal. In particular, as noted above, the brief focuses primarily on the district court's preliminary and dispositive orders we addressed in Case No. 17-14866, and on Plaintiffs' attempts to consolidate the instant appeal with that case.

While we read *pro se* briefs liberally, issues not briefed on appeal by a *pro se* litigant are deemed abandoned and will not be considered. *Timson v. Sampson*, 518 F.3d 870, 874 (11th Cir. 2008). A party abandons a claim or issue on appeal that is not plainly and prominently addressed in its brief. *Brown v. United States*, 720 F.3d 1316, 1332 (11th Cir. 2003). The party must go beyond making passing

references to the claim under different topical headings, and must clearly and unambiguously define the claim and devote a distinct section of his argument to it. *Id.*; *United States v. King*, 751 F.3d 1268, 1277 (11th Cir. 2014) (explaining that terse statements or arguments in passing are insufficient to save an issue from abandonment). Similarly, an argument is abandoned if the appellant raises it in a perfunctory manner without any substantive arguments or authority. *Old W. Annuity & Life Ins. Co. v. Apollo Grp.*, 605 F.3d 856, 860 n.1 (11th Cir. 2010).

As to the Mandamus Order, even applying a liberal construction, Plaintiffs make only passing references to their mandamus petition, motion for reconsideration, joint application for appeal, and the court's ruling, and they fail to dedicate any discrete section of their brief on appeal to any of these motions or the court's order. Such passing references are insufficient to properly raise any issue concerning this order. *See King*, 751 F.3d at 1277.

As to the Injunction Order, the only argument Plaintiffs even arguably raise in a proper fashion is their apparent claim that the district court abused its discretion in granting Defendants' summary-judgment motion because the motion was not timely filed. But while the brief includes discussion of this argument, Plaintiffs cite to no law other than Fed. R. Civ. P. 54 and 56, and they fail to devote a distinct section of their brief to this matter, instead providing a relatively brief

discussion under various other topical headings. *See King*, 751 F.3d at 1277; *Apollo Grp.*, 605 F.3d at 860 n.1; *Brown*, 720 F.3d at 1332.

To the extent that Plaintiffs raised new arguments in their reply briefs, we will not address them. *See Timson*, 518 F.3d at 874 ("[W]e do not address arguments raised for the first time in a *pro se* litigant's reply brief.").

III. CONCLUSION

Because Plaintiffs have abandoned any issues on appeal as to those orders that are properly before us by failing to plainly and prominently address such issues in their brief, no substantive questions remain before us, and we 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

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August 12, 2019

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 18-13553-GG
Case Style: William James, et al v. Barbara Hunt, et al
District Court Docket No: 1:17-cv-01181-TWT

This Court requires all counsel to file documents electronically using the Electronic Case Files ("ECF") system, unless exempted for good cause. 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@ca11.uscourts.gov for questions regarding CJA vouchers or the eVoucher system.

Pursuant to Fed.R.App.P. 39, costs taxed against appellants.

Please use the most recent version of the Bill of Costs form available on the court's website at www.ca11.uscourts.gov.

For questions concerning the issuance of the decision of this court, please call the number referenced in the signature block below. For all other questions, please call Joe Caruso, GG at (404) 335-6177.

Sincerely,

DAVID J. SMITH, Clerk of Court

Reply to: Jeff R. Patch
Phone #: 404-335-6151

OPIN-1A Issuance of Opinion With Costs

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion for Judgment as a Matter of Law Under Rule 50 [Doc. 99] which is DENIED. Rule 50 allows such a motion in connection with a jury trial. There has not been a trial in this case. The motion is frivolous.

SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion for Recusal of Chief Judge Thomas W. Thrash [Doc. 81]. In relevant part, 28 U.S.C. § 455(a) provides that "[a]ny ... judge ... of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned." In keeping with the aim of "'promot[ing] confidence in the judiciary by avoiding even the appearance of impropriety whenever possible,'" *United States v. Patti*, 337 F.3d 1317, 1321 (11th Cir. 2003) (quoting *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 865, 108 S.Ct. 2194, 100 L.Ed.2d 855 (1988)), recusal under § 455(a) turns on "whether an objective, disinterested, lay observer fully informed of the facts underlying the grounds on which recusal was sought would entertain a significant

doubt about the judge's impartiality." *United States v. Scrushy*, 721 F.3d 1288, 1303 (11th Cir. 2013) (citations and internal quotation marks omitted). "[A]ny doubts must be resolved in favor of recusal." *Patti*, 337 F.3d at 1321. Nevertheless, "there is as much obligation for a judge not to recuse when there is no occasion for him to do so as there is for him to do so when there is." *United States v. Burger*, 964 F.2d 1065, 1070 (10th Cir. 1992) (internal punctuation and citation omitted). Indeed, "a judge, having been assigned to a case, should not recuse himself on unsupported, irrational, or highly tenuous speculation." *United States v. Greenough*, 782 F.2d 1556, 1558 (11th Cir. 1986). The Plaintiff Tucker is obviously a disappointed litigant. She is unhappy with rulings that I have made in other cases. She does not identify any source of personal animosity or bias. No objective, disinterested, lay observer fully informed of the facts underlying the grounds on which my recusal is sought would entertain a significant doubt about my impartiality. The Plaintiffs' Motion for Recusal of Chief Judge Thomas W. Thrash [Doc. 81] is DENIED.

SO ORDERED, this 12 day of July, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES
SUI JURIS, et al.,

Plaintiffs,

v.

BARBARA HUNT, et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Defendants' Motion to Stay [Doc. 87] and Motion for Protective Order, to Stay Discovery, and to Modify the Discovery Period [Doc. 89]. Since the commencement of this action, the Plaintiffs have filed 69 purported motions, counter-motions, replies, amendments, and exhibits, consuming 1,319 pages of record, each with little or no basis in fact or law or relevance, or which are otherwise unintelligible. The Defendants' Motion to Stay [Doc. 87] and Motion for Protective Order, to Stay Discovery, and to Modify the Discovery Period [Doc. 89] are GRANTED. The Defendants are not required to respond or object to discovery served by the Plaintiffs until further order. Discovery

is stayed until 30 days after entry of orders on the Defendants' Motion for Judgment on the Pleadings and Motion to Dismiss.

SO ORDERED, this 12 day of July, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

APPENDIX D:

CONSTITUTIONAL PROVISIONS,

STATUTES, AND RULES INVOLVED

APPENDIX D

CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES INVOLVED

CONSTITUTIONAL PROVISIONS

Article III, Section 1 of the United States Constitution

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 Judges, both of the supreme and inferior Courts, shall hold their Offices during good behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

Fifth Amendment to the United States Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Fourteenth Amendment to the United States Constitution, Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

STATUTORY PROVISIONS

28 U.S.C. § 455.

Disqualification of justice, judge, or magistrate judge

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is acting as a lawyer in the proceeding;

(iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

28 U.S.C. § 1651. Writs (All Writs Act)

(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.

(b) An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction.

28 U.S.C. § 1254

Courts of appeals; certiorari; certified questions

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for consideration and the entire matter decided by the Court.

28 U.S.C. § 1915

Proceedings in forma pauperis

(a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits 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.

SUPREME COURT RULES

Supreme Court Rule 20.1

Procedure on a Petition for an Extraordinary Writ

1. Issuance by the Court of an extraordinary writ authorized by 28 U.S.C. § 1651(a) is not a matter of right, of the discretion sparingly exercised. To justify the granting of any such writ, the petition must show that the writ will be in aid of the Court's supervisory authority and that normal appellate remedies are unavailable.

Supreme Court Rule 39. Proceedings in Forma Pauperis

1. A party seeking to proceed in forma pauperis shall file a motion for leave to so proceed, together with the party's notarized affidavit or declaration (in compliance

with 28 U.S.C. § 1746) showing the party's inability to pay the fees and costs or to give security.

FEDERAL RULES OF APPELLATE PROCEDURE

Rule 35. En Banc Determination

(a) When Hearing or Rehearing En Banc May Be Ordered. A majority of the circuit judges who are in regular active service and who are not disqualified may order that an appeal or other proceeding be heard or reheard by the court of appeals en banc. An en banc hearing or rehearing is not favored and ordinarily will not be ordered unless:

(1) en banc consideration is necessary to secure or maintain uniformity of the court's decisions; or

(2) the proceeding involves a question of exceptional importance.

(f) Distribution to All Active Judges. In all cases, a petition for rehearing en banc shall be distributed to all active judges of the court.

Rule 40. Petition for Panel Rehearing

(a) Time to File; Contents; Response; Action by the Court if Granted.

(1) Time. Unless the time is shortened or extended by order or local rule, a petition for panel rehearing may be filed within 14 days after entry of judgment.

(2) Contents. The petition must state with particularity each point of law or fact that the petitioner believes the court has overlooked or misapprehended and must argue in support of the petition. Oral argument is not permitted.

(3) Action by Court. If a petition for panel rehearing is granted, the court may:

(A) make a final disposition of the case without reargument;

(B) restore the case to the calendar for reargument or resubmission; or

(C) issue any other appropriate order.

ELEVENTH CIRCUIT LOCAL RULES

Eleventh Circuit Local Rule 26.1-5

Failure to Submit a CIP or Complete the Web-based CIP

(a) The court may delay processing an appeal or petition until the required Certificate of Interested Persons and Corporate Disclosure Statement (CIP) or web-based CIP is submitted.

(b) A party who fails to submit a required CIP or complete the web-based CIP may be subject to sanctions, including dismissal of the appeal or petition.

FEDERAL RULES OF CIVIL PROCEDURE

Rule 12

Defenses and Objections: When and How Presented; Motion for Judgment on the Pleadings; Consolidating Motions; Waiving Defenses; Pretrial Hearing

(a) Time to Serve a Responsive Pleading.

(1) In General. Unless another time is specified by this rule or a federal statute, the time for serving a responsive pleading is as follows:

(A) A defendant must serve an answer:

(i) within 21 days after being served with the summons and complaint; or

(ii) if it has timely waived service under Rule 4(d), within 60 days after the request for a waiver was sent, or within 90 days after it was sent to the defendant outside any judicial district of the United States.

(B) A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.

(C) A party must serve a reply to an answer within 21 days after being served with an order to reply, unless the order specifies a different time.

(4) Effect of a Motion. Unless the court sets a different time, serving a motion under this rule alters these periods as follows:

(A) if the court denies the motion or postpones its disposition until trial, the responsive pleading must be served within 14 days after notice of the court's action; or

(B) if the court grants a motion for a more definite statement, the responsive pleading must be served within 14 days after the more definite statement is served.

(b) How to Present Defenses. Every defense to a claim for relief in any pleading must be asserted in the responsive pleading if one is required. But a party may assert the following defenses by motion:

(1) lack of subject-matter jurisdiction;

(2) lack of personal jurisdiction;

(3) improper venue;

(4) insufficient process;

(5) insufficient service of process;

(6) failure to state a claim upon which relief can be granted; and

(7) failure to join a party under Rule 19.

A motion asserting any of these defenses must be made before pleading if a responsive pleading is allowed.

(c) Motion for Judgment on the Pleadings. After the pleadings are closed—but early enough not to delay trial—a party may move for judgment on the pleadings.

(d) Result of Presenting Matters Outside the Pleadings. If, on a motion under Rule 12(b)(6) or 12(c), matters outside the pleadings are presented to and not excluded by the court, the motion must be treated as one for summary judgment under Rule 56. All parties must be given a reasonable opportunity to present all the material that is pertinent to the motion.

(f) Motion to Strike. The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act:

(1) on its own; or

(2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading.

Rule 15. Amended and Supplemental Pleadings

(a) Amendments Before Trial.

(1) Amending as a Matter of Course. A party may amend its pleading once as a matter of course no later than:

(A) 21 days after serving it, or

(B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier.

Rule 54. Judgment; Costs

(b) Judgment on Multiple Claims or Involving Multiple Parties. When an action presents more than one claim for relief—whether as a claim, counterclaim, crossclaim, or third-party claim—or when multiple parties are involved, the court may direct entry of a final judgment as to one or more, but fewer than all, claims or parties only if the court expressly determines that there is no just reason for delay.

Otherwise, any order or other decision, however designated, that adjudicates fewer than all the claims or the rights and liabilities of fewer than all the parties does not end the action as to any of the claims or parties and may be revised at any time before the entry of a judgment adjudicating all the claims and all the parties' rights and liabilities.

Rule 55. Default; Default Judgment

(a) Entering a Default. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

(b) Entering a Default Judgment.

(1) By the Clerk. If the plaintiff's claim is for a sum certain or a sum that can be made certain by computation, the clerk—on the plaintiff's request, with an affidavit showing the amount due—must enter judgment for that amount and costs against a defendant who has been defaulted for not appearing...

(2) By the Court. In all other cases, the party must apply to the court for a default judgment...

(c) Setting Aside a Default or a Default Judgment. The court may set aside an entry of default for good cause, and it may set aside a final default judgment under Rule 60(b).

Rule 56. Summary Judgment

(a) Motion for Summary Judgment or Partial Summary Judgment. A party may move for summary judgment, identifying each claim or defense—or the part of each claim or defense—on which summary judgment is sought. The court shall grant summary judgment if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

Rule 60. Relief from a Judgment or Order

(b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable; or

(6) any other reason that justifies relief.

(d) Other Powers to Grant Relief. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) grant relief under 28 U.S.C. § 1655 to a defendant who was not personally notified of the action; or

(3) set aside a judgment for fraud on the court.

APPENDIX E:

MATERIAL LOWER COURT

RECORD EXCERPTS

APPENDIX E

1. Doc. 15 (Order), at 2 ¶ 1(Characterization of Civil RICO Claims)

> injury. Plaintiffs' claims are civil RICO claims with predicate acts related to copyright infringement and counterfeit goods. The damages which would be awarded if these claims are successful would be monetary damages. Plaintiffs

2. Doc. 31 (Defendants' Motion for Reassignment), Page 2, ¶¶ 1–3

1. Plaintiff, Terri V. Tucker, formerly known as Terry V. Strickland, formerly known as Terri V. Donald has brought the within action for recovery of civil RICO damages, alleging predicate acts of copyright infringement and counterfeit goods. (See Doc. 1 and Doc. 15.)

2. Plaintiff, Terri V. Tucker has brought at least two prior civil actions based on allegations of the same facts as claimed in the within civil action: Terri V. Donald v. The Tyler Perry Company, Inc., Case No. 2:12-6629 (E. Dist. PA, Nov. 2012), transferred as: Terri V. Donald v. The Tyler Perry Company, Inc., Case No. 13CV-1655, (S. Dist. NY, Mar. 2013); and most recently, Terri V. Strickland v. Tyler Perry, Case No. 1:15CV-3400 (N. Dist. GA, Sep't. 2015, J/Thomas W. Thrash), dismissal affirmed, Case No. 16-11601, USCA - 11TH Circuit, April, 2017.)

3. In the filing of the within civil action, Plaintiffs failed to disclose in their Civil Cover Sheet, Section VIII, the related case of Strickland v. Tyler Perry, Case No. 1:15CV-3400 of this Court, Judge Thomas W. Thrash presiding, dismissal affirmed

3. Doc. 85 (First Amended Complaint) at 1 (Caption Naming Judge Thrash as Defendant)

RECEIVED IN CLERK'S OFFICE
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JUL 05 2017
JAMES N. HATTEN, Clerk
By: Deputy Clerk

UNITED STATES GOVERNMENT COURT

NORTHERN DISTRICT OF GEORGIA

1 William James, Sui Juris
9100 South Drexel Ave
Chicago Illinois 60619
2 Terri V. Tucker AKA
(Donald-Strickland), Sui Juris
1136 Joslin Path
Douglasville, GA 30134

Plaintiffs,

vs

1 Barbara Hunt
2 Harpo
3 Lionsgate Entertainment
4 Oprah Winfrey Network (OWN)
5 Oprah Winfrey
6 Tyler Perry Company
7 Tyler Perry Studios (TPS)
8 Tyler Perry aka Emmett Perry Jr. aka Emmett J. Perry aka Emmett M. Perry Aka Emmbre R. Perry aka Emmitt R. Perry aka Emmett T. Perry aka Willie M. Perry aka Emmett Ty Perry aka Emmett Perry aka Tyler E Perry aka Emmbre R Perry Aka Emmitt Perry, Jr. aka Buddy aka John Ivory
9 Judge Thomas W. Thrash, Jr.

Defendants_____

CASE NO: 1:17-CV-01181-TWT
VERIFIED AMENDED COMPLAINT FOR DECLATORY AND INJUNCTIVE RELIEF AND DAMAGES FROM RACKETEERING, CONSPIRACY TO ENGAGE IN A PATTERN OF RACKETEERING ACTIVITY AND RELATED CLAIMS:

JURY DEMANDED

CIVIL RICO
18 U.S.C. 1951 through 1980
DIVERSITY
28 U.S. Code § 1369
SHERMAN ANTI-TRUST
CLAYTON ANTI-TRUST
U.S. CONSTITUTION

4. NDGA Docket Sheet / Transaction Record for Doc. 85 (Showing Filing on July 5, 2017, and Electronic Docket Modification on July 12, 2017)

07/05/2017	85	AMENDED COMPLAINT against Harpo, Barbara Hunt, Lionsgate Entertainment, Oprah Winfrey Network, Tyler Perry, Thomas W. Thrash, Jr, Tyler Perry Company, Tyler Perry Studios, Oprah Winfrey with Jury Demand filed by Terri V. Tucker, William James.(btql) Please visit our website at http://www.gand.uscourts.gov/commonly-used-forms to obtain Pretrial Instructions which includes the Consent To Proceed Before U.S. Magistrate form. Modified on 7/12/2017 to add parties (btql). (Entered: 07/06/2017)

5. NDGA Docket Entry Doc. 94 (Summons Issued as to Thomas W. Thrash, Jr. on July 12, 2017)

07/12/2017	94	Summons Issued as to Thomas W. Thrash, Jr. (btql) (Entered: 07/13/2017)

6. NDGA Docket Entry Doc. 100 (Service Executed as to Thomas W. Thrash, Jr. on July 19, 2017)

07/19/2017	100	Return of Service Executed. Thomas W. Thrash, Jr. served on 7/14/2017, answer due 8/4/2017. (jkl) (Entered: 07/19/2017)

7. Docket Entries: AUSA Appearance for Judge Thomas Thrash, Jr. (Doc. 116)

08/31/2017	116	MOTION to Dismiss *on Behalf of the Honorable Chief Judge Thomas W. Thrash* with Brief In Support by Thomas W. Thrash, Jr. (Attachments: # 1 Brief Memorandum in Support of Motion to Dismiss)(Beranek, Lori) (Entered: 08/31/2017)

8. Docket Entry Plaintiffs (Doc. 117) Opposition to Judge Thrash's MTD (Doc. 116)

09/13/2017	117	RESPONSE in Opposition re 116 MOTION to Dismiss *on Behalf of the Honorable Chief Judge Thomas W. Thrash* filed by William James, Terri V. Tucker. (jkl) (Entered: 09/13/2017)

9. Doc. 99 (Plaintiffs' Motion for Judgment as a Matter of Law), Page 15, ¶ e

12(c) in [Doc. 33, 43, 44, 54, 55 and 56, in the Defendants, untimely Answers and Counterclaims, all Counterclaims should be Denied and Pursuant Plaintiffs to Rule 12(c) Motion for Judgment on the Pleadings and Summary Judgment 56 [Doc.61] and Default Entry by clerk of the court and Judgment Rule 55 [Doc. 41, 47, 57, 58, and 59] as well as 50(a)(2)(b) should be Granted and Defendants Rule 12 (c) [Doc 74] be Denied as Judgment as a Matter of Law Rule 50 (a)(2)(b), the Defendants state that the Plaintiffs are Collaterally stopped from filing Copyright Infringement this is a Civil RICO action as the Judge has stated pursuant to 18 U.S.C. 1961-1965 Judges Orders on June 29, 2017 [Doc. 76] should be reversed. [Objection and JML Rule 50 (a)(2)(b)], the breach of contract summons and waiver and order and stipulation was never heard by any Judge in any court of law or the Defaults of the Prior actions and could not be accepted in the Appeal since it was not learned of until that stage of the Prior Action, this is a predicate act, it is done in all of the cases or similar methods. The Defendants did not explain lateness, the Defendants did not offer up an explanation of innocence of the Charges, the Defendants, did not answer all of the Charges and therefore there is no Relief from Which the Defendants could be granted from a Jury. [Objection to Orders and request JML Rule 50(a)(2)(b)].

10. Doc. 119 (Plaintiffs' Motion for Default Judgment), Page 1 (Filed 09/28/2017)

FILED IN CLERK'S OFFICE
U.S.D.C. - Atlanta
SEP 28 2017
JAMES N. HATTEN, Clerk
By: Deputy Clerk

UNITED STATES GOVERNMENT COURT

NORTHERN DISTRICT OF GEORGIA

ATLANTA DIVISION

William James, Sui Juris :
Terri V. Tucker aka
(Donald-Strickland), Sui Juris
Plaintiffs,

Vs

: Case# 1:17-CV-1181-TWT

: PLAINTIFFS MOTION FOR JUDGMENT OF DEFAULT

Barbara Hunt et. al.
Defendants,

PLAINTIFFS WILLIAM JAMES AND TERRI TUCKER'S MOTION FOR JUDGMENT OF DEFAULT PUSUANT TO RULE 50(a)(2)(b), 52(a)(1)(b), 58(a)(1)(2) AND 28 U.S.C. 764 & 875 DEFENDANTS ORPAH WINFREY, OPRAH WINFREY NETWORK (OWN), HARPO, LIONSGATE ENTERTAINMENT AND BARBARA HUNT

The Plaintiffs William James and Terri Tucker, Pro Se Litigants and "Private Attorney Generals" filed Default Judgments [Doc. 41, 47, 57, 58 & 59] within this Civil Rico action 18 U.S.C. 1961-1965(b) to enforce Judgment against Defendants, Oprah Winfrey, Oprah Winfrey Network (OWN), HARPO, Lionsgate Entertainment and Barbara Hunt due to not providing a timely defense or answer to the complaint (doc. 1). The Court denied the Plaintiffs Judgment with [Doc. 76] and [Doc. 95] Motion to Reconsider Default [Doc.

11. Doc. 130 (Order Denying Default Judgment), at 1 (Entered 10/19/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion for Judgment of Default [Doc. 119] which is DENIED. The Defendants are not in default.

SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge

12. Doc. 131 (Order Granting Motion to Dismiss Judge Thrash), at 1 (Entered 10/19/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the United States Attorney's Motion to Dismiss Judge Thrash [Doc. 116]. The pro se Plaintiffs filed an Amended Complaint on July 5, 2017 which purported to name me as a Defendant in an obvious ploy to have me recuse. This was three months after the original Complaint was filed. The Plaintiffs did not obtain the consent of the Defendants or an Order of the Court. Therefore, the Amended Complaint is void and a nullity. As set forth in the Motion to Dismiss, the Plaintiffs failed to properly serve the United States Attorney. Furthermore, I have absolute judicial immunity from claims arising out of my rulings in an unrelated case. For all of these reasons, the Motion to Dismiss [Doc. 116] is GRANTED.

T:\ORDERS\17\James\17cv1181\dismiss2.wpd

13. Doc. 162 (Plaintiffs' Motion for Judgment), Page 6, ¶ 13 (Asserting Rule 55 Default for Failure to Answer First Amended Complaint Doc. 85)

Doc. 85 on July 5, 2017, the 21- day time period has elapsed and the answer was not received therefore the Plaintiffs find the Defendants Barbara Hunt et. al.

in Default pursuant to Rule 55. 6 - months has elapsed and is no longer appealable.

14. Doc. 137 (Order Denying Motion for Recusal Doc. 120), at 1 (Entered 10/19/2017)

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

WILLIAM JAMES SUI JURIS, et al., Plaintiffs, v. BARBARA HUNT, et al., Defendants.	CIVIL ACTION FILE NO. 1:17-CV-1181-TWT

ORDER

This is a pro se civil RICO action. It is before the Court on the Plaintiffs' Motion for Recusal [Doc. 120] which is DENIED. The Plaintiffs' unhappiness with my rulings in this and other cases is not a valid basis for seeking recusal.

SO ORDERED, this 18 day of October, 2017.

/s/Thomas W. Thrash
THOMAS W. THRASH, JR.
United States District Judge