

U.S. DISTRICT COURT JUDGE EUGENE H. NICKERSON  
EASTERN DISTRICT OF NEW YORK  
28 U.S.C. §372(c) Complaint

On March 20, 1987, less than one (1) month following my state disbarment on February 23, 1987 (Grievance Comm. v. G. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.-1987]), I filed a 28 U.S.C. §372(c) complaint against U.S. District Court Judge EUGENE H. NICKERSON, and included therein my related complaint against [then] Chief U.S. Circuit Court Judge WILFRED FEINBERG, Circuit Court Judges THOMAS J. MESKILL, and [the late] IRVING KAUFMAN, since my disbarment was bottomed on, inter alia, a Judge Nickerson trialless, without live testimony, manifestly unconstitutional, non-summary criminal contempt conviction, which had been affirmed by this Court on September 13, 1985 (779 F.2d 37 [2d Cir.-1985]).

The aforementioned §372(c) complaint was dismissed by Acting Chief Judge JAMES L. OAKES on April 16, 1987, or less than one month after it had been filed, without any response received from or on behalf of the accused (Docket No. 87-8503).

Obviously Judge Oakes, by this speedy disposition, did not desire a response to a complaint that had compelling merit and included Chief Circuit Court Judge Feinberg as one of the accused.

Indeed, had he waited a little longer, as Judge Oakes probably knew, the "extortion" check payments, which now have reached "more than \$2,500,000", would have surfaced, with HOWARD M. BERGSON, Esq., being the courier. This, media confirmed, "more than \$2,500,000", was in addition to the approximately \$800,000 "bribe" payment to be made to LEE FELTMAN, Esq., the court-appointed receiver, from the assets of PUCCINI CLOTHES, LTD.

This instant complaint relates to matters arising subsequent to such Judge Oakes dismissal, matters concealed and/or not known at the time of my prior §372 complaint.

Every accused person named herein is being served with a copy of this §372 complaint, including Judge Nickerson, and unless controverting evidence is received by the undersigned by September 4, 1996, the assertions shall be deemed admitted.

A copy is also being mailed to, inter alia, the PUBLIC INTEGRITY SECTION of the Department of Justice, since the accusations are criminal in nature, and include fraud upon the federal government, financial and otherwise, and criminal conspiracy.

1. The prior Judge Nickerson §372 complaint was bottomed on the fact that he found HYMAN RAFFE and myself guilty of non-summary criminal contempt without a trial, without the

opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, without any constitutional or legal waiver, when he knew Congress had, more than 150 years ago, deprived the federal courts of that power as a result of the impeachment proceedings against U.S. District Court Judge James Peck.

If there was any default in appearing, it was not by me, but by KREINDLER & RELKIN, P.C. ["K&R"], who were openly flaunting the fact that Judge Nickerson had been "fixed".

The prior §372 complaint against Judge Nickerson did not include the fact that assuming, *arguendo*, such non-summary criminal contempt conviction was valid, it was only a "petty offense" ([then] 18 U.S.C. §1), and could not thereafter be elevated, *ex post facto*, to the status of "serious crime" in order to support disciplinary proceedings, and still further elevated, *ex post facto*, to support "infamous" punishment, which is the consequences of a disbarment order (*United States v. Rubenstein*, 151 F.2d 915, 919 [2nd Cir.-1945] cert. den. 326 U.S. 766 [1945]; *People v. Dorthy*, 156 NY 237, 50 NE 800 [1898]).

Evidence subsequent to Judge Oakes dismissal, confirmed by my motion of July 22, 1996, reveals that Judge Nickerson, acting in conspiratorial consort with others, including one of its immediate architects, ROBERT STRAUS, Esq. of the Grievance Committee who, actually knew this conviction, even as a "petty offense", was a legal nullity, and knew that it was the intention at the time it was rendered to elevate, *ex post facto*, this invalid "petty crime" to a "serious" one with "infamous" consequences which, as Judge Nickerson knew also required a grand jury indictment and a jury trial.

A trialess conviction was rendered because no conviction could be rendered had the opportunity for a trial been afforded.

2. Once Judge Nickerson knew, from their actions on September 13, 1985, that Chief Judge Feinberg, Judge Meskill and Kaufman, had also been corrupted, he permitted CITIBANK, N.A. to divert the monies payable "to the federal court" to itself, an act also subsequent to the Judge Oakes §372[c] dismissal.

3. Judge Nickerson has corrupted others in his criminal racketeering adventures, including U.S. Attorney ZACHARY W. CARTER, who has not supported my motion of July 1, 1996, returnable July 22, 1996, which sought to recapture such diverted monies in favor of the federal court/government, and who could not even articulate a legitimate reason for his failure to support such recapture in favor of the federal treasury.

4. K&R was also openly flaunting that among those who had "fixed" Judge Nickerson was Senator ALPHONSE D'AMATO, who was at the time a member of the U.S. SENATE BANKING, HOUSING & URBAN

AFFAIRS, and now its Chairman, a fact that Senator D'Amato never denied, including in my twenty-four (24) page accusation made to that Committee on September 13, 1995 or exactly ten (10) years after this Court's decision of that date.

5. K&R and FELTMAN, KARESH & MAJOR, Esqs. ["FK&M"] were also openly flaunting the fact that Administrative NY Supreme Court Judge XAVIER C. RICCOBONO had been "fixed". However, at the time of the Judge Oakes dismissal, as far as I knew at the time, the "bribe" monies had not been transferred and/or I did not have the evidence for same.

Thereafter, and subsequent to the Judge Oakes dismissal Citibank transferred to Feltman, the court-appointed receiver, and/or his law firm on his behalf, approximately \$800,000 of the assets of Puccini, the consideration for not exposing Citibank's engineered larceny, not making any attempt at its recovery, and otherwise cooperating in its corrupt activities.

To prevent excessive fees from the judicial trust to serve as "kick-backs" and/or "bribes", NY Bus. Corp. Law §1217 was enacted as a non-waivable statutory schedule of maximum fees that could be awarded a court-appointed receiver, an arm of the court, which Feltman conceded in the Puccini matter could not exceed \$7,667.27<sup>[1]</sup>. The \$800,000 "bribe" to Feltman, an officer of the court, from Puccini's assets were made after the Judge Oakes dismissal. These "bribe" payment included compensation for Feltman's perfidious services before, inter alia, Judge Nickerson.

Obviously, no NY Judiciary Law §35-a has or can be filed for those "bribed" by Citibank from Puccini's assets which, in addition to Feltman, included: RASHBA & POKART; ARUTT, NACHAMIE, BENJAMIN, LIPKIN & KIRSCHNER, P.C. ["ANBL&K"], and its clients, EUGENE DANN and ROBERT SORRENTINO.

Since initially, SCHNECK & WELTMAN, Esqs. and ANBL&K did not believe the K&R-FK&M open flaunts about the Judge Nickerson "fix", they turned over some of the "hard evidence" of the Citibank engineered larceny, and Judge Nickerson went ballistic, clearly conveying the message that he was a "fixed" judge and that they should not have turned over such evidence to me, and otherwise confirming that he had been "fixed" and was corrupt.

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<sup>1</sup> Matter of Kane, 75 N.Y.2d 511, 516-517, 554 N.Y.S.2d 457, 459, 553 N.E.2d 1005, 1007 [1990]. Even if Feltman's law firm expended any legal effort on Puccini's behalf, and they did not, 22 NYCRR §660.24[f], since repealed, precluded any payment.

Specifically participating in this corruption, including that of corrupting Judge Nickerson and Senator D'Amato has been Citibank's former CEO WALTER B. WRISTON and its present CEO JOHN S. REED, which they do not deny.

6. There is no accounting for the judicial trust assets of Puccini, no final order or judgment from any judge having such authority terminating the Puccini receivership, no order discharging Feltman or his surety, FIDELITY & DEPOSIT COMPANY OF MARYLAND. Anything stated by Judge Nickerson to the contrary was contrived, concocted and fabricated to conceal the criminal activities of the Citibank entourage, which includes Senator D'Amato.

7. Obviously, none of the roughly 100 authorized officials (28 CFR §15.3) would 28 U.S.C. §2679[d] "scope" certify Judge Nickerson when his activities included diverting monies payable "to the federal court" to Citibank.

Nevertheless, employing the clout of his judicial office, he has been able to dragoon federal representation, at federal cost and expense, without any "scope" certification and where there is no 28 U.S.C. §2675[a], which are absolute pre-conditions for federal expenditure of monies in money damage tort actions.

Recent documentation from the U.S. Department of Justice under the Freedom of Information Act reveals that there is no documentation to support federal authorization for the representation of those like Judge Nickerson by Assistant U.S. Attorney General BARBARA HERWIG and other federal attorneys.

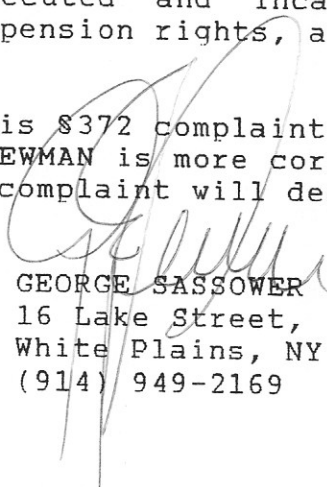
In short, among those that have been defrauded by Judge Nickerson's activities, has been the United States.

Almost all of the aforementioned is a matter of public record, never controverted, and copies are available upon request.

Judge Nickerson must be impeached, along with his co-conspirators, criminally prosecuted and incarcerated, and compelled to forfeit all federal pension rights, as part of his imposed sentence.

8. The problem with this §372 complaint is that Chief U.S. Circuit Court Judge JON O. NEWMAN is more corrupt than even Judge Nickerson, as a forthcoming complaint will demonstrate.

Dated: August 9, 1996

  
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