

UNITED STATES COURT OF APPEALS
SECOND CIRCUIT
UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK 10007

ELAINE B. GOLDSMITH
CLERK

September 27, 1993

Mr. George Sassower
16 Lake Street
White Plains, NY 10603

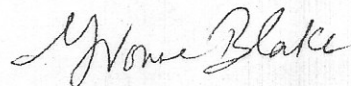
Re: Judicial Conduct Complaint
Docket Nos. 93-8528 and 93-8529

Dear Mr. Sassower:

Enclosed please find a copy of the order dismissing your judicial conduct complaints. Pursuant to Rule 5 of the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers Under 28 U.S.C. § 372(c) you have the right to petition the judicial council for review of this decision. A petition for review must be received in the clerk's office within 30 days of the date of this letter to be considered timely. Please note, it is not necessary to enclose copies of the original complaints.

Sincerely,

Elaine B. Goldsmith, Clerk
By



Yvonne Blake
Deputy Clerk

Enclosure

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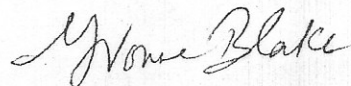
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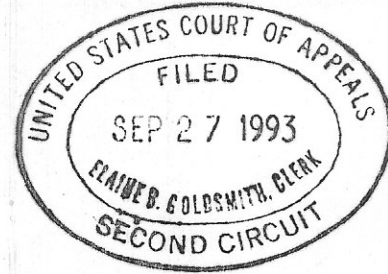
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JUDICIAL COUNCIL OF THE
SECOND CIRCUIT



-----X

In re

CHARGE OF JUDICIAL MISCONDUCT

93-8528

93-8529

-----X

JON O. NEWMAN, Chief Judge:

On July 29, 1993, complainant filed two complaints with the Clerk's Office pursuant to the Judicial Councils Reform and Judicial Conduct and Disability Act, 28 U.S.C. § 372(c) (the Act), and the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers (the Local Rules) charging a circuit court judge (Judge A) and a district court judge (Judge B) of this Circuit with misconduct. These are complainant's tenth and eleventh complaints of misconduct against judicial officers of this Circuit.¹ Two of complainant's prior complaints were against Judge A and three were against Judge B. All of complainant's previous complaints against judicial officers have been dismissed.

Background:

Complainant is a disbarred attorney and frequent litigant who is required to obtain leave of court before

¹ On July 29, 1993, complainant also filed complaint 93-8527 which was dismissed by order filed September 9, 1993.

filing documents in the United States Court of Appeals for the Second Circuit and in the United States District Courts for the Southern and Eastern Districts of New York.

Complainant became a litigant before the United States District Court for the Southern District of New York, without obtaining leave, by filing two lawsuits in the Supreme Court for the State of New York against multiple defendants, including many judges of the United States Court of Appeals for the Second Circuit and the United States District Court for the Southern District of New York. The cases were removed to the United States District Court on motions by the United States Attorney on behalf of the federal defendants. These cases are currently pending.

93-8528:

In a brief statement of facts, complainant accuses Judge B of being engaged in criminal activities. Complainant states that his complaint is based upon Judge B's admissions made pursuant to Fed. R. Civ. P. 36 and complainant's statement of issues filed in the pending litigation.

93-8529:

Complainant also accuses Judge A of misconduct based upon alleged admissions pursuant to Fed. R. Civ. P. 36, and complainant asserts that such admissions also prove that Judge A lied when dismissing complainant's judicial misconduct

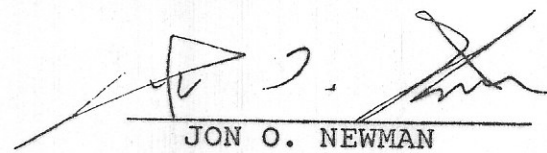
complaint, In re Charge of Judicial Misconduct, 87-8503.

Discussion:

Complainant relies on the judges' failure to respond to complainant's requests for discovery and the provision of Fed. R. Civ. P. 36(a) that deems admitted that which is not expressly denied. Complainant ignores the presiding District Judge's orders that defendants in the District Court litigation are not required to respond to any motions or discovery requests until defendants' motions to dismiss have been decided. The presiding judge most recently reiterated this direction in an order dated May 20, 1993. Thus, complainant's assertion that the judges complained against have admitted certain matters is unsupported. Furthermore, the allegations are the subject of litigation before the District Court and are therefore directly related to the merits of those proceedings. Accordingly, these complaints are hereby dismissed as frivolous and directly related to the merits, pursuant to 28 U.S.C. § 372(c)(3)(A)(iii) & (ii) and Rule 4(c)(3) & (2) of the Local Rules.

The Clerk is directed to transmit copies of this order to the complainant and to Judge A and Judge B, who are the subjects of the complaints.

Complainant is directed to show cause in a written submission, filed within 20 days, why an order should not be entered barring him from filing any further judicial misconduct complaints in this Court or any documents related to such complaints, without first obtaining leave to file.



JON O. NEWMAN
Chief Judge

Signed: New York, New York
September 27, 1993