

COMPLAINT FORM

JUDICIAL COUNCIL OF THE SECOND CIRCUIT

COMPLAINT AGAINST JUDICIAL OFFICER UNDER 28 U.S.C. § 372(c)

INSTRUCTIONS:

- (a) All questions on this form must be answered.
- (b) A separate complaint form must be filled out for each judicial officer complained against.
- (c) Submit the correct number of copies of this form and the statement of facts. For a complaint against:
  - a court of appeals judge -- 3 copies
  - a district court judge or magistrate -- 4 copies
  - a bankruptcy judge -- 5 copies
 (For further information see Rule 2(e)).
- (d) Service on the judicial officer will be made by the Clerk's office. (For further information See Rule 3(a)(1)).
- (e) Mail this form, the statement of facts and the appropriate number of copies to the Clerk, United States Court of Appeals, United States Courthouse, Foley Square, New York, New York 10007.

1. Complainant's name:

GEORGE GASSOWER

16 Lake Street

White Plains, NY 10603-3852

Address:

Daytime telephone (with area code): (914) 949-2169

2. Judge or magistrate complained about:

Name:

Judge James B. Oakes

Court:

Circuit Ct. of Appeals

3. Does this complaint concern the behavior of the judge or magistrate in a particular lawsuit or lawsuits?

Yes                       No

If "yes," give the following information about each lawsuit (use the reverse side if there is more than one):

Court: V.S.D.N. Ch. J.D. N.Y.

Docket number: 92-Civ. 08515 (PKH)

Docket numbers of any appeals to the Second Circuit: 93- ?

Did a lawyer represent you?

Yes                       No

If "yes" give the name, address, and telephone number of your lawyer:

N/A

4. Have you previously filed any complaints of judicial misconduct or disability against any judge or magistrate?

Yes                       No

If "Yes," give the docket number of each complaint.

87-8503

90-8556-7

90-8560-62

92-85-8527-29

5. You should attach a statement of facts on which your complaint is based, see rule 2(b), and

EITHER

(1) check the box and sign the form. You do not need a notary public if you check this box.

[  ] I declare under penalty of perjury that:

(1) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and

(2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

\_\_\_\_\_  
(signature) *George D. Strawder*  
Executed on \_\_\_\_\_  
(date) *Nov. 1, 1993*

OR

(2) check the box below and sign this form in the presence of a notary public;

[  ] I swear (affirm) that--

(1) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and

(2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

\_\_\_\_\_  
(signature)  
Executed on \_\_\_\_\_  
(date)

Sworn and subscribed to  
before me \_\_\_\_\_  
(Notary Public)  
My commission expires:

U.S. Circuit Court Judge JAMES L. OAKES  
28 U.S.C. §372(c) Complaint

This is a 28 U.S.C. §372(c) complaint against U.S. Circuit Court Judge JAMES L. OAKES ["Oakes"], as a litigant, in his non-judicial capacity.

1. Federal representation, at federal cost and expense, without any 28 U.S.C. §2679(d) "scope" certificate or adjudication, in a money damage tort litigation is, ipso facto, a fraud upon the federal purse, under the clear wording of the statute and all cases determined thereunder, and it is not necessary to rely on any concessions or admissions to prove the existence of such criminal fraud by Judge Oakes, qua litigant in Sassower v. Abrams (SDNY, 92 Civ. 08515 [PKL]).

a. In a well-pleaded complaint, Judge Oakes was sued in the Supreme Court, Westchester County, in his personal capacity, based on state law, and where federal governmental involvement, was specifically disclaimed.

b. Judge Oakes dragooned, solicited and/or accepted the representation of the U.S. Attorney, without any 28 U.S.C. §2679(d) "scope" certificate being issued, with knowledge that such federal representation was beyond the statutory authorization of the U.S. Attorney (28 U.S.C. §547), and a fraud upon the federal purse.

2a. In addition to this unauthorized federal representation and a fraud upon the federal purse, both Oakes and the U.S. Attorney's office knew that removal was unlawful since there was no complete diversity of citizenship and no federal issue was presented.

b. Both the U.S. Attorney's Office and Judge Oakes knew that the following allegations were not sufficient for removal, and except for the petition of removal, has never been justified by either the U.S. Attorney's Office or Judge Oakes.

"defendants Hon. Charles L. Brieant, Chief Judge of the United States District Court for the Southern District of New York and Hon. James L. Oakes, Judge of the United States Court of Appeals for the Second Circuit, hereby remove this action to the United States District Court ... Chief Judge Brieant and Judge Oakes are officers of the courts of the United States of America. Pursuant to 28 U.S.C. §§1441(a) and (b), and 1442(a)(3), this action may properly be removed to this Court."

3. Thus, Judge Oakes committed a three-headed fraud: (1) Judge Oakes employed the services of the U.S. Attorney's Office, although no statutory authorization existed; (2) Judge Oakes defrauded the federal purse by such unauthorized representation; and (3) Judge Oakes authorized the removal of an action from the state court, when he knew such removal was legally unauthorized.

Dated: November 1, 1993

Respectfully submitted,

GEORGE SASSOWER  
16 Lake Street  
White Plains, NY 10603  
914-949-2169