

MARCIA M. WALDRON  
CLERK

OFFICE OF THE CLERK  
**UNITED STATES COURT OF APPEALS**  
FOR THE THIRD CIRCUIT  
21400 UNITED STATES COURTHOUSE  
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PHILADELPHIA 19106-1790

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August 23, 2010

**CONFIDENTIAL**

Honorable William H. Yohn, Jr.  
United States District Court  
14613 James A. Byrne  
United States Courthouse  
601 Market Street  
Philadelphia, PA 19106-1797

George Sassower  
10 Stewart Place  
White Plains, NY 10603

Re: In the Matter of a Complaint Filed Under  
28 U.S.C. §351, *et seq.*  
J. C. No. 03-09-90074

Dear Judge Yohn and Mr. Sassower:

Enclosed please find a copy of a Memorandum Opinion and Order filed in the above-captioned case. Any petition for review of this decision must be filed in this office by September 27, 2010 (within 35 days of the date on this letter). Rules 11(g)(3) and 18, Rules of the Judicial-Conduct and Judicial-Disability Proceedings.

Very truly yours,  
MARCIA M. WALDRON, Clerk

By: /s/ Jeanne T. Donnelly  
Jeanne T. Donnelly  
Staff Attorney

Enclosures

JUDICIAL COUNCIL OF THE THIRD CIRCUIT

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J.C. No. 03-09-90074

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IN RE: COMPLAINT OF JUDICIAL MISCONDUCT  
OR DISABILITY

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ORIGINAL PROCEEDINGS UNDER 28 U.S.C. § 351

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MEMORANDUM OPINION

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(Filed: August 23, 2010)

PRESENT: McKEE, Chief Judge.

This is a complaint filed under the Judicial Conduct and Disability Act, 28 U.S.C. § 351, *et seq.*, against a United States District Judge (hereinafter “Subject Judge”). For the reasons discussed below, the above-captioned complaint will be dismissed.<sup>1</sup>

The Judicial Conduct and Disability Act provides a remedy if a federal judicial

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<sup>1</sup> Complainant is the subject of an order issued by United States Court of Appeals for the Third Circuit enjoining him from filing any appeal or petition for writ of mandamus/prohibition related to certain prior district court civil actions. Complainant has previously filed multiple complaints under the Judicial Conduct and Disability Act (J.C. Nos. 91-06, 91-07, 91-08, 91-09, 91-15, 91-16, 91-17, 91-18, 03-08-90077, 03-08-90079). These complaints were dismissed as frivolous and/or merits-related. Complainant has also filed another complaint, J.C. No. 03-09-90075, which has been dismissed for the reasons stated in a separate opinion.

officer “has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts.” 28 U.S.C. § 351(a). A chief judge may dismiss a complaint if, after review, he or she finds that it is not cognizable under the statute, is directly related to the merits of a decision or procedural ruling, or is frivolous or lacks sufficient evidence to raise an inference of misconduct. 28 U.S.C. § 352(b)(1)(A)(i-iii). The “misconduct procedure [under the Act] is not designed as a substitute for, or supplement to, appeals or motions for reconsideration. Nor is it designed to provide an avenue for collateral attacks or other challenges to judges’ rulings.” In re Memorandum of Decision of Judicial Conference Committee on Judicial Conduct and Disability, 517 F.3d 558, 561 (U.S. Jud. Conf. 2008).

Complainant alleges that the Subject Judge acted “in conspiratorial consort” with a Circuit Judge. Complainant provides no factual support for this allegation and it is dismissed as frivolous and unsupported by any evidence sufficient to raise an inference that misconduct has occurred. 28 U.S.C. § 352(b)(1)(A)(iii). See also Rule 11(c)(1)(C), (D), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant also makes various allegations regarding a motion and an order filed in a civil action. These allegations are plainly merits-related and are therefore dismissed under 28 U.S.C. § 352(b)(1)(A)(ii). See also Rule 3(h)(3)(A), Rules for Judicial-Conduct and Judicial-Disability Proceedings (cognizable misconduct does not include “an allegation that is directly related to the merits of a decision or procedural ruling”); Rule 11(c)(1)(B), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Complainant further alleges that the Subject Judge defrauded the United States. This allegation is frivolous. 28 U.S.C. § 352(b)(1)(A)(iii). See also Rule 11(c)(1)(C), Rules for Judicial-Conduct and Judicial-Disability Proceedings.

Given the frivolous and merits-related nature of Complainant's current and prior allegations, his attention is again directed to Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings.<sup>2</sup> Future abuse of the complaint procedure could result in the imposition of sanctions under that rule.

For the foregoing reasons, the complaint is dismissed under 28 U.S.C. § 352(b)(1)(A)(ii) and (iii).

/s/ Theodore A. McKee  
Chief Judge

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<sup>2</sup> Rule 10(a), Rules for Judicial-Conduct and Judicial-Disability Proceedings, states:

- (a) Abusive Complaints. A complainant who has filed repetitive, harassing, or frivolous complaints, or has otherwise abused the complaint procedure, may be restricted from filing further complaints. After giving the complainant an opportunity to show cause in writing why his or her right to file further complaints should not be limited, a judicial council may prohibit, restrict, or impose conditions on the complainant's use of the complaint procedure. Upon written request of the complainant, the judicial council may revise or withdraw any prohibition, restriction, or condition previously imposed.