UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES COURTHOUSE
TENTH & MAIN STREETS
RICHMOND, VIRGINIA 23219

JOHN M. GREACEN
CLERK

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July 17, 1991

Mr. George Sassower
16 Lake Street
White Plains, New York 10603

No. 91-9009, 91-9010, 91-1012, 91-1013, In the Matter of a Judicial Complaint Under 28 U.S.C. § 372

Dear Mr. Sassower:

Enclosed is a copy of an order dismissing your judicial complaints.

You have the right to petition the Fourth Circuit Judicial Council for review of this order. See Rule 6 of the Rules of the Judicial Council of the Fourth Circuit Governing Complaints of Judicial Misconduct and Disability.

Yours truly,

John M. Greacen

John M. Greacen

cc: Honorable Walter E. Black, Jr.
Chief U. S. District Judge

Honorable Alexander Harvey, II
Senior U. S. District Judge

Honorable Joseph C. Howard
U. S. District Judge

Honorable John R. Hargrove
U. S. District Judge

Honorable J. Frederick Motz
U. S. District Judge

Mr. Samuel W. Phillips
Circuit Executive

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In the Matter of a	*	
Judicial Complaint	*	No. 91-9009
		No. 91-9010
Under 28 U.S.C. § 372	*	91-9012
		91-9013

MEMORANDUM AND ORDER

The Judicial Conduct and Disability Act of 1980 ("the Act")[1] is cited as the authority for these grievances against four of the district court judges in the Fourth Circuit. I have elected to consolidate them for purposes of consideration and disposition.

The task of reviewing these proceedings is made more difficult by the complainant's voluminous filings, the vagueness of his many charges, and his tendency to threaten and verbally abuse the persons with whom he is displeased.

While I am not at all certain about the details, it appears that this saga began in 1980 in the state courts of a state outside of this circuit. There, a private corporation, in which the complainant had some legal interest (perhaps as a creditor), was involuntarily dissolved. The court appointed receiver is said to have failed to file any accountings, and the corporation's statutory fiduciary made no effort to compel an accounting for its assets. Subsequently, a referee fraudulently approved the receiver's "final account," which, according to the complainant,

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[1] 28 U.S.C. § 372.

never existed. This led to unsuccessful litigation by the complainant in both the state and the federal courts of another circuit, and in the complainant's being barred from courtrooms and courthouses and imprisoned for contempt.

So far as I can ascertain, the courts and judges in this circuit did not become involved with this complainant until he, acting pro se, sued the surety company that had bonded the state receiver referred to in the previous paragraph. He alleged that the assets of the dissolved corporation had been "stolen," and that the surety company was liable on the bond. The complainant was not satisfied with the outcome of any of the lawsuits which he subsequently filed here, and he has now appealed[2] to this court from these adverse rulings.

An adequate understanding of this matter is further complicated by the fact that the complainant, in disregard of the language of the Act, is seeking to voice allegations against a surety company, lawyers and law firms, state and federal officials and judges (both within and outside this circuit), and other individuals and corporations too numerous to mention. I am, of course, required to respond only to those matters that are properly covered by the Act. Section 372 (c)(1) provides, in part, that "any person alleging that a circuit, district, or bankruptcy judge, or a magistrate (now Magistrate Judge) has engaged in (improper) conduct . . . may file with the clerk of the court of appeals for

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[2] At least two of his appeals have been considered and decided by panels of this court.

the circuit a written complaint" . . . . As the quote makes plain, a judicial complaint lies only against a judicial officer in the circuit where he performs his official duties. I therefore decline to address the complainant's grievances except as they relate to federal judges in this circuit.

After reading the pertinent papers filed by this complainant, and being unable to ascertain whether there was any factual basis for these complaints, I directed our Circuit Executive to submit to the complainant for his response some specific questions designed to provide me with detailed information about his charges and the sources of his information. The complainant, on April 15, 1991, sent me an eight page letter, allegedly answering my inquiries. While it repeated in detail many of his earlier allegations, it was not responsive to my specific questions. As to them I was told to ask the judges, re-read the voluminous filings, or to assume improprieties from judicial rulings or inaction. The complainant expressly declared ". . . how I obtained my information is wholly irrelevant."

Being uncertain that the complainant realized the consequences of his refusal to make a meaningful response to my concerns, I again asked the Circuit Executive to resubmit my questions to the complainant, advising him of the scope of the Act, the necessity for judicial complaints to be supported by a factual basis, and of the risk of dismissal should he not answer the questions specifically. Again, after requesting and receiving an extension of time, the complainant, on June 4, 1991 again declined

to respond to any of my specific questions, stating, "If this Court desires that I supply answers to the specific questions posed, which would compromise my sources of information, then it should permit me access to the grand jury, which thus far, I have been denied."

Thus, it appears that I have a series of four judicial complaints alleging "corruption," "fixing of cases" and numerous other vague charges of judicial misconduct which the complainant either cannot or will not support by any factual information. Instead, he repeatedly asserts that there must be corruption; otherwise his cases would not have been decided as they were. Even giving him the benefit of the doubt and assuming that he is convinced of the truth of his unsupported charges, he is not entitled to proceed further under the Act.

I agree with the reasoning of the Judicial Council of the Ninth Circuit that charges of judicial misconduct must be supported by factual allegations, and when they are not, such charges should be dismissed as frivolous. In re Charge of Judicial Misconduct, 691 F.2d 924, 925 (9th Cir. 1982). Here, the charges are vague and nebulous. Despite two opportunities to develop a factual basis for them, the complainant expressly declines to do so. I find that these charges are frivolous within the meaning of § 372 (c)(3)(A)(iii) and that they should be dismissed as such.

Furthermore, these proceedings are fatally defective for another reason. All of the complaints stem directly from the complainant's dissatisfaction with what the judges have done or

have refused to do in connection with civil cases in which the complainant had an interest. The Act also makes it clear that the chief judge may dismiss a judicial complaint if he finds it to be "directly related to the merits of a decision or procedural ruling." Section 372 (c)(B)(A)(ii). These complaints fall into that category.

A complaint for judicial misconduct may not be filed to address the merits of a case or to correct alleged errors that may be reviewed on appeal.[3] Complaint of Judicial Misconduct, 8 Cl. Ct. 523 (1985). A complaint which evidences only legal disagreements with judges' decisions in a matter is inappropriate because it directly relates to the merits of a decision or procedural rulings of the judges. In re Charge of Judicial Misconduct, 691 F.2d 923 (9th Cir. 1982). Since many of the complainant's demands for relief concern previous court rulings and decisions, I find that these complaints should be dismissed for that reason as well.[4] The vague and unsupported charges of "corruption," "case fixing," "bribe-taking," and the like, do not

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[3] As previously noted in Note 2, the complainant is quite familiar with the appeal process and has utilized it with some regularity in this and at least one other circuit.

[4] The complainant denies that any of his judicial complaints concern the behavior of a judge in a particular lawsuit, but he, as a trained lawyer, knew that he must do that in order to come under the terms of the Act. Furthermore, he has sent out papers denominated Petitions for Writ of Prohibition and Mandamus, Orders for judicial signatures adjudicating legal issues, and other legal pleading-type documents in connection with these complaints. Such documents have no place under the Act but they clarify what the complainant's motive is, to overturn and undo legal decisions with which he is dissatisfied.

change this result because they are all based on the theories that 1) because the complainant did not prevail in his litigation, there must have been judicial misconduct afoot, 2) that the judges (including at least one who had no dealings whatsoever with the complainant or his litigation) must have been guilty of misconduct, otherwise they would have ruled or acted differently, and 3) the opposing attorneys, state officials, etc., acted as they did only because they knew that the judges in the various state and federal courts were all "corrupt" and would tolerate their misdeeds. As previously pointed out, these theories are utterly without any factual basis.

For all of these reasons, these consolidated judicial complaints should be and they are hereby denied and dismissed, and it is so ORDERED.

Sam J. Ervin, III
Chief Judge

July 9th, 1991.