In The
SUPREME COURT OF THE UNITED STATES
October Term, 1990
No. 90-

In re:
GEORGE SASSOWER,
Petitioner,

PETITION FOR A WRIT OF MANDAMUS AND PROHIBITION
TO THE CIRCUIT COURT OF APPEALS FOR THE
NINTH CIRCUIT

PETITION and RULE 20 STATEMENT

Petitioner respectfully prays that this Court issue a Writ of Mandamus and Prohibition (1) directing that the Circuit Court of Appeals for the Ninth Circuit [hereinafter the "respondent"] hear and determine petitioner's in forma pauperis appeal on the original papers filed in the District Court of the State of Washington; and (2) prohibiting respondent's recognition of Sassower v. Sheriff (824 F.2d 184 [2nd Cir.-1987]); Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]), and the other Second Circuit determinations involving petitioner, alternatively, affording petitioner the right and opportunity in the respondent's circuit to adjudicate the validity of such Second Circuit determinations.

1. In the underlying action, petitioner was granted in forma pauperis relief in his appeal from the U.S. District Court from the State of Washington to the respondent's tribunal, and assigned Docket No. 90-35542.

2. Notwithstanding such grant of in forma pauperis relief, the respondent desires that petitioner serve and file multiple copies of the "excerpts of [the] record" at the pains of

possible "automatic dismissal", under the unique circumstances wherein the requirement is economically prohibitive, inequitable and unconstitutional (Exhibit "A").

3. Although Rule 24[c] of the Rules of Appellate Procedure is discretionary in language, the manifestly unconstitutional freezing of petitioner's assets, as hereinafter described, estops respondent from insisting that petitioner undertake such reproduction expense which, although modest, is economically prohibitive to him particularly since the defendant claims a limitation of liability of only $5,000.

4a. Petitioner's poverty is unique since he has substantial assets. However those assets have been unconstitutionally frozen by the judiciary in an attempt to silence petitioner on the subject of judicial corruption.

b. As set forth in petitioner's uncontroverted affirmation of April 23, 1990 (Docket No. 90-70261):

> "In an unlawful, but unsuccessful, attempt to compel affirmant to succumb, affirmant has been plagued by a `reign of judicial terror', economic and otherwise, causing him to petition this Court for in forma pauperis relief, as an alternative.
>
> In addition to affirmant's other unlawfully frozen assets, there has been deposited with the New York County Clerk the sum of $45,717.40 in order to satisfy a contractually-based judgment in affirmant's favor (Exhibit "A"), which, if made available, could be used to pay the filing fees due this Court.
>
> By a transparently unconstitutional administrative edict, without any pretense of notice or opportunity to oppose, Referee Diamond has provided as follows:
>
> "ORDERED, that the Receiver for Puccini Clothes, Ltd. shall in turn deposit such amount with the Clerk of the Court in

full payment of the Judgment in favor of George Sassower and against Puccini Clothes, Ltd., subject to the further Order of this Court; and it is further

ORDERED that thereafter an application may be made to the undersigned [Referee DONALD DIAMOND] for an Order directing the Clerk of the Court to deliver the proceeds of the Judgment to George Sassower, by setting forth proof of the discontinuance with prejudice of all outstanding judicial and administrative proceedings and lawsuits brought by or on behalf of George Sassower, or any member of the family of George Sassower, or any person claiming to be a client of disbarred attorney George Sassower, including but not limited to Harold Cohen and Dennis Vilella, or in any instance where any summons, process or paper has been issued by disbarred attorney Sassower, as attorney, as attorney pro se, or as a party pro se, against any one or more of the following: Lee Feltman, Esq., individually or as the Receiver for Puccini Clothes, Ltd., Puccini shareholders Eugene Dann, Robert Sorrentino, Jerome H. Barr and Citibank, N.A. as co-executors of the Last Will of Milton Kaufman, Rashba & Pokart, Feltman, Karesh, Major & Farbman, Kreindler & Relkin, P.C., Nachamie, Kirschner, Levine & Spizz, P.C., Ira Postel, Esq., or any attorney, employee or agent of any of the aforesaid firms; ..."

In view of the prohibitions placed upon the states by Article 1, §10[1] of the U.S. Constitution (Energy Resources v. Kansas Power, 459 U.S. 400 [1983], which provide that "[n]o state shall ... pass ... [any] law impairing the obligation of contract", the aforementioned administrative edict by Referee Diamond (Prentis v. Atlantic Coast Line, 211 U.S. 210 [1908]), should be declared unconstitutional, and such monies as are due this Court should be paid from such fund.

Since, without due process, affirmant was and is denied access to the New York Supreme Court, New York County for relief, affirmant cannot move in that Court to vacate or modify same (Charlton v. Est. of Charlton, 841 F2d 988 [9th Cir.-1988])."

c. Consequently until such time as petitioner can liquidate his assets, unconstitutionally frozen by the judiciary, the judiciary cannot insist that petitioner incur expenses wherein the legislative scheme authorizes dispensation.

5a. The judiciary in the Second Circuit is involved in the larceny of judicial trust assets, extortion and other racketeering crimes as exemplified by the jurisdictional and constitutional infirm decision of Sassower v. Sheriff (supra).

b. It is well-established law that no person can be convicted and incarcerated for non-summary criminal contempt without a trial, without the opportunity of a trial and without any live testimony in support thereof, except under a plea of guilty (Bloom v. Illinois, 391 U.S. 194 [1968]; Klapprott v. U.S., 335 U.S. 601 [1949]; Nye v. U.S., 313 U.S. 33 [1941]).

c. However, in Sassower v. Sheriff (supra) and every decision cited therein involving petitioner, he was convicted, fined and/or sentenced without a trial, without an opportunity of a trial, and without any 'live' testimony in support thereof.

d(1) Most of the statements in the Second Circuit Court's opinion are false, contrived, fabricated and concocted, without even a scintilla of evidence in support thereof, including the following statements:

> "Sassower refused to appear at a hearing before the court appointed referee" [p. 185] ... "Sassower was notified by the attorney for the receiver that he was required to appear before the referee for proceedings on the criminal contempt motion and cross-motions." [p. 187]. ... "[Sassower] failed to appear." [p. 187]... "the opportunity for a hearing that was afforded was appropriate under the circumstances" [p. 189]... "Sassower was ... given a reasonable opportunity to be heard" [p. 189] ... "Sassower ...

> waived that right [to a hearing] by failing to appear" [p. 190] ... "he [Sassower] has repeatedly refused to appear before Referee Diamond" [p. 190] ... "explicitly warned him [Sassower] of the consequences of his failure to appear before the referee" [p. 190]."

(2) On the contrary, the Transcript before the U.S. Magistrate Gershon (Sassower v. Sheriff, 651 F. Supp. 128 [SDNY-1986]) reads as follows (Record on Appeal, pp. 119-120):

> "THE MAGISTRATE: I am correct that there is nothing in the record that indicates one way or the other as to whether or not Mr. Sassower was invited to appear, did appear, waived the right to appear, didn't show up or anything of the kind. He says on the documentary evidence he finds that the petitioner is guilty. Is that not correct?
>
> MR. SCHNEIDER [FKM&F]: There is nothing in the record ..."

(3) However, even if all the statements of the Second Circuit were correct, jurisdiction did not exist to convict and incarcerate, absent live testimony (Klapprott v. U.S., supra).

e(1) Completely unmentioned in the Second Circuit's opinion is the fact that under the mirrored Report of Referee Diamond, HYMAN RAFFE ["Raffe"] was able to avoid incarceration by "paying-off" the cronies of the judiciary.

(2) According to published media reports, as of two (2) years ago, Raffe's payments have been "more than $2.5 million" and are still continuing. In Raffe's words "they are bleeding me to death".

6. Since petitioner is denied access to the courts in the New York-Second Circuit arena for the purpose of nullifying these unconstitutional convictions and decisions, they should not be recognized by respondent or petitioner should be permitted to attack their validity in the respondent's bailiwick.

7a. The aforementioned issues are threshold issues (Mallard v. U.S. District Court, U.S. , 109 S.Ct. 1814 [1989]).

b. Furthermore, the matters presented herein is related to similar matters pending in this Court or shortly to be filed in this Court.

WHEREFORE, petitioner respectfully prays this petition be granted in all respects.

Dated: December 14, 1990

Respectfully submitted,

GEORGE SASSOWER
Petitioner, pro se
16 Lake Street
White Plains, N.Y. 10603
(914) 949-2169

GEORGE SASSOWER, affirms under penalty of perjury states that he has read the foregoing petition, knows the contents thereof and the same is true to his own knowledge.

Dated: December 14, 1990

GEORGE SASSOWER

U.S. Circuit Court of Appeals: Ninth Circuit
Box 547
Post Office Building,
Seventh & Mission St.
San Francisco, Cal. 94101

Stafford, Frey, Cooper & Stewart Esqs.
500 Watermark Tower
88 Spring Street,
Seattle, Washington 98104
(206) 623-9900

CERTIFICATION OF SERVICE

On December 15, 1990, I served a true copy of this Verified Petition and Rule 20 Statement by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to Circuit Court of Appeals for the Ninth Circuit and Stafford, Frey, Cooper & Stewart, Esqs. at the above addresses.

GEORGE SASSOWER

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GEORGE SASSOWER, Plaintiff-Appellant, vs. GENERAL INSURANCE COMPANY OF AMERICA, Defendant-Appellee.	No. 90-35542 DC# CV-90-0129-WLD Western Washington (Seattle) ORDER

Before: PREGERSON and NOONAN, Circuit Judges

Appellant's motion to certify questions to the United States Supreme Court is denied. Appellant's motion to institute criminal contempt proceedings is also denied.

Appellant is reminded that his failure to prosecute this appeal, including the filing of excerpts of record as previously ordered in this court's November 6 order, can result in the automatic dismissal of this appeal. If appellant has not already done so, he shall file the excerpts of record within 10 days of the date of this order. Failure to comply with this order shall result in automatic dismissal under 9th Cir. R. 42-1. In all other respects the briefing schedule set by the November 6 order shall govern.

Appellee's request for Fed. R. App. P. 38 sanctions is denied at this time.

MoCal 12/10/90

Exhibit "A"