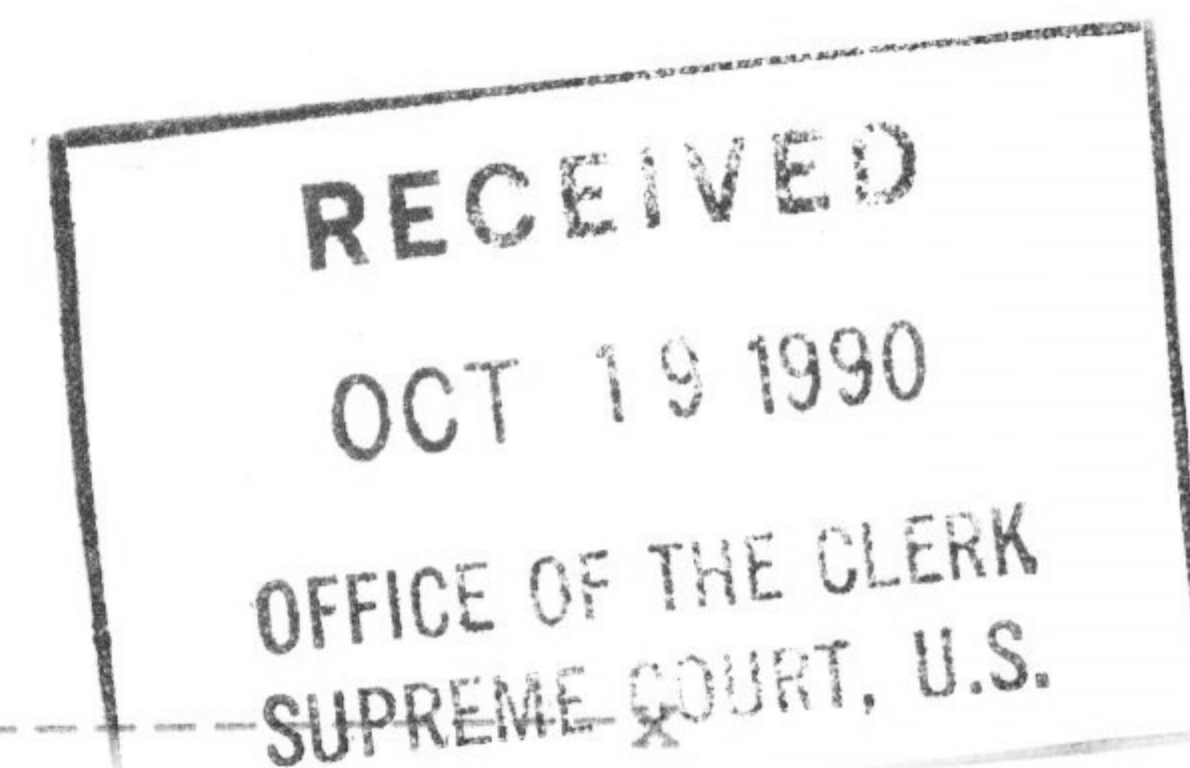


In The
SUPREME COURT OF THE STATE OF NEW YORK
October Term, 1990
No.

-----x
In re

GEORGE SASSOWER,

Petitioner.
-----x



x-----x
PETITION FOR A WRIT OF PROHIBITION AND MANDAMUS
TO THE CIRCUIT COURT OF APPEALS FOR THE
SECOND CIRCUIT
-----x

x-----x

PETITION

x-----x

QUESTIONS PRESENTED

1. Where petitioner has steadfastly refused to involve himself in, resisted and exposed hard evidence of judicial corruption, including at the Circuit Court level, as was his right and duty, can the Circuit Court of Appeals for the Second Circuit [hereinafter the "respondent"] lawfully threaten retaliatory sanctions?

2. Could petitioner's exposure of the hard evidence of judicial corruption by a member of the respondent, in a matter before respondent, which presentment was relevant and decisive to a proper presentment, lawfully entitle a panel of the respondent to sua sponte issue an Order which provides:

"ORDERED that [petitioner] shall show cause within 20 days, by filing a written response with the Clerk of this Court, why an injunction should not be entered by this Court prohibiting [petitioner] from filing any further papers in this Court unless leave of this Court has first been obtained to file such papers."?

3. Could a panel of the respondent threaten the above legislative action based exclusively on several cases wherein petitioner set forth some of his dramatic evidence of judicial corruption, which presentment was relevant and decisive in the matters?

4. Where it is manifestly obvious, although not stated, that such threatened judicial action by a panel of the respondent had been prompted by petitioner's 28 U.S.C §372[c] complaints, media publications, his lawsuits in other circuits, and his allegations in his papers before respondent, can the judiciary lawfully threaten retaliatory sanctions?

5. Could such judicial threat by a panel of respondent be lawfully made where similar Orders from the Southern and Eastern Districts of New York and the District of New Jersey reveal that permission is invariably denied, even where relief is legally irresistibly compelled?

6. Can such Order by a panel of respondent, as are similar orders of the District Courts, be lawfully employed to conceal the criminally corrupt activities of the judiciary and denying to petitioner Rule 60(b)[4][5] and [6] relief, except by permission?

7. Where the corruption exposed by petitioner involves members of respondent, can members of that forum threaten to impose such judicial sanction or must they recuse themselves in any such proceeding?

8. Should such proposed judicial action be enjoined,

where respondent and petitioner's adversaries have failed to respond to petitioner's demand:

"that on or before the 9th day of October, 1990, the Circuit Court of Appeals for the Second Circuit and each and every one of affirmant's adversaries set forth, with reasonable specificity, every 'frivolous' assertion they contend affirmant made, setting forth when, where and to whom made, and if in writing, annexing a true copy thereof."?

9. Where petitioner claims that in his active forty (40) year practice he never commenced a frivolous action, never commenced a frivolous proceeding, never took a frivolous appeal, never made a frivolous motion, nor ever undertook any frivolous judicial proceeding of any kind or nature, could a panel of respondent threaten retaliatory action for exposing judicial corruption including in petitioner's Brief before respondent?

10. Where petitioner has the hard evidence of the ongoing criminal activity by members of the federal judiciary, including at Circuit Court level, some of which is set forth in petitioner's petitions to this Court, is remedial action mandated by this Court?

PRELIMINARY STATEMENT

1. This is the third of a series of petitions to the Second, Third, Fourth, Eighth, Ninth and District of Columbia Circuits.

Consolidation and/or joint considerations of these interrelated petitions is respectfully requested.

Anticipating consolidation and/or joint consideration by this Court, there will be a studied attempt to avoid repetition.

2a. There is set forth in this petition only some of the "hard evidence" of judicial corruption at the level of the respondent.

b. Familiarity with petitioner's second petition, dated October 14, 1990 is assumed.

THE PARTIES

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

CIRCUIT COURT: SECOND CIRCUIT
Respondent
40 Center Street,
New York, New York 10007
(212) 791-0103

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OPINIONS BELOW

Order of September 26, 1990 of Threatened Action (A-1).

JURISDICTION

- (i) Decree of the Circuit Court: September 26, 1990
- (ii) None.
- (iii) Not Applicable
- (iv) 28 U.S.C. §1254(1)

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article VI[2] of the United States Constitution provides that:

"This Constitution and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

2. The First Amendment of the United States Constitution provides that:

"Congress shall make no law respecting ... abridging the freedom of speech ... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

STATEMENT OF THE CASE

THE PETITION

1. Petitioner is a native born American citizen, a battle-starred veteran of World War II, and brings this proceeding pursuant to Rule 20 of the Rules of the United States Supreme Court.

2. Petitioner was admitted to the bar in the State of New York in 1949, and shortly thereafter to the federal courts, including to the bar of the respondent.

3. Petitioner in his active forty (40) year practice never commenced a frivolous action, never commenced a frivolous proceeding, never took a frivolous appeal, never made a frivolous motion, nor has he ever undertaken any frivolous judicial proceeding of any kind or nature.

4. In addition to a uncompromising personal code of integrity, petitioner's limited resources prevented any possible pursuit of frivolous litigation.

5. Notwithstanding the aforementioned, on September 26, 1990, the respondent issued an Order which stated:

"ORDERED that [petitioner] shall show cause within 20 days, by filing a written response with the Clerk of this Court, why an injunction should not be entered by this Court prohibiting [petitioner] from filing any further papers in this Court unless leave of this Court has first been obtained to file such papers."

6. The several cases cited by respondent, in support of its proposed edict, were cases involving egregious judicial conduct of a criminal magnitude, including by members of the respondent.

7. On October 2, 1990, petitioner caused to be personally served upon respondent, and by mail on petitioners adversaries in the cases cited by respondent, a motion which included a demand reading as follows:

"that on or before the 9th day of October, 1990, the Circuit Court of Appeals for the Second Circuit and each and every one of affirmant's adversaries set forth, with reasonable specificity, every 'frivolous' assertion they contend affirmant made, setting forth when, where and to whom made, and if in writing, annexing a true copy thereof."

8. As of this date, October 15, 1990, petitioner has not received any response to such demand from the respondent or any one of his adversaries.

9a. The cases cited by respondent revolve around (a) the practices of Surrogate ERNEST L. SIGNORELLI ["Signorelli"] of Suffolk County, New York; (b) PUCCINI CLOTHES, LTD. ["Puccini"]; and (c) the case of DENNIS F. VILELLA ["Vilella"].

b. All of the above matters have received media exposure.

10a. The matters set forth in petitioner's petitions of October 12 and 14, 1990 relate to the Puccini matter.

b. Petitioner's evidence will reveal that members of the federal judiciary, including at the Circuit Court level, are criminally involved in the larceny of judicial trust assets, extortion, and other racketeering activities.

c. Some of such evidence was necessary to a proper presentment by petitioner, and for the exercise of that right petitioner cannot be punished (Holt v Virginia, 381 U.S. 131 [1965]).

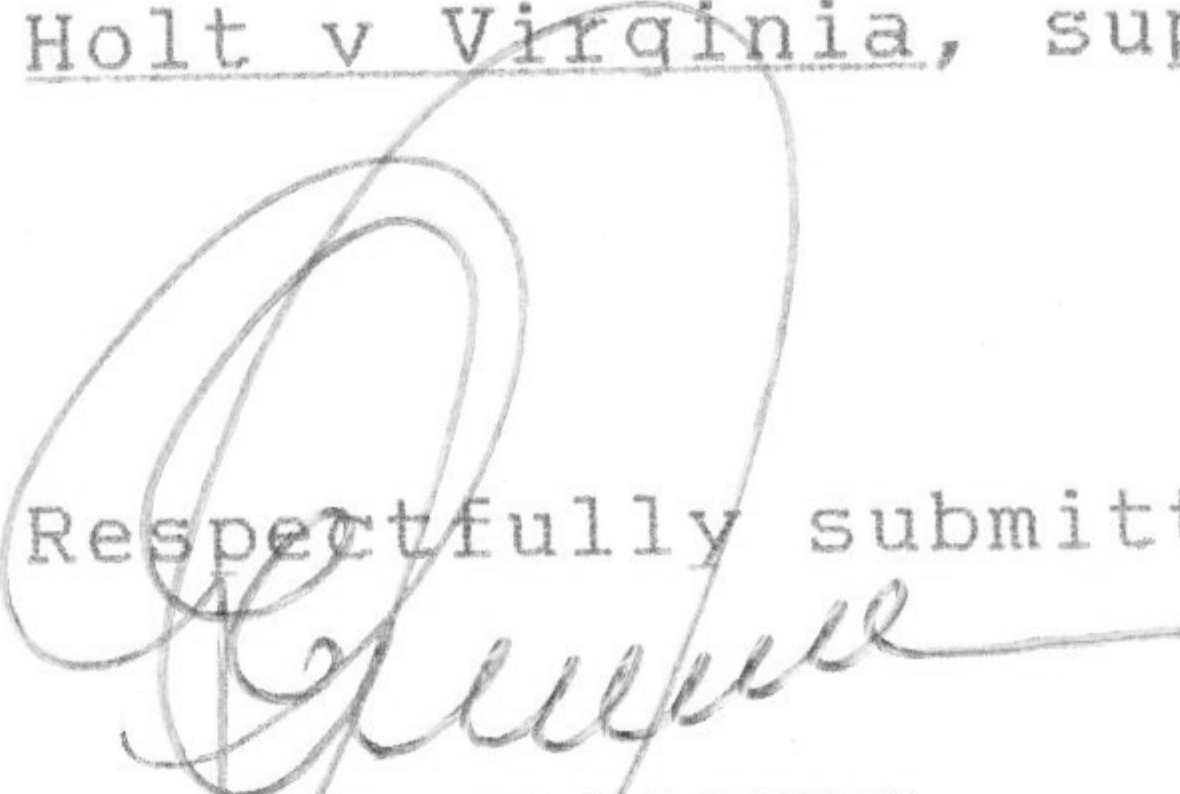
11. Some of such evidence, with documentary support, can only be properly presented by petitioner's stay motion, which will be made shortly.

REASONS FOR THE GRANT OF THIS WRIT

Where there is hard core criminal racketeering corruption by the federal judiciary, including at the Circuit Court level, and retaliatory legislative action is threatened by the judiciary which infringe on First Amendment rights and societal duties, this petition must be granted (Frisby v. Schultz, 487 U.S. 474 [1988]; Holt v Virginia, supra).

Dated: October 15, 1990

Respectfully submitted,


GEORGE SASSOWER

CERTIFICATION OF SERVICE

On October , 1989, I state under penalty of perjury, that I served a true copies of this Petition by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to the Solicitor General, Department of Justice, Washington, D.C. 20530 (Certified Mail P230 40134).

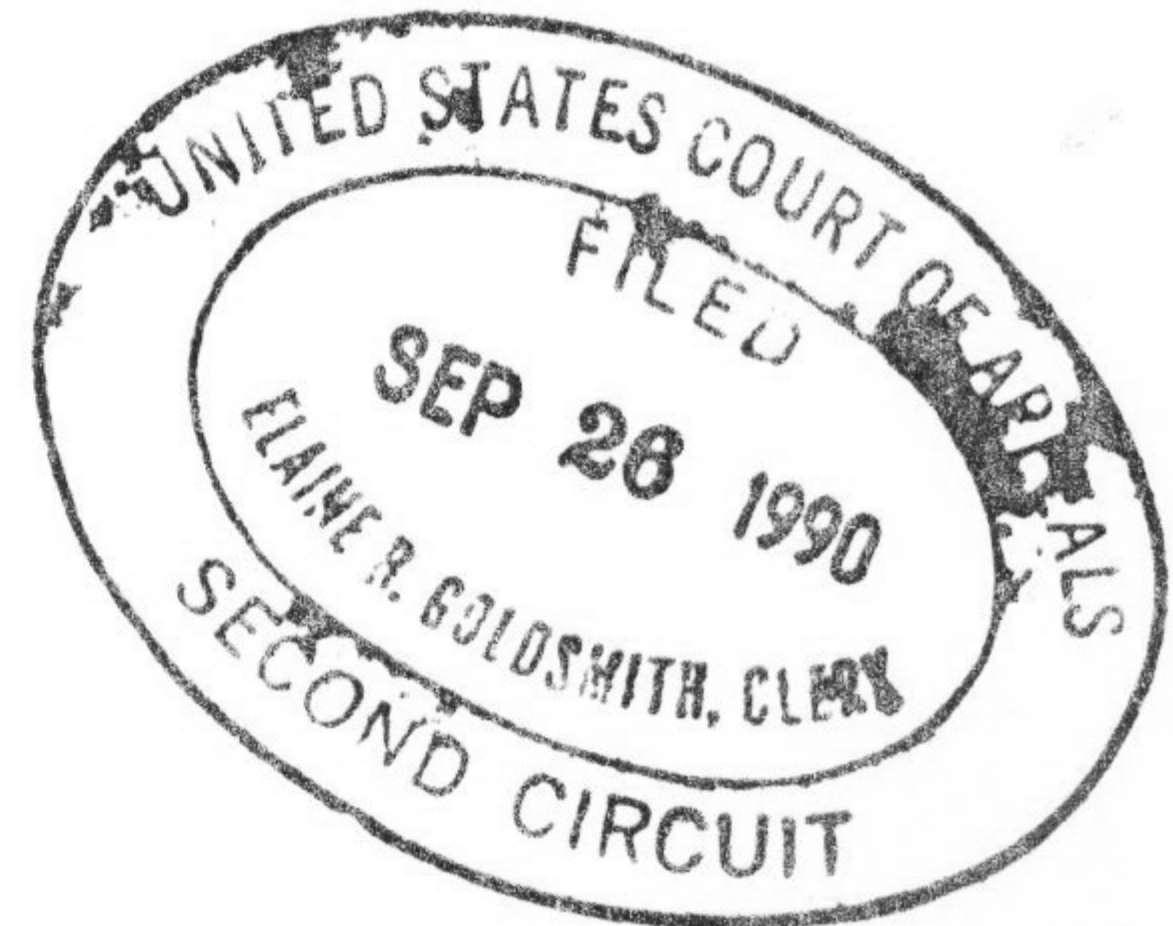

ELENA R. SASSOWER

JON

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 26th day of September, one thousand nine hundred and ninety.

PRESENT: HONORABLE J. EDWARD LUMBARD,
HONORABLE JON O. NEWMAN,
HONORABLE FRANK X. ALTIMARI,
Circuit Judges.



GEORGE SASSOWER,
Petitioner-Appellant,

v.

88-6203

HON. A. FRANKLIN MAHONEY, as Presiding Justice of the Appellate Division, Third Judicial Dept.; WILFRED FEINBERG; EUGENE H. NICKERSON; FRANCIS T. MURPHY; MILTON MOLLEN; XAVIER C. RICCOBONO; ALVIN F. KLEIN; DAVID S. SAXE; IRA GAMMERMAN; ALLAN L. WINICK, DENIS DILLON; ROBERT ABRAMS; ANTHONY MASTROIANNI; and THE DISTRICT COURT OF NASSAU COUNTY,
Respondents-Appellees.

O R D E R

George Sassower appeals pro se from the July 18, 1988, judgment of the District Court for the Northern District of New York (Con. G. Cholakis, Judge) dismissing his complaint against various federal and state judges and other officials. This appeal is a renewal of allegations involved in prior frivolous litigation brought by this appellant. See Sassower v. Sansverie, 885 F.2d 9 (2d Cir. 1989); Sassower v. Sheriff of Westchester County, 824 F.2d 184 (2d Cir. 1987). Sassower makes generalized claims of corruption, unsupported by factual allegations, in a continuing effort to relitigate his disbarment. See Matter of Sassower, 125 A.D. 2d 52, 512 N.Y.S.2d 203 (2d Dep't), appeal dismissed, 70 N.Y.2d 691, 518 N.Y.S.2d 964 (1987). Moreover, the

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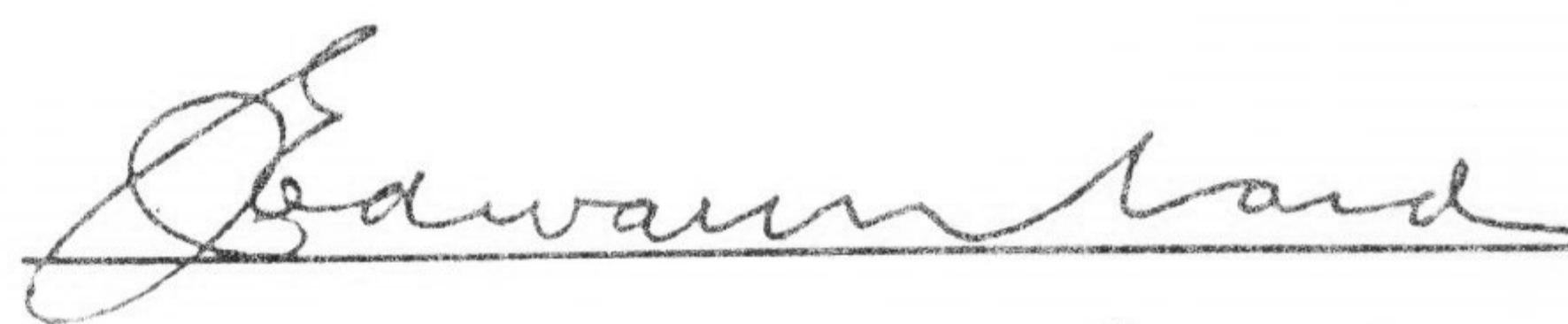
complaint appears to have been filed in violation of the injunction barring Sassower from proceeding on any claim that arises out of the administration of the estate of Eugene Paul Kelly until an award of attorney's fees has been satisfied. See Sassower v. Signorelli, Nos. 77C1447, 78C124 (E.D.N.Y. Nov. 19, 1984). In any event, the pending claim is frivolous for numerous reasons, including lack of a proper pleading, an impermissible effort to collaterally attack state disbarment proceedings, and judicial immunity.

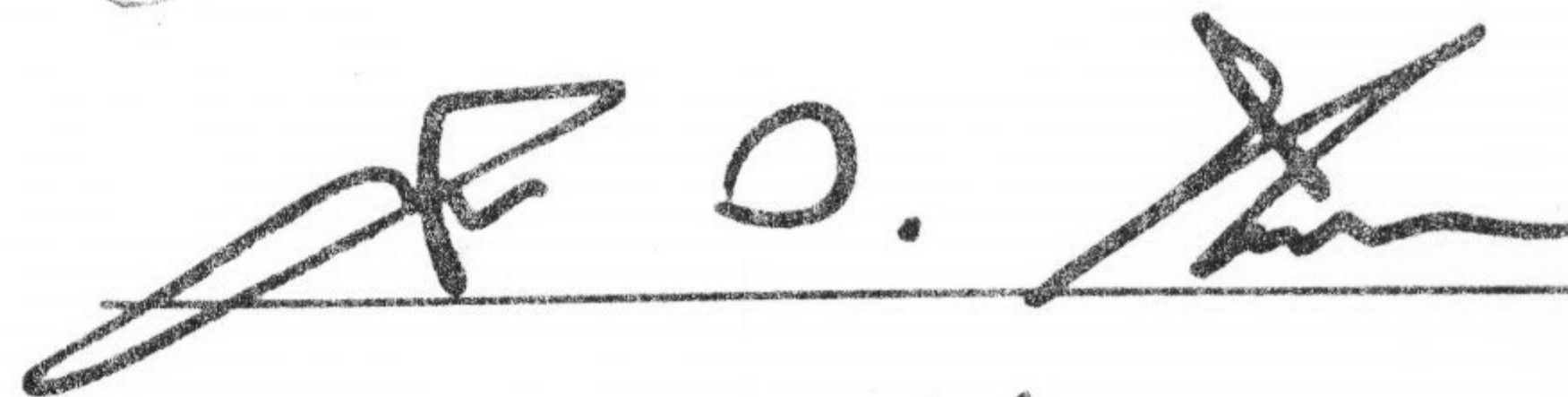
To the extent that the appeal seeks recusal of some or all of the judges considering this appeal, such relief is denied as lacking in factual support and procedurally improper.

Since appellant has previously been warned that filing frivolous appeals will subject him to an injunction requiring leave of court to file further papers in this Court, see Sassower v. Sansverie, 885 F.2d at 11, and that warning has not been heeded, it is hereby ORDERED that appellant shall show cause within 20 days, by filing a written response with the Clerk of this Court, why an injunction should not be entered by this Court prohibiting appellant from filing any further papers in this Court unless leave of this Court has first been obtained to file such papers.

The judgment of the District Court is affirmed.

N.B. This summary order will not be published in the Federal Reporter and should not be cited or otherwise relied upon in unrelated cases before this or any other court.







Circuit Judges.