

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

-----x
In re
GEORGE SASSOWER,
Petitioner-Appellant.
-----x

x-----x
PETITION FOR A WRIT OF CERTIORARI
TO THE CIRCUIT COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA
x-----x

x-----x
PETITION
x-----x

QUESTIONS PRESENTED

1. Where, before any answers were served, the District Court, on its "own motion", issued an Order directing petitioner to Show Cause why his action should not be dismissed, citing in support thereof, two (2) judicial determinations from the Second Circuit, and petitioner pursuant to such Order to Show Cause demonstrated, beyond a peradventure of a doubt that such determinations were void, were rendered without personal or subject matter jurisdiction, and were the result of judicial frauds, which demonstration was not controverted in any respect, fact or law, by anyone, could the District Judge and the Circuit Court lawfully refuse to adjudicate the lawfulness of such prior determinations where no alternative remedy existed?

2. Does the fact that high-level judicial misconduct, of a criminal magnitude, is implicated in nullifying such prior determinations, avoid what was otherwise an obligation permitting no judicial discretion?

3. Where petitioner has the "hard evidence" of high-level judicial and official corruption of a criminal magnitude in the state and federal courts in the New York-Second Circuit bailiwick, as briefly set forth in this petition, should the District Court and Circuit Court of Appeals for the District of Columbia have given obedience to "marching orders" or "marching requests" from the Second Circuit in refusing to adjudicate the validity of orders from such corrupt tribunals in that circuit?

4. Where petitioner has been barred from access to the court in the Southern and Eastern Districts of New York and the District of New Jersey, and similar "marching orders" and "marching requests" have been given to the Third, Fourth, Eighth and Ninth Circuits, is mandamus an appropriate, if not compelling, remedy at bar?

5. Can the federal courts, operating in conspiratorial consort, close the courthouse doors to petitioner in his attempt to obtain Rule 60(b)[4][5][6] relief in order to advance a criminal racketeering adventure involving the larceny of judicial trust assets, diversion of monies payable "to the [federal] court" to private pockets, extortion and other racketeering crimes?

6. Where venue and jurisdiction otherwise exist do the "commerce" and "privileges and immunities" clauses impose upon the various courts of the obligation to adjudicate the invalidity of orders and judgments of other state and federal courts?

7. Does the First Amendment impose upon the courts the obligation to hear and adjudicate petitioner's "grievances".

PRELIMINARY STATEMENT

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

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

Anticipating that a consolidated and/or tandem consideration will be given to these various petitions, an attempt will be made by petitioner to avoid repetition wherever feasible.

2. This petition is one of two interrelated petitions to the Circuit Court for the District of Columbia arising out of events in the Third Circuit, although the Orders involved in this proceeding are Second Circuit Orders.

3. There can be no more important petitions pending before this Court than petitioner's petitions, since they all involve the lawless bondage and corruption of the machinery of justice.

THE PARTIES

GEORGE SASSOWER	U.S. District Judge NORMA H. JOHNSON
Petitioner	Respondent
16 Lake Street	U.S. Courthouse
White Plains, N.Y. 10603	Washington, D.C. 20001
(914) 949-2169	(202) 535-3561

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TABLE OF AUTHORITIES

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Jordon v. Gilligan 500 F.2d 701 [6th Cir.-1974] cert den 421 U.S. 991 [1975]	3
Westfall v. Erwin 484 U.S. 292 [1988]	4

OPINIONS BELOW

1. The Memorandum Order by the District Court made on the "Court's own motion" directed that petitioner Show Cause (A-01).

2. When petitioner made his dramatic response, which response was not controverted in any respect, then or anytime thereafter, and such response revealed that Sassower v. Sheriff (824 F.2d 184 [2nd Cir.-1987]) and Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]) were jurisdictionally void and corruptly obtained, the District Judge refused to render any adjudication with respect thereto.

3. Although the facts and law permitted no judicial discretion whatsoever, and no other viable alternative relief existed, the Circuit Court held petitioner did not meet his burden that mandamus was "clear and indisputable" (A-03).

JURISDICTION

- | | | |
|-------|------------------------------|---------------|
| (i) | Decree of the Circuit Court: | July 25, 1990 |
| (ii) | None. | |
| (iii) | Not Applicable | |
| (iv) | 28 U.S.C. §1254(1) | |

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article I, §8 of the United States Constitution provides that:

"The Congress shall have the power [3] to regulate commerce ... among the several states ... [9] to constitute tribunals inferior to the Supreme Court. [18] To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof."

2. Article IV, §2 of the United States Constitution provides that:

"The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states."

3. 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."

4. 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."

5. The Fifth Amendment of the United States Constitution provides that:

"No person shall ... be deprived of ... liberty, or property, without due process of law ...".

STATEMENT OF THE CASE

1a. As petitioner stated in response to the "Memorandum Order" of October 31, 1989 (A-01), such Order "did not arrive as a complete stranger" (Order Dec. 28, 1989, p.2 n. 1), since petitioner knew that the District Judge had been "fixed" and given her "marching orders".

b. However, Her Honor in such initial "judicial fix", had not been advised of the infirmities in Sassower v. Sheriff (supra) and Raffe v. Doe (supra), and when met with petitioner's dramatic response, which was uncontroverted in every respect, Her Honor received further "marching orders" which directed Her Honor not to adjudicate the aforementioned determinations.

c. Consequently, petitioner petitioned the Circuit Court for a writ of mandamus.

2a. In Gould v. Mutual Life, 790 F.2d 769 [9th Cir.-1986], cert. den. 479 U.S. 987 [1986], the Court stated (at. 772):

"A court considering a motion to vacate a judgment, which it finds void for lack of jurisdiction, has no discretion to hold that the judgment should not be set aside."

The Sixth Circuit had previously arrived at the same conclusion (Jordon v. Gilligan, 500 F.2d 701, 704 [6th Cir.-1974] cert den 421 U.S. 991 [1975]).

b. The fact that Her Honor was now faced with uncontroverted evidence of lack of jurisdiction in the rendition of such Second Circuit determinations, of high-level judicial misconduct of a criminal nature, did not obviate from her mandated duty to adjudicate (Cohen's v. Virginia, 19 U.S. [6 Wheat] 264 [1821]).

c. The constitutional right to access to the court to present a citizen's grievances (Bounds v. Smith, 430 U.S. 817 [1977]) is meaningless if the jurist refuses to adjudicate.

d. Where not even a modicum of discretion was involved (Westfall v. Erwin, 484 U.S. 292 [1988]), mandamus is the traditional remedy.

3a. Petitioner is not unsympathetic to the desire of the nisi prius jurist in not desiring to adjudicate a matter where the irresistible compelling conclusion is that a federal circuit judge and federal district court judge were involved in criminally corrupt activities.

b. However, where the duty to adjudicate is imposed, that duty must be obeyed.

4. The "commerce" and "privileges and immunities" clauses mandate that the courthouse doors in all circuits be made accessible to petitioner, when jurisdiction and venue is otherwise appropriate (Barnard v. Thorstenn, 489 U.S. , 109 S. Ct. 1294 [1989]).

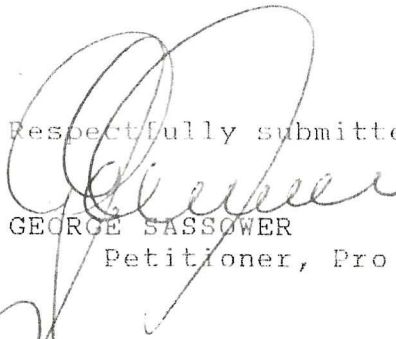
5. Since the criminal activities in the Second Circuit have become a common issue for adjudication in the Third, Fourth, Eighth and Ninth Circuit, those facts, with details, will be set forth in one common document.

REASONS FOR THE GRANT OF THIS WRIT

There can be no more important pending petition in this Court than the series of petitions being brought by the petitioner, all of which involve the integrity of machinery of justice, particularly where the judicial corruption in the Second Circuit, enveloped the Third Circuit, then the District of Columbia Circuit, and thereafter three other circuits.

Dated: October 19, 1990

Respectfully submitted,


GEORGE SASSOWER
Petitioner, Pro Se.

CERTIFICATION OF SERVICE

On October 20, 1989, I served a true copy 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; Galland, Kharasch, Morse & Garfinkle, P.C. at 1054 Thirty-First Street, NW, Washington, D.C. 20007, and Ass't N.Y. State Ass't Atty. Gen. Stephen Mendelsohn at 120 Broadway, New York, N.Y. 10271, that being their last known addresses.


ELENA R. SASSOWER

11/3

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GEORGE SASSOWER, :
 :
 Plaintiff, :
 :
 v. : Civil Action No. 89-2214
 :
 RICHARD L. THORNBURG, et al., :
 :
 Defendants. :

FILED

OCT 31 1989

MEMORANDUM ORDER

JAMES F. DAVEY, Clerk

Plaintiff, George Sassower,¹ has brought this action against Richard L. Thornburgh, the Attorney General of the United States, Robert Abrams, the Attorney General of State of New York, U.S. District Judge Nicholas Politan, and numerous other public and private defendants. The Court deems it appropriate at this early stage of the litigation to determine whether it has jurisdiction.

Accordingly, upon the Court's own motion, it is this 30th day of October, 1989,

ORDERED that the plaintiff shall show cause why this case should not be dismissed as against each defendant for lack of venue; it is further

ORDERED that the plaintiff shall show cause why this case should not be dismissed as against each defendant for lack of

¹ This Court is well aware of Mr. Sassower's litigation history and the fact that he has been enjoined from certain further litigation because he has filed frivolous and vexatious lawsuits. See, e.g., Sassower v. Sheriff of Westchester County, 824 F.2d 184 (2nd Cir. 1987); Raffe v. Doe, 619 F. Supp. 891 (S.D.N.Y. 1985).

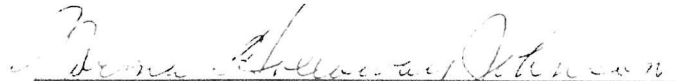
personal jurisdiction; it is further

ORDERED that the plaintiff shall show cause why this case should not be dismissed as against all judicial defendants because of their absolute immunity; and it is further

ORDERED that the plaintiff shall show cause why this case does not violate the injunction established in Raffe v. Doe, 619 F. Supp. 891 (S.D.N.Y. 1985).

IT IS FURTHER ORDERED that the plaintiff shall respond to this Order not later than November 29, 1989, or this case shall be dismissed; and it is further

ORDERED that the parties are not required to respond to the complaint or any motions in this action until such time as the Court orders that this suit may proceed.



NORMA HOLLOWAY JOHNSON
UNITED STATES DISTRICT JUDGE