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

GEORGE SASSOWER,

Petitioner,

-against-

FIDELITY AND DEPOSIT COMPANY OF MARYLAND; LEE FELTMAN; FELTMAN, KARESH, MAJOR & FARBMAN; PUCCINI CLOTHES, LTD.; HYMAN RAFFE; A.R. FUELS, INC.; EUGENE DANN; ROBERT SORRENTINO; KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; JEROME H. BARR; NACHAMIE, HENDLER & SPIZZ, P.C.; RASHBA & POKART; HOWARD BERGSON; IRA POSTEL; FRANCIS T. MURPHY; XAVIER C. RICCOBONO; MICHAEL J. DONTZIN; IRA GAMMERMAN; ALVIN F. KLEIN; DAVID B. SAXE; MARTIN H. RETTINGER; ISAAC RUBIN; DONALD DIAMOND; SOL WACHTLER; GEORGE C. PRATT; CHARLES L. BRIEANT; EUGENE H. NICKERSON; WILLIAM C. CONNER; ROBERT ABRAMS; ANDREW J. MALONEY; DENIS DILLON; and ALLYNE ROSS,

Respondents.

Action #1

GEORGE SASSOWER,

Petitioner,

-against-

WHITEFORD, TAYLOR & PRESTON; FIDELITY AND DEPOSIT COMPANY OF MARYLAND; STAFFORD, FREY, COOPER & STEWART; GENERAL INSURANCE COMPANY OF AMERICA; LEE FELTMAN; FELTMAN, KARESH, MAJOR & FARBMAN; KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; JEFFREY L. SAPIR; WILLIAM L. DWYER; JAMES L. OAKS; WILFRED FEINBERG; CHARLES L. BRIEANT; GEORGE C. PRATT; EUGENE H. NICKERSON; WILLIAM C. CONNER; NICHOLAS H. POLITAN; SOL WACHTLER; FRANCIS T. MURPHY; XAVIER C. RICCOBONO; DONALD DIAMOND; ALVIN F. KLEIN; DAVID B. SAXE; IRA GAMMERMAN; MARTIN EVANS; DENIS DILLON; and ROBERT ABRAMS,

Respondents.

Action #2

PETITION FOR A WRIT OF CERTIORARI
TO THE CIRCUIT COURT OF APPEALS FOR THE FOURTH CIRCUIT

PETITION

PRELIMINARY STATEMENT

1. In the Order for which certiorari is being requested, Action #2 was sua sponte consolidated with Action #1 by the Circuit Court of Appeals.

2. The relief requested by petitioner, as found in the Order of the Circuit Court, does not correctly state the relief requested.

QUESTIONS PRESENTED

1. Should the Circuit Court have issued a writ of mandamus directing the issuance of an order on petitioner's injunction motions which sought (a) possession of his unlawfully held property by District Attorney DENIS DILLON ["Dillon"] of Nassau County, New York; (b) access to public records privately held by N.Y. State Referee DONALD DIAMOND ["Diamond"]; and (c) nullification of the edicts of Administrator CHARLES L. BRIEANT ["Brieant"] of the United States District Court for the Southern District of New York, all of them represented by attorneys in this litigation, where such relief was absolutely necessary for the proper prosecution of petitioner's action?

2. Should the Circuit Court have issued a writ of mandamus directing the District Court to issue a decision on petitioner's recusal affirmation of May 5, 1990?

3. When Action #1 was assigned to U.S. District Judge #2, petitioner filed Action #2, which named U.S. District Judge #1 as a Dennis v. Sparks (449 U.S. 24 [1980]) corrupted jurist; thereafter when Judge #2, sua sponte, recused himself, could Judge #1, the named Dennis v. Sparks (supra) jurist be re-assigned or dragoon to himself Action #2 for determination?

THE PARTIES

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TABLE OF AUTHORITIES

OPINIONS BELOW

The applications to the Circuit Court of Appeals was to mandamus the District Court to issue Orders addressed to petitioner's motions and recusal application, consequently, except for the opinion of the Circuit Court, there were no other opinions.

JURISDICTION

(i) November 16, 1990

(ii) None

(iii) Not Applicable

(iv) 28 U.S.C. §1254[1]

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article III of the U.S. Constitution provides:

> "§1 The judicial power of the United States, shall be vested in one Supreme Court ... . §2[1] The judicial power shall extend in all cases, in law and equity, arising under this Constitution ....".

2. The First Amendment of the U.S. Constitution provides:

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

3. The Fifth Amendment of the U.S. Constitution provides:

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

4. 28 U.S.C. §1651[a] provides:

> "The Supreme Court ... may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law."

STATEMENT OF THE CASE

1a. In January of 1990, petitioner commenced his action (Action #1), based on a surety bond against the respondent, FIDELITY AND DEPOSIT COMPANY OF MARYLAND ["F&D"] only, a Maryland corporation, represented by WHITEFORD, TAYLOR & PRESTON, Esqs. ["WT&P"], which action was assigned to U.S. District Judge JOHN R. HARGROVE ["Hargrove"] of the District of Maryland.

b. By May 4, 1990, when it became manifestly clear that Judge Hargrove had been corrupted, petitioner executed a fifteen (15) page recusal affirmation, whose opening paragraphs read as follows:

> "This recusal affirmation by plaintiff of Hon. JOHN R. HARGROVE in this action, is made in good faith, is supported by (1) the filings of WHITEFORD, TAYLOR & PRESTON, Esqs. [`WT&P'] in this Court, and (2) the actions of His Honor -- all of which confirm that `marching orders' have been given to His Honor, which apparently His Honor is accepting.
>
> The objective and documented evidence, in all respects, comports with affirmant's private information of `marching orders' or a `fix'.
>
> As affirmant indicated, ante litem motam, in his affirmation of March 28, 1990, he was aware that such `fixing' attempts were in progress."

c. To frustrate such manifestly obvious "judicial fix", on May 21, 1990, petitioner amended his complaint, as "of course", with additional defendants.

2a. Thereafter, upon the appointment of U.S. District Judge WILLIAM M. NICKERSON ["Nickerson"], Action #1 was assigned from Judge Hargrove to Judge Nickerson.

b. Although Judge Nickerson revealed his past association with WT&P, affirmant stated, by a filed affirmation, that he did not, by reason thereof, any reason for disqualification, nor did he request same.

c. On July 13, 1990, while Action #1 was pending before Judge Nickerson, petitioner filed Action #2, in which WT&P was a defendant and Judge Hargrove was specifically named as a Dennis v. Sparks (supra) corrupted jurist.

d. On July 25, 1990, U.S. Magistrate CLARENCE E. GOETZ ["Goetz"], recommended that Action #2 be accepted and process be issued (28 U.S.C. §1915).

e. Notwithstanding petitioner's lack of objection to Judge Nickerson, His Honor, unexpectedly and sua sponte, disqualified himself.

f. With petitioner's recusal affirmation of May 4, 1990 of Judge Hargrove still outstanding in Action #1, and the recommendation of Magistrate Goetz awaiting confirmation in Action #2, Judge Hargrove was re-assigned and/or dragooned to himself Action #1 and also assigned and/or dragooned to himself Action #2.

g. Judge Hargrove refused to confirm or disaffirm the recommendation of Magistrate Goetz, and petitioner moved at the Circuit Court for a writ of mandamus.

h. In affirmant's petition to the Circuit Court the entire body of his affirmation of September 19, 1990 was as follows:

"This affirmation is made in support of an affirmative stay compelling the immediate issuance

of process by the U.S. District Court for the District of Maryland in Docket No. 90-1937, which application shall also serve as compliance with Rule 23 of the Rules of the United States Supreme Court.

The complaint was filed on July 17, 1990, the U.S. Magistrate approved affirmant's 28 U.S.C. §1915 application, and since that time there has been an absence of overt judicial action.

Assignment of this action to Hon. JOHN R. HARGROVE, a named Dennis v. Sparks (449 U.S. 24 [1980]) co-conspirator, is void.

To say more would be supererogatory."

3a. Petitioner's Amended Complaint in Action #1 made necessary, with expedition, specific injunctive relief, and petitioner so moved.

b. Here again, as with all other relief requested by petitioner, Judge Hargrove made no determination in order to frustrate petitioner's appellate remedy (28 U.S.C. §1292[a][1]).

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

4. In haec verba, petitioner's petition to the Circuit Court, was as follows:

"D.A. DENIS DILLON:

3a. After the Sheriff of Westchester County, the county in which petitioner resides, refused to give obedience to the orders of Referee Diamond to 'break into' petitioner's home, 'seize [his] word processing equipment and soft ware', and 'inventory' his possessions, 'the criminals with law degrees' obtained the cooperation of Dillon in this barbaric adventure.

b. The property seized by Dillon is necessary for petitioner to 'fully' present his cases (U.S. v Throckmorton, 98 U.S. 61, 65-66 [1878]).

c. In every legal respect the Dillon seizure was unlawful, however the unlawfulness need not be addressed in this Court at this time for two (2) reasons:

(1) The relief requested against respondent is not a favorable decision, but to mandamus the making of any decision, so that petitioner can appeal same, if so advised.

(2) A federal and a state jurist have already ordered and directed a return to petitioner of all his property, or copies of same, but Dillon has failed and refused to `fully' comply with such Order and judicial direction.

Referee DONALD DIAMOND:

4a. In the non-public courtroom of Referee Diamond, where petitioner is specifically excluded, albeit contrary to well-settled constitutional and statutory law (N.Y. Judiciary Law §4), Referee Diamond privately keeps public papers which must be filed in the County Clerk's Office.

b. Even when petitioner somehow obtains copies of these privately held papers, he cannot annex copies of same to his papers, since it may reveal the method that petitioner obtained his copies.

c. Here again, access would aid petitioner to `fully' present his cases in the District Court and in this Court.

Administrator BRIEANT:

5a. Petitioner filed an action in the U.S. District Court of the Southern District of New York, and the named defendants included FELTMAN, KARESH, MAJOR & FARBMAN [`FKM&F'] and KREINDLER & RELKIN, P.C. [`K&R'] -- `the criminals with law degrees' -- which was assigned to U.S. District Judge CHARLES S. HAIGHT, JR. [`Haight'].

b. Before any determinations were rendered on petitioners motions, Judge Haight, sua sponte, issued a clearly suspect Order staying all judicial proceedings by petitioner.

c. Petitioner's investigation revealed that, once again, U.S. District Judge WILLIAM C. CONNER [`Conner'] had `fixed' a judicial proceeding on behalf of his criminal patrons, after his services had been solicited by them for that purpose.

d. This time, however, the `Conner fix' was by a written memorandum, and petitioner did not have to conceal confidential sources to prove his assertions.

e. Armed with a copy of the `Conner fixing memorandum', petitioner amended his complaint, as `of course', adding Judge Conner as a Dennis v. Sparks (449 U.S. 24 [1980]) co-defendant.

f. Chief Judge Brieant, without notice, without any opportunity to object or controvert, and without even the action being assigned to him for adjudication, issued an administrative edict dismissing petitioner's action which was still before Judge Haight, without prejudice, and further stated:

> "The Clerk of this Court is hereby ORDERED not to accept for filing any paper or proceeding or motion or new case of any kind presented by Mr. George Sassower, or naming him as a party plaintiff or petitioner, without the leave in writing first obtained from a judge or magistrate of this Court ... ."

g. The following day, Administrator Brieant, again without notice, without any opportunity to object or controvert, issued a similar edict to Bankruptcy Judge HOWARD SCHWARTZBERG [`Schwartzberg'].

h. In accordance with the manifest intent of such Brieant edict, without notice, without opportunity to oppose or controvert, or any other element necessary for due process, Judge Schwartzberg and trustee executed papers falsely asserting that petitioner's estate was without assets, and the bankruptcy proceeding was closed.

i. Access to the court, and more, is the price paid in the Second Circuit-New York judicial bailiwick for catching corrupt and corrupted judges in action (cf. U.S. Constitution, Amendment I; Code of Professional Responsibility, DR §1-103).

j. After some media publications on the matter, Administrator Brieant struck for a third time, again without notice, without any opportunity to oppose, without a hearing, without any anything, issued a further edict which barred petitioner's physical access to the entire Federal Building in White Plains.

k. In such Federal Building are papers and documents necessary for petitioner to `fully' present his cases in the District Court and also in this Court."

REASONS FOR THE GRANT OF THIS WRIT

1a. Respondents, in order to frustrate petitioner's ability to litigate his actions against them, cannot unlawfully deprive him of his essential material, or physically deprive him access to needed public papers in public facilities (U.S. v. Throckmorton, supra).

b. The judiciary must decide issues legitimately submitted to it for determination (Cohens v Virginia, 19 U.S. [6 Wheat] 264 [1821]).

2a. Obviously, a specifically named Dennis v. Sparks (supra) jurist cannot be assigned or may he dragoon to himself such action (Liljeberg v. Health Services, 486 U.S. 847 [1988]; Aetna v. Lavoie, 475 U.S. 813 [1986]) for adjudication.

b. The attempt by a jurist to adjudicate his own misconduct has is null and void for almost four hundred (400) years (Dr. Bonham's Case, 77 Eng. Rep. 647 [1610]; Day v. Savadge, 80 Eng. Rep. 235, 237 [1614]).

3. There is no possible way that this case of judicial corruption can be concealed from the media, Congress and the public, much of it is already in their possession, and some of it made the subject of media publication.

The longer it goes uncorrected, the more jurists will become enveloped and corrupted thereby.

Absent corrective action by this Honorable Court, the remedy, and concomitant disgrace, will be with the media, the public and Congress.

Dated: February 11, 1991

Respectfully submitted,

GEORGE SASSOWER
Petitioner, pro se.
16 Lake Street,
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(914) 949-2169

CERTIFICATION OF SERVICE

On February 12, 1991, I served a true copy of this Petition by mailing same in a sealed postage paid envelope, first class, addressed to Hon. Kenneth W. Starr, U.S. Solicitor General, 10th & Constitution Ave., Washington, D.C. 20530; Whiteford, Taylor & Preston, Esqs., Seven Saint Paul Street, Baltimore, Maryland 21202-1626; Quinn, Ward and Kershaw, P.A., 113 West Monument Street, Baltimore, Maryland 21201; Ass't. N.Y.S. Atty. Gen. Carolyn Cairns Olson, 120 Broadway, New York, New York 10271; Semmes, Bowen and Semmes, Esqs., 250 West Pratt Street, Baltimore, Maryland 21201; Snitow & Pauley, Esqs., 345 Madison Avenue, New York, N.Y. 10017, and Eccleston & Wolfe, Esqs., 729 East Pratt Street, Baltimore, Maryland 21202, at their last known addresses.

Dated: February 12, 1991

GEORGE SASSOWER
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FILED: November 16, 1990

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 90-8117(L)

In Re: GEORGE SASSOWER,

Petitioner.

No. 90-8118

In Re: GEORGE SASSOWER,

Petitioner.

No. 90-8119

In Re: GEORGE SASSOWER,

Petitioner.

ORDER

A-1

Petitioner has filed motions to consolidate his writs of mandamus with his underlying case and to stay the district court's order. The writs of mandamus previously filed in this Court that petitioner seeks to consolidate with his underlying case were decided by this Court on October 26, 1990.

The Court denies petitioner's motions to consolidate and stay.

Entered at the direction of Judge Russell with the concurrence of Judge Phillips and Senior Judge Butzner.

For the Court

JOHN M. GREACEN

CLERK

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