

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

-----x  
In re:

GEORGE SASSOWER,  
Petitioner,  
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x-----x  
PETITION FOR WRIT OF MANDAMUS and PROHIBITION  
TO THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NEW YORK  
x-----x

x-----x  
PETITIONER'S MOTION  
x-----x

This affirmation is made for the purpose of having this Honorable Court issue a Writ of Mandamus, directed to the U.S. District Court for the Eastern District of New York, for the purpose of having that Court to entertain affirmant's Writ of Error Coram Nobis

This affirmation also responds to Clerk's letter of February 4, 1991 (Exhibit "A").

1. In affirmant's opening paragraphs in his Petition of January 28, 1991, he stated:

"Since petitioner is barred from filing any legal papers in the U.S. District Court for the Eastern District of New York and Circuit Court of Appeals for the Second Circuit, he must petition this Court to mandate the District Court to entertain petitioner's petition for a writ of error coram nobis, and other 'as of right' judicial petitions, which filings are the unbridled right to every person except petitioner, a born American citizen and battle-starred veteran of World War II.

This petition does not concern itself with the patent invalidity of a non-summary criminal conviction by a federal district judge which was rendered (a) without a trial, (2) without the opportunity of a trial, and (3) without any live testimony in support thereof, an issue which has been

raised in related petitions to this Honorable Court. Instead, this petition is based on the alleged right of petitioner to petition for coram nobis and other relief in the District Court based upon the collateral consequences and evidence of related judicial corruption, thereafter arising or disclosed."

2a. In order to vindicate the constitutional authority of this Honorable Court (U.S. Constitution, Article III, §2(1)), access must be provided to affirmant to file his complaint in the U.S. District Court, and thereafter, if necessary, permitted to file his papers "in" the Circuit Court, in order to seek review in this Honorable Court.

b. Unless such filing in the District Court is mandated, there is no possible manner that this Honorable Court can review affirmant's "case or controversy".

3a. Assuming, arguendo, a District and Circuit Court issues a directive that no "case or controversy" may be filed if it involves Amendment VI of the U.S. Constitution, or any "case or controversy" which addresses the legality of such directive, how does one present those issues to this Honorable Court?

b(1) The aforementioned is precisely the scenario of U.S. Chief District Court Judge CHARLES L. BRIEANT, when through a "no due process" ukase Judge Brieant directed that affirmant could not file any legal paper in his district, absent judicial permission.

(2) Thereafter, by another "no due process" ukase, Chief Judge Brieant physically excluded affirmant from the Federal Building and Courthouse at White Plains, New York.

(3) When affirmant sought to adjudicate the legality of both "no due process" ukases, permission was denied (see Sassower v. Brieant Docket No. 90-6261).

c. In establishing the U.S. District Court, Congress did not intend, and could not have constitutionally intended, to permit the District Court to prevent review by this Honorable Court.

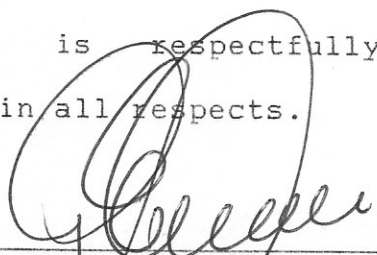
d. As applicable to the petition herein, the writ must be issued and affirmant afforded the right to file his writ of error coram nobis, since no other Court exist for such "of right" filing.

4. The right to petition government, by a complaint filed in the U.S. District Court, is a fundamental constitutional right (Article I, U.S. Constitution), and any order, ukase, edict or proclamation which requires permission, is transparently invalid, and does not have even a pretense to validity (Walker v. City of Birmingham, 388 U.S. 307 [1967]; Crosby v. Bradstreet, 312 F.2d 483 [1963] cert den 373 U.S. 911 [1963]).

5. The aforementioned is stated to be true under the penalty of perjury.

WHEREFORE, it is respectfully prayed that affirmant's motion be granted in all respects.

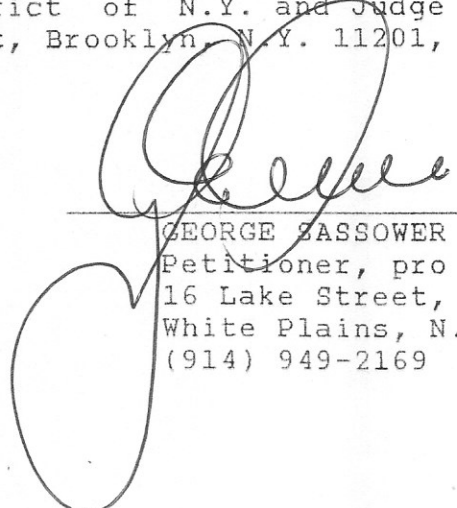
Dated: February 7, 1991

  
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GEORGE SASSOWER [GS-0521]  
Petitioner, pro se.  
16 Lake Street,  
White Plains, N.Y. 10603  
(914) 949-2169

CERTIFICATION OF SERVICE

On February 7, 1991, I served a true copy of this Petition by mailing same in a sealed envelope, first class, addressed to Hon. Kenneth W. Starr, U.S. Solicitor General, 10th & Constitution Ave., Washington, D.C. 20530; Circuit Court of Appeals for the Second Circuit, Foley Square, New York, N.Y. 10007; Chief Judge James L. Oakes, Box 696, Brattleboro, Vermont, 05301; Judge Wilfred Feinberg, Judge Irving R. Kaufman, Judge Thomas J. Meskill, Foley Square, New York, N.Y. 10007; U.S. District Court: Eastern District of N.Y. and Judge Eugene H. Nickerson, 225 Cadman Plaza East, Brooklyn, N.Y. 11201, at their last known addresses.

Dated: February 7, 1991



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

SUPREME COURT OF THE UNITED STATES  
OFFICE OF THE CLERK  
WASHINGTON, D. C. 20543

AREA CODE 202  
479 - 3011

February 4, 1991

George Sassower  
16 Lake Street  
White Plains, NY 10603

Re: In Re George Sassower

Dear Mr. Sassower:

The petition for an extraordinary writ of mandamus and prohibition was received February 4, 1991. The papers are returned for the following reason(s):

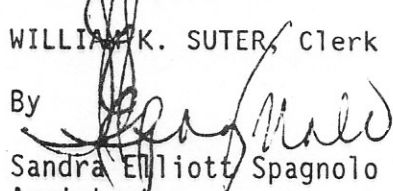
The petition must indicate how the writ will be in aid of the Court's appellate jurisdiction, what exceptional circumstances are present to warrant the exercise of the Court's discretionary powers, and why adequate relief cannot be obtained in any other form or from any other court. See Rule 20.1.

You have not appended a copy of the judgment or order in respect of which the writ is sought. See Rule 20.3 pertaining to petitions for writs of prohibition and mandamus.

Very truly yours,

WILLIAM K. SUTER, Clerk

By

  
Sandra Elliott Spagnolo  
Assistant

Enclosures

Exhibit "A"