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

In re:

GEORGE SASSOWER,
Petitioner,

PETITION FOR WRIT OF MANDAMUS and PROHIBITION
TO THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

PETITION

PRELIMINARY STATEMENT

1. 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.

2. Petitioner, having survived a "judicial reign of terror", whose manifest purpose was to advance and conceal a criminal adventure involving the larceny of judicial trust assets, and other racketeering activities, has been barred by the District Courts and Circuit Court in order to, inter alia, make unassailable corruptly secured and invalid judicial determinations.

QUESTIONS PRESENTED

1. Where petitioner has been barred from filing any legal papers in the District and Circuit Court, should a writ be issued by this Honorable Court which directs the District Court to entertain petitioner's petition for a writ of error coram nobis by reason, inter alia, of the dramatic collateral consequences which thereafter arose from his non-summary criminal contempt conviction, which conviction was rendered (a) without a trial, (b) without the benefit of a trial, and (c) without any live testimony in support thereof?

2. Where the fines imposed upon petitioner and his client, HYMAN RAFFE, as a result of such trialess criminal convictions were payable, in haec verba, "to the [federal] court", were subsequently diverted to private pockets, is petitioner entitled, by a judicial application, to recover such diverted monies or to have same paid over to the federal government, despite a judicial blockade?

3a. Assuming, arguendo, the judiciary has the power to bar judicial filings for reasons other than res judicata, does such power extend to bar Dennis v. Sparks (449 U.S. 24 [1980]) actions against those who have corrupted them in rendering such trialess convictions, and should a writ be issued by this Honorable Court directing the District Court to accept for filing such Dennis v. Sparks action by petitioner?

b. Assuming, arguendo, the judiciary has the power to bar judicial filings for reasons other than res judicata, does such power extend to bar petitions for a writ of error coram nobis, and/or to motions or independent actions for relief under Rule 60(b) of the Rules of Civil Procedure, and should a writ be issued by this Honorable Court directing the District Court to accept such action by petitioner?

c. Assuming, arguendo, the judiciary has the power to bar judicial filings for reasons other than res judicata, does such power extend to bar damage actions against the federal judiciary where petitioner claims the judiciary did not have even a modicum of discretion to convict without a trial, without the opportunity of a trial, without any live testimony in support thereof, and to consent to the diversion of fine monies from the federal court to private pockets?

4. Does the federal judiciary, have the power to punish or retaliate against those who resist and expose judicial corruption and misconduct, and should a writ of prohibition be issued by this Honorable Court against the respondents herein prohibiting such retaliatory action?

5. Can the District and Circuit Court bar potential review by this Honorable Court of the merits of the case or controversy by barring filings in the courts below?

THE PARTIES

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Petitioner
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Judge EUGENE H. NICKERSON
Respondent
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Brooklyn, N.Y. 11201
(718) 330-7671

Ch. Judge JAMES L. OAKES
Respondent
Box 696,
Brattleboro, Vermont, 05301
(212) 791-0103

Judge WILFRED FEINBERG
Respondent
Foley Square,
New York, N.Y. 10007
(212) 791-0103

Judge IRVING R. KAUFMAN
Respondent
Foley Square,
New York, N.Y. 10007
(212) 791-0103

Judge THOMAS J. MESKILL
Respondent
Foley Square,
New York, N.Y. 10007
(212) 791-0103

U.S. DISTRICT COURT:
EASTERN DISTRICT OF N.Y.
Respondent
225 Cadman Plaza East,
Brooklyn, N.Y.
(718) 220-7671

CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT
Respondent
Foley Square,
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TABLE OF AUTHORITIES

OPINIONS BELOW

This is an original proceeding, not directly based upon any opinions below. As stated in petitioner's "Preliminary Statement" 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, but the right 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."

JURISDICTION

(i) Not Applicable.

(ii) Not Applicable.

(iii) Not Applicable

(iv) 28 U.S.C. §1651[a].

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. The Sixth Amendment of the U.S. Constitution provides:

> "In all criminal prosecutions, the accused shall enjoy the right to a ... public trial ..."

5. 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. This original application concerns itself with the right to petition the District Court for relief, notwithstanding the injunctions issued by the District Court and Circuit Court of Appeals.

b. Consequently, affirmant sets forth only such facts which will demonstrate the petition he desires to file is not frivolous (cf. Neitzke v. Williams, 490 U.S. , 109 S.Ct. 1827 [1989]) and has irresistible compelling merit.

2a. The conviction of petitioner by U.S. District Court Judge EUGENE H. NICKERSON of the Eastern District of New York ["respondent-Nickerson"], was the first of a number of subsequent convictions, federal and state, all of which were rendered (a) without a trial, (b) without the opportunity for a trial, and (c) without any live testimony in support thereof

(cf. 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]).

b. The subsequent affirming actions, state and federal, of such trialess convictions, corroborate the "boasts" of KREINDLER & RELKIN, P.C. ["K&R"] that, with CITIBANK, N.A. ["Citibank"] and KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], they "controlled" the judiciary.

c. The trialess conviction by "respondent-Nickerson" was by a Circuit Court panel consisting of [then] Chief Judge WILFRED FEINBERG ["respondent-Feinberg], Circuit Judge IRVING R. KAUFMAN ["respondent-Kaufman"], and Circuit Judge THOMAS J. MESKILL ["respondent-Meskill"].

3a. Also subsequently, the fine monies imposed under such trialess convictions of petitioner and Raffe payable, in haec verba, "to the court" were diverted to K&R and Citibank, which diversion was with the consent of or ratified by Chief Circuit Judge JAMES L. OAKES ["respondent-Oakes"], "respondent-Feinberg", "respondent-Kaufman, and "respondent-Meskill", in addition to "respondent-Nickerson".

b. When petitioner continued to resist the corrupt activities of K&R and FKM&F, the federal and state trialess convictions, including the Judge Nickerson conviction, were elevated from "sui generis offenses" (Cheff v. Schnackenberg, 384 U.S. 373 [1966]) to "serious crimes" status (cf. Blanton v. City of No. Las Vegas, 489 U.S. , 109 S.Ct. 1289 [1989]), resulting in affirmant's disbarment (Grievance Comm. v. G. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.-1987], app.

dis. 70 N.Y.2d 691, 518 N.Y.S.2d 964, 512 N.E.2d 547 [1987]), by a proceeding wherein petitioner was not permitted to controvert the validity of such trialess convictions.

c. In order to render invulnerable the infirm and fraudulent judicial proceedings (cf. Hazel-Atlas v. Hartford, 322 U.S. 238 [1944]), petitioner was barred from filing papers in the state and federal courts in the New York-Second Circuit forums.

4a. K&R and Citibank had engineered the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], and entered into an agreement with LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, that if he concealed such larceny and made no attempt at recovery on behalf of his judicial trust, the balance of Puccini's tangible assets would be turned over to the court-appointed receiver's law firm, FKM&F.

b. Thus, these "judicial thieves" took all of Puccini's trust assets, leaving nothing for legitimate creditors and stockholders.

c. Under the aforementioned criminal scenario, the court-appointed receiver could not file an "accounting", a mandatory requirement in every American jurisdiction, without exposing their criminal conduct, as well as the conduct of the judges and officials they had corrupted.

d. Thus, corrupt jurists, such as U.S. District Judge WILLIAM C. CONNER ["Conner"] issued an injunction which, in effect, prohibited any judicial proceeding to compel an accounting by the court-appointed receiver.

5a. When the "reign of judicial terror" imposed upon petitioner and others did not succeed in silencing petitioner, the Feltman entourage had Referee DONALD DIAMOND ["Diamond"] "approve" a "final accounting", an "accounting" which did not exist.

b. The fraud was not only against petitioner, but creditors nationwide.

c. Concomitantly, the corrupt jurists in the New York-Second Circuit judiciary, such as Chief Judge CHARLES L. BRIEANT ["Brieant"] barred petitioner from access to the courts for all relief, including when the right to petition exists as a matter "of right" (e.g. coram nobis, Rule 60(b)[4][6]).

6a. Such transparently invalid and patently overbroad injunction orders, also gave protection to the K&R-FKM&F conspirators for Dennis v. Sparks (supra) damage actions, and also effectively immunized members of the judiciary from the liability of their own actions (cf. Dr. Bonham's Case, 77 Eng. Rep. 647 [1610]).

b. However, if access to the federal court is barred, as here exists, even transparently invalid and patently overbroad orders, become unassailable and possible review by this Honorable Court stonewalled.

c. Instructively, this result is unlike corruptly secured state injunctive orders, which can be assailed in the federal forum (e.g. Dennis v. Sparks [supra]).

d. Simply stated a federal jurist, corrupt or otherwise, can overrule or frustrate the holding in U.S. v.

Morgan (346 U.S. 502 [1954]) by simply enjoining coram nobis relief.

7a(1) Petitioner desires to also assert in his filings in the District Court that where there is absence of any discretion, there is no judicial immunity.

(2) Absent a plea of guilty, as a matter of ministerial compulsion, permission no discretion whatsoever, every American court and judge, must afford the accused the opportunity for a trial on the charge of non-summary criminal contempt, before guilt can be found (Bloom v. Illinois, supra; Nye v. U.S., supra).

(3) Consequently, the damage liability of "respondent-Nickerson" is a viable and bona fide claim by petitioner.

b. A similar analysis compels the same conclusion of a bona fide claim by petitioner against "respondent-Feinberg", "respondent-Kaufman" and "respondent-Meskill".

c. Assuming, arguendo, the existence of a modicum of judicial discretion, that modicum of discretion would not be a defense, which is a burden imposed on the defendants (Westfall v. Erwin, 484 U.S. 292 [1988]). Stump v. Sparkman (435 U.S. 349 [1978]) is not to the contrary, which speaks of the lack of judicial immunity where the lack of jurisdiction is known to the jurist (see also Maestri v. Jutkofsky, 860 F.2d 50 [2d Cir.-1988]).

d. Liability upon the District Court and the Circuit Court, as entities, based upon facts not here fully discussed,

can also be justified (Monell v. Department of Social Services (436 U.S. 658 [1978]).

e. Clearly, the consent and/or ratification of the diversion of monies from the federal government to private pockets is not a judicial act, for which there is or should be absolute judicial immunity (Forester v. White, 484 U.S. 219 [1988]; Supreme Court of Va. v. Consumers Union, 446 U.S. 719 [1980]) unless a different standard is applied for federal jurists than state jurists.

f. The respondents know that abrogation of petitioner's constitutional rights, including access to the courts, cannot be employed by the judiciary in retaliation for petitioner's exposure of judicial corruption and misconduct (Garrison v. Louisiana, 379 U.S. 64 [1964]).

8a. Obviously, unless access is afforded to petitioner to the District Court, he can never have the opportunity of having the merits of his claims reviewed by this Court, as is petitioner's constitutional right.

b. The District Courts and Circuit Courts were not created by Congress with the power to stonewall and abort the power of review by this Honorable Court.

REASONS FOR THE GRANT OF THIS WRIT

Nothing less than the integrity of the federal judicial system is at issue in this matter, as well as the attempt by the District and Circuit Court to prevent the review power of this Honorable Court.

Whatever the disposition of this Honorable Court on this application, those who "fix" members of the federal judiciary, will be driven from the judicial forum by the petitioner.

However, unless this writ is granted, the merits of petitioner claims have no possible chance of review by this Honorable court (cf. Mallard v U.S. District Court, U.S. , 109 S.Ct. 1814 [1989]).

Dated: January 28, 1991

Respectfully submitted,

GEORGE SASSOWER
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(914) 949-2169

CERTIFICATION OF SERVICE

On January 30, 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: January 30, 1991

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