1/29/91

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

---x

In re:

GEORGE SASSOWER,
Petitioner,

---x

x---x

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

x---x

x---x

PETITION

x---x

PRELIMINARY STATEMENT
["Controlling All Judges"]

1a. Present is a judicial scandal quantum leaps more egregious and dangerous than those involving Chief Circuit Judge MARTIN T. MANTON of the Second Circuit, Circuit Judge J. WARREN DAVIS of the Third Circuit, or any other corrupt federal jurist in American judicial history.

b. Prior judicial scandals involved the transgressions of individual jurists, not significant systematic corruption.

c. At bar is a situation wherein KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] openly flaunt, with reason, that they, with CITIBANK, N.A. ["Citibank"], "control the entire judiciary".

2a. The first federal district judge corrupted by the "K&R-FKM&F" entourage was U.S. District Judge EUGENE H. NICKERSON, whose actions included the trialess conviction of

petitioner and HYMAN RAFFE ["Raffe"] for non-summary criminal contempt (see Docket No. 90- [Petitioner Jan. 28, 1991]).

b. The substantial fines imposed under such trialess convictions, made payable "to the [federal] court" were diverted to K&R and its clients, which criminal diversion, Judge Nickerson, Chief Circuit Judge JAMES L. OAKES, [former] Chief Circuit Judge WILFRED FEINBERG, [former] Chief Circuit Judge IRVING R. KAUFMAN, and Circuit Judge THOMAS J. MESKILL deem acceptable.

c. Indeed, the mere mention of such criminal diversion by petitioner generally produces some draconian retaliatory activities by the District and Circuit Court.

d. Such criminal diversion of funds from the federal government to private pockets may be acceptable to the judiciary, however, it is not acceptable to petitioner, and petitioner doubts it would be acceptable to Common Cause or the American taxpaying public.

3a. The corruption of U.S. District Judge WILLIAM C. CONNER ["Conner"], the next district court jurist corrupted by the "K&R-FKM&F" entourage, will demonstrate the manner wherein single jurists, employing the injunctive power, are able to corrupt an entire judicial system.

b. The ability of the K&R and FKM&F to corrupt jurist, such as Judge Conner and/or Chief U.S. District Judge CHARLES L. BRIEANT, and have them issue patently lawless injunctions, is pivotal to the claim of K&R and FKM&F that they "control all judges".

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 directing the District Court to file petitioner's Rule 60(b)[4][6] motion or independent action with respect to the corruptly secured and transparently invalid Order of U.S. District Court Judge Conner.

2. Can a corrupted federal district judge, such as Judge Conner, lawfully immunize those who corrupted him, by enjoining petitioner, who was not a party to such action and not permitted to appeal, from filing a judicial proceeding to declare such injunction invalid?

3. Should the District Court be directed to accept for filing petitioner's damage action against those who corrupted Judge Conner, and denied petitioner due process thereby?

4. Where thereafter, after further solicitation by K&R-FKM&F, Judge Conner began to corrupt his judicial colleagues, should the District Court be directed to accept a damage claim against Judge Conner and the K&R-FKM&F entourage?

5. Where failure to accept petitioner's filings at the District Court level precludes potential review on the merits of petitioner's claim by this Honorable Court, is such judicial embargo unconstitutional?

THE PARTIES

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

Judge WILLIAM C. CONNER
Respondent
Foley Square,
New York, N.Y. 10007
(212) 791-0934

U.S. DISTRICT COURT : SOUTHERN DISTRICT OF N.Y.
c/o U.S. Chief District Judge CHARLES L. BRIEANT
Respondent
101 East Post Road,
White Plains, N.Y. 10601
(914) 683-0567

FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. - Respondent
645 Fifth Avenue,
New York, N.Y. 10022
(212) 371-8630

KREINDLER & RELKIN, P.C.
Respondent
350 Fifth Avenue,
New York, N.Y.
(212) 279-5100

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TABLE OF AUTHORITIES

OPINIONS BELOW

This is an original proceeding, not directly based upon any opinions below.

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. 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 indeed has irresistible compelling merit.

2a. In historical judicial terms, the question presented is could U.S. Chief Circuit Court Judge MARTIN T. MANTON in Art Metal v Abraham & Straus (70 F.2d 641 [2nd Cir.-1934]) or Judge O.P. CARRILLO in Dennis v. Sparks (449 U.S. 24 [1980]), as part and parcel of their corrupt orders, enjoin any proceeding to declare same invalid or enjoin a damage action against those who had corrupted them?

b. This is precisely what was attempted by Judge Conner in Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]), an action in which petitioner was not a party and in which his interests were not placed in issue, and in this respect more egregious than the Manton or Carrillo cases.

c. As part of the compelled agreement with HYMAN RAFFE ["Raffe"] for not being incarcerated, in addition to paying "millions of dollars" to the K&R-FKM&F entourage, Raffe agreed to discontinue the filed appeal from Raffe v. Doe (supra), and based upon such discontinuance, the Circuit Court of Appeals dismissed petitioner's right to appeal, although it was he who filed such notice of appeal and paid the fees for same.

d. In D.L. Sassower v. Barone (85 A.D.2d 81, 447

N.Y.S.2d 966 [2nd Dept.-1982] the Court stated (at 87-88, 970-971):

> "The right to appeal is not to be denied without just cause (authority cited). Here, there was no just cause for such denial. ... The doctrine of equitable estoppel ... 'rests largely on the facts and circumstances of the particular case ...'. Where facts cry out for relief the court should do what it can, and equitable estoppel, where appropriate, is then one of its most useful tools. The doctrine of res judicata is not immune from this salutary doctrine (authority cited)"

3. The "marching orders" given to Judge Conner by K&R-FKM&F were precisely the same as those given them to Judge Nickerson, and almost every judge thereafter, to wit., stay all disclosure and discovery by petitioner and Raffe, and dismiss the action without a trial or hearing.

4a. On its face, by the title itself, Raffe v. Doe (supra) reveals that petitioner was not a party to that action and the events complained about therein arose after the proceedings before Judge Nickerson.

b. Immediately after filing, Judge Conner stayed all disclosure and discovery by the plaintiff, and about sixteen (16) months thereafter, without a trial or hearing, dismissed the action with Rule 11 costs.

c. In both the Judge Nickerson and Judge Conner action, the only plaintiff was HYMAN RAFFE, individually and on behalf of PUCCINI CLOTHES, LTD. ["Puccini"], the helpless judicial trust, whose entire assets were stolen or unlawfully diverted to the pockets of K&R and FKM&F, who employed such assets, in part, to corrupt members of the judiciary, and therefore could never file the mandatory accounting.

d. The action of Judge Conner, by such dismissal, deprived all the legitimate creditors of Puccini, nationwide, of their vested interests, without appointing a representative to protect their interests (Rule 17[c]) and was a fraud to those creditors, as well as affirmant.

5. At the time of such Judge Conner dismissal petitioner had very substantial Dennis v. Sparks (supra) money damage claims against K&R-FKM&F, since in the interim petitioner had been convicted and incarcerated, without a trial or opportunity of a trial, by two (2) state jurists (cf. Bloom v. Illinois, 391 U.S. 194 [1968]), after they also had been corrupted by the K&R-FKM&F conspirators.

6. The point is neither jurist nor court can immunize itself, its orders, or those who corrupted them from subsequent relief by reason of a lack of jurisdiction of by reason of a judicial fraud (cf. Hazel-Atlas v. Hartford, 322 U.S. 238 [1944]).

7a. 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, injunction or otherwise, to stonewall and abort the power of review of the merits of a claim 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 29, 1991

Respectfully submitted,

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

CERTIFICATION OF SERVICE

On January 31, 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; U.S.D.C., S.D.N.Y., c/o Chief Judge Charles L. Brieant, 101 E. Post Road, White Plains, N.Y. 10601; Judge William C. Conner, Foley Square, New York, N.Y. 10007; Feltman, Karesh, Major & Farbman, Esqs., 645 Fifth Avenue, New York, N.Y. 10022, and Kreindler & Relkin, P.C., 350 Fifth Avenue, New York, N.Y. 10118.

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