In The
SUPREME COURT OF THE UNITED STATES
October Term, 1992
No. 92-

GEORGE SASSOWER,
Petitioner-Appellant,
-against-
STEPHEN B. HIGGINS, et al.,
Respondent-Respondent.

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

APPELLANT'S MOTION

Appellant respectfully moves this Court for an Order directing the CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT ["CCA8"] to: (1) permanently enjoin the criminal contempt proceeding or threat thereof against appellant and/or direct the dismissal of same; (2) alternatively, permanently enjoin any criminal prosecution by the United States Attorney for the District of Minnesota; (3) mandate that CCA8 rescind any punitive retaliatory action taken against petitioner, all without due process, including the enlargement of its sua sponte injunction to include "any court in [the Eighth] circuit" and the physical rejection of petitioner's appellate briefs timely and properly submitted; (4) mandate CCA8 to adjudicate petitioner's properly perfected appeal from the District Court; (5) mandate that CCA8 process petitioner's FRAppP Rule 46[c] disciplinary complaint lodged against Assistant Attorney General BARBARA L. HERWIG ["Herwig"]; (6) take such action as may be necessary to cause the recovery of monies payable "to the federal court" but

diverted to private pockets, a portion of which was paid on appellant's behalf; (7) appoint an attorney to vindicate the legitimate rights of the Grand Jury and the United States; (8) disqualify the U.S. Solicitor General of the United States from representing any of the appellees, who are being sued in their personal capacities, who have not been "scope" certified, and who have conducted themselves contrary to legitimate federal interests; (9) together with any other, further and/or different relief as to this Court may seem just and proper in the premises.

All accusations set forth herein stand uncontroverted in every court presented. Nevertheless, the exalted positions held by those accused, requires what might otherwise appear needless details.

April 12, 1991:

1a. Petitioner mailed his letter to the Foreperson of the Grand Jury to U.S. ATTORNEY STEPHEN B. HIGGINS ["Higgins"], with a covering letter reading as follows:

> "Kindly submit the enclosed 18 U.S.C. §1504 communication to the Foreperson of the Grand Jury, with expedition, and acknowledge such transmission. ...
>
> Also advise me in whose attention I should direct my 18 U.S.C. §3332[a] evidence and documents for a mandatory grand jury presentation (In re Grand Jury, 617 F. Supp. 199 [SDNY-1985])."

b. Copies of such covering letter, along with the letter addressed to the Foreperson was simultaneously mailed to [then] Chief Circuit Court Judge DONALD P. LAY ["Lay"], [then] Circuit Court Judge RICHARD S. ARNOLD ["Arnold"], Circuit Court

Judges ROGER L. WOLLMAN ["Wollman"], and CLARENCE ARLEN BEAM ["Beam"].

2. The letter to the Foreperson of the Grand Jury, in full, reads as follows:

> " 1a. Pursuant to 18 U.S.C. §1504, I respectfully request that the grand jury invite me to testify, so that I can show you my documented evidence of criminal activities which have a center of operations in your judicial district.
>
> b. A copy of this communication is being sent to Chief Circuit Court Judge Donald P. Lay of the Eighth Circuit, members of that Court, and others, all of whom are subject to your subpoena, who can immediately confirm or easily obtain the information to confirm the essential allegations set forth herein.
>
> 2a. Judicial trust assets, whether they be created through the estates of the departed, by bankruptcy filings, or judicial dissolutions of businesses, are all `persons' within the meaning of Amendment V and XIV of the U.S. Constitution.
>
> b. However, to the corrupt members of the judiciary and their cronies, these helpless trusts, are not treated as `persons', but are often raped, ravished and plundered for personal purposes.
>
> c. The case of Puccini Clothes, Ltd. -- `the judicial fortune cookie' -- clearly exemplifies the aforementioned criminal activities, the cooperative practices of even the honest members of the judiciary, and the consequences faced by private individuals who attempt to expose and prevent such racketeering activities.
>
> 3a. Puccini was involuntarily dissolved more than ten years ago, its assets and affairs vesting in the court for the benefit of its stockholders and legitimate creditors.
>
> b. Instead, all of its assets were made the subject of larceny and unlawful plundering by the court-appointed receiver and his co-conspirators, which included judges and officials, leaving absolutely nothing for those lawfully entitled to same.

c. Every court-appointed receiver must account for his stewardship before he can be discharged.

d. Obviously, under the above criminal scenario, which includes the larceny, no accounting could possibly be rendered without further exposing the criminal conduct involved, and clearly in the case of Puccini, the participation of members of the judiciary.

e. Consequently, the judiciary and its cronies, in order to compel submission and silence, imposed a reign of judicial terror against those who knew about and refused to remain silent about such criminal activity, a reign of terror which included trialess, manifestly unconstitutional, convictions with fines and sentences of incarcerations imposed thereon.

4a. Thus, a federal judge, without benefit of a required trial or hearing, found guilt and imposed substantial fines payable 'to the federal court'.

b. Aided and abetted by members of the federal judiciary, such monies were not paid to the federal court or federal government, but were diverted to the private pockets of the their cronies.

5a. Similar unconstitutional trialess convictions were rendered by other jurists, and sentences of incarceration imposed thereon.

b. In order to avoid incarceration under such convictions, Hyman Raffe agreed to remain silent, effectively surrender all his interest in Puccini, pay the judicial cronies millions of dollars and agreed to give other unlawful considerations.

c. As investigated and verified by Jonathan Ferziger of United Press International, and thereafter published by the media:

> "By signing three extraordinary agreements ... Raffe agreed to foot all legal costs incurred by Feltman's firm and Citibank's lawyers, Kreindler & Relkin ... . In exchange, the court agreed to let him go free. The tab so far has come to more than $2.5 million, paid to both the Feltman and Kreindler firms. Raffe continues to pay with checks from his A.R. Fuels Co. business."

d. Feltman, named in the above newspaper, was the court-appointed receiver for Puccini, and Kreindler & Relkin, P.C., as well as its client, Citibank, engineered the larceny of Puccini's trust assets, and have very significant judicial connections.

e. As long as Raffe keeps paying, and so the written agreement reads, he will not be incarcerated. So Raffe pays, pays and pays, to these 'judicial indulgence peddlers' under continuous threats that he will be incarcerated, as were others, if he refuses.

6. Sam Polur, Esq. refused to remain silent and was incarcerated for 30 days under a trialess conviction, but when threatened with disbarment, he agreed to abandon the litigation and remain silent about judicial corruption.

7a. I persisted in my refusal to remain silent on the subject of judicial corruption, and under trialess convictions was repeatedly incarcerated.

b. However, as long as I refused to remain silent, no order could possible be signed approving a sham accounting for the court-appointed receiver, and thus his discharge.

c. Consequently, I was arrested, charged with non-summary criminal contempt, about the lowest grade of federal offenses, and held without bail.

d. The pretext of such 'without bail' incarceration was that I, a recognized expert on the subject of criminal contempt, could not understand the simple charge of contempt lodged against me.

e. Every psychologist and psychiatrist, all paid by the government, in no more than a few minutes concluded I was extraordinarily competent, which was the maximum time that I could be held incarcerated without bail.

f. Instead, I was held for two months, under such without bail circumstances, most of which was at the Federal Prison Medical Facility in Rochester, Minnesota where I was given the most superlative grades in intelligence, education, mental and emotional stability, and found to have a

sophisticated knowledge of the law, which I actively practiced for 40 years.

7a. During the time that I was incarcerated, arrangements were made by the judiciary and their cronies for the 'approval' of 'the final accounting' by Feltman for the Puccini judicial trust by Referee Donald Diamond, a copy of which is enclosed.

b. However, there is no accounting, the accounting approved by Referee Diamond, like the Emperor's Clothes fable, is 'phantom' and 'non-existent'.

8a. I can tell you about other estates, like that of Eugene Paul Kelly, who like myself, was a battle-starred veteran of World War II.

b. The judge in the Kelly estate used the assets in that estate, and other estates, to pay his personal debts and obligations, and the Kelly beneficiaries received nothing.

9a. There are three prison psychiatric facilities in the United States -- 'the American Gulags'; (1) Rochester, Minnesota, (2) Springfield, Missouri, and (3) Budner, North Carolina, or two within the jurisdiction of the Eighth Circuit, which is based in St. Louis, Missouri.

b. Those, like myself, who are distressed by judicial corruption, by the diversion of monies from the federal government to private pockets, by payments of millions of dollars to avoid incarceration, simply do not belong, at great government expense, in prison psychiatric facilities.

c. It is an essential American principle, that no person, no matter how exalted his position, including judges, are above the criminal and ethical laws of our society.

d. I submit that it is your duty and obligation, as grand jurors, to inquire into criminal activities in your district, including by members of the judiciary and act accordingly.

e. I suggest that in addition to hearing my testimony and examining my documents, that you request or subpoena, inter alia, U.S. Circuit Judges Richard S. Arnold, Roger L. Wollman and Clarence Arlen Beam, of this Circuit, or inquire of these jurists concerning their actions in the face of

knowledge of judicial corruption, of a criminal magnitude.

10a. I submit after reading, inter alia, 18 U.S.C. §241 and 18 U.S.C. §1961 you could reasonably and easily conclude that the aforementioned jurists were and are in violation of the federal criminal code.

b. I suggest that you inquire of the aforementioned jurists what they believe their obligation was and is when they learned that monies payable `to the federal court' was diverted to private pockets, and their actions with respect to such information.

c. I suggest that you inquire of the aforementioned jurists what they believe their obligation was and is when they learned that Raffe avoided incarceration by paying millions of dollars to the judicial cronies.

d. I suggest that you inquire of the aforementioned jurists what they have done when they learned that prison psychiatric facilities are being employed to conceal judicial corruption.

Most Respectfully,

GEORGE SASSOWER"

3. Instructively, after years of silence, when SAM POLUR, Esq. ["Polur"] began to expose the judicial corruption with respect to the judicial trust assets of Puccini, his 1985 trialess, manifestly unconstitutional, conviction was escalated from an "offense" (Cheff v. Schnackenberg, 384 U.S. 373 [1966]) to the status of a "serious" crime (cf. Blanton v. City of No. Las Vegas, 489 U.S. 538 [1989]), and seven years after the event, he was recently suspended for three years (Matter of Polur, 173 A.D.2d 82, 579 N.Y.S.2d 3 [1st Dept.-1992]).

May 6, 1991:

1. Not hearing anything from the U.S. Attorney's Office regarding the aforementioned communication intended for

the Grand Jury, appellant caused to be filed his Petition for a Writ of Mandamus, with an in forma pauperis application, asserting that all of appellant's substantial assets had been "unconstitutionally frozen".

2. In addition to incorporating substantial portions of the aforementioned letter to the Grand Jury, as part of the petition, appellant alleged:

> " b. The jurists in this judicial district knew, from the uncontroverted evidence, that there was no accounting for Puccini, that all of Puccini's assets were made the subject of larceny by members of the judiciary and its cronies, that petitioner was incarcerated in Minnesota so that a sham 'approval' order could be entered, and for other unconstitutional and unlawful reasons.
>
> 10. Thus, as here can be demonstrated, jurists in this circuit, from this judicial district, became co-conspirators to obstruct justice in a criminal racketeering adventure.
>
> a(1) As even the lay known, as a matter of ministerial compulsion, permitting no discretion whatsoever, absent a plea of guilty, before any person can be criminally convicted of a constitutionally protected crime, and fined and/or incarcerated pursuant thereto, one must be afforded the opportunity of a trial or hearing.
>
> (2) Non-summary criminal contempt is a constitutionally protected crime (Bloom v. Illinois, 391 U.S. 194 [1968]; Nye v. U.S., 313 U.S. 33 [1941]).
>
> (3) Furthermore, even when the accused constitutionally waives his right to be present, there must be 'live' testimony to support a valid conviction (Klapprott v. U.S., 335 U.S. 601 [1949]).
>
> (4) Despite the manifest invalidity of petitioner's repeated trialess and without live testimony convictions, and the power and duty of the Eighth Circuit to declare same a nullity, they have refused to do so, and have given them recognition and decisive weight.

(5) All the evidence reveals that jurists in this Circuit have made a studied, intentional and deliberate effort to aid and abet this criminal racketeering adventure, which includes the larceny of judicial trust assets.

b(1) The law is clear, settled and unquestioned that one who corrupts a judge or judges to deprive a person of due process is liable in damages (Dennis v. Sparks, 449 U.S. 24 [1980]).

(2) The uncontroverted evidence exists is that Citibank, N.A. was a prime participant of the larceny of Puccini's judicial trust assets, perjured itself denying same, and participated in this racketeering scheme to deprive petitioner due process.

(3) Notwithstanding same, the jurists in the Eighth Circuit have refused to permit petitioner to vindicate his rights.

(4) Obviously, corrupting jurists in other circuits, is sufficient to corrupt the jurists in this circuit and district.

c(1) Where fine monies are ordered payable 'to the federal court', but are diverted to the private pockets of Citibank and its attorneys, the members of the grand jury should act when the jurists in this circuit take no action to disgorge such monies in favor of the federal government.

(2) Raffe, was threatened with incarceration for seven (7) years unless he paid such monies, on behalf of himself and petitioner, to Citibank and its attorneys, rather than to the federal court, and now seeks reimbursement from petitioner.

d. Prison psychiatric facilities, at federal expense, were clearly not intended to confine those who expose judicial misconduct and corruption.

e. As the papers in the Circuit Court in St. Louis reveal, the aforementioned judicial atrocities, and others, are documented, uncontroverted and mandate consideration by the grand jury."

August 3, 1991:

1. District Court notified appellant that U.S. Magistrate Judge CATHERINE D. PERRY ["Perry"] had granted him in forma pauperis status on July 11, 1991.

August 6, 1991:

1a. Three days after being advised of the filing of his complaint, appellant executed and caused to be mailed to the Court and U.S. Atty. Higgins an "Amended Complaint" which repeated, in haec verba, his original complaint, and added three additional causes of action with additional defendants.

b. The additional allegations in these three additional causes of action were as follows:

"AS AND FOR A SECOND CAUSE OF PETITION
(MANDAMUS and DECLARATORY JUDGMENT)

13. Petitioner repeats, ...

14. All officials named herein are sued in their personal and individual capacities, within the meaning of the exceptions contained in 28 U.S.C. §2679[b][2], without prejudice to any FEDERAL TORT CLAIM ACT [`FTCA'] action that petitioner may hereinafter bring against the UNITED STATES OF AMERICA [`USA'] and/or against such respondents `while [arguably] acting within the scope of [their] office or employment' (28 U.S.C. §2679[c][d]).

15. The adjective `all' in 28 U.S.C. §547[1][2] and [3] compels the conclusion that the `duties' of Higgins and/or U.S. Attorney JEROME G. ARNOLD [`Arnold'] for the DISTRICT OF MINNESOTA [`USAtty/Mn'], which are enumerated therein, are exclusive in their respective bailiwicks, and on information and belief, such exclusive jurisdiction has been the uniform practice, custom and usage in all federal judicial districts by the various U.S. ATTORNEYS [`US Attys'].

16a. Respondent, Assistant U.S. Attorney BARBARA L. HERWIG [`Herwig'] is Washington,

D.C. based, and while on the federal payroll, at federal expense, has no authority to represent private parties or private conduct.

b. Neither Herwig nor any other member of the UNITED STATES DEPARTMENT OF JUSTICE [`US/DJ'], including Higgins and Arnold, while on the federal payroll, at federal expense, also no authority to represent private persons and/or officials and employees who are intentionally conducting themselves adverse to the interests of the federal sovereign and in clear violation of federal criminal statutes.

c. Any such representation by Herwig, Higgins and/or Arnold, at federal expense, would be, inter alia, a criminal fraud on the federal treasury.

17a. Firmly established, by statute, uniform judicial decisions and practice, is that any federal official and/or employee who is sued for tortious conduct, upon request, can apply for certification by the UNITED STATES ATTORNEY GENERAL [`US/AG'], at which point, if certification is granted, USA is automatically substituted as the defendant in the action (28 U.S.C. §2679[c][d]).

b(1) Such scope certification and substitution of USA, when in the Higgins and/or Arnold bailiwicks, triggers their involvement and/or that of their offices under 28 U.S.C. §547[2], as the representative of the USA, not the named officers and/or employees.

(2) Contrariwise, without a scope certification, or upon decertification, the obligation and authority of the US Atty to defend ceases and becomes unauthorized, unlawful and criminal.

c. A scope certification, its adjudication, and related issues are matters for a nisi prius adjudication.

d. In every recent case, that petitioner has examined, where others are involved, Herwig has expressly and/or impliedly conceded that her official participation was pursuant to a scope certification with USA substituted as the defendant (Hamrick v. Franklin, 931 F.2d 1209 [7th Cir.-1991]; S.J. & W. Ranch v. Lehtinen, 913 F.2d 1538 [11th Cir.-1990], amended 924 F.2d 1555 [1th Cir.-1991]; Melo v. Hafer, 912 F.2d 626, 640 [3rd Cir.-1990], cert. granted U.S. , 11 S.Ct. 1070 [1991]; Vasuti v. Scannell,

906 F.2d 802 [1st Cir.-1990; Mitchell v. Carlson, 896 F.2d 128 [5th Cir.-1990]).

e. Where others are involved, Herwig has conceded that a scope certification is subject to judicial review (Hamrick v. Franklin, supra; Melo v. Hafer, supra), and such concession and its uniform practice, petitioner contends, is binding at bar.

18a. Notwithstanding, the aforementioned firmly and uniform established law and practices, Herwig entered into petitioner's litigation at the CIRCUIT COURT OF APPEALS FOR THE EIGHTH CIRCUIT [`CCA8th'] upon her expressed represented status as an Assistant U.S. Attorney, and at federal cost and expense, asserted that she represented federal officials and/or employees, without making any attempt at a scope certification, and without any attempt to have USA substituted.

b. Unquestionably where federal officials and/or employees are involved in diverting monies payable `to the federal court' to the private pockets of their cronies, and other racketeering crimes contrary to federal interests, monetary and otherwise, no scope certification is legally and legitimately possible.

c. All federal official respondents herein, including Chief U.S. Circuit Court Judge DONALD P. LAY [`Lay'], U.S. Circuit Court Judge RICHARD S. ARNOLD [`Arnold'], U.S. Circuit Court Judge ROGER L. WOLLMAN [`Wollman'], U.S. Circuit Court Judge CLARENCE ARLEN BEAM [`Beam'], Chief U.S. Circuit Court Judge JAMES L. OAKES [`Oakes'] for the Second Circuit, Chief U.S. District Court Judge CHARLES L. BRIEANT [`Brieant'] of the Southern District of New York, [former] U.S. Attorney SAMUEL A. ALITO, JR. [`Alito'] for the DISTRICT OF NEW JERSEY [`USAtty/NJ'], Arnold and Herwig, knew that the Herwig representation, at federal expense, was unauthorized by statute and otherwise, and constituted an unlawful and criminal expenditure of federal monies to advance a personal criminal racket, which racket was contrary to federal interests, monetary and otherwise.

19. The aforementioned unlawful representation by Herwig, with its unlawful and criminal expenditure of federal monies, should be made part of the presentation to the grand jury; the Herwig representation at CCA8th declared null, void and of no legal effect; a judicial fraud, and the proceedings

vacated (Standard Oil v. U.S., 429 U.S. 17 [1976]; Universal v. Root, 328 U.S. 575 [1946]).

AS AND FOR A THIRD CAUSE OF PETITION
(MANDAMUS and DECLARATORY JUDGMENT)

20. Petitioner repeats ... .

21a. It was and is common knowledge within judicial circles, including at CCA8th that: Presiding Justice FRANCIS T. MURPHY [`Murphy'] of the New York State Appellate Division, First Judicial Department; Chief Circuit Judge Oakes; Chief Judge Brieant; [hereinafter `MOB'], and others including N.Y. State ROBERT ABRAMS [`Abrams']; N.Y. State Referee DONALD DIAMOND [`Diamond'], and other jurists and officials, state and federal, were and are involved in an egregious criminal racketeering adventure, contrary to the interests of the sovereign, federal, state and city.

b. Any possible doubt entertained by any member of CCA8th of this criminal racketeering activities, was clearly removed by petitioner's uncontroverted papers, documents and evidence in that Court or this Circuit.

22a. Chief Judge Lay, Circuit Court Judges Arnold, Wollman, and Beam, aided and abetted by Herwig and the other defendants herein, in their individual capacities, under color of law, agreed to cooperate, aid, abet and become part of the Murphy-Oakes-Brieant [`MOB'] criminal adventure, aware of the criminal implications.

b. Chief Judge Lay, Circuit Court Judges Arnold, Wollman, and Beam, aided and abetted by Herwig and other defendants herein, in their individual capacities, under color of law, agreed to cooperate, aid, abet and become part of the MOB criminal adventure, aware that they were conducting themselves in violation of the Constitution and statutes of the United States which inured to petitioner's benefit, the legitimate creditors of Puccini, and others held hostage in order to compel petitioner to succumb and remain silent.

23a. The unconstitutional scheme of the respondents/defendants named herein was and is to deny petitioner access to the courts for relief, even when relief was irresistibly compelled under the U.S. Constitution, the statutes and/or laws of the United States.

b. Everything stated by the respondents, law or fact, was simply pretext for the aforementioned private racketeering end, and the denial of petitioner to access to the courts for relief.

c. Article III, §2[1] of the U.S. Constitution provides:

> "The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States ... [emphasis supplied]

d. All federal rights, as contained in the United States Constitution and statutes of the United States, can and are judicially vindicated by such unbridled right of access to the federal courts.

24. Furthermore, the judicial forum, as a vehicle for petitioning `government for redress of grievances', is protected under the First Amendment to the U.S. Constitution.

25a. The court-appointed receiver, unable to account for Puccini's judicial trust assets, held under `color of law', a mandatory requirement in every American jurisdiction, without exposing the larceny of judicial trust assets with its judicial involvement, MOB and their co-conspirators, state and federal, judicial, official and lay, embarked on an unconstitutional scheme was to deny petitioner and others who had legitimate interests in such assets, access to the courts, state and federal.

b. However, such unconstitutional denial of access, with the `reign of judicial terror' that followed, failed to produce petitioner's consent for the `approval' of a `final accounting', which accounting did not exist and could not be rendered in view of the aforementioned larceny.

c. Petitioner's contractually based judgment and interests against and in Puccini, having the protective umbrella of Article 1 §10[1] and Amendment V of the U.S. Constitution, made petitioner's consent and/or lack of objection an absolute pre-condition for the discharge of the court-appointed receiver, LEE FELTMAN, Esq. [`Feltman']; the statutory fiduciary, N.Y. STATE ATTORNEY GENERAL [`NYS/AG'] ROBERT ABRAMS [`Abrams']; and the receiver's bonded surety, FIDELITY & DEPOSIT COMPANY OF MARYLAND [`F&D'].

d. When statutory mandate placed jurisdiction in the District Court of New Jersey (28 U.S.C. §1334[d]), in a still further attempt to frustrate petitioner's right to access to the courts, in addition to corrupting the jurists in that district and circuit and corrupting [former] U.S. Attorney Alito, MOB and their New York-Second Circuit co-conspirators, arranged for the jurisdictionally unlawful (see People v. Alejandro, 70 N.Y.2d 133, 517 N.Y.S.2d 927, 511 N.E.2d 71 [1987]) and pretextual seizure of petitioner's legal material, including his data discs.

e. Furthermore, without a pretense of due process, petitioner is denied physical access to the Federal Building and Courthouse in White Plains where many of his essential legal papers were on file.

f. Petitioner's compelled presence in the judicial bailiwick of the Eighth Circuit, was not of his own doing, but engineered by the MOB co-conspirators in order to facilitate the 'approval' of a fictitious 'final accounting' and deprive all of Puccini's legitimate creditors of their claims, a right specifically protected by Article 1, §10[1] and Amendment V of the United States Constitution.

g. Thus, in addition to corrupting Herwig and other members of the US/DJ, it became necessary for the MOB criminal conspirators to gain the cooperation of the federal judiciary in this circuit in order to perpetuate their judicial fraud.

h. The modus operandi of the MOB conspirators in corrupting other judges and other circuits is known, but for the purposes of this petition, at this point, it involves ex parte communications resulting in 'marching orders' being issued or approved by the Chief Judge of the particular district or circuit.

i. At bar, the bottom line was that Judges Arnold, Wollman, and Beam, agreed and gave obedience to the 'marching orders' and/or desires of Lay, Oakes and Brieant (see Balogh v. H.R.B. Caterers, 88 A.D.2d 136, 452 N.Y.S.2d 220 [2d Dept.-1982]), transgressing the basic and well-established federal constitutional and statutory rights of petitioner and others.

26a. While the personal liability of Judges Arnold, Wollman and Beam is based on

transgressions of well-established federal constitutional and statutory rights of the petitioner, in this proceeding/action clearly, Oakes and Brieant are functional "fixers" and have no immunities, legal or equitable (Dennis v. Sparks, supra).

b. Thus, any immunities that Judge Arnold, Wollman or Beam may have, would not be available to Oakes, Brieant and those similarly situated.

27a. In view of the pleading mandate of the Federal Rules of Civil Procedure (Rule 8, 9) only some examples are set forth of the federal constitutional and statutory transgressions of Judges Arnold, Wollman and Beam where they no discretion existed in the matter, or no more than a modicum of discretion was involved within the meaning of Westfall v. Erwin (484 U.S. 292 [1988]).

b(1) In the few instances cited herein, no legitimate argument can be made that "the contributions of immunity [is necessary] to effective government" (Westfall v. Erwin, supra at 295-296).

(2) On the contrary, petitioner asserts, that the misconduct is inimical to the proper functioning of an independent judiciary and its judges.

27a. The unlawful acceptance by Judges Lay, Arnold, Wollman and Beam of the representation by an assistant U.S. attorney, at federal expense, of uncertified federal officials being sued in their individual capacity, whose actions are contrary to the government, monetarily and otherwise, need not be belabored.

b. These federal officials are not in pari delicto, have conflicting interests, and certainly no private attorney, not having the 'inside track', faced with potential disciplinary proceedings, would attempt such conflicting representation.

28a. It is blackletter law that as a matter of ministerial compulsion, permitting no discretion whatsoever, no American judge, state or federal, can convict any person of non-summary criminal contempt, without a trial or opportunity for one, and without 'live' testimony in support thereof (Bloom v. Illinois, supra; Klapprott v. U.S., supra; Nye v. U.S., supra).

b. Any such conviction is a constitutional and jurisdictional nullity, not entitled

to any respect or full faith and credit either in the jurisdiction it was rendered or any other jurisdiction.

c. Nevertheless, Herwig thrust upon Judges Arnold, Wollman and Beam such `judicial nullities', with knowledge of their invalidity and Judges Arnold, Wollman and Beam in obedience to the `marching orders', expressly and/or sub silentio, conveyed to them by Chief Judge Lay, Oakes, and/or their judicial co-conspirators, gave them obedience.

29a. It is established law, that with exception not here relevant, that every legal wrong provides the victim with a judicial remedy (Marbury v Madison, 5 U.S. [1 Cranch] 137 [1803]).

b. Those who corrupt a judge to deny a victim of due process, is not an exception, and they are answerable in money damages (Dennis v. Sparks, supra).

c. Before Judges Arnold, Wollman and Beam was petitioner's request for judgment by default against Citibank for its involvement in the larceny of judicial trust assets and for corrupting jurists, state and federal, to deny petitioner due process.

d. Acting under `marching orders', with knowledge that they were clearly violating established law, Judges Arnold, Wollman and Beam did not afford petitioner relief.

30a. Judges Arnold, Wollman and Beam knew that no court or judge, state or federal, had the power to excuse, enjoin or give a remedy for a judicial fraud, by a FRCivP 60(b) independent action, particularly where the public was affected (Hazel-Atlas v. Hartford, 322 U.S. 238 [1944]), and where there was judicial involvement therein.

b. The aforementioned jurists also knew that Puccini, the helpless judicial trust, a constitutional `person', held under `color of law', could not be deprived of its assets by MOB and its conspirators without assuring it had legal protection (FRCivP 17[c]).

c. Nevertheless, acting under `marching orders', the aforementioned jurists gave obedience to same, despite blackletter law to the contrary.

31a. Judges Arnold, Wollman and Beam knew of their judicial, legal and societal responsibilities, including those mandated by the federal criminal code, as a matter of ministerial compulsion (e.g. 18 U.S.C. §4).

b. The aforementioned jurists, however, chose to disobey well-established hornbook law, and gave obedience to `marching orders' in order to advance this racketeering adventure, wherein Chief Judge Oakes is inextricably and criminally involved.

32a. Judges Arnold, Wollman and Beam knew that absent res judicata or collateral estoppel, no person can be enjoined from access to the federal courts, in this or any other jurisdiction, where federal law is involved (U.S. Constitution, Article III §[1]).

b. Nevertheless, in conscious and deliberate defiance of the U.S. Constitution, mandated as a matter of ministerial prohibition, the aforementioned jurists gave obedience to corrupt `marching orders' of Chief Judge Lay and Chief Judge Oakes, and issued an injunction against petitioner, all without due process (Coe v. Armour, 237 U.S. 413 [1915]).

33. By reason of the aforementioned unlawful conduct, of a criminal magnitude; the proceedings at CCA8th should be declared null, void and of no legal effect; a judicial fraud, the proceedings vacated (Standard Oil v. U.S., supra; Universal v. Root, supra), and included in the grand jury presentment.

AS AND FOR A FOURTH CAUSE OF ACTION
(DAMAGES)

34. Petitioner, as plaintiff, repeats ... .

35. By reason of the failure of Higgins to make a presentment of this matter to the grand jury, as required by, inter alia, (Matter of Grand Jury, supra), plaintiff demands money damages.

36. By reason of the unauthorized appearance and representation by Herwig and Arnold for private interests, as aforementioned, and the acceptance of such appearance by Chief Judge Lay, Judges Arnold, Wollman and Beam, plaintiff demands damages.

37. As against the other defendants, including Oakes; Brieant; Alito; Murphy; Abrams; Diamond; FELTMAN, KARESH, MAJOR & FARBMAN [`FKM&F']; KREINDLER & RELKIN, P.C. [`K&R']; Citibank, Dillon and F&D, for their `fixing' activities, direct and/or indirect, in this federal judicial district, plaintiff demands damages.

38. Plaintiff's rights directly under the Constitution of the United States and laws of the United States, including by virtue of 42 U.S.C. §1983, which matters confer jurisdiction on this Court.

39. WHEREFORE, petitioner/plaintiff prays for the equitable relief requested herein, in addition to money damages in the sum of $100,000,000.00, together with any other further and/or different relief as to this Court may seem just and proper in the premises."

August 19, 1991:

1. Although the District Court failed and refused to issue supplemental summons for appellant's Amended Complaint, filed as "of course", with its additional defendants, U.S. Attorney Higgins, by Assistant U.S. Attorney, JOSEPH B. MOORE ["Moore"] "Responded to [the] Amended Complaint" and:

> "move[d] the Court to dismiss the Amended Complaint for the reason that it does not contain a short, plain statement of the Court's jurisdiction or of plaintiff's claim as required by Rule 8(a) F.R.C.P., and in addition, fails to state subject matter jurisdiction, improper venue, lack of jurisdiction over the defendants' person, and failure to state a claim upon which relief can be granted, all in contravention to Rule 12(b)(1), (2), (3) and (6)."

2a. None of the defendants were "scope certified", nor was there any attempt to have the United States substituted as the defendant, and it was obvious that AUSA Moore was purporting to advance the interests of all the defendants, as he requested that "that the Court sua sponte, enter its order of dismissal as to all defendants".

b. Decisive of the conclusion that Moore was representing all defendants, judicial, official and lay, federal and state, was the fact that AUSA Moore made no attempt, indeed resisted, any attempt by appellant to have the substantial monies that were made payable "to the federal court", but diverted to the private pockets of the judicial cronies, who were co-defendants in appellant's Amended Complaint turned over to the federal government.

c. Neither was any attempt made by AUSA Moore to divest the judicial cronies of the monies extorted by them or recover the Puccini trust assets which they made the subject of larceny.

August 20, 1991:

1. Appellant moved for a:

> "Rule 56 Order of Partial Summary Judgment, mandating a grand jury presentment, through a procedure which comports with the "appearance of justice".

August 26, 1991:

1. Appellant moved CCA8:

> "for a writ prohibiting the U.S. District Court for the Eastern District of Missouri from: (1) recognizing any legal representation by the U.S. Attorney for the Eastern District of Missouri, or any federal government attorney representing any federal government employee in tort litigation who has not been 'scope certified' (28 U.S.C. §2679[c][d]); (2) recognizing any Article II member of government seeking to defeat petitioner's efforts at access to the grand jury in order to advise that body of criminal activity in this district having judicial, Article III, involvement.

2. Affirmant's moving affirmation to CCA8, in support of such Writ of Prohibition, alleged:

> " b. Respondents-defendants in such District Court proceeding and action include Chief U.S. Circuit Court Judge DONALD P. LAY [`Lay'], Circuit Court Judge RICHARD S. ARNOLD [`Arnold'], Circuit Court Judge ROGER L. WOLLMAN [`Wollman'], Circuit Court Judge CLARENCE ARLEN BEAM [`Beam'], and other jurists.
>
> c(1) The plain reading of the statute and the decisions thereunder all hold that the UNITED STATES OF AMERICA [`USA'] is automatically substituted for government employees, which include officers of the judicial branch (28 U.S.C. §2671), when they are `scope certified' (28 U.S.C. §2679[c][d]), and upon such substitution, the sovereign bears the cost of such litigation and pays any award rendered.
>
> (2) Contrariwise, when there is no extant `scope certification', the government employee appears by his/her own attorney and expense and there is no sovereign liability.
>
> (3) Having a government representing a federal employee, at government cost and expense, who has not been `scope certified', is a manifest criminal expenditure of federal funds for private purpose.
>
> c(1) Notwithstanding the aforementioned, this Court accepted the representation of Assistant U.S. Attorney BARBARA L. HERWIG [`Herwig'], at federal cost and expense, representing uncertified defendants (Sassower v. Carlson, et al., Docket Numbers 90-5474/5501).
>
> (2) Since Assistant Attorney Herwig appears on about every recently reported Circuit Court opinion related to FEDERAL TORT CLAIMS ACT [`FTCA'] appeals, there can be no question of her wilful involvement in such criminal expenditure of government funds for private purposes.
>
> d(1) The uncontroverted evidence reveals that the nucleus of official misconduct involving the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. [`Puccini'] -- `the judicial fortune cookie' -- revolves around: Presiding Justice FRANCIS T. MURPHY [`Murphy'] of the APPELLATE DIVISION OF THE SUPREME COURT, STATE OF NEW YORK, FIRST JUDICIAL

DEPARTMENT [`AD1st']; Chief U.S. Circuit Court Judge JAMES L. OAKES [`Oakes'] of the SECOND CIRCUIT COURT OF APPEALS [`CCA2d']; and Chief U.S. District Court Judge CHARLES L. BRIEANT [`Brieant'] of the SOUTHERN DISTRICT OF NEW YORK [hereinafter `MOB'].

(2) In addition to the larceny of Puccini's judicial trust assets, MOB are involved in the diversion of monies payable `to the federal court' to the private pockets of their cronies, extortion, bankruptcy fraud and other criminal racketeering conduct (18 U.S.C. §1961).

(3) No `scope certification' could legitimately be obtainable where jurists are involved in the criminal diversion of monies `payable to the federal court' to the private pockets.

(4) MOB and their entourage are engaged in `fixing' jurists in their respective courts, as well as courts in other circuits, including in this Court and this Circuit, a matter which is clearly within the provence of the grand jury.

(5) On the civil side, the liability of this Court and its members is based in substantial part on ministerial conduct, where not even a modicum of discretion existed, including recognizing Ms. Herwig.

e. Additionally, 5 U.S.C. §547 would prohibit such private representation since the `duties' of the U.S. attorney are:

> "Except as otherwise provided by law, each United States attorney, within his district, shall--- (1) prosecute for all offenses against the United States; (2) prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is concerned; ... (4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings ..."

2a. The statutory `duty' of the U.S. Attorney, an Article II official, is to `prosecute for all offenses against the United States', not to protect corrupt Article III members of the judiciary.

b. The statutory 'duty' of the U.S. Attorney is also expressed in 18 U.S.C. §3332[a] which provides:

> "It shall be the duty of each grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an offense from any other person shall, if requested by such other person, inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation." [emphasis supplied]

c. If the Article III judiciary needs legal representation it cannot constitutionally be from Article II officials.

3a. Affirmant received some legal papers from Assistant U.S. Attorney JOSEPH B. MOORE [`Moore'] of the office of U.S. Attorney STEPHEN B. HIGGINS [`Higgins'] which urge the dismissal of affirmant's amended complaint.

b. U.S. Attorney Higgins failed and/or refused to transmit affirmant's prior communication to the grand jury, despite unequivocal statutory mandate (cf. U.S. v. Gaubert, 499 U.S. , 113 L.Ed.2d 335 [1991]; Berkovitz v. U.S., 486 U.S. 531 [1988]) which triggered the proceeding and action at the District Court.

c. Furthermore, affirmant contends, in view of the aforementioned, that U.S. Attorney Higgins should be `scope certified' before Assistant U.S. Attorney Moore represents his superior, at federal cost and expense."

September 6, 1991:

1. Despite the failure and refusal of the District Court to issue Supplemental Summons', appellant further moved:

> "for an Order granting: (1) a Preliminary Injunction with a Temporary Restraining Order, enjoining the federal tort defendants, and those acting

on their behalf, from defending this action, at federal cost and expense, absent a lawful 'scope certification' and a substitution of the UNITED STATES OF AMERICA as the defendant; (2) summary judgment; (a) declaring null, void and of no legal effect the non-summary convictions of plaintiff that were rendered without a trial, or opportunity for same, and without any live testimony in support thereof; (b) directing that CITIBANK, N.A. and KREINDLER & RELKIN, P.C. to account and turn over to this Court all monies made 'payable to the federal court' but diverted to their private non-governmental pockets; (c) directing that CITIBANK, N.A., KREINDLER & RELKIN, P.C. and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. account and turn over to this Court, for proper disposition, all monies and other consideration paid by HYMAN RAFFE to avoid incarceration under a trialess conviction and a trialess Report of N.Y. State Referee DONALD DIAMOND; (d) declaring the representation of Assistant U.S. Attorney BARBARA L. HERWIG and/or U.S. Attorney JEROME G. ARNOLD for non-certified tort defendants in the Eighth Circuit to be a nullity; (e) declaring to be null and void all prior litigation in the Eighth Circuit related to plaintiff while (i) plaintiff was physically excluded from the Federal Building and Courthouse in White Plains, N.Y. pursuant to the without due process edict of Chief U.S. District Judge CHARLES L. BRIEANT; (ii) plaintiff was physically excluded from the courtroom of Referee DONALD DIAMOND pursuant to his without due process edict; and (iii) District Attorney DENIS DILLON possessed plaintiff's data discs and other property; (f) declaring to be null and void the Order of Referee DONALD DIAMOND which 'approved' a non-existent and phantom 'final accounting' for PUCCINI CLOTHES, LTD., engineered while plaintiff was incarcerated, without bail, in the jurisdictional bailiwick of the Eighth Circuit; (g) monetary damages against the defendants ..."

2. Supporting the relief requested herein was appellant's seventeen page affirmation, all of which was uncontroverted by any of the defendants or AUSA Moore.

3. None of the relief sought by appellant, including that which inured to the benefit of the federal government, was supported by AUSA Moore or any member of the federal judiciary.

September 19, 1991:

1. CCA8 denied appellant's writ of prohibition.

September 26, 1991:

1. AUSA Moore submitted to the District Court a short, few line, "Memorandum" clearly reflecting that he had been communicated with by Chief Judge Lay, was representing the Chief Judge, albeit "scope uncertified", and the Chief Judge's "marching orders" were being conveyed to the District Judge through AUSA Moore.

October 1, 1991:

1. Appellant's response to the aforementioned few line communication by AUSA Moore, was as follows:

> "This affirmation is made in response to the "Memorandum" of Assistant U.S. Attorney JOSEPH B. MOORE [`Moore'], of September 26, 1991, with an additional copy submitted to this Court, so that same may be immediately forwarded to the Grand Jury, with affirmant's request for personal testimony.
>
> 1. The law is crystal clear that unless an official receives an Attorney General's certification that his conduct was within `the scope of his office or employment', he may not be defended at federal cost and expense (28 U.S.C. §2679[d]).
>
> For a federal official to be defended by Moore, at federal cost and expense, without an Attorney General's `scope certification', is a fraud upon the federal purse and the taxpayers of this country.
>
> 2. No person in America, no matter how exalted his position, is above the criminal law.
>
> Thus, in the most recent advance sheet, for abusing a civilian law enforcement officer, the Commander-in-Chief of the Atlantic Fleet of the U.S. Navy was denied `scope certification' (Johnson v. Carter, 939 F.2d 180 [4th Cir.-1991]). Having been denied `scope certification', the Admiral must now defend the action at his own cost and expense.
>
> At bar, the Chief U.S. Circuit Court Judge DONALD P. LAY [`Lay'] has aided and abetted a criminal racketeering adventure, which includes the

diversion to private pockets of monies expressly made payable `to the federal court'.

Obviously, Chief Judge Lay cannot legitimately obtain `scope certification' in this matter, and has not even attempted to obtain same.

Without any `scope certification', the Chief Judge and the U.S. Attorney are expending federal monies to defend the privately-motivated activities of Chief Judge Lay--which is a matter of grand jury concern and inquiry.

3. The Chief Judge or anyone else may make whatever objection they desire to affirmant's complaint or motion, but through their private attorney, at private expense.

4. The evidence is clear, documented and uncontroverted, that Chief U.S. Circuit Court Judge JAMES L. OAKES [`Oakes'] of the Second Circuit, Chief U.S. District Court Judge CHARLES L. BRIEANT [`Brieant'] of the Southern District of New York, and other jurists and officials are immersed in a criminal racketeering adventure involving: (a) the larceny of judicial trust assets; (b) diverting monies from the federal government to private pockets; (c) extorting millions of dollars; and other egregious crimes.

If any jurist desires to become criminally involved in such privately motivated racket, for whatever reason, he should be ready to defend himself at his own cost and expense, and be prepared to respond to a grand jury inquiry and other criminal proceedings.

5. Affirmant's complaint, his motion of September 6, 1991, and other papers make clear that there can be no federal representation without a `scope certification'.

The document submission by the U.S. Attorney represents brazen defiance of well-established law.

WHEREFORE, it is respectfully prayed that such submission by the U.S. Attorney be rejected, with costs, and this affirmation be expeditiously forwarded to the grand jury."

October 15, 1991:

1. Appellant executed a FRAppP, Rule 46[c] complaint against BARBARA L. HERWIG, Esq. ["Herwig"], as follows:

> " The following are professional charges against Assistant U.S. Attorney BARBARA L. HERWIG, limited to those matters which cannot be controverted and which do not require the disclosure of confidential information.
>
> 1a. Assistant U.S. Attorney Herwig, whose name proliferates in the Federal Reporter in cases wherein the FEDERAL TORT CLAIMS ACT [`FTCA'] is involved, knows that without 28 U.S.C. §2679[d] `scope' status, she may not defend any person at federal cost and expense.
>
> b. Nevertheless, in this Court (Sassower v. Carlson, 930 F.2d 583 [8th Cir.-1991]) Assistant U.S. Attorney Herwig appeared, at federal cost and expense, on behalf of defendants who had no `scope' status.
>
> c. Assistant U.S. Attorney Herwig knew that she was criminally defrauding her employer, the federal government, by such unlawful expenditures.
>
> 2a. Assistant U.S. Attorney Herwig knew from the uncontroverted documentary evidence that her purported clients, in various degrees, are implicated in a racketeering adventure involving, inter alia, the larceny of judicial trust assets, diversion of monies payable `to the federal court' to private pockets, extortion.
>
> b. Unquestionably, Assistant Attorney Herwig could not act in such manner as would obstruct the recovery of those monies by the federal government. Nevertheless all her efforts were to that end and to the continuation of the aforementioned criminal racketeering adventure.
>
> 3a. The attention of Assistant U.S. Attorney Herwig was directed to the settled legal principle, as expressed by the headnote in Windsor v. McVeigh (93 U.S. 274 [1878]), which Mr. Justice Stephen J. Field personally authored, that:
>
> "A sentence of a court pronounced against a party without hearing

him or giving him an opportunity to be heard is not a judicial determination of his rights and is not entitled to respect in any other tribunal". [emphasis supplied]

b. Notwithstanding the aforementioned, Assistant U.S. Attorney Herwig deliberately thrust upon this tribunal a plethora of irrelevant defamatory decisions which, because of the lack of personal or subject matter jurisdiction or absence of due process, were `not entitled to respect' in this Court.

4. Assistant U.S. Attorney Herwig knew or had reason to believe that Chief U.S. Circuit Court Judge DONALD P. LAY [`Lay'] and this Court had been corrupted and that this Court would not make any inquiry into her improper and authorized legal representation, would not delve into the legality of the cases thrust upon this Court by her, and would cooperate in such judicial fraud.

5. In addition to the professional discipline that must be imposed upon Assistant U.S. Attorney Herwig, the matter must be referred by this Court to the criminal prosecuting authorities."

October 22, 1991:

1. Appellant's petition to CCA8, reads as follows:

" This affirmation is made in support of a writ Mandamus compelling Hon. CLYDE S. CAHILL [`Cahill' or `Respondent'] of the U.S. District Court for the Eastern District of Missouri to: (1) expeditiously forward affirmant's evidence of criminal conduct to the Grand Jury; (2) issue process with respect to affirmant's amended complaint; (3) issue an Order on affirmant's application for injunctive relief; (4) together with any other, further and/or different relief as to this Court may seem just and proper in the premises.

1a. On April 12, 1991, affirmant forwarded to the Grand Jury, through U.S. Attorney STEPHEN B. STEPHENS [`Stephens'], some of his evidence of criminal conduct in this judicial district (18 U.S.C. §3332). Copies of same were simultaneously transmitted to members of this Court.

b. When Stephens failed to transmit such material to the grand jury, affirmant, on May 6, 1991, commenced a mandamus proceeding in the Eastern District of Missouri (In re Grand Jury Application, 617 F. Supp. 199 [SDNY-1985]).

c. Three months later, on August 3, 1981, affirmant was informed that his 28 U.S.C. §1915 application had been granted and his complaint filed.

d. On August 6, 1991, affirmant filed an Amended Complaint, as `of course', which retained, in haec verba, his original complaint, but contained additional causes of action.

e. In no respect, law or fact, was affirmant's evidence of criminal conduct by, inter alia, members of this Court controverted.

f. Such evidence of criminal conduct includes the recognition by this Court of Assistant U.S. Attorney BARBARA L. HERWIG [`Herwig'] as the representative of tort defendants who had not been 28 U.S.C. §2869[d] `scope certified' and whose conduct was contrary to federal interests. Such legal recognition by this Court of Herwig, at federal cost and expense, was a criminal fraud upon the federal treasury and a matter of grand jury concern.

g. The legal recognition of Herwig in this Court, at federal cost and expense, for members of the federal judiciary involved in diverting monies payable `to the federal court' to the private pockets of its cronies, is mind-boggling.

h. The failure of this Court, as well as Stephens, to remedy such criminal diversion of monies, is another level of criminal conduct by members of this Court and Stephens (cf. 18 U.S.C. §4).

i. The further delay by Judge Cahill on affirmant's application for access to the grand jury relief is a wrong to the public and an Amendment V and VI transgression to those affirmant accuses.

j. A writ of mandamus should be promptly issued to Judge Cahill to grant such application.

2a. Although affirmant promptly filed his Amended Complaint, as `of course', and

offered to serve the additional parties, at his own cost and expense, process has not been issued.

b. A clerk of the District Court advised affirmant that request for process under such Amended Complaint is awaiting approval by the respondent.

c. Assuming, arguendo, judicial approval is necessary when a complaint is amended as `of course', such approval should be granted or denied promptly.

d. A writ of mandamus should be granted for such relief.

3a. On September 6, 1991, affirmant moved for, inter alia, `a Preliminary Injunction with a Temporary Restraining Order'.

b. In view of the lack of opposition, relief should have been promptly granted.

c. If the Judge Cahill desires to deny such relief, it should be promptly made so that affirmant can pursue an immediate appellate remedy.

4a. Affirmant also moved for summary judgment, which included, the recapture for the benefit of the federal government of monies diverted to private parties.

b. The failure of Stephens, on the federal payroll, to actively support such motion, although not opposing same, is also of grand jury and public concern.

5. Neither the members of this Court, not Stephens can serve their obligations of office and jurists in another circuit who have engaged themselves in criminal racketeering conduct (St. Matthew 6:24)."

October 28, 1991:

1. Appellant's letter to the District Court, in haec verba, as follows:

"Most respectfully, I will attempt to set forth a position of mine in the most respectful terms available to me.

Included in those matters on which I contend Your Honor has no discretion, civil or criminal, not even a modicum amount, is Your Honor's obligation to remedy the criminal diversion of monies made payable `to the federal court' to the private pockets of Kreindler & Relkin, P.C. and its client (cf. 18 U.S.C. §4; Code of Judicial Conduct, Canon 3B3).

The extortion of monies from Hyman Raffe, amounting to `millions of dollars', in exchange for not being incarcerated and the larceny of judicial trust assets, are also matters on which I contend Your Honor has no discretion.

Those who have the power to repeatedly convict and incarcerate, without the benefit of a trial or opportunity for one, and engage in other egregious criminal activities, including the corruption of jurists, federal and state, must be destroyed.

There are matters on which I recognize not worthy of discussion or compromise, and where silence and inaction an independent level of misconduct."

November 5, 1991:

1. The District Court dismissed appellant's Amended Complaint, without discussing appellant's Second, Third, or Fourth Causes of Action.

November 21, 1991:

1. CCA8 denied appellant's mandamus petition.

December 17, 1991:

1. CCA8 issued "Appeal Briefing Schedule" which required appellant to mail his Brief by January 27, 1992.

January 27, 1992:

1. Appellant mailed his Brief, dated January 24, 1992.

January 30, 1992:

1. Judgment of CCA8 with, inter alia, the contempt proceedings proviso (Exhibit "A").

January 31, 1992:

Appellant's Briefs physically returned to appellant, with statement (Exhibit "B"):

> "Per court order we are prohibited from filing anything further in this case. We are returning Appellant's Brief received this date."

WHEREFORE, it is respectfully prayed that the relief requested herein be granted in all respects.

Dated: April 27, 1992

GEORGE SASSOWER [GS-0521]
Appellant, pro se
16 Lake Street,
White Plains, New York, 10603
(914) 949-2169

CERTIFICATION OF SERVICE

On April 28, 1992 I served a true copy of this Motion by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to U.S. Solicitor General, Kenneth W. Starr, Department of Justice, 10th & Constitution Ave., Washington, D.C. 20530 and U.S. Attorney, Stephen B. Higgins at U.S. Courthouse, 1114 Market Street, St. Louis, Missouri 63101; and U.S. Attorney Jerome G. Arnold, 234 U.S. Courthouse, Minneapolis, Mn. 55401, that being their last known addresses.

Dated: April 28, 1992

GEORGE SASSOWER [GS-0521]

United States Court of Appeals

FOR THE EIGHTH CIRCUIT

No. 91-3783EMSL

George Sassower,

Appellant,

vs.

Stephen B. Higgins, Donald P. Lay, Richard S. Arnold; Roger L. Wollman, Clarence Arlen Beam, Barbara L. Herwig, Jerome G. Arbnold, James L. Oakes, Charles L. Brieant, Samuel A. Alito, Jr., Francis T. Murphy, Robert Abrams, Donald Diamond, Feltman, Karesh, Major & Farbman, Kreindler & Relkin, P.C.; Citibank, N.A., Denis Dillon, Fidelity & Deposit Company of Maryland,

Appellees.

Appeal from the United States District Court for the Eastern District of Missouri

JUDGMENT

The Petition for a Writ of Prohibition and Mandamus is denied. George Sassower is hereby enjoined from filing any paper with with any court of this Circuit without first obtaining leave of that court in accordance with the provisions of this court's order of March 15, 1991, in Nos. 90-5474 and 90-5501 (see 930 F.2d 583, 584-85). The Clerk of Court is hereby directed to refer the file in this matter (No. 91-3783) to the United States Attorney for the District of Minnesota for consideration of whether to commence proceedings to hold George Sassower in contempt of court for violating the above-referenced order of March 15, 1991.

January 30, 1992

Exh. b.t "A"

A true copy:

ATTEST: Michael E. Gans

Clerk, U.S. Court of Appeals, Eighth Circuit

MANDATE ISSUED, February 21, 1992

United States Court of Appeals
For the Eighth Circuit
U.S. Court & Custom House
1114 Market Street
St. Louis, Missouri 63101

Michael E. Gans
Clerk of Court

314 - 539-
FTS: 262-

January 31, 1992

Mr. George Sassower
16 Lake Street
White Plains, NY 10603

No. 91-3783 Sassower v. Higgins, et al.

Dear Mr. Sassower:

Per court order we are prohibited from filing anything further in this case. We are returning Appellant's Brief received this date.

Sincerely,

MICHAEL E. GANS, CLERK

Patty Wakefield

By: Patty Wakefield
Deputy Clerk

MEG/pw

Exhibit "B"