

ORIGINAL

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

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SUPREME COURT, U.S.

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In re:

GEORGE SASSOWER,
Petitioner.

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x-----x

PETITION FOR A WRIT OF MANDAMUS
TO THE U.S. CIRCUIT COURT OF APPEALS FOR THE
SIXTH CIRCUIT

x-----x

x-----x

PETITION

x-----x

This is an application for a Writ of Mandamus to the UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT, hereinafter "respondent", in order to aid and vindicate the appellate jurisdiction of this Honorable Court, as well as the rights of petitioner and of third party victims, including the federal, state and local sovereigns.

The relief requested reveals, ex proprio vigore, the manifest necessity and exceptional circumstances of this proceeding.

This petition, as well as petitioner [affirmative] stay application, reveals that all reasonable attempts have been made for the relief sought without success.

RELIEF REQUESTED

1. The immediate docketing at respondent tribunal of notices of appeal, which were docketed in the U.S. District Courts of Ohio, Eastern and Western Division, on March 19, 1992, in order to meet the jurisdictional "in" requirements set forth in 28 U.S.C. §1254.

2. The immediate docketing and expeditious determination of petitioner's motions which requested "stays", in order to comply with the pre-condition imposed by Rule 23 of the Rules of this Court, all of which motions were unopposed.

3. The immediate docketing and expeditious determination of petitioner's motions which requested preliminary injunctions and/or temporary restraining orders, all of which motions were unopposed.

4. The immediate docketing and expeditious determination of petitioner's motions which request 28 U.S.C. §1254[2] certifications, all of which motions were unopposed.

5. The immediate docketing and expeditious determination of petitioner's motions which requested the payment of filing fees from petitioner's substantial, contractual based, money judgment and/or petitioner's other contractually based assets, which assets are constitutionally protected by virtue of Article 1 §10[1] and Amendment V of the U.S. Constitution.

6. The immediate service upon petitioner of copies of all statements filed by U.S. District Court Judge WALTER H. RICE at the respondent's tribunal in cases, actions and/or proceedings involving petitioner.

7. Any action necessary to correct the docket sheets and docket files at respondent tribunal in order to reflect the true and current events.

STATEMENT

1. The aforementioned relief is requested without prejudice to petitioner's contention that notices of appeal filed on March 19, 1992 in the U.S. District Courts for the Southern District of Ohio, Eastern and Western Divisions, or almost two (2) months ago, are "in" the circuit court, within the meaning of 28 U.S.C. §1254, even though they have not, through no fault of petitioner, been docketed in the respondent tribunal.

2. All statements made in this petition are as of May 8, 1992, the date noted on copies of respondent's docket sheets, as received by petitioner.

3. Various other infirmities and errors on the respondent's docket sheets, not directly or substantially affecting the jurisdiction of this Court, as well as those described herein, have been made the subject of a letter communication to the Chief Circuit Court Judge for remedial action.

QUESTIONS PRESENTED

1a. Where notices of appeal were filed in the United States District Court on March 19, 1992, and through no fault of petitioner, have not been docketed in the circuit court, are those cases "in" the circuit court within the meaning of 28 U.S.C. §1254?

b. If this Court's response to the aforementioned is in the negative, should a writ of mandamus be issued to compel such docketing, particularly when the Circuit Court's own rule requires "immediate" docketing (CCA6-IOP 10.1), and there is very substantial evidence of intentional bad faith by respondent?

2a. Where petitioner's very substantial assets, contractual and otherwise, have been effectively frozen, including a contractually based money judgment of more than \$50,000, by the courts controlled by N.Y. State Presiding Justice FRANCIS T. MURPHY ["Murphy"] of the Appellate Division, Chief U.S. Circuit Court Judge JAMES L. OAKES ["Oakes"] of the Second Circuit, and Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"] of the Southern District of New York -- hereinafter "MOB" -- for resisting and exposing their personal corruption, of a criminal magnitude, and the extant corruption in their courts, is respondent and federal courts in that circuit estopped from making any 28 U.S.C. §1915 analysis of petitioner's filings?

b. Alternatively, in accordance with petitioner's prime request to respondent and courts in that circuit, do they have the power to enjoin "MOB", who are being sued in their individual capacities in respondent's circuit, from interfering with the liquidation of his contractually based judgment in such amounts as are sufficient to pay the filing fees due, and to permit petitioner to effectively present his cases in the federal courts in the Sixth Circuit?

3a. Is the extant fraud, corruption and misconduct in the federal judicial system in the Sixth Circuit, including at the Circuit Court level, of such importance and magnitude, as to warrant expeditious treatment and remedial action.

b. The modus operandi of an egregious form of judicial corruption, insofar as it involves the Sixth Circuit, will be filed with petitioner's writs for certiorari.

THE PARTIES

GEORGE SASSOWER
Petitioner
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OPINIONS BELOW

There are no opinions for this writ of mandamus which requests, inter alia, that respondent immediately docket petitioner's notices of appeal, applications and motions, and render opinions thereon.

JURISDICTION

- | | | |
|---|--|------|
| (i) | District Court: | None |
| | Circuit Court Opinion: | None |
| (Relief sought includes mandamus that respondent render opinions) | | |
| (ii) | None. | |
| (iii) | Not Applicable | |
| (iv) | 28 <u>U.S.C.</u> §1254[1][2], §1651[a] | |

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article VI[2] of the U.S. Constitution provides:

"This Constitution and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land ..."

2. Article 1, §10[1] of the U.S. Constitution provides:

"No state shall ... make ... any ... law, impairing the obligation of contracts ..."

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

"§1 The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. ... §2[1] The judicial power shall extend in all cases, in law and equity, arising under this Constitution and Laws of the United States"

4. 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 peaceably to assemble, and to petition the Government for a redress of grievances."

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

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

6. 18 U.S.C. §4 provides:

"Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined not more than \$500 or imprisoned not more than three years, or both."

7. 28 U.S.C. §1254[1] provides:

"Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods; (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree; (2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired... "

8. 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."

9. The Sixth Circuit Court of Appeals, Rule 18 provides:

"(1) Transmission of Documents From U.S. District Courts. To facilitate the pre-argument conference process established by this local rule, the clerk of the district court shall forthwith transmit a copy of the notice of appeal to the clerk of the court of appeals."

10. The Sixth Circuit Court of Appeals, IOP 10.1 provides:

"Docketing an Appeal. Appeals are immediately docketed upon receipt of the notice of appeal from the district court. A general docket number is assigned and all counsel and pro se parties are so advised. Failure to pay the docket fee does not prevent the appeal being docketed but is grounds for dismissal of the appeal by the clerk."

STATEMENT OF THE CASE

1a. The prime and only purpose of this proceeding is to insure that petitioner's: (1) intended petitions for certiorari are not dismissed because they are not "in" the circuit court (28 U.S.C. §1254), although docketed by the District Courts almost two (2) months ago; (2) intended "stay" applications to this Honorable Court are not denied or delayed because the respondent has not docketed or adjudicated such "stay" applications; and (3) other intended actions in this Honorable Court are not denied or prejudiced because of the inexcusable inaction and misconduct of the respondent.

b. Despite motions, applications and demands, including Notices of Claims under the FEDERAL TORT CLAIMS ACT ["FTCA"], the respondent has failed and refused to docket his notices of appeal, his stay applications, his motions, many of them clearly indicating that petitioner desires to petition this court for writs of certiorari before the judgment of the circuit court, and that jurisdiction in this Court is dependent on being "in" the circuit court (28 U.S.C. §1254).

c. To further prejudice petitioner, the respondent has failed to file, grant and/or deny his "stay" applications, although he has clearly stated he is making same to comply with Rule 23 of this Honorable Court.

d. As petitioner's writs for certiorari to this Court will reveal, the respondent and courts in that circuit, have refused to obey "the rule of law", albeit well-established and of constitutional magnitude.

2a. Petitioner's evidence of judicial misconduct is clear, undisputed and documented and the intentional delaying action by respondent (Walker v. Birmingham, 388 U.S. 307 [1967]) will serve no useful purpose.

b. Petitioner has no power to excuse or conceal judicial frauds of a criminal magnitude (Hazel-Atlas v. Hartford, 322 U.S. 238 [1944]; 18 U.S.C. §4), and has no intention of doing so.

3. In an attempt to frustrate petitioner and his right to access to the court for compelling relief (Bounds v. Smith, 430 U.S. 817, 826 [1977]), the respondent has failed to provide a remedy against the unconstitutional "freezing" of petitioner's contractually based assets, including a substantial money judgment.

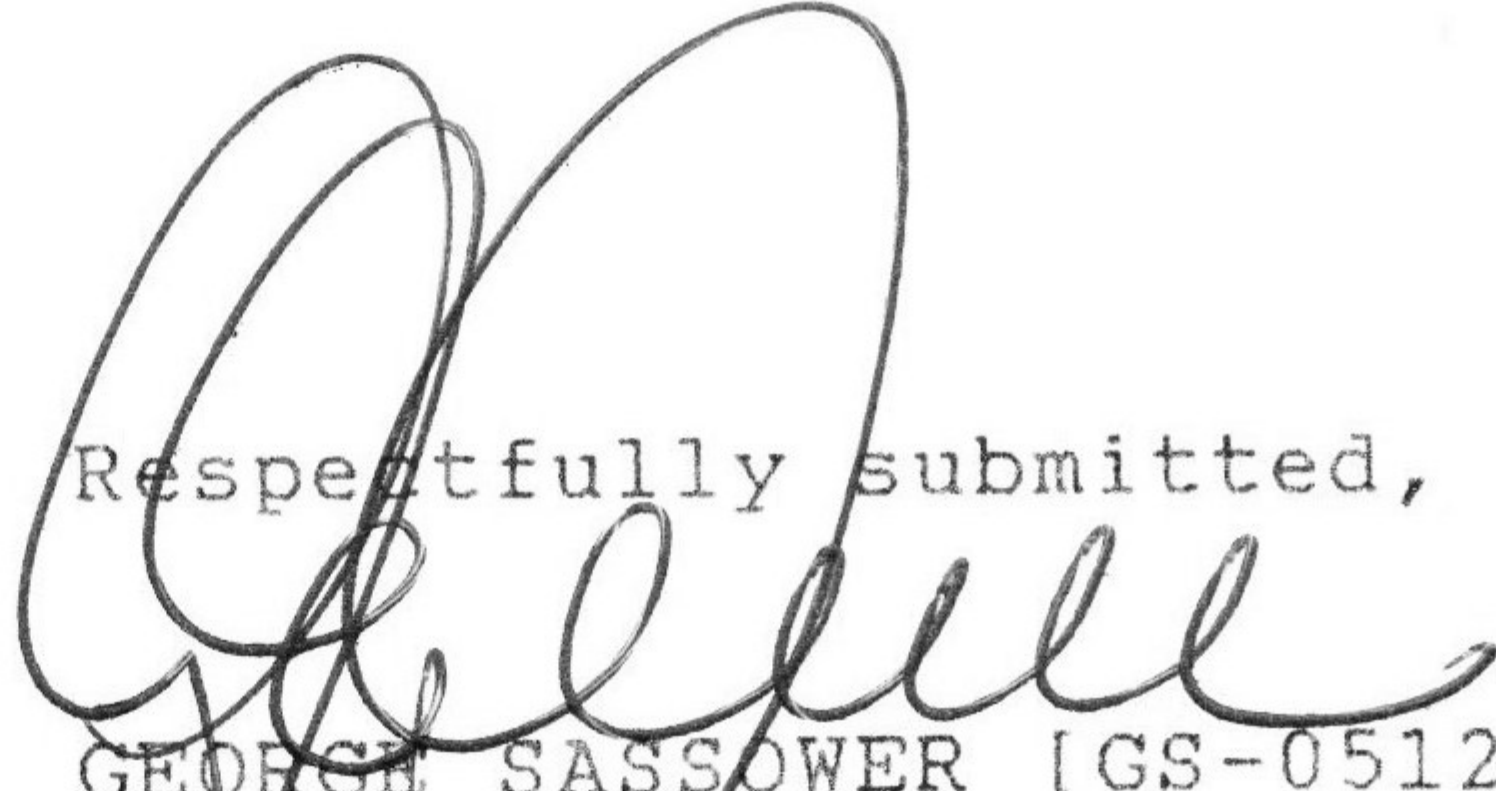
REASONS FOR THE GRANT OF THIS WRIT

Since this writ application has as its prime, and almost exclusive, object to vindicate the "appellate jurisdiction" of this Court.

Obviously, the Circuit Court does not have the power to prevent, or in bad faith, impair the jurisdiction of this Court.

Dated: May 14, 1992

Respectfully submitted,


GEORGE SASSOWER [GS-0512]
Petitioner, pro se
16 Lake Street,
White Plains, N.Y. 10603
914-949-2169

CERTIFICATION OF SERVICE

On May 15, 1992 I served a true copy of this Petition 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; Sixth Circuit Court of Appeals, U.S. Courthouse, Cincinnati, Ohio 45202-3988; Assistant U.S. Attorney, Pamela M. Stanek, 200 West Second Street, Dayton, Ohio 45402; Assistant N.Y. State Attorney General, Carolyn C. Olson, 120 Broadway, New York, N.Y. 10271; Thompson, Hine and Flory, 2000 Courthouse Plaza N.E., Dayton, Ohio 45401-8801; Kreindler & Relkin, P.C., 350 Fifth Avenue, New York, N.Y. 10118; Feltman, Karesh, Major & Farbman, Esqs., 152 West 57th Street, New York, N.Y. 10019; Lawrence J. Glynn, Esq., 2 William Street, White Plains, N.Y. 10603; Young & Alexander L.P.A., 131 North Ludlow Street, Dayton, Ohio 45402-0666; Bogin & Patterson, Esqs., 367 West Second Street, 132 North Ludlow Street, Dayton, Ohio 45402-1737, that being their last known addresses.

Dated: May 15, 1992


GEORGE SASSOWER