

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

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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  
STAY [AFFIRMATIVE] APPLICATION  
(Rule 20)  
x-----x

This affirmation is made, under penalty of perjury, in support of an affirmative stay application, mandating the U.S.CIRCUIT COURT OF APPEALS FOR THE SIXTH CIRCUIT, hereinafter "respondent", to perform the actions, essentially ministerial, requested in affirmant's petition, in order to vindicate the jurisdiction of this Court.

1a. Affirmant asserts that notices of appeal filed in the U.S. District Courts on March 19, 1992 are "in" the circuit court within the meaning of 28 U.S.C. §1254, even if same have not been physically docketed in the respondent's court, particularly in view of respondent's Rule 18 and Rule IOP 10.1.

b. Respondent, affirmant contends, cannot defeat the jurisdiction of this Court by its wilful, in bad faith, ministerial inaction.



c. Nevertheless, to prevent the jurisdictional dismissal of affirmant's forthcoming petitions for writs of certiorari, intended to be filed within the next few days, and without prejudice to affirmant's contention, affirmant requests that respondent immediately docket affirmant's cases.

2. With respect to affirmant's intended Rule 23 "stay" applications to this Court, to be submitted as part of his intended petitions for writs of certiorari, affirmant desires that respondent docket affirmant's "stay" applications in that Court and expeditiously issue orders with respect to same in order to facilitate the adjudication of such "stays" in this Court, in the event they are denied by the respondent.

3. All other relief requested herein, as more fully set forth in affirmant's petition, is similarly of a ministerial nature and necessary in aid of this Court's appellate jurisdiction.

4a. By reason of the ongoing prejudice to affirmant, and third parties, including the federal government, affirmant has inundated the respondent with motions, applications, and other communications, including Notices of Claims under the FEDERAL TORT CLAIMS ACT ["FTCA"], demanding that his notices of appeal, "stay" applications, and 28 U.S.C. §1254[2] certifications motions be docketed and determined since he intended to request writs of certiorari before judgment of the respondent, all without avail.

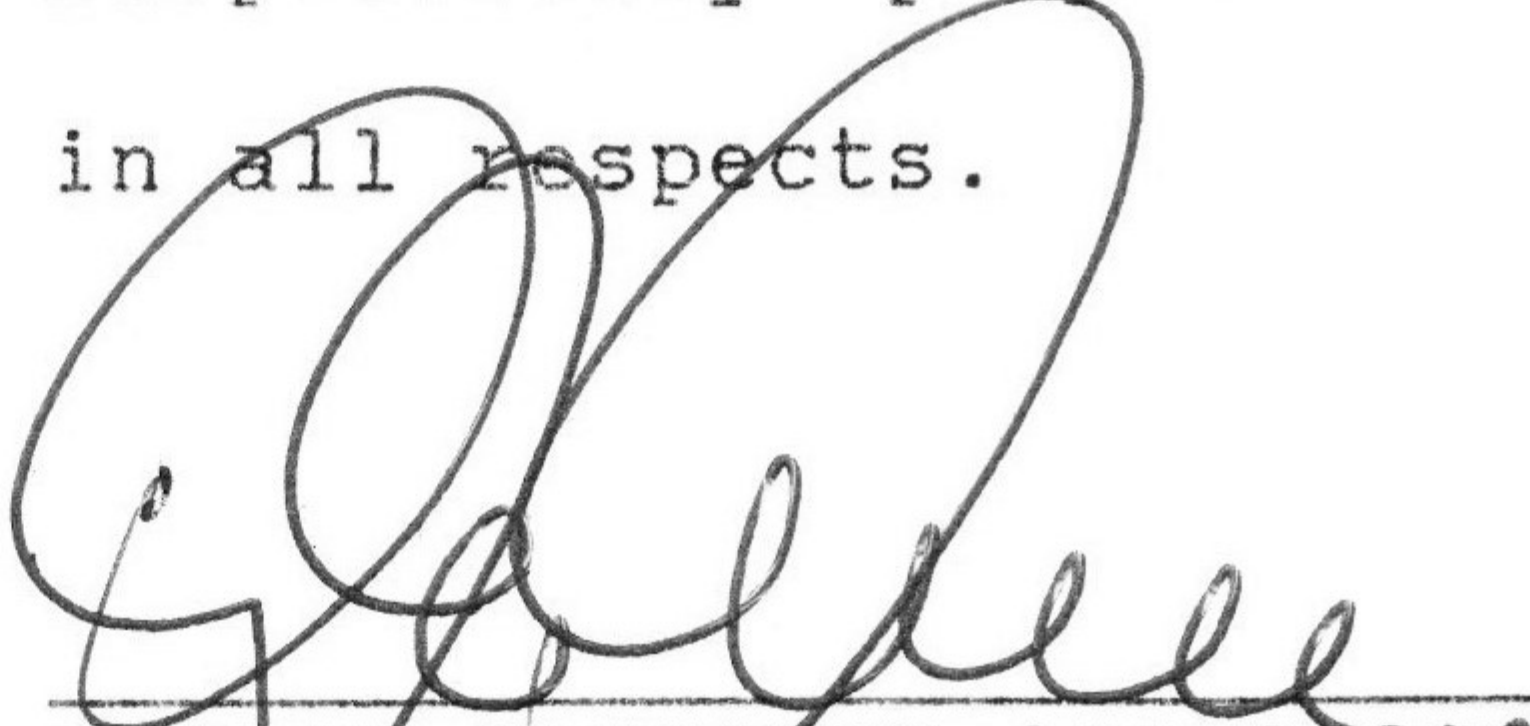


b. The conclusion that respondent is acting in bad faith is irresistibly compelling (Walker v. Birmingham, 388 U.S. 307 [1967]).

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

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

Dated: May 14, 1992



GEORGE SASSOWER [GS-05211]  
Plaintiff, pro se  
16 Lake Street,  
White Plains, New York, 10603  
(914) 949-2169

CERTIFICATION OF SERVICE

On May 15, 1992 I served a true copy of this Stay Application 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, 131 North Ludlow Street, Dayton, Ohio 45402-1737, that being their last known addresses.

Dated: May 15, 1992



GEORGE SASSOWER