

In The  
SUPREME COURT OF THE UNITED STATES  
October Term, 1991  
No. 91-

-----x  
In re:

GEORGE SASSOWER,

Petitioner.  
-----x

x-----x  
PETITION FOR A WRIT OF MANDAMUS AND PROHIBITION  
TO THE U.S. CIRCUIT COURT OF APPEALS FOR THE  
SECOND CIRCUIT

x-----x  
PETITION  
x-----x

PRELIMINARY STATEMENT

The specific respondent in this matter is the UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT. However, it includes the activities of U.S. Chief District Court Judge CHARLES L. BRIEANT ["BRIEANT"] of the Southern District of New York, particularly since the Circuit Court authorized, expressly, impliedly, and/or by ratification, Chief Judge Brieant's running amuck with usurped authority of a criminal magnitude.

QUESTIONS PRESENTED

1. Can a U.S. District Court deny a litigant the right to "file" a complaint, and thus effectively deny him judicial review by this Court?

2. Where petitioner, a person with very substantial assets, for almost six years has actively attempted to liquidate such assets, particularly those of a contractual nature having the specific protective umbrella of Article 1 §10[1] of the Constitution of the United States, must the respondent immediately mandate the filing of petitioner's contractually based complaints in the District Court for adjudication?

3. May the aforementioned relief be denied to petitioner solely because petitioner has exercised, and continues to exercise, his First Amendment rights, and specifically his right to resist involvement and exposure of judicial corruption?

4. May the aforementioned relief be denied to petitioner when it effectively is operating as a fraud upon the federal purse by denying the federal court of fees which would be paid by petitioner?

5. May the aforementioned relief be denied to petitioner when it obstructs and prejudices his ability to vindicate his legal rights, particularly when such is the intent of the respondent?

THE PARTIES

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

U.S. CIRCUIT COURT OF APPEALS  
FOR THE SECOND CIRCUIT  
Foley Square,  
New York, N.Y. 10007  
(212) 791-0103

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District Court Opinion	None
Circuit Court Opinion	None

TABLE OF AUTHORITIES

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OPINIONS BELOW

This is an original proceeding, and there are no opinions from the District Court or Circuit Court (28 U.S.C. §1651[a]).

JURISDICTION

- |       |                         |      |
|-------|-------------------------|------|
| (i)   | District Court Opinion: | None |
|       | Circuit Court Opinion:  | None |
| (ii)  | None.                   |      |
| (iii) | Not Applicable          |      |
| (iv)  | 28 U.S.C. §1254[1]      |      |

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article VI[2] of the United States Constitution provides that:

"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 III of the United States 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 ...."

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

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

4. The First Amendment of the United States Constitution provides that:

"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 United States Constitution provides that:

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

6. 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."

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) ... "

8. N.Y. Business Corp. Law §1216[a] provides:

"Within one year after qualifying, the receiver shall apply to the court for a final settlement of his accounts ... . If the receiver has not so applied for a settlement of his accounts ... the attorney-general or any creditor or shareholder may apply for an order that the receiver show cause why an accounting and distribution should not be had, and after the expiration of eighteen months from the time the receiver qualified, it shall be the duty of the attorney-general to apply for such an order on notice to the receiver."

STATEMENT OF THE CASE

1a. Petitioner, a born American citizen and battle starred veteran of World War II, subsists on Social Security payments of less than \$5,000 per annum, supplemented by increasingly more difficult borrowings.

b. For almost six years petitioner has very actively attempted to liquidate his substantial assets, including those of a contractual nature, having the protective umbrella of Article 1 §10[1] and Amendment V of the U.S. Constitution.

c. These contractual assets include an admitted amount of at least \$120,000, exclusive of interest, made unassailable under the doctrine of judicial estoppel (Davis v. Wakelee, 156 U.S. 680 [1895]) and a money judgment of more than \$50,000, inclusive of interest.

2a. During this period six year period petitioner has resisted involvement and exposed the corruption of the New York-Second Circuit judiciary.

b. Specifically identified as being corrupt and despotic, of a criminal magnitude, was Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"] of the Southern District of New York.

c. Chief Judge Brieant, without any subject matter or personal jurisdiction, or due process: (1) barred any filings by petitioner in the Southern District, absent permission, always unavailable, and (2) barred petitioner's physical admittance to the entire Federal Building and Courthouse in White Plains, New York.

3. The following are the recent relevant legally operative events:

a(1) On February 28, 1992, petitioner executed and caused to be submitted in the United States District Court, Southern District of New York, a complaint containing five (5) causes of action (Sassower v. A.R. Fuels, Inc. et al.) for monies due and owing by former clients, for substantial sums of monies, liquidated and unliquidated, none of which causes have been adjudicated, wherein federal jurisdiction was alleged and existed.

(2) Three (3) of the five (5) causes of action, including for a liquidated amount of \$120,000 had the protective umbrella of, inter alia, Article 1, §10[1] of the U.S. Constitution.

(3) All causes of action had the protection of, inter alia, Amendments I, V, and XIV of the U.S. Constitution.

b(1) On March 10, 1992, petitioner executed and caused to be filed in the United States District Court, Southern District of New York a complaint for substantial monies due and owing him, including under a contractually based money judgment

which, with interest, is in excess of \$50,000 (Sassower v. Puccini, et al.).

(2) All of petitioner's claims, liquidated and unliquidated, judgment and otherwise, have never been adjudicated, and they have the protective umbrella of, inter alia, Article 1, §10[1] of the U.S. Constitution.

c(1) On April 14, 1992, petitioner executed and caused to be filed with the United States District Court, Southern District of New York an application to file a complaint (Sassower v. Feltman et al.) wherein petitioner's rights, constitutionally and by statute, are absolute.

(2) Furthermore, the rights and interests of many, including the public, are involved in this proceeding.

(3) Petitioner has a contractually based judgment against PUCCINI CLOTHES, LTD. ["Puccini"] and by virtue of, inter alia, NY Bus. Corp. Law §1216[a], an absolute right to demand an accounting of its judicial trust assets.

(4) The aforementioned absolute right, is in addition to the absolute "duty" of LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, to file an accounting "at least once a year" (22 NYCRR §202.52[e]), and the absolute "duty" of ROBERT ABRAMS ["Abrams"], the N.Y. State Attorney General, to make application if the accounting is not filed within eighteen (18) months (NY Bus. Corp. Law §1216[a]).

(5) Puccini -- "the judicial fortune cookie" -- was involuntarily dissolved on June 4, 1992, or one hundred forty four (144) months ago, and there is no accounting filed.



(6) The "accounting" of Feltman, that was "approved" by Referee DONALD DIAMOND ["Diamond"] does not exist -- it is 'phantom' -- a 'judicial fraud' and for this transactional fraud it received the assistance, inter alia, of Abrams, Chief Circuit Court Judge JAMES L. OAKES ["Oakes"] and Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"].

d(1) No action having been taken by the District Court for the Southern District of New York, on May 20, 1992, petitioner caused to be executed, served and mailed a Petition for a Writ of Mandamus and Prohibition at the Circuit Court of Appeals for the Second Circuit to, inter alia, compel the filing and processing of the aforementioned three (3) complaints and application.

(2) By reason of the aforementioned, petitioner is "in" the Circuit Court (United States v. Nixon, 418 U.S. 683 [1974]), assuming arguendo that such is a requirement in a 28 U.S.C. §1651(a) application to this Court.

(3) Judicial Corruption in the Puccini matter, and other matters exists, in the Circuit Court level, and from past experiences, the same type of bad faith delay is expected (Walker v. Birmingham, 388 U.S. 307 [1967]), which is constitutionally intolerable where contractual rights are involved (Louisiana v. New Orleans, 102 U.S. 203, 206-207 [1880]).

3. Nevertheless, in view of the new conspiratorial being taken by the other circuits, as more fully set forth in petitioner's stay contemporaneous stay application, petitioner is being denied access to the courts in those circuits.

a(1) During the prior phase, rather than disgorge the fees due petitioner from the pockets of those who had subjected all of Puccini's assets to larceny, in forma pauperis status was being afforded him.

(2) In effect, the federal courts were defrauded the federal purse of fees rightfully due by granting in forma pauperis status rather than resort to his unconstitutionally "frozen" assets.

b(1) Presently, the Sixth and Ninth Circuits, have refused to grant petitioner in forma pauperis status or to disgorge the fees from petitioner's debtors, as permitted under the Uniform Fraudulent Conveyance Act, particularly since Chief Judge Oakes and Chief Judge Brieant are party defendants, sued in their personal capacities.

(2) Consequently, any and all delay, as the stay application reveals, petitioner is being denied his constitutional right to access to the court (cf. Denton v. Hernandez, U.S. , 60 USLW 4346 [1992]).

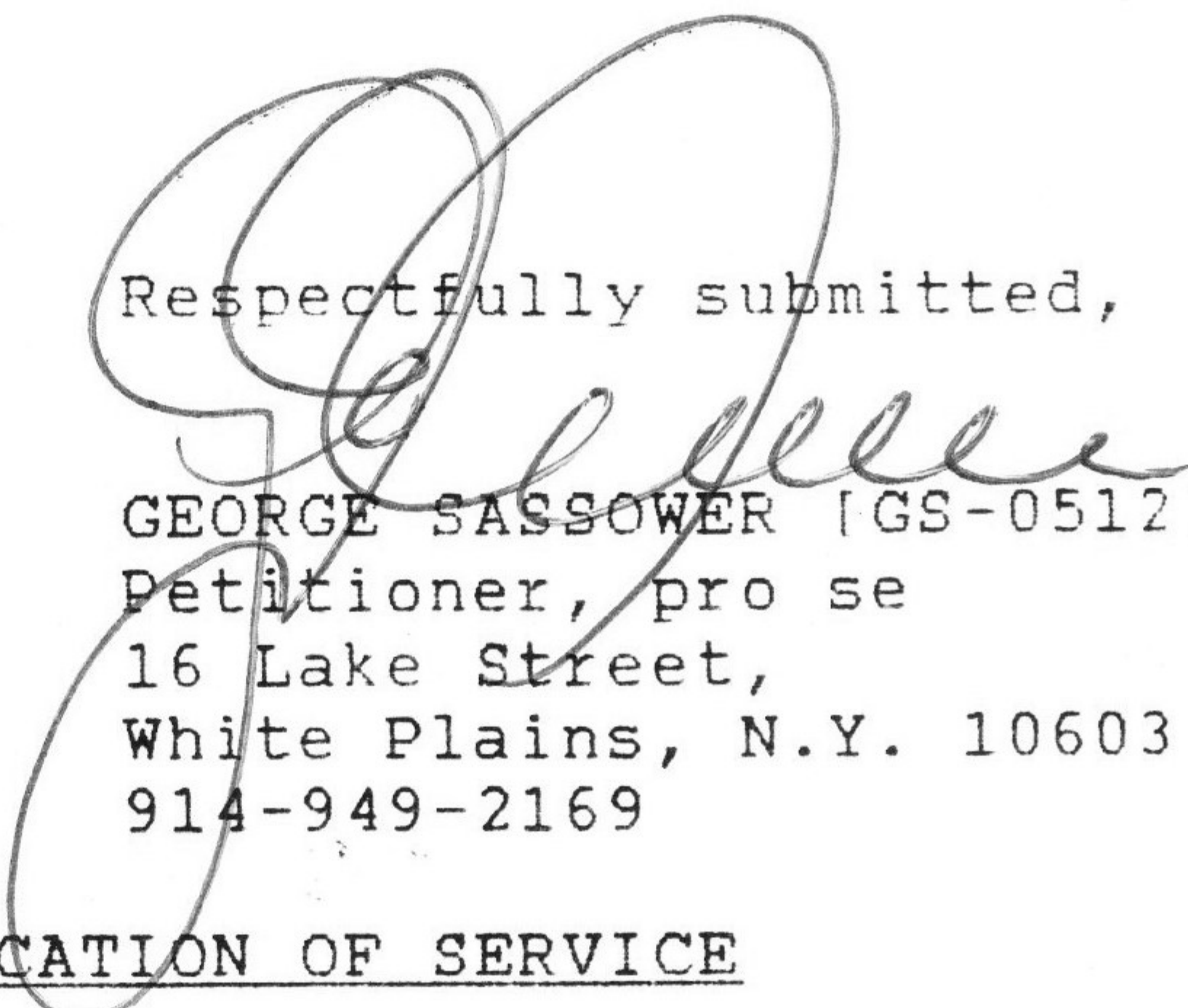
4. The U.S. Constitution, with its "impairment" of contract prohibition, mandates that, without delay, relief be afforded to petitioner, particularly since he is being deprived of access to the courts thereby.

REASONS FOR THE GRANT OF THIS WRIT

The contractual rights of the petitioner, and access to his own assets, cannot be made subservient to the larcenous activities of perfidious judges and their cronies.

Dated: May 23, 1992

Respectfully submitted,

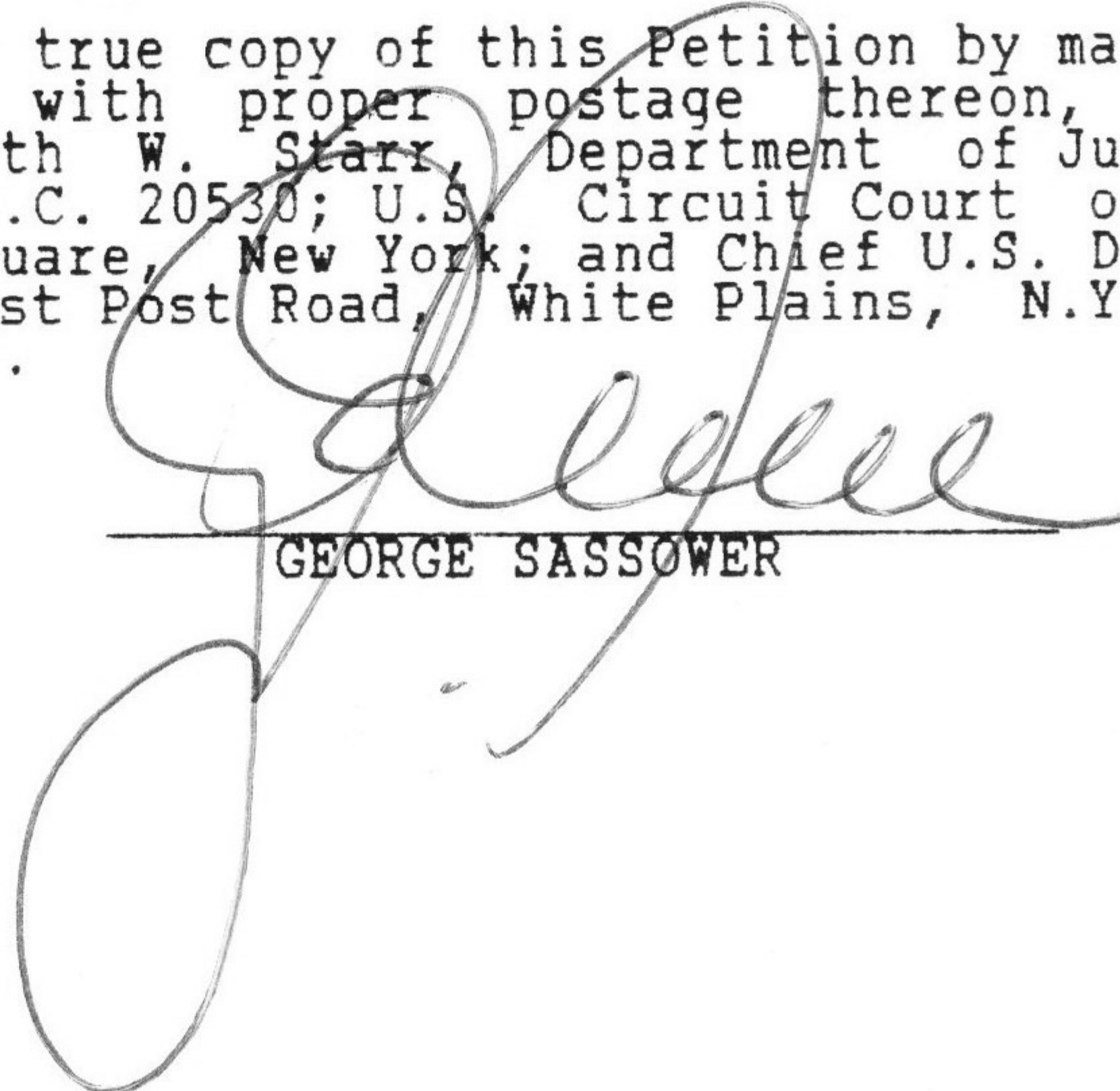


GEORGE SASSOWER [GS-0512]  
Petitioner, pro se  
16 Lake Street,  
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914-949-2169

CERTIFICATION OF SERVICE

On May 24, 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; U.S. Circuit Court of Appeals for the Second Circuit, Foley Square, New York; and Chief U.S. District Court Judge Charles L. Brieant, 101 East Post Road, White Plains, N.Y. 10601, that being their last known addresses.

Dated: May 24, 1992



GEORGE SASSOWER