

In the
SUPREME COURT OF THE UNITED STATES
October Term, 1992
No. 93-5129

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GEORGE SASSOWER,
Petitioner,
-against-
A.R. FUELS, INC. and HYMAN RAFFE,
Defendants.
-----x

x-----x
PETITION FOR A WRIT OF CERTIORARI
to the
U.S. CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT
x-----x
x-----x
Petitioner's Rule 23 Stay Motion
x-----x

In a Nutshell: For the payment of "more than \$2,5000,000" by the defendants to the "syndicate" of Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"] and N.Y. State Appellate Division Presiding Justice FRANCIS T. MURPHY ["Murphy"], defendant, HYMAN RAFFE ["Raffe"] has avoided incarceration under a criminal conviction, and the defendants are protected from the claims of petitioner, even those which are contractually based, liquidated, and constitutionally protected by denying him leave to file any and all legal papers.

The courier for such continuing check payments is HOWARD M. BERGSON, Esq. ["Bergson"], who also purports to act as the attorney for the defendants.

Chief U.S. Circuit Court Judge JON O. NEWMAN ["Newman"], and other Circuit Court Judges, know of such payments, and have cooperated in their continuing payments.

Albeit the absence of 28 U.S.C. §2679[d] "scope" certifications or adjudications, these rogue federal jurists have dragooned federal representation, at federal cost and expense, in the mirrored civil tort money damage actions against them, thus effectively immunizing them from criminal prosecution.

* * * * *

1a. This affirmation, made under penalty of perjury, is for a stay in accordance with the terms of petitioner's Proposed Preliminary Injunction submitted to the U.S. Circuit Court (Exhibit "A").

b. The relief requested by affirmant by his motion addressed to the Circuit Court of September 21, 1992, was for:

"(1) a general bias recusal; (2) summary reversal; ... and (5) a mandatory (affirmative) stay to serve, inter alia, compliance with Rule 23.3 of the Rules of the Supreme Court of the United States.

A stay, in the form of a proposed preliminary restraining order and a temporary injunction, made upon notice, is made part of this motion, including incorporation herein of the factual material set forth therein."

c. Although unopposed, the relief requested therein was denied as part of the Dispositive Order of the Circuit Court of May 13, 1993, which denied him leave to appeal from a final order of the District Court.

2a. The statements made in petitioner's unopposed Proposed Preliminary Injunction is incorporated herein by reference (Exhibit "A"), as well as the "Questions Presented" and "Statement" in this Petition for a Writ of Certiorari (Exhibit "B").

b. Service is being made on all those named herein, albeit non-parties, and they are afforded an opportunity to respond to the serious charges made.

c. Service is also being made upon DREW S. DAYS, III ["Days"], the Solicitor General of the United States, so that he can attempt to justify, if he can, the conduct of Attorney General and articulate the position of "the Government" in this matter.

3a. Chief Judge Brieant, without subject matter or personal jurisdiction, or due process, issued an edict which conditioned any attempted filing by affirmant subject to prior judicial approval.

b(1) All attempted filings by affirmant, except where Chief Judge Brieant is named in the title, are dragooned by Chief Judge Brieant to himself and, as here, denied.

(2) Where Chief Judge Brieant is named as a defendant or respondent in the title of the action, Chief Judge Brieant refers same to his lackey, U.S. District Court Judge THOMAS P. GRIESA, who also denies affirmant access to the courts and copies, in haec verba, the language of Chief Judge Brieant (see e.g., Sassower v. Puccini, Docket No. 93-5128).

c(1) Under a mirrored edict, issued by Chief Judge Newman, leave is necessary for affirmant to appeal any order of the U.S. District Court.

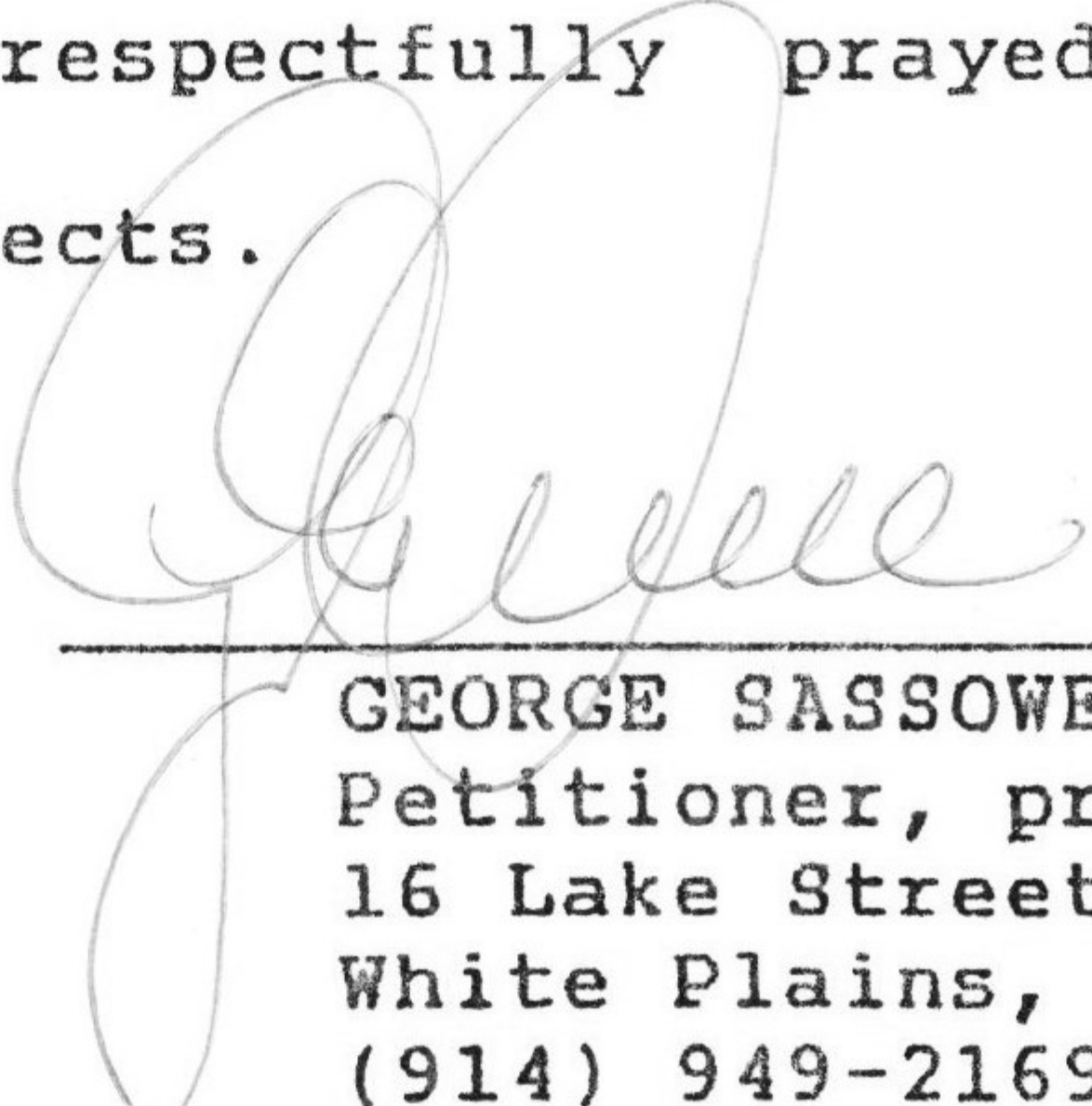
(2) As here demonstrated, even when relief is of constitutional magnitude and irresistibly compelled, leave is invariably denied by the Circuit Court.

4. Since all of affirmant's assets have been effectively and unconstitutionally frozen, relegating affirmant to "Food Stamp Governmental Relief", affirmant believes he is entitled, as a minimum, to the following stay, as set forth in Exhibit "A":

"ORDERED, that pending the ability of appellant [petitioner] to liquidate his constitutionally protected interests, either in the state court and/or federal court, all courts in this circuit, state and federal, be and they are hereby judicially estopped from making any demand upon appellant for fees or for the making of any 28 U.S.C. §1915 or similar analysis of his filings, ..."

WHEREFORE, it is respectfully prayed that this stay motion be granted in all respects.

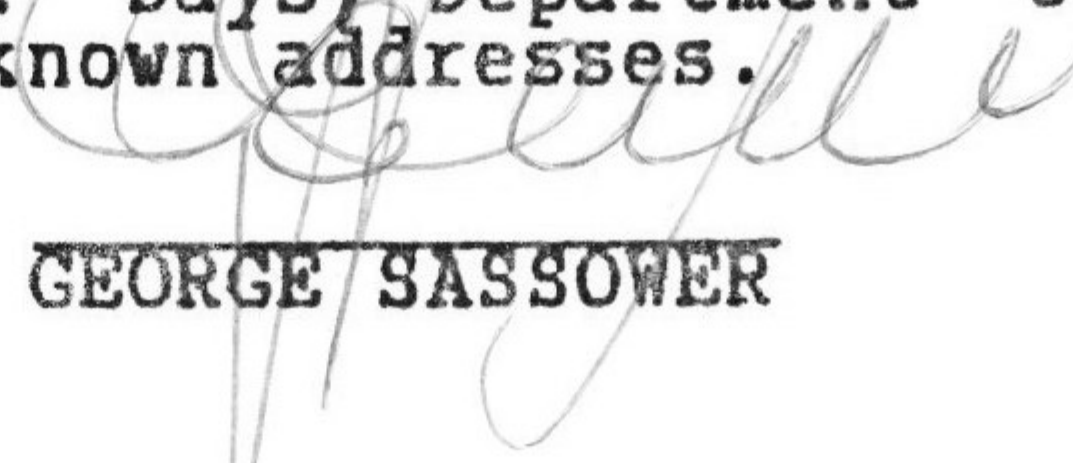
Dated: July 16, 1993



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

CERTIFICATION OF SERVICE

On July 17, 1993 I served a true copy of this motion by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to Howard M. Bergson, Esq., 21 Technology Drive, Setauket, NY 11733; Chief U.S. Circuit Court Judge Jon O. Newman, 40 Center Street, New York, NY 10007; Judge Charles L. Brieant, 101 East Post Road, White Plains, NY 10601; Judge Thomas P. Griesa, 40 Center Street, New York, NY 10007; Presiding Justice Francis T. Murphy, Appellate Division, Madison Avenue & 25th Street, New York, NY 10007, and U.S. Solicitor General, Drew S. Days, Department of Justice, Washington, D.C. 20530, that being their last known addresses.



GEORGE SASSOWER

U.S. CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----x
GEORGE SASSOWER,
 Plaintiff-Appellant,
 -against-
A.R. FUELS, INC. and HYMAN RAFFE,
 Defendants-Appellants.
-----x

CCA2-Docket No.
92-7911/9047
Temporary Restraining
Order and Preliminary
Injunction

It appearing to the satisfaction of this Court that appellant filed a complaint in the U.S. District Court for the Southern District Court of New York, dated February 28, 1992, three of the five causes of action contained therein being contractually based and constitutionally protected (U.S. Constitution, Article 1 §10[1], Amendment V), including two causes of action not related to PUCCINI CLOTHES, LTD.; and it further appears that where the liquidation of contractual assets are involved, needless delay, in and of itself, has constitutional implications; and it further appears that the defendant A.R. FUELS, INC. is judicially estopped from claiming that less than \$120,000, plus interest, is due appellant, in addition to the contractually based, constitutionally protected, money judgment in favor of appellant against PUCCINI CLOTHES, LTD. in the sum of more than \$50,000, inclusive of interest; and it further appears that U.S. Chief District Judge CHARLES L. BRIEANT dragooned this action to himself for adjudication; and it further appears that there has existed and does exist between appellant, as plaintiff, and Chief Judge Brieant, as a co-defendant, civil litigation wherein Chief Judge Brieant is being sued in his private capacity, and wherein there are no extant 28 U.S.C. §2679[d] "scope" certificates; and it further appears that

Exhibit "A"

there was and are criminal charges publicly made by appellant against Chief Judge Brieant for the past several years which recently have been referred to the Federal Bureau of Investigation for investigation by the U.S. Attorney's Office; and it further appears that Chief Judge Brieant has been conducting himself in consort with Presiding Justice FRANCIS T. MURPHY of the Appellate Division, First Department, and they have been denying appellant access to the state and federal courts; and it further appears that in such cooperative activities by and between Chief Judge Brieant and Presiding Justice Murphy there is being extorted from Hyman Raffe "millions of dollars" in order to avoid incarceration under a criminal conviction and a pending criminal proceeding; and it further appears that in order to avoid incarceration under an Order by former N.Y. State Supreme Court Justice ALVIN F. KLEIN, as was appellant and SAM POLUR, Esq., Hyman Raffe was compelled to agree to execute releases in favor of all federal judges in the United States District Court for the Eastern and Southern District of New York and all the N.Y. Supreme Court Justices of New York County; and it further appears that many members of this Court are being sued by appellant in their private capacities, and there are no 28 U.S.C. §2869[d] "scope" certifications for those judges of this Court, and that appellant has publicly made criminal charges against members of this Court; and due notice of this application having been given to the interested parties, it is

ORDERED, that a general bias situation exists between this Court, its members and the appellant, compelling all the members of this Court to recuse themselves; and it is further

ORDERED, that notwithstanding such recusal, as a matter of ministerial constitutional compulsion, permitting no discretion whatsoever, Article III of the United States Constitution mandates that access to the courts cannot be denied to appellant since he has cognizable federal "cases or controversies" that have heretofore never been adjudicated; and it is further

ORDERED, that the administrative procedures employed by Chief Judge Brieant, wherein he dragooned this action to himself, violated appellant's constitutional rights, particularly since a disqualifying bias situation exists between appellant and Chief Judge Brieant; and it is further

ORDERED, that pending the ability of appellant to liquidate his constitutionally protected interests, either in the state court and/or federal court, all courts in this circuit, state and federal, be and they are hereby judicially estopped from making any demand upon appellant for fees or for the making of any 28 U.S.C. §1915 or similar analysis of his filings, and it is further

ORDERED, that the Clerk of the U.S. District Court for the Southern District of New York shall forthwith issue process for appellant's filings in this matter, and make a judicial assignment by the usual wheel, random selection, process; and it is further

ORDERED, that all further proceedings in this matter be determined by the Court and panel hereinafter assigned of another Circuit.

Dated: New York, New York
October , 1992
at o'clock m.

U.S. CIRCUIT COURT JUDGE
SECOND CIRCUIT

CERTIFICATION OF SERVICE

On September 21, 1992 I served a true copy of this Proposed Order by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to Chief U.S. District Court Judge Charles L. Brieant, 101 East Post Road, White Plains, N.Y. 10601; Presiding Justice Francis T. Murphy, c/o Appellate Division, First Department, 25th Street & Madison Avenue, New York, N.Y. 10010; and A.R. Fuels, Inc. and Hyman Raffe, 2134 Mill Avenue, Brooklyn, New York 11234, that being their last known addresses.

Dated: September 21, 1992



GEORGE SASSOWER

QUESTIONS PRESENTED

1. Where the state is impairing petitioner's contractual, constitutionally protected, private obligations, for reasons which are retaliatory and which violate petitioner's First Amendment rights, must the federal provide a judicial forum for the liquidation of his contractual assets?

2a. Where respondents, by check payments of "millions of dollars" are "paying-off" the syndicate of NY State Appellate Division Presiding Justice FRANCIS T. MURPHY ["Murphy"] and Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"], is Chief Judge Brieant disqualified from adjudicating this matter?

b. Where in two of three contemporaneous and related filings, Chief Judge Brieant is specifically identified as being transactionally involved, in a criminal racketeering activities, involving the larceny of judicial trust assets, is Chief Judge Brieant disqualified in this matter?

c. Where random judicial selection is the general modus operandi in the U.S. District Court for the Southern District of New York, should that system have been employed for petitioner's filings?

3. Does the Chief Judge Brieant 1987 administrative filing embargo contained in U.S.A. f/b/o Sassower v. Sapir, No. 87 Civ. 7135 [CSH] -- a proceeding pending before U.S. District Court Judge CHARLES L. HAIGHT ["Haight"], not Chief Judge Brieant, rendered without subject matter jurisdiction, without personal jurisdiction, without due process, have any validity?

4. Where U.S. District Court Judge WILLIAM C. CONNER ["Conner"] in 1985, without any subject matter jurisdiction, without any personal jurisdiction over petitioner, without any due process, and as a result of fraud and corruption, issued an injunction (Raffe v. Doe, 619 F. Supp. 891 [SDNY 1985]) which does not include respondents as protected parties, can such decision have any relevance in this matter?

5. Where respondents purported attorney, HOWARD M. BERGSON, Esq. ["Bergson"] had a transactional involvement in the agreements to extort monies from respondents, to the "Brieant-Murphy syndicate", is "Bergson - The Bag-Man" for such "extortion payments", and who opposes or does not support the termination of such "extortion payments" and/or return of such extorted monies, is he disqualified from representing respondents?

6. Are the courts, federal and state, estopped from making any in forma pauperis analysis of petitioner's filing, as long as petitioner is denied access to the courts in order to liquidate his substantial assets, contractual and otherwise?

STATEMENT OF THE CASE

1a. In 1987, petitioner had pending U.S.A. f/b/o Sassower v. Sapir, SDNY No. 87 Civ. 7135 [CSH]), which contained a 18 U.S.C. §3057(a) cause of action, wherein any investigation would have revealed that Chief Judge Brieant was involved in, inter alia, bankruptcy fraud.

b. At a very early stage of such proceedings, a clearly suspect order was issued by U.S. District Court Judge CHARLES S. HAIGHT ["Haight"], the jurist assigned to the matter.

c. Upon investigation, petitioner unearthed a "fixing memorandum" written by U.S. District Court Judge WILLIAM C. CONNER ["Conner"] to Judge Haight, with a copy to Chief Judge Brieant, which prompted such suspect order.

d. When petitioner exposed such "fix" by amending his complaint and adding Conner as a Dennis v. Sparks (449 U.S. 24 [1980]) fixer, Chief Judge Brieant, without notice, without any due process dragooned the proceeding to himself, albeit still under the jurisdiction of Judge Haight, dismissed petitioner's action, and barred him from filing any papers in that district, without permission, invariably unobtainable.

2a. In late 1988, a judicial scandal surfaced concerning the activities of N.Y. State Appellate Division Presiding Justice FRANCIS T. MURPHY ["Murphy"] in the professional disciplinary process.

b. Petitioner was suspected of contributing to the media information concerning same, which petitioner never admitted or denied.

c. However, a media publication in June of 1989 concerning such activities by Presiding Justice Murphy, clearly indicated that petitioner was the source of some of the information contained therein.

d(1) Within weeks after publication, petitioner was barred from physical access to the entire Federal Building and Courthouse in White Plains, New York by Chief Judge Brieant, under an oral edict, rendered without subject matter jurisdiction, without personal jurisdiction, without any due process, and when petitioner did not have any cases pending in that Courthouse before Chief Judge Brieant or anyone else.

(2) The first notice that petitioner had of such oral edict was when he was physically ejected from said building.

(3) Even when petitioner's constitutionally protected interests are being litigated, he is not permitted to attend, absent the permission of Chief Judge Brieant.

3a. In July of 1985, in order to avoid incarceration under a criminal conviction, through HOWARD M. BERGSON, Esq. ["Bergson"] and another, the respondent, HYMAN RAFFE ["Raffe"] agreed make "extortion" payments, agreed to discharge petitioner as his attorney in Raffe v. Doe (619 F. Supp. 891 [SDNY 1985]), agreed to execute release to the federal judges of the Southern and Eastern Districts of New York and Justices of the N.Y. Supreme Court, and other unlawful considerations.

b. In the published media articles in which petitioner unquestionably contributed, the media confirmed that Raffe had paid "more than \$2,500,000" by check drawn on the account of respondent, A.R. FUELS, INC. ["AR"].

4. Petitioner's claims:

a. As against AR, are contractually based, unrelated to PUCCINI CLOTHES, LTD. ["Puccini"], wherein AR is judicially estopped to deny anything less than \$120,000, plus interest, is due petitioner.

b. As against Raffe, for an unliquidated contractually based sum of \$2,000,000.

c. For false and perjurious claims filed in a bankruptcy proceeding, thereafter withdrawn, when the fraud was exposed.

5. In petitioner's complaint he alleged, inter alia:

"22. With respect to plaintiff's claims, as set forth in his Second, Third and Fourth Causes of Action herein, the same are specifically protected against 'impairment' by Article 1 §10[1] of the United States Constitution.

23. With respect to all of plaintiff's claims herein, the same are protected by, inter alia, Amendment V and XIV of the U.S. Constitution.

24. Notwithstanding the aforementioned protective umbrella, under 'color [pretense] of law', without any due process, the plaintiff has been denied access to the courts of the State of New York, nisi prius and appellate, in order to vindicate the rights due him, including as against the defendants herein.

25. Such retaliatory practices by the courts of the State of New York were motivated by reason of the exercise by plaintiff of his lawful federal constitutional rights, including those protected under Amendment I of the U.S. Constitution."

6. The balance of Chief Judge Brieant is similarly contrived, and even if true, whether petitioner is "saint or sinner" he is constitutionally entitled to those remedies that protect this contractual rights (Murray v. Charleston 96 U.S. 432, 448 [1878]; White v. Hart, 80 U.S. 646 [1872]; Walker v. Whitehead, 83 U.S. [16 Wall] 314 [1872]; Louisiana v. New Orleans, 102 U.S. 203, 206-7 [1880]; Continental Illinois v. Chicago, 294 U.S. 648 [1935]).

7. The denial of petitioner's right to appeal, under a similar non-due process edict by the Circuit Court reveals the extant of corruption in the Second Circuit.