

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

-----x  
GEORGE SASSOWER,  
Petitioner,  
-against-

THOMPSON, HINE and FLORY; D. MICHAEL CRITES;  
DALE ANN GOLDBERG; MICHAEL R. MERZ; JAMES L.  
OAKES; CHARLES L. BRIEANT; FRANCIS T. MURPHY;  
ROBERT ABRAMS; DAVID B. ROBERTS; KREINDLER &  
RELKIN, P.C.; CITIBANK, N.A.; and FELTMAN,  
KARESH, MAJOR & FARBMAN,  
Respondents.  
-----x

x-----x  
PETITION FOR A WRIT OF CERTIORARI  
TO THE CIRCUIT COURT OF APPEALS FOR THE  
SIXTH CIRCUIT  
x-----x

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

PRELIMINARY STATEMENT

1a. This is the second filed action, but the last of three, interrelated petitions for writs of certiorari, addressed to the Sixth Circuit, intended to be consolidated and/or simultaneously considered, and therefore needless repetition or duplication is avoided, including in the "Questions Presented".

b. Also incorporated by reference, without needless repetition, including the "Questions Presented", is petitioner's petition of May 14, 1993 for a Writ of Mandamus (Application of Sassower, Docket No. 92-8933).

### QUESTIONS PRESENTED

1. Where the uncontroverted documentary evidence is that there is neither a judgment, a final order, nor an accounting for the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], but that all its judicial trust assets were made the subject of larceny by members of the judiciary, state and federal, and their cronies, should all references to the contrary, intended to deceive the public and legal community, be expunged from the opinions of the courts below?

Comment: The challenge is again laid down in this Court for anyone to produce a final judgment, order, and accounting for Puccini, binding on petitioner, who holds contractually based, constitutionally protected assets in his favor, and who is not attempting "to relitigate" anything (see A3).

The myth of a Puccini judgment or final order, binding on petitioner, was concocted to conceal the involvement of the judiciary, state and federal, in the larceny of Puccini's judicial trust assets.

2. Where no person, judge or court has ever been able to articulate any frivolous procedure ever undertaken by petitioner since he was admitted to the bar in 1949, or any rationale reason that he should undertake a frivolous procedure, should such references, causing constitutional injuries, be expunged from the opinions of the courts below?

Comment: Where the uncontroverted documentary evidence reveals that the judiciary, state and federal, are engaged in the larceny of judicial trust assets, diverting monies payable "to the federal court" to private pockets, extortion, defrauding the federal and state purses by dragooning federal and state representation, at federal and state cost and expense, without any 28 U.S.C. §2679[d] "scope" certificates or in violation of the Eleventh Amendment to the U.S. Constitution, this unwarranted badge pinned upon petitioner, to conceal such activities, must be expunged.

3. Where substantial federal questions are involved and venue legally proper, can each and every federal judge in each of the 94 judicial districts, or each of the 12 Circuit Courts, legislate for themselves which litigation or what litigants may file actions in that district or circuit?

b. Where the conduct of the members of the District and Circuit, including the Chief Circuit Court Judge, and/or their co-conspirator makes them liable in money damages, can they create a quasi-immunity for themselves and/or their co-conspirators by, sua sponte, enjoining further litigation in that district or circuit by the injured litigant?

c. Where a District and Circuit Court and/or their co-conspirators are openly pursuing a manifestly unconstitutional, unlawful and/or unethical course of conduct, which petitioner is resisting and exposing, may those courts retaliate by barring that litigant from future litigation in that district or circuit, absent permission?

d. Was the District and Circuit Court's prohibition for further litigation in that district and circuit, absent judicial permission, unlawful and overbroad when no standards are set and the prohibition obviously includes an independent FRCivP 60(b) action?

e. Where the essential facts are disputed or negate the courts' trialess conclusions, can a District or Circuit Court enjoin further litigation in that District or Circuit without a hearing or some confrontation rights?

5. Can a district or circuit court enjoin the filing by a claimant of an action against:

"any state or federal judge, officer, or employee for actions taken in the course of their official duties ..."?

6a. Where petitioner's papers in his Petition for a writ of mandamus (Application of Sassower, Docket No. 92-8933), reveals that all involved in this litigation are aware, by their conduct, that Chief Judge Merritt has been corrupted, who in turn has corrupted the entire circuit, must remedial action be undertaken by this Court?

b. Are activities which neither the Attorney General nor any one of her subordinates (28 CFR §15.3) will 28 U.S.C. §2679[d] "scope" certify, "taken in the course of their official duties", and enjoined?

THE PARTIES and/or ATTORNEYS

GEORGE SASSOWER Petitioner, pro se. 16 Lake Street, White Plains, NY 10603 (914) 949-2169	THOMPSON, HINE AND FLORY, Esqs. Attorneys, pro se. 2000 Courthouse Plaza N.E. Dayton, Oh 45401-8801 (513) 443-6600
U.S. Atty EDMUND SARGUS Att: AUSA Pamela Stanek 200 West Second Street Dayton, Oh 45402 (513) 225-2910	NYS Atty. Gen. ROBERT ABRAMS Att: AAG Carolyn C. Olson 120 Broadway New York, NY 10271 (212) 416-8549
FELTMAN, KARESH, M & F. 152 West 57th Street New York, NY 10019 (212) 371-8630	KREINDLER & RELKIN, P.C. 350 Fifth Avenue New York, NY 10118 (212) 279-5100

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## JURISDICTION

28 U.S.C. §1254[1]

### EXISTENCE OF JURISDICTION BELOW

The timely filing of a notice of appeal (FRAppP, Rule 4) from a final judgment of the district court (28 U.S.C. §1291).

### CONSTITUTIONAL AND STATUTORY PROVISIONS

1. 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 ...." [emphasis supplied]

2. Article I, §8 of the U.S. Constitution provides that:

"The Congress shall have the power [3] to regulate commerce .. among the several states .. "

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

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

4. Article IV, §2 of the U.S. Constitution provides:

"The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states."

5. Amendment I of the U.S. Constitution provides:

"Congress shall make no law ... abridging the freedom of speech ... or the right of the people ... to petition the Government for a redress of grievances."

6. Amendment V of the U.S. Constitution provides:

"No person shall ... , nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of ... liberty, or property, without due process of law ...".

7. Amendment Eleventh of the U.S. Constitution provides:

"The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens of Subjects of any Foreign State.

#### STATEMENT OF THE CASE

1a. Exactly one (1) month after petitioner served his summons, complaint, motion for a preliminary injunction and/or summary judgement in Sassower v. Mead Data (Docket No. 92-8934), petitioner commenced this proceeding -- Sassower v. Thompson, H&F (Docket No. 93- ) -- to declare the Sassower v. Mead Data (supra) to be a nullity, and for Dennis v. Sparks (449 U.S. 24 [1980]) and other monetary damages.

b. To conceal the judicial corruption in the Sixth Circuit, including that of Chief U.S. Circuit Court Judge GILBERT S. MERRITT ["Merritt"], the Circuit Court's Opinion (A2-A4) completely misstates the nature of petitioner's complaint in this action.



2a. In emphatic and crystal clear terms petitioner, in Sassower v. Mead (supra), stated and alleged that all judges and officials were being sued in their personal, not official, capacities, and that petitioner did not seek any monetary recovery against the federal or any state sovereign, or to burden their purses with the defense of that litigation.

b(1) Nevertheless, the U.S. Attorney appeared and represented the federal judges, at federal cost and expense, and without the execution of any 28 U.S.C. §2679[d] "scope" certification.

(2) Despite the constitutional Eleventh Amendment bar, at state cost and expense, Assistant N.Y. State Attorney General DAVID B. ROBERTS ["Roberts"] appeared for N.Y. State Attorney General ROBERT ABRAMS ["Abrams"], qua the statutory fiduciary for all involuntarily dissolved corporations in that state, and simultaneously for N.Y. State Appellate Division Presiding Justice FRANCIS T. MURPHY ["Murphy"], who operates a "courthouse patronage mill", and who is the state jurist most responsible for the larceny of the judicial trust assets of Puccini.

3a. There was no defense for the injunctive relief sought by petitioner against MEAD DATA CENTRAL, INC. ["Lexis"], which was causing petitioner constitutional injuries, consequently the defendants in Sassower v. Mead (supra) had U.S. Magistrate Judge MICHAEL R. MERZ ["Merz"], who did not have "dispositive" powers on petitioner's motions, to hijack and waylay his motions intending that such misconduct result in a "final disposition".

b. Cooperating and participating in such hijacking and waylaying of petitioner's motions was the firm of THOMPSON, HINE & FLORY, Esqs. ["TH&F"], the attorneys for Lexis, whose submitted papers did not purport to advance the legitimate interests of their client.

4a. In view of the Eleventh Amendment constitutional bar; the dragooned and usurped federal representation; attorneys betraying the legitimate interests of their clients; conflicting legal representation; extortion payments being received by FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] from HYMAN RAFFE ["Raffe"] for their legal activities here in order to avoid incarceration; and other judicial frauds being openly practiced in Sassower v. Mead (supra), petitioner asserted those proceedings were a nullity, and this second action was commenced for a declaratory judgment and money damages.

b. 28 U.S.C. §1915 status was afforded to petitioner.

c. With every indication that the same unlawful, unethical and unconstitutional conduct would be follow in this second action, petitioner commenced Sassower v. Crites (Docket No. 92-9228).

5a. In addition to the aforementioned, petitioner commenced various mandamus and prohibition proceedings in the Circuit Court, all of which were denied.

b. These various mandamus and prohibition proceedings were determined before Puerto Rico Aqueduct v. Metcalf (506 U.S. , 113 S.Ct. 684 [1993]) was rendered, and since the requested 28 U.S.C. §1254[2] certifications were also denied at that time, the matters were not pursued in this Court at that time.

c. Whether "finality", as a Eleventh Amendment proposition, is a mutual legal concept, permitting an affected litigant, such as petitioner, not the state, to immediate appeal an adverse ruling, in petitioner's opinion, is still unresolved.

6a. In addition to a recusal application, which was never determined by U.S. District Court Judge WALTER H. RICE ["Rice"], except as part of the final disposition, when Judge Rice committed acts which were non-immune, petitioner moved to amend the complaint to include Judge Rice, and others, as party defendants.

b. As part of such dismissal, petitioner's motion to amend was denied.

A. PUCCINI CLOTHES, LTD.

1. Anything stated to the contrary notwithstanding, at any time or place, express or implied, there is no final judgment or order, by any jurist having subject matter jurisdiction, or jurisdiction over petitioner, which terminates the judicial trust proceeding of Puccini.

2a. Anything stated to the contrary notwithstanding, at any time or place, express or implied, there is no accounting for Puccini's judicial trust assets, an essential element for a final judgment or order terminating such receivership or litigation.

b. Although an accounting must be filed "at least once a year" (22 NYCRR §202.52[e]), and the N.Y. State Attorney General must, as a ministerial "duty" make application to compel an accounting after the expiration of eighteen (18) months (NY Bus. Corp. Law §1216[a]), in the more than thirteen (13) years since Puccini was involuntarily dissolved, not a single accounting has been filed.

3a. All of Puccini's judicial trust assets were made the subject of larceny by members of the judiciary, state and federal, and/or their cronies, and no true accounting can be rendered without revealing such criminal activity.

b. Instead, the judiciary, state and federal, including in the Sixth Circuit, employing the publishing and distributing facilities of Lexis and WEST PUBLISHING COMPANY ["West"/"Westlaw"], have contrived and concocted the existence of

a 'phantom' final adjudication for Puccini and enjoined the "relitigation" of a matter never "litigated" in the first place.

4a. Obviously, the judiciary has no power to enjoin petitioner's right to access to the courts in order to liquidate his contractually based, constitutionally protected, money judgment against Puccini -- but they have (Sassower v. Puccini, Docket No. 93-5126)!

b. If, in fact, Puccini was litigated to conclusion, there would be no need to deny petitioner access to the courts to compel the receiver or the statutory fiduciary to account, but it has (Sassower v. Feltman & Abrams, Docket No. 93-5127)!

c. In exchange for "pay-offs" in the "million of dollars", no judge has the power to deny petitioner access to the courts to recover his non-Puccini related contractual obligations, but it has (Sassower v. A.R., Docket No. 93-5129)!

d. No federal judge has the power to convict any person of non-summary criminal contempt without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver, and after it has been escalated to "serious" crime causing petitioner's disbarment and then deny him access to the courts for a writ of coram nobis -- but it has (Sassower v. Kreindler, Docket No. 93-5045)!

B. RAFFE v. DOE (619 F. Supp. 891 [SDNY-1985]).

1a. HYMAN RAFFE ["Raffe"], holding a contractually based, constitutionally protected, money judgment against Puccini, in the sum of more than, with interest, of \$500,000, and other contractual monetary obligations, as well as a 25% stock interest, commenced Raffe v. Doe (supra) on or about August 30, 1984.

b(1) Raffe commenced such action individually and on behalf of Puccini, and petitioner's status was only as Raffe's attorney in that action.

(2) Petitioner's personal interests in Puccini, constitutionally protected and otherwise, except as Raffe's attorney, were not in issue in that action.

c(1) A corrupted U.S. District Court Judge WILLIAM C. CONNER ["Conner"], stayed all pre-trial disclosure and discovery by petitioner while, in consort with other corrupt state and federal jurists, imposed upon Raffe, petitioner and SAM POLUR, Esq., a "reign of terror", climaxed by repeated convictions of non-summary criminal contempt, all without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver, with fines and/or terms of incarceration imposed thereon.

(2) Threatened with incarceration for seven (7) years under the aforementioned unconstitutional convictions, Raffe was negotiated with while petitioner and Polur were incarcerated, and he surrendered all his interests in Puccini, agreed to execute releases to the federal and state judges and officials and their cronies, agreed to discharge petitioner, as his attorney, and agreed to make continuing "extortion payments" to the judicial cronies, which have now amounted to "millions of dollars".

(3) Judicially filed contemporaneous documents reveal that petitioner was discharged on or about July 15, 1985 -- or almost three (3) months before Raffe v. Doe (supra) was rendered.

(4) In short, before July 15, 1985, Judge Conner's jurisdiction over petitioner in Raffe v. Doe (supra) was only as Raffe's attorney. After July 15, 1985, Judge Conner had no jurisdiction over petitioner or his personal interests.

(5) Petitioner paid for and filed a Notice of Appeal, but as part of this corrupt scenario, such appeals were dismissed, without any articulated reason and not on the merits.

C. THE UKASE OF CHIEF JUDGE JON O. NEWMAN<sup>1</sup>

1a. Without even a pretense of subject matter or personal jurisdiction or due process, Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"] of the Southern District of New York, mirrored similar, without jurisdiction or due process, state edicts which barred any judicial filings by petitioner, of whatever kind or nature.

b. This Chief Judge Brieant without jurisdiction ukase, was in addition to the immunity given to the judicial cronies by Judge Conner in Raffe v. Doe (supra).

2a. Although neither Judge Newman nor anyone else could show a single instance wherein petitioner engaged in any frivolous procedure since 1949, when he was admitted to the bar.

b. Nevertheless, Judge Newman barred petitioner from the Second Circuit Court of Appeals, absent permission, invariably denied, even when relief is constitutionally compelling.

D. THE MARCHING ORDERS:

The marching orders emanating from the Second Circuit to the other courts, including the Sixth Circuit, is that there is to be no hearing, trial or confrontation rights afforded to petitioner and all decisions involving petitioner must be given face and conclusive value.

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<sup>1</sup> A copy of this Petition is being served upon Chief U.S. Circuit Court Judge JON O. NEWMAN ["Newman"] and his response to the serious charges, of a criminal magnitude, is solicited and should be accepted by this Court.



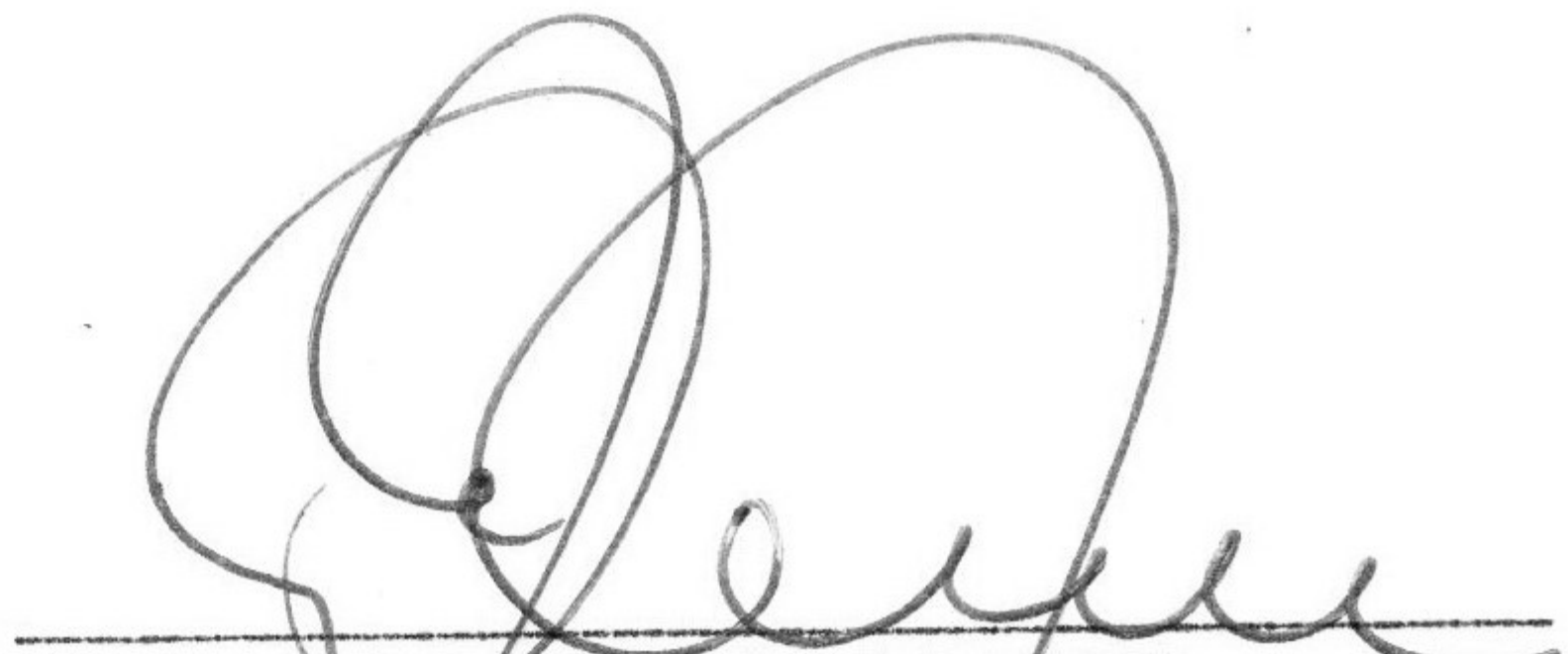
REASONS FOR THE ISSUANCE OF THIS WRIT

1. All that is necessary to disclose the existence of high-level judicial corruption, state and federal, is to request an accounting for the judicial trust assets of PUCCINI CLOTHES, LTD. -- that is all!

2. The determinations of the courts below, judicial and legislative constitutes a wholesale revocation of essential provisions of the United States Constitution, including the First Amendment right to criticize a branch of government, without being barred from access to the courts.

3. Where corruption and criminal conduct has reached the Circuit Court level in several circuits, petitioner's writs must be granted.

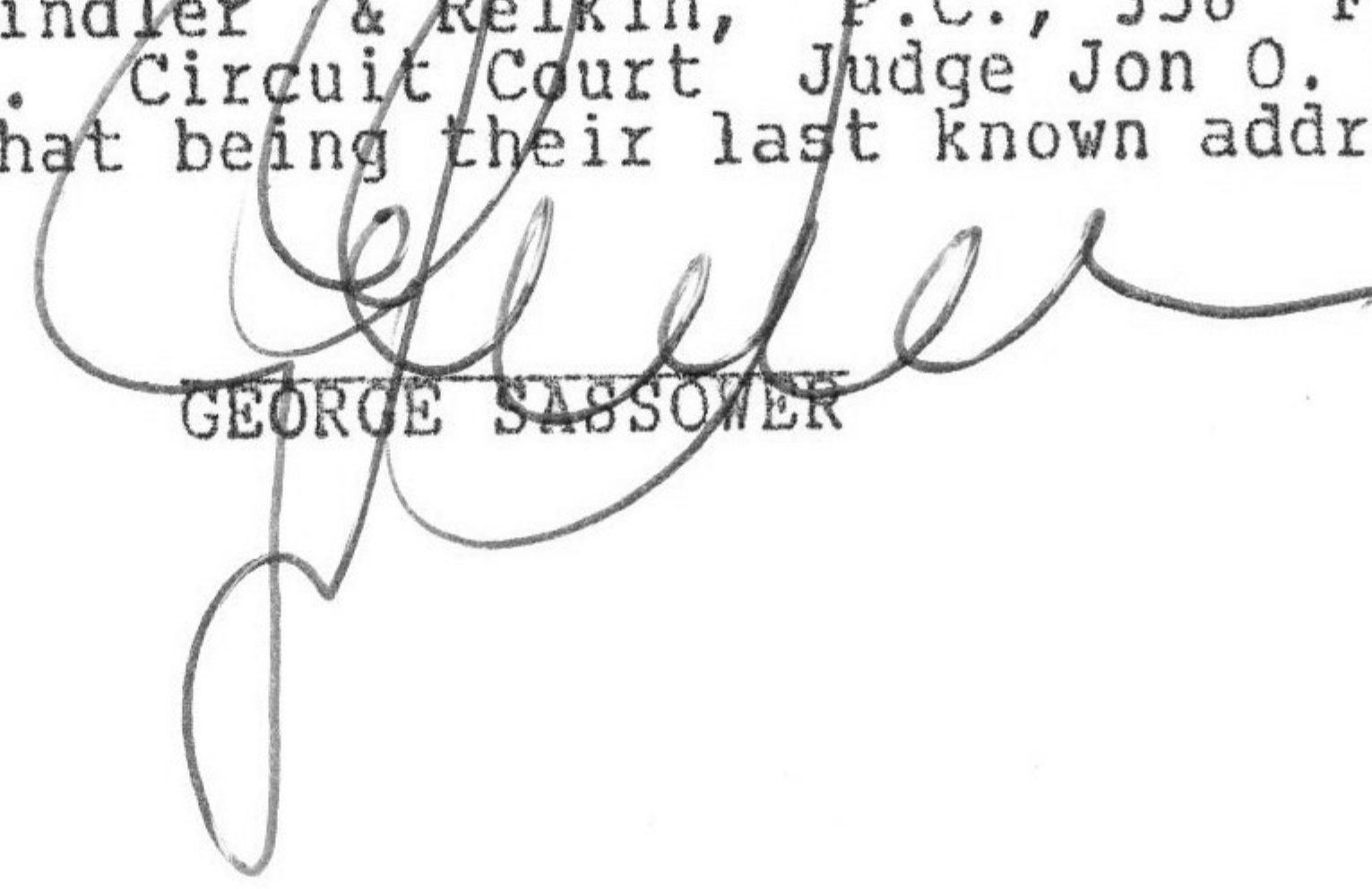
Dated: August 30, 1993

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

CERTIFICATION OF SERVICE

On August 31, 1993 I served a true copy of this Petition by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to Solicitor General of the United States, Department of Justice, Washington, D.C. 20530; U.S. Attorney Edmund Sargus, Att: AUSA Pamela Millard Stanek, Federal Building, 200 West Second Street, Dayton, Ohio 45402; Thompson, Hine and Flory, Esqs., 2000 Courthouse Plaza N.E., P.O. Box 8801, Dayton, Ohio 45401-8801; NYS Atty. Gen. Robert Abrams, AAG Carolyn C. Olson, 120 Broadway, New York, NY 10271; Feltman, Karesh, Major & Farbman, Esqs., 152 West 57th Street, New York, NY 10019; Kreindler & Relkin, P.C., 350 Fifth Avenue, New York, NY 10118, and Chief U.S. Circuit Court Judge Jon O. Newman, 450 Main Street, Hartford Conn. 06103, that being their last known addresses.

Dated: August 31, 1993

  
GEORGE SASSOWER



UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

**FILED**

MAR 04 1993

LEONARD GREEN, Clerk

GEORGE SASSOWER,  
Plaintiff-Appellant,

v.

THOMPSON, HINE & FLORY; D. MICHAEL  
CRITES; JAMES OAKES; MICHAEL MERZ;  
CHARLES L. BRIEANT; DALE ANN  
GOLDBERG; FRANCIS T. MURPHY;  
ROBERT ABRAMS; KREINDLER & RELKIN,  
P.C.; CITIBANK, N.A.; FELTMAN,  
KARESH, MAJOR & FARBMAN,

Defendants-Appellees.

ORDER

**NOT RECOMMENDED FOR FULL-TEXT PUBLICATION**  
Sixth Circuit Rule 24 limits citation to specific situations. Please see  
Rule 24 before citing in a proceeding in a court in the Sixth Circuit. If  
cited, a copy must be served on other parties and the Court.  
This notice is to be promptly displayed if this decision is reproduced.

BEFORE: GUY and BOGGS, Circuit Judges, and GIBSON, Chief District Judge.\*

This New York plaintiff appeals a district court judgment dismissing his complaint and an injunction barring him from filing future actions without first obtaining leave of the court. He also appeals the district court's order denying his motion for recusal. He has filed motions for leave to proceed in forma pauperis and for other relief. The appeal has been referred to a panel of the court pursuant to Rule 9(a), Rules of the Sixth Circuit. Upon examination, this panel unanimously agrees that oral argument is not needed. Fed. R. App. P. 34(a).

George Sassower is a former attorney who represented a party in bankruptcy proceedings involving the dissolution of a New York corporation, Puccini Clothes, Ltd. Subsequent to the conclusion of those proceedings, Sassower undertook a campaign challenging the conduct of

\* The Honorable Benjamin F. Gibson, Chief U.S. District Judge for the Western District of Michigan, sitting by designation.

federal and state judges, private and government attorneys and state officials, among others, who were involved in the Puccini Clothes matter and in the litigation that followed. In the present case, he alleged that defendants are involved in an "egregious criminal racketeering adventure" including the fabrication and publication of sham judicial documents and the larceny of judicial trust assets.

The district court determined that Sassower was attempting to relitigate the Puccini Clothes matter and to pursue improperly a collateral attack on court decisions in prior proceedings. Defendants' motions to dismiss were granted; Sassower's various requests for relief were denied. The district court included in its decision an injunction barring Sassower from filing any further actions in the Southern District of Ohio without obtaining prior leave of the court. This appeal followed.

Upon review, we conclude that the action was properly dismissed. To the extent Sassower asserts claims arising from the Puccini Clothes matter, his claims are barred by res judicata. Moreover, Sassower's conclusory allegations concerning a conspiracy to deny him access to the courts represents a misuse of the civil rights remedy. See *Coogan v. Cincinnati Bar Ass'n*, 431 F.2d 1209, 1211 (6th Cir. 1970). Sassower's motions for recusal were properly denied as he presented no cognizable legal basis for the disqualification of the district court judge. See *United States v. Sammons*, 918 F.2d 592, 599 (6th Cir. 1990).

Additionally, the district court did not abuse its discretion by enjoining Sassower from filing further actions without first obtaining leave of that court. Sassower's history of vexatious and frivolous litigation is well documented. See, e.g., *Sassower v. Sansverie*, 885 F.2d 9, 10-11 (2d Cir. 1989) (per curiam) (affirming an injunction barring Sassower from filing further actions without prior leave of the district court). See also *Sassower v. Carlson*, 930 F.2d 583, 584 (8th Cir. 1991) (per curiam); *Raffe v. John Doe*, 619 F. Supp. 891, 898 (S.D.N.Y. 1985). A district court may require a litigant with a history of vexatious litigation to obtain leave of court before

further complaints will be accepted for filing. See 28 U.S.C. § 1651(a); *Filipas v. Lemons*, 835 F.2d 1145, 1146 (6th Cir. 1987).

Similarly, defendants' request for an injunction from this court is well taken. Within an eight month period Sassower filed twenty-eight appeals and original actions in this court. An injunction is proper against a litigant who has abused the court system by using it to relitigate claims arising from the same factual circumstances or to harass his opponents. See *In re Martin-Trigona*, 737 F.2d 1254, 1262-63 (2d Cir. 1984); *Harrelson v. United States*, 613 F.2d 114, 116 (5th Cir. 1980).

Accordingly, George Sassower is hereby enjoined from filing, instituting, continuing or prosecuting any civil action in this or any other federal court in this Circuit without first obtaining leave of that court. In seeking leave to file, Sassower must certify that the claim or claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court. Such claims may not include any relating to or arising from the Puccini Clothes litigation, claims objecting to sanctions for which ordinary review has been exhausted, or claims against any state or federal judge, officer, or employee for actions taken in the course of their official duties exercised in connection with Sassower's previous litigation. He must also certify that the claim or claims are not frivolous or malicious, or taken in bad faith. Additionally, the motion for leave must be captioned "Application Pursuant to Court Order Seeking Leave to File" and Sassower must affix a copy of this opinion and order to that motion. Failure to comply strictly with the terms of this injunction will be sufficient grounds for summarily denying leave to file.

The motion for leave to proceed as a pauper is granted for the limited purpose of addressing this appeal. All other pending motions are denied, and the district court's judgment is affirmed. Rule 9(b)(3), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

  
Clerk

AH

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

FILED  
KENNETH J. MURPHY  
CLERK

92 MAY 13 PM 1:37

GEORGE SASSOWER, :  
 :  
Plaintiff, :  
 :  
vs. : Case No. C-3-92-27  
 :  
THOMPSON, HINE AND FLORY, et al., : Judge Walter Herbert Rice  
 :  
Defendants. :

COURT  
SOUTHERN DIST. OHIO  
WESTERN DIV. DAYTON

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DECISION AND ENTRY SUSTAINING DEFENDANT THOMPSON, HINE AND FLORY'S MOTION TO DISMISS (DOC. #7); MOTION TO DISMISS OF DEFENDANTS OAKES, BRIEANT, MERZ, CRITES AND GOLDBERG (DOC. #10) SUSTAINED; DEFENDANT FELTMAN, KARESH, MAJOR & FARBMAN'S MOTION TO DISMISS (DOC. #13) SUSTAINED; MOTION TO DISMISS OF DEFENDANTS ABRAMS, ROBERTS AND MURPHY (DOC. #18) SUSTAINED; DEFENDANTS KREINDLER & RELKIN AND CITIBANK DISMISSED SUA SPONTE; PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER (DOC. #9) OVERRULED; PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT (DOC. #12) OVERRULED; PLAINTIFF'S MOTION FOR TEMPORARY RESTRAINING ORDER (DOC. #20) OVERRULED; PLAINTIFF'S MOTION FOR EXPEDITIOUS JURY ASSESSMENT OF DAMAGES (DOC. #23) OVERRULED; PLAINTIFF'S MOTION FOR LEAVE TO FILE AMENDED COMPLAINT (DOC. #25) OVERRULED; PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT (DOC. #26) OVERRULED; INJUNCTION AGAINST FURTHER FILING; TERMINATION ENTRY  
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This action is but yet another example of Plaintiff George Sassower's bombardment of the federal judicial system with frivolous litigation. Presently pending before this Court are the Motions to Dismiss of Defendants Thompson, Hine and Flory (Doc. #7), Oakes, Brieant, Merz, Crites and Goldberg (Doc. #10), Feltman, Karesh, Major & Farbman (Doc. #13) and Abrams, Roberts and Murphy (Doc. #18). In addition, Sassower has filed a Motion for Temporary Restraining Order (Doc. #9), a Motion for Partial Summary Judgment (Doc. #12), a second Motion for Temporary

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Restraining Order (Doc. #20), something called a Motion for Expeditious Jury Assessment of Damages (Doc. #23), a Motion for Leave to File an Amended Complaint (Doc. #25) and a second Motion for Partial Summary Judgment (Doc. #26).

Sassower's Complaint (Doc. #3), to the extent that same is capable of comprehension, sets forth two main premises. First, Sassower attempts to relitigate issues which have been discussed ad nauseam throughout the course of the Puccini Clothes matter. Sassower has been permanently enjoined from further litigating the Puccini Clothes matter by United States District Judge Connor in Raffe v. Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985). Since all Puccini Clothes issues are res judicata, Sassower's Complaint must be dismissed to the extent that it purports to set forth claims based upon the Puccini Clothes matter.

Second, Sassower attempts to set forth various causes of action based upon the alleged misconduct of various attorneys and jurists in connection with two other cases filed in this Court, George Sassower v. Mead Data Central, et al., Case No. C-3-91-436 and In re Grand Jury Application by Sassower v. Crites, Case No. MC-3-91-54. However, as Sassower, a former (now disbarred) attorney, well knows, a federal court proceeding may not be collaterally attacked through a subsequent civil action. The proper method for challenging a ruling thought to be erroneous (or fraudulent) is an appeal in that action.

Wherefore, based upon the above (and based upon the reasoning and citations of authority filed in support of the Motions to Dismiss), Defendant Thompson, Hine and Flory's Motion

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to Dismiss (Doc. #7) is deemed to be well taken and same is, therefore, sustained. The Motions to Dismiss of Defendants Oakes, Briant, Merz, Crites and Goldberg (Doc. #10), Feltman, Karesh, Major & Farbman (Doc. #13) and Abrams, Roberts and Murphy (Doc. #18) are sustained. In addition, since the foregoing analysis applies with equal force to Defendants Kreindler & Relkin and Citibank, those parties are dismissed sua sponte.

This case having been dismissed in its entirety, Plaintiff's Motion for Temporary Restraining Order (Doc. #9), Motion for Partial Summary Judgment (Doc. #12), Motion for Temporary Restraining Order (Doc. #20), Motion for Expeditious Jury Assessment of Damages (Doc. #23), Motion for Leave to File an Amended Complaint (Doc. #25) and Motion for Partial Summary Judgment (Doc. #26) are overruled.

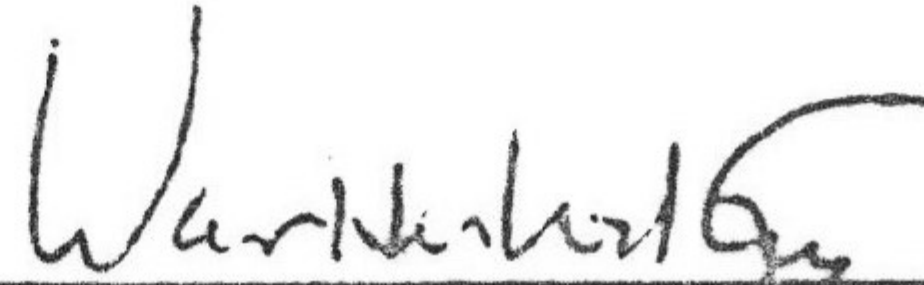
Because of Plaintiff's abusive litigation tactics which have been well documented not only in the captioned file but in similar litigation filed throughout this country, this Court will, sua sponte, enter an injunction parallel to that entered by the Eighth Circuit Court of Appeals (930 F.2d at 584), barring Plaintiff from filing any further action in this Court (or any further pleading in this or in any other case previously filed in this Court save and excepting a notice of appeal filed therein), without first obtaining leave of Court upon a certificate that the claims are new and never before raised and/or disposed of on the merits in another court, that they do not involve the Puccini Clothes controversy, that they are not brought against any federal or state judge, officer, or employee for actions in the



course of his or her official duties, and that they are not frivolous, malicious or brought in bad faith.

Wherefore, based upon the above, the captioned cause is hereby terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

May 13, 1992



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WALTER HERBERT RICE  
UNITED STATES DISTRICT JUDGE

Copies to:

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