

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

-----x
GEORGE SASSOWER,
 Petitioner,
 -against-
Hon. WILLIAM P. BARR,
as ATTORNEY GENERAL OF THE UNITED STATES,
 Respondent.
For a Writ of Mandamus.

-----x
-----x
In the Matter of a Grand Jury
Application by
GEORGE SASSOWER,
 Petitioner,
 -against-
U.S. Attorney JAY B. STEPHENS
 Respondent.

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

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

PRELIMINARY STATEMENT

By reason of ongoing relevant events, this petition may shortly be amended, which may include leave to file a formal printed petition and/or removal from the in forma pauperis calendar to the regular calendar.

QUESTIONS PRESENTED

1a. Could U.S. District Court Judge THOMAS F. HOGAN ["Hogan"] lawfully dragoon these proceedings to himself, sua sponte dismiss same, and bar petitioner from any further

filings, absent permission, where the allegations in the Grand Jury Application ["Proceeding #2"] contained the following allegations:

"Petitioner's presentment to the grand jury will set forth his evidence of the criminal conduct of U.S. District Judge THOMAS F. HOGAN ['Hogan'] of the District of Columbia and of respondent U.S. Attorney JAY B. STEPHENS ['Stephens'] ... Those involved in the criminal activities in this district now also include Judge Hogan, who usurps lawful authority in order to perpetuate criminal activity in this district, which activity is contrary to the interests of the USA, monetarily and otherwise. Instead of bringing such criminal activities to the attention of the grand jury, Judge Hogan, Stephens, and other officials are protecting themselves, members of the judiciary, members of the Department of Justice and their cronies in order to advance an egregious criminal adventure. ... The criminal racketeering adventure which petitioner desired to bring to the attention of the grand jury is described in his complaint and his other papers under Docket No. 91-2276 ['TFH'], which was sua sponte dismissed three (3) days after a copy of the complaint was received by ... and one day after receipt of same by U.S. District Judge Judge Hogan's sua sponte procedure does not comport with recognized and well established legal procedures, does not comport with the 'appearance of justice', and is therefore void. ... Judge Hogan did not even advance a reason for dismissing petitioner cause which requested a grand jury submission and other causes of action by petitioner.... Petitioner's petition under the aforementioned Docket number had to be transmitted to the grand jury, as a matter of ministerial compulsion. No judge or federal official can avoid that obligation simply because the petition exposes governmental corruption.... In any event the prime object of this grand jury submission is to advise it of the criminal conduct of Judge Hogan in criminally obstructing justice, which Stephens must transmit upon petitioner's request. Such request is here and now made." [emphasis supplied]

b. Should the U.S. Attorney for the District of Columbia, be directed to transmit petitioner's evidence of criminal activities in that judicial district to the Grand Jury?

2. Where petitioner prayed in Proceeding #1 for an Order compelling Attorney General WILLIAM H. BARR ["Barr"] to issue an Order in accordance with the non-discretionary mandate provided in 28 U.S.C. §591[d][2] or 28 U.S.C. §591[e], based on his misconduct and/or that of Attorney General of the United States RICHARD L. THORNBURGH ["Thornburgh"] and United States Solicitor General KENNETH W. STARR ["Starr"], could such petition be lawfully and sua sponte dismissed by Judge Hogan after he dragooned same to himself?

3. Where rogue federal jurists, who are involved in the larceny of judicial trust assets, diverting monies payable "to the federal court" to private pockets, extortion, and other criminal racketeering activities, should the U.S. Attorney General be enjoined from representing them in civil tort money damage actions where he/she has failed and/or refused to issue a 28 U.S.C. §2679[d] "scope" certificate?

4. Should the U.S. Attorney General be mandated to recover on behalf of the federal government those monies payable "to the federal court" but diverted to private pockets?

5. Should the U.S. Attorney General be mandated to terminate all "extortion" monies being paid to members of the judiciary, their "bag-men" and cronies being employed to, inter alia, corrupt the machinery of justice?

6. Should the U.S. Attorney General be mandated to recover on behalf of a judicial trust all monies made the subject of larceny by members of the judiciary, their "bag-men" and cronies being employed to, inter alia, corrupt the machinery of justice?

7. Should the U.S. Circuit Court of Appeals for the District of Columbia be compelled to adjudicate petitioner's "general bias" application?

8. Can the courts below prohibit petitioner from any further filings of new cases in the U.S. District Court for the District of Columbia, absent permission, in retaliation for petitioner's exposure of judicial corruption?

THE PARTIES and/or ATTORNEYS

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

Hon. DREW S. DAYS, III
Solicitor General of the U.S.
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Washington, DC 20530
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OPINION BELOW

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JURISDICTION

28 U.S.C. §1254[1]

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 and 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]

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

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

3. 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."

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

"No person shall ... nor be deprived of ... liberty, or property, without due process of law ...".

5. 18 U.S.C. §1504, provides:

"Nothing in this section shall be construed to prohibit the communication of a request to appear before the grand jury."

6. 18 U.S.C. §3332[a], provides:

"It shall be the duty of each grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an offense from any other person shall, if requested by such other person, inform

the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation."

7. 28 U.S.C. §547. Duties

"Except as otherwise provided by law, each United States attorney, within his district, shall--- (1) prosecute for all offenses against the United States; (2) prosecute or defend, for the Government, all civil actions, suits or proceedings in which the United States is concerned; (3) appear in behalf of the defendants in all civil actions, suits or proceedings pending in his district against collectors, or other officers of the revenue or customs for any act done by them or for the recovery of any money exacted by or paid to these officers, and by them paid into the Treasury; (4) institute and prosecute proceedings for the collection of fines, penalties, and forfeitures incurred for violation of any revenue law, unless satisfied on investigation that justice does not require the proceedings; and (5) to make such reports as the Attorney General may direct."

8. 28 U.S.C. §2679[d] provides:

"(1) Upon certification by the Attorney General that the defendant employee was acting within the scope of his office or employment at the time of the incident out of which the claim arose, any civil action or proceeding commenced upon such claim in a United States district court shall be deemed an action against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant. ...

(3) In the event that the Attorney General has refused to certify scope of office or employment under this section, the employee may at any time before trial petition the court to find and certify that the employee was acting within the scope of his office or employment. Upon such certification by the court, such action or proceeding shall be deemed to be an action or proceeding brought against the United States under the provisions of this title and all references thereto, and the United States shall be substituted as the party defendant.

9a. 28 U.S.C. §591[d][2] provides:

"The Attorney General shall determine whether grounds to investigate exist not later than 15 days after the information is first received. ... If within that 15-day period the Attorney General

determines that the information is specific and from a credible source, the Attorney General shall upon making that determination, commence a preliminary investigation with respect to that information. If the Attorney General is unable to determine, within that 15-day period, whether the information is specific and from a credible source, the Attorney General shall, at the end of that 15-day period, commence a preliminary investigation with respect to that information."

b. 28 U.S.C. §591(e) provides:

"(1) When recusal is required. If information received under this chapter involves the Attorney General or a person with whom the Attorney General has a current or recent personal or financial relationship, the Attorney General shall recuse himself

...
(2) Requirements for recusal determination. The Attorney General shall, before personally making any other determination under this chapter with respect to information received under this chapter, determine under paragraph (1) whether to recuse himself or herself with respect to that information. A determination to recuse shall be in writing The Attorney General shall file this determination with any notification or application submitted to the division of the court under this chapter with respect to the information involved." [emphasis supplied]

10a. 28 U.S.C. §144 provides:

"Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be assigned not less than ten days before the beginning of the session at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith."

b. 28 U.S.C. §455 provides:

"(a) Any justice, judge, or magistrate of the United States shall disqualify himself in any

proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances: ...

(ii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; ..."

STATEMENT OF THE CASE

1. On September 27, 1991, petitioner executed and mailed to the U.S. District Court a Petition against WILLIAM H. BARR ["Barr"] Attorney General of the United States to mandamus him to issue an Order pursuant to 28 U.S.C. §591[d][2] or 28 U.S.C. §591[e], based upon a complaint against him, Attorney General of the United States RICHARD L. THORNBURGH ["Thornburgh"], and United States Solicitor General KENNETH W. STARR ["Starr"] -- hereinafter Proceeding #1.

2a. Ten days later, on October 7, 1991, petitioner executed and mailed to the U.S. District Court a Petition against U.S. Attorney JAY B. STEPHENS ["Stephens"] of the District of Columbia, hereinafter Proceeding #2, requesting that petitioner's communications to the Grand Jury, and his request to appear before the Grand Jury be transmitted to that body.

b. The following are some of the relevant assertions made in petitioner's petition:

"Petitioner's presentment to the grand jury will set forth his evidence of the criminal conduct of U.S. District Judge THOMAS F. HOGAN ['Hogan'] of the District of Columbia and of respondent U.S. Attorney JAY B. STEPHENS ['Stephens'] ... Those involved in the criminal activities in this district now also include Judge Hogan, who usurps lawful authority in order to perpetuate criminal activity in this district, which activity is contrary to the interests of the USA, monetarily and otherwise.

Instead of bringing such criminal activities to the attention of the grand jury, Judge Hogan, Stephens, and other officials are protecting themselves, members of the judiciary, members of the Department of Justice and their cronies in order to advance an egregious criminal adventure. ... The criminal racketeering adventure which petitioner desired to bring to the attention of the grand jury is described in his complaint and his other papers under Docket No. 91-2276 ['TFH'], which was sua sponte dismissed three (3) days after a copy of the complaint was received by ... and one day after receipt of same by U.S. District Judge ... Judge Hogan's sua sponte procedure does not comport with recognized and well established legal procedures, does not comport with the 'appearance of justice', and is therefore void. ... Judge Hogan did not even advance a reason for dismissing petitioner cause which requested a grand jury submission and other causes of action by petitioner.... Petitioner's petition under the aforementioned Docket number had to be transmitted to the grand jury, as a matter of ministerial compulsion. No judge or federal official can avoid that obligation simply because the petition exposes governmental corruption.... In any event the prime object of this grand jury submission is to advise it of the criminal conduct of Judge Hogan in criminally obstructing justice, which Stephens must transmit upon petitioner's request. Such request is here and now made." [emphasis supplied]

3. Since petitioner's assets, including those of a contractual nature and reduced to a money judgment, have been effectively "frozen" for his exposure of judicial misconduct (see Sassower v. Puccini, SCUS Docket No. 93- ; Sassower v. A.R., SCUS, Docket No. 93-), petitioner asserted that the court was estopped from making any 28 U.S.C. §1915 analysis of his filings, alternatively he requested in forma pauperis relief.

4. Petitioner's applications were granted by Senior U.S. District Judge JOHN H. PRATT ["Pratt"].

5. Immediately after such grant and this filing, Judge Hogan dragooned the proceedings to himself, and without any motion, notice or due process, dismissed petitioner's petitions, imposing a general sanction against petitioner for any further filings, absent permission.

REASONS FOR THE ISSUANCE OF THIS WRIT

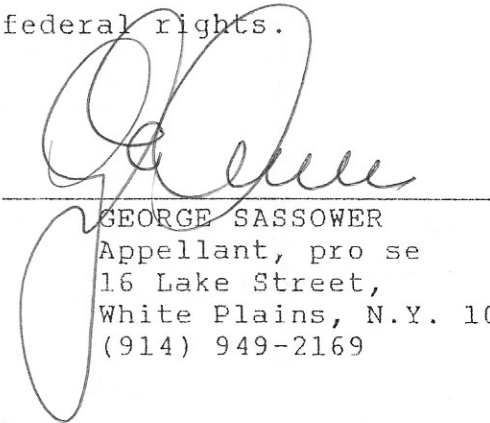
1. Any judge who is specifically named as an intended object of a grand jury inquiry who stonewalls such intended inquiry by denying access to that body, is clearly obstructing a criminal investigation, which is itself violative of the federal criminal code.

2a. There is no possible way that, Judge Hogan or any member of the judiciary can conceal the larceny of judicial trust assets, the diversion of monies payable "to the federal court" to private pockets, extortion and other criminal racketeering activities, by the tactics of the courts below.

b. The attempt by the District and Circuit Courts to conceal such activities simply compounds, and makes more egregious, the underlying misconduct.

3. The U.S. Constitutional guarantees access to the federal courts for "all" cases involving a federal question, and where the crimes have been committed in the District of Columbia, that tribunal must determine those federal rights.

Dated: July 11, 1993

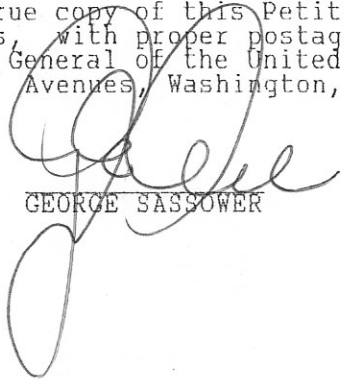


GEORGE SASSOWER
Appellant, pro se
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(914) 949-2169

CERTIFICATION OF SERVICE

On June 1, 1993 I served a true copy of this Petition by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to Hon. Drew S. Days, III, Solicitor General of the United States, Department of Justice, 10th and Constitution Avenues, Washington, D.C. 20530, that being his last known address.

Dated: June 12, 1993



GEORGE SASSOWER

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 92-5057

September Term, 1992

CV 91-3233

CV 91-2276

George Sassower,

Appellant

v.

William P. Barr, Attorney
General of the United States

and Consolidated Case No. 92-5131

United States Court of Appeals
For the District of Columbia Circuit

FILED APR 14 1993

RON GARVIN
CLERK

BEFORE: Ruth B. Ginsburg, Buckley and Henderson, Circuit Judges

ORDER

Upon consideration of appellant's petition for rehearing filed
March 5, 1993, it is

ORDERED, by the Court, that the petition is denied.

Per Curiam
FOR THE COURT:
RON GARVIN, CLERK

BY: *Robert A. Bonner*

Robert A. Bonner
Deputy Clerk

NOT TO BE PUBLISHED - SEE LOCAL RULE 14

United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 92-5057

September Term, 19 92

91cv03233

91cv02276

George Sassower,

Appellant

United States Court of Appeals
For the District of Columbia Circuit

v.

FILED FEB 19 1993

William P. Barr, Attorney
General of the United States

RON GARVIN
CLERK

And consolidated case No. 92-5131

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

BEFORE: Ruth B. Ginsburg, Buckley and Henderson,
Circuit Judges

J U D G M E N T

These consolidated appeals were considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. The court has determined that the issues presented occasion no need for an opinion. See D.C. Cir. Rule 14(c). It is

ORDERED AND ADJUDGED that the district court's September 26, 1991 order dismissing complaint number 91cv02276, and the district court's January 10, 1992 order dismissing the petitions in 91cv03302 and 91cv03233 and enjoining appellant from initiating any actions in district court without prior written approval, be affirmed substantially for the reasons stated by the district court.

The Clerk is directed to withhold issuance of the mandate herein until seven days after disposition of any timely petition for rehearing. See D.C. Cir. Rule 15.

Per Curiam

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

JAN 10 1992

GEORGE SASSOWER,
Plaintiff

v.

WILLIAM P. BARR,
Defendant

CLERK, U.S. DISTRICT COURT
DISTRICT OF COLUMBIA

Civil Action No. 91-3233

GEORGE SASSOWER,
Plaintiff

v.

JAY B. STEPHENS,
Defendant

Civil Action No. 91-3302

MEMORANDUM OPINION

With the filing of the two above-captioned lawsuits, George Sassower has once again added to his "long and tortured history of litigation" in state and federal courts. Raffe v. Doe, 619 F. Supp. 891, 893 (S.D.N.Y. 1985) (quoted in Sassower v. Stephens, et al., No. 91-2276 (D.D.C. Sept. 26, 1991) and attached hereto as "Addendum A").¹ After unsuccessfully pursuing countless similar lawsuits in the state and federal courts of New York, Sassower decided to try his luck in this circuit by filing suit in 1989 alleging substantially the same claims against substantially the same defendants as the suits in New York. See Sassower v. Thornburgh, et al., No. 89-2214 (D.D.C. Dec. 28, 1989), aff'd, Nos. 90-5025 and 90-5091 (July

¹ Because of their related nature, the Court has consolidated these cases for the purposes of this Opinion.

25, 1990).² Those suits each involved Sassower's allegations of racketeering in connection with the dissolution of Puccini Clothes, Ltd., a New York Corporation that was dissolved and placed into receivership by the New York Supreme Court in 1980. As each case was dismissed, Sassower would file a new lawsuit, adding as defendants the judges and other government officials and representatives who had participated in the dismissed litigation. When Sassower's abuse of the judicial system became egregious, the district court for the Southern District of New York permanently enjoined Sassower from filing any further actions in any federal court against any of several named defendants and relating to the Puccini dissolution. Raffe v. Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985). Additionally, Sassower, who had been a licensed attorney in New York, was disbarred from the practice of law for professional misconduct including the filing of frivolous and vexatious litigation against judges, referees, attorneys, public officials, and private parties. See In re Disbarment of Sassower, 481 U.S. 1045 (1987); In re Sassower, 700 F. Supp. 100 (E.D.N.Y. 1988); In re Sassower, 512 N.E.2d 547 (N.Y. 1987).

After bringing suit in this district and adding several federal and state judges and public officials as defendants,

² A Westlaw search of the name "George Sassower" revealed 60 cases: 13 in the Supreme Court and numerous others in the Second, Third, Fourth, and Eighth Circuits. Each one that the Court reviewed revolved around the same factual circumstances. Each was dismissed.

Judge Norma Holloway Johnson dismissed Sassower's case for lack of personal jurisdiction, lack of venue, absolute immunity, and because the suit violated the Raffe permanent injunction. Sassower v. Thornburgh, et al., No. 89-2214 (D.D.C. Dec. 28, 1989), aff'd, Nos. 90-5025 and 90-5091 (July 25, 1990). Shortly after the appellate court affirmed Judge Johnson's ruling, Sassower filed suit in this district again, this time adding Judge Johnson and the appellate court judges as defendants. In his complaint, Sassower alleged that three of the federal court judges had formed the "nucleus of [a] criminal racketeering adventure," the activities of which included "larceny of judicial trust assets, diversion of monies payable 'to the federal court' to private pockets, extorting of millions of dollars to private pockets in lieu of terms of incarceration pursuant to criminal convictions, obstruction of justice, bankruptcy fraud, and other criminal racketeering activities." Complaint at ¶ 8a-b, Sassower v. Stephens, et al., No. 2276 (filed Sept. 6, 1991). This Court sua sponte dismissed Sassower's complaint on September 26, 1991 for the same reasons that his previous complaint had been dismissed by Judge Johnson as well as for its failure to comply with Federal Rule of Civil Procedure 8(a) and its failure to state a claim upon which relief could be granted. Moreover, the Court warned plaintiff that "any further litigation which violates the Raffe court's permanent injunction, as this case has, may subject plaintiff to

monetary or other sanctions for contempt of court." Id., Slip Op. at 4 (Sept. 26, 1992).

Plaintiff's two new complaints continue to be related to the Puccini dissolution and the alleged racketeering activities thereafter allegedly engaged in by federal judges and officials. Civil Action No. 91-3233 seeks a writ of mandamus against the Attorney General of the United States for failing to respond to an application to investigate the racketeering activities alleged by the plaintiff in his numerous complaints. Civil Action No. 91-3302 seeks to compel the U.S. Attorney for the District of Columbia to present information to the grand jury regarding plaintiff's allegations of racketeering among high federal officials and judges.

Statutory law provides that a court may sua sponte dismiss pro se, in forma pauperis complaints if the court is "satisfied that the action is frivolous or malicious." 28 U.S.C. § 1915(d). This circuit has held that a district court may sua sponte "dismiss as frivolous complaints reciting bare legal conclusions with no suggestion of supporting facts, or postulating events or circumstances of a wholly fanciful kind." Crisafi v. Holland, 655 F.2d 1305, 1306-08 (D.C. Cir. 1981). Moreover, a court may dismiss as "malicious" complaints that are repetitious of previously decided claims. In so doing, a "complaint that merely repeats pending or previous claims may be considered abusive, and a court may look to its own records to


determine whether a pleading repeats prior claims." Id. at 1309.

In these cases, plaintiff's claims are clearly abusive. Not only has he litigated them over and over again, he has added new defendants and trumped up new allegations based on nothing more than the fact that those defendants have rejected plaintiff's claims. A court may enjoin a person from filing further lawsuits in federal court when it is "necessary to protect the public and the efficient administration of justice from vexatious litigants." Raffe, 619 F.2d at 898. Such a remedy may be granted upon a showing of "[a] history of litigation entailing 'vexation, harassment and needless expense to [other parties]' and 'an unnecessary burden on the courts and their supporting personnel.'" Id. (quoting In re Martin-Trigona, 737 F.2d 1254, 1262 (2d Cir. 1984) (quoting In re Hartford Textile Corp., 681 F.2d 895, 897 (2d Cir. 1982), cert. denied, 459 U.S. 1206 (1983))).

Clearly, Sassower's repeated lawsuits have resulted in substantial harassment and expense for the numerous defendants. Moreover, they have created an entirely unnecessary burden on the courts which must struggle to keep up with the ever-increasing flow of poorly drafted, rambling complaints filed by Sassower. The Court is unaware of any other court that has found any of Sassower's related litigation to have merit. Because it can think of no other means to stem the tide of harassing litigation, this Court shall, by accompanying Order,

enjoin Sassower from filing any further litigation in this Court without prior approval of a federal judge in this district.

Dated: January ^{9th} 2, 1992


Thomas F. Hogan
United States District Judge

pursuant to criminal convictions, obstruction of justice, bankruptcy fraud, and other criminal racketeering activities." Complaint at ¶ 8a-b.

The alleged racketeering activities that plaintiff complains of stem from the dissolution of Puccini Clothes, Ltd. (Puccini), a New York Corporation that was dissolved and placed into receivership by the New York Supreme Court in 1980. At that time, the plaintiff represented an apparently disgruntled shareholder who sought to have the dissolution and receivership set aside. When this was denied, plaintiff embarked on what has now become a "long and tortured history of litigation" in state and federal courts. Raffe v. Doe, 619 F. Supp. 891, 893 (S.D.N.Y. 1985) (quoting Raffe v. Citibank, N.A., 84 Civ. 305 (E.D.N.Y. August 1, 1984)); see also Sassower v. Sheriff of Westchester County, 824 F.2d 184, 185 (2d Cir. 1987). In 1985, plaintiff was permanently enjoined from filing any action in any federal court against any of several named defendants if the litigation arose out of or was related to the Puccini dissolution. Raffe v. Doe, 619 F. Supp. at 898. This injunction was issued after the district court found that "any measure short of an injunction will be ineffective in preventing Raffe and Sassower from using the federal courts as vehicles for harassment." Id. at 898.

Unfortunately, not even the Raffe court's permanent injunction has been successful in putting a halt to plaintiff's vexatious litigation. Plaintiff, instead, "has bombarded both

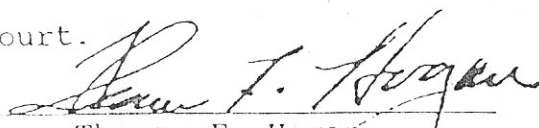
the state and federal courts with numerous motions (over 300), law suits (35), and Article 78 proceedings (40)." Sassower v. Sheriff of Westchester County, 824 F.2d at 186. Most recently, he has begun filing lawsuits in this district, naming substantially all of the same defendants previously named and recounting claims arising out of the Puccini dissolution. The first such lawsuit was dismissed by Judge Norma Holloway Johnson, who is a defendant in the litigation now before this Court. Judge Johnson dismissed the case after the plaintiff failed to show cause why the case should not be dismissed on any of four grounds: (1) lack of personal jurisdiction over the defendants, (2) lack of venue, (3) the absolute immunity of judicial officers from damages, and (4) because the suit violated the Raffe permanent injunction. See Sassower v. Thornburgh, et al., No. 89-2214 (D.D.C. Dec. 28, 1989), aff'd, Nos. 90-5025 and 90-5091 (July 25, 1990). After discussing the history of plaintiff's harassing litigation, Judge Johnson wrote that "the plaintiff is hereby given fair warning that this Court will not hesitate in the future to take appropriate steps to protect itself and prospective defendants from frivolous and vexatious litigation." Slip op. at 7.

The case now before this Court is against three of the defendants named in the Raffe permanent injunction and arises

out of the Puccini dissolution.² It involves substantially all of the same defendants as the case previously before Judge Johnson and most of the same claims.³ Any new claims are undecipherable in plaintiff's rambling 19-page complaint. Not only does the complaint suffer from the same defects as the complaint before Judge Johnson, it also fails to comply with Federal Rule of Civil Procedure 8(a), which requires that a complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief."

Because this Court's review of the complaint and plaintiff's history of unmeritorious and harrassing litigation indicates that it is "beyond doubt that the plaintiff can prove no set of facts in support of his claims which would entitle him to relief," Haines v. Kerner, 404 U.S. 519, 521 (1972) (quoting Conley v. Gibson, 355 U.S. 41, 45-6 (1957)), the Court shall sua sponte dismiss this case with prejudice in accordance with rule 12(b)(6) of the Federal Rules of Civil Procedure. Moreover, the Court hereby gives the plaintiff warning that any further litigation which violates the Raffe court's permanent injunction, as this case has, may subject plaintiff to monetary or other sanctions for contempt of court.

Dated: September 26th, 1991


Thomas F. Hogan
United States District Judge

² These defendants are Kreindler & Relkin, P.C.; Feltman, Karesh, Major & Farbman; and Citibank, N.A. Each had a role in the dissolution of Puccini back in 1980.

³ Among new defendants are Judge Johnson and the three appellate court judges who affirmed Judge Johnson's Order dismissing plaintiff's case.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

GEORGE SASSOWER,
Plaintiff

v.

WILLIAM P. BARR,
Defendant

Civil Action No. 91-3233

FILED

JAN 10 1992

CLERK, U.S. DISTRICT COURT

GEORGE SASSOWER,
Plaintiff

v.

JAY B. STEPHENS,
Defendant

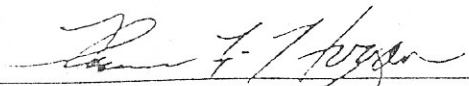
Civil Action No. 91-3302

ORDER

In accordance with the Memorandum Opinion issued herewith and for the reasons stated therein, it is this 9th day of January, 1992,

ORDERED that Civil Action Nos. 91-3223 and 91-3302 be and hereby are DISMISSED WITH PREJUDICE; and it is

FURTHER ORDERED that George Sassower be and hereby is permanently enjoined and restrained from filing or serving, or attempting to initiate any action or proceeding in this Court without the prior written approval of the Court. Accordingly, the Clerk of the Court is hereby directed not to accept any papers submitted for filing by George Sassower without first obtaining authorization from a federal judge in this district.


Thomas F. Hogan
United States District Judge