

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

-----X
GEORGE SASSOWER,
 Petitioner,
 -against-
EDMUND SARGUS and JANET RENO,
(D.MICHAEL CRITES and WILLIAM P. BARR)
 Respondents.
For a Writ of Mandamus and Prohibition
-----X

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

X-----X
 DISPOSITIVE MOTION
 (Rule 21.2[b])
X-----X

1. This affirmation, made under penalty of perjury, is in support of this bifurcated Rule 21.1[b] motion, the grant of either part, will be dispositive of this entire matter in this Court.

 Since the matters involved herein constitutes a continuing fraud upon the United States Treasury, it should be considered on an expedited basis.

2. Service is also being made upon all members of the judiciary from the Second Circuit who are defrauding the federal treasury in the Sixth Circuit, as well as upon Chief U.S. Circuit Court Judge GILBERT S. MERRITT ["Merritt"] of the Sixth Circuit.

PART "A"

1. The statute, the statutory intent (Smith v. U.S., U.S. , 113 S.Ct. 1178 [1993]), all reported cases, the uniform practice, and judicial concessions, is that absent a 28 U.S.C.

§2679[d] "scope" certificate or adjudication, the officer and/or employee of any and all branches of federal government, defend money damage tort actions, at their own cost and expense (e.g., Woods v. McGuire, 954 F.2d 388 [6th Cir.-1992]; Arbour v. Jenkins, 903 F.2d 416 [6th Cir.-1990]; McHugh v. University of Vermont, 966 F.2d 67 [2nd Cir.-1992]; Kelley v. United States, 568 F.2d 259, 264-265 n. 4 [2nd Cir.-1978] cert. denied 439 U.S. 830 [1978]; Smith v. Swarthout, 195 Mich. App. 486, 491 NW2d 590 [1992]; Brennan v. Fatata, 78 Misc.2d 966, 359 N.Y.S.2d 91 [1974]; Sullivan v. Freeman, 944 F.2d 334 [7th Cir.-1991]).

However, in the Sixth Circuit, money damage tort defendants from the Second Circuit judiciary, who are involved in privately motivated activities, including the larceny of judicial trust assets, diverting monies payable "to the federal court", but diverted to private pockets, extortion, and other criminal racketeering adventures are defended in their own names, by the U.S. Attorney, at federal cost and expense.

2. As conceded by, inter alia, Chief U.S. Circuit Court Judge GILBERT S. MERRITT ["Merritt"] of the Sixth Circuit and U.S. Circuit Court Judge JON O. NEWMAN ["Newman"] that they recognized they are defrauding the federal purse.

As conceded by, inter alia, Chief Circuit Court Judge Merritt and Circuit Court Judge Newman in Sassower v. McFadden (SDNY, 93-0342 [PKL]):

" 1. None of the federal defendants, represented by the U.S. Attorney, including ... CHARLES L. BRIEANT ['Brieant'], GERARD L. GOETTEL ['Goettel']; JON O. NEWMAN ['Newman']; GILBERT S. MERRITT ['Merritt'] ... have applied for and/or received a 28 U.S.C. §2679[d] 'scope' certificate.

2. The federal defendants being represented by the U.S. Attorney, including ... Newman, Merritt ... are clearly aware that such federal representation, at federal cost and expense, in this personal capacity action is unauthorized (28 U.S.C. §547), and that they are defrauding the federal purse. ... [emphasis supplied]

4. [T]he federal defendants in this action, including ... Brieant, Goettel, Newman, Merritt ... know and are aware that their actions as alleged herein, which includes the diversion of monies payable 'to the federal court' to private pockets, are contrary to the legitimate and monetary interests of the United States. [emphasis supplied]

5. [T]he federal defendants in this action, including ... Brieant, Goettel, Newman, Merritt ... know and are aware that their actions as alleged herein, are criminal in nature and violative of the federal criminal code. [emphasis supplied]

6. The federal defendants being represented including ... Brieant, Goettel, Newman, Merritt ... are aware that such personal capacity civil representation for criminal activities itself, compromises and obstructs the ability of the U.S. Attorney to prosecute them for their criminal activity in this jurisdiction. [emphasis supplied]

7. The federal defendants being represented ... including ... Brieant, Goettel, Newman, Merritt ... are aware that such personal capacity civil representation violates the constitutional scheme for the separation of powers, and is unconstitutional. [emphasis supplied]

8. The federal defendants being represented ... including ... Brieant, Goettel, Newman, Merritt ... are aware that such personal capacity civil representation, at federal cost and expense, is effectively an unlawful increase in these defendants' compensation, constitutes 'taxable income', and that they defendants have no intention of reporting such 'taxable income' on their tax returns, or paying taxes upon such income." [emphasis supplied]

3. Federal judges involved in criminal racketeering activities, and then defended in civil tort money damage litigation, at federal cost and expense, when others, who are not

"scope" certified, are not, is a matter of public and grand jury concern.

4. Affirmant's direct concern with this issue is that "scope" status, triggers a United States substitution, and deprives the substituted defendant of personal immunities and privileges (Kentucky v. Graham, 473 U.S. 159 [1985]; Rivera v. U.S., 928 F.2d 592 [2nd Cir.-1991]).

PART "B"

1a. Affirmant has substantial assets, contractual and otherwise, including a contractually based, constitutionally protected money, judgment which, with interest, exceeds \$60,000 (Exhibit "A").

b. However, for resisting and exposing judicial corruption, even those assets which are constitutionally protected (Article 1 §10[1], Amendment V of the U.S. Constitution), affirmant is not permitted to liquidate (Exhibit "B").

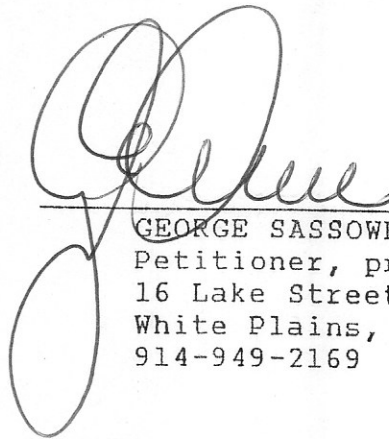
c. Thus, despite affirmant's substantial assets, he is relegated to food stamp assistance.

2a. Affirmant contends that under the aforementioned circumstances, the courts are estopped from making any 28 U.S.C. §1915 analysis.

b. Obviously, the New York - Second Circuit judiciary, are intentionally preventing affirmant from liquidating his assets, in order to obstruct affirmant's efforts at access to the courts when he is denied, as here, in forma pauperis status.

WHEREFORE, petitioner respectfully prays that this dispositive motion be granted and this fraud upon the United States be terminated.

Dated: June 23, 1993

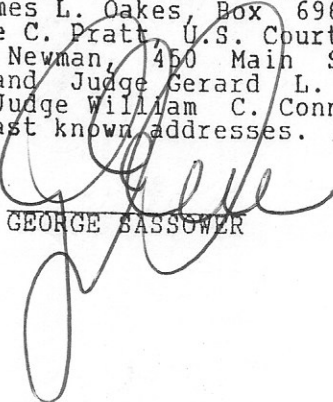


GEORGE SASSOWER
Petitioner, pro se
16 Lake Street,
White Plains, NY 10603
914-949-2169

CERTIFICATION OF SERVICE

On June 23, 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, 85 Marconi Blvd., Columbus, Ohio 43215; Attorney General Janet Reno, Department of Justice, 10th & Constitution Ave., Washington, D.C. 20530; Chief Judge Gilbert S. Merritt, U.S. Post Office & Courthouse Bldg., 100 East 5th Street, Cincinnati, Ohio 45202-3988; Circuit Court Judge James L. Oakes, Box 696, Brattleboro, Vermont 05301; Circuit Court Judge George C. Pratt, U.S. Courthouse, Uniondale, N.Y. 11553; Circuit Court Judge Jon O. Newman, 450 Main Street, Hartford Conn. 06103; Judge Charles L. Brieant and Judge Gerard L. Goettel, 101 East Post Road, White Plains, NY 10601, and Judge William C. Conner, Foley Square, New York, NY 10007, that being their last known addresses.

Dated: June 23, 1993



GEORGE SASSOWER

No. 14471

TRANSCRIPT OF JUDGMENT

JUDGMENT DEBTOR		JUDGMENT CREDITOR	ATTORNEY FOR JUDGMENT CREDITOR
Surname	Given Name	Name and Address	Name and Address
Puccini	Clothes Ltd.	George Sussower Esg. 293 Soundview Ave. White Plains, N.Y. 10606	Pro - Sc
Dann	Eugene	40 Rockefeller Esg. 55 E. 52nd St. N.Y., N.Y.	
Sorrentino	Robert	1051 Channel Drive Hewlett N.Y.	
		21 sue Court North Babylon N.Y.	
JUDGMENT RENDERED		AMOUNT OF JUDGMENT	
Date	Court	REMARKS: DATE AND MANNER OF CHANGE OF STATUS OF JUDGMENT	
4/29/82	Sup.		
	Country		
	N.Y.		
	Index No.		
	21208179		
	Date		
	4/29/82		
	Hr. & Min.		
	1115		
EXECUTION		STATE OF NEW YORK } COUNTY OF NEW YORK } SS	
When Issued	SATISFIED	I, NORMAN GOODMAN, Clerk of the County of New York, hereby certify that the above is a correct transcript from the Docket of Judgments in my office.	
	How and to What Extent		
When Returned Unsatisfied		IN TESTIMONY WHEREOF, I have hereunto set my name and affixed my official seal this 4 th day of May, 1982.	
		Norman Goodman COUNTY CLERK, NEW YORK COUNTY	

Exhibit "A"

George Sassower
Puccini Clothes Ltd et al.

92-6194
92-

Docket Number

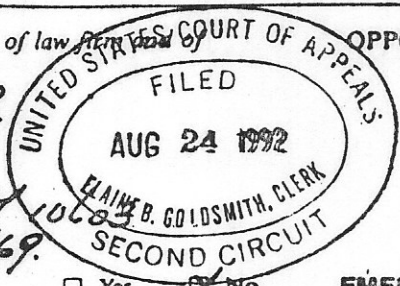
NOTICE OF MOTION

state type of motion

for leave to appeal

Use short title

MOTION BY: (Name, address and tel. no. of law firm or attorney in charge of case) **George Sassower**
16 Lake Street
White Plains, N.Y. 10603
914-249-2169



OPPOSING COUNSEL: (Name, address and tel. no. of law firm and of attorney in charge of case) None

- Has consent of opposing counsel:
 - A. been sought? Yes No
 - B. been obtained? Yes No
- Has service been effected? Yes No
- Is oral argument desired? Yes No
- (Substantive motions only)
- Requested return date: _____
(See Second Circuit Rule 27(b))
- Has argument date of appeal been set:
 - A. by scheduling order? Yes No
 - B. by firm date of argument notice? Yes No
 - C. If Yes, enter date: _____

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

- Has request for relief been made below? Yes No
(See F.R.A.P. Rule 8)
- Would expedited appeal eliminate need for this motion? Yes No
- If No, explain why not: _____

- Will the parties agree to maintain the status quo until the motion is heard? Yes No

Judge or agency whose order is being appealed: Judge Thomas P. Griesa / SDNY / 92-CV-4484

Brief statement of the relief requested: leave to appeal

Complete Page 2 of This Form

By: (Signature of attorney)
George Sassower
Signed name must be printed beneath

Appearing for: (Name of party)

8-19-92

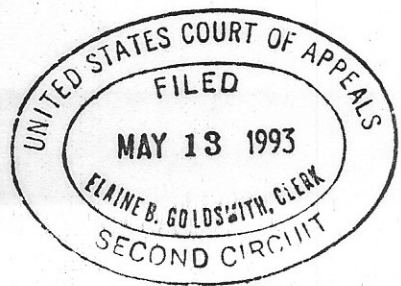
Date

Appellant or Petitioner:
 Plaintiff Defendant
Appellee or Respondent:
 Plaintiff Defendant

ORDER

IT IS HEREBY ORDERED that the motion be and it hereby is granted ~~denied~~
AND THE APPEAL IS DISMISSED.

A TRUE COPY
ELAINE B. GOLDSMITH, Clerk
By: Carolyn Clark Campbell
Chief Deputy Clerk



By order of and

FOR THE COURT,
ELAINE B. GOLDSMITH, Clerk

By: Carolyn Clark Campbell
Carolyn Clark Campbell
Chief Deputy Clerk

Exhibit 4 B
5/13/93