

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

**ORIGINAL**

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

**RECEIVED**  
JUL 6 - 1993  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

x-----x  
PETITION FOR A WRIT OF CERTIORARI  
to the  
U.S. CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT  
x-----x  
x-----x  
PETITION  
x-----x

PRELIMINARY STATEMENT

1a. This is the first of three filings made by petitioner in the U.S. District Court for the Southern District of New York, within a period of 45 days, which sought to liquidate his assets, contractual and otherwise, related to PUCCINI CLOTHES, LTD. ["Puccini"] and otherwise.

b. Two months after the filing of the last of petitioner's three (3) filings, Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"], denied petitioner leave to file his complaint, which was submitted as part of his leave application.

2a. Chief Judge Brieant was named in the title and damages were sought against him personally in petitioner's second filing (Sassower v. Puccini et el., SCUS Docket # - ).

Supreme Court, U.S.  
FILED  
7/6 - 1993  
OFFICE OF THE CLERK

b. Chief Judge Brieant referred this matter to U.S. District Court Judge THOMAS P. GRIESA ["Griesa"] for determination, who denied petitioner leave to proceed with his complaint.

3a. The third filing by petitioner (Sassower v. Feltman et ano., SCUS Docket # - ), did not name Chief Judge Brieant in its title, since no relief was sought as against him, but he was specifically named in the body of the leave application as a transactional participant.

b. - Chief Judge Brieant denied leave to petitioner in this third application.

#### 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?

THE PARTIES and/or ATTORNEYS

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

HOWARD M. BERGSON, Esq.  
Attorney for respondents  
21 Technology Drive,  
East Setauket, NY 11733  
(516) 689-8001

OPINION BELOW

Opinion - Ch. Judge Charles L. Brieant (6/15/92) A1  
Application for Leave to Appeal Denied by CCA (5/13/93) A4

CONSTITUTIONAL AND STATUTORY PROVISIONS

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

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

2. Article III of the U.S. Constitution provides:

" ... §2[1] The judicial power shall extend in all cases, in law and equity, arising under this Constitution, the Laws of the United States ...."  
[emphasis supplied]

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 ... ."

TABLE OF AUTHORITIES

Continental Illinois v. Chicago 294 U.S. 648 [1935]	4
Dennis v. Sparks 449 U.S. 24 [1980]	1
Louisiana v. New Orleans 102 U.S. 203 [1880]	4
Murray v. Charleston 96 U.S. 432 [1878]	4
Raffe v. Doe 619 F. Supp. 891 [SDNY 1985]	iii, 2
Sassower v. Feltman et ano. SCUS Docket # -	ii
Sassower v. Puccini et el. SCUS Docket # -	i
U.S.A. f/b/o Sassower v. Sapir No. SDNY 87 Civ. 7135 [CSH]	iii, 1
Walker v. Whitehead 83 U.S. [16 Wall] 314 [1872]	4
White v. Hart 80 U.S. 646 [1872]	4
Walker v. Whitehead 83 U.S. [16 Wall] 314 [1872]	4

JURISDICTION OF THE SUPREME COURT

28 U.S.C. §1254[1]

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 Briant 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 Briant, 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 Briant, 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 Raffé 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 Raffé, 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."



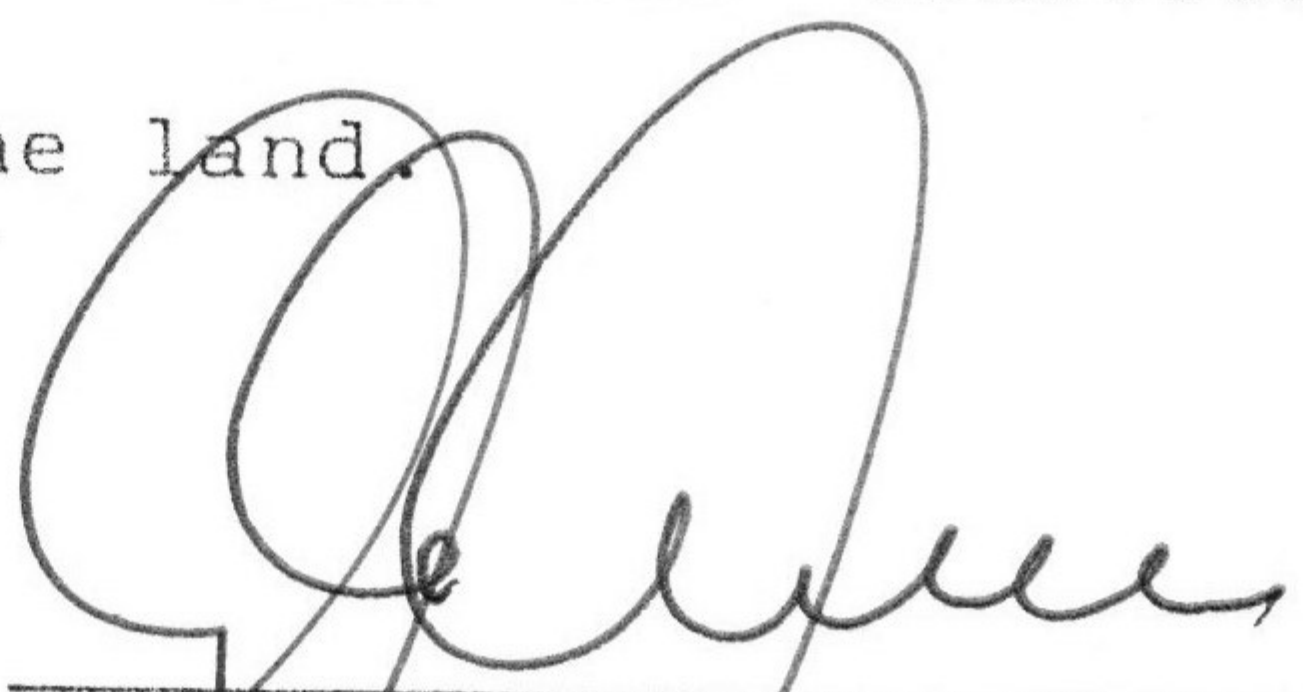
6. The balance of Chief Judge Brieant is similarly contrived, and even if true, whether petitioner is "saint or sinner" he is constitutionally entitled to those remedies that protect this contractual rights (Murray v. Charleston 96 U.S. 432, 448 [1878]; White v. Hart, 80 U.S. 646 [1872]; Walker v. Whitehead, 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.

REASONS FOR THE ISSUANCE OF THIS WRIT

The bottom line is whether the Constitution or Corruption, is the supreme law of the land.

Dated: June 28, 1993

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

CERTIFICATION OF SERVICE

On June 29, 1993 I served a true copy of this Petition 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 that being his last known address.

Dated: June 29, 1993

  
\_\_\_\_\_  
GEORGE SASSOWER



from filing any future civil lawsuits without seeking prior leave of court. See Raffe v. Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985); United States of America for the benefit of George Sassower v. Sapir, No. 87 Civ. 7135 (CSH) (S.D.N.Y. Dec. 10, 1987).

Plaintiff did not seek leave to file the instant action, which was received on March 2, 1992 without a filing fee, though he did submit an affidavit seeking leave to proceed in forma pauperis. Therefore, absent a court order granting leave to file the instant action, plaintiff is not authorized to proceed with his complaint.

Plaintiff's proposed action alleges that defendants filed a false bankruptcy claim which resulted in plaintiff's loss of \$100,000 due to him, inter alia, for services rendered to defendant A.R. Fuels. Plaintiff further alleges that he "performed extensive professional services for [defendant] Raffe \* \* \*" and that "the reasonable value for such services is two million dollars." Finally, plaintiff alleges that he "has been denied access to the courts of the State of New York . . ." which consequently impairs

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<sup>1</sup>(...continued)

In re George Sassower, No. 87 Civ. 9194 (GLG)  
(S.D.N.Y. Jan. 19, 1988);

Sassower v. Feltman, No. 87 Civ. 9193 (GLG)  
(S.D.N.Y. Jan. 20, 1988);

Sassower v. Nicholos, No. 89 Civ. 4339 (CLB)  
(S.D.N.Y. June 21, 1989);

Raffe v. State of New York, No. 85 Civ. 5112 (MJL)  
(S.D.N.Y. July 30, 1988).

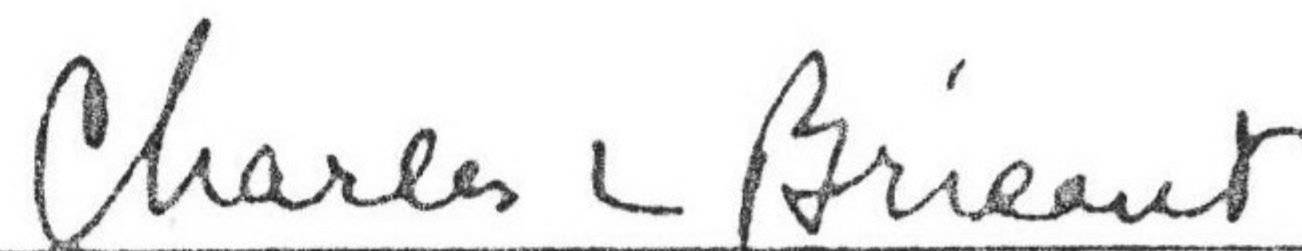
his right to contract.

Even if plaintiff had sought leave of Court to file the instant proposed action, plaintiff, a former lawyer, fails to plead facts sufficient to bring this action within this Court's subject matter jurisdiction. See Fed. R. Civ. P. 8(a). Failure to plead such facts alone warrants dismissal of an action. Fed. R. Civ. P. 12(b)(1) and 12(h)(3).

Since the proposed action is not shown to be within our subject matter jurisdiction, and in light of the past history of litigation abuse, leave to file and leave to proceed in forma pauperis are both denied.

SO ORDERED

Dated: White Plains, New York  
June 15, 1992

  
\_\_\_\_\_  
Charles L. Brieant  
Chief Judge

# COPY United States Court of Appeals FOR THE SECOND CIRCUIT

Each motion must be accompanied by a supporting affidavit.

9047

92-7771 / 92 -

Docket Number

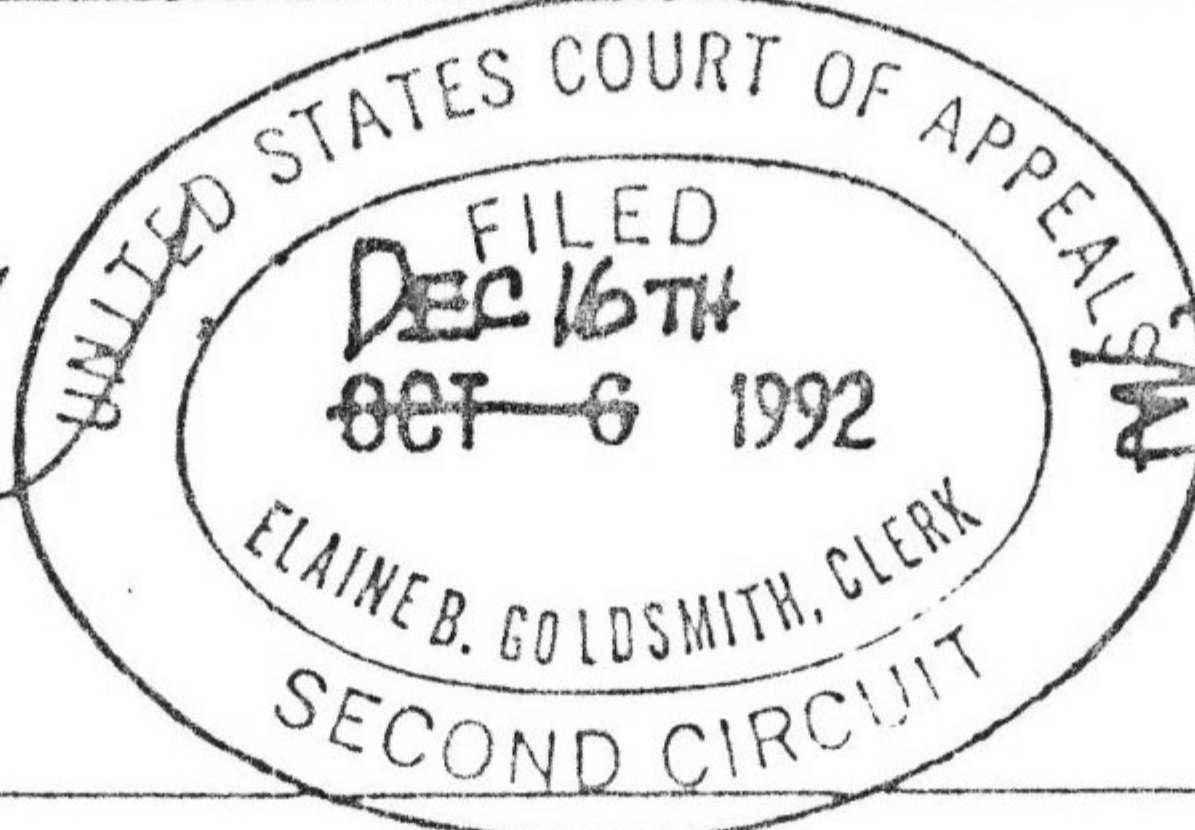
## NOTICE OF MOTION

(state type of motion)

for Gen. Bias Renewal summary  
renewal (3) leave to file  
(4) Consolidation (5) stay

*Sassower*

*A.P. Gold*



Use short title

MOTION BY: (Name, address and tel. no. of law firm and of attorney in charge of case)

**GEORGE SASSOWER**  
16 Lake Street  
White Plains, NY 10603-2852

914-949-2149

OPPOSING COUNSEL: (Name, address and tel. no. of law firm and of attorney in charge of case)

*Ch. J. Charles W. Bryant*  
*110 E. Park Road*  
*White Plains, NY 10601*

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))

*10/16/92*

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: \_\_\_\_\_

Judge or agency whose order is being appealed:

*Ch. J. Charles W. Bryant (M-120/SDNY)*

Brief statement of the relief requested:

*(1) Gen. Bias Renewal; (2) summary renewal; (3) leave to file; (4) Consolidation; (5) stay.*

Complete Page 2 of this Form

By: (Signature of attorney)

Signed name must be printed beneath

*George Sassower*

Appearing for: (Name of party)

*Appellant*  
Date *9/21/92*

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

### ORDER

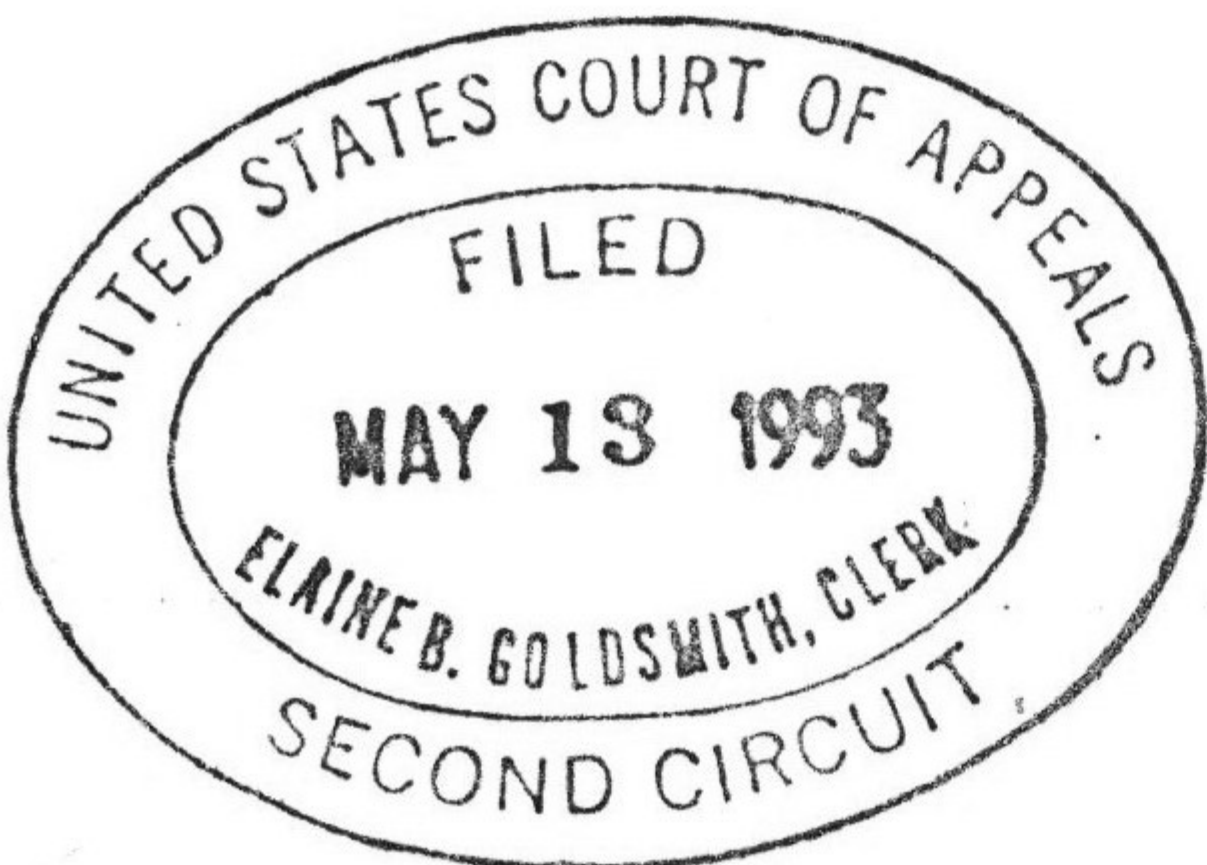
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IT IS HEREBY ORDERED that the motion be and it hereby is

granted

denied

**AND THE APPEAL IS DISMISSED.**



By order of and

FOR THE COURT,  
ELAINE B. GOLDSMITH, Clerk

By: *Carolyn Clark Campbell*  
Carolyn Clark Campbell  
Chief Deputy Clerk

*5/13/93*  
Date  
*AK*