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

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GEORGE SASSOWER,
Plaintiff,
-against-
MEAD DATA CENTRAL, INC.; JAMES L. OAKES; GEORGE C. PRATT; CHARLES L. BRIEANT; WILLIAM C. CONNER; EUGENE H. NICKERSON; GERARD L. GOETTEL; FRANCIS T. MURPHY; 16 LAKE STREET OWNERS, INC.; LAWRENCE J. GLYNN; KREINDLER & RELKIN, P.C.; CITIBANK, N.A.; FELTMAN, KARESH, MAJOR & FARBMAN; ROBERT ABRAMS, and DENIS DILLON,
Defendants.

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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 first, of three, interrelated petitions for writs of certiorari, all addressed to the Sixth Circuit, intended to be consolidated and/or simultaneously considered, and wherever possible, repetition, law, fact and/or questions presented, will be avoided.

b. Incorporated by reference, also without needless repetition, is petitioner's petition of May 14, 1993 for a Writ of Mandamus -- hereinafter "Mandamus Petition" (Exhibit "M-1").

c(1) Pending, sub judice, at the Circuit Court, by reason of very recent events is petitioner's motion "to recall" the Order of the Circuit Court, dated March 4, 1993 (Exhibit "A"), and other relevant relief.

(2) Consequently, and quite probably, Exhibit "A" will be recalled and amended by the Circuit Court.

2a. Sassower v. Thompson (CCA6th 92-3553) pending, sub judice, at the Circuit Court, is a timely motion for a rehearing, by the same panel as Exhibit "A", with an en banc request, from a related final order rendered on the same date as Exhibit "A".

b. Indeed, Exhibit "A" expressly refers to Sassower v. Thompson (supra), and comprehension is difficult unless these matters are considered in tandem with each other.

3. The third related intended petition is from an Order of March 25, 1993 in Sassower v. Sargus (CCA 6th 92-3852), where a recall application is also pending sub judice.

QUESTIONS PRESENTED

Questions Mirrored in the Mandamus Petition (Exhibit "M-1").

The dramatic, documentary, and uncontroverted evidence supporting the charges of the judicial corruption of Chief U.S. Circuit Court Judge GILBERT S. MERRITT ["Merritt"], which is threshold to any merit disposition, are set forth in petitioner's mandamus petition [Exhibit "M-1" and Exhibit "B" therein], which are incorporated herein by reference.

Obviously, if a "general bias recusal" should have been granted, Exhibit "A" and related decisions are constitutionally infirm and void.

1. Where the same threshold questions are simultaneously before the Sixth Circuit Court of Appeals and in the District Court in the Second Circuit, where Chief Judge MERRITT is an active defendant, in a personal capacity money damage action, and the judicial admissions and judicial concessions reveal the corruption of Chief Judge MERRITT, which corruption is violative of the civil, criminal and revenue codes of the United States, must the Circuit Court adjudicate petitioner's "general bias recusal" application (Exhibit "M-1" [Exhibit "B"]), particularly where, because of such evidence, a "general bias recusal" of the Sixth Circuit Court was irresistibly compelled?

The Circuit Court has failed and refused to adjudicate such and other threshold issues.

2. Where petitioner filed Sixth Circuit Court Rule 32 disciplinary complaints against some of those attorneys involved in judicial corruption in the Sixth Circuit, including in the corruption of Chief Judge MERRITT, and authority to process such complaints are exclusively within the authority of the Chief Judge, must the Sixth Circuit Court, or this Court, take some remedial action when Chief Judge MERRITT refuses to process such disciplinary applications?

3. In view of the Eleventh Amendment of the U.S. Constitution, were these proceedings a sham when state defendants, sued in their personal capacities for tort money damages, are represented at state cost and expense, and intentionally do not raise such constitutional, jurisdictional, infirmity?

As with other threshold issues, the Circuit Court failed and refused to address such issue.

4. Were these proceedings a legal sham where the statutory fiduciary of a judicial trust, having statutory fiduciary obligations to petitioner, a money judgment creditor with equitable stock interests in the judicial trust, and where such statutory fiduciary simultaneously represented himself and those who made the judicial trust the subject of larceny?

5. Were these proceedings manifestly fraudulent when none of the successive Attorney Generals of the United States, the Acting Attorney General, and their authorized representatives (28 CFR §15.3) have not and/or will not issue 28 U.S.C. 2679[d] "scope" certificates for federal judges and officials who are involved in criminal racketeering activities, and which activities are contrary to federal interests, e.g., diverting monies payable "to the federal court" to private pockets, are represented by the U.S. Attorney for the Southern District of Ohio, at federal cost and expense, without a United States substitution?

6. Where MEAD DATA CENTRAL, INC. ["Lexis"], whose business activities are fairly attributable to government and does not claim First Amendment privileges, with knowledge that its republication of judicial material concerning petitioner were rendered without personal jurisdiction, without subject matter jurisdiction, without due process, and are constitutional and jurisdictional nullities, causing petitioner constitutional injuries, is the petitioner entitled to injunctive and/or money damage relief?

7. Where petitioner refused to address or make any significant comment concerning Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]) in this civil proceeding once he was charged with criminal contempt in violating the injunctive provisions contained therein, must all prejudicial references to Raffe v. Doe (supra) in the Circuit Court be expunged and the proceedings nullified, unless and until the criminal charges are resolved?

Merit Questions Presented:

This Court, in considering the issues presented herein, must recognize that by reason of petitioner's exposure of criminal racketeering activities by the judiciary in the New York - Second Circuit bailiwicks he is barred from access to the courts therein, even when relief is compelling and of constitutional magnitude (see e.g., Sassower v. Puccini, Sassower v. Feltman, and Sassower v. A.R., recently filed in this Court).

1. Should Lexis be enjoined from republishing and distributing constitutional injurious material expressly referring to petitioner, by name, where petitioner, an admitted indispensable party, as in E.R. Sassower v. Field (973 F.2d 75 [2d Cir.-1992], cert. denied 113 S.Ct. 1879 [1993]; 138 FRD 369 [SDNY-1991]; 752 F. Supp. 1182, 1190 [SDNY-1990]): (a) was not made a party; (b) was not permitted to intervene; (c) without due process, personal or subject matter jurisdiction, has not been permitted to physically enter into the White Plains Federal Courthouse Building since 1989, or witness the trial proceedings therein, except for his short subpoenaed testimony therein; where the judicial intent in such published decisions is to disparage petitioner because of his resistance and exposure of judicial corruption?

2. Should Lexis be enjoined from republishing and distributing legal opinions, in their present form, concerning petitioner's non-summary criminal contempt convictions, causing constitutional injuries, when there is deliberately concealed from such published decisions the fact that all such convictions, with fines and terms of incarceration imposed thereon, were rendered 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 by petitioner?

3. Should Lexis be enjoined from republishing and distributing legal opinions, such as Raffe v. Doe (supra), in its present form, which was expressly relied upon by the Circuit Court (Exhibit "A"), where it is undisputed that such determination was rendered: (a) when petitioner was never a party to the proceeding; (b) when petitioner's personal interests, including his contractually based, constitutionally protected money judgment were never in issue in such proceeding; (c) where petitioner, qua attorney for the plaintiff therein, was discharged three (3) months before such decision was rendered; (d) when there was never any trial; (e) never any hearing; (f) never any pre-trial disclosure permitted; (g) never any confrontation rights; (h) where there is substantial evidence, never denied, of monetary "pay-offs"; and (i) there the proceeding was inundated with judicial fraud and corruption?

THE PARTIES and/or ATTORNEYS

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Petitioner, pro se.
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U.S. Circuit Court of Appeals
for the Sixth Circuit
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Ch. J. Gilbert S. Merritt
c/o U.S. CCA 6th Cir.
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OPINION BELOW

Circuit Court of Appeals (3/4/93)	1
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U.S. Magistrate Judge (1/8/92)	9

JURISDICTION

28 U.S.C. §1254[1]

CONSTITUTIONAL AND STATUTORY PROVISIONS

See Mandamus Proceeding (Exhibit "M-1")

STATEMENT OF THE CASE

See Mandamus Proceeding (Exhibit "M-1") and repetition, would serve no useful purpose.

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).

REASONS FOR THE ISSUANCE OF THIS WRIT

See Mandamus Proceeding (Exhibit "M-1") and repetition would serve no useful purpose.

Dated: May 31, 1993

GEORGE SASSOWER
Appellant, pro se
16 Lake Street,
White Plains, N.Y. 10603
(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 U.S. Circuit Court of Appeals for the Sixth Circuit and Chief Judge Gilbert S. Merritt, U.S. Post Office & Courthouse Bldg., 100 East 5th Street, Cincinnati, Ohio 45202-3988; 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; Feltman, Karesh, Major & Farbman, Esqs., 152 West 57th Street, New York, NY 10019; and Ass't N.Y. State Attorney General David B. Roberts, The Capitol, Albany, New York 12224, that being their last known addresses.

Dated: June 1, 1993

GEORGE SASSOWER

No. 92-3537

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

GEORGE SASSOWER,

Plaintiff-Appellant,

v.

MEAD DATA CENTRAL, INC., et al.,

Defendants-Appellees.

ORDER

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

George Sassower appeals a district court judgment dismissing his complaint and denying his claims for relief in a civil action filed in the United States District Court for the Southern District of Ohio. 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).

In his complaint, Sassower alleged that federal judges are involved in a criminal racketeering adventure and seek to prevent him from exposing their judicial frauds. He alleged that these defendants have defamed him in written decisions which have been submitted to defendant Mead Data Central, Inc. ("Mead") for republication through its "Lexis" research services. Sassower contended that remaining defendants participated in the alleged corrupt activities. In addition to his requests for damages, Sassower requested that judgments and

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

Exhibit "A"

decisions entered against him be set aside and that Mead be enjoined from making those decisions available on its database.

The district court determined that the claims were barred on jurisdictional grounds, on the basis of immunity, and under the principles of res judicata. The district court dismissed the action in its entirety and sua sponte entered an injunction barring Sassower from filing any further actions in the District Court for the Southern District of Ohio without first obtaining leave of that court.

On appeal, Sassower alleges that judicial corruption exists in this circuit. He seeks an injunction prohibiting Mead from publishing decisions from cases in which he has been involved; he also seeks to bar the representation of government defendants by United States and New York State attorneys. Defendants request an injunction barring Sassower from filing future actions within this circuit.

Upon review, we conclude that the appeal is frivolous. Sassower appears in part to have abandoned his claims. Issues not addressed on appeal are deemed abandoned and are not reviewable. *See Boyd v. Ford Motor Co.*, 948 F.2d 283, 284 (6th Cir. 1991), *cert. denied*, 112 S. Ct. 1481 (1992). In his complaint, Sassower sought monetary and injunctive relief for the alleged acts of fraud and defamation committed against him. In his brief on appeal, Sassower focuses his argument on his contention that defendants' attorneys were not authorized to represent them. His arguments are simply not pertinent to his claims.

Sassower also argues that defendant federal judicial officials are now estopped from asserting an immunity defense for their judicial acts. This argument is unavailing. The statute on which he seeks to rely, 28 U.S.C. § 2679(d), does not apply to his claims. *See Foster v. MacBride*, 521 F.2d 1304, 1305 (9th Cir. 1975) (per curiam).

Sassower's remaining arguments also lack merit. He maintains that he is unable to present his case until he is allowed access to the Federal Building and Courthouse in White

Plains, New York, and until certain contempt proceedings against him are dropped. The district court correctly noted that it lacked subject matter jurisdiction to review orders entered by the District Court for the Southern District of New York.

Additionally, the district court did not abuse its discretion when it entered the injunction barring Sassower from filing further actions without first obtaining leave of the district court. Sassower's history of frivolous and vexatious 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 Filipas v. Lemons*, 835 F.2d 1145, 1146 (6th Cir. 1987). Defendants' request for an injunction from this court is addressed in a related appeal. *Sassower v. Thompson, Hine & Flory*, No. 92-3553 (6th Cir. filed June 10, 1992).

Accordingly, all pending motions are denied. The district court's judgment, including its injunction addressing the filing of future actions, is affirmed. Rule 9(b)(3), Rules of the Sixth Circuit.

ENTERED BY ORDER OF THE COURT

Leonard Green
Clerk

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

GEORGE SASSOWER, :

Plaintiff, :

vs. : Case No. C-3-91-436

MEAD DATA CENTRAL, et al., :
Judge Walter Herbert Rice

Defendants. :

DECISION AND ENTRY ADOPTING ALL PENDING REPORTS AND RECOMMENDATIONS; INJUNCTION AGAINST FURTHER FILING; TERMINATION ENTRY

Upon due consideration of the reasoning and citations of authority set forth in the following Reports and Recommendations, as well as upon a de novo review of the entirety of this already voluminous file and the applicable case law, this Court, having considered in detail the Plaintiff's Objections to said Reports and Recommendations, hereby adopts the following Reports and Recommendations of the United States Magistrate Judge in their entirety:

A. With regard to the Report and Recommendations of the United States Magistrate Judge, filed January 8, 1992 (Doc. #38):

1. The Motion of the Defendant, Mead Data Central, Inc., seeking an Order of the Court dismissing the Plaintiff's Complaint as to it or, alternatively, for summary judgment (Doc. #3), is treated by this Court as a Motion for Summary Judgment, and is ruled upon as follows:

a) That aspect of the Motion which seeks dismissal for lack of subject matter jurisdiction is denied.

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b) That aspect of the Motion which seeks dismissal/judgment on the grounds that Mead Data Central has an absolute privilege under New York law to disseminate fair and true reports of judicial opinions is sustained. Plaintiff's claims against Mead Data Central are barred by absolute immunity.

c) The Plaintiff's claim against Mead Data Central being barred by principles of res judicata, as adequately set forth by the United States Magistrate Judge in his Report and Recommendations (Doc. #38 at 3), Plaintiff's claims are dismissed with prejudice as to said Defendant upon the grounds of res judicata.

2. This Court agrees with the United States Magistrate Judge that, insofar as this lawsuit attempts to relitigate the Puccini Clothes matter (the claims of one Hyman Raffe with respect to Puccini clothes), the mere filing of this lawsuit violates the permanent injunction entered by United States District Judge Conner in Raffe v. John Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985). In that decision, District Judge Conner found that all of the Puccini Clothes matters were res judicata. Accordingly, all claims against Lee Feltman; Feltman, Kares & Major; Citibank, N.A.; and Kreindler & Relkin are dismissed with prejudice, upon the grounds of res judicata.

3. The Plaintiff's claims for judicial acts against Judges Oakes, Pratt, Brieant, Conner, Nickerson and Goettel are dismissed, with prejudice, upon the grounds of judicial immunity.

4. Plaintiff's Motion for Summary Judgment against Judge Conner (Doc. #25) is denied, given the fact that it is not supported by any competent evidence.

5. The Motion to Dismiss of the Defendant Robert Abrams, Attorney General of the State of New York (Doc. #11) is sustained. Plaintiff's Complaint is dismissed as to Defendant, without prejudice, for reasons of lack of personal jurisdiction and the bar of the eleventh amendment as to the relief sought by Plaintiff.

6. Plaintiff's Motion for Summary Judgment against Judge Francis Murphy and Robert Abrams (Doc. #26) is denied, given the fact that it is not supported by competent evidence and because it is barred by judicial immunity as to Judge Murphy.

7. Plaintiff's claims against 16 Lake Street Owners, Inc., and their attorney, Lawrence Glynn are dismissed for lack of subject matter jurisdiction.

8. Insofar as this lawsuit attempts to relitigate matters raised and decided in the New York State Court system and to have this Court declare prior Judgments in that system to be null and void, said lawsuit is dismissed for lack of subject matter jurisdiction.

9. Plaintiff's claims against Dennis Dillon, District Attorney for Nassau County, New York, arising out of Plaintiff's representation of one Dennis Dillella, are dismissed for lack of subject matter jurisdiction (no diversity of citizenship) and/or for lack of personal jurisdiction.

B. The Magistrate Judge's Report and Recommendation of December 31, 1991 (Doc. #21) is adopted. Accordingly, this Court certifies that the Plaintiff's appeal of December 30, 1991, from this Court's Order of December 16, 1991 (Doc. #7), is not taken in good faith.

C. The Magistrate Judge's Report and Recommendations of January 8, 1992 (Doc. #40), are adopted in their entirety. Plaintiff's untitled document (Doc. #34) which announces his intention to move for summary judgment before a United States District Judge on January 10, 1992, is stricken. The Plaintiff's Supplemental Complaint (Doc. #37), seeking a declaration that any contempt proceedings in this action would violate his double jeopardy privileges are dismissed as moot, given the fact that this Court has, herein, dismissed the entirety of the captioned cause.

D. The Magistrate Judge's Report and Recommendations of January 21, 1992 (Doc. #49), which, inter alia, recommended against the Plaintiff's being allowed to appeal in forma pauperis and recommended that this Court certify to the Sixth Circuit Court of Appeals that the Plaintiff's second attempt at interlocutory appeal is not taken in good faith, is adopted in its entirety. Permission is denied the Plaintiff to appeal in forma pauperis. This Court certifies that Plaintiff's second attempt at interlocutory appeal is not taken in good faith.

Because of the 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, 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.

To the extent that any of the foregoing has not directly or indirectly touched upon a pending motion of the Plaintiff or of any Defendant, said motions are deemed moot, given the fact that this Court has ordered the captioned cause dismissed.

WHEREFORE, based upon the aforesaid, the captioned cause is ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

February 18, 1992

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

George Sassower
Scott Allen King, Esq.
Pamela M. Stanek, Esq.
Mark R. Chilson, Esq.
Lawrence J. Glynn, Esq.
David B. Roberts, Esq.
James C. Ellis, Esq.
William H. Pauley, III, Esq.

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

GEORGE SASSOWER,

Plaintiff, : Civil Action No. C-3-91-436

District Judge Walter Herbert Rice
Magistrate Judge Michael R. Merz

- vs -

MEAD DATA CENTRAL,
INC., et al.,

Defendants. :

REPORT AND RECOMMENDATIONS OF UNITED STATES MAGISTRATE JUDGE

MOTION OF MEAD DATA CENTRAL, INC.

This case is before the Court upon the Motion to Dismiss or in the Alternative for Summary Judgment of Defendant Mead Data Central, Inc. ("MDC")(Doc. #3) to which Plaintiff has responded (Doc. #27). Because the Motion relies on matter outside the pleadings, it should be treated as one for summary judgment.

MDC operates the LEXIS computer-assisted legal research system. Plaintiff seeks to enjoin MDC from publishing on that system certain judicial decisions involving him and others from the New York state courts, alleging that the reports of decisions are defamatory.

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MDC'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION

MDC seeks dismissal under Civil Rule 12(b)(1) for lack of subject matter jurisdiction. While Plaintiff does not plead jurisdiction under 28 U.S.C. §1332, it does appear that he and MDC are of diverse citizenship; MDC is incorporated in Delaware and has its principal place of business in Ohio. MDC cites authority under which claims which are wholly without substance may be dismissed for lack of subject matter jurisdiction, but I believe it is more appropriate to deal with the claims on the merits, rather than by a dismissal under Rule 12(b)(1). I accordingly recommend that the motion to dismiss for lack of subject matter jurisdiction be DENIED.

MDC'S CLAIM OF PRIVILEGE

MDC seeks dismissal on the merits on grounds it has an absolute privilege under New York law to disseminate fair and true reports of judicial opinions, citing Barry v. West Publishing Co., 763 F. 2d 66 (2d Cir. 1985). Mr. Sassower's only response is that he is more concerned about false opinions being disseminated in the Southern District of Ohio than in New York.

The gist of Mr. Sassower's argument is not that MDC's reports reflect the content of the judicial opinions inaccurately, but that the underlying opinions are themselves defamatory. The parties have not briefed the question whether other states recognize a privilege for accurate publication of judicial opinions, but Prosser and Keeton

indicate the privilege for publication, at least in official reports, is protected as an extension of absolute judicial immunity from liability for defamation. Prosser and Keeton, Torts, 5th ed. at 816 (1984). This Court should recognize that immunity and dismiss the claims against MDC as barred by absolute immunity.

MDC'S DEFENSE OF RES JUDICATA

MDC seeks dismissal on the merits because this action is barred by the doctrine of res judicata. A final judgment on the merits of an action precludes the parties or their privies from relitigating issues that were or could have been raised in that action. Federated Dep't. Stores, Inc., v. Moitie, 452 U.S. 394, 398, 101 S. Ct. 2424, 2428-29, 69 L. Ed. 2d 103 (1981); Allen v. McCurry, 449 U.S. 90, 101 S. Ct. 411, 66 L. Ed. 2d 308 (1980). The copies of complaints attached to MDC's motion show that Sassower sued MDC regarding these same allegations in the United States District Court for the District of Minnesota. Sassower v. Carlson, Case No. 4-90-Civ-51, and Sassower v. Dosal, Case No. CV 4-90-571. Both of those actions have been dismissed with prejudice and the dismissals affirmed. Sassower v. Carlson, 930 F. 2d 583 (8th Cir. 1991).

Because this action is barred by res judicata as to MDC, it should be dismissed with prejudice as to that Defendant.

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ADDITIONAL ACTION WHICH THIS COURT SHOULD TAKE

In the course of considering MDC's Motion to Dismiss and the correspondence from the law firms of Kreindler & Relkin (December 19, 1991) and Feltman, Karesh, Major & Farbman (December 13, 1991), the Magistrate Judge has had occasion to review some of the opinions entered by other courts with respect to Mr. Sassower's litigation of his claims relating to Puccini Clothes. (For convenience, I note that many of these opinions are cited in the Report and Recommendation of United States Magistrate Judge Floyd E. Boline, attached to Doc. #3.) From the reported opinions it appears that Mr. Sassower has attempted over the last eleven years to litigate claims of Hyman Raffe with respect to Puccini Clothes; some of those claims are repeated in the Complaint here.

Because of his litigation tactics and/or unwillingness to abide by judicial orders, Mr. Sassower has been disqualified from representing Mr. Raffe; disbarred in New York, in the New York federal courts, and in the United States Supreme Court; permanently enjoined from filing any additional litigation relating to the Puccini Clothes claims; jailed for contempt; and barred from a number of courthouses.

Based on my review of these matters, I conclude and recommend as follows:

Insofar as this lawsuit attempts to relitigate the Puccini Clothes matter, its mere filing violates the permanent injunction entered by District Judge Conner in Raffe v. John Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985). That injunction has not been disturbed on appeal and was entered in an action in which District Judge Conner found that all of the Puccini Clothes matters, including claims against Citibank and the Defendant law firms,

were already res judicata. Accordingly, all claims against Lee Feltman; Feltman, Karesh & Major; Citibank, N.A.; and Kreindler & Relkin should be dismissed with prejudice.

Insofar as the lawsuit asserts liability for judicial acts against Judges Oakes, Pratt, Brieant, Conner, Nickerson, and Goettel, it should be dismissed with prejudice because all such claims are barred by judicial immunity. Pierson v. Ray, 386 U.S. 547 (1967); Stump v. Sparkman, 435 U.S. 349 (1978); Mireles v. Waco, 502 U.S. , 112 S. Ct. , 116 L. Ed. 2d 9 (1991). Mr. Sassower's Motion for Summary Judgment against Judge Conner (Doc. #25) should be denied because it is not supported by any competent evidence.

Mr. Sassower's essential complaint against Robert Abrams, Attorney General of the State of New York, is that he has defended the New York state judges from Mr. Sassower's prior attacks. Mr. Abrams is entitled to dismissal without prejudice for the reasons set forth in his Motion to Dismiss (Doc. #11): lack of personal jurisdiction and the bar of the Eleventh Amendment as to the relief sought by Plaintiff. Pennhurst State School and Hospital v. Halderman, 465 U.S. 89 (1984). Mr. Sassower's Motion for Summary Judgment against Judge Francis Murphy and Robert Abrams (Doc. #26) should be denied because it is not supported by competent evidence and because it is barred by judicial immunity as to Judge Murphy.

Mr. Sassower's claims against 16 Lake Street Owners, Inc., and their attorney, Lawrence Glynn, arises out of litigation in New York initially involving Plaintiff's ex-spouse and daughter in which Plaintiff apparently attempted to intervene (Complaint, ¶¶ 13-15). Although Mr. Glynn has not appeared and 16 Lake Street Owners, Inc., has obtained an

extension of time to plead, these claims should be dismissed for lack of subject matter jurisdiction. Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923); Dist. Columbia Ct. of Appeals v. Feldman, 460 U.S. 462 (1983).

Insofar as this lawsuit attempts to relitigate matters raised and decided in the New York state court system and to have this Court declare prior judgments in that system to be null and void, it should be dismissed for lack of subject matter jurisdiction. Rooker, supra; Feldman, supra.

Mr. Sassower's claims against Dennis Dillon, District Attorney for Nassau County, New York, arising out of Mr. Sassower's representation of one Dennis Villella, should be dismissed for lack of subject matter jurisdiction (there is obviously no diversity between the parties) and/or for lack of personal jurisdiction: Dillon is not alleged to have had any contacts with this forum in connection with this matter.

Furthermore, the Court should consider additional protection of itself and legitimate litigants against Plaintiff's abusive litigation tactics.[1] I recommend this Court enter on its own motion an injunction in parallel to that entered by the Eighth Circuit sua sponte (See 930 F. 2d at 584) as to the District Court for Minnesota, barring Mr. Sassower from filing any action in this Court without first obtaining leave of court upon a certificate that the claims are new and never before raised and disposed of on the merits in another

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[1]In addition to his activities in other courts, Mr. Sassower has already filed one frivolous interlocutory appeal in this action and two or more petitions for writ of mandamus and/or prohibition in the Sixth Circuit Court of Appeals, and this case has only been pending since November 8, 1991.

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.

January 8, 1992.

Michael R. Merz
UNITED STATES MAGISTRATE JUDGE