

RD 2, Rte. 12B
Sherburne, NY 13460

February 20, 1999

Clerk, U.S. Court of Appeals
United States Courthouse
40 Foley Square
New York, NY 10007

Re: Docket No. 98-8567

Dear Clerk:

I, George Jemzura, hereby petition the judicial council for review of the chief judge's order of February 3, 1999.

Before responding to the decision, I take this opportunity to submit to this court additional admissable documents which I intended to submit with my original complaint. While these documents make reference to the State court system, the facts are relevant and they always have been relevant in both State and Federal courts. The documents are:

An affidavit by George Jemzura sworn to on April 28, 1994, submitted to the New York State Supreme Court Appellate Division, Third Department;

Affidavit submitted to the Broome County Supreme Court by the attorney Cheryl Callahan, Assistant Counsel, representing the Public Service Commission dated March 30, 1995;

Also, an affidavit by John D. Draghi submitted in the same action and sworn to on April 6, 1995.

These documents follow the same pattern by these lawyers in the Federal court system - lies, lies and more lies. Yet no State or Federal judicial officer was concerned about enforcing the U.S. Constitution and laws and they condone the false submitted documents and continue to cover-up and obstruct the plaintiffs' rights to a hearing, a trial, call witnesses, the right to petition the government to redress their grievances (First Amendment). In reviewing this material you will find that Judge Munson was a violator of the U.S. Constitution and laws, which raises serious questions as to his ability to continue serving his type of justice for the duration of his term and should be impeached by the Congress of the United States as an unfit violator of the civil rights of others, including the Jemzura brothers. I therefore demand that you request a complete file in Case No. 97-CV-0039 complaint which was filed on January 10, 1997 and which was incorporated with the present complaint 97-CV-1030. This will give you more accurate information as to the continued corruption by not only Judge Munson, but Judge Kahn and Judge McAvoy. McAvoy is one of those individuals who will obstruct

justice by making a determination knowing it is wrong in citing case law rather than statute, which is a violation of due process. The statute referred to is Judiciary Law 478 which prohibits me from representing other clients in a court of record. This corrupt decision still stands and other corrupt judges will apply that as a future right decision in our nation. This wrongful decision was violated in the matter of John Walsh in the Broome County Court.

So, we have McAvoy, Chief Judge, who is lying in the Jemzura matter where he dismissed the defendant Attorney General Vacco and Governor Pataki when we attempted to enforce the laws of this state. The proceeding was intended that the corrupt Commissioner of the Public Service Commission be removed for dereliction and malfeasance of the duties of his office. In regards to Vacco, the Lt. Governor's office requested that he undertake investigation of New York State Electric & Gas Corporation as to violations and lies and false information that were furnished to the legislators within the Electric Energy Department.

While your regulations do not require a copy of the February 3, 1999 decision, by Chief Judge Winter, I find it most important that this document stares you in the face and I will refer to it. You also are talking about decisions, whether they are made correct or wrong. You people do not understand that wrong decisions are made by a judge who acts as an advocate for the defendant in the hope that his decisions would discourage a complainant in a court action with merit and slam the door in his face. This will not happen to the Jemzura brothers. I will look forward that violators will be prosecuted to the full extent of the law and I will get the aid of the U.S. Congress whose duties and obligations are to enforce the laws of Congress. One of those laws is that if a state or agency violates the individual rights under the civil rights act then Congress has the duty to investigate and take whatever appropriate measures necessary to correct such false, intentional, willful determinations. At this point I refer you to the matter of Bolte, 1904, 97 A.D. 551, 90 N.Y.S. 499. In this case the judge violated his oath of office, obstructed justice, suborned perjury, and was removed from office. The reading of that case by you will convince you that the violation by these Federal judges did violate the U.S. Constitution and laws and the civil rights of the plaintiffs. Again, I ask that you read the file that has not as yet been submitted to your court. While you look through that file you will see there is no transcript, there is no testimony from the witness chair, and there is no due process, but all types of restrictions in both State and Federal courts to stop the Jemzuras from pursuing their constitutional rights to present their case to the courts.

Judge Winter makes reference to a second judicial complaint, referring to 97-8502 filed on January 21, 1997. In view of the secrecy and the ability to withhold this criminal type of conduct from the public, I request a copy of that complaint and results since I cannot locate it in my files.

Yes, we have brought 20 or more proceedings and will continue with 20 or more until justice is served and adjudicated. Obstruction of justice and filing false statements in decisions is not acceptable and will be pursued.

It is ironic that you mention that the lawsuits have been dismissed but never have you stated the facts that you referred to the transcript and other relevant information that usually is procured as the result of a trial and testimony which should come from the witness chair. So, because there has never been a trial in the past years, nor an opportunity to present the evidence, what is known as equal protection of the law, 14th Amendment, and due process which is an inherent right of every citizen in the United States. It appears that some of you judges are of a younger generation and probably never served in the armed forces, but Raymond did protect this nation during his service in Africa for democracy, freedom and justice. Where is that justice that Raymond fought for?

Your last sentence on page one states: "Because the Judge failed to rule in Complainants' favor on a motion in their civil action ..." How does this judge conclude that was my reason of why the judge failed to rule in our favor. The facts are that he willfully obstructed justice knowing that the record will show that the plaintiffs' civil rights have been violated. I am sure that your good office has decisions from the U.S. Supreme Court. One of those decisions, which was rendered on May 4, 1998, ruled that if there is violation and malice against a party the District Court must not dismiss but go to a jury trial ... So, kindly give me an accurate report as to any trials that the Jemzuras have ever participated in, both in Federal and State courts.

The judge also stated: "Complainants now accuse the Judge of mental incompetence and of participating in a conspiracy with the defendants named in the pro se civil lawsuit." I believe judges are like birds of a feather - they flock together. But there are times when judges are bound to adjudicate the facts and law. That is mandated by the oath of office prior to holding office. So, in this case the judges should fly away from the flock, sit down, read their oath of office and perform their duties as mandated by law. When those duties are not performed pursuant to rule of law and are in direct violation of the U.S. Constitution and laws, then the plaintiffs in this action certainly must believe that acts were done by judges appearing to be incompetent. Other excuses cannot be justified.

We certainly can make a good argument that while the defendants were named as taking part in a conspiracy in the pro se civil lawsuit, is very truthful. So, we ask - where is that due process requirement that gives the plaintiffs the right to prove their allegation of conspirators or co-conspirators, evidenced by the decision by Judge Munson in his August 3, 1998 decision and the refusal to take judicial notice raised in a Rule 60 motion which was ignored by the court. As to that motion, he

did not adjudicate the issues of fact and law but placed restriction as to any future lawsuits being prohibited by the court against the plaintiff. It was a willfull corrupt obstruction of justice which violates the plaintiffs' rights under the First Amendment to file a complaint and violates that same right under Title 42, 1981, and the right to a demanded jury trial.

So, we ask, what evidence did Judge Winter rely upon to make that assessment as to the facts when the total facts and evidence was absent?

We further quote: "No evidence supports the charge of conspiracy, and the allegations of mental incapacity rest solely on judicial rulings with which Complainants vehemently disagree." It appears that Judge Winter could be correct. He admits there is no evidence to support the charge of conspiracy, therefore admitting there was no evidence before him in making this determination. He knew that if there was a trial and the right to present evidence that the plaintiffs would prove beyond a reasonable doubt the allegations in the complaint. So, what we have here is a judge without evidence and makes decisions on conjecture, surmise, and misstated facts, which can be successfully argued before an unbiased tribunal.

This court makes reference to matters directly related to merits of a decision referring to 28 U.S.C. §372(c)(3)(A)(ii). I can only relate to what I have been told by other litigants when complaints were made under that section. I believe it is designed to lock the doors and drive those litigants who have merits in their complaints from being heard for the purpose to present and prosecute their civil rights claims. See Jones vs. Clinton which indicates the Supreme Court will not tolerate obstruction of justice of those who obstruct justice or those seeking damage claims to redress their grievances and recover money damages.

I note the court dismissed this complaint in its entirety as frivolous and as directly related to the merits. Can you judges honestly say that any party within the 260^{million} residents of these United States who make a complaint against a judge for any misconduct or criminal conduct unless it is related to the violation of a party's civil rights lawsuit? You people certainly would complain if you were in the shoes of the Jemzura brothers and you filed a complaint and it was dismissed because of abuse of power, corruption, willfully making a wrong decision to aid the other parties. It is that type of conduct that prejudices a plaintiff and which gives him the authority to petition the government for redress of those violations. Somehow your agenda as to issues are mixed up and need to be re-aligned.

As I have mentioned above, a lot of litigants are denied a just determination under the 372 complaint procedure. One of those is Elena Sassower of the Center for Judicial Accountability and I was shocked by the amount of time and effort she spent and

the end result was no justice under this complaint procedure within the department.

I am 81 years old and a self-employed individual, and engage in several enterprises, I have always been able to solve any complex questions of fact and law pertaining to my operations. My experience has been fruitful because I might spend a day or two researching the facts and other issues involved in my line of business, and if you make the right decisions in the first place the factual issues will be resolved. There would be no need in the future to re-invent or re-apply undetermined facts to that process. Therefore, it would seem to me that you should have the facts and the evidence and make damn sure that the facts and evidence are true and make your decision based on the rule of law, as a friend of the U.S. Constitution and laws.

While these mentioned submissions are beyond the requirements of an appeals process, any tryor of facts would believe that certainly they would assist in facts not presently known in this case.

I ask that a criminal investigation take place and that the removal from office would be the proper remedy. Presently my case is not resolved. We are still denied the electric power and the 1924 Town Franchise has not been adjudicated by the Federal court and the right to receive electricity pursuant to the low-income HEAP applicant has not been adjudicated. Why is it so easy for you people to close your eyes and let the main issues, which would provide closure of this case. These issues of the franchise and the low-income provision will be continually, repeatedly brought before the courts until a decision is made by an honest judge. It would seem that you judges want to alleviate the judicial system and one way to do it is to answer and address the issues of fact and law which have never been adjudicated in the lower court, for reasons mentioned above.

I submit these papers for review under penalty of perjury and state that the statements are true with the exception of those stated on information and belief, and as to those, I believe them to be true.

I make this verification because you would not give much force and effect to this letter requesting review, and therefore, the verification makes this document as one to be used for admissable evidence in the future, if necessary.

Yours truly,


George Jemzura

cc: Betty Muka, Esq.
Honorable Elene Sassower
Hon. Henry Hyde,
Chairman House Judiciary
Orrin Hatch,
Chairman Senate Judiciary