

CIRCUIT COUNCIL
FOR THE FIRST CIRCUIT

IN RE:

COMPLAINT NO. 152

GEORGE SASSOWER

Before

Selya, Cyr, Boudin and Stahl, Circuit Judges.
Keeton, Carter, Laffitte, Torres and
Barbadoro, District Judges.

ORDER

Entered February 16, 1995

Complainant has filed a petition for review of former Chief Judge Breyer's order dismissing his complaint of judicial misconduct filed under 28 U.S.C. § 372(c) against a district judge. The complaint alleged that the district judge was "fixed and "corrupted" by other judges and by complainant's litigation opponents. As a result, the judge allegedly dismissed complainant's lawsuit, sua sponte, based on ex parte information.

Former Chief Judge Breyer dismissed the complaint on the ground that it provided no factual support whatsoever for the charge that the judge was part of any conspiracy or acted with any improper motive. The complaint did raise the possibility that the judge's sua sponte dismissal may have resulted from a letter, received by the judge from opposing counsel, which may not have been served upon complainant. All the letter apparently did, however, was call the judge's attention to a published injunction which enjoined complainant from filings like the one before the judge. Former Chief Judge Breyer ruled, accordingly, that any violation of the ethical proscription against ex parte communications was too de minimis to constitute misconduct cognizable under § 372(c).

In the petition for review, complainant merely insists that the actions of the district judge were "deliberate, intentional, conspiratorial and corrupt." The petition, like the complaint, points to no factual substantiation for this charge. Accordingly, we affirm former Chief Judge Breyer's dismissal of the complaint for the reasons stated therein.

The petition for review is denied.

By the Circuit Council:

Yimot Flanagan
Secretary