UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse at Foley Square 40 Centre Street, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 94-8509

Caption [use short title]
In Re George Sassower

Motion for: Vacate Order

Set forth below precise, complete statement of relief sought:

Vacate Order 3/10/94 -
Fraud - Lack of Jurisdiction

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U.S. COURT OF APPEALS
SECOND CIRCUIT

MOVING PARTY: George Sassower ☐ Plaintiff ☑ Defendant ☐ Appellant/Petitioner ☐ Appellee/Respondent

OPPOSING PARTY: None

MOVING ATTORNEY: [name of attorney, with firm, address, phone number and e-mail]

George Sassower Esq
16 Stewart Ave Apt 6J
White Plains N.Y. 10603
914-681-7196

OPPOSING ATTORNEY [Name]: [name of attorney, with firm, address, phone number and e-mail]

None

Court-Judge/Agency appealed from:

Please check appropriate boxes:

Has **consent** of opposing counsel:
A. been sought? ☐ Yes ☑ No
B. been obtained? ☐ Yes ☐ No N/A

Is **oral argument** requested? ☐ Yes ☑ No
(requests for oral argument will not necessarily be granted)

Has **argument** date of appeal been set? ☐ Yes ☑ No
If yes, enter date

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:
Has request for relief been made below? ☐ Yes ☑ No

Has this relief been previously sought in this Court? ☐ Yes ☑ No

Requested return date and explanation of emergency:

Signature of Moving Attorney: George Sassower **Date:** 7/10/09

Has service been effected? ☑ Yes ☐ No
[Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED** **DENIED.**

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: By:

Form T-1080 (Revised 10/31/02).

Ch. Judge Jacobs

JUDICIAL COUNCIL OF THE SECOND CIRCUIT

----------x

In re: GEORGE SASSOWER, Esq. Docket No. 94-8509
Petitioner.
"An Instrument of Crime"

----------x

The Order of March 10, 1994, was an "Instrument of Crime" issued by Chief U.S. Circuit Court Judge ***Jon O. Newman*** and the twelve (12) Members of the ***Judicial Council of the Second Circuit.*** in order to conceal the seven (7) year systematic fraud on the purse of the ***United States***, by Article III federal judges, a felony, and to facilitate its continuance since that time, fifteen (15) years ago.

The evidence is fully documented and conclusive!

* * *

1. Commencing twenty-two (22) years ago, in ***Vilella v. Santagata*** (SDNY 87Civ1450 [GLG]), and continuously since that time, Article III members of U.S. Second Circuit when sued in tort for money damages in their "*personal capacities*", in actions, revolving around ***"The Citibank Bribes for Total Immunity Criminal Enterprise"*** have, on a nationwide basis, been systematically *defrauding* the ***United States***, by dragooning Article II federal defense representations, at *unauthorized* federal cost and expense.

Defrauding the United States, when in the form of *unauthorized* defense representation in a money damage tort action, results in a "*subject matter jurisdictional*" lethal infirmity, effectively disrobes the jurist and renders the merit dispositions made to be "*null* and *void*"!

2. Article II federal attorneys, in order to conceal such *unauthorized* defense expenditures, which are "*felonies*", punishable by terms of incarceration and fines (31 ***U.S.C.*** §§1341, 1342 & 1350), from federal fiscal authorities, "cooked" their official books, which are also "*felonies*" (18 ***U.S.C.*** §1001), as responses to ***Freedom of Information Act*** requests confirm (*e.g.* Exhibits "AA", "AB", "AC" and "AD").

"*Reimbursement*" to the ***United States*** by these Article III federal jurists for these *unauthorized* expenditures made on their behalf, although never denied, has *never* been made!

Part "I-A":

1. In a money damage tort action, one can generally sue the principal *and* agent, master *and* servant, employer *and* employee, the owner *and* driver, and usually a judgment can be obtained against both, as their liability is joint and several.

However, when a *federal* judge, official, employee or person in the military is involved, for a particular act or event, it is one *or* the other that may be sued, *not* both.

28 ***U.S.C.*** §2671 defines ***all*** federal judges, officials, employees and persons in the military when "acting within the scope of their office/employment" ["line of duty" for the military] as "employees of the United States" for the purpose of the ***Federal Tort Claims Act*** ["FTCA"].

2. If the federal judge, official or employee was "acting within the scope of his/her office/employment" at the time of the incident, described as an "*official capacity*" action, ***only*** the United States may be sued, and the United States is defended by a federal attorney, at federal cost and expense, and the United States satisfies any judgment recovered.

If the federal judge, official or employee was *not* "acting within the scope of his/her office" at the time of the incident, described as a "*personal capacity*" action, it is the judge, official, or employee who is sued, in his/her own name, and he/she can ***only*** be defended by a non-federal attorney, at non-federal cost and expense, and the United States *cannot* satisfy any judgment recovered.

An apparent, but not real, exception, for historical reasons, not here relevant, are for custom and revenue agents who, under specified circumstances, may be sued in his/her own name, and may be defended by a federal attorney, at federal cost and expense (28 ***U.S.C.***§547[3]).

3. An independent requirement, in a money damage tort action, is that a federal attorney may *never* defend anyone, including the United States, unless a 28 ***U.S.C.***§ 2675 "notice of claim" has been filed and the administrative provisions satisfied (***McNeil v. United States***, 508 U.S. 106 [1993]).

Part "I-B":

1. In ***Vilella v. Santagata*** (*supra*), the initial document submitted by U.S. Attorney ***Rudolph W. Giuliani*** reveals, "on its face", a ***legally impossible*** scenario, and that a fraud was being perpetrated upon the federal purse, rendering the merit dispositions made to be null and void, since it concluded as follows:

> "Dated: New York, New York
> April 9, 1987
> Respectfully submitted,
> RUDOLPH W. GIULIANI
> United States Attorney for the
> Southern District of New York
> Attorney for Defendants
> Feinberg, Kaufman, Meskill,
> Conner and Nickerson
> ROBERT W. GAFFEY
> Assistant United States Attorney
> 101 East Post Road
> White Plains, New York 10601
> Telephone: (914) 683-9579"

The above is a ***legally impossible*** scenario because, to repeat, in a money damage tort action, a federal judge *cannot* be "*sued*" in his/her "*official capacity*" He/she has "*suit immunity*"! Furthermore, there were no 28 ***U.S.C.*** § 2675 "notice of claim", a pre-condition for federal defense representation!

These Article III federal judges *could* be "*sued*" in their "*personal capacities*", as they were in ***Vilella v. Santagata*** (*supra*), but in such capacities they can *only* be defended by a non-federal attorney, at non-federal cost and expense.

2. ***Wilfred Feinberg***, one of the five (5) Article III federal judges, sued and defended in his "*personal capacity*" in ***Vilella v. Santagata*** (*supra*) was, since 1980, the Chief Judge of the Second Circuit Court of Appeals.

A. Twenty-five (25) years earlier, as a U.S. District Court Judge, he "dismissed" the action against ***Thomas Jones*** because, as a federal employee, in a money damage tort action, he had "*suit immunity*" while acting "in the course of his employment" (***Perez v. United States***, 218 F. Supp. 571 [SDNY-1963])!

Perez v. United States (*supra*) was a case of "first impression", and has been followed by *every* court, federal and state, for more than forty (40) years, *except* in actions revolving around "***The Citibank Bribes for Total Immunity Criminal Enterprise***"!

B. Then, in ***Myers v. United States Postal Service*** (527 F.2d 1252 [2nd Cir.-1975]), where U.S. Circuit Court Judge ***Wilfred Feinberg*** was a panel member, the Court stated [emphasis suppled]:

> "We should first note that suit under the ***Federal Tort Claims Act*** ['FTCA'] lies here, if at all, *only* against the United States. Neither the Postal Service nor the Postal Inspection Service, named as defendants, may be sued ... The district court also *lacks jurisdiction* in respect to the two individual Postal Service employees named as defendants in this action. *Only* claims `against the United States' are included within the Federal Tort Claims Act jurisdiction. ... *Accordingly, as to all defendants except the United States, the dismissal of the complaint must be affirmed for lack of subject matter jurisdiction*."

3. Where "jurisdiction" is absent, the jurist, despite the physical adornment of his/her judicial robe and judicial title, is legally disrobed, is a usurper, a pretender, imposter and impersonator of lawful authority, acting *coram non judice*, rendering the merit dispositions made to be null and void.

In ***Ruhrgas v. Marathon*** (526 U.S. 574 [1999]), the court stated (at p. 583-584):

> "subject matter jurisdiction ... is non-waivable and delimits federal-court power ... . Subject matter jurisdictions on federal jurisdiction serve institutional interests. They keep the federal courts within the bounds the Constitution and Congress have prescribed. Accordingly, subject matter delimitations must be policed by the courts on their own initiative even at the highest level".

In ***Disher v. Information Resources***, 873 F.2d 136, 139 [7th Cir.-1989]), U.S. Circuit Court Judge ***Richard A. Posner***, speaking for the Court, correctly stated:

> "Jurisdiction over a case is the power to render a binding judgement in it; if there is no jurisdiction, there is no power".

However, in 1987, obviously "*intoxicated*" by his "*power*" as Chief Judge for the Second Circuit Court of Appeals, ***Wilfred Feinberg***, disregarded black-letter law, including his own decisions, dragooned the defense representation of U.S. Attorney ***Rudolph W. Giuliani***, an Article II official, for his "*personal defense*", even though he *knew* his conduct was "*felonious*" and that the merit dispositions made were null and void!

4. In dragooning the services of Article II Attorney ***Rudolph W. Giuliani*** for their "*personal capacity*", these Second Circuit Article III jurists effectively "*immunized*" themselves *and* their patrons from civil and criminal redress!

Thus, in ***Vilella v. Santagata*** (*supra*), U.S. Attorney ***Rudolph W. Giuliani*** in *every* instance, in *every* respect, comported himself to the "*personal*" interests and desires of the five (5) Article III Second Circuit Judges and their patrons,, even though they were *adverse* to the interests of the United States.

For example: U.S. Attorney ***Rudolph W. Giuliani*** and the five (5) Article III federal jurists being defended by him in their "*personal capacities*", were *all* aware that even *before* they appeared on May 9, 1987, petitioner had been turning over his evidence to the ***Federal Bureau of Investigation*** and was doing so on a continuous basis.

Thus, as they knew, on July 6, 1987, petitioner wrote to ***F.B.I.*** Agent ***Susan E. Lloyd***, as follows:

> "Dear Ms. Lloyd,
>
> 1a. Enclose find a copy of the Order of District Court Judge Eugene H. Nickerson [Eastern District of New York], dated June 7, 1985, wherein Hyman Raffe and I were fined $1,000 per day until we submitted ourselves for deposition (Exhibit `A'), which we never have.
>
> b. Such fines are payable `to the (U.S.) Court', but if you will check the Court records no such fines were ever received by it or any agency of the federal government.
>
> 2. Any penalties involved went into the pockets of Kreindler & Relkin, P.C. (Exhibit `B')."

Only "hard core crooks" with very powerful judicial and political connections would "*divert*" monies payable "to the federal court" to their own private pockets!

6. Since the monies payable "to the federal court"included petitioner's monies, he had "standing" on the issue, which no one ever denied.

Thus, in the litigation before U.S. District Court ***Gerard L. Goettel***, when petitioner moved to recapture these "diverted" federal monies from ***Citibank-K&R*** in favor of the United States, such motion was not supported by U.S. Attorney ***Rudolph W. Giuliani***, nor did he ever articulate *any* justification for his treasonous, perfidious and treacherous behavior, nor was this *unopposed* motion granted by the openly "*fixed*" U.S. District Court ***Gerard L. Goettel***.

7. The exclusive client of U.S. Attorney ***Rudolph W. Giuliani*** was the United States, to whom he owed "zealous" representation and "undivided loyalty". As a matter of law, he could not defend others.

However having opted to defend others, such as the five (5) Article III federal Second Circuit jurist, he certainly did not have the power to betray the United States, in favor of the conflicting representation of these five (5) Article III Second Circuit jurists.

No American jurist has the "*legal power*" to tolerate the betrayal of a client or trust by its attorney or trustee (***Wood v. Georgia***, 450 U.S. 261 [1981]) and, independent of the lack of "subject matter jurisdiction", the proceedings are "null and void" (***U.S. v. Throckmorton***, 98 U.S. 61 [1878]).

Part "I-C":

1.. About six (6) months *after* ***Vilella v. Santagata*** (*supra*) was instituted, and with the knowledge that Chief U.S. Circuit Court Judge ***Wilfred Feinberg*** was engaged in egregious criminal racketeering activities, which included defrauding the United States, Chief Justice of the United States ***William H. Rehnquist*** designated him to also serve as ***Chairman of the Executive Committee of the Judicial Conference of the United States***.

Defrauding the United States now became a nationwide operation, although it had already been so transmogrified by ***Raffe v. Doe*** (619 F. Supp. 891 [SDNY-1985]).

In ***Raffe v. Doe*** (*supra*), although U.S. District Court Judge ***William C. Conner*** did not have "*subject matter jurisdiction*" or "*personal jurisdiction*" of petitioner, in order to preserve the remaining judicial cash assets in ***Puccini Clothes, Ltd.*** as a "*source*" of "*bribes*", he found it necessary to libel petitioner, making every venue in the United States as appropriate as a vehicle for suit (***Keeton v. Hustler Magazine***, 465 U.S. 770 [1984]; ***Calder v. Jones***, 465 U.S. 783 [1984]).

2. Within a few years of the appointment of Chief U.S. Circuit Court Judge ***Wilfred Feinberg***, as ***Chairman of the Executive Committee of the Judicial Conference of the United States***, in actions filed in the: District of Massachusetts to the Southern District of California; from the Western District of

Washington to the Southern District of Florida, from Texas to Minnesota, federal attorneys defended federal judges and officials, usually from the Second Circuit, in money damage tort actions, in their "*personal capacities*" and where no 28 ***U.S.C.*** § 2675 "notice of claim had been filed!

In federal courts in *every* federal circuit, except one, including in the Supreme Court of the United States, motions were made by petitioner to "*divest*" ***Citibank-K&R*** of their illicit federal loot in favor of the United States, and in *each* instance these motions were not supported by these federal attorneys, including by the ***Solicitor General of the United States***, and they *never* articulated any justification for their treasonous, perfidious and treacherous behavior, and *none* of these motions were *ever* granted, although invariably unopposed!

3. There can *never* any defectors in the "***Rehnquist Ultimate Totalitarian Corrupt Judicial Empire***" *or* in the reigns of any of his successors, such as ***John G. Roberts***, since a single ***United States Department of Justice*** ["USDJ"] official *or* a single jurist who supported or ordered "*reimbursement*" to be made in favor of the United States, would result in a lethal blow to this egregious criminal racketeering adventure and to some of its key participants!

The Bottom Line: After almost twenty-five (25) years, ***Citibank-K&R*** and those they "*bribed*", have *all* their illicit "*loot*", and the ***United States*** has none of it!

However, there is *tomorrow*!

Part "I-D":

1A. In ***Geo. Sassower v. Abrams*** (NJ 88-1012 [NHP), U.S. Attorney ***Samuel A. Alito*** of the District of New Jersey, which is in the U.S. Third Circuit, in a money damage tort action, appeared for fourteen (14) U.S. Second Circuit jurists and officials, sued in their own names, in their "*personal capacities*", and in such action there were no 28 ***U.S.C.*** §2675 "notices of claim".

These fourteen (14) federal defendants included the five (5) Article III Second Circuit federal jurists who were defended in their "*personal capacities*" by U.S. Attorney ***Rudolph W. Giuliani*** before U.S. District Court Judge ***Gerard L. Goettel*** in ***Vilella v. Santagata*** (*supra*).

Thus, *everyone* involved in such litigation immediately *knew* that U.S. Attorney ***Samuel A. Alito*** and U.S. District Court Judge ***Nicholas H. Politan*** had been "*fixed*"!

B. Thirty-five (35) days after such filing, ***Geo. Sassower v. Feltman*** (NJ 88-1562 [NHP]), was filed, which was *also* a money damage tort action, and the federal defendants included ***Samuel A. Alito***, who were also sued in their "*personal capacities*", in their own names, and where there was no 28 ***U.S.C.*** §2675

"notices of claim", and they were defended at *unauthorized* federal cost and expense by U.S. Attorney ***Samuel A. Alito*** and Assistant U.S. Attorney ***Susan C. Cassell***, at *unauthorized* federal cost and expense.

In ***Geo. Sassower v. Feltman*** (*supra*), petitioner alleged, *inter alia*:

> "7. The petitioner, GEORGE SASSOWER, Esq. ['Sassower'], and/or his Chapter 13 Estate have substantial interests in Puccini, which include:
>
> a. A wholly unsatisfied judgment against Puccini in the sum of $27,912.42, with interest from April 29, 1982.
>
> b. A filed claim against Puccini for the sum of $3,000,000.
>
> c. An attorney's lien on the 25% stock interests of HYMAN RAFFE ['Raffe'] in Puccini.
>
> d. An attorney's lien on a judgment in favor of Raffe against Puccini in the approximate sum of more than $500,000, inclusive of interest.
>
> e. An attorney's lien on a claim in favor of Raffe against Puccini in the approximate sum of almost $40,000, inclusive of interest.
>
> f. A legal and/or equitable lien on the stock interests in Puccini by EUGENE DANN ['Dann'] and ROBERT SORRENTINO ['Sorrentino'], by reason of (1) the aforementioned judgment of $27,912.42, which includes Dann and Sorrentino, as judgment debtors, and (2) attorney's liens by virtue of various judgments and claims against them by Raffe."

2. In such New Jersey money damage tort litigation, these Second Circuit jurists and officials, dragooned and/or accepted the federal defense representation of U.S. Attorney ***Samuel A. Alito***, at *unauthorized* federal cost and expense which, *to repeat*, was a ***legally impossible*** scenario resulting in a "*subject matter jurisdictional*" lethal infirmity, rendering the merit dispositions made to be null and void!

Obviously, these fourteen (14) Second Circuit federal judges and officials *knew beforehand* that ***Samuel A. Alito*** was a corrupt federal official, who would represent them in their "*personal capacities*" and where there was no 28 ***U.S.C.*** § 2675 "notices of claim", *defrauding* his client, the ***United States*** thereby.

3. Before the federal expenditures by U.S. Attorney ***Samuel A. Alito*** "went through the roof", they were described by a federal official as "*staggering*" (***New Jersey Law Journal***, July 13, 1989), which estimate court records confirm.

Most of the monumental federal expenditures made, were dissipated to consummate the transmission of approximately $800,000 from the judicial trust assets of ***Puccini Clothes, Ltd.*** to serve, after "*laundering*", as a "*source*" of "*bribes*" for judges and officials!

To conceal the *unauthorized* federal expenditures made and provided, U.S. Attorney ***Samuel A. Alito*** and his rogue clients, which included himself, are *all* felons, liable to fines and terms of incarceration (31 ***U.S.C.*** §§1341, 1342 & 1350), U.S. Attorney ***Samuel A. Alito*** "*cooked*" his official books (Exhibit "AA"), which is also a "*felony*" (18 ***U.S.C.*** §1001).

4. Three (3) weeks after the filing of ***Geo. Sassower v. Feltman*** (*supra*), it conclusively appeared that U.S. District Court Judge ***Nicholas H. Politan*** had been "*fixed*" and, along with U.S. Attorney ***Samuel A. Alito*** and NY State Attorney General ["NYSAG"] ***Robert Abrams***, his intended course of criminal conduct became obvious.

Consequently, petitioner filed a timely and sufficient 18 ***U.S.C.*** §144 recusal affirmation which, as instructed, U.S. District Court Judge ***Nicholas H. Politan*** ignored.

Two (2) weeks later the, matter of law, manifestly disqualified U.S. District Court Judge ***Nicholas H. Politan*** and, again along with the cooperation of U.S. Attorney ***Samuel A. Alito*** and NYSAG ***Robert Abrams*** he, without notice of due process issued his ukase of May 9, 1988.

The without notice, or due process, *sua sponte* Order of May 9. 1988 read, *in haec verba*, as follows:

> "ORDERED, that case number 88-1012 and case number 88-1562 be, and hereby are, for all purposes consolidated (hereinafter the `Consolidated Action'); and it is further
>
> ORDERED, that the Consolidated Action shall be placed on the inactive calendar for a period up to and including May, 1989; and it is further
>
> ORDERED, that the plaintiff George Sassower or anyone acting on his behalf or acting in concert or cooperation with Sassower may not file any new case, proceeding, motion or other litigation document in this Court or in the State Courts of New Jersey without specific written order of this Court; and it further
>
> ORDERED, that the defendants named in the Consolidated Action are not required to respond to any litigation document previously or subsequently served or filed by or on behalf of plaintiff, unless plaintiff has obtained prior written leave of Court to file such document; and it is further
>
> ORDERED, that the Clerk of this Court be and is hereby directed not to accept for filing any new case, proceeding, motion or other litigation document submitted by or on behalf of George Sassower, without prior written leave of this Court; and it is further
>
> ORDERED, that George Sassower shall annex a copy of this Order to all subsequent filings with this Court or any court in the State of New Jersey and shall refer to this Order on the cover page of any document he desires to file; and it is further
>
> ORDERED, that in the event that George Sassower or anyone acting on his behalf, shall, in violation of the within Order, file without having first obtained the prior written consent of this Court, any pleading, new case, proceeding, motion or other litigation document, then George Sassower may immediately be held in contempt of this Court and shall be subject to arrest and other appropriate sanctions without further notice; and it is further
>
> ORDERED, that notwithstanding anything contained herein above, George Sassower may, on or before May 9, 1989, file papers solely in opposition to the motions to dismiss presently pending before this Court; and it is further
>
> ORDERED, that no further oral argument concerning the motions to dismiss shall be held and papers shall be submitted pursuant to Rule 78."

Although an appeal existed as a matter of absolute right (28 ***U.S.C.*** §1292), petitioner knew that U.S. District Court Judge ***Nicholas H. Politan*** and U.S. Attorney ***Samuel A. Alito*** were seeking to incarcerate petitioner, without notice or due process.

Consequently, petitioner requested permission to file a notice of appeal to the Circuit Court of Appeals, which, incredibly, was denied.

Thus, petitioner submitted to the Third Circuit Court of Appeals a petition that he be permitted to file such "notice of appeal" and for similar relief which, incredibly, was also denied.

Although the *sua sponte* obligation of the court was to address and adjudicate the lack of "subject matter jurisdiction", by denying him "access to the court" to make such application, U.S. District Court Judge ***Nicholas H. Politan*** and U.S. Attorney ***Samuel A. Alito*** were able to impose a "reign of terror" in order to compel submission.

Thus, the Court, with the cooperation of U.S. Attorney ***Samuel A. Alito*** and NYSAG ***Robert Abrams*** were able to continue "extorting" monies from ***Hyman Raffe*** and *inter alia* prevent "*restitution*" to the United States for the diverted federal monies.

5. Today, the "*felon*" ***Samuel A. Alito*** and the fourteen (14) Second Circuit "*felons*" he purported to defend, at *unauthorized* federal cost and expense, are indebted to the United States, in "*reimbursement*", for the *unauthorized* expenditures made by and for them in such litigation.

6. Would *any* Senator have voted to confirm ***Samuel A. Alito*** for *any* federal position if, before a televised audience, some of his activities revolving around ***"The Citibank Bribes for Total Immunity Criminal Enterprise"*** were disclosed???

Part "I-E":

1. Pending in Eastern District of New York was ***Cohen v. Littman*** (88 Civ 0621 [EDNY-EHN]), a money damage tort action.

2. Because of the "subject matter jurisdictional" infirmities, whatever merit dispositions made in ***Geo. Sassower v. Abrams/Feltman*** (*supra*), by reason of the "inflexible without exception" rule (***Mansfield v. Swan***, 111 U.S. 379, 382 [1884]), these dispositions made were "*null* and *void*", and because he was barred from making any filings in New Jersey, petitioner commenced ***Geo. Sassower v. Sansveri*** (88 Civ. 1423 [ILG]]).

In ***Geo. Sassower v. Sansveri*** (*supra*) among the money damage tort defendants were ***Wilfred Feinberg, Eugene H. Nickerson, William C. Conner, Charles L. Brieant , Samuel A. Alito***, and

other New York-New Jersey federal judges and officials, were <u>all</u> sued in their "*personal capacities*" and where there were no 28 ***U.S.C.*** §2675 "notices of claim"!

In their "*personal capacities*" these federal judges and officials were defended, at *unauthorized* federal cost and expense by U.S. Attorney ***Andrew J. Maloney***!

Thus, here also the merit dispositions made were "*null* and *void*"!

3. Nevertheless, the Court *sua sponte* consolidated these two (2) actions and re-assigned these money damage tort actions to U.S. Magistrate-Judge ***Allyne R. Ross***.

4. Petitioner did not know and does not know U.S. Magistrate-Judge ***Allyne R. Ross***, never met or spoke to her, nevertheless in a more than seventy (70) page Report, the product of an obviously "*diseased*"mind, she recommenced the these complaints be "dismissed" and recommended draconian sanctions be imposed upon petitioner.

Although <u>everyone</u> knew the merit dispositions were "null and void" because, in multiple respects, "subject matter jurisdictional" lethal infirmities existed, U.S. District Court Judge ***Edward R. Korman*** affirmed this product of the "*criminally diseased mind*" increasing the draconian sanctions which including barring petitioner from the Court in that district.

The Order which barred "access to the court" was a "criminal instrument, in order to immunize past criminal activities!

<u>Part "I-F"</u>:

1. At approximately the same time that ***Geo. Sassower v. Sansveri*** (*supra*) was filed, ***Geo. Sassower v. Mahoney*** (NDNY 88-0563 [CGC]), was filed in the Northern District of New York and ***Wilfred Feinberg, Eugene H. Nickerson*** and ***William C. Conner***. were the federal money damage tort defendants sued in their "*personal capacities*", and where no 28 ***U.S.C.*** § 2675 "notices of claim" had been filed!

Since the defense representation by U.S. Attorney ***Frederick J. Scullin, Jr.***, at *unauthorized* federal cost and expense was *unauthorized* and a *felony*, he also "cooked" his federal official books (Exhibit "AB"), which is also a *felony*.

In addition to rendering the merit disposition made to be null and void, now U.S. District Court Judge ***Frederick J. Scullin, Jr.***, and his rogue federal clients are indebted to the ***United States*** as "*reimbursement*" for the *unauthorized* defense expenditures made.

2. On June 30, 1988, in ***Geo. Sassower v. Mahoney*** (*supra*) and elsewhere, petitioner extensively distributed, three (3) documents which described an account of some of the criminally corrupt judicial activities in the U.S. Second Circuit-New York courts.

These three (3) extensively distributed publications, in and out of the judicial forum, were entitled:

"FEINBERG'S EVIL JUDICIAL EMPIRE
`Unfit for Human Litigation"

"THE MANTON COURT ---- REVISITED
["Unfit for Human Litigation"]."

WOULD YOU HAVE RICHARD III BABYSIT FOR YOUR NEPHEWS?
or
WOULD YOU BUY A USED HORSE FROM ROBERT ABRAMS?

3. Some of the *undenied* and *uncontroverted* assertions made in:

"FEINBERG'S EVIL JUDICIAL EMPIRE
`Unfit for Human Litigation"

1a. Affirmant and HYMAN RAFFE [`Raffe'] were convicted of non-summary criminal contempt, without a trial, by United States District Judge EUGENE H. NICKERSON, and the monetary sanction were made payable `to the [federal] court'.

b. These monetary sanctions were diverted to the private pockets of KREINDLER & RELKIN, P.C. [`K&R'], the firm that engineered the massive larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. [`Puccini'].

c. Such Order was affirmed by the Circuit Court of Appeals, per Chief Judge WILFRED FEINBERG, Circuit Judge IRVING R. KAUFMAN, and Circuit Judge THOMAS J. MESKILL.

Prior thereto, in addition to the open boasts of K&R, that it, its client, CITIBANK, N.A. [`Citibank'], `controlled' the judiciary, state and federal, nisi prius and appellate, it was manifestly obvious that such public boasts had substance.

The circumstances surrounding such trialess conviction were such, if affirmant or Raffe were afforded a trial, there was no possible way that there would be a conviction.

There was not even a prima facie case for criminal contempt.

f. By reason thereof, affirmant for several years has proclaimed that Feinberg, Kaufman, Meskill, and Nickerson should be "Impeached, Indicted, and Incarcerated" (see Nye v. United States, 313 U.S. 33).

2a. Without a trial or opportunity for same, it was recommended in mirrored Reports of Referee DONALD DIAMOND, that each be incarcerated for thirty (30) days each.

b. Raffe paid millions of dollars to K&R and FKM&F by check, and gave other valuable considerations, and was never incarcerated.

In addition Raffe, according to an extorted agreement, was compelled to execute general releases to:

> `The New York State Attorney General and Senior Attorney David S. Cook' and to `The Justices of the Supreme Court of the State of New York, and any judicial employee thereof and the Judges of the

United States District Court of the Southern and Eastern District of New York.'

c. Affirmant refuses to involve himself in such extorted activities (18 U.S.C. §1951), and was incarcerated, until released a federal writ of habeas corpus.(Sassower v. Sheriff, 651 F. Supp. 128 [SDNY]).

d. The Circuit Court of Appeals, reversed (Sassower v. Sheriff, 824 F.2d 184 [2d Cir]), fabricating the essential facts, as herein demonstrated.

e. On Tuesday, June 28, 1988, before Hon. MARTIN EVANS, Justice of the Supreme Court of the State of New York, County of New York, neither ROBERT ABRAMS, Esq. [`Abrams'], nor K&R, nor FKM&F, nor anyone else could produce anything in the Record on Appeal to support the assertions of the Circuit Court that affirmant:

> `refused to appear before [Referee DONALD DIAMOND] ... was notified by the attorney for the receiver that he would be required to appear before the referee for proceedings on the criminal contempt motion and cross-motions ... failed to appear'.

f. Indeed, the Record on Appeal reveals a judicial confession before United States Magistrate NINA GERSHON, by FKM&F, the law firm of LEE FELTMAN [`Feltman'], the court-appointed receiver for Puccini, that no such evidence exists in the Record.

g. Such judicial confession by DONALD F. SCHNEIDER, Esq. [`Schneider'], a partner in FKM&F was made in the presence of attorneys from the office of Robert Abrams, and reads as follows:

> `THE MAGISTRATE: I am correct that there is nothing in the record that indicates one way or the other as to whether or not Mr. Sassower was [invited] to appear, did appear, waived his right to appear, didn't show up or anything of the kind. He says on the documentary evidence he finds that the petitioner is guilty. Is that not correct?
>
> MR. SCHNEIDER: There is nothing in the record but we are prepared to give testimony on that issue if your Honor finds that is relevant in this proceeding.
>
> MR. SASSOWER: Referee Diamond said repeatedly: No hearing is required. I don't know how he can give testimony that there was a default when Referee Diamond said ad nauseam: no hearing is required. A plea of not guilty is tantamount to a general denial and raises no triable issues of fact. The criminal procedure law of the State of New York states a plea of not guilty is a plea of not guilty as to each and every count of the indictment or the information.
>
> MR. SCHNEIDER: That is the whole point of this proceeding, your Honor, it is not a proceeding under the penal law. This is a civil proceeding under the judiciary law.
>
> THE MAGISTRATE: Whatever you label it he is entitled to the provisions of the United States Constitution whether it comes under the judiciary law or the penal law. ..."[emphasis supplied]

h. Circuit Judges, GEORGE C. PRATT, ELLSWORTH A. VAN GRAAFIELAND, and ROGER J. MINER, by their fabricated statements have clearly violated, inter alia, 18 U.S.C. §1001.

....

3b. K&R, FKM&F, Abrams, and members of the judiciary, federal and state, nisi prius and appellate, are all clearly engaged in a racketeering enterprise (18 U.S.C. §1961), and should be prosecuted by the United States Attorney, not defending them.

4a. There is a generalized bias in this Circuit because of affirmant's has the documented evidence of criminal activity by various jurists and their cronies, insists that no person is above the criminal law, and will have no part of judicial or prosecutorial misconduct.

b. This litigation should referred to a jurist from another circuit ...."

4. Some of the *undenied* and *uncontroverted* assertions made in:

"THE MANTON COURT ------- REVISITED
["Unfit for Human Litigation"].

1a. On May 1, 1934, the day following the opinion of Chief Judge MARTIN T. MANTON in Art Metal v. Abraham & Straus (70 F.2d 641 [2d Cir.]), Alfred F. Reilly gave to William Fallon, the "bag-man" for Judge MANTON, the sum of $10,000 plus some post-dated checks, the agreed balance for `selling justice' in the Second Circuit Court of Appeals.

Dissenting in the above decision, Judge LEARNED HAND stated (at p. 645):

"I can find not even the proverbial scintilla of evidence to that effect. The language which Reilly, the defendant's president, put in Aronson's mouth ..".

b. Manton's crimes were odious and had to be punished insisted a young District Attorney named THOMAS E. DEWEY, a view at odds with most of those who held power and authority.

c. Following the verdict of guilty by the Manton jury, for which he was thereafter incarcerated, the New York Times editorialized (June 5, 1939, p. 16):

> "Nothing could strike a more deadly blow at the foundations of our democracy than the evidence, or the mere suspicion, that ... any litigant has an `inside track' that all men do not come into court on the basis of equality."

2. Chief Judge WILFRED FEINBERG, members of the Circuit Court, and the Southern and Eastern District of New York, have corrupted the American judicial system by quantum leaps more egregious than did Judge Manton one-half century ago.

3a. PUCCINI CLOTHES, LTD. -- "the judicial fortune cookie" -- was involuntarily dissolved on June 4, 1980 -- more than eight (8) [now more than twenty-nine [29] years ago.

b. Multiple statutes and court rules mandate an accounting "each and every year" for these judicial trust assets, which unquestionably have been made the subject of massive larceny and plundering by members of the judiciary and/or their cronies. Nevertheless not a single accounting has been rendered.

c. In America no one is above the reach of the criminal law, not Judge Feinberg or any other member of the judiciary, not any of their cronies, who by pay-offs have the `inside track'.....

c. "Thieves for their robbery have authority, when judges steal themselves" (Shakespeare, Measure for Measure, 2.02, 175)."

5. Some of the *undenied* and *uncontroverted* assertions made in:

"WOULD YOU HAVE RICHARD III BABYSIT FOR YOUR NEPHEWS?
or
WOULD YOU BUY A USED HORSE FROM ROBERT ABRAMS?

To help insure the honesty of judges and their appointees, the state has mandated that unless a receiver for an involuntarily dissolved corporation accounts within eighteen (18) months, the Attorney General, ROBERT ABRAMS, the highest law officer in New York, must make an application to the court for such accounting (Bus. Corp. Law §1216[a]).

ROBERT ABRAMS, the statutory guardian for the assets and affairs of involuntarily dissolved corporations, is given no discretion on such matters.

PUCCINI CLOTHES, LTD. -- 'the judicial fortune cookie' -- was dissolved more than eight (8) [now more than twenty-nine (29) years ago -- many times the maximum of eighteen (18) months -- and not a single accounting has been filed by its court appointed receiver, LEE FELTMAN, Esq., of the firm of FELTMAN, KARESH, MAJOR & FARBMAN, Esqs., or anyone else.

The FELTMAN firm, along with the firm of KREINDLER & RELKIN, P.C. -- 'the merchants of corruption' -- have by blatant larceny and plundering dissipated all of Puccini's assets, and any true accounting will expose the criminal conduct of high level members of the judiciary, state and federal, as well as of ROBERT ABRAMS himself.

Consequently, in order not to expose his own criminal conduct, and similar misconduct of his 'fat cat' supporters, ROBERT ABRAMS refuses to follow the mandate of the law and make his mandated application for such accounting.

Neither ROBERT ABRAMS nor anyone else is above the law, and if ROBERT ABRAMS refuses to give the law obedience because it will expose the criminal activities of those he personally desires to protect, he should be impeached, indicted, and incarcerated.

The designation of ROBERT ABRAMS, the Attorney General, as a guardian for judicial trust assets is tantamount to having Richard III serve as the guardian of your nephews, as any accounting for Puccini's judicial trust assets will immediately reveal."

6. Despite the lack of, in multiple respects, "subject matter jurisdiction", the Court dismissed the complaint and barred petitioner from making any filings in that Court.

The Order which barred petitioner from making any filings in that Court was a "criminal instrument" to conceal and prevent remedy of past criminal activities by Article III federal jurists!

Part "II-A":

1. *Every* law student is taught and every Article III federal judge *knows* that absent the very rare exceptions, never here present, a "*person*" cannot sue the State, a State judge, official or employee in tort for money damages, in his/her "*official*" capacity, in a federal forum.

Amendment XI of the ***Constitution of the United States*** (***Hans v. Louisiana,*** 134 U.S. 1 [1890]) is an express "*limitation*" of federal judicial power, and is a "*subject matter jurisdictional*" lethal infirmity and, when violated, even when unintentional, renders the merit disposition made to be "*null* and *void*"!

2. ***Raffe v. Doe*** (*supra*) was filed about seven (7) months after ***Pennhurst v. Halderman*** (465 U.S. 89, 121 [1984]) was rendered, wherein the Court *directed* [emphasis supplied]:

"[a] federal court must examine each claim in a case to see if the court's jurisdiction over that claim is barred by the Eleventh Amendment/(***Hans v. Louisiana.*** *supra*)."

3. Thus, the appearance of Assistant NYSAG ***Jeffrey I. Slonim***, for six (6) New York State money damage tort defendants, all law school graduates, including ***Xavier C. Riccobono*** and ***Robert Abrams***, at *unconstitutional* NY State cost and expense, was a clear statement that they all *knew beforehand* that: (1) U.S. District Court Judge ***William C. Conner*** had been "*fixed*"; (2) would not address the Amendment XI/Hans jurisdictional and other lethal infirmities, albeit mandatory, (3) even though the merit dispositions made were null and void.

The compelled conclusion proved to be eminently "correct"!

4. The representation of the defendant, NYSAG ***Robert Abrams***, and others, at NY State cost and expense, was also prohibited by Article XIII §7 of the ***New York State Constitution***, as an *unconstitutional* "perquisite".

5. Obviously, the New York State Attorney General's Office was "cooking" his official books to conceal the *unconstitutional* expenditures made, which a ***Freedom of Information Law*** ["FOIL"] request confirms [FOIL #03-540].

6. Despite the Amendment XI/Hans "*subject matter jurisdictional*", which appears on the face of ***Raffe v. Doe*** (*supra*), and other lethal infirmities, which rendered the merit dispositions made to be "*null and void*", in order to "*preserve*" the remaining cash trust assets of approximately $800,00 in ***Puccini Clothes, Ltd.***, an involuntarily dissolved corporation, as a source of "*bribes*" for judges and officials, "***The Megalomaniac***", U.S. District Court Judge ***William C. Conner***, enjoined *every* federal court in the United States, trial and appellate, from entertaining any litigation against it, ***Citibank, N.A.*** and its entourage by ***Hyman Raffe*** or ***George Sassower***.

Hyman Raffe and ***George Sassower*** had contractually based, constitutionally protected obligations of ***Puccini Clothes, Ltd.***, which could not be "*impaired*" by any State or Federal judge, official or employee (Article 1 §10[1] & Amendment V of the ***Constitution of the United States; Continental-Illinois v. Chicago Rock***. 294 U.S. 648 [1935]), in excess of $800,000.

Part "II-B":

Approximately eighteen (18) months after ***Raffe v. Doe*** (*supra*) was rendered, when Assistant NYSAG ***Jeffrey I. Slonim*** appeared for NY State judges and officials, including ***Francis T. Murphy***, ***Xavier C. Riccobono*** and ***Robert Abrams***, in ***Vilella v. Santagata*** (*supra*), the compelled

conclusion was that U.S. District Court Judge ***Gerard L. Goettel*** had *also* been "*fixed*" and would follow the same *unconstitutional* scenario, although they all *knew* the merit dispositions made were "null and void"!

The compelled conclusion proved to be eminently "correct"!

Part "II-C":

In ***Geo. Sassower v. Abrams*** (*supra*), the appearance of the Office of the NYSAG for the NY State money damage tort defendants, including, ***Francis T. Murphy***, ***Xavier C. Riccobono*** and ***Robert Abrams,*** at *unconstitutional* NY State cost and expense, also compelled the conclusion that U.S. District Court Judge ***Nicolas H. Politan*** and his court had been "*fixed*", who would also follow the same *unconstitutional* scenario, although they all *knew* the merit dispositions made were "null and void"!

The compelled conclusion also proved to be eminently "correct"!

Part "II-D":

1. In ***Cohen v. Littman*** (*supra*), a money damage tort action, the NY State defendants sued in their "*personal capacities*" were ***Robert Abrams***; ***David S. Cook***; ***Jeffrey I. Slonim***; ***Francis T. Murphy***; ***Joseph W. Bellacosa***; ***Xavier C. Riccobono***; ***Ira Gammerman***; ***Donald Diamond*** and ***Ernest L. Signorelli*** and they were defended, at *unconstitutional* New York State cost and expense by NYSAG ***Robert Abrams***.

Obviously, *all* of the aforementioned, *all* law school graduates. *knew beforehand* that U.S. District Court Judge ***Eugene H. Nickerson*** was a corrupt federal judge who would also follow the same *unconstitutional* scenario, although they all *knew* the merit dispositions made were "*null* and *void*"!.

2. In ***Geo. Sassower v. Sansveri*** (*supra*), the New York State defendants were ***Francis T. Murphy***; ***Milton Mollen***; ***Joseph W. Bellacosa***; ***Xavier C. Riccobono***; ***Ira Gammerman***; ***Donald Diamond***; ***Ernest L. Signorelli***; and ***Myriam J. Altman***, and they were defended, at *unconstitutional* New York State cost and expense by NYSAG ***Robert Abrams***.

Obviously, *all* of the aforementioned, *all* law school graduates. *knew beforehand* that U.S. District Court Judge ***I. Leo Glasser***, was a "*fixable*" federal judge who had been "*fixed*", who would also follow the same *unconstitutional* scenario, although they all *knew* the merit dispositions made were "*null* and *void*"!

Part "II-E":

1. In ***Geo. Sassower v Mahoney*** (*supra*), although petitioner moved to enjoin the NYSAG from defending the NY State money damage tort defendants, including, ***Francis T. Murphy***, ***Xavier C. Riccobono*** and ***Robert Abrams***, at *unconstitutional* NY State cost and expense, which motion was *unopposed*, Assistant

NYSAG ***Lawrence L. Doolittle*** appeared for them, although they were all aware that the merit dispositions made, were "*null* and *void*"!.

Part "III-A":

1. *Every* federal appellate jurist and almost all federal district court jurist *knows* that:

> "the rule .... is inflexible and without exception .... the first and fundamental question is that of jurisdiction, first, of [the appellate] court, and then of the court from which the record comes. This question the court is bound to ask and answer for itself, even when not otherwise suggested, and without respect to the relation of the parties to it." (***Mansfield v. Swan,,*** *supra*).

2. Initially expressed in ***Capron v. Van Noorden*** (6 U.S. 126 [1804]), every federal appellate jurist knows the "inflexible and without exception" principle that appellate "jurisdiction" is dependent upon "jurisdiction" in that court, as well as in the court(s) below.

The head-note of the Official Reporter of the Supreme Court of the United States in ***Maxwell v. Swan*** (*supra*) reads as follows:

> "There was a voluminous record in this case, with a long assignment of errors, and an elaborate brief on behalf of the plaintiff in error [defendant]. The court gave no opinion on the question discussed, but dismissed the case for want of jurisdiction."

3. This often repeated doctrine as expressed in ***United States v. Corrick*** (298 U.S. 435, 440 [1936) is [emphasis supplied:

> "The appellants did not raise the question of jurisdiction at the hearing below. But the lack of jurisdiction of a federal court touching the subject matter of the litigation cannot be waived by the parties, and the district court should, therefore, have declined *sua sponte* to proceed in the cause. And if the record discloses that the lower court was without jurisdiction this court will notice the defect, although the parties make no contention concerning it. While the District Court lacked jurisdiction, we have jurisdiction on appeal, not of the merits but merely for the purpose of correcting the error of the lower court in entertaining the suit."

Associate Justice ***William H. Rehnquist***, speaking for the Court, in ***Philbrook v. Glodgett*** (421 U.S. 707, 721[1975]), stated [emphasis supplied]:

> "[W]e have *repeatedly* held that we must take note of want of jurisdiction in the district court even though neither party has raised that point."

4. This "inflexible and without exception" principle ***means*** that even the party that caused the jurisdictional infirmity to exist is not estopped from asserting the infirmity after an unsatisfactory result.

Thus, in the two hundred (200) old ***Capron v. Van Noorden*** (*supra*), the Court stated:

> "The only question submitted to the court was, whether the plaintiff could assign as error *his own* [jurisdictional] omissions and irregularities in the pleadings." [emphasis supplied]

The Court responded in the affirmative, and reversed the judgment.

5. This "inflexible and without exception" principle ***means*** that even the party that caused the jurisdictional infirmity to exist is not estopped from asserting the infirmity after an unsatisfactory result.

Thus, in the two hundred (200) old ***Capron v. Van Noorden*** (*supra*), the Court stated:

"The only question submitted to the court was, whether the plaintiff could assign as error *his own* [jurisdictional] omissions and irregularities in the pleadings." [emphasis supplied]

The Court responded in the affirmative, and reversed the judgment.

Part "III-B":

1. Thus, in *every* action revolving around ***"The Citibank Bribes for Total Immunity Criminal Enterprise"***, commencing with ***Raffe v. Doe*** (*supra*), the *only* disposition that could be legally rendered by the Circuit Court was dictated by the "inflexible and without exception" principle expressed in ***Maxwell v. Swan*** (*supra*).

Amendment XI/Hans is the "heart, body & soul" of *every* conservative, but even these jurists ignore this lethal infirmity in *every* action revolving around ***"The Citibank Bribes for Total Immunity Criminal Enterprise"***, although in a few actions there is an attempt to concealment!

2. In addition, U.S. District Court Judge ***William C. Conner***, as he knew, *never* had "*personal jurisdiction*" over petitioner or his property.

While he was initially the attorney for the plaintiff, he was discharged several months *before* ***Raffe v. Doe*** (*supra*) was rendered.

Even if petitioner had not been discharged as the attorney for the plaintiff, U.S. District Court Judge ***William C. Conner*** did not have the "power" to affect his person or property, except as an attorney!

On October 11, 1985, when ***Raffe v. Doe*** (*supra*) was rendered, as the court was aware, there was *no* action pending, since ***Hyman Raffe*** had discontinued such action, as official documents confirm (***Raffe v. Abrams*** (114 AD2d 773, 495 NYS2d 140 [1st Dept. 1985]).

The aforementioned are *only* some of the infirmities in ***Raffe v. Doe*** (*supra*).

3. Having "in hand" some of the "hard evidence of "*bribery*" by ***Citibank, N.A.*** of judges and officials, petitioner moved the Second Circuit Court of Appeals for a change of venue, which that Court denied.

Since to have granted the appeal, as it was ministerially compelled, would have jeopardized $5,000,000 in "*bribe*" payments, and since it could not legally deny relief, Judges ***Lawrence W. Pierce***,

Roger Miner and ***Francis X. Altimari*** "dismissed" the appeal, although no grounds existed for such action (***Raffe v. Riccobono***, 1986 US App Lex 37456)!

Part "III-C":

1. To prevent petitioner: (1) from aborting the "*extortion*" payments being made by ***Hyman Raffe*** to, *inter alia*, New Jersey law firms to avoid terms of incarceration, which monies were the properties of the government, since they were the result of criminal contempt proceedings, and (2) from asserting the "*subject matter jurisdictional*" infirmities, U.S. District Court Judge ***Nicholas H. Politan***, acting in conspiratorial tandem with U.S. Attorney ***Samuel A. Alito*** and NYSAG ***Robert Abrams*** enjoined petitioner from making any filings in the District of New Jersey, including a notice of appeal, absent permission, invariably denied.

The Third Circuit Court of Appeals denied a petition to compel U.S. District Court Judge ***Nicholas H. Politan*** permit petitioner to file his "notice of appeal" and related relief.

2. Finally, twenty (20) months *after* this "*jurisdictionally infirm*", "*transparently invalid*", injunction was entered, which denied petitioner "access to the courts", petitioner was able to file a "notice of appeal", reading as follows:

"UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
----------x
GEORGE SASSOWER, Plaintiff, — Docket No. 88 Civ. 1012 [NHP]
-against-
ROBERT ABRAMS, et al., Defendants.
----------x
GEORGE SASSOWER, Plaintiff, — Docket No. 88 Civ. 1562 [NHP]
-against-
LEE FELTMAN, et al. Defendants.
----------x
SIRS:

PLEASE TAKE NOTICE, that plaintiff above-named does hereby appeal from the Order filed on January 24, 1990, and from each and every part thereon, including the whole, including any and all interim Orders, and any judgment based thereon, to the Circuit Court of Appeals for the Third Circuit.
Dated: February 5, 1990

Yours, etc.

GEORGE SASSOWER
Attorney for plaintiff, pro se
16 Lake Street,
White Plains, N.Y. 10603
914-949-2169"

For another twenty (20) months, the Third Circuit Court of Appeals, stonewalled the prosecution of such "notice of appeal". Finally, on July 29, 1991, that Court "*dismissed*" such appeal, although a ***Maxwell v. Swan*** (*supra*) disposition was ministerially compelled, by a panel which included U.S. Circuit Court of Appeals Judge ***Anthony J. Scirica*** as being "*frivolous, scurrilous* and *vexatious*"(***Geo. Sassower v. Abrams/Feltman***, 941 F.2d 1203; 1991 U.S. App. Lexis 18563 [3rd Cir.]).

How can *anyone* from a mere "notice of appeal" conclude that a appeal is "*frivolous, scurrilous* and *vexatious*" and deny appellate review???

Part "III-C":

1. In ***Geo. Sassower v. Sansveri*** (*supra*) federal attorneys defended federal money damage tort defendants in their "*personal capacities*" and where there were no 28 ***U.S.C.*** §2675 "notice of claims" had been filed, at *unauthorized* federal cost and expense, while NY State money damage tort defendants were defended by the NYSAG, at *unconstitutional* NY State cost and expense.

A ***Maxwell v. Swan*** (*supra*) disposition was also ministerially compelled!

Indeed, on the face of the published opinion, one such lethal infirmity appears, for it reads: "*Robert Abrams, Atty. Gen. of the State of New York, New York City (Ronald Turbin, Asst. Atty. Gen., of counsel), filed a brief for defendants-appellees.*" (***Geo. Sassower v. Sansveri***, 885 F.2d 9 [2nd Cir.-1989])."

2. Although "*subject matter jurisdiction*", in multiple respects, was lacking, the Second Circuit Court of Appeals stated:

> "***George Sassower*** has been an abusive litigant for a number of years, and now presents yet another in a series of lawsuits and motions continuing `the long and tortured history of litigation' in state and federal courts. ... In response to this avalanche of litigation, an injunction was issued in district court barring Sassower from filing or intervening in any action against any of the defendants he had been harassing through his vexatious suits. Despite this court order, appellant continued to file suits. ...
>
> Sassower imposes similar significant burdens on this Court warranting an injunction. We write in this case to give fair warning to appellant that if he continues to abuse the judicial process by the instigation of frivolous appeals, an injunction will issue directing the Clerk of this Court to refuse to accept for filing any submissions from him, unless he has first obtained leave of the Court to file such papers.
>
> The order enforcing the district court injunction against filing is affirmed."

Part "III-D":

1. In ***Geo. Sassower v. Mahoney*** (*supra*) a ***Maxwell v. Swan*** (*supra*) reversal was ministerially compelled by the Second Circuit Court of Appeals.

The Order of September 26, 1990 (Docket No. 88-6203), prepared by U.S. Circuit Court Judge ***Jon O. Newman***, "on its face" shows "*subject matter jurisdictional*" infirmities, for it opens, as follows [emphasis supplied]:

> George Sassower appeals pro se from the July 18, 1988, judgment of the District Court for the Northern District of New York (Con. G. Cholakis, Judge) *dismissing his complaint against various federal and state judges and other officials*.

The federal judges were defended in the District Court, as well as the Circuit Court by the U.S. Attorney, which was ***legally impossible***, while the state judges and officials were defended in both courts by the NY State Attorney General which, except in the rare cases, is also ***legally impossible*** (***Maxwell v. Swan***, *supra*).

Instead, that Court, with U.S. Circuit Court Judge ***Jon O. Newman***, as the author for the panel, affirmed the dismissal of the complaint, and by concocting the assertion that such appeal was "frivolous", when it had compelling merit, it also barred petitioner "access" to that Court for all and any future appeals and applications, absent permission, invariably denied (***Geo. Sassower v. Mahoney***, 88-6203 [C2nd 1990]).

In the words of the Circuit Court:

> "Since appellant has previously been warned that filing frivolous appeals will subject him to an injunction requiring leave of court to file further papers in this Court, see Sassower v. Sansveri, 885 F.2d at 11, and that warning has not been heeded, it is hereby ORDERED that appellant ... [be prohibited] from filing any further papers in this Court unless leave of this Court has first been obtained to file such papers.
>
> The judgment of the District Court is affirmed."

2. Six (6) years later, with no one ever controverting anything stating in petitioner's extensively distributed "***Feinberg's Fixable Forums* [Unfit for Human Litigation]**", or any other document, the *undenied* and *uncontroverted* motion of November 25, 1996, where the relief was *unopposed* (#88-6203) petitioner stated:

> "The papers and documents submitted by the federal and state attorneys, in this court, as well as *nisi prius*, are inundated with statements that they represented federal and state judges/employees 'personally', at federal and state cost and expense, thus defrauding the federal and state purses, and creating subject matter jurisdictional infirmities, rendering the proceedings to be null and void.
>
> Where subject matter jurisdiction does not exist, as in the case at bar, the proceedings are null and void, which includes the condition imposed for leave to file."
>
> The motion was denied, without any opinion..

Part "IV":

At *all* times, in *every* respect, the federal attorneys, including U.S. Attorney ***Samuel A. Alito*** and ***Solicitor General of the United States*** acted to the interests of the ***United States***, while the ***New York***

State Attorney General, including NYSAG ***Robert Abrams***, acted *adversely* to the interests to the interests of the ***State of New York***.

For reasons independent of "*subject matter jurisdictional*" and other lethal infirmities, *all* these proceedings are a "*nullity*" (***U.S. v. Throckmorton***, *supra*)!

Part "V-A":

1. On June 1, 1993, when U.S. Circuit Judge ***Jon O. Newman*** was on the "short list" to fill the vacancy on the Supreme Court of the United States, petitioner opening statement to President ***William J. Clinton*** read as follows:

> "Dear Mr. President,
>
> In order that you may make a fully informed decision, I here set forth some of the documented and uncontroverted "in-office" activities of U.S. Circuit Court Judge Jon O. Newman who, according to published reports, is being considered for a seat on the Supreme Court of the United States.
>
> 1a. In Sassower v. McFadden (SDNY 93-0343 [PKL]), Judge Newman and others, sued in their personal capacities, conceded the following Local Rule 3g statements to be correct."

When U.S. Circuit Court Judge ***Jon O. Newman*** did not deny or controvert any of the assertions made, because he could not, the President "*dumped*" him from the "short list"!

Part "V-B":

1. In such June 1, 1993 letter, petitioner wrote:

> In Sassower v. Mahoney (supra) you will find, conceded and/or uncontroverted, the following several situations are disclosed.
>
> a. All the judicial trust assets of PUCCINI CLOTHES, LTD. --- "the judicial fortune cookie" -- were made the subject of larceny by the state and federal judiciary and/or their cronies, leaving nothing for any legitimate New York to California creditor.
>
> b. Nothing was left in the Estate of Eugene Paul Kelly, a born American and World War II veteran, because it was the practice of a Surrogate to pay his personal obligations from judicial estates.
>
> c. Dennis F. Vilella, a pro se defendant, a born American, a college graduate, married, with two small children, very active in civic and church affairs, and with a clean criminal record, has been incarcerated for six (6) years, for crimes that were never committed by anyone.
>
> The alleged victim, whose testimony was uncorroborated, swore she was struck violently, on the head, about 20 times, with a "tire iron". However the prosecutor and judge deliberately concealed from the trial jury the Hospital Records, which showed no skull fractures, a negative CAT Scan, the highest possible non-coma score, and no treatment for skull injuries or brain damage.

2. In the first week of September, 1993, the "dumped" *Jon O. Newman*, became Chief U.S. Circuit Court Judge ***Jon O. Newman***.

On September 8, 1993, although "*subject matter jurisdiction*" was, in multiple respects, "on the face" absent in ***Geo. Sassower v. Abrams*** (833 FS 253 [SDNY-1933]), the ***megalomaniac***, U.S. District Court Judge ***Peter K. Leisure***

> "Sassower is enjoined from filing any civil action in any federal district court which relates to or arises from (1) the Estate of Paul Kelly litigation, (2) Dennis F. Vilella, (3) the Puccini litigation, (4) claims objecting to sanctions for which ordinary review has been exhausted, or (5) claims against any state or federal judge, officer or employee for actions taken in the course of their official duties exercised in connection with Sassower's previous litigation. Sassower is required to annex a copy of this Opinion and Order to any pleading filed in a civil action in any federal court. Failure to comply with the terms of this injunction may be considered by such federal court to be a sufficient defense to sustain a motion to dismiss such a lawsuit and may result in summary dismissal.
> This injunction also applies to an action in which Sassower is a plaintiff that is removed to federal court from state court pursuant to 28 U.S.C. §§ 1441, 1442, 1442a, 1443, or 1444. If the removed action falls within the scope of the subject matter of this injunction, it will be subject to summary dismissal. ...
>
> (4) This injunction does not, in any way, abrogate any past or future injunctions directed at George Sassower, but rather supplements such injunctions."

Part "V-C":

1. Two :(2) days after ***Geo. Sassower v. Abrams*** (*supra*) was issued, on Sept 10, 1993, as stated by Chief U.S. Circuit Court Judge ***Jon O. Newman*** in ***Re: George Sassower*** (9 F3d 226, 228 [2nd Cir.-1993]):

> "On September 10, 1993, Sassower wrote to a Deputy Clerk requesting the identity of the panels that had directed the entry of the denial order in No. 93-3041 and prior docket numbers in which 'leave to file' motions had been denied."

2. The letter made obvious that petitioner *knew* that the U.S. Circuit Court jurist who was invariably denying petitioner's applications to file was "*phantom*" and "*non-existent*"!

Apparently and independently, ***Anthony R. Martin-Trigona***, who had also complained to President ***William J. Clinton*** about the conduct of U.S. Circuit Court Judge ***Jon O. Newman***, had come to the same conclusion.

Consequently, on November 5, 1993, without notice or due process, Chief U.S. Circuit Court Judge ***Jon O. Newman*** published what was purportedly a judicial decision, but was not (***Windsor v. McVeigh***, 93 U.S. 274 [1876]), with panel members U.S. Circuit Court Judges ***Ralph K. Winter*** and ***Francis X. Altimari***, they published their libel (***Re: George Sassower***, *supra*)

2 Thirteen (13) days later, on November 18, 1993, the ***Wall Street Journal*** under the by-line of ***Wade Lambert***, apparently a non-lawyer, under the legend of "***Legal Beat***", published the "*Worst in American Journalism*".

In thirteen (13) days without asking for petitioner's comments, it published an article entitled "***COURT WON'T NAME JUDGE IN VEXING SUITS***" (p B9), whose opening paragraph reads as follows [emphasis supplied]:

> "A federal appeals court has taken an unusual approach to handling lawsuits by people accused of abusing the court system: *assigning an unidentified judge* to decide whether the court will hear the matter.
>
> Frustrated with increasing court dockets, judges around the country have taken special steps to deter suits by so-called vexatious litigants and to protect court officials."

3. As post-conduct confirms, by others who published and who did not publish, the article in the ***Wall Street Journal***, was an intentional "*plant*", rendered under instructions not to request petitioner's comments either before or after publication!

The opening paragraphs of the published article read as follows [emphasis supplied]:

> "A federal appeals court has taken an unusual approach to handling lawsuits by people accused of abusing the court system: assigning an unidentified judge to decide whether the court will hear the matter.
>
> Frustrated with increasing court dockets, judges around the country have taken special steps to deter suits by so-called vexatious litigants and to protect court officials."

4. The published article by the ***Wall Street Journal*** is inundated with suspect material, including the fact that federal judges, officials and employees *cannot* be "*sued*" in tort for money damages, when acting in the course of their offices/employment!

Why would a federal judge, who cannot be sued, need protection by concealing his/her identity???

The "*phantom*" judge, was a clerk, acting under instructions of U.S. Circuit Court Judge ***Jon O. Newman*** to deny *all* of petitioner's applications for leave to appeal!!!

Part "V-D":

1. The letter to President ***William J. Clinton***, contained the *judicial admissions* of U.S. Circuit Court Judge ***Jon O. Newman*** and other Second Circuit federal jurists to the effect they were defrauding the United States, by being represented by federal attorneys, at federal cost and expense, when sued in their "*personal capacities*".

2. Thus, after U.S. Circuit Court Judge ***Jon O. Newman*** had been "dumped", as a result of the letter by petitioner which, *to repeat*, to this day, in every respect the assertions made were and are *undenied* and *uncontroverted*, *now Chief* U.S. Circuit Court Judge ***Jon O. Newman*** was confronted with still more ***Judicial Misconduct Complaints*** by petitioner.

3. It took Chief Judge Newman and the *entire* Second Circuit Judicial Council six (6) months to concoct and contrive a set of facts to conceal the past criminal activities and to facilitate for a continuation of such activities, so that they could continue during the past fifteen (15) years!

4. As stated by Chief U.S. Circuit Court Judge ***Jon O. Newman*** (***In re George Sassower***, 20 F.2d 42 [2nd Cir.-1994]) (Docket No. 94-8509) [emphasis supplied].

> ".On September 27, 1993, George Sassower was ordered to show cause in a written submission, to be filed within 20 days, why an order should not be entered barring him from filing any subsequent judicial misconduct complaints in this Court or any documents related to such complaints, without first obtaining leave to file. ... Since 1987 ... [***George Sassower***] has filed 16 judicial misconduct complaints with the Chief Judge of this Circuit, 15 of them since 1990, and 8 of them in 1993 alone. *Each complaint acted upon ... had been dismissed, in most instances because the allegations were frivolous*"

Why would anyone file as required, in multiple copies, sixteen (16) judicial conduct complaints, when most, if not all, were "dismissed" as "frivolous" with derogatory comments made about petitioner?

5 In their March 10, 1994, published statement, Chief Judge ***Jon O. Newman*** with the concurrence of the other twelve (12) members of the ***Second Circuit Judicial Council***, *to wit.*, U.S. Circuit Court Judges ***Kearse, Winter, Miner, Altimari, Mahoney***, and ***Walker***, and Chief U.S. District Court Judges ***Griesa, Platt, Cabranes, Telesca, McAvoy***, and ***Parker*** *knowing* their statement was false, concocted and contrived stated:

> "Sassower demonstrates no awareness of the frivolous and vexatious nature of his prior complaints, a circumstance that indicates the likelihood that such abuse of the complaint procedure will continue unless some protective procedures are instituted.
>
> The response also endeavors to repeat the contention, advanced by Sassower in prior submissions, that various judges, including the writer, have improperly received representation by the United States in litigation Sassower has brought against various defendants, including judicial officers. He continues to labor under the misguided impression that such representation was improper for lack of a `scope' certification. Under 28 ***U.S.C.*** § 2679(d), the Attorney General is authorized to certify that an employee of the United States, sued under certain circumstances, was `acting within the scope of his office or employment at the time of the incident out of which the claim arose,` in which event the United States is substituted as the party defendant. This authority of the Attorney General to substitute the United States as a defendant in lieu of an employee has nothing to do with the authority of the United States Department of Justice to conduct litigation in which an officer of the United States is a party. See 28 ***U.S.C.*** § 516; see also 28 ***U.S.C.*** §§ 519, 547."

6. Petitioner did *not* "labor under [any] misguided impression", as falsely asserted by Chief Judge ***Jon O. Newman*** and his twelve (12) lackeys.

Neither the ***Attorney General of the United States*** nor the ***United States Department of Justice*** nor ever intervened on behalf of any Article III jurist complained about, either under 28 ***U.S.C.*** §§ 516, 519, 547, or any other section of the ***United States Code***..

Chief Judge ***Jon O. Newman*** and the twelve (12) members of the then Second Circuit Judicial Council are here openly challenged to show where the Attorney General or Department of Justice intervened in any action "revolving around" ***"The Citibank Bribes for Total Immunity Criminal Enterprise***"!

7. In the June 10, 1988, Assistant U.S. Attorney ***Paul D. Silver*** wrote to U.S. District Court Judge ***Con. G. Caleches***, in ***Geo. Sassower v. Mahoney*** (*supra*), as follows [emphasis supplied]:

> "By this letter, I wish to request an adjournment of plaintiff's various motions .... The basis for this request is that I have had insufficient time to respond to plaintiff's motions. The complaint and moving papers in this matter were received in the chambers of Chief Judge Wilfred Feinberg on May 27, 1988. *Judge Feinberg promptly requested representation from my office*, ...
>
> *In addition to representing Chief Judge Feinberg, I anticipate representing Judge Eugene H. Nickerson*. ..."

There was *no* intervention by the Attorney General or Department of Justice, nor could they possibly intervene on behalf of Chief U.S. Circuit Court Judge ***Wilfred Feinberg*** and U.S. District Court Judge ***Eugene H. Nickerson***, who were involved in "*diverting*" monies payable "to the federal court" to the private pockets of ***Citibank-K&KR*** to be "*dissipated*" as "*bribes*" for judges and officials.

8. In the U.S. Second Circuit, where U.S. Circuit Court Judge ***Jon O. Newman*** authored, on behalf of the panel, the opinion, the file reveals a letter by Assistant U.S. Attorney ***Paul D. Silver*** to the Clerk of the Court dated May 2, 1989, which states:

> "The federal defendants, Honorable Wilfred Feinberg, Honorable William C. Conner and Honorable Eugene H. Nickerson, do not oppose plaintiff's request for additional time within which to file his brief."

Does this sound like "*intervention*" or "*representation*"???

9. To repeat, the Order of September 26, 1990 (Docket No. 88-6203), authored by U.S. Circuit Court Judge ***Jon O. Newman***, "on its face" shows "*subject matter jurisdictional*" infirmities, for it opens, as follows [emphasis supplied]:

> "George Sassower appeals pro se from the July 18, 1988, judgment of the District Court for the Northern District of New York (Con. G. Cholakis, Judge) *dismissing his complaint against various federal and state judges and other officials*. "

The federal judges were defended in the District Court, as well as the Circuit Court by the U.S. Attorney, which was ***legally impossible***, while the state judges and officials were defended in both courts by the NY State Attorney General which, except in the rare cases, is also ***legally impossible*** (***Maxwell v. Swan***, *supra*).

10. In the Supreme Court of the United States, if there was "*intervention*" by the Attorney General or the Department of Justice, the representation would have been by the Solicitor General of the United States, ***Kenneth W. Starr***, but there was not (***Geo. Sassower v. Mahoney***, 498 U.S. 1108 [1991])!

11. Petitioner was informed from several sources that <u>*every*</u> member of the Judicial Council <u>*knew*</u> that the published opinion of Chief U.S. Circuit Court Judge ***Jon O. Newman***, of March 10, 1994 was a concocted falsehood and that the ***United States*** was being defrauded!

If U.S. Circuit Court Judge ***Jon O. Newman*** or any member of the then Second Circuit Judicial Council wishes to deny this charge, he/she should step forward, here and now!

Dated: White Plains, New York
July 10, 2009

Yours, etc.

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