

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT

UNITED STATES COURTHOUSE

FOLEY SQUARE

NEW YORK 10007

ELAINE B. GOLDSMITH
CLERK

(212) 791-0103

December 10, 1990

Mr. George Sassower
16 Lake Street
White Plains, New York 10603

Re: Judicial Conduct Complaints
Nos. 90-8557, 90-8560, 90-8562

Dear Mr. Sassower:

Enclosed please copies of the orders dismissing your judicial conduct complaints. Pursuant to Rule 5 of the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers Under 28 U.S.C. § 372(c) you have the right to petition the judicial council for review of these decisions. A petition for review must be received in the clerk's office within 30 days of the date of this letter to be considered timely. Please note, it is not necessary to enclose copies of the original complaints. In addition, you must submit a separate petition for review for each complaint filed.

Sincerely,

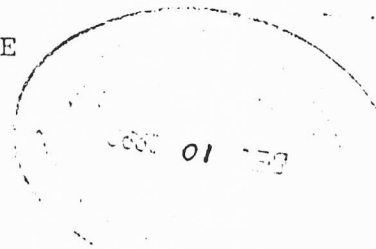
Elaine B. Goldsmith, Clerk
By



Tina Eve Brier
Chief Deputy Clerk

Enclosure

JUDICIAL COUNCIL OF THE
SECOND CIRCUIT



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In re

CHARGE OF JUDICIAL MISCONDUCT

90-8560

-----X

THOMAS J. MESKILL, Acting Chief Judge:

On October 29, 1990, complainant filed a complaint with the Clerk's Office pursuant to 28 U.S.C. § 372(c) and Rule 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers (the Local Rules), charging a circuit court judge of this circuit (the judge) with misconduct. In addition to the instant complaint, complainant has filed in October 1990 four other complaints pursuant to the Act.¹

Complainant is a disbarred attorney and frequent litigant who was enjoined from filing further lawsuits without leave of court in the United States Court of Appeals for the Second Circuit and in two district courts in this circuit.

¹ On October 10, 1990, complainant filed a complaint against a circuit judge (dismissed, October 23, 1990), and a district judge and, on October 29, 1990, complainant filed two more complaints against district court judges of this circuit.

In 1987, complainant filed a complaint charging three circuit court judges and a district court judge of this circuit with misconduct, pursuant to 28 U.S.C. § 372(c) and former Rule § 0.24 of the Local Rules (87-8503). That complaint was dismissed on April 16, 1987.

Complainant filed a federal habeas corpus petition challenging his incarceration following his criminal contempt conviction in a state court in this circuit. The district court granted the petition. Writing for the panel on appeal, the judge reversed the district court's grant of complainant's habeas corpus petition and remanded the case to the district court with instructions to deny the petition. The judge also ordered complainant to pay \$250 sanctions and directed the Clerk not to accept for filing new appeals or proceedings until the sanction was paid.

Complainant alleges that the judge "has employed his judicial exalted position to knowingly advance a criminal adventure involving the larceny of judicial trust assets, diversion of governmental assets to private pockets, criminal extortion and other racketeering crimes" and that such conduct is "lethal to the 'administration of the courts.'" Complainant also accuses the judge of using his office to perpetrate frauds and asserts that the panel's opinion "is inundated with false, contrived, fabricated and concocted facts." In support of his position, complainant cites a magistrate's opinion recommending that complainant's habeas petition be granted, complainant's affidavit, and evidence complainant asserts "surfaced during the proceedings before the [j]udge."

Complainant's allegations of criminal activity and conduct "lethal to the 'administration of justice,'" are

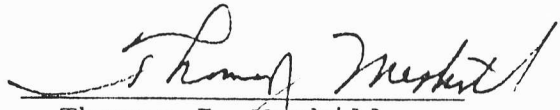
unfounded and in any event related to complainant's lack of success in the underlying judicial proceedings. The Judicial Councils Reform and Judicial Conduct and Disability Act (the Act), 28 U.S.C. § 372(c), does not apply to matters "directly related to the merits of a decision or procedural ruling," 28 U.S.C. § 372(c)(3)(A)(ii). If what is sought is appropriately obtained by normal adjudication rather than by a misconduct complaint, such a matter is "related to the merits" within the meaning of § 372(c)(3)(A)(ii), whether or not it has already been the subject of a judicial ruling. See *in re Charge of Judicial Misconduct*, 685 F.2d 1226 (9th Cir. 1982). Accordingly, these portions of the complaint are hereby dismissed as related to the merits and as frivolous, pursuant to 28 U.S.C. § 372(c)(3)(A)(ii) and (iii) and Rule 4(c)(2) and (3) of the Local Rules.

Complainant also makes allegations against attorneys and law firms connected with his various lawsuits. These portions of the complaint are dismissed as outside the scope of the Act, pursuant to 28 U.S.C. § 372(c)(3)(A)(i) and Rule 4(c)(4) of the Local Rules.

As noted above, complainant is no stranger to the judicial system or to filing complaints against judicial officers pursuant to the Act. With the filing of this and other complaints as described above, complainant has again demonstrated his propensity to abuse the judicial process. Based on complainant's history of frivolous and needlessly

burdensome filings which unnecessarily tax the resources of the Court, complainant is advised that further abuse of the Act will not be tolerated and may result in the imposition of sanctions including, but not limited to, filing restrictions pursuant to Rule 19A of the Local Rules.

The Clerk is directed to transmit copies of this order to the complainant and to the judge who is the subject of the complaint.


Thomas J. Meskill
Acting Chief Judge

Dated: New York, NY
December 10, 1990