

UNITED STATES COURT OF APPEALS

SECOND CIRCUIT
UNITED STATES COURTHOUSE
FOLEY SQUARE
NEW YORK 10007

ELAINE B. GOLDSMITH
CLERK

May 18, 1992

Mr. George Sassower
16 Lake Street
White Plains, NY 10603

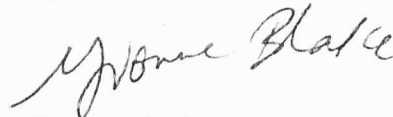
Re: Judicial Conduct Complaint
Docket No. 92-8505 and 92-8506

Dear Mr. Sassower:

Enclosed please find a copy of the order 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 this decision. 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.

Sincerely,

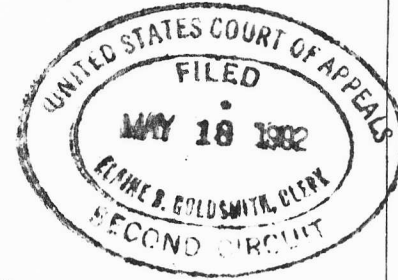
Elaine B. Goldsmith, Clerk
By



Yvonne Blake
Deputy Clerk

Enclosure

JUDICIAL COUNCIL OF THE
SECOND CIRCUIT



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In re

CHARGE OF JUDICIAL MISCONDUCT 92-8505
92-8506

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THOMAS J. MESKILL, Acting Chief Judge:

On April 15, 1992, complainant filed complaints 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 (92-8505) and a district court judge (92-8506) of this circuit (the judges) with misconduct.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.

Complainant asserts that the judges "are the most

¹ In October 1990, complainant filed five other complaints against judicial officers of this circuit, two of which were against the district court judge who is the subject of 92-8506. Each of those complaints was dismissed. Petitions to review them were dismissed by orders of the Judicial Council. Additionally, 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. We dismissed that complaint on April 16, 1987.

corrupt jurists in Anglo-American legal history."

Complainant accuses the judges of (1) inducing other judges to commit acts of corruption; (2) causing or permitting "the nationwide distribution of defamatory decisions which [the judges] actually know[] lack subject matter or personal jurisdiction or . . . due process, causing constitutional or other tort injury, all in an attempt to advance [their] criminal racketeering adventures"; (3) permitting publication and dissemination of void decisions through legal publications and computer services; and, (4) accepting representation at federal expense in lawsuits brought against them for acts committed in their personal capacity, effectively increasing their salaries and immunizing themselves and their co-conspirators from criminal responsibility. Complainant further accuses the district court judge of inducing other judges not to review certain cases.

To the extent complainant accuses one or both of the judges of inducing other judges to not review decisions or to engage in corrupt conduct, there is no evidence to support complainant's allegations. Accordingly, these portions of the complaints are hereby dismissed as frivolous, pursuant to 28 U.S.C. § 372(c)(3)(A)(iii) and Rule 4(c)(3) of the Local Rules.

To the extent complainant accuses the judges of allowing void decisions to be published and disseminated, the decisions of the courts are public documents unless they are

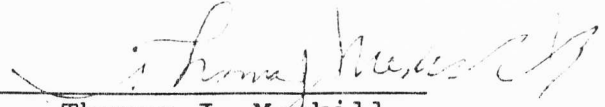
sealed or confidential. Accordingly, these portions of the complaints are hereby dismissed as frivolous, pursuant to 28 U.S.C. § 372(c)(3)(A)(iii) and Rule 4(c)(3) of the Local Rules.

To the extent complainant asserts that he was denied access to the courts without due process, complainant raises a matter directly related to his dissatisfaction with the outcome of his litigation. 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). Accordingly, these portions of the complaints are hereby dismissed as directly related to the merits, pursuant to 28 U.S.C. § 372(c)(3)(A)(ii) and Rule 4(c)(2) of the Local Rules.

To the extent complainant accuses the judges of having augmented their salaries by accepting legal representation in civil cases brought against them as private citizens and without a "'scope certification'" under the Federal Tort Claims Act, complainant fails to allege misconduct. Federal judicial officers are often sued. Because many of those lawsuits end in sua sponte dismissals, there is rarely need for legal representation. There is no evidence to suggest that the judges are unauthorized recipients of legal representation at public expense in any litigation. Accordingly, it is recommended that these

portions of the complaints be dismissed pursuant to 28 U.S.C. § 372(c)(3)(A)(i) and Rule 4(c)(4) of the Local Rules.

The Clerk is directed to transmit copies of this order to the complainant and to the judges who are the subjects of the complaints.



Thomas J. Meskill
Acting Chief Judge

Dated: New York, NY
May 15, 1992