

ORIGINAL

SUPREME COURT OF THE STATE OF NEW YORK
October Term, 1990

-----X
In re

Docket No. *88-6203*

GEORGE SASSOWER,

Petitioner.
-----X

X-----X

PETITION FOR A WRIT OF PROHIBITION AND MANDAMUS
TO THE CIRCUIT COURT OF APPEALS FOR THE
SECOND CIRCUIT

X-----X

X-----X

STAY APPLICATION

X-----X

1a. This affirmation is made in support of an application to stay the sua sponte "threat" of the Circuit Court of Appeals, Second Circuit, contained in the Order dated and filed September 26, 1990 (Exhibit "A") until there is compliance with affirmant's demand of October 1, 1990 which provides:

"that on or before the 9th day of October, 1990, the Circuit Court of Appeals for the Second Circuit and each and every one of affirmant's adversaries set forth, with reasonable specificity, every 'frivolous' assertion they contend affirmant made, setting forth when, where and to whom made, and if in writing, annexing a true copy thereof."?

b. As of this date, more than three (3) weeks later, there has been no response to such demand by the Circuit Court or affirmant's adversaries who were also served with affirmant's demand.

2a. Affirmant's petition to this Court (October 15, 1990, Docket No.) alleges the following:

"Petitioner is a native born American citizen, a battle-starred veteran of World War II, and brings this proceeding pursuant to Rule 20 of the Rules of the United States Supreme Court.

Petitioner was admitted to the bar in the State of New York in 1949, and shortly thereafter to the federal courts, including to the bar of the respondent.

Petitioner in his active forty (40) year practice never commenced a frivolous action, never commenced a frivolous proceeding, never took a frivolous appeal, never made a frivolous motion, nor has he ever undertaken any frivolous judicial proceeding of any kind or nature.

In addition to a uncompromising personal code of integrity, petitioner's limited resources prevented any possible pursuit of frivolous litigation."

b. Any attempt at compliance with affirmant's demand would confirm affirmant's allegations that he does not undertake frivolous proceedings, but has been exposing judicial corruption in the Second Circuit-New York forums.

3a. Affirmant asserts that his First Amendment rights cannot lawfully be chilled by such judicial threats (Frisby v. Shultz, 487 U.S. 474 [1988]), and it must be stayed until, at least, there is compliance with affirmant's aforementioned demand.

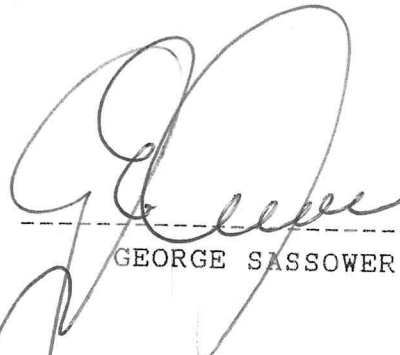
b. However, without attempting to prejudice the position of a potential amicus, affirmant is personally willing to waive certain of his First Amendment rights provided he is afforded "due process", which includes a proper response to affirmant's aforementioned demand and a confrontational hearing.

4. Affirmant's stay application to the Circuit Court was denied (Exhibit "B").

5. Affirmant states that the aforementioned to be true under the penalty of perjury.

WHEREFORE, it is respectfully prayed that this stay application be granted in all respects, together with any, other and/or different relief may seem just and proper in the premises.

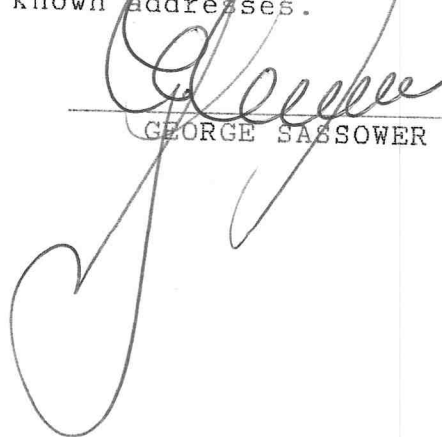
Dated: October 22, 1990



GEORGE SASSOWER

CERTIFICATION OF SERVICE

On October 22, 1989, I served a true copy of this stay application and exhibits by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to the Solicitor General, Department of Justice; Circuit Court of Appeals: Second Circuit; Circuit Judge Jon O. Newman; Circuit Judge Frank X. Altimari, and Senior Circuit Judge J. Edward Lombard, at their last known addresses.



GEORGE SASSOWER

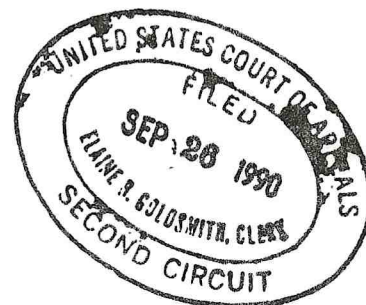
JON

NDNY
88 cv 563
CHOLAKIS(0611)

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the United States Courthouse in the City of New York, on the 26th day of September, one thousand nine hundred and ninety.

PRESENT: HONORABLE J. EDWARD LUMBARD,
HONORABLE JON O. NEWMAN,
HONORABLE FRANK X. ALTIMARI,
Circuit Judges.



GEORGE SASSOWER,

Petitioner-Appellant,

v.

88-6203

HON. A. FRANKLIN MAHONEY, as Presiding
Justice of the Appellate Division,
Third Judicial Dept.; WILFRED FEINBERG;
EUGENE H. NICKERSON; FRANCIS T. MURPHY;
MILTON MOLLEN; XAVIER C. RICCOBONO;
ALVIN F. KLEIN; DAVID S. SAXE; IRA
GAMMERMAN; ALLAN L. WINICK, DENIS DILLON;
ROBERT ABRAMS; ANTHONY MASTROIANNI; and
THE DISTRICT COURT OF NASSAU COUNTY,
Respondents-Appellees.

O R D E R

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. This appeal is a renewal of allegations-involved in prior frivolous litigation brought by this appellant. See Sassower v. Sansverie, 885 F.2d 9 (2d Cir. 1989); Sassower v. Sheriff of Westchester County, 824 F.2d 184 (2d Cir. 1987). Sassower makes generalized claims of corruption, unsupported by factual allegations, in a continuing effort to relitigate his disbarment. See Matter of Sassower, 125 A.D. 2d 52, 512 N.Y.S.2d 203 (2d Dep't), appeal dismissed, 70 N.Y.2d 691, 518 N.Y.S.2d 964 (1987). Moreover, the

Exhibit "A"

complaint appears to have been filed in violation of the injunction barring Sassower from proceeding on any claim that arises out of the administration of the estate of Eugene Paul Kelly until an award of attorney's fees has been satisfied. See Sassower v. Signorelli, Nos. 77C1447, 78C124 (E.D.N.Y. Nov. 19, 1984). In any event, the pending claim is frivolous for numerous reasons, including lack of a proper pleading, an impermissible effort to collaterally attack state disbarment proceedings, and judicial immunity.

To the extent that the appeal seeks recusal of some or all of the judges considering this appeal, such relief is denied as lacking in factual support and procedurally improper.

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. Sansverie, 885 F.2d at 11, and that warning has not been heeded, it is hereby ORDERED that appellant shall show cause within 20 days, by filing a written response with the Clerk of this Court, why an injunction should not be entered by this Court prohibiting appellant 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.

N.B. This summary order will not be published in the Federal Reporter and should not be cited or otherwise relied upon in unrelated cases before this or any other court.

Edward Tard
F.O. [Signature]
L. [Signature]
Circuit Judges.

United States Court of Appeals
FOR THE SECOND CIRCUIT

Use of this form is governed by Rule 27(a) governing use of this form is reprinted on reverse of Page 2. Note requirement that supporting affidavits be attached.

George Sassowick.

88-6203

Docket Number

NOTICE OF MOTION

State type of motion

for

STAY- Rule 23 U.S.
Sup. Ct.
& Demand

Use short title

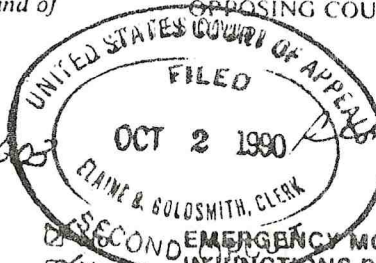
ETC.

MOTION BY: (Name, address and tel. no. of law firm and of attorney in charge of case)

George Sassowick.
16 LAKE STREET
White Plains, N.Y. 10603
914-949-1216

OPPOSING COUNSEL:

(Name, address and tel. no. of law firm and of attorney in charge of case)



annexed list

Has consent of opposing counsel:

A. been sought?

☐ Yes

☒ No

B. been obtained?

☐ Yes

☒ No

Has service been effected?

☒ Yes

☐ No

Is oral argument desired?

☐ Yes

☒ No

(Substantive motions only)

Requested return date:

(See Second Circuit Rule 27(b))

Has argument date of appeal been set:

A. by scheduling order?

☐ Yes

☐ No

B. by firm date of argument notice?

☐ Yes

☐ No

C. If Yes, enter date:

Judge or agency whose order is being appealed:

N/A

EMERGENCY MOTIONS, MOTIONS FOR STAYS & INJUNCTIONS PENDING APPEAL

Has request for relief been made below? ☐ Yes ☒ No

(See F.R.A.P. Rule 8)

Would expedited appeal eliminate need for this motion?

N/A

☐ Yes

☐ No

If No, explain why not:

N/A

Will the parties agree to maintain the status quo until the motion is heard?

☐ Yes

☒ No

Brief statement of the relief requested:

STAY Request. As required by Sup. Ct. Rules.

Complete Page 2 of This Form

By: (Signature of attorney)

Appearing for: (Name of party)

Appellant or Petitioner:

☒ Plaintiff ☐ Defendant

Appellee or Respondent:

☐ Plaintiff ☒ Defendant

Signed name must be printed beneath

George Sassowick.

Date

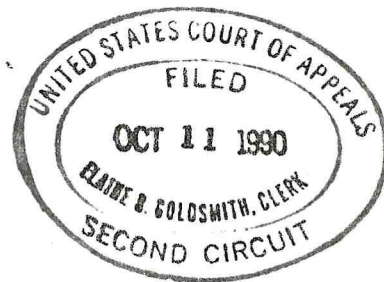
Oct. 1, 1990.

ORDER

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IT IS HEREBY ORDERED that the motion be and it hereby is

denied



OCT 11 1990

Exhibit "B"

V. Edward LUMBERS (Att. in C.)
FRANK X. NATIN (Att. in C.)
Circuit Judge