

JUDICIAL BRISA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

92 CIV. 4484

GEORGE SASSOWER,

Plaintiff,

-against-

PUCCINI CLOTHES, LTD.; FRANCIS T.
MURPHY; JAMES L. OAKES; CHARLES L.
BRIANT; LEE FELTMAN; FELTMAN,
KARESH, MAJOR and FARBMAN; KREINDLER
and RELKIN, P.C.; CITIBANK, N.A.;
EUGENE DANN; ROBERT SORRENTINO,

Defendants.

ORDER OF DISMISSAL

Plaintiff brings this action pro se¹ alleging that "all of

¹ We note that the plaintiff is no stranger to this Court. According to court records he has brought the following actions:

Sassower v. City of New Rochelle, No. 77 Civ. 5728 (LBS)
(S.D.N.Y. Dec. 13, 1991);

Talcott Nat v. North St. Assoc., No. 77 Civ. 5859 (LBS)
(S.D.N.Y. Oct. 12, 1979);

Sassower v. Grzmalski, No. 78 Civ. 4989 (GLG)
(S.D.N.Y. March 26, 1984);

Sassower v. Appellate Division, No. 82 Civ. 4970 (MJL)
(S.D.N.Y. March 8, 1983);

Sassower v. Police Department, No. 84 Civ. 6666 (MJL)
(S.D.N.Y. Nov. 27, 1985);

Raffe v. Riccobono, No. 85 Civ. 3927 (WCC)
(S.D.N.Y. Oct. 22, 1985);

Raffe v. Relkin, No. 85 Civ. 4158 (WCC)
(S.D.N.Y. Oct. 22, 1985);

Raffe v. State of New York, No. 86 Civ. 8277 (MGC)
(S.D.N.Y. Jan. 30, 1987);

United States v. Sapir, No. 87 Civ. 7135 (CSH)
(S.D.N.Y. Dec. 22, 1987);

(continued...)

Puccini's assets were unlawfully conveyed, without any lawful consideration * * *, leaving nothing for the legitimate creditors, including plaintiff." He seeks monetary damages of \$27,917.42 with interest, other unspecified monetary damages and injunctive relief. We grant plaintiff's request to proceed in forma pauperis, but dismiss the complaint for the following reason. By order dated October 11, 1985, plaintiff was permanently enjoined by the Honorable William C. Conner from filing or serving, or attempting to intervene on or initiate any action or proceeding in any federal court or tribunal against:

- (a) Lee Feltman, individually or as Receiver for Puccini Clothes, Ltd., or
- (b) Feltman, Karesh & Major, or
- (c) Citibank, N.A. and Jerome H. Barr, individually or as executors of the Estate of Milton Kaufman, or
- (d) Kreindler & Relkin, P.C., or
- (e) Arutt, Nachamie, Benjamin, Lipkin & Kirschner, P.C., or
- (f) any representative, member, employee, associate, or affiliate of any of the above parties,

¹(...continued)

In re George Sassower, No. 87 Civ. 9194 (GLG)
(S.D.N.Y. Jan. 19, 1988);

Sassower v. Feltman, No. 87 Civ. 9193 (GLG)
(S.D.N.Y. Jan. 20, 1988);

Sassower v. Nicholas, No. 89 Civ. 4339 (CLB)
(S.D.N.Y. June 21, 1989);

Raffe v. State of New York, No. 85 Civ. 5112 (MJL)
(S.D.N.Y. July 30, 1985).

the subject matter of which arises out of or relates to:

- (1) the actions or conduct of Puccini Clothes, Ltd., or its shareholders, officers, directors, or employees, or
- (2) the judicial dissolution or the receivership of Puccini Clothes, Ltd., or
- (3) the conduct of the Receiver for Puccini Clothes, Ltd., or the representation of the Receiver by Feltman, Karesh & Major, or
- (4) the litigations related to or arising out of any of the matters set forth in subparagraphs (1) through (3) herein, including, but not limited to any litigation arising out of or relating to the right of the Estate of Milton Kaufman to enforce any aspect of the guarantees executed by Hyman Raffe, or
- (5) the acts of any litigant or the attorneys for any litigant in connection with any of the foregoing;

Raffe v. Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985). See also United States of America for the benefit of George Sassower v. Sapir, No. 87 Civ. 7135 (CSH) (S.D.N.Y. Dec. 10, 1987) (wherein the Clerk of this Court was ordered not to accept for filing any paper or proceeding or motion or new case of any kind presented by Mr. George Sassower without obtaining leave from a judge or magistrate of this Court);² Sassower v. The Sheriff of Westchester County, 824 F.2d 184, 185-86 (2d Cir. 1987); Polur v. Hyman Raffe, 727 F. Supp. 810, 812 (S.D.N.Y. 1989). Therefore, plaintiff's claims against defendants Puccini Clothes, Ltd.; Lee Feltman; Feltman, Karesh, Major and Farbman; Kreindler and Relkin, P.C.; Citibank,

² We note that plaintiff includes a document entitled "Request For Leave to File (under protest)."

N.A.; Eugene Dann and Robert Sorrentino must be dismissed.

The claims against defendants Murphy, Oakes and Brieant must also be dismissed. Judges have absolute immunity from liability for damages for their judicial acts performed in their judicial capacities. Stump v. Sparkman, 435 U.S. 349, 356 (1978); Pierson v. Ray, 386 U.S. 547, 553-55 (1967); Oliva v. Heller, 839 F.2d 37 (2d Cir. 1988); see also Forrester v. White, 484 U.S. 219, 108 S. Ct. 538, 543-44 (1988). As the alleged wrongdoing of these defendants were acts performed in their judicial capacity, plaintiff's claims against defendants are foreclosed by absolute immunity and are subject to dismissal because they "lack[] an arguable basis either in law or in fact." Neitzke v. Williams, 490 U.S. 319, 325 (1989) (claim against immune defendant dismissable under 28 U.S.C. § 1915(d)).

Accordingly, the complaint, filed in forma pauperis under 28 U.S.C. § 1915(a), is dismissed pursuant to the injunction of this Court in Raffe v. Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985) and because it "lacks an arguable basis either in law or in fact." Neitzke, 490 U.S. at 325 (1989); 28 U.S.C. § 1915(d). We certify pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith. See Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED

JUN 18 1992

Dated: New York, New York

Handwritten signature of Thomas P. Griesa in cursive script.

THOMAS P. GRIESA
Acting Chief Judge