

NO EFFECTIVE, TIMELY REMEDIES

Is void, *as a matter of law*, and must be voided

[The Ultimate Guide to Void Judgments: Your Rights & How to Fight Back](#)

“A fair trial in a fair tribunal is a basic requirement of due process” – and this quote from Murchison is referred to as “axiomatic” in [Caperton v. Massey Coal](#), 556 U.S. 868 (2009)

As stated by the Appellate Division, Third Department in *People v. Alteri*, 47 A.D.3d 1070 (2008): ‘A statutory disqualification under Judiciary Law §14 will deprive a judge of jurisdiction (see *Wilcox v. Supreme Council of Royal Arcanum*, 210 N.Y. 370, 377...[1914]; see also *Matter of Harkness Apt. Owners Corp. v. Abdus-Salaam*, 232 A.D.2d 309, 310... [1996])... In fact, “a judge disqualified under a statute cannot act even with the consent of the parties interested, because the law was not designed merely for the protection of the parties to the suit, but for the general interests of justice’ (*Matter of Beer Garden v. New York State Liq. Auth.*, 79 N.Y.2d 266, 278–279...[1992], quoting *Matter of City of Rochester*, 208 N.Y. 188, 192... [1913])’.

28 New York Jurisprudence 2d §403 (2018) entitled “Disqualification as causing a loss of jurisdiction” states: “A judge disqualified for any of the statutory grounds, or a court of which such a judge is a member, is without jurisdiction, and all proceedings had before such a judge or court are void.fn ... A disqualified judge is even incompetent to make an order in the case setting aside his or her own void proceedings.fn”7

Although CPLR §5015(a) empowers “The court which rendered a judgment or order [to] relieve a party from it...on motion of any interested party”, with its subparagraph (4) being “lack of jurisdiction to render the judgment or order”, presumably, this is where the “lack of jurisdiction” is not based on Judiciary Law §14. New York Practice (6th ed.) does not address the divesting of jurisdiction by Judiciary Law §14. Its §8 discussion of “Kinds of Jurisdiction” pertains to subject matter and personal jurisdiction, as does its §430 discussion of “Lack of Jurisdiction” under CPLR 5015(a)(4), which reads: “If the court lacked jurisdiction to render the judgment or order, the motion to vacate should be based on paragraph 4 of CPLR 5015(a). The motion can rest on a lack of subject matter jurisdiction, but more frequently it’s based on a lack of personal jurisdiction. Whichever it is, CPLR 5015(a) applies but the court will perhaps not cite to it. The reason is that lack of jurisdiction is so deep a defect, and so obviously a basis for vacatur, that a statute authorizing the vacatur on this ground is like the proverbial fifth wheel. For the same reason, the jurisdictional defect permits the vacatur motion without a time limit: the judgment in this instance is theoretically void and the order sought under CPLR 5015(a)(4) is not what makes it so; the order merely declares it to be so, cancelling of record a judgment that has had the presumption to stand on the books without a jurisdictional invitation.fn.1” The annotating fn1 is: “See Fed. R. Civ. P. 60(b)(4), for the

counterpart provision in the federal rules, whose ground is simply that ‘the judgment is void.’”

[Rule 60. Relief from a Judgment or Order | Federal Rules of Civil Procedure](#)

(b) On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(3) fraud (whether previously called intrinsic or extrinsic),
misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

[Ex parte McCardle](#) -- “Without jurisdiction, the court cannot proceed at all in any cause. Jurisdiction is power to declare the law, and, when it ceases to exist, the only function remaining to the court is that of announcing the fact and dismissing the cause. And this is not less clear upon authority than upon principle.

LEGAL AUTOPSY/ANALYSIS
[July 10, 2026 Order of Dismissal](#)

Incomplete title, concealing the full title of the plaintiffs, germane to the issue of standing at the -
- & first sentence: concealing that the lawsuit is by the individual and corporate plaintiffs “on their own behalf and on behalf of the People of the State of New York & the Public Interest”, with the first sentence identifying only the “First Amendment to the United States Constitution”, only the first three of the four causes of action, omitting “other and further relief”, and peculiarly citing to ¶¶ 67–80 of what it describes as “Pl.’s Am Compl (‘FAC’)”, in other words, “First Amended Complaint”, falsely implying that this is more than one “Amended Complaint”.

Conceals it was sua sponte and defendants had not even been served – and that this was threshold issue

“I. Factual & Procedural Background” (pp. 1-2)

“II. Analysis” (pp. 2-13)

“As the Court previously explained...”

Dubois v. Maritimo Offshore Pty Ltd., 422 F. Supp. 3d 545, 555

DaimlerChrysler Corp. v. Cuno, 547 U.S. 332

Dubois v. Maritimo Offshore Pty Ltd., 422 F. Supp. 3d 545, 555 (D. Conn. 2019) (citing *Frank v. Gaos*, 586 U.S. 485, 492 (2019));

Spokeo, Inc. v. Robins, 578 U.S. 330, 338 (2016));
see also *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 340 (2006) (“We have ‘an obligation to assure ourselves of litigants’ standing under Article III.” (quoting *Friends of the Earth v. Laidlaw Env’t Servs., Inc.*, 528 U.S. 167, 180 (2000)));

Fed. R. Civ. P. 12(h)(3) (allowing courts to dismiss an action sua sponte for lack of subject matter jurisdiction). After reviewing Plaintiffs’ submissions in response to the Court’s previous Orders, the Court determines that Plaintiffs lack standing to bring this Action for several reasons.

“After reviewing Plaintiffs’ submissions in response to the Court’s previous Orders, the Court determines that Plaintiffs lack standing to bring this Action for several reasons” (at p. 3)

“A. Injury in Fact” (pp. 3-9)

(1) As to ERS -- relies on his expurgation of 95(a) – at p. 3, 4

Purports that Sassower’s “claims to have been harmed” are “insufficient to confer standing” because – and using the language of other cases -- they are “conclusory allegations of injury and nebulous claims” – no citation to Dec 19 affidavit

(2) As to CJA -- “CJA’s allegations of harm fare no better...” – citing to 95(b) – at p. 5, 6, 7

■ Purports at p. 7: to distinguish this case from “Orthodox Jewish Coalition of Chestnut Ridge Village v. Village of Chestnut Ride, -- citing para 10 of “Letter from Elena Sassower to Court (Dec. 29, 2025) 10”...

■

As to People of the State of NY [pp. 8-10] – quoting from 95(c) – at p. 8
Citing 92 (at p. 9)

Concluding paragraph at p. 10:

“For the reasons set forth above, Plaintiffs have not pled an injury in fact as required to establish Article III standing. Accordingly, Plaintiffs’ claims must be dismissed for lack of standing. See *Yanes v. Juan & Jon Inc.*, No. 19-CV-201, 2024 WL 1072034, at *7 (E.D.N.Y. Mar. 11, 2024) (dismissing the plaintiff’s claims sua

sponte for lack of standing); [Clarkes v. Suffolk County](#), No. 17-CV-2711, 2018 WL 11465339, at *1 (E.D.N.Y. Oct. 23, 2018) (same).”

“B. Causation” (pp. 10-13)

Again resting on expurgation of 95(a) – at p. 10, 12

95(b) – at p. 11 (twice), p. 12

Concluding paragraph --

“Because Plaintiffs have failed to meet at least two of the requirements of constitutional standing, their claims are dismissed for lack of subject matter jurisdiction. See [Spira v. Trans Union, LLC](#), No. 21-CV-2367, 2022 WL 2819469, at *6 (S.D.N.Y. July 19, 2022) (dismissing a complaint sua sponte for lack of subject matter jurisdiction); [Plutzer ex rel. Tharanco Grp., Inc. Emp. Stock Ownership Plan v. Bankers Tr. Co.](#), No. 21-CV-3632, 2022 WL 596356, at *7 (S.D.N.Y. Feb. 28, 2022) (raising the issue of standing sua sponte and dismissing the plaintiff’s claims because the “[p]laintiff ha[d] not made a showing of Article III standing sufficient to bring this suit”). The Clerk of Court is respectfully directed to mail a copy of this Order to Plaintiffs and close the case.”

[RZAYEVA v. U.S](#)

1.

LEGAL AUTOPSY/ANALYSIS
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Based on concealment

Incomplete title, concealing the full title of the plaintiffs, germane to the issue of standing at the -
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“I. Factual & Procedural Background” (pp. 1-2)

A single paragraph, concealing the most relevant facts – and whose citations to the docket end with “Letter from Pl. Elena Sassower to Court (Jan. 5, 2026) (Dkt. No. 18).)”

It reads, in full:

“On November 13, 2025 the Court ordered Plaintiffs to show cause as to why this Action should not be dismissed for lack of subject matter jurisdiction. (See Order to Show Cause (Dkt. No. 8).) – This is correct, though, as reflected by the docket sheet, the Order was not entered until November 17, 2025 – and plaintiffs had no knowledge of it until then.

On November 24, 2025, Sassower filed a letter regarding the Court’s November 13, 2025 Order. (See Letter from Pl. Elena Sassower to Court (Nov. 24, 2025) (Dkt. No. 10).) – This is incorrect. Sassower’s letter was filed on November 19, 2025 – which is the date of the letter. November 24 is the date the letter was entered on the docket – and that docket number is NOT 10, but 9.

In response, the Court issued a second Order on December 5, 2025. (See Order (Dkt. No. 10).) – This is correct.

Plaintiffs subsequently filed two affidavits and letters in response to the Court’s December 5, 2025 Order. (See Pl.’s Aff. Subject Matter J. (Dkt. No. 13);

This is Plaintiffs’ December 19, 2025 affidavit.

Letter from Pl. Elena Sassower to Court (Dec. 29, 2025) (Dkt. No. 14);

Aff. of Elena R. Sassower (Dkt. No. 15);

Letter from Pl. Elena Sassower to Court (Jan. 5, 2026) (Dkt. No. 17);

Letter from Pl. Elena Sassower to Court (Jan. 5, 2026) (Dkt. No. 18).)”

. Firstly, , firstly, that its November 13, 2025 was sua sponte, issued a mere three days after the Court had been assigned to the case and before any of the 34 defendants had even been served – and that plaintiffs immediately challenged that such Order, which was procedurally proper by a November 19, 2025 letter.

They did this by their November 19, 2025 letter – filed a mere two days after they were furnished with the Court’s sua sponte Order, which, though bearing a November 13, 2025 date, was not docketed until November 17, 2025.

The Court’s Order refers to this letter as having been filed November 24, 202

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[RZAYEVA v. U.S](#)

**UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

**In re CENTER FOR JUDICIAL ACCOUNTABILITY, Inc.
and ELENA RUTH SASSOWER, individually and
as director of the Center for Judicial Accountability, Inc.,
*acting on their own behalf and on behalf of the People***

**Electoral Time-Sensitive
Expedition Requested**

VERIFIED PETITION FOR A WRIT OF MANDAMUS

The above petitioners – plaintiffs in the lawsuit [*Center for Judicial Accountability, et al. v. Legislative Correspondents Association, et al.*](#), suing 34 illustrative press defendants for *knowingly* false, “fake news” journalism, destroying constitutional, lawful New York state governance, filed in the U.S. District Court for the Southern District of New York (25-CV-8370) – set forth the following, as required by [Rule 21\(a\) of the Federal Rules of Appellate Procedure](#):

**Statement of Relief Sought
(FRAP 21(a)(2)(B)(i))**

Petitioners seek a writ of mandamus to compel the disqualification of Southern District of New York Judge Kenneth M. Karas pursuant to [28 U.S.C. §144](#), [28 U.S.C. §455](#), and the [due process clause of the Fifth Amendment of the U.S. Constitution](#) based on their June 4, 2026 affidavit for his disqualification/disclosure and its annexed certificate of good faith of the corporate petitioner’s counsel.

**The Issue Presented
(FRAP 21(a)(2)(B)(ii))**

Petitioners’ [June 4, 2026 affidavit for Judge Karas’ disqualification/disclosure pursuant to 28 U.S.C. §§144 and 455](#) is “timely and sufficient”, thereby mandating, as 28 U.S.C. §144 expressly states, that he “proceed no further” and that “another judge...be assigned to hear [the] proceeding” – presently at a complete standstill by virtue of Judge Karas’ failure to rule on petitioners’ [December 19, 2025 affidavit demonstrating subject matter jurisdiction](#).

**The Facts Necessary to Understand the Issue
(FRAP 21(a)(2)(B)(iii))**

Almost eight months ago, *within three days of being assigned to petitioners' lawsuit and before petitioners had served any of the 34 press defendants*, Judge Karas issued a *sua sponte* November 13, 2025 Order which, concealing and falsifying the unprecedented nature of what he was doing and ¶¶95(a) and (b) of their October 29, 2025 verified amended complaint pertaining to injury and standing, required the *pro se* individual petitioner and the then-unrepresented corporate petitioner to show cause why the lawsuit should not be dismissed for lack of subject matter jurisdiction, as to them.

Notwithstanding petitioners' compliance by their [December 19, 2025 affidavit demonstrating subject matter jurisdiction](#), it is now almost seven months without a ruling by Judge Karas – and now more than five weeks without a ruling by him or any other judge with respect to petitioners' [June 4, 2026 affidavit for his disqualification/disclosure pursuant to 28 U.S.C. §§144 and 455](#).

Ten days ago, by a [July 1, 2026 letter to Judge Karas](#) entitled “Must plaintiffs be burdened with filing a petition for a writ of mandamus to compel the Court’s rulings?”, petitioners stated:

“It is now more than six months that this Court has NOT ruled on [plaintiffs' December 19, 2025 affidavit](#) in response to its *sua sponte* November 13, 2025 Order that they demonstrate subject matter jurisdiction, issued before any of the 34 defendants had even been served – and nearly a month since [plaintiffs' June 4, 2026 affidavit for the Court's disqualification and disclosure pursuant to 28 USC §§144 and 455](#), with NO ruling by the Court.

Must plaintiffs file a petition for a writ of mandamus to compel the Court’s rulings, which, *as a matter of law*, can ONLY be in plaintiffs’ favor, based on those affidavits.

Please advise by Tuesday, July 7th, so that we will know whether we must go to the effort and \$600 filing fee expense of petitioning the Second Circuit Court of Appeals for a writ of mandamus against you – which is what we otherwise will do on Friday, July 10th, to coincide with the 250th anniversary of the birth of the State

of New York, here in White Plains, by [the vote of the Provisional Congress of the Colony of New York](#), meeting at the White Plains courthouse, approving the July 4th Declaration of Independence. Here's a [photo of the site](#), [memorialized by a monument](#) (& [here](#)) that is a ten-minute walk from the White Plains federal courthouse where you sit and a less than ten-minute walk from where plaintiffs are based.

Thank you.” (capitalization, hyperlinking, italics, and underlining in the original).

There has been NO response from Judge Karas.

The Reasons Why the Writ Should Issue (FRAP 21(a)(2)(B)(iv))

Petitioners meet the standard for the granting of a writ of mandamus – easily and overwhelmingly.

First, mandamus is the ONLY means by which to compel a judge to render rulings that are his duty to make.¹ At bar, Judge Karas’ willful failure to rule on petitioners’ December 19, 2025 affidavit demonstrating subject matter jurisdiction, in response to his own *sua sponte* November 13, 2025 Order, has stalled their lawsuit indefinitely and his willful failure to rule on petitioners’ June 4, 2026 affidavit for his disqualification/disclosure, arising therefrom, keeps it stalled, indefinitely, before him. No appeal can be taken from rulings Judge Karas is seemingly not planning to make, ever, because the ONLY rulings possible are for petitioners and would pave the

¹ “A court has a ministerial duty to timely act upon pleadings filed in that court, regardless of the merit of those pleadings, and a higher court may grant a request for a writ of mandamus where a court fails to act upon pleadings within a timely manner.”, 52 Am. Jur 2d §253 “Principles governing use of mandamus to compel action by courts and judicial officers—Court’s failure to perform an act”

[In re A.H.](#), 999 F.3d 98 (2d Cir 2021):

“The remedy of mandamus is ‘traditionally...used in the federal courts...to compel [a lower court] to exercise its authority when it is its duty to do so.’” [Will v. United States](#), 389 U.S. 90, 95 (1967) (quoting [Roche v. Evaporated Milk Ass’n](#), 319 U.S. 21, 26 (1943)), also citing “*Supervisory and Advisory Mandamus Under the All Writs Act*”, 86 Harv. L. Rev. 595, 599 (1973)). In the mandamus context, “[i]f a district court...refused to take some definable action that was clearly required”.

way to their obtaining *summary judgment and massive damages against defendants* on their plainly monumental lawsuit.

Second, mandamus is the means for obtaining interlocutory appellate review of a judge's refusal to disqualify himself – functionally the same as a judge's willful failure to rule on the issue. As stated by the Federal Judicial Center's 2002 monograph [Recusal: Analysis of Case Law Under 28 U.S.C. §§ 455 & 144](#), under the heading "Interlocutory Review" (at p. 68):

"Often, a challenge to a judge's refusal to recuse occurs on appeal. All courts of appeals [however] permit a party to seek interlocutory review via mandamus, reasoning that, at least in some cases, the damage to public confidence in the justice system (or perhaps to the litigants) would not be undone by post-judgment appeal.^{fn}".

The Federal Judicial Center's latest edition of this monograph, in 2020, entitled [Judicial Disqualification: An Analysis of Federal Law, Third Edition](#), comparably states under the title heading "Routes of appellate review" (at pp. 99-100):

"All courts of appeals allow a party to seek interlocutory review via mandamus,^{fn} reasoning that, at least in some cases, the damage to public confidence in the justice system (or perhaps to the litigants) would not be undone by postjudgment appeal.^{fn}"

The annotating footnotes furnish illustrative decisions of the courts of appeals – and among those in the 2002 monograph is [In re IBM Corp.](#), 618 F.2d 923, 926–27 (1980), wherein this Court stated:

"This court has long since taken the position that there are 'few situations more appropriate for mandamus than a judge's clearly wrongful refusal to disqualify himself.' [Rosen v. Sugarman](#), 357 F.2d 794, 797 (1966). We do not read [Will v. Calvert Fire Insurance Co.](#), [437 U.S. 655, 665-66 (1978)], to overrule sub silentio this well established rule, followed by the great majority of other circuits as well.^{fn} A claim of personal bias and prejudice strikes at the integrity of the judicial process, and it would be intolerable to hold that the disclaimer of prejudice by the very jurist who is accused of harboring it should itself terminate the inquiry until an ultimate appeal on the merits. We conclude that we have the power to issue the writ but only if the petitioner has satisfied the burden of establishing that its right is 'clear and indisputable.'" (hyperlinking and bracketing added)²

² See, additionally, [In re IBM Corp.](#), 45 F.3d 641 (2d Cir. 1995).

Here, petitioners' right to Judge Karas' disqualification pursuant to 28 U.S.C. §§144 and 455, based on their June 4, 2026 affidavit, is not only "clear and indisputable", but Judge Karas knows that it is "clear and indisputable", which is why he has not ruled on it. This includes its request that he disclose the facts, extrajudicial to this litigation, of his interaction, in 2012, with the individual petitioner's father, who accused him of corruption, from which, in addition to personal animus, he has personal knowledge of, and a disqualifying interest in, material allegations of petitioners' [October 29, 2025 verified amended complaint](#), *inter alia*, of the injury and standing of the individual petitioner, alleged by its ¶95(a).

Third, mandamus being an "extraordinary writ", it is appropriate to the **extraordinary, catastrophic, emergency situation presented by petitioners'** [October 29, 2025 verified amended complaint](#), chronicling, *with evidence entitling them to summary judgment*, the destruction of New York's "Republican Form of Government", concealed and abetted by defendants' *knowingly* false, "fake news" journalism, injuring, massively and irreparably,³ the State of New York and its People, including by rigging New York's elections, such as this year for governor, lieutenant governor, attorney general, comptroller, all 213 state legislative seats, and for a dozen or so D.A.s, to which Judge Karas was specifically alerted by petitioners' [February 23, 2026 letter](#) and [May 8, 2026 letter](#).

Fourth, to the extent that this Court also allows mandamus where, in addition to "the inadequacy of other available remedies", there is "the presence of a novel and significant question

³ "When a petitioner faces significant 'irreversible, non-monetary harm'... mandamus may issue to prevent that harm. [In re Depuy Orthopaedics, Inc.](#), 870 F.3d 345, 353 (5th Cir. 2017). ...we give consideration 'to the severity and extent of this damage, and in particular to whether a petitioner has lost precious constitutional rights.'...", [In re A.H.](#), 999 F.3d 98 (2d Cir 2021).

of law” and “the presence of a legal issue whose resolution will aid in the administration of justice”⁴, there is obviously a “novel and significant question of law” “whose resolution will aid in the administration of justice”, if, as Judge Karas purported, without substantiating caselaw – and so-highlighted by petitioners’ [November 19, 2025 letter](#) and [December 10, 2005 letter](#) to him – [FRCP 12\(h\)\(3\)](#) is interpreted to allow a federal district judge to *sua sponte* order a plaintiff to defend subject matter jurisdiction of a complaint that has *not yet been served upon defendants*, thereby effectively substituting himself for the defendants, who, upon being served, could make a [FRCP 12\(b\)\(1\) dismissal motion](#), if they believed they had a subject matter jurisdiction defense.

The Requirements of FRAP 21(a)(2)(C)

FRAP 21(a)(2)(C) states:

“The petition must include a copy of any order or opinion or parts of the record that may be essential to understand the matters set forth in the petition.”

There is no order or opinion pertaining to petitioners’ [June 4, 2026 affidavit for Judge Karas’ disqualification/disclosure pursuant to 28 U.S.C. §§144 and 455](#).

The only order pertaining to petitioners’ [December 19, 2025 affidavit demonstrating subject matter jurisdiction](#) is [Judge Karas’ March 2, 2026 so-ordering of his annotation on petitioners’ February 23, 2026 letter](#), stating:

“The Court is aware of Plaintiff’s response to the Court’s November 2025 Order and will address the question of jurisdiction in short order. This is not the only case on the Court’s docket. Plaintiff is asked to refrain from reminding the Court about what is already known to the Court.”

⁴ [Aref v. U.S.](#), 452 F.3d 202 (2d Cir. 2006), citing [In re United States](#), 10 F.3d 931, 933 (2d Cir, 1993).

This was quoted and rebutted by petitioners' [May 8, 2026 letter](#) to Judge Karas, without response from him – necessitating their [June 4, 2026 affidavit for his disqualification/disclosure](#), as therein recited.

Petitioners' lawsuit (25-CV-8370) was filed electronically – and the entirety of the record is electronically accessible to this Court, which is how petitioners' filings are best viewed inasmuch as their substantiating hyperlinks to the record and other evidence cannot be accessed in paper format.

The electronically-filed pdfs of petitioners' June 4, 2026 affidavit and December 19, 2025 affidavit, hereinabove hyperlinked, are also annexed hereto as Exhibits A and B.

WHEREFORE, petitioners respectfully pray: (1) for the granting of their petition for a writ of mandamus; (2) for the disqualification of Judge Karas based on their “timely and sufficient” June 4, 2026 affidavit; (3) for the straight-forward ruling that Judge Karas was duty-bound to have made promptly, if not immediately, upon receipt of petitioners' December 19, 2025 affidavit, *to wit*: “The individual and corporate plaintiffs, having demonstrated the Court’s subject matter jurisdiction, their time to serve defendants is extended 30 days from the date of this Order”; and (4) for such other and further relief as may be just and proper, including initiation of a judicial misconduct complaint against Judge Karas, pursuant to the Judicial Conference’s [Rules for Judicial Conduct and Disability Proceedings](#).⁵

ELENA RUTH SASSOWER, *Pro Se*
Individually and as Director of the Center for Judicial
Accountability, Inc. (CJA), and on behalf of the People

⁵ Commentary on Rule 3; Rule 4(a)(6) “Failure to Report or Disclose” & its Commentary; and Rule 5 & its Commentary.

of the State of New York & the Public Interest

July 10, 2026
White Plains, New York

GARY L. ZERMAN, ESQ.,
Attorney for the Center for Judicial Accountability, Inc. (CJA)
and on behalf of the People of the State of New York
& the Public Interest

July 10, 2026
Valencia, California

VERIFICATION

We are, respectively, the individual petitioner and counsel to the corporate petitioner herein. We have written the foregoing Verified Petition for a Writ of Mandamus and attest that same is true and correct of our own knowledge, information, and belief, under penalties of perjury.
