

D. Appeal from Final Orders

6. The decision of the Bankruptcy Court (D:3), was “in all respects affirmed” (SApp:1502, 1504) by the District Court, before which there remains no pending proceeding in *Cordero v. DeLano*. Its decision was final.

V. STATEMENT OF ISSUES PRESENTED FOR REVIEW

7. The unifying issue before this Court in this bankruptcy case is whether it too, like the judges below, will deny due process of law to one litigant and impair the integrity of judicial process to the detriment of the public at large in order to avoid that a conscientious review of this case, rather than its cover up through a summary order, may raise the embarrassing questions, and all the more so the incriminating evidence, of what it knows about the bankruptcy fraud scheme involving its WDNY peers and others; since when the Court has known it; and for what motive it tolerates the scheme by refusing, as its peers below did, to order the Appellee Debtors to produce financial documents that will answer the smoking-gun question: Where and for whose benefit is at least \$673,657 of the Debtors’ known concealed assets? (SApp:1608) So long as the Court refuses to obtain the facts to answer that question, it aids and abets the cover up of a bankruptcy fraud scheme. The constituent issues are the following:

a) Judge Larimer so disregarded the law, the rules, and the facts in the proceedings leading up to and in his interlocutory and final decisions and

showed such bias as to deny Appellant due process of law and render his decisions unlawful and a nullity.

- b) Whether the Appellee Debtors' motion to disallow Creditor Dr. Cordero's claim was an artifice and the evidentiary hearing was a sham that the Debtors and Bankruptcy Judge Ninfo employed to justify the predetermined disallowance decision by denying Dr. Cordero *every single document* that he requested from them, even the Debtors' bank account statements, as well as the testimony establishing Dr. Cordero's claim given by Mr. DeLano at the hearing, in order to eliminate him from the Debtors' bankruptcy case before he could prove their involvement in a bankruptcy fraud scheme.
- c) Whether WDNY Local Rule of Civil Procedure 5.1(h) (Add:633), which requires for filing a claim under RICO, 18 U.S.C. §1961 et seq., such detailed evidence before discovery has even started as to make such filing impossible in practice, is thereby void as inconsistent with the notice pleading and enabling provisions of the FRCivP, as a deprivation of a right of action granted by an act of Congress, and as a subterfuge crafted in self-interest through the abuse of judicial power to prevent the exposure of judicial involvement in a bankruptcy fraud scheme.
- d) Whether 28 U.S.C. §158(b) allowing judges, circuits, and parties to choose whether to establish or resort to bankruptcy appellate panels impairs due process

of law, provides for forum shopping, and denies equal protection under law so that it is unconstitutional and has been abused to terminate the BAP in the Second Circuit and allow local operation of a bankruptcy fraud scheme.

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Table of Notices

to the 2nd Circuit Court of Appeals and Judicial Council the Circuit Judges, and others of Evidence of a Bankruptcy Fraud Scheme in the Bankruptcy and District Courts, WDNY since May 2, 2003

by

Dr. Richard Cordero

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- I. Appeal of *Pfuntner v. Trustee Gordon et al.*, no. 02-2230, WBNY, sub nom. *In Premier Van et al.*, no. 03-5023, CA2:
 - A. of May 2, 2003;
 - B. writ for mandamus *In re Richard Cordero*, no. 03-3088, CA2, of September 12, 2003;
 - C. motion to quash the order of Judge Ninfo of August 30, 2004, to sever a claim from *In re Premier Van et al.*, in order to try it in the bankruptcy case *DeLano*, no. 04-20280, WBNY, thus making a mockery of the appellate process, of September 9, 2004 (Add:D:440);
 - D. motion for leave to file an updating supplement of evidence of bias in Judge Ninfo's denial of Dr. Cordero's request for a trial by jury, of November 3, 2003 (D:425);
 - E. petition to CA2 for panel rehearing and hearing en banc, of March 10, 2004.
- II. Judicial misconduct complaint against Judge Ninfo, no. 03-8547, CA2:
 - A. of September 2, 2003;

- B. letters to the members of the Judicial Council of:
 - i. February 11 and 13, 2004;
 - ii. March 22, 2004;
 - iii. July 30, 2004;
 - C. appeal of the dismissal to the Judicial Council, of July 13, 2004.
- III. Judicial misconduct complaint against Former Chief Judge John M. Walker, Jr., no. 04-8510, CA2:
- A. of March 19 2004;
 - B. letter to then next chief Judge Dennis Jacobs, of March 24, 2004;
 - C. letter to Circuit Judge Robert Sack, of March 25, 2004;
 - D. appeal of its dismissal to the Judicial Council, of October 4, 2004;
 - E. letter to the members of the Council, of October 14, 2004;
 - F. letter to each member of the Council requesting that each make a report under 18 U.S.C. §3057(a) to the Acting U.S. Attorney General that an investigation should be had in connection with offenses against U.S. bankruptcy laws.
- IV. Appeal of both complaints to the Judicial Conference of the United States:
- A. letter to Circuit Justice Ruth Ginsburg, of November 26, 2004;
 - B. letter to Circuit Judge Ralph K. Winter, Chair of the Committee to Review Circuit Council Conduct and Disability Orders:
 - i. of January 8, 2005;
 - ii. of February 7, 2005;
 - iii. of March 24, 2005.
 - iv. of March 25, 2005;
- V. Comments in response to CA2's invitation for public comments on the reappointment of Judge Ninfo to a second term as bankruptcy judge:
- A. of March 17, 2005;
 - B. of August 4, 2005;
 - C. letter to each of the members of the CA2 and of the Judicial Council:

- i. of March 18, 2005;
- ii. of August 4 and 5, 2005;
- iii. of September 6, 2005.

VI. Request to the Judicial Council to abrogate WDNY Local Rule 5.1(h) and 83.5 (Add:633) that make it practically impossible to file a RICO claim and to record events that occur in the court and 'its environs':

- A. to now Chief Judge Jacobs and to members of the Judicial Council, of January 8, 2006;
- B. to the Judicial Council, of January 7, 2006.

VI. STATEMENT OF THE CASE

8. **In Bankruptcy Court, WBNY**, Appellee DeLanos filed as debtors a voluntary bankruptcy petition with its schedules under 11 U.S.C. Chapter 13 on January 27, 2004. (D:27-60) Therein they named Appellant Dr. Cordero among their creditors. (D:40). For six months the Debtors and Chapter 13 Trustee George Reiber treated Dr. Cordero as a creditor. (D:151, 73, 74, 103, 111, 116, 117, 120, 122, 123, 128, 138, 149, 153, 159, 160, 162, 165, 189, 203)
9. However, their attitude changed when he showed that the Debtors had concealed assets and that Trustee Reiber had failed to investigate them and should be removed. (D:193) Then the Debtors moved to disallow his claim (D:218) and Judge Ninfo scheduled an evidentiary hearing (D:279, 332) only for the Debtors (D:313-315, 325) and the Judge (D: D:278¶1, 327) to deny *every single document* that Dr. Cordero requested (D:287, 317; Tr:188/2-189/18) to establish his claim

and determine the good faith of the Debtors' petition as well as the whereabouts of the known concealed assets that could reveal their participation in a bankruptcy fraud scheme (cf. SApp:1608).

10. At the evidentiary hearing held on March 1, 2005, Judge Ninfo dismissed Mr. DeLano's testimony that established the claim of Dr. Cordero so as to disallow his claim and deny him standing to participate further in the case. (Pst:1281§§c-d) After his decision of April 4, 2005, was filed (D:3), Dr. Cordero appealed to the District Court, WDNY (D:1). Then upon the recommendation of the trustee (Add:937-939; cf. 953§I), Judge Ninfo confirmed the Debtors' repayment plan that discharged 78% of their debt (Add:941; cf. 962§II). The Debtors were discharged by Judge Ninfo's order of February 2, 2007. (D:508o)
11. **In District Court, WDNY**, Judge Larimer repeatedly tried to prevent Appellant Dr. Cordero from obtaining the transcript of the evidentiary hearing by setting a brief-filing deadline (Add:692, 695, 831, 836, 839) before the court reporter had had time even to respond to his request for the transcript (Add:681).
12. Likewise, the Judge denied *every single document* (Add:1022) that Dr. Cordero requested (Add:951), including the Debtors' bank account statements that could establish the whereabouts of known concealed assets worth at least \$673,657 (SApp:1608), just as he denied (Add:1019, 1155) every substantive motion (Add:853, 881, 911, 993, 1097) aimed at exposing the participation of the

Debtors, court officials, and trustees in a bankruptcy fraud scheme.

13. Judge Larimer disposed of the appeal in a decision (SApp:1501) without stating any legal principle, let alone a controlling one, and without discussing any of the four issues presented by Appellant or even a single one of his brief's 15 headings dealing with their factual and legal elements (Pst:1254). Instead, he discussed two issues "preserved" by the Appellees, who had filed no cross-appeal and, as a result, could present no issues on appeal.
14. Appellant timely filed a notice of appeal (SApp:1505-1507) and on October 21, 2006, mailed his list of issues to be presented and designation of items in the record on appeal (SApp:1508). The 10 days provided under FRAP 6(b)(2)(B)(ii) for Appellees to designate other parts of the record that they believed necessary expired without their making any such designation or filing any other paper. Therefore, to the extent that this Court feels like showing respect for the rules of procedure any more than it allows the WDNY court not to do so, it must consider only and all issues presented by Appellant.

VII. Statement of Facts

- A. In Bankruptcy Court, the Debtors filed a bankruptcy petition with schedules where they made incongruous, implausible, and outright suspicious declarations about their financial affairs and since then have refused to account for the whereabouts of known concealed assets worth at least \$673,657**

(ORDER LIST: 546 U.S.)

WEDNESDAY, FEBRUARY 1, 2006

ORDER

It is ordered that the following allotment be made of the Chief Justice and the Associate Justices of this Court among the circuits, pursuant to Title 28, United States Code, Section 42 and that such allotment be entered of record, effective February 1, 2006.

For the District of Columbia Circuit, John G. Roberts, Jr., Chief Justice,

For the First Circuit, David H. Souter, Associate Justice,

For the Second Circuit, Ruth Bader Ginsburg, Associate Justice,

For the Third Circuit, David H. Souter, Associate Justice,

For the Fourth Circuit, John G. Roberts, Jr., Chief Justice,

For the Fifth Circuit, Antonin Scalia, Associate Justice,

For the Sixth Circuit, John Paul Stevens, Associate Justice,

For the Seventh Circuit, John Paul Stevens, Associate Justice,

For the Eighth Circuit, Samuel A. Alito, Jr., Associate Justice,

For the Ninth Circuit, Anthony M. Kennedy, Associate Justice,

For the Tenth Circuit, Stephen Breyer, Associate Justice,

For the Eleventh Circuit, Clarence Thomas, Associate Justice,

For the Federal Circuit, John G. Roberts, Jr., Chief Justice.

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
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59 Crescent Street
Brooklyn, NY 11208-1515
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[Sample of letters to members of the Judicial Council, 2nd Cir.]

February 13, 2004

The Hon. Dennis Jacobs
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square, Room 1802
New York, NY 10007

Dear Judge Jacobs,

On August 11, 2003, I submitted to the Court of Appeals for the Second Circuit a complaint based on detailed evidence of judicial misconduct on the part of U.S. Bankruptcy Judge John C. Ninfo and other court officers in the Bankruptcy and District Courts for the Western District of New York. The specific instances of disregard of the law, rules, and facts were so numerous, so protective of the local parties and injurious to me alone, the only non-local and pro se party, as to form a pattern of non-coincidental, intentional, and coordinated acts of wrongdoing. Receipt of the complaint was acknowledged on September 2; it was assigned docket no. 03-8547. Although the provisions of law governing such complaints, that is, 28 U.S.C. §§372 and 351, and the implementing rules of this Circuit require 'prompt and expeditious' action on the part of the chief judge and its notification to the complainant, it is the seventh month since submission but I have yet to be informed of what action, if any, has been taken.

What is more, on February 2, I wrote to the Hon. Chief Judge John M. Walker, Jr., to inquire about the status of the complaint and to update it with a description of subsequent events further evidencing wrongdoing. To my astonishment, the original and all the copies that I submitted were returned to me immediately on February 4. One can hardly fathom the reason for the inapplicability to a judicial misconduct complaint already in its seventh month after submission of the basic principles of our legal system of the right to petition and the obligation to update information, which is incorporated in the federal rules of procedure. Nor can one fail to be shocked by the fact that precisely a complaint charging disregard of the law and rules is dealt with by disregarding the law and rules requiring that it be handled 'promptly and expeditiously'. Nobody is above the law; on the contrary, the higher one's position, the more important it is to set the proper example of respect for the law and its objectives.

There is still more. The pattern of wrongdoing has materialized in more than 10 decisions adopted by the bankruptcy and district courts, which I challenged in an appeal bearing docket no. 03-5023. One of the appeal's three separate grounds is that such misconduct has tainted those decisions with bias and prejudice against me and denied me due process. Yet, the order dismissing my appeal, adopted by a panel including the Chief Judge, does not even discuss that pattern, let alone protect me on remand from further targeted misconduct and systemic wrongdoing that have already caused me enormous expenditure of time, effort, and money as well as unbearable aggravation. Where the procedural mechanics of jurisdiction are allowed to defeat the courts' reason for existence, namely, to dispense justice through fair and impartial process, then there is every justification for escalating the misconduct complaint to the next body authorized to entertain it. It is not reasonable to expect that a complainant should wait sine die just to find out the status of his complaint despite the evidence that it is not being dealt with and that he is being left to fend for himself at the wrongful hands of those that treat him with disregard for law, rules, and facts.

Therefore, I am respectfully addressing myself to you as member of the Judicial Council of this Circuit and to Justice Ginsburg, as the justice with supervisory responsibilities for this Circuit, to request that you consider the documents attached hereto and bring my complaint and its handling so far to the attention of the Council so that it may launch an investigation of the judges complained-about and I be notified thereof. Meantime, I look forward to hearing from you and remain,

sincerely yours,

Dr. Richard Cordero

List of Members of the Judicial Council of the Second Circuit

to whom the letters of February 11 and 13, 2004, were individually addressed
requesting that they cause the Council to investigate
the misconduct complaint against Judge John C. Ninfo, II, WBNY
and its handling by Chief Judge John M. Walker, Jr., CA2

by

Dr. Richard Cordero

Madam Justice **Ginsburg**
Circuit Justice for the Second Circuit
The **Supreme Court** of the United States
1 First Street, N.E.
Washington, D.C. 20543
tel. (202) 479-3000

Circuit Judges

Judge Jose A. Cabranes, CA2
Judge Guido Calabresi, CA2
Judge Dennis Jacobs, CA2
Judge Rosemary S. Pooler, CA2
Judge Chester J. Straub, CA2
Judge Robert D. Sack., CA2

U.S. Court of Appeals
for the Second Circuit
Member of the Judicial Council
40 Foley Square
New York, NY 10007-1561
tel. (212) 857-8500

District judges

The Hon. Frederick J. **Scullin**, Jr.
U.S. District Court, NDNY
Member of the Judicial Council
445 Broadway, Suite 330
Albany, NY 12207
tel. (518) 257-1661

The Hon. Edward R. **Korman**
U.S. District Court, EDNY
Member of the Judicial Council
75 Clinton Street
Brooklyn, NY 11201
tel. (718) 330-2188

The Hon. Michael B. **Mukasey**
U.S. District Court, SDNY
Alexander Hamilton Custom House
Member of the Judicial Council
One Bowling Green
New York, NY 10004-1408
tel. (212) 805-0136

The Hon. Robert N. **Chatigny**
U.S. District Court, District of
Connecticut
Richard C. Lee U.S. Courthouse
Member of the Judicial Council
141 Church Street
New Haven, Ct 06510
tel. (203) 773-2140

The Hon. William **Sessions**, III
U.S. District Court, District of **Vermont**
Member of the Judicial Council
P.O. Box 928
Burlington, VT 05402-0928
tel. (802) 951-6350

Sample of letters sent individually and personalized to the following members of the Judicial Council:

Madam Justice Ginsburg
Circuit Justice

Circuit Judges

The Hon. Jose A. Cabranes
The Hon. Dennis Jacobs
The Hon. Guido Calabresi
The Hon. Rosemary S. Pooler

District Judges

The Hon. Chester J. Straub
Hon. Frederick J. Scullin, Jr.
The Hon. Edward R. Korman
The Hon. William Sessions, III

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March 22, 2004

The Hon. Jose A. Cabranes
Circuit Judge
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square, Room 1802
New York, NY 10007

Dear Judge Cabranes,

Last February 13, I sent you, in your capacity as member of the Judicial Council of the Second Circuit, a letter concerning a judicial complaint that I lodged under 28 U.S.C. §351 with this Court and about which to date, in the eighth month since, I have not been notified of any action taken at all.

That letter, a copy of which is attached hereto, was bound with copies of all pertinent documents, 80 of them in over 200 pages. I turned the bound file on February 13 into the hands of Deputy Clerk Ms. Harris at the Take-in Office in Room 1803 for transmission to you.

However, I have yet to receive any acknowledgement of receipt, not to mention any substantive response. Therefore, I would be most indebted to you if you would kindly let me know whether my letter and accompanying documents reached you and, if so, by when I can expect to receive a reply from you.

Looking forward to hearing from you,
sincerely,

Dr. Richard Cordero

Dr. Richard Cordero

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March 25, 2004

The Hon. Robert D. Sack
Circuit Judge at the U.S. Court of Appeals, 2d Circuit
Thurgood Marshall United States Courthouse
40 Foley Square, Room 1802
New York, NY 10007

Dear Judge Sack,

On August 11, 2003, I submitted to the Court of Appeals for the Second Circuit a complaint based on detailed evidence of judicial misconduct on the part of U.S. Bankruptcy Judge John C. Ninfo and other court officers in the Bankruptcy and District Courts for the Western District of New York. The specific instances of disregard of the law, rules, and facts were so numerous, so protective of the local parties and injurious to me alone, the only non-local and pro se party, as to form a pattern of non-coincidental, intentional, and coordinated acts of wrongdoing. Receipt of the complaint was acknowledged on September 2; it was assigned docket no. 03-8547. Although the provisions of law governing such complaints, that is, 28 U.S.C. §§372 and 351, and the implementing rules of this Circuit require 'prompt and expeditious' action on the part of the chief judge and its notification to the complainant, it is the seventh month since submission but I have yet to be informed of what action, if any, has been taken.

What is more, on February 2, I wrote to the Hon. Chief Judge John M. Walker, Jr., to inquire about the status of the complaint and to update it with a description of subsequent events further evidencing wrongdoing. To my astonishment, the original and all the copies that I submitted were returned to me immediately on February 4. One can hardly fathom the reason for the inapplicability to a judicial misconduct complaint already in its seventh month after submission of the basic principles of our legal system of the right to petition and the obligation to update information, which is incorporated in the federal rules of procedure. Nor can one fail to be shocked by the fact that precisely a complaint charging disregard of the law and rules is dealt with by disregarding the law and rules requiring that it be handled 'promptly and expeditiously'. Nobody is above the law; on the contrary, the higher one's position, the more important it is to set the proper example of respect for the law and its objectives.

There is still more. The pattern of wrongdoing has materialized in more than 10 decisions adopted by the bankruptcy and district courts, which I challenged in an appeal bearing docket no. 03-5023. One of the appeal's three separate grounds is that such misconduct has tainted those decisions with bias and prejudice against me and denied me due process. Yet, the order dismissing my appeal, adopted by a panel including the Chief Judge, does not even discuss that pattern, let alone protect me on remand from further targeted misconduct and systemic wrongdoing that have already caused me enormous expenditure of time, effort, and money as well as unbearable aggravation. Where the procedural mechanics of jurisdiction are allowed to defeat the courts' reason for existence, namely, to dispense justice through fair and impartial process, then there is every justification for escalating the misconduct complaint to the next body authorized to entertain it. It is not reasonable to expect that a complainant should wait sine die just to find out the status of his complaint despite the evidence that it is not being dealt with and that he is being left to fend for himself at the wrongful hands of those that treat him with disregard for law, rules, and facts.

Therefore, I am respectfully addressing myself to you, as a member of the Judicial Council of this Circuit, and to Justice Ginsburg, as the justice with supervisory responsibilities for this Circuit, to request that you consider the documents attached hereto and bring my complaint and its handling so far to the attention of the Council so that it may launch an investigation of the judges complained-about and I be notified thereof. Meantime, I look forward to hearing from you and remain,

sincerely yours,

Dr. Richard Cordero

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[Sample of letters to members of the Judicial Council, 2nd Cir.]

July 30, 2004

Hon. Rosemary S. Pooler, Circuit Judge
Member of the Judicial Council of the 2nd Circuit
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
New York, NY 10007

Re: judicial misconduct complaint, docket no. 03-8547

Dear Judge Pooler,

Last July 8, I submitted and on July 13 resubmitted to the Clerk of Court of the Court of Appeals for the Second Circuit a petition for review of the dismissal on June 8 of my complaint, filed on August 11, 2003. In connection with that petition, this letter is a communication properly addressed to you under Rule 8 of the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers under 28 U.S.C. §351 et seq., which provides thus:

RULE 8. REVIEW BY THE JUDICIAL COUNCIL OF A CHIEF JUDGE'S ORDER
(e)(2) The judge or magistrate judge complained about will be provided with copies of any communications that may be addressed to the members of the judicial council by the complainant.

In support of my petition, I submitted bound with it exhibits, which were returned to me unfiled. Upon resubmitting the petition, I submitted the exhibits in a separate bound volume, which was also returned to me unfiled while the petition was accepted. I was not allowed to attach to the petition even the table of exhibits.

There is no provision, whether in the Rules or in §351 et seq., that prohibits the submission of exhibits with a review petition. On the contrary, by analogy to Rule 2(d) allowing the submission of documents as evidence supporting a complaint, they should have been filed. They should also have been accepted in application of the general principle that evidence, such as that contained in exhibits, accompanying a statement of arguments submitted to judges for determination of their legal validity, is not only welcome as a means to lend credence to such arguments, but also required as a way to eliminate a party's unfounded assertions and allow the judges to ascertain on their own the meaning and weight of the arguments' alleged source of support. The exhibits should also have been accepted so that the clerk of court could make them available to any judicial council member under Rule 8(c), which provides that "Upon request, the clerk will make available to any member of the judicial council...any document from the files..." How can the clerk make documents available if she does not even file them?

In any event, what harm could conceivably result from filing exhibits with a petition for review? Why would the clerk take it upon herself in the absence of any legal or practical justification, to deprive a petitioner of his right to do what he is not prohibited from doing, whether expressly or by implication, and in the process deprive the members of the Judicial Council of what could assist them in performing their duty to assess the merits of a petition?

Therefore, I am hereby communicating to you the table of exhibits so that you may request any or all of them from the clerk of court, to whom I am resubmitting them once more, or from me directly. For context and ease of reference, I am also including a copy of the petition.

Sincerely,

Dr. Richard Cordero

List of Members of the Judicial Council of the Second Circuit

to whom were sent the letters of July 30, 2004

protesting the refusal by CA2 clerks of exhibits

whether bound with the petition or in a separate volume supporting
the petition for review of the dismissal of complaint, no. 03-8547, CA2,
against Judge John C. Ninfo, II, WBNY

by

Dr. Richard Cordero

Madam Justice **Ginsburg**
Circuit Justice for the 2nd Circuit
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Hon. John M. Walker, Jr., Chief Judge
Member of the Judicial Council of the 2nd Circuit
U.S. Court of Appeals, for the 2nd Circuit
Thurgood Marshall United States Courthouse
New York, NY 10007

Hon. Jose A. **Cabranes**, Circuit Judge
Member of the Judicial Council of the 2nd Circuit
U.S. Court of Appeals, for the 2nd Circuit
Thurgood Marshall United States Courthouse
New York, NY 10007

Hon. Guido **Calabresi**, Circuit Judge
Member of the Judicial Council of the 2nd Circuit
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
New York, NY 10007

Hon. Dennis **Jacobs**, Circuit Judge
Member of the Judicial Council of the 2nd Circuit
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
New York, NY 10007

Hon. Rosemary S. **Pooler**, Circuit Judge
Member of the Judicial Council of the 2nd Circuit
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
New York, NY 10007

Hon. Chester J. **Straub**, Circuit Judge
Member of the Judicial Council of the 2nd Circuit
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
New York, NY 10007

Hon. Frederick J. **Scullin**, Jr., Chief Judge
Member of the Judicial Council of the 2nd Circuit
U.S. District Court for the NDNY
James T. Foley U.S. Courthouse
Albany, NY 12207-2924

Hon. Edward R. **Korman**, Chief Judge
Member of the Judicial Council of the 2nd Circuit
U.S. District Court for the EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

Hon. Michael B. **Mukasey**, Chief Judge
Member of the Judicial Council of the 2nd Circuit
U.S. District Court for the SDNY
500 Pearl Street, Room 2240
New York, NY 10007-1312

Hon. Robert N. **Chatigny**, Chief Judge
Member of the Judicial Council of the 2nd Circuit
U.S. District Court for the District of Connecticut
450 Main Street
Hartford, Ct 06103

Hon. William **Sessions**, III, Chief Judge
Member of the Judicial Council of the 2nd Circuit
U.S. District Court for the District of Vermont
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[Sample of letter sent to the members of the 2nd Cir. Judicial Council]

October 14, 2004

Att. Franci, Deputy to the Judge
Chief Judge Michael B. Mukasey
Member of the Judicial Council
U.S. District Court, SDNY
500 Pearl Street, Room 2240
New York, NY 10007-1312

Re: Exhibits for review petition concerning complaint 04-8510

Dear Chief Judge Mukasey,

This is a communication with the members of the Judicial Council permissible under this Circuit's Rules Governing Misconduct Complaints, which contains "Rule 8, Review by the judicial council of a chief judge's order", where §8(e)(2) refers to "any communications that may be addressed to the members of the judicial council by the complainant".

On August 11, 2003, I filed a complaint about WBNY Judge John C. Ninfo, II, concerning his disregard together with others for the law, rules, and facts in a series of instances so numerous and consistently detrimental to me (44.II; 48.III, infra), the only non-local party, and favorable to the local ones (22.IV; 50.IV), as to form a pattern of non-coincidental, intentional, and coordinated acts of wrongdoing. Although intervening events confirmed the charges of the complaint (65-67), eight months later I had still not heard from Chief Judge John M. Walker, Jr., despite his duty under 28 U.S.C. §351 et seq. and the Circuit's Rules to act "promptly" and "expeditiously". Hence, on March 19, I submitted a complaint about the Chief Judge (65) on the grounds of his disregard for that promptness obligation and his duty to investigate a complaint, whereby he allowed Judge Ninfo's wrongdoing and bias to continue to take an enormous toll on my effort, time, and money and inflict upon me tremendous aggravation. That complaint, which was also subject to the promptness obligation, was dismissed over six months later, on September 24; it was not investigated either (7). I submitted a petition for review on October 4 (1; 2).

Because the Clerk of Court refused to accept the first petition if accompanied with exhibits, this communication provides you with some documents that evidence intervening events linking judicial misconduct to a bankruptcy fraud scheme involving the most powerful driver of wrongdoing: lots of money (26.V; 51.V). I trust that if you would examine these documents, you would realize the need to investigate a series of events that undermine the integrity of both the judicial and the bankruptcy systems in WBNY and in the Court of Appeals (cf. 9¶¶1-5).

The perfunctory way in which these complaints have been handled is evidenced not only by their belatedness and lack of investigation: **1)** The Court's letter of July 16 states that a petition for review was received in February; but I submitted the petition concerning my complaint about Judge Ninfo in July (59). **2)** The Judicial Council's denial of last September 30 of my petition refers to a complaint filed on August 8, 2003; but none was filed on that date (60). **3)** The Acting Chief Judge dismissed on September 24 the complaint about the Chief Judge on the basis of his own dismissal of the complaint about Judge Ninfo, stating its dismissal date as June 9, which is wrong (8). If I came to your court and made so many mistakes, would you take me seriously? **4)** The Council in its September 30 letter merely "DENIED" my petition without providing any opinion. Is that the easy way out in which it insures that justice is seen to be done? Therefore, I respectfully request that under Rule 8(a) you cause this petition and the previous one to be placed on the Council's agenda and the respective complaints to be investigated (cf. 63).

Sincerely,

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

[Sample of letters sent to circuit and district judges of 2nd Cir.]

November 29, 2004

Circuit Judge Robert A. Katzmann
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Dear Judge Katzmann,

I am addressing you, as a judge with responsibility under 18 U.S.C. §3057(a) for the integrity of the judiciary and as a judge to whom I have previously submitted evidence of judicial wrongdoing linked to a bankruptcy fraud scheme, to respectfully request that you, in compliance with that provision, make a report of that evidence to the Acting U.S. Attorney General so that he may investigate it.

Indeed, the evidence reveals a series of instances for over two years of disregard for the law, rules, and facts by U.S. Bankruptcy Judge John C. Ninfo, II, and other officers and parties in the U.S. Bankruptcy and District Courts, WDNY, so numerous and consistently to my detriment, the only non-local and pro se litigant, as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing. Then evidence emerged of the operation of the most powerful driver of corruption: money!, a lot of money in connection with fraudulent bankruptcy petitions. This results from the concentration of *thousands* of bankruptcy cases in the hands of each of the private standing trustees appointed by the U.S. trustee. They have a financial interest in rubberstamping the approval of all petitions, especially those with the least merits, since petitions confirmed by the court produce fees for the trustees, even a fee stream as a percentage of the debtors' periodic payments to the creditors.

This poses the obvious question of who and what else are being paid by the schemers and what parties outside the scheme, such as myself, are being denied due process of law and caused enormous loss of effort, money, and time, as well as tremendous aggravation as the schemers run their operation for illicit gain or advantage. The accompanying statement shows that under §3057(a) a judge, such as you, need not have evidence that another judge or trustee has committed a crime. Rather, he only needs to have "reasonable grounds for believing that any violation under...laws of the United States relating to insolvent debtors...has been committed." Actually, far from needing any evidence, the judge does not even need a belief in the commission of a violation, for it suffices that he or she may believe "that an investigation should be had in connection with laws of the United States relating to insolvent debtors, [and then the judge] **shall** report to the appropriate United States attorney all the facts and circumstances of the case, the names of the witnesses and the offense or offenses believed to have been committed..." [emphasis added]

Just as money corrupts, a lot of money made available when lots of fraudulent bankruptcy petitioners are allowed to repay mere pennies on the dollar corrupts a lot. Hence, to avoid even the appearance of any undue influence and insure the integrity of the investigation, it should not be conducted by U.S. attorneys or FBI agents that are even acquainted, as a result of working in the same area, let alone the same building, with the parties that may be investigated. Thus, I respectfully request that you address your §3057(a) report to the Acting U.S. Attorney General with the recommendation that he appoint investigators from outside Rochester or Buffalo. Meantime, I look forward to hearing from you.

Sincerely,

Dr. Richard Cordero

List of Judges

of the Judicial Council and the Court of Appeals, Cir. 2
to whom was sent the request of November 29, 2004
for a report to the U.S. Attorney General under 18 U.S.C. §3057(a) of
evidence of bankruptcy fraud

by

Dr. Richard Cordero

Circuit Judge Jose A. Cabranes
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Circuit Judge Guido Calabresi
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Circuit Judge Rosemary S. Pooler
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Circuit Judge Robert D. Sack
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Circuit Judge Chester J. Straub
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Circuit Judge James L. Oakes
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Circuit Judge Robert A. Katzmann
U.S. Court of Appeals for the 2nd Circuit
U.S. Courthouse, 40 Centre Street
New York, NY 10007

Chief Judge Michael B. Mukasey
U.S. District Court, SDNY
500 Pearl Street, Room 2240
New York, NY 10007-1312

Chief Judge Edward R. Korman
U.S. District Court, EDNY
225 Cadman Plaza East
Brooklyn, NY 11201

Chief Judge Robert N. Chatigny
U.S. District Court
for the District of Connecticut
450 Main Street
Hartford, Ct 06103

Chief Judge Richard J. Arcara
U.S. District Court, WDNY
Olympic Towers, Suite 250
Buffalo, NY 14202-2501

Chief Judge William Sessions, III
U.S. District Court
for the District of Vermont
P.O. Box 945
Burlington, VT 05402-0945

November 29, 2004

[Sample of personalized caption]

REQUEST

TO THE Hon. Robert A. Katzmann

Circuit Judge of the U.S. Court of Appeals for the Second Circuit

**TO MAKE A REPORT TO THE ACTING U.S. ATTORNEY GENERAL
UNDER 18 U.S.C. §3057(A)**

**THAT AN INVESTIGATION SHOULD BE HAD IN CONNECTION WITH
OFFENSES AGAINST UNITED STATES BANKRUPTCY LAWS**

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JUDICIAL CONFERENCE OF THE UNITED STATES

PETITION FOR REVIEW

under 28 U.S.C. §357(a)

of the actions of

the Judicial Council of the Second Circuit

In re Judicial Misconduct Complaints

CA2 dockets no. 03-8547

and no. 04-8510

submitted on

November 18, 2004

by

Dr. Richard Cordero

Petitioner and Complainant

59 Crescent Street

Brooklyn, NY 11208

tel. (718) 827-9521

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

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[Sample of letters to 26 members of the Jud. Conference] November 20 [and 27], 2004

Mr. Chief Justice William Rehnquist
Member of the Judicial Conference of the United States
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543

Dear Mr. Chief Justice,

I have submitted to the Judicial Conference a formal petition for review of two denials by the Judicial Council of the Second Circuit of my petitions for review of the dismissal of two related judicial misconduct complaints that I filed under 28 U.S.C. §§351 et seq. with the chief judge of that Circuit's Court of Appeals. In addition, I am sending you herewith a copy of my petition so that you take cognizance of the facts and legal issues and move your colleagues on the Conference to consider it and grant my request for relief. The high stakes warrant your attention.

Indeed, the petition concerns the evidence that I submitted of judicial misconduct linked to a bankruptcy fraud scheme. It involves U.S. Bankruptcy Judge John C. Ninfo, II, and other officers and parties in the U.S. Bankruptcy and District Courts, WDNY. The evidence thereof has been developing for over two years and keeps mounting since the underlying cases are still pending. I submitted it to the Hon. John M. Walker, Jr., Chief Judge of the CA2 Court of Appeals, but he did not conduct even a §352(a) limited inquiry of the complaint, let alone appoint a §353(a) special committee to investigate the evidence. Hence, I filed a complaint about him. It was dismissed too without any investigation, as were my petitions by the CA2 Judicial Council.

As a result of taking action without any report of a special committee or conducting any investigation, the Judicial Council both "aggrieved" me under §357(a) and lacked jurisdiction under §354(a)(1). It denied me the legal benefit of protection from judicial misconduct to which I am entitled under §§351 et seq. and its own Complaint Rules. To afford such protection by administering judicial discipline through self-policing was the intent of both Congress and the Council when enacting their respective act and rules. By disregarding its own legal obligations, the Council knowingly left me to suffer further abuse of my legal rights and bias at the hands of Judge Ninfo, who has caused me to spend an enormous amount of effort, time, and money and has inflicted on me tremendous aggravation, for I am the only pro se party and non-institutional non-local party in two cases before him. Those very concrete and personal consequences of the CA2 Council's disregard for its legal obligations have also "aggrieved" me under §357(a). All this provides the legal basis for the Judicial Conference to take jurisdiction of this petition.

Doing so would allow the Conference to review the systematic denial of petitions by judicial councils, which is so indisputable as to have justified the appointment by Chief Justice Rehnquist of Justice Breyer to head a committee to review it. To its members I am also submitting this matter as a test case because the Council's denials are particularly egregious given the compelling evidence that supports reasonable suspicion of corruption. I trust that you will take your duty to safeguard the integrity of the judiciary seriously enough to review the accompanying documents carefully and move the Conference to consider the petition formally. I also respectfully request that you make a report of this evidence to the Acting U.S. Attorney General under 18 U.S.C. 3057(a). Meantime, I look forward to hearing from you.

Sincerely,

Dr. Richard Cordero

Members of the Judicial Conference of the United States

to whom were addressed the letters of November 20 and 27, 2004
for review of the denials by the Judicial Council, 2nd Cir.,
of the petitions for review of the dismissals of the misconduct complaints
against Judge John C. Ninfo, II, WBNY, and Chief Judge John M. Walker, Jr., CA2

by

Dr. Richard Cordero

For general information on the Judicial Conference go to
<http://www.uscourts.gov/judconf.html>

For the latest list of members of the Judicial Conference, see the latest Report of the Proceedings of the Judicial Conference of the U.S. at <http://www.uscourts.gov/judconfindex.html> >Proceedings

The proceedings reported on take place twice a year in March and September. The latest Report available as of early March 2006 is the one for the meeting of the Conference on September 20, 2005, which is accessible at http://www.uscourts.gov/judconf/sept05proc_final.pdf .

However, modification in the membership of the Conference takes effect on October 1 of every year. To check the membership list, contact the Secretariat of the Judicial Conference at (202) 502-2400, located at the Administrative Office of the U.S. Courts (202)502-1100, fax (202)502-1033.

See a circuit map at <http://www.uscourts.gov/courtlinks/>; and find links to all courts at <http://www.ca9.uscourts.gov/ca9/links.nsf/887fdcf55d68593b882567fa00657794?OpenView&ExpandView>

Chief Justice William **Rehnquist**
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543
(202) 479-3000

150 Carlos Chardon Street
Hato Rey, P.R. 00918
(787) 772-3131

(Second Circuit, ftnt. *)

Chief Judge Michael **Boudin**
U.S. Court of Appeals for the **First Circuit**
John Joseph Moakley U.S. Courthouse
1 Courthouse Way
Boston, Massachusetts 02210
(617) 748-4431; (617) 748-9057

Chief Judge Frederick J. Scullin, Jr.
U.S. District Court
for the Northern District of New York
U.S. Courthouse, 445 Broadway
Albany, NY 12207-2924
(518) 257-1800

Chief Judge Hector M. Laffitte
U.S. District Court
for the District of Puerto Rico
150 Carlos Chardon Street
Clemente Ruiz-Nazario U.S. Courthouse
& Federico Degetau Federal Building

Chief Judge Anthony J. **Scirica**
U.S. Court of Appeals for the **Third Circuit**
22614 U.S. Courthouse
601 Market Street
Philadelphia, PA 19106
(215) 597-2995

Chief Judge Thomas I. **Vanaskie**
U.S. District Court
for the Middle District of Pennsylvania
William J. Nealon Federal Building &
U.S. Courthouse
235 N. Washington Avenue
P.O. Box 1148
Scranton, PA 18501
(570) 207-5720

Chief Judge William W. **Wilkins**
U.S. Court of Appeals for the **Fourth Circuit**
Lewis F. Powell, Jr., U. S. Courthouse Annex
1100 East Main Street, Annex, Suite 501
Richmond, Virginia 23219-3517
(804) 916-2700

Judge David C. **Norton**
U.S. District Court
for the District of South Carolina
Post Office Box 835
Charleston, SC 29402
(843) 579-1450

Chief Judge Carolyn Dineen **King**
U.S. Court of Appeals for the Fifth Circuit
600 Camp Street
New Orleans, LA 70130
(504) 310-7700

Judge Martin L. C. **Feldman**
U.S. District Court
for the Eastern District of Louisiana
500 Poydras Street, Room C555
New Orleans, LA 70130
(504) 589-7550

Chief Judge Danny J. **Boggs**
U.S. Court of Appeals for the **Sixth Circuit**
Potter Stewart U.S. Courthouse
100 E. Fifth Street
Cincinnati, Ohio 45202-3988
(513) 564-7000

Chief Judge Lawrence P. **Zatkoff**
U.S. District Court
for the Eastern District of Michigan
Theodore Levin U.S. Courthouse, Rm. 703
231 W. Lafayette Blvd.
Detroit, MI 48226
(313) 234-5110

Chief Judge Joel M. **Flaum**
U.S. Court of Appeals for the **Seventh Circuit**
Dirksen Federal Building, Room 2702
219 S. Dearborn Street
Chicago, IL 60604
(312) 435-5850

Judge J. P. **Stadtmueller**
U.S. District Court
for the Eastern District of Wisconsin
United States Courthouse
517 East Wisconsin Avenue
Milwaukee, WI 53202
(414) 297-3372

Chief Judge James B. **Loken**
U.S. Court of Appeals for the **Eighth Circuit**
Federal Court Building
316 North Robert Street
St. Paul, MN 55101
(651) 848-1300

Chief Judge James M. **Rosenbaum**
U.S. District Court
for the District of Minnesota,
15E U.S. Courthouse
300 S. 4th Street
Minneapolis, MN 55415
(612)664-5050

Chief Judge Mary M. **Schroeder**
U.S. Court of Appeals for the **Ninth Circuit**
Post Office Box 193939
San Francisco, CA 94119-3939
(415) 556-9800

Chief Judge David Alan Ezra
U.S. District Court for District of Hawaii
300 Ala Moana Boulevard, Rm C338
Honolulu, HI 96850
(808) 541-1301

Chief Judge Deanell R. **Tacha**
U.S. Court of Appeals for the **Tenth Circuit**
Byron White U.S. Courthouse
1823 Stout Street
Denver, CO 80257
(303) 844-3157

Judge David L. Russell
U.S. District Court
for the Western District of Oklahoma
U.S. Courthouse, Room 3309
200 NW 4th Street
Oklahoma City, OK 73102
(405) 609-5000; (405) 609-5100

Chief Judge J. L. **Edmondson**
U.S. Court of Appeals for the **Eleventh Circuit**
56 Forsyth Street., N.W.
Atlanta, GA 30303
(404) 335-6100

Senior Judge J. Owen Forrester
U.S. District Court
for the Northern District of Georgia
1921 Richard B. Russell Federal Building
and United States Courthouse
75 Spring Street, S.W.
Atlanta, GA 30303-3309
(404) 215-1310

Chief Judge Douglas H. **Ginsburg**
U.S. Court of Appeals
for the District of **Columbia Circuit**
E. Barrett Prettyman U.S. Courthouse
333 Constitution Avenue, N.W.
Washington, D.C. 20001
(202) 216-7280; (202) 216-7190

Chief Judge Thomas F. Hogan
U.S. District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001
(202) 354-3420

Chief Judge Haldane Robert **Mayer**
U.S. Court Appeals for the **Federal Circuit**
717 Madison Place, N.W
Washington, D.C. 20439
(202) 312- 5527

Chief Judge Jane A. **Restani**
U.S. Court of **International Trade**
One Federal Plaza
New York, NY 10278-0001
(212) 264-2018

Madam Justice **Ginsburg**
Circuit Justice for the Second Circuit
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543
(202) 479-3000

* The Second Circuit is also represented in the Judicial Conference by its chief judge:

Chief Judge John M. Walker, Jr.
U.S. Court of Appeals for the Second Circuit
Thurgood Marshall United States Courthouse
40 Foley Square, Room 1802
New York, NY 10007
(212) 857-8500

Dr. Richard Cordero

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November 26, 2004

Madam Justice Ginsburg
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543

Dear Madam Justice,

I am submitting hereby to you as the Circuit Justice for the Second Circuit a copy of my petition for review to the Judicial Conference in the context of the dismissals by the chief judge of the court of appeals and the judicial council of that circuit of my two complaints under the Judicial Conduct and Disability Act. It deserves your consideration because of the particularly egregious implications that these dismissals have for the integrity of judicial process given that despite the compelling evidence that supports reasonable suspicion of judicial corruption linked to a bankruptcy fraud scheme, the complaints were dismissed without any investigation at all.

Indeed, this case concerns the evidence that I submitted of a series of instances for over two years of disregard for the law, rules, and facts by U.S. Bankruptcy Judge John C. Ninfo, II, and other officers and parties in the U.S. Bankruptcy and District Courts, WDNY, so numerous and consistently to my detriment, the only non-local and pro se litigant, as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing. Then evidence emerged of the operation of the most powerful driver of corruption: money!, a lot of money in connection with fraudulent bankruptcy petitions. This results from the concentration of *thousands* of bankruptcy cases in the hands of each of the private standing trustees appointed by the U.S. trustee. They have a financial interest in rubberstamping the approval of all petitions, especially those with the least merits, since petitions confirmed by the court produce fees for the trustees, even a fee stream as a percentage of the debtors' payments to the creditors. Who and what else is being paid?

That question was not even looked at, which follows from the fact that although I submitted the evidence that I had and that which kept emerging, for the underlying cases are still pending, to the Hon. John M. Walker, Jr., Chief Judge of the CA2 Court of Appeals, he neither conducted a limited inquiry nor appointed a special committee. Hence, I filed a complaint about him. It was dismissed too without any investigation, as were my petitions to the CA2 Judicial Council.

Therefore, given your responsibility for the integrity of judicial process in your circuit and the egregiousness of this case, which illustrates the systematic dismissal of complaints and review petitions under study by Justice Breyer's Committee, I respectfully request that you:

1. intimate to the Judicial Conference or its members the advisability of both taking jurisdiction of the petition herewith, on grounds such as those set forth therein, and investigating the complaints for the purpose, among others, of insuring just and fair process free from the corruptive influence of money and personal advantage;
2. suggest to the Committee to include this case in its study and investigate it; and
3. if you believe that Judge Ninfo or any of the others has committed an offense, make a report of this case to the Acting U.S. Attorney General under 18 U.S.C. 3057(a).

Meantime, I look forward to hearing from you.

sincerely,

Dr. Richard Cordero

Dr. Richard Cordero

Ph.D., University of Cambridge, England
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59 Crescent Street
Brooklyn, NY 11208-1515
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[Sample of letters to Judicial Misconduct Act Study Committee & members]

November 26, 2004

Justice Stephen Breyer
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543

Dear Justice Breyer,

I am submitting hereby to you and the Judicial Conduct and Disability Act Study Committee a copy of my November 18 petition for review to the Judicial Conference [C:823] in the context of the dismissals by the chief judge of the court of appeals and the judicial council of the Second Circuit of my two misconduct complaints. It deserves your consideration as a test case of the misapplication of the Act because these dismissals are particularly egregious given the compelling evidence that supports reasonable suspicion of judicial corruption linked to a bankruptcy fraud scheme, yet the complaints were dismissed without any investigation at all.

Indeed, this case concerns the evidence that I submitted of a series of instances for over two years of disregard for the law, rules, and facts by U.S. Bankruptcy Judge John C. Ninfo, II, and other officers and parties in the U.S. Bankruptcy and District Courts, WDNY, so numerous and consistently to my detriment, the only non-local and pro se litigant, as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing. Then evidence emerged of the operation of the most powerful driver of corruption: money!, a lot of money in connection with fraudulent bankruptcy petitions. This results from the concentration of *thousands* of bankruptcy cases in the hands of each of the private standing trustees appointed by the U.S. trustee. They have a financial interest in rubberstamping the approval of all petitions, especially those with the least merits, since petitions confirmed by the court produce fees for the trustees, even a fee stream as a percentage of the debtors' payments to the creditors. Who and what else is being paid?

That question was not even looked at, which follows from the fact that although I submitted the evidence that I had and that which kept emerging, for the underlying cases are still pending, to the Hon. John M. Walker, Jr., Chief Judge of the CA2 Court of Appeals, he neither conducted a limited inquiry nor appointed a special committee. Hence, I filed a complaint about him. It was dismissed too without any investigation, as were my petitions to the CA2 Judicial Council.

Therefore, since this case falls squarely within the mold of systematic dismissals of complaints and review petitions that the Committee is studying and given its particular nature, I respectfully request that you as well as the Committee as such, whether formally or informally:

1. bring to the attention of the Judicial Conference or its members the advisability both of taking jurisdiction of the petition herewith [C:823], on grounds such as those set forth therein, and of investigating the complaints for the purpose, among others, of shedding light on the misapplication of the Act by chief judges and judicial councils;
2. include this case in your Study and investigate it as part thereof, and if the Committee holds hearings, invite me to be heard and answer your questions; and
3. if you believe that Judge Ninfo or any of the others has committed an offense, make a report of this case to the Acting U.S. Attorney General under 18 U.S.C. 3057(a).

Meantime, I look forward to hearing from you.

sincerely,

Dr. Richard Cordero

Dr. Richard Cordero

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[Sample of letters to Judicial Misconduct Act Study Committee & members]

March 28, 2005

Judge Pasco M. Bowman
U.S. Court of Appeals for the Eighth Circuit
111 South 10th Street
St. Louis, MO 63102

Dear Judge Bowman,

As stated in my letters to you of 9 instant and November 26 and December 20, 2004 [C:1751,-1754, 1757], last year I filed with the Administrative Office of the U.S. Courts a petition dated November 18, 2004 [C:823], for the Judicial Conference to review the denials by the Judicial Council, 2nd Cir., (Exhibits pg. 37=E-37; E-55)* of two petitions for review (E-23; E-47) concerning two related judicial misconduct complaints (E-1; E-39) [C:1761], one against Judge John C. Ninfo, II, WBNY, and the other against Chief Judge John M. Walker, Jr., CA2.

By letter of December 9, a clerk for the Conference at the Administrative Office, namely, Assistant General Counsel Robert P. Deyling, Esq., blocked the petition from reaching the Conference by alleging that the latter had no jurisdiction to entertain it (23, *infra*) [C:859], thereby passing judgment in lieu of the Conference on the specific jurisdictional issue that I had raised in the petition (3§II, *infra*). As part of my efforts to have the petition submitted to the Conference to let it decide that issue, on January 8 and February 7, 2005 (43; 51), I wrote to the Hon. Judge Ralph K. Winter, Jr., Chairman of the Committee to Review Circuit Council Conduct and Disability Orders. Judge Winter answered by letter of February 15 (25) where he states that neither he nor the Conference has jurisdiction to act on my petition. I am submitting to you and the Study Committee a copy of my reply (28; 29) to his letter. Therein I argue, among other things, that under 28 U.S.C. §331 the Review Committee must review all petitions so that the Committee as a whole, not just he as its chairman, should consider mine; and that since the Review Committee derives its jurisdiction from that of the Conference, it should forward my petition to the latter with the request that it be the one to determine the jurisdictional issue that I raised.

I respectfully request that you and the Study Committee, whether formally or informally, bring to the attention of Judge Winter and the Review Committee the need to let the Conference decide that issue. If so, it would have the opportunity to contribute to your own Study by considering whether too narrow an interpretation of the jurisdictional provisions of the Judicial Misconduct Act accounts for the fact that since March 2002 not a single petition has been submitted to it. Thus, the Conference has not had occasion to consider petitions and in the process provide guidance to judicial councils and chief judges on the Act's proper application. Thereby the Act has become as useless as the impeachment process as a mechanism to control and discipline the judiciary. Instead of it being interpreted to protect individuals who suffer abuse and bias through judicial misconduct (53) or the public at large who must bear the loss of access to justice and the material cost caused by judges engaged in wrongdoing (E-83; E-109), the Act has been interpreted as a means for judges to take care of their own. Has the Conference not been aware of this for the past 25 years during which it issued only 15 misconduct orders? [C:1611]

sincerely, *Dr. Richard Cordero*

*These Exhibits were submitted to you and the Study Committee together with a copy of the petition last November 26. The Exhibits are not reproduced below, but reference to their page numbers is made hereinafter with the format (E-#).

Dr. Richard Cordero

Ph.D., University of Cambridge, England
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59 Crescent Street
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[Sample of letters to Judicial Misconduct Act Study Committee & members]

August 5, 2005

Judge D. Brock Hornby
U.S. District Court for the District of Maine
156 Federal Street
Portland, Maine 04101

Dear Judge Hornby,

Last March 9, I wrote to you as member of the Judicial Conduct Act Study Committee (exhibit page 12, infra=E:12) to inform you that on November 18, 2004, I had petitioned the Judicial Conference [C:823] to review the denials by the Judicial Council, 2nd Cir., of my petitions for review of my two judicial misconduct complaints. However, by letter of December 9, a clerk for the Conference at the Administrative Office of the U.S. Courts, namely, Assistant General Counsel Robert P. Deyling, Esq., blocked the petition from reaching the Conference by alleging that the latter had no jurisdiction to entertain it. [C:859] My direct appeals to the Conference members to cause it to seize the petition and decide the threshold jurisdictional issue did not succeed.

Now, last July 28, I wrote to the Conference to petition an investigation under 28 U.S.C. §753(c) of a court reporter's refusal to certify the reliability of her transcript [C:1083], which is yet another in a long series of acts of disregard for duty and legality stretching over more than three years and pointing to a bankruptcy fraud scheme and a cover up. Indeed, on March 1 the evidentiary hearing took place of the motion to disallow my claim in the bankruptcy case of David and Mary Ann DeLano. Bankruptcy Judge John C. Ninfo, II, WBNY, disallowed my claim against Mr. DeLano. Oddly enough, he is a 32-year veteran of the banking industry now specializing in bankruptcies at M&T Bank, who declared having only \$535 in cash and account when filing for bankruptcy in January 2004, but earned in the 2001-03 fiscal years \$291,470, whose whereabouts neither the Judge nor the trustees want to request that he account for.

At the end of the hearing, I asked Reporter Mary Dianetti to count and write down the numbers of stenographic packs and folds that she had used; she did. For my appeal from the disallowance, I requested her to estimate the transcript's cost and state the numbers of packs and folds that she would use to produce it. She provided the estimate, but on three occasions expressly declined to state those numbers. Her repeated failure to state numbers that she necessarily had counted and used to calculate her estimate was quite suspicious. So I requested that she agree to certify that the transcript would be complete and accurate, distributed only to the clerk and me, and free of tampering influence. But she asked me to prepay and explicitly rejected that request! [C:1155-1165]

I called the Administrative Office last August 3, to confirm its receipt of this petition. Mr. Deyling acknowledged it, but again stated that he will not forward it to the Conference because the latter cannot intervene and I do not have a right to petition it. He disregarded my argument that the Conference is a governmental administrative body that under §753(c) has a duty to act on this matter and that I have a constitutional right "to petition the Government for a redress of grievances" under the First Amendment. To the extent that Mr. Deyling is following instructions from the Conference, I pose the question for your Committee whether the uselessness of the Misconduct Act since its enactment 25 years ago results from the determination of the Conference and the judges never to police themselves formally. [cf. C:1611, 1771] I also respectfully request that you let me know to whom in the Conference I can address my petition so as to seize that body thereof.

sincerely, *Dr. Richard Cordero*

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

[Sample of letters to Judicial Misconduct Act Study Committee & members]

September 1, 2005

Hon. Judge J. Harvie Wilkinson, III

As Member of the Judicial Conduct Act Study Committee

In care of: U. S. Court of Appeals for the Fourth Circuit
255 West Main Street
Charlottesville, VA 22902

Dear Judge Wilkinson,

Last August 5, I sent you a letter explaining the submission to the Committee of my petition under 28 U.S.C. §753(b-c) [C:1083] to the Judicial Conference for an investigation, in the context of a bankruptcy fraud scheme pointing to official corruption, of a court reporter's refusal to certify the reliability of her transcript and the designation of another individual to prepare it.

I also submitted the petition to Chief Justice Rehnquist [cf. C:1082] as presiding member of the Conference. On August 11, I received a letter [C:1121] returning it. Anybody who had bothered to read my letter, let alone the caption of the petition, would have realized that neither dealt with an Article III case sent to the Court. Rather, they concerned §753 reporter-related duties of the Conference.

Likewise, the copies of the petition that I filed with the Administrative Office have been returned. A perfunctory letter (E:263) does not even mention my discussion of §753 as authority for Conference action (Petition §V); wrongly copies *a docket entry* on exhibit page 230; and states that because I filed in district court a motion concerning the reporter, the Office "cannot address the court on behalf of a private party". But I never asked the Office to do anything, much less address any court; anyway, does it ignore what concurrent jurisdiction is? I filed the copies with it as the "clerk of Conference" and expected it to forward them to the Conference. Neither the Office has any authority to pass judgment on such filings nor the Conference should use it to avoid its statutory duty or stop a citizen from exercising his 1st Amendment right "to petition the [3rd Branch of] Government" by requesting that I cease writing to it. The disingenuousness of the letter is revealed by the fact that nobody wanted to take responsibility for it: it is unsigned! [C:1120]

Another letter [C:1119] pretends that a circuit chief judge cannot forward to a colleague who is the chair of a Conference committee a petition within its jurisdiction with a note "for any appropriate action". I wrote to the Executive Committee chair [C:1123], but have received no answer. There is a pattern: Judges avoid investigating one another by resorting to cursory reading, disingenuous answering, and indifference to official corruption. Yet, there is evidence of a scheme: I served a motion for replacement on the Reporter on July 18 [C:1183], but she did not file even a stick-it with the scribble "I oppose it", though by default she could lose her job, as could the Trustee, who has also disregarded my motion of July 13 [Add:881] for his removal. How did they know that Judge D. Larimer would not act on those motions, which implicate Judge J. Ninfo?

I am respectfully submitting to you and the Committee a Supplement [C:1127] to the Petition showing how the reporter's refusal to certify her transcript is part of a bankruptcy fraud scheme whereby a judge and a trustee have confirmed a debt repayment plan upon the pretense that an investigation cleared the bankrupts of fraud, yet the evidence shows that there was never any investigation and the bankruptcy was fraudulent. I kindly request that you set an example for your peers of concern for judicial integrity and compliance with judges' duty under 18 U.S.C. §3057(a) by referring both the Petition and its Supplement to Attorney General Alberto Gonzales.

sincerely, *Dr. Richard Cordero*

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
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December 18, 2004

[Sample of letters sent to members of the Judicial Conference]

Chief Judge Haldane Robert Mayer
Member of the Judicial Conference of the U.S.
U.S. Court Appeals for the Federal Circuit
717 Madison Place, N.W
Washington, D.C. 20439

[(202) 312- 5527]

Dear Chief Judge Mayer,

Last November 23, as attested by a UPS receipt, I timely filed a petition to the Judicial Conference for review of two denials by the Judicial Council of the Second Circuit of my petitions for review of the dismissal of two related judicial misconduct complaints that I filed under 28 U.S.C. §§351 et seq. with the chief judge of that Circuit's Court of Appeals. As required, I addressed the five copies of the petition to the Administrative Office of the U.S. Courts and the attention of the General Counsel. Contemporaneously, I sent you a copy, dated November 20.

I. A clerk lacks authority to pass judgment on and dismiss a petition for review to the Judicial Conference

1. Yesterday I received a letter (2nd set of Exhibits, page 1, infra=2E-1) from the Assistant General Counsel, Mr. Robert P. Deyling, who without even acknowledging, let alone discussing, my specific and detailed jurisdictional argument to the Judicial Conference and after limiting him-self to making passing reference to some provisions of §§351 et seq., wrote "...I must therefore advise you that no jurisdiction lies for further review by the Judicial Conference of the United States."
2. Who ever heard that a clerk is allowed to pass judgment on a precise jurisdictional argument made to the court, particularly in the absence of any authority to do so?! Indeed, under the *Rules of the Judicial Conference of the United States for the Processing of Petitions for Review of Judicial Council Orders Under the Judicial Conduct and Disability Act* (cf. §358(a)), the Office of the General Counsel performs the clerical functions of a clerk of court. Rule 9 –equivalent to paragraph 9 of the Rules- provides that as soon as the Administrative Office receives a petition that "*appears on its face...in compliance with these rules*", (emphasis added) which are silent on the issue of jurisdiction, and thus, "appropriate for present disposition" be-cause it does not need to be corrected (cf. Rules of the Supreme Court of the U.S., Rule 14.5),...

...the Administrative Office shall promptly acknowledge receipt of the petition and

advise the chairman of the Judicial Conference Committee to Review Circuit Council Conduct and Disability Orders, a committee appointed by the Chief Justice of the United States as authorized by 28 U.S.C. §331.

3. Under Rule 10, it is that Committee which, unless otherwise directed by the Executive Committee of the Judicial Conference, not a clerk, “shall assume **consideration** and disposition of **all** petitions for review...” (emphasis added). The clerk has no authority to engage in a consideration of the arguments of the petitioner, much less to dispose summarily of the petition without the deliberation that, under Rule 11, it is for the members of the Committee to engage in. Such deliberation, which necessarily precedes disposition, is to be an informed one that takes into account “the record of circuit council consideration of the complaint”, and does that whether there was or was not any investigation by a special committee. The Administrative Office, as the clerk of the Conference and unless otherwise directed by the Committee chairman, disposes of nothing on its own, but rather “shall contact the circuit executive or clerk of the United States court of appeals for the appropriate circuit to obtain the record...for distribution to the Committee”.
4. But not even that suffices to dispose of a petition. Rule 12 authorizes not only the Committee, but also the Conference itself, to determine that “investigation is necessary”. Not only “the Conference **or** Committee may remand the matter to the circuit council that considered the complaint”, but either “may undertake **any** investigation found to be required”. In addition, Rule 12 provides that “If such investigation is undertaken by the Conference or Committee...(c) the complainant **shall** be afforded an **opportunity to appear** at any proceedings conducted if it is considered that the complainant could offer substantial new and relevant information.” (emphasis added).
5. This is not all yet, for Rule 13 provides that even if there is no investigation, “the Committee may determine to receive written argument from the petitioner...”. This “argument” is a piece of writing qualitatively different from what Rule 5 provides, namely:
 5. The petition shall contain a short and plain statement of the basic facts underlying the complaint, the history of its consideration before the appropriate circuit judicial council, and the premises upon which the petitioner asserts entitlement to relief from the action taken by the council.
6. That “argument”, which may bear on jurisdiction, is a legal brief and it is for the Committee to request and consider it without being preempted by a clerk’s unauthorized ‘argument’ for disposing of the petition. Hence, it is the Committee that determines that the petition is “amena-

ble to disposition on the face thereof” or that there is a need for a “written argument **from the petitioner** and from **any other party to the complaint** proceeding (the complainant or judge/magistrate complained against)”, whereby Rule 13 excludes the clerk as the writer of such argument.

7. Finally, Rule 14 provides that “The decision on the petition **shall** be made by written **order** [and] be forwarded by the Committee chairman to the Administrative Office, which shall distribute it as directed by the chairman”. A clerk in that Office cannot take it upon himself to write a letter and substitute it for the order of a judicial body to dispose singlehandedly of a petition addressed to the Judicial Conference of the United States.
8. Hence, Mr. Deyling, as clerk to the Conference, had no authority to determine jurisdiction, let alone arrogate to himself judicial power to pass judgment on a specific legal argument on jurisdiction. He usurped the roles of the Conference and the Committee by disposing of the petition summarily on his own without holding the required, or receiving the benefit of, any consideration, deliberation, investigation, appearance, or written argument. In so doing, he deprived me of my legal right to have my petition processed according to the procedure in the Rules. If it is true, as he put it, that “It is absolutely necessary that we adhere to the above arrangements...”, then neither the Judicial Conference nor its members should countenance his actions.

II. Statement of facts showing the Administrative Office’s Rule-noncomplying handling of, and negative attitude toward, the petition for review

9. It is quite strange that Mr. Deyling was in such rush to ‘dispose’ of my petition although lacking authority to do so after having been so slow to comply with the obligation that he did have requiring that “the Administrative Office shall promptly acknowledge receipt of the petition”. Thus, knowing what happened from the moment my petition was delivered to the Office will help you and the Conference put in context Mr. Deyling’s boldness in disposing of it. You may consider whether it happened either just by chance, or as part of the Office’s normal conduct of business, or pursuant to instructions for this specific case.
10. Such consideration is all the more pertinent because this is not the first time in the years since I was dragged into the courts that gave cause for my judicial misconduct complaints that evidence has emerged of blatant disregard for the law, the rules, and the facts by not only the judges, but also their clerks; cf. 2E-3. The acts of disregard have been so numerous and consistently to my detriment, I being the only non-local and the only pro se party, and to the benefit of the judges

and the local parties, as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing. Reference to this pattern of clerks' misconduct is contained in paragraph 56 of my petition and the exhibits (E-page number) accompanying it:

56. Moreover, if while reading the few materials available at the Court [of Appeals for the Second Circuit after all but the last three years' orders dismissing misconduct complaints and denying petitions for review had been sent in violation of CA2's own rules to the National Archives in Missouri] you had been treated by a Head Clerk as Dr. Cordero was, would you feel that you had been intimidated against reading them? (E-21a) Would you be paranoiac or reasonable in so feeling had you been treated repeatedly by CA2 officers with contempt for your procedural rights and person? (E-131:IV) Whether the conduct of these officers was coincidental to or in sympathy with that of their colleagues in the Bankruptcy and District Courts in Rochester (E-86:II) needs to be investigated.

11. The latter question should also be asked of the conduct of some personnel of the Administrative Office and also prompt an investigation into their conduct. Consider the facts.
12. My petition was delivered by UPS at noon on Tuesday, November 23. More than a week later, I had not received any acknowledgment of receipt. Thus, in the morning of Thursday, December 2, I called the Office of the General Counsel at (202)502-1100. The receptionist said that they had not received any package from me for the Judicial Conference. Strangely enough for a public servant, she refused to state her name. Let's call her the anonymous receptionist.
13. Thereupon, I called the Director of the Administrative Office, Mr. Leonidas Ralph Mecham, at (202)502-3000. His receptionist, Ms. Cherry Bryson, said that they had not received it and that, in any event, it would have been sent to the Office of the General Counsel. I said that I had just called there and was told that they had not received it. She asked me to what address I had sent it. I said to zip code 20544 and that I had a UPS receipt of delivery. She said that was the zip code of the General Counsel's Office and that she would call his Office to track it down.
14. However, nobody called me. So I called Mrs. Bryson, who said that I had to talk to the General Counsel's Office and transferred me there. This time the receptionist acknowledged having received my petition. I asked for a written acknowledgment, but she said that they did not have to do so. I said that if I had not called, they would not even have found my box with the petition copies and I could have waited for months for nothing. She put me on hold, as she did several times during our conversation. She said that I would receive something sometime. I asked for

the Rules for Processing Petitions, but she did not know what I was talking about even after I explained the difference between them and the Rules of the Judicial Conference itself. Yet, she and whoever she was consulting while putting me on hold work in the Administrative Office that is supposed to receive such petitions and apply certain provisions addressed to it in the Rules. How would that Office know what to do if even those in its General Counsel's Office do not even know the existence of such Rules? I asked her name. She put me on hold and then said that she had been told that she did not have to give me her name. Why would the person giving her as her cue such ill advice not pick up the phone and talk to me? I said that I wanted to know who was giving me the information. She hung up on me! From that moment on, she would hang up on me every time after giving me the curt answers that she was being fed.

15. I called Ms. Bryson in Mr. Mecham's Office and told her what had happened, but it was to no avail, for she said that the GC's Office now had what I had sent and that I had to deal with them. As to the Rules, Mrs. Bryson did not know what they were either. Worse yet, she told me not to call her office anymore! Is that the way a public servant treats a member of the public that asks for a due and proper service? I trust that her poor manners is an expression of the arrogance indulged in by some people that work for the big boss rather than a reflection of the attitude toward the public of Director Mecham -cf. 28 U.S.C. §602(d)-, with whom I have never been allowed to speak. Mrs. Bryson just transferred me to the Rules Office after having me copy down its number, (202)502-1820. Is that the way the Administrative Office deals with you in its "Tradition of Service to the Federal Judiciary", as stated in its logo?
16. In the Rules Office, I spoke with Judy, for a change an affable and helpful lady who said that her Office does not work with any such Rules, but agreed to find out what they were and who had them. When she called me back, she said that the receptionist at the GC's Office, who had told her not to give me her name, had already told me that I just had to be patient until I received a decision. But I had told that anonymous receptionist that I was aware that I had to wait for a decision; what I wanted was the Rules. The GC's Office had not only given me the round around, but had also misled one of its own colleagues! Judy called that Office again and then called me back to say that she had left a message for Mr. Robert Deyling to call me. But he did not call me.
17. On Monday, December 6, I called the Office of the General Counsel and told the anonymous receptionist that I wanted to speak with Mr. Deyling, but she said that he was not in his office. I asked for a copy of the Rules and she replied that she had to see about it...still?! I added that I

wanted a written acknowledgment of receipt of my petition; she said OK and hung up on me although I had complained to her that it was impolite to do so as well as unprofessional for a public servant who was being asked for a reasonable service.

18. I called Jeffrey Barr, Esq., with whom I had dealt before at the General Counsel's Office. Eventually I reached him at (202) 502-1118 and asked him to help me in getting the Rules. However, he said that he had been reassigned and had to concentrate on his new duties and that it was Mr. Deyling who was now in charge of judicial misconduct complaint matters for the Judicial Conference. The contrast between his attitude and that of Judy was stark.
19. I was not until Tuesday, December 7, after I had left another message for Mr. Deyling, that we finally talked. He acknowledged that my petition had arrived. Although I explained the need for a written acknowledgment after what had happened, he said that it was already being processed and that was what had to be done. When I asked him to send me the Rules, he said that he did not know that there were any! So how was he 'processing' it if he did not even know that authority for their adoption is provided at §358(a)? He said that he would look into it and if he found them, he would send them to me. I asked that he call me to let me know whether he found them or not so that I would not wait in vain. He said that he would call me and let me know.
20. But he did not. Nevertheless, I left several messages for him over the next week with the anonymous receptionist and with another one who identified herself as Melva. She too put me on hold to ask for her cue, said that I could not speak with Associate Director and General Counsel William R. Burchill, Jr.; that as to the Rules, I just had to be patient until they found them or I could look them up on the Internet or ask a librarian. I told her that those Rules are not available even on the Administrative Office's website and that the librarian of the Court of Appeals for the Second Circuit could not find them either. Melva also hung up on me.
21. What's wrong with these people?! If the anonymous receptionist and Melva use such unprofessional phone manners with everybody –with you too?-, by now Mr. Burchill should have noticed and required them to be polite, helpful, and knowledgeable. If not, why would they single me out for such unacceptable treatment? Was it solely on a folly of their own that they deviated from acceptable standards for the performance of their duties as public servants?
22. I called Judy at the Rules Office, but she was out. So I talked to Jennifer, a polite lady who showed interest in the dead end I had been led to and offered to look into the matter.
23. On Monday, December 13, Jennifer told me that she had contacted the General Counsel's Of-

fice and they had said that they were processing my request. I told her that what they are processing is my petition for review, which can take months, and that what I wanted was a copy of the Rules so that they and I would know how the processing was supposed to be conducted. She transferred me to her boss, Mr. John Rabiej, the Chief of the Rules Office, at (202)502-1820.

24. I explained to Mr. Rabiej what had happened and what I wanted. Not only did he listen to me with curiosity, but after stating that his Office does not deal with those Rules, he wrote down their full title and offered to get and fax them to me that day or the following. And he did! Some 20 minutes later he faxed them to me. Not only that, but he cared enough to get the job well done that he called me to let me know that the General Counsel's Office had told him that while the Judicial Conduct and Disability Act has been at 28 U.S.C. §§351 et seq., since 2002, the Rules have not been amended and are still referenced to the repealed provision at 28 U.S.C. §372(c).
25. I commended Mr. Rabiej for his proper public servant attitude and his outstanding effectiveness. One must wonder whether the gentleness and willingness to help shown by Judy and Jennifer are a reflection of his own. One must also wonder whether he was able to help me because his Office did not have the same set of instructions as the Director's and the GC's Office.

III. Requested action

26. Thus, I respectfully request that you, as a Conference member, and the Conference itself:
 - a) declare Mr. Deyling's letter to be devoid of any effect as ultra vires and/or have him withdraw it;
 - b) require the Administrative Office to forward to the Conference the copies of my petition;
 - c) review my petition based on those copies or the ones that I sent to Conference members;
 - d) investigate under 28 U.S.C. §604(a), which provides that "The Director shall be the administrative officer of the courts, and under the supervision and direction of the Judicial Conference of the United States...", whether the Administrative Office's handling of this matter and treating of me were part of its normal conduct of business and way of dealing with everybody or were targeted on me to attain a certain objective related to the judicial misconduct nature of my petition, and take appropriate corrective measures; and
 - e) make a report of the evidence of a judicial misconduct and bankruptcy fraud scheme to the Acting U.S. Attorney General under 18 U.S.C. 3057(a).

I look forward to hearing from you and remain,

yours sincerely,

Dr. Richard Cordero

List of Members of the Judicial Conference

to whom was addressed the letter of December 18, 2004
objecting to the Administrative Office of the U.S. Courts
making a jurisdictional judgment on a petition for review and
refusing to file and forward it to the Judicial Conference

by

Dr. Richard Cordero

Mr. Chief Justice William **Rehnquist**
Member of the Judicial Conference of the U. S.
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543

Chief Judge Michael **Boudin**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **First Circuit**
1 Courthouse Way
Boston, MA 02210

Chief Judge Hector M. Laffitte
Member of the Judicial Conference of the U. S.
U.S. District Court
for the District of Puerto Rico
150 Carlos Chardon Street
Hato Rey, P.R. 00918

[See footnote *.]

Chief Judge Frederick J. Scullin, Jr.
Member of the Judicial Conference of the U. S.
U.S. District Court
for the Northern District of New York
445 Broadway
Albany, NY 12207-2924

Chief Judge Anthony J. **Scirica**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Third Circuit**
601 Market Street, Rm. 22614
Philadelphia, PA 19106

Chief Judge Thomas I. Vanaskie
Member of the Judicial Conference of the U. S.
U.S. District Court
for the Middle District of Pennsylvania
235 N. Washington Ave., P.O. Box 1148
Scranton, PA 18501

Chief Judge William W. **Wilkins**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Fourth Circuit**
1100 East Main Street, Annex, Suite 501
Richmond, Virginia 23219-3517

Judge David C. Norton
Member of the Judicial Conference of the U. S.
U.S. District Court
for the District of South Carolina
Post Office Box 835
Charleston, SC 29402

Chief Judge Carolyn Dineen **King**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Fifth Circuit**
600 Camp Street
New Orleans, LA 70130

Judge Martin L. C. Feldman
Member of the Judicial Conference of the U. S.
U.S. District Court
for the Eastern District of Louisiana, Rm. C555
500 Poydras Street
New Orleans, LA 70130

Chief Judge Danny J. **Boggs**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Sixth Circuit**
100 E. Fifth Street
Cincinnati, Ohio 45202-3988

Chief Judge Lawrence P. Zatkoff
Member of the Judicial Conference of the U. S.
U.S. District Court
for the Eastern District of Michigan
231 W. Lafayette Blvd., Rm. 703
Detroit, MI 48226

Chief Judge Joel M. **Flaum**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Seventh Circuit**,
Rm. 2702
219 S. Dearborn Street
Chicago, IL 60604

Judge J. P. Stadtmueller
Member of the Judicial Conference of the U. S.
U.S. District Court
for the Eastern District of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202

Chief Judge James B. **Loken**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Eighth Circuit**
316 N. Robert Street
St. Paul, MN 55101

Chief Judge James M. Rosenbaum
Member of the Judicial Conference of the U. S.
U.S. District Court for the District of
Minnesota, Rm. 15E
300 S. 4th Street
Minneapolis, MN 55415

Chief Judge Mary M. **Schroeder**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Ninth Circuit**
Post Office Box 193939
San Francisco, CA 94119-3939

Chief Judge David Alan Ezra
Member of the Judicial Conference of the U. S.
U.S. District Court for District of Hawaii
300 Ala Moana Boulevard
Honolulu, HI 96850

Chief Judge Deanell R. **Tacha**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Tenth Circuit**
1823 Stout Street
Denver, CO 80257

Judge David L. Russell
Member of the Judicial Conference of the U. S.
U.S. District Court
for the Western District of Oklahoma
200 NW 4th Street
Oklahoma City, OK 73102

Chief Judge J. L. **Edmondson**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals for the **Eleventh Circuit**
56 Forsyth St., N.W.
Atlanta, GA 30303

Senior Judge J. Owen Forrester
Member of the Judicial Conference of the U. S.
U.S. District Court
for the Northern District of Georgia
75 Spring Street, S.W.
Atlanta, GA 30303-3309

Chief Judge Douglas H. **Ginsburg**
Member of the Judicial Conference of the U. S.
U.S. Court of Appeals
for the District of **Columbia Circuit**
333 Constitution Ave., N.W.
Washington, D.C. 20001

Chief Judge Thomas F. Hogan
Member of the Judicial Conference of the U. S.
U.S. District Court for the District of Columbia
333 Constitution Ave., NW
Washington, DC 20001

Chief Judge Haldane Robert **Mayer**
 Member of the Judicial Conference of the U. S.
 U.S. Court Appeals for the **Federal Circuit**
 717 Madison Place, N.W
 Washington, D.C. 20439

Chief Judge Jane A. **Restani**
 Member of the Judicial Conference of the U. S.
 U.S. Court of **International Trade**
 One Federal Plaza
 New York, NY 10278-0001

	Last name	Members of the Judicial Conference of the United States to whom the letter of December 18, 2004, was sent*
1.	Boggs	Chief Judge Danny J. Boggs, U.S. Court of Appeals for the Sixth Circuit
2.	Boudin	Chief Judge Michael Boudin, U.S. Court of Appeals for the First Circuit
3.	Edmondson	Chief Judge J. L. Edmondson, U.S. Court of Appeals for the Eleventh Circuit
4.	Ezra	Chief Judge David Alan Ezra, U.S. District Court for the District of Hawaii
5.	Feldman	Judge Martin L. C. Feldman, U.S. District Court for the Eastern District of Louisiana
6.	Flaum	Chief Judge Joel M. Flaum, U.S. Court of Appeals for the Seventh Circuit
7.	Forrester	Senior Judge J. Owen Forrester, U.S. District Court for the Northern District of Georgia
8.	Ginsburg	Chief Judge Douglas H. Ginsburg, U.S. Court of Appeals for the Dis. of Columbia Circuit
9.	Guinsburg	Madam Justice Guinsburg
10.	Hogan	Chief Judge Thomas F. Hogan, U.S. District Court for the District of Columbia
11.	King	Chief Judge Carolyn Dineen King, U.S. Court of Appeals for the Fifth Circuit
12.	Laffitte	Chief Judge Hector M. Laffitte, U.S. District Court for the District of Puerto Rico
13.	Loken	Chief Judge James B. Loken, U.S. Court of Appeals for the Eighth Circuit
14.	Mayer	Chief Judge Haldane Robert Mayer, U.S. Court of Appeals for the Federal Circuit
15.	Norton	Judge David C. Norton, U.S. District Court for the District of South Carolina
16.	Rehnquist	Mr. Chief Justice William Rehnquist
17.	Restani	Chief Judge Jane A. Restani, U.S. Court of International Trade
18.	Rosenbaum	Chief Judge James M. Rosenbaum, U.S. District Court for the District of Minnesota
19.	Russell	Judge David L. Russell, U.S. District Court for the Western District of Oklahoma
20.	Schroeder	Chief Judge Mary M. Schroeder, U.S. Court of Appeals for the Ninth Circuit
21.	Scirica	Chief Judge Anthony J. Scirica, U.S. Court of Appeals for the Third Circuit
22.	Scullin	Chief Judge Frederick J. Scullin, Jr., U.S. District Court for the Northern District of NY
23.	Stadtmueller	Judge J. P. Stadtmueller, U.S. District Court for the Eastern District of Wisconsin
24.	Tacha	Chief Judge Deanell R. Tacha, U.S. Court of Appeals for the Tenth Circuit
25.	Vanaskie	Chief Judge Thomas I. Vanaskie, U.S. District Court for the Middle District of Pennsylvania
26.	Wilkins	Chief Judge William W. Wilkins, U.S. Court of Appeals for the Fourth Circuit
27.	Zatkoff	Chief Judge Lawrence P. Zatkoff, U.S. District Court for the Eastern District of Michigan

* CA2 Chief Judge John M. Walker, Jr., is also a member of the Judicial Conference.

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
Brooklyn, NY 11208-1515
tel. (718) 827-9521; CorderoRic@yahoo.com

[Sample of letters to 2nd Cir. judges]

March 18, 2005

Circuit Judge James L. Oakes
U.S. Court of Appeals
40 Centre Street
New York, NY

Re: public comments on the reappointment of Judge John C. Ninfo, II

Dear Judge Oakes,

I hereby bring to your attention and that of the Court of Appeals and the Judicial Council facts on the basis of which Bankruptcy Judge John C. Ninfo, II, WBNY, should not be reappointed to a new term of office because of his participation in a pattern of wrongdoing and bias.

Those facts are found in the 15 orders of Judge Ninfo (235 et seq., infra*) and other documents and statements entered in the dockets of two cases which I, as a party, know first-hand, i.e., *Pfuntner v. Gordon et al*, no. 02-2230 (401), and *In re DeLano*, no. 04-20280 (425). These writings are supplemented by the stenographic recordings of the 15 hearings in those cases (56). These materials produced by or in connection with Judge Ninfo describe action taken by him since 2002 that so repeatedly and consistently disregards the law, the rules, and the facts (cf. 7§2) to the benefit of local parties (15C), including debtors (471 et seq.) that the evidence indicates have concealed assets (18§1; 24§3), and to my detriment, I being the only non-local and pro se party, as to establish his participation in a pattern of non-coincidental, intentional, and coordinated (89F; 168§II) wrongful acts (66§I) supporting a bankruptcy fraud scheme (216§V).

In a judicial misconduct complaint (111) and in motions filed in this Court (125; 201) in *In re Premier*, dkt. no. 03-5023 (451), I informed of these facts Chief Judge John M. Walker, Jr., (cf. 151; 219) and members of this Court and of the Judicial Council, who dismissed them without any investigation. So routinely this is the way that judges dispose of complaints about their peers that last June Justice Rehnquist appointed Justice Breyer to head a committee to study the judges' misapplication of the Misconduct Act of 1980. Indeed, judges have turned the self-disciplining mechanism of judicial complaints into a sham, a term used advisedly upon the foundation of facts. Do judges also disregard systematically comments from the public before reappointing a bankruptcy judge, thereby turning the request for such comments into a public relations sham (cf 23§2)? The term is justified given that under 28 U.S.C. §152 the appointment does not even require such request, let alone the holding of public hearings, cf. §44(a).

If the judges of the Court or the Council are serious about judicial integrity, they can review the exhibits (51) and ask themselves whether Judge Ninfo abides by his oath of office at §453 or knows the law (41D;131B-C). But if they cannot imagine one of their own being biased unless they witness him being unashamedly so, they can listen to him in his own words by ordering a transcript [with C files] of the March 1 hearing in *DeLano* (31). Then they can ascertain what drives his conduct and the scheme through a DoJ and FBI investigation (44F). If the appearance, not the reality, of bias is enough under §455 to require the recusal of a judge, as was reaffirmed in *Microsoft v. U.S.*, 530 U. S. 1301, 1302 (2000) (*Rehnquist, C. J.*), how can the evidence of judicial wrongdoing linked to a bankruptcy fraud scheme not be enough for a judge to discharge his or her duty to investigate a complaint about it or report it for investigation under 18 U.S.C. §3057? How much must Judge Ninfo abuse a litigant or how public must his wrongdoing be before his peers care?

sincerely, *Dr. Richard Cordero*

* The documents on the Table of Exhibits (51) have been submitted to Circuit Executive Karen Greve Milton.

List of Judges

of the Second Circuit Court of Appeals and the Judicial Council
to whom was sent the letter of March 18, 2005
with comments against the reappointment
of Bankruptcy Judge John C. Ninfo, II, WBNY
to a new term of office

by

Dr. Richard Cordero

Madam Justice Ginsburg
Circuit Justice for the Second Circuit
U.S. Supreme Court
1 First Street, N.E.
Washington, D.C. 20543
tel. (202) 479-3000

Circuit Judge Jose A. Cabranes
Circuit Judge Guido Calabresi
Circuit Judge Dennis Jacobs
Circuit Judge Rosemary S. Pooler
Circuit Judge Robert D. Sack
Circuit Judge Chester J. Straub
Circuit Judge Sonia Sotomayor
Circuit Judge Robert A. Katzmann
Circuit Judge Barrington D. Parker
Circuit Judge Reena Raggi
Circuit Judge Richard C. Wesley
Circuit Judge Peter W. Hall
Circuit Judge James L. Oakes
Circuit Judge Ralph K. Winter
U.S. Court of Appeals
Thurgood Marshall Courthouse
40 Centre Street
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tel. (212) 857-8500

Chief Judge Michael B. Mukasey
U.S. District Court, SDNY
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New York, NY 10007
tel. (212) 805-0136; (212) 805-0234

Chief Judge Edward R. Korman
U.S. District Court, EDNY
225 Cadman Plaza East
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Chief Judge Frederick J. Scullin, Jr.
U.S. District Court, NDNY
James T. Foley U.S. Courthouse
Albany, NY 12207-2924
tel. (518) 257-1800 or-1661

Chief Judge Robert N. Chatigny
U.S. District Court
for the District of Connecticut
450 Main Street
Hartford, Ct 06103
tel. (860) 240-3659

Chief Judge William Sessions, III
U.S. District Court for the District
of Vermont
P.O. Box 945
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Dr. Richard Cordero

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[Sample of letters to 2nd Cir. judges]

August 5, 2005

Circuit Judge Barrington D. Parker
U.S. Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007

Re: supplement to comments against the reappointment of J. John C. Ninfo, II

Dear Judge Parker,

Last March 18, I wrote you concerning my response to the request of this Court for public comments on the reappointment of Bankruptcy Judge John C. Ninfo, II, WBNY. This is a supplement (cf. FRCivP 26(e)) that evidences the pertinence of the statement that I made there: "If the judges of the Court or the Council...cannot imagine one of their own being biased unless they witness him being unashamedly so, they can listen to him in his own words by ordering a transcript of the March 1 hearing in the DeLano case. Then they can ascertain what drives his conduct"

Indeed, on March 1, 2005, the evidentiary hearing took place of the motion to disallow my claim against Mr. DeLano in the bankruptcy case of David and Mary Ann DeLano. Judge Ninfo disallowed it. Oddly enough, Mr. DeLano is a 32-year veteran of the banking industry now specializing in bankruptcies at M&T Bank. He declared having only \$535 in cash and account when filing for bankruptcy in January 2004, but earned in the 2001-03 fiscal years \$291,470, whose whereabouts the Judge refused to request that he account for and, thus, are unknown to date.

At the end of the hearing, I asked Reporter Mary Dianetti to count and write down the numbers of stenographic packs and folds that she had used, which she did. For my appeal from the disallowance and as part of making arrangements for her transcript, I requested her to estimate its cost and state the numbers of packs and folds that she would use to produce it. As shown in exhibit pages E:1-11, she provided the estimate but on three occasions expressly declined to state those numbers. Her repeated failure to state numbers that she necessarily had counted and used to calculate her estimate was quite suspicious. So I requested that she agree to certify that the transcript would be complete and accurate, distributed only to the clerk and me, and free of tampering influence. However, she asked me to prepay and explicitly rejected my request! If a reporter in this Circuit refuses to vouch for the reliability of her transcript, does this Court vouch in her stead to the Supreme Court? Would you want your rights and obligations decided on such a transcript?

There is evidence that Reporter Dianetti is not acting alone. Other clerks answerable to Judge Ninfo have also violated the rules to deprive me of that transcript and, worse still, did likewise concerning the transcript of a hearing before him in *Pfuntner v. Trustee Gordon et al.*, where Mr. DeLano, who handled the bankruptcy for M&T, and I are parties. In both cases, timely and reliable transcripts carried the risk of enabling the peers of Judge Ninfo to 'listen' to his bias and disregard for the law, the rules, and the facts at those hearings. Therefore, I respectfully request that you submit the accompanying supplement and exhibits to the Court and the Judicial Council so that they **1)** consider in the reappointment process the evidence showing that Judge Ninfo's conduct and that of others in his court form a pattern of non-coincidental, intentional, and coordinated wrongdoing that supports a bankruptcy fraud scheme and **2)** report it to U.S. Attorney General Alberto Gonzales under 18 U.S.C. 3057(a). Looking forward to hearing from you,

sincerely,

Dr. Richard Cordero

List of Judges

of the Second Circuit Court of Appeals and Judicial Council
to whom the supplement of August 3, 2005
to comments against the reappointment
of Bankruptcy Judge John C. Ninfo, II, WBNY
to a new term of office was sent together with the letters of
August 4 and 5, 2005

by

Dr. Richard Cordero

Madam Justice Ginsburg
Circuit Justice for the Second Circuit
U.S. Supreme Court
1 First Street, N.E.
Washington, D.C. 20543
tel. (202) 479-3000

Circuit Judge Jose A. Cabranes
Circuit Judge Guido Calabresi
Circuit Judge Dennis Jacobs
Circuit Judge Rosemary S. Pooler
Circuit Judge Robert D. Sack
Circuit Judge Chester J. Straub
Circuit Judge Sonia Sotomayor
Circuit Judge Robert A. Katzmann
Circuit Judge Barrington D. Parker
Circuit Judge Reena Raggi
Circuit Judge Richard C. Wesley
Circuit Judge Peter W. Hall
Circuit Judge James L. Oakes
Circuit Judge Ralph K. Winter
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40 Centre Street
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Chief Judge Michael B. Mukasey
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[Sample of letters to 2nd Cir. judges]

September 6, 2005

Circuit Judge Reena Raggi
U.S. Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007

Re: 2nd supplement to comments against
reappointing J. John C. Ninfo, II, WBNY

Dear Judge Raggi,

Last March I responded to the Appeals Court's request for comments on the reappointment of Judge Ninfo. I indicated that the Court and the Judicial Council could 'hear' him express his bias and disregard for the law, the rules, and the facts by obtaining the transcript of the evidentiary hearing held on March 1, 2005, of the motion raised by the debtors in *David and Mary Ann DeLano* (04-20280) to disallow my claim. Revealingly enough, that is the transcript that Bankruptcy Court Reporter Mary Dianetti has refused to certify as complete, accurate, and untampered-with. (E:9-11) The evidence thereof is what I submitted to the Court and the Council in the supplement of last August 3.

New evidence discussed in the supplement below shows that the Reporter's refusal is part of a bankruptcy fraud scheme: Judge Ninfo has confirmed the DeLanos' debt repayment plan upon the pretense that the trustee investigated and cleared them of fraud in his "Report" (E:271-273; §I) although the Judge knew that there was no investigation (§IIA) because he had refused to order them to produce even checking and savings account statements and because the trustee, who before asking for any documents from the DeLanos vouched for the good faith of their bankruptcy petition, had a conflict of interests in conducting an investigation that could prove him wrong (§IIB; E:309-323). Through his confirmation without investigation (§IIC), Judge Ninfo allowed the whereabouts of \$291,470 earned by the DeLanos in just 2001-03 to remain unknown and the astonishing string of mortgages (§53, E:284-298) to go unexplained through which the DeLanos took in \$382,187 since 1975 only to end up 30 years later with equity in the very same home of a meager \$21,415 and a mortgage debt of \$77,084! Over \$670,000 unaccounted for! Not enough, for Judge Ninfo spared them repayment of over \$140,000. Thereby Judge Ninfo protected a scheme and Mr. DeLano, who has spent his 32-year career in banking, is currently in charge of bankruptcies of clients of his bank (§36), and has learned so much about bankruptcy abuses that the Judge could not risk letting an investigation indict Mr. DeLano for playing the system, lest he disclose his incriminating knowledge in a plea bargain.

Hence, Judge Ninfo cannot let the transcript be produced and the Reporter be investigated or the Trustee be removed. I moved for that on July 18 and 13, respectively; but neither the Reporter nor the Trustee has bothered to file even a stick-it with the scribble "I oppose it". But wait! I raised those motions in my appeal before Judge David Larimer (05cv6190, WDNY). How did they know that he would not grant them by default and cause them to lose their jobs? Yet, they must know that Judge Larimer's protection of Judge Ninfo and the others by not ruling on my motions -four, the earliest filed in *June*- can lead me to petition for a writ of mandamus again (cf. 03-3088, CA2). Do they know that the Court will deny it and leave me with a frozen appeal or no option but to file my brief without the transcript? (E:333-343) The scheme! How high does it reach? (cf. 03-8547 and 04-8510, CA2)

Circumstantial and documentary evidence warrants that Judge Ninfo not be appointed. Instead, let your duty to safeguard the integrity of judicial officers and process cause him to be investigated for participating in a bankruptcy fraud scheme; and let your duty under 18 U.S.C. 3057(a) cause you to report this matter to A.G. Alberto Gonzales for investigation. Looking forward to hearing from you,

sincerely,

Dr. Richard Cordero

List of Judges

of the Second Circuit Court of Appeals and Judicial Council
to whom the 2nd supplement of September 5, 2005
to comments against the reappointment
of Bankruptcy Judge John C. Ninfo, II, WBNY
to a new term of office was sent together with the letter of
September 6, 2005

by

Dr. Richard Cordero

Madam Justice Ginsburg
Circuit Justice for the Second Circuit
U.S. Supreme Court
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tel. (202) 479-3000

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[Sample of letters to Judicial Conference members]

August 1, 2005

Hon. Chief Judge Mary M. Schroeder
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Ninth** Circuit
Post Office Box 193939
San Francisco, CA 94119-3939

Dear Chief Judge Schroeder,

I would like to bring to your attention the petition that I just submitted to the Conference for an investigation under 28 U.S.C. §753(c) of a court reporter's refusal to certify the reliability of her transcript, which is yet another in a long series of acts of disregard for duty and legality stretching over more than three years and pointing to a bankruptcy fraud scheme and a cover up.

Indeed, last March 1 the evidentiary hearing took place of the motion to disallow my claim in the bankruptcy case of David and Mary Ann DeLano. Bankruptcy Judge John C. Ninfo, II, WBNY, disallowed my claim against Mr. DeLano. Oddly enough, he is a 32-year veteran of the banking industry now specializing in bankruptcies at M&T Bank, who declared having only \$535 in cash and account when filing for bankruptcy in January 2004, but earned in the 2001-03 period \$291,470, whose whereabouts neither the Judge nor the trustees want to request that he account for.

At the end of the hearing, I asked Reporter Mary Dianetti to count and write down the numbers of stenographic packs and folds that she had used, which she did. For my appeal from the disallowance and as part of making arrangements for her transcript, I requested her to estimate its cost and state the numbers of packs and folds that she would use to produce it. As shown in exhibits pgs. E:1-11, she provided the estimate but on three occasions expressly declined to state those numbers. Her repeated failure to state numbers that she necessarily had counted and used to calculate her estimate was quite suspicious. So I requested that she agree to certify that the transcript would be complete and accurate, distributed only to the clerk and me, and free of tampering influence. However, she asked me to prepay and explicitly rejected my request! If a reporter in your court refused to vouch for the reliability of her transcript, would you vouch for it in her stead and use it without hesitation? Would you want your rights and obligations decided on such a transcript?

Moreover, there is evidence, contained in the other exhibits submitted to the Conference and available on demand (pg. 21), that Reporter Dianetti is not acting alone. Bankruptcy clerks and District Judge David G. Larimer, WDNY, also violated FRBkrP 8007 to deprive me of the transcript and, worse still, did the same in connection with the transcript in *Pfuntner v. Trustee Gordon et al.*, where Mr. DeLano, who handled its bankruptcy for M&T, and I are parties. Their motives are discussed in the accompanying copy of the petition and in my submissions to the Conference and its members of November 18 and December 18, 2004. The facts stated therein show a pattern of non-coincidental, intentional, and coordinated bias and wrongdoing in support of a bankruptcy fraud scheme. It suffices for those facts to have the appearance of truth for these officers' conduct to undermine the integrity of the judicial process and detract from public trust in the judiciary. Hence, I respectfully request that you cause this matter to be placed on the agenda of the September meeting of the Conference and that meantime, you make a report of it to U.S. Attorney General Alberto Gonzales under 18 U.S.C. 3057(a). Looking forward to hearing from you,

sincerely,

Dr. Richard Cordero

List of Members of the Judicial Conference

to whom was sent the letter of August 1, 2005
requesting that they forward to the Conference the July 28 petition
to investigate under 28 U.S.C. §753(c) a court reporter's refusal
to certify the reliability of her transcript and
to designate under §753(b) another individual to produce it*

by

Dr. Richard Cordero

Mr. Chief Justice William **Rehnquist**
As Member of the Judicial Conference of the U.S.
Supreme Court of the United States
1 First Street, N.E.
Washington, D.C. 20543

Hon. Chief Judge Michael **Boudin**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **First** Circuit
1 Courthouse Way
Boston, MA 02210

Hon. Chief Judge Hector M. Laffitte
As Member of the Judicial Conference of the U.S.
U.S. District Court for the District of Puerto
Rico
150 Carlos Chardon Street
Hato Rey, P.R. 00918

Hon. Circuit Judge Dennis Jacobs[♦]
U.S. Court of Appeals for the **Second** Circuit
40 Foley Square
New York, NY 10007

Hon. Chief Judge Michael B. Mukasey
As Member of the Judicial Conference of the U.S.
U.S. District Court, SDNY
500 Pearl Street
New York, NY 10007-1312

Hon. Chief Judge Anthony J. **Scirica**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Third** Circuit
601 Market Street
Philadelphia, PA 19106

Hon. Chief Judge Thomas I. Vanaskie
As Member of the Judicial Conference of the U.S.
U.S. District Court for the Middle Dis. of
Pennsylvania
235 N. Washington Ave., P.O. Box 1148
Scranton, PA 18501

Hon. Chief Judge William W. **Wilkins**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Fourth** Circuit
1100 East Main Street, Annex, Suite 501
Richmond, Virginia 23219-3517

Hon. Judge David C. Norton
As Member of the Judicial Conference of the U.S.
U.S. District Court, District of South Carolina
Post Office Box 835
Charleston, SC 29402

Hon. Chief Judge Carolyn Dineen **King**
Chair of the Executive Committee of
the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Fifth** Circuit
515 Husk Street, Route 11020
Houston, TX 77002

Hon. Chief Judge Glen H. Davison
As Member of the Judicial Conference of the U.S.
U.S. District Court, Northern District of Mississippi
301 West Commerce Street, P.O. Drawer 767
Aberdeen, MS 39730-0767

Hon. Chief Judge Danny J. **Boggs**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Sixth** Circuit
100 E. Fifth Street
Cincinnati, Ohio 45202-3988

* See also the Alphabetical Table of Members of the Judicial Conference at C:1151.

Hon. Judge William O. Bertelsman
As Member of the Judicial Conference of the U.S.
U.S. District Court, Eastern Dis. of Kentucky
35 W 5th Street, Room 505
P.O. Box 1012
Covington, KY 41012

Hon. Chief Judge Joel M. **Flaum**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Seventh** Circuit
219 S. Dearborn Street, Room 2702
Chicago, IL 60604

Hon. Judge J. P. Stadtmueller
As Member of the Judicial Conference of the U.S.
U.S. District Court, Eastern Dis. of Wisconsin
517 East Wisconsin Avenue
Milwaukee, WI 53202

Hon. Chief Judge James B. **Loken**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Eighth** Circuit
316 N. Robert Street
St. Paul, MN 55101

Hon. Chief Judge James M. Rosenbaum
As Member of the Judicial Conference of the U.S.
U.S. District Court for the Dis. of Minnesota
300 S. 4th Street
Minneapolis, MN 55415

Hon. Chief Judge Mary M. **Schroeder**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Ninth** Circuit
Post Office Box 193939
San Francisco, CA 94119-3939

Hon. Chief Judge David Alan Ezra
As Member of the Judicial Conference of the U.S.
U.S. District Court for the District of Hawaii
300 Ala Moana Boulevard, Room C338
Honolulu, HI 96850

Hon. Chief Judge Deanell R. **Tacha**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Tenth** Circuit
1823 Stout Street
Denver, CO 80257

Hon. Judge David L. Russell
As Member of the Judicial Conference of the U.S.
U.S. District Court, Western District of Oklahoma
200 NW 4th Street
Oklahoma City, OK 73102

Hon. Chief Judge J. L. **Edmondson**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals for the **Eleventh** Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

Hon. Senior Judge J. Owen Forrester
As Member of the Judicial Conference of the U.S.
U.S. District Court, Northern District of Georgia
75 Spring Street, S.W.
Atlanta, GA 30303-3309

Hon. Chief Judge Douglas H. **Ginsburg**
As Member of the Judicial Conference of the U.S.
U.S. Court of Appeals, District of **Columbia** Circuit
333 Constitution Avenue, N.W.
Washington, D.C. 20001

Hon. Chief Judge Thomas F. Hogan
As Member of the Judicial Conference of the U.S.
U.S. District Court for the District of Columbia
333 Constitution Avenue, NW
Washington, DC 20001

Hon. Chief Judge Paul R. **Michael**
As Member of the Judicial Conference of the U.S.
U.S. Court Appeals for the **Federal** Circuit
717 Madison Place, N.W.
Washington, D.C. 20439

Hon. Chief Judge Jane A. **Restani**
As Member of the Judicial Conference of the U.S.
U.S. Court of **International Trade**
One Federal Plaza
New York, NY 10278-0001

Madam Justice **Ginsburg**
As Circuit Justice for the Second Circuit
Supreme Court of the United States
1 First Street, N.E
Washington, D.C. 20543

*The CA2 Chief Judge John M. Walker, Jr., is the member of the Conference, but see C:271 et seq.

Dr. Richard Cordero

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August 6, 2005

Chief Judge Carolyn Dineen King
Chair of the Executive Committee of the Judicial Conference
U.S. Court of Appeals for the Fifth Circuit
600 Camp Street
New Orleans, LA 70130

Dear Chief Judge King,

On 1 instant, I sent you, as member of the Judicial Conference, a cover letter together with a copy of my petition of July 28 to the Judicial Conference for an investigation under 28 U.S.C. §753(c) of a court reporter's refusal to certify the reliability of her transcript and for designation under 28 U.S.C. §753(b) of another individual to produce the transcript. I had submitted the petition to the Conference by mailing 5 copies, each with all the exhibits, to the Administrative Office of the United States Courts.

On August 3, I called the Administrative Office to confirm its receipt of the petition. Mr. Robert P. Deyling, Esq., Assistant General Counsel, acknowledged it, but again stated that he will not forward it to the Conference because the latter cannot intervene and I do not have a right to petition it. He disregarded my argument that the Conference is a governmental administrative body that under §753(c) has a duty to act on this matter and that I have a First Amendment right "to petition the Government for a redress of grievances". That constitutional right is devoid of any meaning if the government systematically disregards every petition submitted to it. The correlative of that right is the obligation on the part of the government to respond to a petition; however, Mr. Deyling said that I would not receive even a reply letter. Likewise, the statutory obligation would be rendered meaningless if the Conference could at will disregard its mandate:

§753 (c) The reporters shall be subject to the supervision of the appointing court and the Judicial Conference in the performance of their duties, including dealings with parties requesting transcripts.

This is not the first time that Mr. Deyling prevents a petition of mine from reaching the Conference. Indeed, on November 18, 2004, I petitioned the Conference to review the denials by the Judicial Council of the Second Circuit of my petitions for review of my two judicial misconduct complaints. However, after failing even to acknowledge receipt of that petition and only at my instigation, Mr. Deyling sent me a letter on December 9, whereby he blocked it from reaching the Conference by alleging that the latter had no jurisdiction to entertain it. The Conference, of course, was never given the opportunity to pass on that jurisdictional issue that I had explicitly discussed, a novel one that it had never decided in any of its 15 decision since the enactment of the Judicial Conduct Act of 1980. It is troubling that the Conference allows a person acting in the capacity of a clerk of court, such as Mr. Deyling, to insulate it from even having to take a look at a citizen's petition. It is all the more troubling when by such expedient the Conference does not even bother to determine the scope of its own obligations under law.

Therefore, I also respectfully request that you, as chair of the Executive Committee, retrieve the five copies of my petition now in possession of Mr. Deyling, and submit the petition to the Conference. I would be indebted to you if you would let me know your course of action.

Sincerely,

Dr. Richard Cordero

Dr. Richard Cordero

Ph.D., University of Cambridge, England
M.B.A., University of Michigan Business School
D.E.A., La Sorbonne, Paris

59 Crescent Street
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[Sample of letters to Judicial Conference members]

August 30, 2005

Chief Judge Paul R. Michael

As Member of the Judicial Conference of the U.S.

In care of: U.S. Court Appeals for the Federal Circuit
717 Madison Place, N.W
Washington, D.C. 20439

Dear Chief Judge,

On 1 instant, I sent you and the Chief Justice, as members of the Judicial Conference, a letter (E:261 infra) explaining why on the basis of 28 U.S.C. §753(b-c) I had submitted a petition to the Conference for an investigation of a court reporter's refusal to certify the reliability of her transcript in the context of a bankruptcy fraud scheme pointing to official corruption. On August 11, I received a cover letter (E:262) returning the petition. Anybody who had read my letter, as short as this one, let alone the caption of the petition, would have realized that neither had anything to do at all with an Article III case sent to the Court. Rather they concerned a request for Conference members to have the Conference carry out its reporter-related duties under §753.

The copies of the petition that I filed with the Administrative Office have also been returned. A perfunctory letter (E:263) does not even mention my discussion of §753 as authority for Conference action (Petition §V); copies wrongly *a docket entry* on exhibit page 230; and states that because I filed in district court a motion concerning the reporter, the Office "cannot address the court on behalf of a private party". But I never asked the Office to do anything, much less address any court; anyway, does it ignore what concurrent jurisdiction is? I filed the copies with it as the "clerk of Conference" and expected it to forward them to the Conference. Neither the Office has any authority to pass judgment on such filings nor the Conference should use it to avoid its statutory duty or stop a citizen from exercising his 1st Amendment right "to petition the [3rd Branch of] Government" by requesting that I cease writing to it. The disingenuousness of the letter is revealed by the fact that nobody wanted to take responsibility for it: it is unsigned!

Another letter (E:264) tries to make one believe that a circuit chief judge cannot forward to a colleague who is the chairperson of a Conference committee a petition within its jurisdiction with a note "for any appropriate action". Actually, I wrote to the chair of the Executive Committee (E:265), but have received no answer. There is a pattern: Judges avoid investigating one another and to that end will resort to cursory reading, disingenuous answering, and indifference to official corruption. Yet the evidence of a fraud scheme is only mounting: I served that motion on the Reporter last July 18, but to date she has not filed even a stick-it with the scribble "I oppose it", though she could lose her job by default, as could the Trustee, who has also disregarded my motion of July 13 for his removal. How did they know that Judge D. Larimer would not act on those motions?

I am respectfully submitting to you for the Conference a Supplement to the Petition (51) showing how the Reporter's refusal to certify her transcript is part of a bankruptcy fraud scheme whereby a judge and a trustee have confirmed a debt repayment plan upon the pretense that an investigation cleared the bankrupts of fraud, but the evidence shows that there was never any investigation and the bankruptcy was fraudulent. I kindly request that you handle this Supplement and the Petition that I already sent you so that the Conference acts upon them to ensure judicial integrity and that you also refer them under 18 U.S.C. §3057(a) to Attorney General Alberto Gonzales.

Sincerely,

Dr. Richard Cordero

Alphabetical Table of Members of the Judicial Conference

to whom were sent the letters of August 30 and 31, 2005

requesting that they forward to the Judicial Conference

the accompanying supplement and the July 28 petition under 28 U.S.C. §753(c) for investigation of a court reporter's refusal to certify the reliability of her transcript and its link to a bankruptcy fraud scheme[♦]

by

Dr. Richard Cordero

1.	Boudin	C.J. Michael Boudin, In care of: U.S. Court of Appeals for the First Circuit
2.	Bertelsman	J. William O. Bertelsman, In care of: U.S. District Court, Eastern D. of Kentucky
3.	Boggs	C.J. Danny J. Boggs, In care of: U.S. Court of Appeals for the Sixth Circuit
4.	Davison	C.J. Glen H. Davison, In care of: U.S. District Court, Northern D. of Mississippi
5.	Edmondson	C.J. J. L. Edmondson, In care of: U.S. Court of Appeals for the Eleventh Circuit
6.	Ezra	C.J. David Alan Ezra, In care of: U.S. District Court for the District of Hawaii
7.	Flaum	C.J. Joel M. Flaum, In care of: U.S. Court of Appeals for the Seventh Cir., Rm. 2702
8.	Forrester	Senior J. J. Owen Forrester, In care of: U.S. District Court, Northern D. of Georgia
9.	Hogan	C.J. Thomas F. Hogan, In care of: U.S. District Court for the District of Columbia
10.	King	C.J. Carolyn Dineen King, In care of: U.S. Court of Appeals for the Fifth Circuit
11.	Laffitte	C.J. Hector M. Laffitte, In care of: U.S. District Court for the District of Puerto Rico
12.	Michael	C.J. Paul R. Michael, In care of: U.S. Court Appeals for the Federal Circuit
13.	Mukasey	C.J. Michael B. Mukasey, In care of: U.S. District Court, SDNY
14.	Norton	J. David C. Norton, In care of: U.S. District Court for the District of South Carolina
15.	Rehnquist	Mr. Chief Justice William Rehnquist, In care of: Supreme Court of the United States
16.	Restani	C.J. Jane A. Restani, In care of: U.S. Court of International Trade
17.	Rosenbaum	C.J. James M. Rosenbaum, In care of: U.S. District Court for the D. of Minnesota
18.	Russell	Judge David L. Russell, In care of: U.S. District Court, Western D. of Oklahoma
19.	Schroeder	C.J. Mary M. Schroeder, In care of: U.S. Court of Appeals for the Ninth Circuit
20.	Scirica	C.J. Anthony J. Scirica, In care of: U.S. Court of Appeals for the Third Circuit
21.	Stadtmueller	Judge J. P. Stadtmueller, In care of: U.S. District Court for the Eastern District of
22.	Tacha	C.J. Deanell R. Tacha, In care of: U.S. Court of Appeals for the Tenth Circuit
23.	Vanaskie	C.J. Thomas I. Vanaskie, In care of: U.S. District Court, Middle D. of Pennsylvania
24.	Wilkins	C.J. William W. Wilkins, In care of: U.S. Court of Appeals for the Fourth Circuit

[♦] See full addresses on the List of Conference members to whom was sent the July 28 petition, at C:1115.

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January 8, 2006

[Sample of letters to the Judicial Council, 2nd Cir.]

Circuit Judge Dennis Jacobs
U.S. Court of Appeals for the Second Circuit
40 Foley Square
New York, NY 10007-1561

Dear Judge Jacobs,

I am addressing you, as member of the Judicial Council of the Second Circuit, so that you may bring to the attention of the Council two district local rules and cause it to abrogate them by exercising its authority to do so under 28 U.S.C. §§332(d)(4) and 2071, the latter providing thus:

§ 2071. Rule-making power generally

- (a) The Supreme Court and **all courts** established by Act of Congress may from time to time prescribe rules for the conduct of their business. Such rules **shall be consistent with Acts of Congress and rules of practice and procedure** prescribed under section 2072 of this title.
- (c)(1) **A rule of a district court** prescribed under subsection (a) shall remain in effect unless **modified or abrogated by the judicial council** of the relevant circuit. (emphasis added)

In question is Rule 5.1(h) of the Local Rules of Civil Procedure adopted by the U.S. District Court, WDNY. (pages i-iii below) It requires over 40 discrete pieces of factual information to plead a claim under the Racketeer Influenced and Corrupt Organization ("RICO") Act, 18 U.S.C. §§1961-68. By requiring unjustifiably detailed facts to file the claim, Rule 5.1(h) is inconsistent with the notice pleading provision of FRCivP 8. Hence, in adopting it, the Court contravened and exceeded its authority under the enabling provision of FRCivP 83. (1-4).

It is suspicious that the Court has singled out RICO to raise an evidentiary barrier before discovery has started under FRCivP 26. The suspicion is only aggravated by the series of acts of District Court officers of disregard for the law, the rules, and the facts so consistent with those of the Bankruptcy Court, WBNY, as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing. (4-12) These acts include the efforts to keep out of the record on appeal a transcript –cf. the secrecy fostered by Local Rule 83.5 banning recording devices in “the Court and its environs” (iv; 3¶6)– of an evidentiary hearing used to eliminate from a bankruptcy case a creditor who was inquiring why the bankrupt bank officer with 39 years’ experience is allowed not to account for over \$670,000 and a trustee to have over 3,909 *open* cases. (12-19) The evidence leads to conclude that the District Court devised Rule 5.1(h) as a preemptive attack to deter and impede the filing of any RICO claim so that, with the aid of Rule 83.5, no evidence collection through recording or discovery may expose a bankruptcy fraud scheme and the schemers.

Therefore, I respectfully request that (1) you bring the attached Statement and CD before the Council so that it may abrogate Rules 5.1(h) and 83.5; (2) investigate those District and Bankruptcy Courts for supporting a bankruptcy fraud scheme and the schemers; and (3) report this case to the Attorney General under 28 U.S.C. §3057(a). Meantime, I look forward to hearing from you.

Sincerely,

Dr. Richard Cordero

List of members of the Judicial Council, 2nd Circuit

to whom were sent the letters of January 8, 2006, and
the statement requesting the abrogation of WDNY
local rule 5.1(h) on filing a case under RICO and
local rule 83.5 prohibiting cameras and other devices, because
inconsistent with FRCP and supportive of a bankruptcy fraud scheme
by
Dr. Richard Cordero

Madam Justice **Ginsburg**
Circuit Justice for the Second Circuit
The **Supreme Court** of the U.S.
1 First Street, N.E.
Washington, D.C. 20543
tel. (202)479-3000

Circuit judges addressed individually:

The Hon. Jose A. **Cabranes**

The Hon. Guido **Calabresi**

The Hon. Dennis **Jacobs**

The Hon. Rosemary S. **Pooler**

The Hon. Chester J. **Straub**

The Hon. Robert D. **Sack**
U.S. Court of Appeals
for the Second Circuit
Member of the Judicial Council
40 Foley Square
New York, NY 10007-1561
tel. (212)857-8500

District judges:

The Hon. Frederick J. **Scullin, Jr.**
U.S. District Court, NDNY
Member of the Judicial Council
445 Broadway, Suite 330
Albany, NY 12207
tel. (518)257-1661

The Hon. Edward R. **Korman**
U.S. District Court, EDNY
Member of the Judicial Council
75 Clinton Street
Brooklyn, NY 11201
tel. (718)330-2188

The Hon. Michael B. **Mukasey**
U.S. District Court, SDNY
Alexander Hamilton Custom House
Member of the Judicial Council
One Bowling Green
New York, NY 10004-1408
tel. (212)805-0136

The Hon. Robert N. **Chatigny**
U.S. District Court, for the District of **Connecticut**
Richard C. Lee U.S. Courthouse
Member of the Judicial Council
141 Church Street
New Haven, Ct 06510
tel. (203)773-2140

The Hon. William **Sessions, III**
U.S. District Court for the District of **Vermont**
Member of the Judicial Council
P.O. Box 928
Burlington, VT 05402-0928
tel. (802)951-6350

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[Sample of letters to Judicial Misconduct Act Study Committee & members]

September 1, 2005

Hon. Judge J. Harvie Wilkinson, III

As Member of the Judicial Conduct Act Study Committee

In care of: U. S. Court of Appeals for the Fourth Circuit
255 West Main Street
Charlottesville, VA 22902

Dear Judge Wilkinson,

Last August 5, I sent you a letter explaining the submission to the Committee of my petition under 28 U.S.C. §753(b-c) [C:1083] to the Judicial Conference for an investigation, in the context of a bankruptcy fraud scheme pointing to official corruption, of a court reporter's refusal to certify the reliability of her transcript and the designation of another individual to prepare it.

I also submitted the petition to Chief Justice Rehnquist [cf. C:1082] as presiding member of the Conference. On August 11, I received a letter [C:1121] returning it. Anybody who had bothered to read my letter, let alone the caption of the petition, would have realized that neither dealt with an Article III case sent to the Court. Rather, they concerned §753 reporter-related duties of the Conference.

Likewise, the copies of the petition that I filed with the Administrative Office have been returned. A perfunctory letter (E:263) does not even mention my discussion of §753 as authority for Conference action (Petition §V); wrongly copies *a docket entry* on exhibit page 230; and states that because I filed in district court a motion concerning the reporter, the Office "cannot address the court on behalf of a private party". But I never asked the Office to do anything, much less address any court; anyway, does it ignore what concurrent jurisdiction is? I filed the copies with it as the "clerk of Conference" and expected it to forward them to the Conference. Neither the Office has any authority to pass judgment on such filings nor the Conference should use it to avoid its statutory duty or stop a citizen from exercising his 1st Amendment right "to petition the [3rd Branch of] Government" by requesting that I cease writing to it. The disingenuousness of the letter is revealed by the fact that nobody wanted to take responsibility for it: it is unsigned! [C:1120]

Another letter [C:1119] pretends that a circuit chief judge cannot forward to a colleague who is the chair of a Conference committee a petition within its jurisdiction with a note "for any appropriate action". I wrote to the Executive Committee chair [C:1123], but have received no answer. There is a pattern: Judges avoid investigating one another by resorting to cursory reading, disingenuous answering, and indifference to official corruption. Yet, there is evidence of a scheme: I served a motion for replacement on the Reporter on July 18 [C:1183], but she did not file even a stick-it with the scribble "I oppose it", though by default she could lose her job, as could the Trustee, who has also disregarded my motion of July 13 [Add:881] for his removal. How did they know that Judge D. Larimer would not act on those motions, which implicate Judge J. Ninfo?

I am respectfully submitting to you and the Committee a Supplement [C:1127] to the Petition showing how the reporter's refusal to certify her transcript is part of a bankruptcy fraud scheme whereby a judge and a trustee have confirmed a debt repayment plan upon the pretense that an investigation cleared the bankrupts of fraud, yet the evidence shows that there was never any investigation and the bankruptcy was fraudulent. I kindly request that you set an example for your peers of concern for judicial integrity and compliance with judges' duty under 18 U.S.C. §3057(a) by referring both the Petition and its Supplement to Attorney General Alberto Gonzales.

sincerely, *Dr. Richard Cordero*

Dr. Richard Cordero, Esq.

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M.B.A., University of Michigan Business School
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59 Crescent St., Brooklyn, NY 11208
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tel. (718) 827-9521

(Sample of the letter sent to each member of the Judicial Conference of the U.S.)

February 9, 2008

Chief Justice John G. Roberts, Jr.
Presiding Officer, Judicial Conference of the U.S.
c/o Supreme Court of the United States
Washington, D.C. 20543

Dear Mr. Chief Justice Roberts,

I am writing to you as member of the Judicial Conference, which next March 11 will consider the adoption of the Revised Rules for processing judicial misconduct and disability complaints. These Rules, just as the current ones that they are supposed to replace, are irremediably flawed as part of the inherently biased system of judges judging judges

Indeed, the official statistics on the disposition of such complaints show that during the 10-year period 1997-2006, there were filed 7,462 judicial complaints, but the judges had only 7 investigated by special committees and disciplined only 9 of their peers! This means that the judges systematically dismissed 99.88% of all complaints. The Late Chief Justice Rehnquist and the Breyer Committee knew about these statistics, yet pretended that the Act had been satisfactorily implemented. Likewise, the Committee on Judicial Conduct and Disability pretends that if only the rules are reworded, judges will handle complaints against themselves as anything other than a dismissible nuisance. However, its Rules only authorize the continuation of such systematic dismissal by:

Rule 2(b) allowing the non-application of any rule by the judges handling complaints, thus rendering the Rules optional rather than mandatory and ensuring their inconsistent and capricious application;

Rule 3 and its Commentary depriving the official Commentaries of any authoritative status as well as the Code of Conduct for U.S. Judges and even mandatory rules on gifts, outside income, and financial disclosure reporting of any guidance value;

Rule 13 Commentary pretending that special committees may be barred from disclosing information about judges' criminal conduct to prosecutors and grand juries, thus providing for cover ups.

My comments at http://Judicial-Discipline-Reform.org/judicial_complaints/DrCordero_revised_rules.pdf (accompanied by all relevant documents or links to them) show that these are but some of the most blatant provisions to ensure the Rules' ineffectiveness. They also show how they are procedurally flawed, for the facts establish the intentional circumvention of the requirement of "giving appropriate public notice and opportunity for comment". Therefore, I respectfully request that you and through you the Conference: **1)** take cognizance of my comments, hereby submitted to both; **2)** not adopt the Revised Rules; **3)** in the interest of justice and the public's trust in the integrity of judicial process, call on Congress to replace the current system of judicial self-discipline inherently flawed through self-interest with an independent citizens' board for judicial accountability and discipline, neither appointed by, nor answerable to, any judges; otherwise, **4)** submit the Revised Rules to public scrutiny through appropriate notice and make public all comments thereupon submitted as well as all those already submitted by judges and others in what was supposed to be a process of public comment rather than a veiled opportunity for judges to indicate to its drafting peers and the Conference how to turn the practice of systematically dismissing judicial complaints into the official policy for defeating the Act through self-exemption from all discipline. Looking forward to hearing from you, I remain,

Sincerely, *Dr. Richard Cordero, Esq.*

Dr. Richard Cordero, Esq.

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March 27, 2008

Chief Judge Dennis Jacobs
U.S. Court of Appeals, 2nd Circuit
500 Pearl Street
New York, NY 10007

Dear Chief Judge Jacobs,

Last February 9, I addressed to you, as member of the Judicial Conference, a letter requesting that you cause the Conference to take cognizance at its March 11 meeting of my comment¹ on the proposed Rules Governing Judicial Misconduct and Disability Proceedings. As expected, it adopted the Rules². In my comment, I demonstrated that they are not different from the current ones that they replace. Hence, their application will have the same result as the official statistics show the current rules had from 1997 to 2006: Out of 7,462 complaints, the judges investigated only 7 and disciplined only 9 of their peers³. They systematically dismissed out of hand 99.88% of all complaints! Thereby the Judiciary self-exempted from any discipline and in effect abrogated an Act of Congress, i.e. the one enabling the making of those rules⁴. This presents you with the opportunity to do the right thing and be rewarded for it.

Indeed, how would you feel if the Chief Justice could do to you whatever he felt like it because he knew that he would reach his retirement before any of your complaints was investigated and led to his being disciplined, let alone his impeachment and removal? Your likely feeling of betrayal of trust, abuse, and impotence is shared by all those that complain in vain. They are left at the mercy of judges that can abuse their power to dispose of people's property, liberty, and even life secure in the knowledge that their peers will protect them from any adverse consequences. As you would, they need a Champion for Justice. The latter would ensure that all of you received the "Equal Justice Under Law" that has been denied them by 'Unpunishable Judges Above Law'. Their enormous and uncontrolled power is in effect absolute power, the kind that corrupts absolutely. It turns a judgeship into a safe haven for coordinated judicial wrongdoing⁵.

You can be the reluctant hero, who confronted with both the legal duty to safeguard the integrity of judicial process and the moral one of your oath 'to do equal justice to the litigant and to the judge', turns away from the comfort of complicit silence or willful ignorance and takes on the arduous task of denouncing judicial wrongdoing. A risky one, no doubt, which offers a commensurable reward: That of making a name for yourself, as Thurgood Marshall did when he championed societal equality in cases such as *Brown v Board of Education* and was eventually rewarded with a justiceship, like the one to be left open by JJ. Stevens, 88, Ginsburg, 75, or Scalia and Kennedy, 72, or by the whole Court that for decades has tolerated its peers' wrongdoing⁶.

Therefore, I respectfully request that you denounce the judges' coordinated wrongdoing operated with impunity through their systematic dismissal of complaints against them. Your denunciation can become known as Judge Jacobs' *I Accuse*, the equivalent of Emile Zola's exposure of abuse of power by government officials in the Dreyfus Affair⁷. Your moral courage can be that of Prometheus, who took the secrets of corruption from the judges to give our nation the fire of justice. Meantime, I look forward to hearing from you.

sincerely yours, 

IN THE
SUPREME COURT OF THE UNITED STATES

in-chambers application to

Justice Ruth Bader Ginsburg

Circuit Justice for the Second Circuit

for injunctive relief and a stay in

DR. RICHARD CORDERO, Petitioner

V.

DAVID AND MARY ANN DELANO, Respondents

Docket no. 06-4780-bk in
**the United States Court of Appeals
for the Second Circuit**

June 30, 2008

by

Dr. Richard Cordero, Esq.

59 Crescent Street
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tel. (718) 827-9521

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(Sample of the letters sent to the members of the Jud Conference, Com't on Jud Conduct, & AO)

September 29, 2008

Chief Judge Alex Kozinski
U.S. Court of Appeals, 9th Circuit
Post Office Box 193939
San Francisco, CA 94119-3939

Re: Encouraging your best known law school deans to study the *DeLano* lessons in judicial integrity

Dear Chief Judge Kozinski,

Last June 9 and August 15, I brought to your attention the evidence of judicial support for a bankruptcy fraud scheme and its cover up contained in my complaint against Bankruptcy Judge John C. Ninfo, II, WBNY, which is still lingering with CA2 Chief Judge Jacobs. The underlying case, *DeLano*, is now pending before the Supreme Court. It holds valuable lessons in the impairment and defense of judicial integrity, whose scholarly study you may wish to encourage.

Indeed, this case deals with the voluntary bankruptcy petition of Mr. DeLano, a 39-year banking veteran who at the time of filing it was and thereafter continued to be an officer precisely in the bankruptcy department of a major bank, M&T. He and his wife declared in their petition that they had only \$535 in hand and on account, although in their 1040 IRS forms for the three years preceding the filing they had declared that they had earned \$291,470.* They listed me among their unsecured creditors, but for six months refused to produce documents in support of their petition, such as those as obviously pertinent to any bankruptcy petition as their bank account statements.

I filed with Judge Ninfo a statement analyzing the DeLanos' incongruous declarations in their petition; protesting their failure to produce documents; and showing that they had concealed assets. Only then did they move to disallow my claim. The Judge called for an evidentiary hearing on their motion. Yet, the DeLanos denied me *every single document* that I requested both to prove my claim and show their motion to be a process-abusive artifice to eliminate me so that I would not continue to request incriminating documents. Despite his duty to ascertain the good faith of every petition, Judge Ninfo did likewise; then he disallowed my claim because I had not introduced documents to prove it and stripped me of standing. On appeal, WBNY and CA2 denied me *every single document*, though they too needed them to safeguard the integrity of judicial process.

To defend against my document requests, the DeLanos were authorized by the trustee and Judge Ninfo to pay their attorneys \$27,953...while pretending to have only \$535 in hand and on account! Moreover, all the judges spared them from having to account for \$673,657. In how many of the trustee's 3,907 *open* cases before Judge Ninfo have assets also been concealed?

DeLano reveals how money and judicial power drive a bankruptcy fraud scheme and have corrupted judicial process. To expose judicially supported fraud and promote the study of ways to curb and prevent it, I have developed a university course that draws on the vast *DeLano* record. It is described in the attachment hereto. I trust that you advocate the study of how to defend the integrity of the judiciary from its corruptors within. Hence, I would be indebted if you would provide me with a letter encouraging three of your best known deans of top law schools to consider my offer of The *DeLano* Case course and would forward to them with copies thereof a copy of the attachment. I thank you in advance and await your response with anticipation.

Sincerely, *Dr. Richard Cordero, Esq.*

* http://Judicial-Discipline-Reform.org/Follow_money/DeLano_docs.pdf

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