

K. Referral to the U.S. Attorney's Offices and the FBI's Bureaus in New York City, Buffalo, and Rochester, NY, for an investigation of a judicial misconduct and bankruptcy fraud scheme

1. Offices in New York City

148. Dr. **Cordero's** letter of **May 2, 2004**, to Mr. Pasquale J. **Damuro**, Assistant Director in Charge of the NY FBI Office, submitting evidence of a series of acts of disregard for the law, the rules, and the facts so numerous and consistent as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing by judicial officers and bankruptcy trustees pointing to judicial misconduct and bankruptcy fraud; and requesting an

investigation and a meeting.....C:1331

a) **Table of Exhibits**C:1332

9. A **trustee with 3,909 open cases** cannot possibly have the time or the inclination to check the factual accuracy or internal consistency of the content of each bankruptcy petition to ascertain its good faith [cf. C:1406¶¶16-18; see ToEC:>C:641 and comment thereunder for access to those cases]C:1335

10. A case that illustrates how a **bankruptcy petition** riddled with red flags as to its good faith is **accepted without review** by the trustee and readied for approval by the Bankruptcy Court, WBNY.....C:1337

11. Another **trustee with 3, 092 cases** was upon a performance-and-fitness-to-serve complaint referred by the court to the Assistant U.S. Trustee for a “thorough inquiry”, which was limited to talking to the Trustee and a party and to uncritically writing down their comments in an opinion, which the U.S. Trustee for Region 2 would not investigate [see ToEC:>C:641 and comment thereunder for access to those cases]C:1340

149. Dr. **Cordero’s** letters of **May 6, 2004**, to David N. **Kelley**, U.S. Attorney for the **Southern District** of NY, and Ms. Roslynn **Mauskopf**, U.S. Attorney for the **Eastern District** of NY, submitting evidence of a series of acts of disregard for the law, the rules, and the facts so numerous and consistent as to form a pattern of non-coincidental, intentional, and coordinated wrongdoing by judicial officers and bankruptcy trustees pointing to judicial misconduct and bankruptcy fraud; and requesting an investigation and a meeting.....C:1345

a) Table of Exhibits C:1332 above

150. Letter of U.S. Attorney **Mauskopf** by Assistant U.S. Attorney F. Franklin **Amanat** of **May 12, 2004**, to Dr. **Cordero** stating that “because United States Attorney’s Offices have no involvement in complaints alleging judicial misconduct and no authority to take any action with regard to such complaints, we are unable to discuss your allegations with you or to take any other action in regards to them”C:1347

[**Comment:** Since judges do not investigate their own and the U.S. attorneys do not investigate them, who investigates judicial misconduct to prevent judges from becoming a class of people, or rather, of wrongdoers above the law?]

151. Dr. **Cordero’s** letter of **May 24, 2004**, to FBI Assistant Director **Damuro** providing materials that reveal a **coordinated effort** by the U.S. and private bankruptcy **trustees** to **avoid sending** Dr. Cordero **documents** that could allow him to investigate the DeLano Debtors’ bankruptcy

petition in *In re DeLano*, no. 04-20280, WBNY, and expose a bankruptcy fraud scheme; and requesting again that the FBI open an investigationC:1348

a) Table of ExhibitsC:1349

152. Dr. **Cordero's** letter of **June 11, 2004**, to each of the members of the **Judiciary Committees** of the House of Representatives (37) and the Senate (19), including their respective Chairmen, Rep. F. James **Sensenbrenner, Jr.**, and Sen. Orrin G. **Hatch**, providing **evidence** of a **judicial misconduct** and **bankruptcy fraud scheme** and requesting that they open an investigation.....C:1352

[**Comment:** Not a single one replied to Dr. Cordero. So who oversees the conduct of judges and exercises discipline for their misconduct? In the absence of any control over them, the judicial power that individuals – certainly not nominated for judgeships because of their incorruptibility-acquire upon being sworn in as judges becomes absolute power. Such power is the necessary and sufficient condition to produce absolute corruption. (ToEC:>C:973 and >C:1381 and Comment thereunder)]

a) **Table of the 56 members** of the **Judiciary Committees** of the U.S. HR and the Senate individually addressed by Dr. Cordero in his June 11 letter.....C:1354

b) **Table of Exhibits**C:1357

8. Trustees with **thousands of open cases** and one case that opens a **window into** the operation of the **bankruptcy fraud scheme** [see updated version as of June 26, 2004 (C:1401); see ToEC:>C:641 and comment thereunder for access to those cases]C:1361

13. **Table of all 15 Memoranda and Orders** of the Judicial Conference of the United States Committee to Review Circuit Council Conduct and Disability Orders (text at C:1611) since the adoption of the Judicial Conduct and Disability Act of 1980, sent to Dr. Cordero from the General Counsel's Office of the Administrative Office of the U.S. Courts and showing how few complaints under 28 U.S.C. §351 et seq. are allowed to reach the Judicial Conference as petitions for review of judicial council action.....C:1373

14. **Statements** of the **Judicial Conference's** Committee to Review Circuit Council Conduct and Disability Orders and a **Report** of the Proceedings of the **Judicial Conference** of the United States, both stating that there are **no pending petitions** for review of judicial council action

a) Report of **March 2004** to the Judicial Conference by its Committee to Review Circuit Council Conduct and

Disability Orders: no pending petitions for review	C:1374
b) Title page of the Report of September 23, 2003, of the Proceedings of the Judicial Conference of the United States	C:1375
c) Statement in the Judicial Conference Report of September 23, 2003 , by its Committee to Review Circuit Council Conduct and Disability Orders: no pending petitions for review	C:1376
d) Report of September 2003 to the Judicial Conference by its Committee to Review Circuit Council Conduct & Disability Orders: no pending petitions for review	C:1377
e) Report of March 2003 to the Judicial Conference by its Committee to Review Circuit Council Conduct & Disability Orders: no pending petitions for review	C:1378
15. Contact information useful to investigate the evidence of a judicial misconduct and bankruptcy fraud scheme [see also <small>TOEC:§VII</small> below].....	C:1380
153. List of the 13 impeached federal judges in all the 217 years of judicial history of the United States, beginning in 1789; by the Federal Judicial Center	C:1381
154. Federal Judicial Center: http://www.fjc.gov/history/home.nsf	
155. Remarks of the Chief Justice at the Federal Judges Association Board of Directors Meeting, May 5, 2003; at http://www.supremecourtus.gov/publicinfo/speeches/sp_05-05-03.html	C:1384

[**Comment:** Chief Justice John Roberts is the seventeenth chief justice of the Supreme Court since John Jay became the first chief justice in 1789 upon his nomination by President George Washington. In the same 217 years comprising the whole judicial history of the United States under the Constitution, only thirteen federal judges have been impeached in Congress. This means that a federal judge has a higher statistical chance of becoming the next chief justice than of being impeached.

In addition, there is the pattern of the chief judges of the courts of appeals and the judges of the circuit councils systematically dismissing (C:973) judicial misconduct complaints. In practice this means that judges protecting their own have rendered useless that mechanism of judicial self-discipline; official statistics of the Administrative Office of U.S. Courts proves it (C:973-980x. and TOEC:>C:973>Comment thereunder).

As a result, federal judges are not subject to any effective system of supervision and discipline. Without any such control, their exercise of judicial power becomes absolute. Thereby the condition for the application of the aphorism ensues: Power corrupts and absolute power

corrupts absolutely. (cf. A:1664¶70) This gives rise to the condition of possibility for a federal judgeship to become a safe haven for wrongdoing and for federal judges to become a class of wrongdoers immune to the principle inscribed on the frieze below the pediment of the Supreme Court building, „Equal Justice Under Law“. Federal judges are, as a matter of historic fact and established practice, people above the law. (cf.A:1662§D)

156. Dr. **Cordero’s** letters of **June 29, 2004, to U.S. Attorney Kelley, SDNY, and to FBI Assistant Director Damuro** providing **another update** with recent evidence of a bankruptcy fraud scheme and requesting a meeting to discuss it; **and** simultaneously making a request **to other officers** in their respective offices that they bring the evidence sent to each of them to the attention of those top officers and **cause them to respond** to Dr. Cordero:

I. Letters:

- a) David Kelley, U.S. Attorney for the Southern District of NY.....C:1391
 - 1) Janet **Sandt**, Legal Assistant.....C:1392
 - 2) David **Jones**, Chief of the Bankruptcy Unit in Civil Matters.....C:1393
 - 3) Karen Patton **Seymour**, Chief of the Criminal DivisionC:1394
 - 4) Donna **Drori**, Assistant U.S. AttorneyC:1395
- b) Pasquale J. Damuro, Assistant Director in Charge, FBI NYC:1396
 - 1) Robert Silveri, FBI Acting Supervisory Special Agent, Squad C-4C:1397

II. Table of ExhibitsC:1398

- 1. **Trustees with thousands of open cases** and one case that opens a window into the operation of the bankruptcy fraud scheme (updated as of June 26, 2004) [see T0EC:>C:641 and comment thereunder for access to those cases].....C:1401
 - A. A scheme that works by taking money from many credit card issuers but not so much from anyone as to make it cost-effective for any issuer to spend time, effort, and money pursuing a pennies-on-the dollar recovery in risky bankruptcy proceedingsC:1401
 - B. A Chapter 13 trustee with 3,909 *open* cases cannot possibly have the time or the inclination to check the factual accuracy or internal consistency of the content of each bankruptcy petition to ascertain its good faith [cf. C:1406¶¶16-18; see T0EC:>C:641 and comment thereunder

for access to those cases].....	C:1403
C. Another trustee with 3,383 cases was upon a performance-and-fitness-to-serve complaint referred by the court to the Assistant U.S. Trustee for a “thorough inquiry”, which was limited to talking to him and a party and to uncritically writing down their comments in an opinion, which the Trustee for Region 2 would not investigate [see ToEC:>C:641 and comment thereunder for access to those cases]	C:1406
D. A case that illustrates how a bankruptcy petition riddled with red flags as to its good faith is accepted without review by the trustee and readied for confirmation by the bankruptcy court.....	C:1411
5. Dr. Richard Cordero’s Table Comparing Claims on David and Mary Ann DeLano in:.....	C:1415
1) The DeLanos’ voluntary bankruptcy petition:	
i) WBNY Bankruptcy Court Notice of February 3, 2004, of meeting of creditors	C:1431
ii) Bankruptcy petition , no. 04-20280, WBNY, of January 27, 2004, with Schedules A-J.....	C:1435
(a) Statement of Financial Affairs.....	C:1455
(b) Verification of Creditor Matrix	C:1463
iii) Debt repayment plan of January 26, 2004	C:1467
2) Equifax credit reports	
3) Claims register	
4) Credit card statements of account	
6. Equifax report of April 26, 2004, confirmation # 4117002205, on Mr. David DeLano, who produced it incompletely on June 14, 2004, to Trustee Reiber: it begins on page 3 of 14 and continues with pages 5, 7, 9, 11, 13	C:1469
7. Equifax report of May 8, 2004, confirmation # 4129001647, on Mary Ann DeLano, who produced it incompletely on June 14, 2004, to Trustee Reiber: it begins on page 3 of 12 and continues consecutively until page 7 of 12	C:1475
8. WBNY Bankruptcy Court’s register as of June 23, 2004, of creditors’ claims on the DeLanos	C:1481
9. WBNY Bankruptcy Court’s creditors matrix for the DeLanos’	

case as of June 23, 2004.....	C:1488
10. Eight incomplete statements of account as of between July and October 2003 , concerning credit card accounts of the DeLanos, produced belatedly by their attorney, Christopher Werner, Esq., on June 14, 2004, to Trustee Reiber (cf. D:63, 94¶80b, 120).....	C:1491
11. IRS 1040 forms for the DeLanos' tax returns for 2001, 2002, and 2003.....	C:1499
23. Useful addresses for investigating the judicial wrongdoing and bankruptcy fraud scheme (see also TOEC:§VII).....	C:1509
157. Legal Assistant Sandt's letter of July 13, 2004 , indicating that the U.S. Attorney's Office, SDNY , does not have jurisdiction over a matter concerning the Bankruptcy Court and the District Court in the Western District of New York.....	C:1511
[Comment: However, the U.S. Attorney failed to take into account the two links in SDNY to that matter, namely, the CA2 and the U.S. Trustee for Region 2, which should have been enough to give it jurisdiction to investigate it.]	
158. Letter of Att. Seymour at the U.S. Attorney's Office in NYC of August 5, 2004 , transmitting to Bradley E. Tyler, Esq. , Attorney in Charge of the U.S. Attorney's Office in Rochester, NY, the documentary evidence submitted by Dr. Cordero to U.S. Att. Kelley.....	C:1512
159. Dr. Cordero's letter of August 14, 2004 , to U.S. Att. Tyler requesting his opening of an investigation ; informing him of the hearings on August 23 and 25, 2004, in <i>In re DeLano</i> , no. 04-20280, in the Bankruptcy Court in Rochester, NY, and asking that he attend them so that he can witness Judge Ninfo's bias and his conduct of the proceedings in the absence of Dr. Cordero , who would appear by phone	C:1513
a) Table of Exhibits	C:1514
160. Dr. Cordero's fax of August 16, 2004, without cover letter to Robert M. Silveri , FBI Acting Supervisory Special Agent, Squad C-4, at the FBI Bureau in NYC, of his motion of August 14, 2004 , for docketing and issue of proposed order, transfer, referral, examination, and other relief	C:752 above
161. Dr. Cordero's letter of August 17, 2004 , faxed to FBI Special Agent Silveri informing him of the two upcoming hearings in DeLano on August 23 and 25, 2004, in the Bankruptcy Court in Rochester and urging him to cause agents to attend them from the FBI offices in Buffalo and Rochester to whom Agent Silveri referred the material that Dr. Cordero had submitted to the FBI in NYC, so that they can witness Judge Ninfo's bias	C:1515

162. Dr. **Cordero's** faxed letter of **August 23, 2004, to FBI Special Agent Silveri explaining** how the attorney for the **Debtors** in the *DeLano* case is trying to **disallow his claim to eliminate him** from the case, the only party insisting on the production of financial documents that can show concealment of assets; and requesting that he pass on to his FBI colleagues in Rochester and Buffalo Dr. Cordero's reply to the motion to disallowC:1516
- a) Dr. **Cordero's reply of August 17, 2004, to the DeLanos' objection** to his claim and their motion to disallow it.....C:1517
- i) Table of ContentsC:1517
163. Dr. **Cordero's hand delivery on August 23, 2004, to the Office of FBI Special Agent Silveri of a copy of his August 20 motion for sanctions on and compensation from Christopher Werner, Esq., attorney for the DeLanos, and his law firm for violation of FRBkrP Rule 9011(b)**C:1529
- a) Table of Contents.....C:1530
- [**Comment:** This motion was intended to focus the FBI's investigation on the motive for the wrongful conduct described therein and its tolerance by Judge Ninfo.]

2. Offices in Rochester and Buffalo

164. Letter of Richard **Resnik, Esq., Assistant U.S. Attorney, of August 24, 2004, to Dr. Cordero** stating that the **U.S. Attorney's Office** in Rochester **will not investigate** Dr. Cordero's "allegations of bankruptcy fraud and judicial misconduct" and **returning** to him all the **files**.....C:1545
165. Dr. **Cordero's letter of August 31, 2004, to Bradley E. Tyler, Esq., Attorney in Charge of the U.S. Attorney's Office in Rochester, NY, sending back** to him in Rochester the **files** that his Assistant U.S. Attorney Resnik had returned to Dr. Cordero; and stating that if his personal **relation to Assistant U.S. Trustee Kathleen Dunivin Schmitt** and his trust in her word render Dr. Cordero's evidence just "speculations", as he put it during their phone conversation earlier that day, and cause his **reluctance to examine it, not to mention investigate her, his objectivity might be compromised**, so that he should recuse himself and **support a referral to the Fraud Section** of the U.S. Department of Justice, Criminal Division.....C:1546
- a) Table of **files** already **sent** to U.S. Att. Tyler and **updates** accompanying Dr. Cordero's August 31 letter to him.....C:1547
- 4.a) Notice of hearing of Christopher **Werner, Esq., attorney for the DeLano Debtors, objecting to Dr. Cordero's claim on the**

DeLanos and moving to disallow it, dated July 19, 2004, but filed on July 22, 2004.....	C:1548
166. Dr. Cordero's letter of September 13 and 15, 2004, to Peter Ahearn, Special Agent in Charge of the FBI bureau in Buffalo, NY , to inquire about the bound files concerning evidence of a judicial misconduct and bankruptcy fraud scheme that Dr. Cordero had sent to FBI Assistant Director Damuro in Charge of the NY City bureau and which were forwarded on jurisdictional grounds to Mr. Ahearn's bureau in early July with a cover letter from Supervisory Special Agent Robert Silveri	C:1550
167. Dr. Cordero's cover letter of September 18, 2004, to Michael A. Battle, Esq., U.S. Attorney for WDNY, Buffalo, NY , accompanying:.....	C:1551
a) Dr. Cordero's appeal of September 18, 2004, to Att. Battle from the decision taken by Att. Tyler in Rochester not to open an investigation into the complaint about a judicial misconduct and bankruptcy fraud scheme; and statement of the questionable circumstances under which that decision was made.....	C:1552
168. Dr. Cordero's letter of October 7, 2004, to Jeannie Bowman, Executive Assistant to U.S. Att. Battle , accompanying the resubmission of the appeal to Att. Battle from the decision of Att. Tyler; stating that the latter was to have forwarded Dr. Cordero's files to Att. Battle; and setting forth reasons why Mr. Tyler should not investigate the case.....	C:1559
169. Dr. Cordero's letter of October 19, 2004, to Mary Pat Floming, Esq., Assistant U.S. Attorney at the U.S. Attorney's Office in Buffalo , requesting that she see to it that the accompanying appeal to Att. Battle is brought to his attention and requesting her assistance.....	C:1560
170. Dr. Cordero's letter of October 25, 2004, to Att. Floming with an update about why Trustee Reiber is refusing to hold an examination of the DeLanos and stating that just as Mr. Tyler cannot investigate Dr. Cordero's appeal from his own decision, neither of Trustees Schmitt, Martini, or Reiber can investigate the bankruptcy fraud scheme, and requesting that she use the influence of her Office to cause the Executive Office of the U.S. Trustee to appoint an independent trustee to examine the DeLanos	C:1561
171. U.S. Att. Battle's letter of November 4, 2004, to Dr. Cordero stating that he reviewed the documentation and found no basis for Dr. Cordero's claim of bankruptcy fraud and closing the matter	C:1562
172. Dr. Cordero's letter of November 15, 2004, to U.S. Att. Battle showing that as of November 1 Att. Battle did not have the documentation and could not have retrieved it from the Rochester office and reviewed over 315 pages by November 4, and requesting that he obtain the files and	

assign the case to skilled bankruptcy fraud investigators as he had said on November 1 that he would do	C:1563
173. Att. Battle's letter of November 29, 2004, to Dr. Cordero stating that his trusted professionals indicated that Dr. Cordero was a party to a bankruptcy case that was later appropriately resolved by a bankruptcy judge	C:1565
174. Dr. Cordero's letter of December 6, 2004, to U.S. Att. Battle showing that he does not even know the facts of the Appeal to him of September 18 and that there are two actions , both are ongoing , and that if his trusted professionals know how ongoing actions will be resolved , the process is a sham , and requesting that he refer the accompanying Request to the Attorney General for investigation	C:1566
a) Dr. Cordero's request of December 6, 2004, to U.S. Att. Battle to report to the Acting U.S. Attorney General for investigation the evidence of a judicial misconduct and bankruptcy fraud scheme	C:1568
i) Table of Contents	C:1568
ii) Table of Exhibits.....	C:1587
175. Dr. Cordero's letter of December 27, 2004, to U.S. Att. Battle to inquire what action he took with regard his December 6 Request [never replied to]	C:1601