

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 the letter sent to the Circuit Justice & members of the Judicial Council of the Second Circuit]

February 13, 2004

The Hon. Jose A. Cabranes
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,

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

**Members of the Judicial Council of the Second Circuit
And Circuit Justice
To Whom Were Sent The Letters of February 11 and 13, 2004**

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

Circuit Judges

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

U.S. Court of Appeals for the 2nd Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square, Room 1802
New York, NY 10007

District Judges

The Hon. Frederick J. Scullin, Jr.
Chief Judge
U.S. District Court for the Northern District of NY
James T. Foley U.S. Courthouse
445 Broadway, Suite 330
Albany, NY 12207

The Hon. Edward R. Korman
Chief Judge
U.S. District Court for the Eastern District of NY
225 Cadman Street
Brooklyn, NY 11212

The Hon. William Sessions, III
Chief Judge
U.S. District Court for the District of Vermont
67 Merchants Row
Rutland, VT 05702-6648

The Hon. Michael B. Mukasey
Chief Judge
U.S. District Court for the Southern District of NY
Alexander Hamilton Custom House
One Bowling Green
New York, NY 10004-1408

The Hon. Robert N. Chatigny
Chief Judge
U.S. District Court for the District of Connecticut
Richard C. Lee U.S. Courthouse
141 Church Street
New Haven, Ct 06510

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A JUDICIAL MISCONDUCT COMPLAINT AND THE FAILURE FOR SEVEN MONTHS OF
THE CHIEF JUDGE OF THE COURT OF APPEALS FOR THE SECOND CIRCUIT
TO TAKE THE "PROMPT AND EXPEDITIOUS" ACTION IN HANDLING SUCH COMPLAINTS
REQUIRED UNDER 28 U.S.C. §351 ET SEQ. AND ITS IMPLEMENTING RULES

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United States District Court
District of Connecticut
450 MAIN STREET
HARTFORD, CONNECTICUT 06103-9998

CHAMBERS OF
ROBERT N. CHATIGNY
CHIEF JUDGE

(860) 240-3659

March 1, 2004

Dr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208-1515

Re: Judicial Conduct Complaint, 03-8547

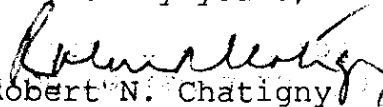
Dear Dr. Cordero,

This will acknowledge receipt of your recent submission directed to me in my capacity as a member of the Second Circuit Judicial Council. You request that I bring your complaint of judicial misconduct and its handling so far to the attention of the Council, that an investigation be launched, and that you be kept informed.

The Rules of the Judicial Council of the Second Circuit Governing Complaints Against Judicial Officers make no provision for the action you request. The Rules provide that complaints of judicial misconduct are to be reviewed in the first instance by the chief judge of the circuit. If the chief judge is disqualified from acting, the duties of the chief judge under the Rules are to be assigned to the circuit judge eligible to become the next chief judge. The initial disposition of a complaint by the chief judge (or his substitute) is subject to review by the Council as a whole pursuant to a petition filed in accordance with the procedure set forth in Chapter III of the Rules.

The Rules appear to make no provision for requests for expedited handling of complaints. However, if you would like to make such a request, I believe it should be directed to Chief Judge Walker.

Very truly yours,


Robert N. Chatigny

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NEW YORK 10007-1312**

**CHAMBERS OF
MICHAEL B. MUKASEY
CHIEF JUDGE**

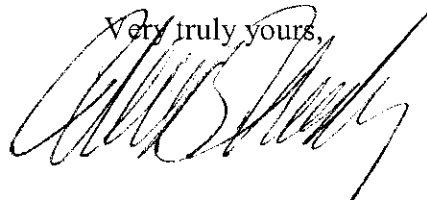
**PHONE
(212) 805-0234**

March 2, 2004

Dr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208-1515

Dear Dr. Cordero:

I have your letter of February 13, 2004. The letter appears to state that you have filed a complaint of judicial misconduct and that you are not satisfied with the result. That is not a reason to bring this matter before the Judicial Council, and I have neither the authority nor the inclination to act further with respect to it.

Very truly yours,


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 the letter sent to the Circuit Justice & Judicial Council members, 2nd Circuit]

March 22, 2004

The Hon. Dennis Jacobs
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 Jacobs,

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, Esq.*

*SECOND JUDICIAL CIRCUIT OF THE UNITED STATES
UNITED STATES COURTHOUSE
40 FOLEY SQUARE-ROOM 2904
NEW YORK, NEW YORK 10007
(212) 857-8700 PHONE
(212) 857-8680 FACSIMILE*

JOHN M. WALKER, JR.
CHIEF JUDGE

KAREN GREVE MILTON
CIRCUIT EXECUTIVE

March 30, 2004

Dr. Richard Cordero
59 Crescent Street
Brooklyn, New York 11208-1515


Re: Judicial Conduct Complaint, #03-8547

Dear Dr. Cordero:

In my capacity of Secretary to the Judicial Council, I am responding to your inquiries dated March 22, 2004 to some members of the Judicial Council. I have reviewed the above referenced docket number. The matter is pending before the Court. You will receive a copy of the order in due course. In the meantime, kindly direct any future questions to me as it is inappropriate for the members of the Council to correspond regarding pending litigation.

I trust this information is of assistance to you.

Very truly yours,


Karen Greve Milton
Circuit Executive

KGM/jdk

cc: Members of the Judicial Council
Roseann B. MacKechnie, Clerk of Court

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

April 12, 2004

Ms. Karen Greve Milton
Circuit Executive
Second Judicial Circuit of the United States
United States Courthouse
40 Foley Square-Room 2904
New York, NY 10007

CONFIDENTIAL

Dear Ms. Milton,

Thank you for your letter of last March 30, concerning my judicial misconduct complaint 03-8547.

Please find herewith a copy of my motion of April 11, 2004, for declaratory judgment and the launch of an investigation, which I have filed with the Court of Appeals for the Second Circuit as well as a copy of a pertinent memorandum. They provide the informational context of my request to you as Circuit Executive. A brief background to it is the following:

On August 11, 2003, I submitted the judicial misconduct complaint above-mentioned to the Hon. John M. Walker, Chief Judge of the Court of Appeals. It concerns the Hon. John C. Ninfo, II, Bankruptcy Judge, and other judicial and administrative officers of the United States Bankruptcy and District Courts in Rochester, who have disregarded the law, rules, and facts so repeatedly and so consistently to my detriment as to give rise to a pattern of non-coincidental, intentional, and coordinated acts of wrongdoing.

For seven months Chief Judge Walker disregarded his legal duty under 28 U.S.C. §351 as well as under the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers. These instruments require chief judges to deal “promptly” and “expeditiously” with judicial misconduct complaints. The failure of Chief Judge Walker to act on my complaint has had dire consequences on me because for all those seven months I have had to endure even more abuse and bias on the part of Judge Ninfo and other officers in Rochester. Their latest act of blatant disregard of law, rules, and fact occurred as recently as March 8 and has been described in detail in the complaint about Chief Judge Walker.

Indeed, on March 22, I submitted to the Court of Appeals’ next eligible chief judge a judicial misconduct complaint about Chief Judge Walker for having disregarded his statutory and regulatory duty to deal “promptly” and “expeditiously” with my complaint about Judge Ninfo (i, below, see Table of Contents, M-22, below). The submission of that complaint triggered more acts of disregard of law and rules by clerks and their superiors at the Court of Appeals.

The fact is that numerous acts of disregard of law and rules have already taken place in the Court. They have consistently had a negative impact on me by hindering me in submitting that complaint; cutting down the time available for me to timely file a petition for panel rehearing and hearing en banc; and making more difficult for me to meet the requirements for the initial appeal (docket no. 03-5023) from orders of the bankruptcy court in an adversary

proceeding (docket no. 2-2230). Those acts cannot be explained as normal occurrences, for in that case they would reasonably be expected to have an effect on me that only half of the time was negative while the other half was neutral or positive. Randomness is antithetical to a self-reinforcing stream of events working toward the same objective. Most recently, that objective has been to hinder the submission of my complaints about the misconduct of judges and administrative personnel.

By the same token, these acts cannot be explained away as mere innocent mistakes made in the handling of my complaint. Are so many “mistakes” made in the handling of every other complaint? If so, what would that say of the level of competence of the officers directly involved and the standards of performance tolerated by their supervisors? If these “mistakes” are in line with the average, the Council does have a training and efficiency problem to remedy.

Therefore, the consistent negative effect on me that the acts of these officers have had and the blatant disregard of law and rules that they have shown, provide objective foundation for the assertion that they have engaged in a pattern of non-coincidental, intentional, and coordinated wrongdoing.

The emergence of the same pattern in both the Court of Appeals and the courts in Rochester give rise to the troubling question whether out of solidarity or reciprocal indebtedness, administrative and judicial officers in those courts have coordinated their acts. If so, my motion in the Court of Appeals will not be sufficient to get to the bottom of the problem. The reason for this is in the axiom that an institution cannot investigate itself objectively and zealously. A third party, capable of conducting an independent investigation is necessary to look into the matter without inhibitions due to personal loyalties or fear of retaliation.

The need to bring in such a third party, or rather to refer this matter to a third party is all the greater because the origin of these acts of wrongdoing lies deeper than a mere clash between court personnel and a litigant, me. The origin is found, to put it cautiously, in a deficiency of integrity in the way the trustee program is run in Rochester, that is, who files for bankruptcy, who approves the plan of debt repayment, and how money and assets circulate among the parties to the detriment of the creditors. The strongest evidence of this “deficiency of integrity” came to light last March 8 at a meeting of creditors and at a hearing before Judge Ninfo. You will find a detailed statement of facts and analysis of those events in a memo that I wrote for the parties and that I have attached hereto.

While you may have the means to press for an investigation by Judicial Council members, they are most unlikely to have the resources to carry out an effective investigation. No doubt those members can deal with problems in legal ethics and judicial impartiality: However, the problem here is the flow of money. That calls for an investigation guided by the principle *Follow the money!* This requires forensic accounting, the valuation of estates, and the means to trace assets from debtors to wherever they are placed and whomever they end up with. Judges are not qualified to undertake such investigation. But the FBI is.

Therefore, I respectfully request that you transmit this package of information contained in the motion and the memorandum to the head of the FBI here in New York City (not to the FBI office in Rochester, which sits in the same building as the bankruptcy and district courts and the Office of the U.S. Trustee) and that you set up a meeting with that officer where we can discuss confidentially aspects of this matter that are not yet ripe to be put in writing.

However, if you decide not to refer this matter to the FBI, I respectfully request that you, as the Circuit Executive, cause the Council to launch an investigation to determine the following:

Whether Clerk of Court Roseann B. MacKechnie, Deputy Clerk Patricia Chin Allen, and other administrative and judicial officers of the Court of Appeals for the Second Circuit:

1. through the way they handled my judicial misconduct complaints of March 2004, about the Hon. John M. Walker, Chief Judge (docket no. 04-8510) and of August 11, 2003, about the Hon. John C. Ninfo, II, (docket no. 03-8547), caused and, given the foreseeability of the consequences of their actions, intended to cause,
 - a) a delay in Dr. Cordero's submission of those complaints to dissuade him from resubmitting them and thereby hindered the exercise of his right under 11 U.S.C. §351 and the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers to complain about those judicial officers;
 - b) the waste of Dr. Cordero's time, effort, and money, and the infliction on him of emotional distress.
2. have disregarded the law, rules, and facts so repeatedly and consistently to the detriment of Dr. Cordero as to have engaged in a pattern of non-coincidental, intentional, and coordinated acts of wrongdoing.
3. have entered into a wrongful coordination of their acts with officers in the Bankruptcy and Districts Courts in Rochester in order to wear down and dissuade Dr. Cordero from pursuing his judicial misconduct complaints as well as the adversary proceeding and appeal and thereby afford themselves and their superiors protection from legal liability to him and from prosecution.

If you want to consult any documents listed in the Table of Contents (vi, below) or obtain a copy of the exhibits, please let me know. As for me, I kindly request that you provide me with the name, address, and phone number of the Director of the Administrative Office of the United States Courts.

I also request that you restrict the circulation of this letter to people that are not in a position to retaliate against me. I trust that you will find this request justified after you have read section II.A. on page 18 below. It will give you an idea of the enormous amount of effort, time, and money that I have been forced to invest in this matter and the tremendous amount of emotional distress that I have had to endure since the beginning of January 2001 when I just wanted to find my property in storage in Rochester. In light of the facts, how do you think these people would react if they knew that not only I have asked for an FBI investigation, but that one was actually under way? Would you like to be in my position?

I kindly request the opportunity to meet with you to discuss this matter. Thus, I look forward to hearing from you and remain,

Sincerely yours,

Dr. Richard Cordero

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET
New York, New York 10007
212-857-8500

JOHN M. WALKER, JR.
CHIEF JUDGE

ROSEANN B. MACKECHNIE
CLERK OF COURT

April 13, 2004

Mr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208-1515

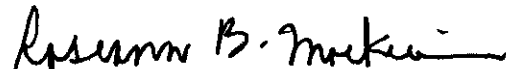
Re: *Judicial Conduct Complaint*, 04-8510

Dear Mr. Cordero:

Your motion for declaratory judgment is being returned to you, unfiled. The judicial conduct complaint procedure does not allow motion practice.

Because you have already directed your motion for declaratory judgment to Ms. Karen Greve Milton, Secretary of the Judicial Council, in compliance with Ms. Milton's letter to you dated March 30, 2004; and because it would be inappropriate for the Chief Judge to "launch an investigation" (he is named in your complaints), I am returning your eight (8) bound volumes to you.

Sincerely,



Roseann B. MacKechnie, Clerk of Court

Enclosures

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET
New York, New York 10007
212-857-8500

JOHN M. WALKER, JR.
CHIEF JUDGE

ROSEANN B. MACKECHNIE
CLERK OF COURT

April 27, 2004

Mr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208-1515

Re: *Judicial Conduct Complaint*, 04-8510

Dear Mr. Cordero:

I write in response to your "request to Roseann MacKechnie "to review her decision . . ." Your document was received in this office on April 19, 2004. I am returning it to you without any action taken, today, April 27, 2004.

The rejection of your motion for declaratory judgment and unacceptable Statement of Facts was in compliance with the Rules and long established practice in this Court. The Rules governing the judicial conduct procedure (28 U.S.C. § 351) does not allow motion practice. All supplemental documents submitted in regard to judicial complaints will not be accepted. The documents will be returned without benefit of a cover letter. You have not been singled out for disparate treatment. Documents that are not in compliance are returned, unfiled.

We will notify you once a decision has been made concerning your complaints.

Sincerely,



Fernando Galindo
Acting Clerk of Court

Enclosure

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

April 29, 2004

Ms. Karen Greve Milton
Circuit Executive
U.S. Second Judicial Circuit
United States Courthouse
40 Foley Square-Room 2904
New York, NY 10007

Re: Judicial misconduct complaints 03-8547 and 04-8510

Dear Ms. Milton,

Last March 30, you wrote to let me know that my letters to members of the Judicial Council concerning my complaint 03-8547 had been forwarded to you. You stated that since it was inappropriate for them to correspond regarding pending litigation, “kindly direct any future questions to me”. I reasonably understood that to mean that if I invested my effort, time, and money to direct to you my questions, you intended to do likewise and reply to those questions.

So I wrote to you on April 12 and 19. On the former date, I sent you a package of information, including a memorandum setting forth the financial interests at stake in the matter complained about. I asked whether you would transmit it to the head of the FBI in New York City and set up a meeting with such officer for us to discuss the matter. I stated the rationale for such transmission to be that those financial interests include a flow of money that calls for an investigation guided by the principle *Follow the money!* I explained that conducting it requires forensic accounting, the valuation of estates, and the means to trace assets from debtors to wherever they are placed and whomever they end up with. I indicated that judges are not qualified to undertake such investigation, but the FBI is. However, I did not receive any answer from you to my question. Nor did I receive any answer to my question whether in the alternative you would cause the Council to launch an investigation to determine the following:

Whether Clerk of Court Roseann B. MacKechnie, Deputy Clerk Patricia Chin Allen, and other administrative and judicial officers of the Court of Appeals for the Second Circuit:

1. through the way they handled Dr. Cordero’s judicial misconduct complaints of March 2004, about the Hon. John M. Walker, Chief Judge (docket no. 04-8510) and of August 11, 2003, about the Hon. John C. Ninfo, II, (docket no. 03-8547), caused and, given the foreseeability of the consequences of their actions, intended to cause,
 - a) a delay in Dr. Cordero’s submission of those complaints to dissuade him from resubmitting them and thereby hindered the exercise of his right under 11 U.S.C. §351 and the Rules of the Judicial Council of the Second Circuit Governing Complaints against Judicial Officers to complain about those judicial officers;
 - b) the waste of Dr. Cordero’s time, effort, and money, and the infliction on him of emotional distress.

2. have disregarded the law, rules, and facts so repeatedly and consistently to the detriment of Dr. Cordero as to have engaged in a pattern of non-coincidental, intentional, and coordinated acts of wrongdoing.
3. have entered into a wrongful coordination of their acts with officers in the Bankruptcy and Districts Courts in Rochester in order to wear down and dissuade Dr. Cordero from pursuing his judicial misconduct complaints as well as the adversary proceeding and appeal and thereby afford themselves and their superiors protection from legal liability to him and from prosecution.

I never received an answer to that question either. Instead, although my April 12 letter to you was labeled Confidential on the cardboard envelope that contained it and on its first page, and bore the header "CONFIDENTIAL letter of Dr. Richard Cordero to Circuit Executive Karen Milton" on each subsequent page, a few days later I received a letter from Court of Clerk Roseann MacKechnie making reference to it. Yet, I had specifically asked "that you restrict the circulation of this letter to people that are not in a position to retaliate against me" and explained the evidence that made the fear underlying that request a reasonable one.

Whether Ms. MacKechnie wanted thereby to let me know that there had been a breach of confidentiality and on whose side you are, remains to be determined. But the fact is that while she heard from you, I did not. Actually, she heard from you in terms reassuring enough to return to me unfiled my Motion of April 11, 2004, for declaratory judgment that officers of this Court intentionally violated law and rules as part of a pattern of wrongdoing to complainant's detriment and for this Court to launch an investigation. I had sent you a copy of it.

As a result of Ms. MacKechnie's return of my motion, which denies me access to the judges that could review my complaint about her and her subordinates' conduct, I had to write a Request of April 18, 2004, to Roseann MacKechnie, Clerk of Court, to review her decisions concerning Dr. Richard Cordero's motion and Statement of Facts under 28 U.S.C. §351.

With my letter of April 19, I sent you a copy of that Request. If you have read it, you will have noticed that the Request is a legal brief presenting the basis for admitting motions under §351. Although that brief raises a legal issue for the judges to decide, it too was returned to me unfiled in spite of my objections to Ms MacKechnie and Ms. Allen thus preventing me once more from accessing the judges. Those objections are set forth in my letter to them of April 28, of which I enclose a copy. Nor you have answered my question in my April 19 letter either, namely, whether you will meet with me to discuss this matter. Indeed, you have not answered my questions, not only despite your having asked me to send them to you, but also despite my having pointed out that both §351 and the Circuit's Governing Rules require "prompt" and "expeditious" action on matters thereunder.

Consequently, I ask you whether you asked me to send you my questions –at the expense of my effort, time, and money as well as my reasonable expectations- so that you would know what I was planning to do and disclose it to and reassure others or whether you asked me to do so in good faith because you intended to move this matter forward and, if so, how. If you intend to answer, please do so by May 10.

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

April 28, 2004

Ms. Roseann MacKechnie
Clerk of Court
Att.: Ms. Patricia Chin-Allen
Deputy Clerk
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 Ms. Allen,

Yesterday I called you to ask whether Ms. MacKechnie had received the paper that I addressed to her and filed last April 19, entitled Request to Roseann MacKechnie, Clerk of Court, To Review her Decisions Concerning Dr. Richard Cordero's Motion and Statement of Facts under 28 U.S.C. §351. You acknowledged receipt of it, but said that it would be returned to me because §351 does not allow either supplementation or motions. You said that whatever I had to say about it, I should put it in writing. I already did.

The fact is that the Request follows upon Ms. MacKechnie's return to me of my Motion of April 11, 2004, for declaratory judgment that officers of this Court intentionally violated law and rules as part of a pattern of wrongdoing to complainant's detriment and for this Court to launch an investigation. It should be quite obvious that for any clerk to decide whether to submit this paper to the panel of the court in session creates a conflict of interest. The only way to avoid the conflict is to allow the panel to make that decision.

This is all the more pertinent because the Request argues against the return of the motion. Its content and form are those of a legal brief in which I discuss the legal basis for a complainant to make a motion under §351. As I indicated in the Request and to you yesterday, neither you nor Ms. MacKechnie are authorized to pass judgment on a legal issue. That is the function of the judges. That is why I asked that the Request be submitted to the panel of the court in session for them to decide what §351 allows.

You indicated that Ms. MacKechnie is out of the office because her father is gravely ill, that in her absence you deal with her correspondence in the order in which it was received, and that you are now dealing with that dated April 12. Thus, I ask that you allow Ms. MacKechnie to make a decision on the Request when she is back. The justification for my asking this is that if despite the conflict of interest, a clerk is going to assume the responsibility for deciding whether a clerk has power to decide a question of law in the context of §351, then it should be the Clerk of Court to do so, not a deputy.

This is all the more justified given the fact that yesterday you replied to my question whether you had read the Request by saying that if something is not written in black and white in the Rules, then it cannot be done. From that statement one can reasonably infer that you will not even bother to read that paper before proceeding to send it back to me. Not even a judge would dare show such prejudice.

Consequently, it is in your interest not to overstep your authority by deciding a legal question, certainly not without even reading the brief discussing it, and not to decide it in lieu of the clerk of court, to whom I am specifically asking you to defer the decision; otherwise, submit it to the panel in session.

Sincerely,

Dr. Richard Cordero

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT
THURGOOD MARSHALL UNITED STATES COURTHOUSE
40 CENTRE STREET
New York, New York 10007
212-857-8500

JOHN M. WALKER, JR.
CHIEF JUDGE

ROSEANN B. MACKECHNIE
CLERK OF COURT

March 29, 2004

Mr. Richard Cordero
59 Crescent Street
Brooklyn, NY 11208-1515

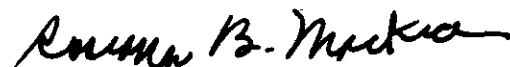
Re: Judicial Conduct Complaint

Dear Mr. Cordero:

Your letters of March 22, 2004, addressed to Judge Calabresi and Judge Straub relating to Judicial Conduct Complaint 03-8547 have been forwarded to this office.

Please be advised that the matter is under consideration. You will be notified as soon as a decision is made.

Very truly yours,



Roseann B. MacKechnie

cc: Honorable Guido Calabresi
Honorable Chester J. Straub

**SECOND JUDICIAL CIRCUIT OF THE UNITED STATES
UNITED STATES COURTHOUSE
40 FOLEY SQUARE-ROOM 2904
NEW YORK, NEW YORK 10007
(212) 857-8700 PHONE
(212) 857-8680 FACSIMILE**

JOHN M. WALKER, JR.
CHIEF JUDGE

KAREN GREVE MILTON
CIRCUIT EXECUTIVE

May 14, 2004

Dr. Richard Cordero
59 Crescent Street
Brooklyn, New York 11208-1515

Re: Judicial Conduct Complaint, #03-8547 and 04-8510

Dear Dr. Cordero:

I am writing in response to your letter of April 29, 2004. Although I understand your concerns, I can assure you that the Clerk of the Court, Ms. MacKechnie, has acted in a manner that is consistent with the rules governing judicial conduct matters, 28 U.S.C. §351. In reference to the Motion for Declaratory Judgment in #04-8510, those same rules do not allow motion practice with regard to judicial conduct complaints. I have reviewed both files and am certain that the complaints were forwarded to the appropriate judicial officers for ruling.

Furthermore, I must inform you that I do not have the jurisdiction to refer matters to the Federal Bureau of Investigation for review. Therefore, I am unable to assist you in that regard.

I trust you find this information helpful.

Very truly yours,


Karen Greve Milton

KGM/jdk