

**Dr. Richard Cordero, Esq.**

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  
[Dr.Richard.Cordero.Esq@gmail.com](mailto:Dr.Richard.Cordero.Esq@gmail.com)  
tel. (718) 827-9521

January 31, 2009

Attorney General Eric H. Holder, Jr.  
U.S. Department of Justice  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

*re Dr. Richard Cordero v. David and Mary Ann DeLano, 08-8382, SCt*

Dear Mr. Holder,

Kindly find below notice of the docketing of the above-captioned petition for a writ of certiorari to CA2. I urge you to **a.** cause the underlying case to be investigated by DoJ officers from Washington, D.C., for it reveals a bankruptcy fraud scheme supported or tolerated by federal local officers and judges and **b.** ask the Solicitor General to seek review by the Supreme Court.

This case illustrates the finding that led Congress to adopt the Bankruptcy Abuse Prevention Act of 2005: "the absence of effective oversight to eliminate abuse in the system"; HR Report 109-31. The failure to oversee the system of both the Executive Office of the U.S. Trustee (EOUST) and unaccountable life-tenured federal judges and their bankruptcy judicial appointees has allowed the two most insidious corruptors to drive the scheme: lots of money and unaccountable power.

The writ petition deals with **1)** Mr. David DeLano, of Rochester, NY, a 39-year veteran of the financing and banking industries, who filed a voluntary bankruptcy petition with his wife in preparation for their golden retirement while he was and remained a bankruptcy officer of a major bank, M&T Bank. His **2)** Chapter 13 trustee was allowed to amass the unmanageable load of 3,907 cases, according to PACER, before the same judge, **3)** Bankruptcy J. John C. Ninfo, II, WBNY, who was a partner in the law firm of the lawyer for Mr. DeLano and M&T and before whom **4)** Mr. DeLano's other lawyer has had over 525 cases. **5)** So they allowed the whereabouts of at least \$673,657 of the DeLanos' to remain unknown -\$291,470 earned in just the three years preceding the filing of the petition, where the DeLanos declared only \$535 in hand and on account! This red flag was disregarded by J. Ninfo, who is the *re*appointee of **6)** CA2 and Former Chief J. John Walker, Jr., a former U.S. attorney in **7)** the NYC office, which is the next door neighbor of the U.S. District Court now housing CA2 and previously headed by **8)** Former Chief District Judge M. Mukasey. **9)** That DoJ NYC office just happened to "not find" twice my mailed evidentiary file with a request for a bankruptcy fraud investigation. After I handed it in and kept requesting its review, the field office would only forward it to **10)** the U.S. Attorney's Office in Buffalo, NY, which only referred it to, and relied for its dismissal on, **11)** the Rochester field office, which in the cozily small federal building there is the next door neighbor of **12)** the Office of the U.S. Assistant Trustee, the one who allowed also the Chapter 7 trustee in this case to amass 3,382 cases before J. Ninfo and who conducted a self-exculpatory investigation of the case upon **13)** EOUST's referral despite my requests to EOUST Clifford White and the U.S. Trustee for Region 2 that an independent trustee conduct it, for one cannot investigate oneself. This is especially so when **14)** avoiding incrimination in the fraud scheme requires not incriminating Insider DeLano, who could trade up in plea bargaining. **15)** My appeal to the FBI in NYC followed the same path and ended with no investigation. **16)** In FY08, 1,042,993 bankruptcy cases were filed and only 773 reached the circuit courts out of 61,104. The schemers can confidently bank on 'the absence of effective appellate oversight' to continue running their bankruptcy fraud scheme.

I trust you and your D.C. officers are more interested in overseeing the integrity of the bankruptcy system and judicial process than field officers are. So I look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

**Dr. Richard Cordero, Esq.**

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  
[Dr.Richard.Cordero.Esq@gmail.com](mailto:Dr.Richard.Cordero.Esq@gmail.com)  
tel. (718) 827-9521

January 31, 2009

Solicitor General of the U.S.  
U.S. Department of Justice, Room 5614  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

*re Dr. Richard Cordero v. David and Mary Ann DeLano, 08-8382, SCt*

Dear Mr. Solicitor General,

Kindly find below notice of the docketing of the above-captioned petition for a writ of certiorari to CA2. I urge you to **a.** seek review and **b.** cause the underlying case to be investigated by DoJ officers from Washington, D.C., for it reveals a bankruptcy fraud scheme supported or tolerated by federal local officers and judges.

This case illustrates the finding that led Congress to adopt the Bankruptcy Abuse Prevention Act of 2005: "the absence of effective oversight to eliminate abuse in the system"; HR Report 109-31. The failure to oversee the system of both the Executive Office of the U.S. Trustee (EOUST) and unaccountable life-tenured federal judges and their bankruptcy judicial appointees has allowed the two most insidious corruptors to drive the scheme: lots of money and unaccountable power.

The writ petition deals with **1)** Mr. David DeLano, of Rochester, NY, a 39-year veteran of the financing and banking industries, who filed a voluntary bankruptcy petition with his wife in preparation for their golden retirement while he was and remained a bankruptcy officer of a major bank, M&T Bank. His **2)** Chapter 13 trustee was allowed to amass the unmanageable load of 3,907 cases, according to PACER, before the same judge, **3)** Bankruptcy J. John C. Ninfo, II, WBNY, who was a partner in the law firm of the lawyer for Mr. DeLano and M&T and before whom **4)** Mr. DeLano's other lawyer has had over 525 cases. **5)** So they allowed the whereabouts of at least \$673,657 of the DeLanos' to remain unknown -\$291,470 earned in just the three years preceding the filing of the petition, where the DeLanos declared only \$535 in hand and on account! This red flag was disregarded by J. Ninfo, who is the *re*appointee of **6)** CA2 and Former Chief J. John Walker, Jr., a former U.S. attorney in **7)** the NYC office, which is the next door neighbor of the U.S. District Court now housing CA2 and previously headed by **8)** Former Chief District Judge M. Mukasey. **9)** That DoJ NYC office just happened to "not find" twice my mailed evidentiary file with a request for a bankruptcy fraud investigation. After I handed it in and kept requesting its review, the field office would only forward it to **10)** the U.S. Attorney's Office in Buffalo, NY, which only referred it to, and relied for its dismissal on, **11)** the Rochester field office, which in the cozily small federal building there is the next door neighbor of **12)** the Office of the U.S. Assistant Trustee, the one who allowed also the Chapter 7 trustee in this case to amass 3,382 cases before J. Ninfo and who conducted a self-exculpatory investigation of the case upon **13)** EOUST's referral despite my requests to EOUST Clifford White and the U.S. Trustee for Region 2 that an independent trustee conduct it, for one cannot investigate oneself. This is especially so when **14)** avoiding incrimination in the fraud scheme requires not incriminating Insider DeLano, who could trade up in plea bargaining. **15)** My appeal to the FBI in NYC followed the same path and ended with no investigation. **16)** In FY08, 1,042,993 bankruptcy cases were filed and only 773 reached the circuit courts out of 61,104. The schemers can confidently bank on 'the absence of effective appellate oversight' to continue running their bankruptcy fraud scheme.

I hope that you and D.C. officers are more concerned about overseeing the integrity of the bankruptcy system and judicial process than field officers. So I look forward to hearing from you.

Sincerely, *Dr. Richard Cordero, Esq.*

# Supreme Court of the United States

Richard Cordero  
(Petitioner)

v.

No. 08-8382

David DeLano, et ux.  
(Respondent)

To AG Eric H. Holder, Jr., & the Solicitor General Counsel for Respondent:

**NOTICE IS HEREBY GIVEN** pursuant to Rule 12.3 that a petition for a writ of certiorari in the above-entitled case was filed in the Supreme Court of the United States on October 5, 2008, and placed on the docket January 28, 2009. Pursuant to Rule 15.3, the due date for a brief in opposition is Friday, February 27, 2009. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday or federal legal holiday.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the Clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

Dr. Richard Cordero  
59 Crescent Street  
Brooklyn, NY 11208  
(718) 827-9521

NOTE: This notice is for notification purposes only, and neither the original nor a copy should be filed in the Supreme Court.

# Supreme Court of the United States

Richard Cordero  
(Petitioner)

v.

No. 08-8382

David DeLano, et ux.  
(Respondent)

To Solicitor General of the U.S. Counsel for Respondent:

**NOTICE IS HEREBY GIVEN** pursuant to Rule 12.3 that a petition for a writ of certiorari in the above-entitled case was filed in the Supreme Court of the United States on October 5, 2008, and placed on the docket January 28, 2009. Pursuant to Rule 15.3, the due date for a brief in opposition is Friday, February 27, 2009. If the due date is a Saturday, Sunday, or federal legal holiday, the brief is due on the next day that is not a Saturday, Sunday or federal legal holiday.

Unless the Solicitor General of the United States represents the respondent, a waiver form is enclosed and should be sent to the Clerk only in the event you do not intend to file a response to the petition.

Only counsel of record will receive notification of the Court's action in this case. Counsel of record must be a member of the Bar of this Court.

*Dr. Richard Cordero, Esq.*

Dr. Richard Cordero  
59 Crescent Street  
Brooklyn, NY 11208  
(718) 827-9521

NOTE: This notice is for notification purposes only, and neither the original nor a copy should be filed in the Supreme Court.

# W A I V E R

## Supreme Court of the United States

No. 08-8382

Richard Cordero  
(Petitioner)

v.

David DeLano, et ux.  
(Respondents)

**I DO NOT INTEND TO FILE A RESPONSE** to the petition for a writ of certiorari unless one is requested by the Court.

Please check one of the following boxes:

- Please enter my appearance as Counsel of Record for all respondents.
- There are multiple respondents, and I do not represent all respondents. Please enter my appearance as Counsel of Record for the following respondent(s):

\_\_\_\_\_  
\_\_\_\_\_

I certify that I am a member of the Bar of the Supreme Court of the United States (Please explain name change since bar admission):

Signature \_\_\_\_\_

Date: \_\_\_\_\_

(Type or print) Name \_\_\_\_\_

Mr.

Ms.

Mrs.

Miss

Firm \_\_\_\_\_

Address \_\_\_\_\_

City & State \_\_\_\_\_ Zip \_\_\_\_\_

Phone \_\_\_\_\_

**SEND A COPY OF THIS FORM TO PETITIONER'S COUNSEL OR TO PETITIONER IF PRO SE. PLEASE INDICATE BELOW THE NAME(S) OF THE RECIPIENT(S) OF A COPY OF THIS FORM. NO ADDITIONAL CERTIFICATE OF SERVICE IS REQUIRED.**

Cc: