

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



GEORGE SASSOWER,

Plaintiff,

-against-

A.R. FUELS, INC.; HYMAN RAFFE,
Defendants.

ORDER

M-120 (CLB)

#12

Plaintiff, pro se, seeks to vacate the Court's order dated June 15, 1992, denying him leave to file a civil action. Plaintiff submits a motion pursuant to Rules 59 and 60 (b) of the Federal Rules of Civil Procedure. Plaintiff's motion is denied.

By order dated June 15, 1992, this Court denied plaintiff leave to file and permission to proceed in forma pauperis. Plaintiff is required to seek prior leave of court to file in this district because of his history of litigation abuse, see order dated December 10, 1987, filed in United States of America for the benefit of George Sassower v. Sapir, No. 87 Civ. 7135 (CSH) (S.D.N.Y. Dec. 10, 1987).¹ Plaintiff now seeks to vacate our decision denying him leave to file the complaint asserting that the order is null and void. Rule 59 and Rule 60 (b) (4), (6). He also requests that I recuse myself from this action pursuant to 28 U.S.C. §§ 144, 455 and the Fifth Amendment of the United States Constitution. Our prior order denied plaintiff leave to file

¹ A list of actions filed by plaintiff was noted in the order denying leave to file. In the Matter of the Application of George Sassower v. A.R. Fuels, Inc.; Hyman Raffe, No. M-120 (CLB) (S.D.N.Y. June 15, 1992).

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because the proposed action was not shown to be within our subject matter jurisdiction. Furthermore, plaintiff's claims against defendant Raffe were barred pursuant to an order enjoining plaintiff from commencing any further actions in federal court regarding, inter alia, any aspect of the guarantees executed by Hyman Raffe. See Raffe v. Doe, 619 F. Supp. 891, 898 (S.D.N.Y. 1985).

Nothing in plaintiff's papers justifies the setting aside of the order denying leave to file. The motion is not based upon any of the grounds enumerated by Rule 60 (b), but rather consists of numerous conclusory allegations and diatribes. Accordingly, plaintiff's motion is denied. We certify pursuant to 28 U.S.C. § 1915(a) that any appeal would not be taken in good faith.

SO ORDERED

JUL 29 1992

Dated: New York, New York

Charles L. Briant

CHARLES L. BRIANT
Chief Judge

A TRUE COPY

JAMES M. PARKISON, Clerk

By

James M. Parkison
Deputy Clerk

AUG 20 1992