

Raheem J. Brennerman
Reg. No. 54001-048
LSCI-Allenwood
SPECIAL MAIL-OPEN ONLY IN
PRESENCE OF COMPLAINANT
P. O. Box 1000
White Deer, PA 17887-1000

Clerk of the Court
United States Court of Appeals
for the Second Circuit
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, New York 10007

October 20, 2020

BY FIRST CLASS CERTIFIED MAIL

Re: Judicial Complaint regarding SDNY District Court Judge Lewis A. Kaplan and Second Circuit Judge Richard J. Sullivan

Dear Clerk:

On September 20, 2020 the undersigned submitted Complaint in respect of the above Judges directly to Hon. Robert A. Katzmann. This Complaint supplants prior aforementioned complaint and is submitted given that Hon. Debra Ann Livingston is now the Chief Judge of the United States Court of Appeals for the Second Circuit.

The undersigned, Raheem Jefferson Brennerman, Petitioner and Defendant-Appellant in the appeals at *United States v. The Blacksands Pacific Group, Inc., et al.*, 18-1033(L); 18-1618(Con) and at *United States v. Brennerman*, 18-3546(L) and 19-497(Con), file this complaint for judicial misconduct against District Court Judge Lewis A. Kaplan of the Southern District of New York and Circuit Court Judge Richard J. Sullivan of the Second Circuit. I file in furtherance of the complaint filed on behalf of Mr. Steven Donziger to demonstrate a pattern of Judicial Misconduct and Abuse of Power by Judge Lewis A. Kaplan when considered in conjunction with my complaint of Racial Bias and Deliberate Violation of Constitutional rights where Judge Lewis A. Kaplan ignored federal rule and Googled me (see Draft Petition); realizing that I am a black man, Judge Kaplan ignored the law in "*OSRecovery, Inc., v. One Groupe Int'l, Inc.*, 462 F.3d 87, 90 (2d Cir. 2006)" to pursue me for civil contempt and criminal contempt of court notwithstanding that I was a non-party in the underlying civil case between ICBC (London) PLC and The Blacksands Pacific Group, Inc., at 15-cv-70 (LAK). The Judicial Misconduct and Abuse of Power was also demonstrated by Judge Richard J. Sullivan, where Judge Sullivan deliberately ignored exculpatory evidence which I presented to the Court, in an endeavor to deprive me of

liberty. (See 17-cr-337 (RJS), Dkt. No. 167). This was in addition to Judge Sullivan deliberately causing Constitutional deprivation where he allowed me to be wrongly convicted for conduct which did not satisfy the statute while also depriving me of my Sixth Amendment Constitutional right and ignoring my request to present exculpatory evidence in Government's possession during trial however was not presented to the Jury for consideration (See 17-cr-337 (RJS), Dkt. No. 236 and Appeal docket No. 20-1414). In summary, both Judge Lewis A. Kaplan and Judge Richard J. Sullivan violated their oath and obligation to protect my Constitutional rights. The complained issues are succinctly detailed within our public campaign websites: www.freerjbrennerman.com and www.freeraheem.com; the rehearing en banc petitions at 18-3546(L), Dkt. No. 190 and 18-1033(L), Dkt. No. 314; and the appended Draft Petition for writ of certiorari from the United States Supreme Court.

Complainant files this complaint pursuant to the Judicial Conduct and Disability Act of 1980. 28 U.S.C. § 351-364. The judicial complaint arises out of Judge Kaplan's and Judge Sullivan's handling of litigation in the matters of *ICBC (London) PLC v. The Blacksands Pacific Group, Inc.*, 15-cv-70 (LAK); *United States v. The Blacksands Pacific Group, Inc.*, 17-cr-155 (LAK); and *United States v. Brennerman*, 17-cr-337 (RJS) over the past three years. Complainant asks for a special investigating committee based on the charges herein.

The Complainant is aware that the Second Circuit has had occasion to rule on the appeals in both of these matters. Currently Complainant is preparing to file Petitions for writ of Certiorari to the United States Supreme Court concurrently with an Emergency Motion highlighting the deliberate endeavor by both Judge Lewis A. Kaplan and Judge Richard J. Sullivan to deprive Complainant of his Constitutional rights and the Constitutionally impermissible abuse of discretion standard imposed by the United States Court of Appeals for the Second Circuit in its de novo review of the appeals.

The Complaint is supported by an Appendix with supporting exhibits which sets forth the facts referenced in the complaint, including the rehearing en banc motions filed to the United States Court of Appeals for the Second Circuit, the Draft Petitions for writ of certiorari to be filed at the United States Supreme Court and our public outreach campaign websites www.freerjbrennerman.com and www.freeraheem.com. In addition to this complaint, Complainant is also actively engaged in public outreach campaign highlighting the various civil and Constitutional rights deprivations as succinctly presented at www.freeraheem.com and www.freerjbrennerman.com to the media (including national and international cable news networks), civil rights groups and others.

The undersigned declare under penalty of perjury that the statements made in this complaint are true and correct to the best of his knowledge.

Dated: October 20, 2020
White Deer, PA 17887-1000

Respectfully submitted

/s/ Raheem J. Brennerman
RAHEEM JEFFERSON BRENNERMAN
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White Deer, PA 17887-1000

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Cc: www.freeraheem.com

APPENDIX:

- a) Complaint Brief in respect of Judge Lewis A. Kaplan
- b) Complaint Brief in respect of Judge Richard J. Sullivan
- c) Draft Petition for writ of certiorari (Criminal contempt of Court case)
- d) Motion for Rehearing en banc (Criminal contempt of court case)
- e) Draft Petition for writ of certiorari (Fraud case)
- f) Motion for Rehearing en banc (Fraud case)
- g) Complaint Letter submitted in respect of Steven Donziger
- h.) Brief submitted in respect of Steven Donziger

Judicial Complaint against Judge Lewis A. Kaplan

The undersigned files this complaint pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 351-364 against Judge Lewis A. Kaplan of the Southern District of New York for his misconduct in the cases of *ICBC (London) PLC v. The Blacksands Pacific Group, Inc.*, 15-cv-70 (LAK) and *United States v. The Blacksands Pacific Group, Inc., et. al.*, 17-cr-155 (LAK).

Complainant alleges Judge Kaplan, in his capacity as the presiding judge over these cases, has violated the Canons of the Code of Conduct for United States Judges, namely Canons 2A, 3 and 3B(3) among others.

The Complainant alleges the statements and actions of Judge Kaplan over the last three years show him to have taken on the role of debt collector for ICBC (London) PLC, a British financial institution and subsidiary of a Chinese financial institution, Industrial and Commercial Bank of China headquartered in Beijing, China, and misused United States Government resources to achieve his objective rather than that of a judge adjudicating a live controversy before him. By these actions, he violated his duty of impartiality and the Court's obligation to protect Complainant's Constitutional rights under the canons of Judicial conduct. A review of the record shows that throughout this litigation, Judge Kaplan's rulings have been an "affront" to the law and the administration of justice.

Complainant is mindful that judicial complaints are not a mechanism for challenging the correctness of the merits of substantive or procedural rulings in a case. However, where a judge's misconduct violates the Canons of the Code of Conduct, such complaints are not merits-based. In these situations there is a duty of officers of the Court to not remain silent or look the other way.

This complaint has been filed over the alarming consequences arising from the deliberate deprivation of Constitutional rights by a judge and the overwhelming racial bias exhibited by the judge.

JUDGE KAPLAN'S IMPROPER RACIAL BIAS, DELIBERATE DEPRIVATION OF CONSTITUTIONAL RIGHTS AND ABUSE OF POWER DURING THE PROCEEDINGS IN THE UNDERLYING CIVIL CASE AND RESULTING CRIMINAL CASE

(See attached Appendix, supporting exhibits and public outreach websites: www.freerjbrennerman.com and www.freeraheem.com)

The Complainant finds that his treatment by Judge Kaplan deserves intense scrutiny. He should be sanctioned for his violations of the Judicial Canons of Conduct. This matter should be addressed by a special investigation committee and/or if Judges of this Circuit believe their prior rulings on appeals would impact their consideration of the complaint, the Court should request the Chief Justice to transfer the complaint.

1 All of the specifics of this complaint are supported in the record and are set forth in the attached Appendix and supporting exhibits as well as at www.freeraheem.com and www.freerjbrennerman.com

2 Canon 2A of the Code of Conduct for United States Judges requires federal judges to show respect for and comply with the law, and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Canon 3 requires that a judge should perform the duties of the office fairly, impartially and diligently, given that the duties of a judicial office take precedence over all other activities. A judge must perform these duties with respect for others, including litigants before her or him, and cannot engage in behavior that is harassing, abusive, prejudiced, or biased. Section 3B(3) of the Code of Conduct for Judges provides that, "A judge should exercise the power of appointment fairly and only on the basis of merit, avoiding unnecessary appointments, nepotism, and favoritism."

3 The requirement for judicial impartiality is a requirement worldwide.

4 Commentary to Rule 4 of the Rules for Judicial - Conduct and Judicial-Disability Proceedings gives some examples of non-merits-based rulings. For example, an allegation that a judge conspired with a prosecutor to make a particular ruling is not merits-related, even though it "relates" to a ruling in a colloquial sense. Such an allegation attacks the propriety of conspiring with the prosecutor and goes beyond a challenge to the correctness -- "the merits" of the ruling itself. An allegation that a judge ruled against the complainant because the complainant is a member of a particular racial or ethnic group, or because the judge dislikes the complainant personally, is also not merit-related.

Judicial Complaint against Judge Richard J. Sullivan

The undersigned files this complaint pursuant to the Judicial Conduct and Disability Act of 1980, 28 U.S.C. § 351-364 against Judge Richard J. Sullivan of the Second Circuit United States Court of Appeals for his misconduct in the case of *United States v. Brennerman*, 17-cr-337 (RJS). Complainant alleges Judge Sullivan, in his capacity as the presiding judge over the case, has violated the Canons of the Code of Conduct for United States Judges, namely Canons 2A, 3 and 3B(3) among others.

The Complainant alleges the statements and actions of Judge Sullivan over the last three years show him to have taken on the role of debt collector for ICBC (London) PLC and abetting Judge Lewis A. Kaplan rather than that of a judge adjudicating a live controversy before him. By these actions, he has violated his duty of impartiality and the Court's obligation to protect Complainant's Constitutional rights under the Canons of Judicial Conduct. A review of the record shows that throughout this litigation, Judge Sullivan's rulings have been an "affront" to the law and the administration of justice.

Complainant is mindful that judicial complaints are not a mechanism for challenging the correctness of the merits of substantive or procedural rulings in a case. However, where a judge's misconduct violates the Canons of the Code of Conduct, such complaints are not merits-based. In these situations there is a duty of officers of the Court, to not remain silent or look the other way.

This complaint has been filed over the alarming consequences arising from the deliberate deprivation of Constitutional rights by a judge and the overwhelming bias exhibited by the judge.

JUDGE SULLIVAN'S IMPROPER BIAS, DELIBERATE DEPRIVATION OF CONSTITUTIONAL RIGHTS AND ABUSE OF POWER DURING THE PROCEEDINGS IN THE CRIMINAL CASE

(See attached appendix, supporting exhibits and public outreach websites: www.freerjbrennerman.com and www.freeraheem.com)

The Complainant finds that his treatment by Judge Sullivan deserves intense scrutiny. He should be sanctioned for his violations of the Judicial Canons of Conduct. This matter should be addressed by a special investigation committee and or if the Judges of this Circuit believe their prior rulings on appeals would impact their consideration of the complaint, the Court should request the Chief Justice to transfer the complaint.

1 All of the specifics of this complaint are supported in the record and are set forth in the attached Appendix and supporting exhibits as well as at www.freeraheem.com and www.freerjbrennerman.com.

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