

IN THE UNITED STATES SUPREME COURT

No. _____

FRANK LOCASCIO,
Petitioner

v.

UNITED STATES OF AMERICA,
Respondent.

PETITION FOR WRIT OF CERTIORARI TO THE UNITED
STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

BRIEF OF THE PETITIONER

FRANK LOCASCIO (pro se)
Reg No. 36746-053
Federal Medical Center Devens
P.O. Box 879
Ayer, MA 01432

Q u e s t I o n P r e s e n t e d

Whether a defendant should be permitted to seek a recall of a circuit court's mandate affirming his conviction and sentence and post-conviction denials, where he discovers more than 20 years into his imprisonment that the trial judge failed to disclose a disqualifying conflict of interest involving his son, who was an Assistant U.S. Attorney in the office that investigated and produced much of the evidence in the defendant's trial, thus arguably committing a fraud upon the appellate court, or whether such a defendant must proceed only under 28 U.S.C. § 2255.

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OPINIONS BELOW

The decision of the United States Court of Appeals for the Second Circuit on October 20, 2017 is unpublished and is attached to this Petition. The Order of the United States Court of Appeals for the Second Circuit on November 9, 2017 denying a motion for reconsideration is unpublished and is attached to this Petition.

JURISDICTIONAL STATEMENT

The Decision denying relief was filed by the Court of Appeals on October 20, 2017.

The Order denying reconsideration by the Court of Appeals was filed on November 9, 2017.

This Court has jurisdiction to hear this appeal pursuant to 28 U.S.C. §1254.

STATEMENT OF THE CASE

In December, 1990 Petitioner Frank Locascio ("Locascio"), along with John Gotti, Salvatore Gravano and Thomas Gambino were indicted on charges related to their association in the so-called "Gambino Crime Family". Later, in July, 1991 a

superseding indictment was handed down charging Locascio *et al.* with several counts of racketeering, one count of which involved Locascio allegedly conspiring to murder.

The case was assigned to the Hon. I. Leo Glasser in the Eastern District of New York. Prior to trial, Judge Glasser disqualified from the defense team several prominent lawyers from representing Locascio or the other defendants, all because he found the four attorneys, *inter alia*, labored under an alleged "conflict of interest." See *U.S. v. John Gotti and Frank Locascio* 782 F.Supp. 737, 747 (EDNY 1992) (disqualifying Atty. George Santangelo from representing Locascio for purportedly being "house counsel") and *U.S. v. John Gotti, et al.*, 771 F.Supp.552, 553 (EDNY 1991) (disqualifying Gerald Shargel, Bruce Cutler and John Pollock for "numerous potential conflicts of interest").

Trial began in February, 1992 before Judge Glasser and an anonymous, sequestered jury. After six weeks of testimony, Locascio was convicted on all but one count. Judge Glasser sentenced him to principally life in prison because one of his counts involved a conspiracy to murder. The conviction and sentence were upheld on direct appeal, *U.S. v. Locascio*, 6 F.3d 924 (2d Cir. 1993) and *certiorari* was denied, *Locascio v. United States*, 511 U.S. 1070 (1994).

Through the years Locascio had filed several post-convictions pleadings under both 28 U.S.C. 2255 and Rule 33, F.R.Cr.P. (*inter alia*, failure of the Government to disclose exculpatory evidence related to the Government's chief witness; newly discovered evidence that his trial attorney had been threatened by his codefendant, Gotti, not to fully defend Locascio to the detriment of Gotti). Judge Glasser has denied each prayer for relief, and the appellate courts have upheld all his discretionary decisions.

Recently, when he reached his 80s and having been imprisoned for more than 20 years, Mr. Locascio—from reading an article—learned that a person named James Glasser had been an Assistant U.S. Attorney in the Bridgeport, Connecticut office in the U.S. Attorney's Office for the District of Connecticut during the investigation and trial of the instant charges. That office had played a key role in gathering evidence, and conducting an investigation, into the "Connecticut faction" of the Gambino Crime Family. In fact, much of the evidence presented at Locascio's trial centered around a case that was prosecuted by the Bridgeport office. That office was staffed by only several lawyers, one of whom at the time of the "Connecticut faction" prosecution and investigation was James Glasser.

Petitioner notified his family of the existence of AUSA Glasser having served in the Bridgeport office during the time Petitioner's case was being made in Connecticut and being prosecuted before Judge Glasser. He asked that they investigate whether James Glasser was in any way related to Judge Glasser. Several attorneys and investigators learned that James Glasser was in fact the son of Judge Glasser.

Judge Glasser was keenly aware that the Gotti/Locascio case involved much evidence derived from the Bridgeport, Connecticut office. Not only did he sit on Locascio's trial and co-defendant Gambino's trial, he then wrote a lengthy opinion denying the latter a new trial. In this opinion, he mentioned "Connecticut" approximately 66 times, and the name "Megale" approximately 43 times. Megale was the alleged representative of the Gambino family prosecuted out of the Bridgeport office for the U.S. Attorney of Connecticut, and whose position in the alleged Family and his actions were an integral part of the instant prosecution against Locascio and Gotti.

Without doubt, then, Judge Glasser knew that the case before him involved evidence that had been investigated and prosecuted in the Bridgeport office and that his son, James Glasser, was a prosecutor in that office. Judge Glasser, who

ironically was so keen on conflicts of interest in the case, failed to inform Locascio or any other defendants and their attorneys that his own son worked in one of the offices that had garnered the evidence that was being brought before him and the jury. As far as Locascio and his several recent counsel have been able to determine, none of the defense team was ever made aware that Judge Glasser's son was an Assistant U.S. Attorney and was working in one of the very offices that had made the case against him. In fact, Judge Glasser deliberately withheld this information from the defendants and counsel, thereby depriving them of any opportunity to seek his recusal.

To compound this subterfuge by Judge Glasser, the Department of Justice, and the U.S. Attorneys' offices in both New York and Connecticut, who knew, or should have known, that Judge Glasser's son was an Assistant U.S. Attorney and worked in the Bridgeport office, failed to disclose to the defendants or their attorneys about the relationship. As did Judge Glasser, they also hid the relationship for all these years. (Why all these parties partook in this deceit has never been resolved.)

Once confirming the relationship between Judge Glasser and James Glasser, members of the Locascio family hired an attorney. Since Locascio had no standing

to file a second or successive 2255, the attorney filed a petition to recall the mandates of the Second Circuit Court of Appeals that had affirmed Locascio's conviction and prior post-conviction denials, since all those prior appeals had centered around upholding decisions made by Judge Glasser. The underlying basis of the recall motion, of course, is that Locascio's right in the first instance to be prosecuted before an unbiased and impartial judge was violated in this case, and therefore his prosecution was tainted from the onset and everything that followed was fraudulent. Had the appellate courts been aware of the deceit that had been practiced by the judge and prosecution in this case, by hiding the aforementioned family relationship between judge and prosecutor, the appellate courts would have certainly examined Judge Glasser's decisions in a totally different light. At the very least, it was claimed in the petition, all the issues that arose from learning of the relationship and why it was hidden, whether Judge Glasser should not even have been sitting on the case and making scores of rulings detrimental to the defense positions, should have been allowed to be litigated by the Court of Appeals, who still had the power to revisit their prior decisions and recall them under the extraordinary circumstances of this case. One of the main issues claimed in the recall motion centered around whether Judge Glasser, esoterically knowing the hidden facts, had a duty pursuant to 28 U.S.C. § 455(a) to recuse him because

his "impartiality might reasonably be questioned."

In a one-paragraph decision appealed from herein, the Court Below denied the requested relief holding, in effect, that this was not a matter to use an appellate court's power to recall the mandate, but instead was a 28 U.S.C. 2255 issue in disguise and was barred from being litigated by the second or successive petition rules.

ARGUMENT

THE COURT BELOW ERRED WHEN IT HELD THAT
LOCASCIO'S MOTION TO RECALL THE MANDATE
WAS A 28 U.S.C. § 2255 SECOND OR SUCCESSIVE
MOTION AND FAILED TO REACH THE
MERITS OF THE MOTION

1. *Background*

More than 20 years after his conviction became final and while still imprisoned for over 26 years, Locascio discovered by chance that his trial judge

had a son who, during the instant case's investigation and trial, was an Assistant United States Attorney assigned to the Bridgeport, Connecticut office of the U.S. Attorney for the District of Connecticut. The Bridgeport office had conducted a significant part of the investigation into evidence that was used at Locascio's trial, (and conducted other prosecutions of the "Gambino Crime Family" members) and which evidence resulted in his conviction.

At no time has the trial judge ever disclosed the relationship. At no time has the Department of Justice, the U.S. attorneys for either the Eastern District of New York or Connecticut, or the judge's son, disclosed the relationship.

After verifying the relationship, attorneys hired by Locascio's family filed a Motion to Recall the Mandate in the Court Below. The Motion requested that the Court Below recall all its mandates relating to upholding Locascio's conviction and life sentence in essence because there had been fraud upon the court and that the entire criminal process before the courts had been corrupted from the onset because the trial judge ought to have recused himself under the dictates of 28 U.S.C. § 455(a) because, at the very least, his presence as trial judge gave the appearance of partiality.

The Court Below denied relief, holding that since Locascio was purportedly

attacking his conviction and sentence, then the issue was confined to litigation under 28 U.S.C. § 2255, and Locascio was barred from filing a second or successive 2255. In pertinent part, the Court Below said:

Because Appellant challenges the legality of his conviction and made a prior motion to vacate his conviction pursuant to 28 U.S.C. § 2255, which was denied on the merits, his present motion to recall the mandate may not properly be granted unless he satisfies the criteria set forth in § 2255 (h) for the filing of a successive § 2255 motion. See *Bottone v. United States*, 350 F.3d 59, 63 (2d Cir. 2003) (a prisoner challenging the legality of his conviction “cannot evade the successive petition restrictions of 28 U.S.C. § 2255 . . . by framing his claims as a motion to recall the mandate”). A second or successive § 2255 motion is not permissible unless it is based on either “(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable factfinder would have found the movant guilty of the offense; or (2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.” 28 U.S.C. § 2255(h). Appellant’s motion does not satisfy these criteria. It does not rely on a new rule of constitutional law; and recusal of the district judge would in no way establish Appellant’s innocence.

See attached Order. Because of this holding, the Court Below evaded the need to deal with the very serious issue surrounding the complete denial of Locascio receiving a fair proceeding because his trial judge ought not to have been sitting on the case in the first instance, and the unethical and suspicious withholding of

information by both the trial judge and Department of Justice members about the relationship between the judge and a prosecutor who worked in one of the offices where evidence was produced that was used against the Petitioner.

2. *Recall of the mandate power.*

In *Calderone v. Thompson*, 523 U.S. 538 (1998), it appears the Court settled the question that “the courts of appeals are recognized to have an inherent power to recall their mandates, subject to review for an abuse of discretion.” *Id.* 549-550. The Court noted that “the power can be exercised only in extraordinary circumstances” and “it is one of last resort, to be held in reserve against grave, unforeseen contingencies.” *Id.* 550.

The relief given to Calderone by the court of appeals was taken away by the Court because the basis of the relief was trivial and rested on shaky grounds—procedural missteps by a few judges of the court of appeals itself in the consideration of a *sua sponte* call for a vote on a motion to rehear the case *en banc*. But, the *Calderone* Court noted that had the case dealt with *fraud* it would have had an entirely different opinion about the use of recall of the mandate. *See id.* 557 (“This is also not a case of fraud upon the court, calling into question the very legitimacy of the judgment.”)

3. *Fraud upon the court can be litigated under recall of the mandate powers.*

Notwithstanding any other jurisdictional avenues available to a litigant, use of the recall of the mandate power of a court of appeals is a proper road for an aggrieved party, like Locascio, to use to set aside an unjust judgment. In that respect, when a fraud has been committed upon a court the recall-of-the-mandate power is apropos.

Professor Moore defined a fraud upon a court as “fraud which does or attempts to, defile the court itself, or is a fraud perpetrated by officer of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases.” 7 *Moore's Federal Practice*, 2d ed., p. 512, ¶ 60.23. Under that definition, it could be said that the trial judge and concerned persons in the DOJ in this case defiled the process that was due Locascio to have an unbiased and impartial judge sit on his case, and that officers of the court perpetrated a fraud by failing to carry out their statutory and ethical duty of reporting the father/son relationship, and such behavior had the effect of interfering with the judicial machinery so that it could not perform in the impartial manner it was made to do. Also see, *Bullock v. United States*, 763 F.2d 1114 (10th Cir. 1985) (a fraud on the court can occur where there's been an attempt to corrupt or influence a court).

This Court long ago held in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238 (1944) that courts of appeal have the power to recall their mandates when fraud is discovered post-judgment. The Court noted more than 70 years ago that “[f]rom the beginning there has existed along side the term rule a rule of equity to the effect that under certain circumstances, one of which is after-discovered fraud, relief will be granted against judgments regardless of the term of their entry.” *Id.* 244. This statement, it is submitted, could be also thought of to imply that time-limits aren’t a bar to relief under recall motions. The Court also intimated that no matter what particular jurisdiction was invoked, some relief had to be granted in the appropriate case. *Id.* 245 (“But whatever form the relief has taken in particular cases, the net result in every case has been the same: where the situation has required the court has, in some manner, devitalized the judgment even though the term at which it was entered had long since passed away.”)

The *Hazel-Atlas* court found that in that case there had been a “deliberately planned and carefully executed scheme to defraud *** the Circuit Court of Appeals.” *Id.* The Court went on to state how serious a problem such was:

Furthermore, tampering with the administration of justice in the manner indisputably shown here involves far more than an injury to a single litigant. It is a wrong against the institutions set up to protect and safeguard the public, institutions in which fraud cannot

complacently be tolerated consistently with the good order of society. Surely it cannot be that preservation of the integrity of the judicial process must always wait upon the diligence of litigants. The public welfare demands that the agencies of public justice be not so impotent that they must always be mute and helpless victims of deception and fraud.

Id.

Although Mr. Justice Roberts dissented in *Hazel-Atlas*, *id.* 251, because he thought the Court should allow the harmed parties to seek other available relief (*but see, id.* 255 (suggesting that the rules of repose in using recall motions to resurrect old cases should be relaxed in criminal cases when “no other judicial relief is available”)) he began his dissent with words that resound in this case: “No fraud is more odious than an attempt to subvert the administration of justice.” *Id.*

The judicial process in this case was corrupted and subverted by the trial judge and certain members of the Department of Justice failing to disclose that the trial judge had a son who worked in the same office where substantial evidence was garnered against Locascio. The fraud was further compounded in the court of appeals when judges weren’t notified that they were examining decisions on appeal that had been made by a judge whose impartiality was very much in question. But none of the defendants, their counsel, nor the panels hearing important issues in

this case had an opportunity to consider this grave circumstance, because the trial judge deliberately hid the father/son relationship. *Also see, Universal Oil Products Co. v. Root Refining Co.* 328 U.S. 575, 580 (1946) (“The inherent power of a federal court to investigate whether a judgment was obtained by fraud, is beyond question” citing to *Hazel-Atlas*.)

4. *The Liljeberg test.*

At the root of Locascio’s Recall of the Mandate motion in the Court Below was the question of whether Judge Glasser’s impartiality was questionable. While the Court Below never reached this question because it claimed it had no statutory authority to do so, Locascio tersely reviews the claim here so the Court has all the necessary facts to make its decision relevant to hearing this case.

The statute at issue in the Court Below was 28 U.S.C. § 455(a), which states in full: “Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.” This statute is self-enforcing and makes it incumbent on a judge to adhere to it without prompting or motion of the parties.

The seminal case of this Court interpreting § 455(a) is *Liljeberg v. Health Acquisition Corp.*, 486 U.S. 847 (1988). In that case it was later learned that the

trial judge failed to disclose a fiduciary interest that he had in the case. In sum, it wasn't shown that the judge realized that he had such an interest—although he should have known—but whether he realized the connection to the litigants or not, it was held that scienter isn't required under the statute. This Court adopted the Fifth Circuit's holding "that a violation of § 455(a) is established when a reasonable person, knowing the relevant facts, would expect that a justice, judge, or magistrate knew of circumstances creating an appearance of partiality, notwithstanding a finding that the judge was not actually conscious of those circumstances." *Id.* 850. In the final analysis, the Court allowed the former judgment to be set aside because the judge should have recused him, noting in their decision that the primary goal of § 455(a) was to "avoid even the appearance of partiality." *Id.* 860. Moreover, in *Rippo v. Baker*, 580 U.S. ___, No. 16-6336 (Per Curiam 2017) the Court recently reiterated that a showing of actual bias needn't be made in order to require recusal. Citing to prior holdings, the Court said that recusal is required when "objectively speaking, 'the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.'" The Court added that the issue in cases where the judge's impartiality is reasonably questioned is "'whether, as an objective matter, the average judge in his position is likely to be neutral, or whether there is an unconstitutional potential for bias.'"

Petitioner Locascio is not going to belabor all the teachings of *Liljeberg* and its progeny. The point is that under the *Liljeberg* test the basis of the Recall of the Mandate centered on what the average “reasonable person,” who knew all the facts about the John Gotti prosecutions, would have thought about Judge Glasser sitting on this case as the trial judge. Locascio respectfully submits to the Court that it is reasonable to assume that most persons would think the following:

The average reasonable person, knowing all the facts and Federal criminal procedure, would easily determine that Judge Glasser was biased against Gotti and was not an impartial judge to sit on this case. The following information is what the average reasonable person would have before them in coming to a determination that Judge Glasser could not be impartial in this case:

The Government believed that Gotti was the head of a powerful criminal organization and they were trying to convict him of committing crimes and sentence him to prison. On at least three prior occasions they had charged him with crimes, but he had been acquitted each time. These acquittals had earned him the title in the press as the “Teflon Don.” *See, Wikipedia, John Gotti* (Gotti “was latter given the nickname ‘The Teflon Don’ after three high-profile trials in the 1980s resulted in his acquittal, though it was later revealed that the trials had been

tainted by jury tampering, juror misconduct, and witness intimidation”) The Government was upset and embarrassed over the acquittals and Gotti’s public bravado thereafter.

The Government also charged that Gotti had been acquitted in at least one case because a juror had been paid off by a Gotti associate, ensuring that he wouldn’t be convicted. *See N.Y. Times*, 1992 (juror convicted of taking a bribe in Gotti case in 1987 and that juror was “a close friend of someone connected to Gotti”)

Finally, the Government garnered enough evidence to again indict Gotti in the instant case. Because there had been allegations that in prior cases Gotti had corrupted the trial process, the average reasonable person could extrapolate from the known facts that the Government took steps to influence the instant trial by seeing to it that a judge would sit on the case who was favorable to the Government. Therefore, the average person could reasonably believe the Government somehow manipulated the selection process so that one of their AUSA’s—who had worked in the office where much of the case against Gotti had been made—father would be assigned as the trial judge, thus ensuring that no decisions would be made from the bench in Gotti’s favor. Then, the judge and

prosecution kept this relationship between the AUSA and the judge secret. That it was very important to the Government to have a judge sitting on the case who was most favorable to their side, was later affirmed by the trial prosecutor himself, who informed a writer: "There was nothing more important to the defense lawyers and the prosecution than who would be the judge on the Gotti trial. We make arrests, we indict, we prosecute, *but the outcome of the case depends on the Judge.*" See, Michael W. Robbins (Ed.), *One Tough Judge: On Putting John Gotti Away for Good*, Brooklyn: A State of Mind 2000 (quoting AUSA—later Federal District Court Judge--John Gleeson who prosecuted the instant case) (emphasis added). Thereafter, the judge totally disrupted the defense by disqualifying the lawyers who had proven to be effective in defending Gotti in the past, and during the subsequent criminal process denied relief to the defendants in every important aspect.

Considering what is known as fact, then, the average reasonable person on the street would think that the Government believed Gotti had manipulated the criminal justice system in the past resulting in his acquittal, and in retaliation the Government rigged the instant case by having one of their own's father sit on the case as the trial judge to ensure that there wouldn't be any further acquittals.

5. *The instant case ought to have been resolved under a court's equitable powers, not pursuant to § 2255*

At the outset, the Court Below refused to reach the issue about the trial judge because it said this case should have actually been brought under 2255, citing to a case that dealt with an inmate who was trying to *re-litigate* an issue because of a new ruling from this Court. Petitioner submits that *Bottone v. U.S.*, 350 F.3d 59 (2nd Cir. 2003) is inappropos because the facts there are totally different and it's a re-litigation case. The Court Below, as well as every Federal judge in the Judiciary, is well aware that Locascio cannot resort to § 2255 under the facts of this case and therefore to hold that §2255 is his only remedy is to virtually ensure that what happened in this case will be buried for all time and all the facts will be hidden from the public.

As the above jurisprudence suggests, however, this case calls for the use of the Court of Appeals' inherent equitable powers. The question for the Court to resolve is whether, under the unique circumstances of this case, is this a case that qualifies for adjudication under a court of appeals inherent powers to recall their mandates? Locascio submits that it is, and that it's the proper way to handle the question of a district judge's alleged improper conduct; that is, questions about a judge hiding his relationship to the parties or bias and partiality for or against a party should be resolved in the courts of appeals in the first instance.

Parenthetically, Locascio submits that the Court should consider the following: Suppose a person who has been imprisoned a long time learns that either the jurors in his case, or the judge, had been bribed or coerced by the Government to convict the prisoner: is that prisoner foreclosed from having adjudicated that the entire judicial process in his case was corrupt? Under the Court Below's holding, and perhaps all the jurisprudence in this country, although a prisoner might have irrefutable proof of such fraud and subversion of the judicial process, he has no remedy. *But see, Ripppo, supra* (citing to *Bracy v. Gramley*, 520 U.S. 899 (1997) where a judge was accused of accepting bribes and to cover up the bribery convicted others). He can't use §§ 2255 or 2241 because either he's out of time or he can't claim the actual-innocence exception. There is no relief for a person who is in this position. Even if he attempts to use more exotic writs and pleadings, surely it would be said that the prisoner is just making an end-run around the statutes it's alleged they *should* be filing under—exactly what occurred in this case. In the final analysis, no matter that the prisoner was convicted corruptly, he must stay in prison and the illegal or unethical activity will remain hidden from the watery judicial eye.

This is similar to what we have in this case: Locascio is being denied his right to litigate this issue in any court, and any possible wrong-doing that occurred

resulting in his conviction is going to be swept under the table or buried very deeply—probably because it involves accusations against a Federal judge by a lowly prisoner. It’s hard to believe that such could be allowed to occur by the Judiciary. It’s possible that what Judge Hill said in his dissent in *Gilbert v. U.S.* 640 F.3d 1293, 1336 (11th Cir. 2011) that what he “long feared” was happening, and that “[t]he Great Writ is dead in this country.” Because habeas corpus and all other avenues for relief appear to be foreclosed to Locascio—at least according to the Court Below—then he is in the same position as many other prisoners are in, or could be in if they discover long after their convictions that there had been chicanery by judges and prosecutors in obtaining their conviction. Again, Judge Hill’s words are apropos as they relate to people sitting in prisons without any resort to remedies for the wrongs done to obtain their convictions or sentences: “We used to call such systems ‘gulags.’ Now, apparently, we call them the United States.” *Id.* 1337.

There has to be an equitable remedy in this case. The facts behind the Motion to Recall the Mandate are the kind of “extraordinary circumstances” and “grave, unforeseen contingencies” that Locascio submits are of the type “reserve[d]” for use of a courts recall powers. *Calderon*, 523 U.S. at 550-551. The process used to convict Locascio appears to have been corrupted at the onset

because of the failure of the trial judge or the responsible Government prosecutors to inform the defendants of the father/son relationship and thus allow them the opportunity to make a recusal motion, or at least delve into the relationship. Again, the most suspicious aspect of the entire affair—and that which speaks volumes to the average reasonable person that the trial court and prosecutors were in collusion—is that those parties hid the relationship all these years and still to this day have avoided disclosing it.

The Court ought to grant certiorari and resolve the issue of whether or not in a case such as the instant one the proper remedy is to ask a court of appeals to recall its mandate.

CONCLUSION

For all the above reasons the Petition ought to be granted.

Dated: _____

RESPECTFULLY SUBMITTED


/s/ FRANK LOCASCIO (pro se)

FRANK LOCASCIO (pro se)
Reg. No. 36746-053
Federal Medical Center Devens
P.O. Box 879
Ayer, MA 01432

CERTIFICATION

The undersigned hereby certifies that on the above date he has mailed a copy of the within motion, its accompanying affidavit and attachment, and the Petition for Writ of Certiorari to Solicitor General, Department of Justice, 950 Pennsylvania Ave. N.W., Washington, DC 20530.

/s/ FRANK LOCASCIO