

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

KEVIN WALKER ESTATE, et al.

CASE NUMBER:

PLAINTIFF(S),

5:25-cv-00339-SHK

v.

DECLINED

JAY PROMISCO, et al.

DEFENDANT(S).

NOTICE OF ASSIGNMENT TO A U.S. MAGISTRATE
JUDGE AND DECLINATION OF CONSENT
(For use in Direct Assignment of Civil Cases to
Magistrate Judges Program Only)

THIS FORM WILL NOT BE FILED AFTER ISSUANCE BY THE CLERK.

The initiating party must serve this Form on each party at the time of service of the summons and complaint or other initial pleading. This case has been randomly assigned to the United States Magistrate Judge Shashi H. Kewalramani for all purposes, including trial, entry of judgment, and direct review by the Ninth Circuit Court of Appeals. See General Order 24-05; 28 U.S.C. § 636(c); F.R.C.P. 73; L.R. 73-1, 73-2. The case number on all documents filed with the Court must read as follows:

5:25-cv-00339-SHK

Consent to a U.S. Magistrate Judge is voluntary. The parties are free to opt out of consenting without adverse substantive consequences. Should any party timely opt out of consenting, the case will be randomly reassigned to a District Judge. Any party may decline consent by signing at the bottom of this Form and submitting it to the Court in the manner prescribed, within the deadlines set forth, below. **Do not efile this Form. Do not email this Form to any judge's chambers.** If a party declines consent, the identity of that party will not be communicated to any judge.

To decline consent, represented parties must submit the completed Form by email to optout_consent@caed.uscourts.gov.

Pro Se litigants may submit this completed Form in person at the customer service window of any Central District of California divisional office, through the Court's Electronic Document Submission System, or by U.S. Mail to:

United States District Court c/o Magistrate Judge CRD Supervisor
Opt Out Consent
255 W. Temple Street
Los Angeles, CA 90012

Deadline to submit declination of consent. For cases initiated in the Central District, this completed Form must be received by the Court no later than fourteen (14) calendar days from the date of issuance by the Clerk's Office or from the date of service of this Form by the initiating party. For incarcerated plaintiffs appearing pro se, the signed Form must be received by the Court no later than twenty-one (21) calendar days from the date of service of this Form. For cases removed or transferred to the Central District, this completed Form must be received by the Court no later than seven (7) calendar days from the date of issuance by the Clerk's Office or from the date of service of the Form by the initiating party.

If this Form is not received by the deadline set forth above, each party will be deemed to have knowingly and voluntarily consented to proceed before a Magistrate Judge for all purposes.

To decline to consent to proceed before a Magistrate Judge, complete the section below.

I decline consent and ^{demand}~~request~~ the case be assigned to a ^{Article III}~~District~~ Judge. *Without recourse, without prejudice*
By: [Signature] UCC 1-308, 3-402
Date February 7, 2025
ATTORNEY IN FACT [Signature] Attorney/Party's Signature
Plaintiffs
Party Represented

1 Kevin Walker, *sui juris, In Propria Persona*.
2 Donnabelle Mortel, *sui juris, In Propria Persona*.
3 C/o 30650 Rancho California Road #406-251
4 Temecula, California [92591]
5 non-domestic *without* the United States
6 Email: team@walkernovagroup.com

7 *Attorney(s)-In-Fact, Executor(s), Authorized Representative(s),*
8 *and Secured Party(ies)* for Plaintiff(s)
9 TMKEVIN WALKER© ESTATE, TMWG EXPRESS© TRUST
10 TMKEVIN WALKER©, TMDONNABELLE MORTE© ESTATE

11 **UNITED STATES DISTRICT COURT**
12 **CENTRAL DISTRICT OF CALIFORNIA**

13 TMKEVIN WALKER© ESTATE,
14 TMDONNABELLE MORTE© ESTATE,
15 TMKEVIN WALKER© IRR TRUST, TMWG
16 EXPRESS TRUST©,

17 *Plaintiff(s),*

18 vs.

19 Jay Promisco, Joseph Moran, Christian
20 Gault, Amir Sabet, Amanda Coffrini,
21 John Goulding, Brian Mcginley, Virginia
22 Erbes, Corey Moore, Drew
23 Fuerstenberg, James E. Coffrini, Paul
24 Gustafson, Devin Ormonde, SIERRA
25 PACIFIC MORTGAGE COMPANY INC,
26 GREENHEAD INVESTMENTS INC,
27 PHH MORTGAGE SERVICES, PRIME
28 RECON LLC, *Does 1-100 Inclusive*

Defendant(s).

Case No.: 5:25-CV-00339

**PLAINTIFFS' NOTICE OF DECLINE
OF CONSENT TO BE HEARD BY A
'MAGISTRATE JUDGE' AND
DEMAND FOR AN ARTICLE III
JUDGE**

29 **PLAINTIFFS' NOTICE OF DECLINE OF CONSENT TO BE HEARD BY A**
30 **'MAGISTRATE JUDGE' AND DEMAND FOR AN ARTICLE III JUDGE**

31 COMES NOW, Plaintiffs TMKEVIN WALKER© ESTATE, TMDONNABELLE
32 MORTE© ESTATE, TMKEVIN WALKER© IRR TRUST, TMWG EXPRESS TRUST©
33 (hereinafter "Plaintiffs"), by and through their Attorney(s)-in-Fact, Kevin: Walker
34 and Donnabelle: Mortel, who are both proceeding *sui juris, In Propria Persona*,
35 and by *Special Limited Appearance*. Kevin and Donnabelle are **natural freeborn**

1 **Sovereigns and** state Citizens of California and Washington **the republic** in its
2 **De'jure** capacity as one of the several states of the Union 1789. This incidentally
3 makes them both a **national** American Citizen of the republic as per the **De'Jure**
4 **Constitution for the United States 1777/1789.**

5 Plaintiffs, acting through their Attorney(s)-in-Fact, assert their *unalienable* right to
6 **contract**, as secured by **Article I, Section 10** of the **Constitution**, which states: "**No**
7 **State shall... pass any Law impairing the Obligation of Contracts.**" and thus which
8 *prohibits* states from impairing the obligation of **contracts**. This clause
9 **unequivocally** prohibits states from impairing the obligation of contracts, including
10 but not limited to, a trust and contract agreement as an '*Attorney-In-Fact,*' and any
11 private contract existing between Plaintiffs and Defendants. A copy of the
12 '*Affidavit: Power of Attorney In Fact,*' is attached hereto as **Exhibits H** and
13 incorporated herein by reference. Plaintiffs further rely on their *unalienable and*
14 **inherent** rights under the **Constitution** and the **common law** – rights that **predate**
15 the formation of the state and remain safeguarded by due process of law.

16 **I. Constitutional Basis:**

17 Plaintiffs assert that their private rights are secured and protected under the
18 **Constitution, common law, and exclusive equity**, which govern their ability to
19 freely contract and protect their property and interests..

20 Plaintiffs respectfully assert and affirm:

- 21 • "The individual may stand upon his constitutional rights as a citizen. He is entitled
22 to carry on his **private** business in his own way. **His power to contract is *unlimited.***
23 He owes no such duty [to submit his books and papers for an examination] to the
24 State, since he receives nothing therefrom, beyond the protection of his life and
25 property. His rights are such as existed by the law of the land [Common Law] long
26 antecedent to the organization of the State, and can only be taken from him by due
27 process of law, and in accordance with the Constitution. Among his rights are a
28 refusal to incriminate himself, and the immunity of himself and his property from

1 arrest or seizure except under a warrant of the law. He owes nothing to the public
2 so long as he does not trespass upon their rights." (*Hale v. Henkel*, 201 U.S. 43, 47
3 [1905]).

- 4 • "The claim and exercise of a constitutional **right cannot** be converted into a
5 crime." — *Miller v. U.S.*, 230 F 2d 486, 489.
- 6 • "Where **rights secured by** the Constitution are involved, **there can be no rule**
7 **making or legislation** which would abrogate them." — *Miranda v. Arizona*, 384 U.S.
8 • "There can be no sanction or penalty imposed upon one because of this exercise of
9 constitutional **rights**." — *Sherar v. Cullen*, 481 F. 945.
- 10 • "A law repugnant to the Constitution is **void**." — *Marbury v. Madison*, 5 U.S. (1
11 Cranch) 137, 177 (1803).
- 12 • "It is not the duty of the citizen to surrender his rights, liberties, and immunities
13 under the guise of police power or any other governmental power." — *Miranda v.*
14 *Arizona*, 384 U.S. 436, 491 (1966).
- 15 • "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords
16 no protection; it creates no office; it is, in legal contemplation, as inoperative as
17 though it had never been passed." — *Norton v. Shelby County*, 118 U.S. 425, 442
18 (1886).
- 19 • "No one is bound to obey an unconstitutional law, and no courts are bound to
20 enforce it." — *16 Am. Jur. 2d, Sec. 177, Late Am. Jur. 2d, Sec. 256*.
- 21 • "Sovereignty itself remains with the people, by whom and for whom all
22 government exists and acts." — *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

23 **II. Supremacy Clause**

24 Plaintiffs respectfully assert and affirm that:

- 25 • **The Supremacy Clause** of the Constitution of the United States (**Article VI,**
26 **Clause 2)** establishes that **the Constitution**, federal laws made pursuant to
27 **it**, and treaties **made under its authority**, constitute the "**supreme Law of the**
28 **Land**", and thus **take priority over any conflicting state laws**. It provides

1 that state courts are bound by, and state constitutions subordinate to, the
2 supreme law. However, federal statutes and treaties must be within the
3 parameters of the Constitution; **that is, they must be pursuant to** the federal
4 government's **enumerated powers, and not violate other constitutional**
5 **limits on federal power ...** As a constitutional provision identifying the
6 supremacy of federal law, the Supremacy Clause assumes the underlying
7 priority of federal authority, **albeit only when that authority is expressed in**
8 **the Constitution itself; no matter what** the federal or state governments
9 **might wish to do, they must** stay within the boundaries of the **Constitution.**

10 **III. DECLINE OF CONSENT TO BE HEARD BY A MAGISTRATE**
11 **JUDGE AND DEMAND FOR AN ARTICLE III JUDGE**

12 Plaintiffs respectfully **decline** consent to have *any* proceedings, including pre-trial
13 matters, hearings, or final adjudications, conducted by a United States **Magistrate**
14 Judge pursuant to 28 U.S.C. § 636(c) or any other applicable statute or rule.

15 As a Plaintiffs and injured party before this Honorable Court, Plaintiffs hereby
16 invoke their right to have this case heard, presided over, *and* adjudicated solely by
17 a **duly appointed** United States District Judge, who holds office under **Article III of**
18 **the United States Constitution.** This **demand** is made in recognition of the
19 fundamental constitutional *principles* helping to **ensure** judicial integrity,
20 independence, lifetime tenure, and salary protection for Article III judges.

21 **A. Reasons for Declining Consent:**

- 22 **1. Judicial Independence:** **Article III** judges are granted lifetime tenure and
23 salary protection to ensure impartiality and independence from external
24 pressures, as guaranteed by **Article III, Section 1** of the **United States**
25 **Constitution.**
- 26 **2. Due Process:** The appointment and tenure protections afforded to **Article III**
27 judges are essential to preserving the integrity of the judicial process and
28 safeguarding litigants' rights to an impartial tribunal.

3. **Constitutional Mandate:** I seek adjudication by an Article III judge to ensure adherence to constitutional mandates governing the federal judiciary.

B. Demand for Article III Judge

Therefore, I respectfully demand that this matter be assigned exclusively to an Article III district judge for all proceedings, including but not limited to hearings, rulings, and final disposition of this case.

C. Notice to the Court

This notice and demand hereby serves as formal notice of Plaintiffs decline of consent and non-consent to magistrate jurisdiction and a demand for immediate reassignment to an Article III judge.

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COMMERCIAL OATH AND VERIFICATION:

County of Riverside)
) Commercial Oath and Verification
The State of California)

I, KEVIN WALKER, under my unlimited liability and Commercial Oath proceeding in good faith being of sound mind states that the facts contained herein are true, correct, complete and not misleading to the best of Affiant's knowledge and belief under penalty of International Commercial Law and state this to be HIS Affidavit of Truth regarding same signed and sealed this 7TH day of FEBRUARY in the year of Our Lord two thousand and twenty five:

proceeding sui juris, In Propria Persona, by *Special Limited Appearance*,
All rights reserved without prejudice or recourse, UCC § 1-308, 3-402.

By: 
Kevin Walker, Authorized Representative,
Attorney-In-Fact, Secured Party, Executor, national, private bank(er)


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COMMERCIAL OATH AND VERIFICATION:

1 County of Riverside)
2) Commercial Oath and Verification
3)
4 The State of California)

5 I, DONNABELLE MORTEL, under my unlimited liability and Commercial Oath
6 proceeding in good faith being of sound mind states that the facts contained herein
7 are true, correct, complete and not misleading to the best of Affiant's knowledge
8 and belief under penalty of International Commercial Law and state this to be HIS
9 Affidavit of Truth regarding same signed and sealed this 7TH day of FEBRUARY in
10 the year of Our Lord two thousand and twenty five:

11 proceeding sui juris, In Propria Persona, by *Special Limited Appearance*,
12 **All rights reserved without prejudice or recourse, UCC § 1-308, 3-402.**

13 By: 
14 **Donnabelle Mortel**, Authorized Representative,
15 Attorney-In-Fact, Secured Party, Executor, national, private bank(er)

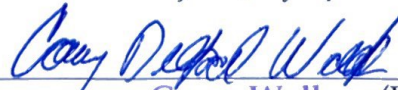
16 //

17 Let this document stand as truth before the Almighty Supreme Creator and let it be
18 established before men according as the scriptures saith: "But if they will not listen,
19 take one or two others along, so that every matter may be established by the testimony of two
20 or three witnesses." Matthew 18:16. "In the mouth of two or three witnesses, shall every
21 word be established" 2 Corinthians 13:1.

22 Sui juris, By Special Limited Appearance,

23 By: 
24 **Steven MacArthur-Brooks** (WITNESS)

25 Sui juris, By Special Limited Appearance,

26 By: 
27 **Corey Walker** (WITNESS)

28 //

PROOF OF SERVICE

STATE OF CALIFORNIA)

) ss.

COUNTY OF RIVERSIDE)

I competent, over the age of eighteen years, and not a party to the within action. My mailing address is the Walkernova Group, care of: 30650 Rancho California Road suite #406-251, Temecula, California [92591]. On February 7, 2025, I served the within documents:

- 1. **PLAINTIFFS' DECLINE OF CONSENT TO BE HEARD BY A 'MAGISTRATE JUDGE' AND DEMAND FOR AN ARTICLE III JUDGE**
- 2. **DECLINED NOTICE OF ASSIGNMENT TO A U.S. MAGISTRATE JUDGE AND DECLINATION OF CONSENT**

By United States Mail. I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed below by placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepared. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Riverside County, California, and sent via Registered Mail with a form 3811.

Jay Promisco, James E. Coffrini, Joseph Moran, Christian Gault, Amir Sabet, Amanda Coffrini, John Goulding, Brian Mcginley, Virginia Erbes, Corey Moore, Drew Fuerstenberg
C/o SIERRA PACIFIC MORTGAGE COMPANY INC / GREENHEAD INVESTMENTS
950 Glenn Drive, suite #150
Folsom, California [95630]
Registered Mail #RF775822517US

Eric D Houser (SBN 130079), Neil J. Copper (SBN 277997)
C/o HOUSER LLP

1 9970 Research Drive
Irvine, California [92618]

2 Susanne M. Nicholson, Daniel J. Foster
3 C/o WILKE FLEURY LLP
621 Capital Mall, suite 900
4 Sacramento, California [95814]

5 Paul Gustafson,
C/o PHH MORTGAGE CORPORATION dba PHH MORTGAGE
6 SERVICES, OWEN FINANCIAL CORPORATION.
3000 Leadenhall Road
7 Mount Laurel, New Jersey [08054]
Registered Mail # RF775822525US

8 Devin Ormonde,
9 C/o PRIME RECON LLC
27368 Via Industria, Suite 201
10 Temecula, California [92590]
Registered Mail # RF775822534US

11 James R. McHenry III, Pam Bondi, Agent(s), Fiduciary(ies)
12 C/o OFFICE OF THE ATTORNEY GENERAL
950 Pennsylvania Avenue, North West
13 Washington, District of Columbia [20530-0001]
Registered Mail # RF775822548US

14
15 On February 7, 2025, I served the within documents by **Electronic Service**.
16 Based on a court order and/or an [agreement of the parties](#) to accept service by
17 electronic transmission, I caused the documents to be sent to the persons at the
18 electronic notification addresses listed below.

19 United States District Court
C/o Magistrate Judge CRD Supervisor
20 255 West Temple Street
Los Angeles, California [90012]
21 optout_consent@cacd.uscourts.gov

22 Jay Promisco, James E. Coffrini, Joseph Moran, Christian Gault, Amir
Sabet, Amanda Coffrini, John Goulding, Brian Mcginley, Virginia
23 Erbes, Corey Moore, Drew Fuerstenberg
C/o SIERRA PACIFIC MORTGAGE COMPANY INC / GREENHEAD
24 INVESTMENTS
950 Glenn Drive, suite #150
25 Folsom, California [95630]
amir.sabet@spmc.com
26 joseph.moran@spmc.com
loanservicingqueue@spmc.com
27 christian.gault@spmc.com
amanda.coffrini@spmc.com
28 john.goulding@spmc.com

ACKNOWLEDGEMENT:

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State of California)
) ss.
County of Riverside)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

On this 7th day of February, 2025, before me, Joyti Patel, a Notary Public, personally appeared Kevin Walker, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Joyti Patel (Seal)

