

Kevin: Realworldfare, *sui juris, in propria Persona*
Corey: Walker, *sui juris, in propria Persona*
C/o 30650 Rancho California Road # 406-251
Temecula, California [92591]
non-domestic without the United States
Email: team@walkernovagroup.com

Plaintiffs, Real Parties in Interest, Injured Parties

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

Kevin: Realworldfare, Corey: Walker
Plaintiffs,

vs.

**Tamara Lucile Wagner, Kai Fan, DOES
1-10,**

Defendants.

Case No. 5:25-cv-01330-KK(SHK)

**NOTICE OF MOTION, AND
VERIFIED EMERGENCY MOTION
**AND DEMAND TO ENFORCE
STATUTORY DISQUALIFICATION,
DEMAND FOR IMMEDIATE
REASSIGNMENT, AND NOTICE OF
JUDICIAL MISCONDUCT UNDER 28
U.S.C. § 144****

(SPECIAL LIMITED APPEARANCE — IN
EQUITY ONLY — EQUITY JURISDICTION
PRESERVED)

This matter is brought in **equity**, under the original and exclusive jurisdiction of this Court as authorized by the Constitution of the United States, Article III, Section 2. All statutory jurisdiction is expressly denied and rebutted. This is a Court of Record. All rights are reserved without prejudice pursuant to UCC 1-308.

COMES NOW, Plaintiffs/Secured Parties/Injured Parties/Real Parties In Interest

Kevin Realworldfare and **Corey Walker**, each a living man, each proceeding *sui juris, in propria persona*, by *Special Limited Appearance* only, not generally, **not pro se**, not as a "United States citizen" as defined under the 14th Amendment, nor as surety for any all-cap legal fiction, artificial entity, corporate construct, transmitting utility, or cestui que trust — but **solely as the living, sentient men**, specially appearing in their true private capacity, competent to state and defend

1 their own rights, title, and interest, and respectfully file this VERIFIED MOTION to
2 enforce the statutory disqualification of **Judge Kenly Kiya Kato** under **28 U.S.C. §**
3 **144**, and to demand immediate reassignment of all pending matters to a
4 constitutionally competent, neutral **Article III judge**, and state as follows:

5 I. STATEMENT OF FACTS

- 6 1. On June 9, 2025, Plaintiffs filed a **Verified Motion and Demand to Recuse**
7 **or Disqualify Judge Kenly Kiya Kato** under **28 U.S.C. §§ 144 and 455**,
8 supported by verified affidavits of bias, prejudice, and judicial misconduct.
- 9 2. Pursuant to **28 U.S.C. § 144**, the filing of a sufficient affidavit of bias “shall
10 result in the judge proceeding no further.” The statute **divests jurisdiction**
11 upon proper filing.
- 12 3. Despite the statutory mandate, **Judge Kato** issued further orders after the
13 filing of the disqualification motion, including:
- 14 ○ An order denying disqualification on June 13, 2025 (Dkt. 23);
 - 15 ○ A scheduling notice on June 23, 2025 (Dkt. 33);
 - 16 ○ A notice purporting to withhold ruling on Plaintiffs’ Emergency
17 Motion (Dkt. 12), pending the outcome of her own
18 disqualification (Dkt. 34/35).
- 19 4. Such actions are **void ab initio** and in direct violation of the **mandatory**
20 prohibition under § 144. **Once bias is properly alleged and verified, the**
21 **disqualified judge is barred from any further action in the case, including**
22 ***procedural responses.***

23 II. CONTROLLING AUTHORITY

- 24 • **28 U.S.C. § 144** - **Requires** disqualification upon filing of a timely and
25 sufficient affidavit. The judge “shall proceed no further.”
- 26 • **United States v. Sibla**, 624 F.2d 864, 867 (9th Cir. 1980):
27 “The filing of a legally sufficient affidavit pursuant to section 144
28 divests the trial judge of all power and requires reassignment.”

- 1 • **United States v. Bryant**, 556 F.2d 846, 848 (7th Cir. 1977):
2 “Once the affidavit is filed, the judge is limited to passing only on its
3 legal sufficiency.”
- 4 • **In re Murchison**, 349 U.S. 133, 136 (1955):
5 “A fair trial in a fair tribunal is a basic requirement of due process.”

6 **III. CONTINUED INVOLVEMENT CONSTITUTES JUDICIAL** 7 **MISCONDUCT AND VIOLATION OF DUE PROCESS**

8 5. The continued involvement of Judge Kenly Kiya Kato in this matter – **after**
9 **the filing of multiple verified affidavits and verified motions to**
10 **disqualify under 28 U.S.C. § 144 – constitutes judicial misconduct and a**
11 **gross violation of the federal judicial canons and due process**
12 **requirements.**

13 6. The **judicial canon of impartiality** prohibits a judge from presiding over
14 matters where impartiality might reasonably be questioned, or where
15 verified bias has been alleged.

16 7. The Ninth Circuit has held that **continued adjudicative conduct post-**
17 **disqualification motion may itself be reversible error**, regardless of the
18 outcome of the underlying claims. See:

- 19 • **United States v. Sibla**, 624 F.2d 864, 867 (9th Cir. 1980):
20 “The judge shall proceed no further... The statute is mandatory. The
21 judge is divested of jurisdiction.”
- 22 • **Liljeberg v. Health Services Acquisition Corp.**, 486 U.S. 847, 860
23 (1988):
24 “The public’s confidence in the judiciary depends on the judge’s
25 impartiality... Judicial misconduct that risks this confidence cannot be
26 overlooked.”
- 27 • **Caperton v. A.T. Massey Coal Co., Inc.**, 556 U.S. 868 (2009):
28 “A fair trial in a fair tribunal is a basic requirement of due process. A

1 violation occurs even where there is an appearance of bias or risk of
2 partiality.”

3 **8. Judicial misconduct includes any knowing violation of clearly**
4 **established law, such as knowingly issuing rulings while disqualified**
5 **by law, failing to enforce statutory divestiture, or intentionally delaying**
6 **or obstructing adjudication to suppress a party’s lawful claims.**

7 **9. Such conduct has now become a self-evident pattern of obstruction,**
8 **dereliction of judicial duty, and abuse of discretion, warranting both**
9 **immediate reassignment and formal investigation under the Judicial**
10 **Conduct and Disability Act, 28 U.S.C. §§ 351–364.**

11 **10. Plaintiffs reserve the right to file a formal complaint for judicial**
12 **misconduct and to seek appropriate remedies before the Judicial**
13 **Council of the Ninth Circuit, and any other body of competent**
14 **oversight.**

15 **IV. DEMAND FOR ENFORCEMENT AND REASSIGNMENT**

16 Plaintiffs hereby demand that this Honorable Court:

17 **A. ENFORCE the statutory disqualification** of Judge Kenly Kiya Kato under 28
18 U.S.C. § 144;

19 **B. VACATE all orders** entered by Judge Kato following the filing of Plaintiffs’
20 Verified Motion for Disqualification, including but not limited to Dkt. 23 and Dkt.
21 33;

22 **C. REASSIGN the case immediately** to a neutral Article III judge free of any prior
23 entanglement or bias;

24 **D. ADJUDICATE the Emergency Motion for Possessory Restoration and**
25 **Injunctive Relief [Dkt. 12] without further delay**, as the Plaintiffs remain in a state
26 of unlawful dispossession and ongoing irreparable harm;

27 **E. ORDER any additional relief this Court deems just and proper** to restore the
28 integrity of these proceedings and protect Plaintiffs' constitutional rights.

VERIFICATION:

Pursuant to 28 U.S.C. § 1746

I, Kevin: Realworldfare, over the age of 18, competent to testify, and having firsthand knowledge of the facts stated herein, do hereby **declare, certify, verify, affirm, and state** under penalty of perjury under the laws of the **United States of America and the State of California**, that the foregoing statements are **true, correct, and complete**, to the best of my **understanding, knowledge, and belief**, and made in **good faith**.

Executed, signed, and sealed this 24th day of June in the year of Our Lord two thousand and twenty five, *without* the United States, **with all rights reserved and without recourse and without prejudice**.

All rights reserved without prejudice or recourse, UCC § 1-308, 3-402.

By: Kevin: Realworldfare
Kevin: Realworldfare, Real Party In Interest,
Plaintiff, Secured Party, Injured Party

VERIFICATION:

Pursuant to 28 U.S.C. § 1746

I, Corey: Walker, over the age of 18, competent to testify, and having firsthand knowledge of the facts stated herein, do hereby **declare, certify, verify, affirm, and state** under penalty of perjury under the laws of the **United States of America and the State of California**, that the foregoing statements are **true, correct, and complete**, to the best of my **understanding, knowledge, and belief**, and made in **good faith**.

Executed, signed, and sealed this 24th day of June in the year of Our Lord two thousand and twenty five, *without* the United States, **with all rights reserved and without recourse and without prejudice**.

All rights reserved without prejudice or recourse, UCC § 1-308, 3-402.

By: Corey Walker
Corey: Walker, Real Party In Interest,
Plaintiff, Secured Party, Injured Party

LIST OF EXHIBITS / EVIDENCE:

1. **Exhibit A:** Affidavit: Power of 'Attorney-in-Fact'
2. **Exhibit B:** UCC1 filing #2024385942-1.
3. **Exhibit C:** UCC3 filing #2024425487-2.
4. **Exhibit D:** GRANT DEED recorded in Official Records County of Riverside, DOC #2024-0036701, APN: 270-400-037, File No.: 35198 CM, where the private property is titled to 'New Beginnings Trust, dated January 1, 2024'
5. **Exhibit E:** Affidavit and **Contract** and Security Agreement #RF775823194US.
6. **Exhibit F:** Affidavit and **Contract** and Security Agreement #RF775820683US.
7. **Exhibit G:** Affidavit and **Contract** and Security Agreement #RF775823163US.
8. **Exhibit H:** **Contract** and Security Agreement / **Affidavit Certificate** of Dishonor, Non-response, **DEFAULT**, JUDGEMENT, and LIEN AUTHORIZATION and **LIEN AUTHORIZATION**, #RF775824075US.
9. **Exhibit I:** Form 3811 corresponding to Exhibit L.
10. **Exhibit J:** Form 3811 corresponding to Exhibit N.
11. **Exhibit K:** Form 3811 corresponding to Exhibit P.
12. **Exhibit L:** Form 3811 corresponding to Exhibit R.
13. **Exhibit M:** Exhibit U: INVOICE/TRUE BILL #ENHANKAIDISHONOR25.
14. **Exhibit N:** Copy of **fraudulent, coercive, extortionate**, OFFER titled "THREE-DAY NOTICE TO QUIT DUE TO FORECLOSURE"
1. **Exhibit O:** Defendants' VERIFIED Response and **Demand** for Dismissal of **Fraudulent Unlawful Detainer AND SANCTIONS AGAINST PLAINTIFFS** and **Demand** FOR CONSIDERED AND STIPULATED **JUDGEMENT**, and **Demand** FOR QUIET TITLE AND **Demand** for Summary Judgement in Favor of Defendants, as a matter of law (received by the Court on, **April 7, 2025**, by way or **Registered Mail** #RF775824570US).
2. **Exhibit P:** Form 3811 evidencing deliver of **Exhibit O**.
3. **Exhibit Q:** California State Bar License Verification - Tamara Lucile Wagner (Bar No. 188613)

- 1 4. **Exhibit R:** Verified Complaint to Quiet Title (Case No. CVR12502206), filed **May 6, 2025**, in
2 the Superior Court of California, County of Riverside, concerning real property located at
3 12232 Brianwood Drive, Riverside, CA (APN: 270-400-037)
- 4 5. **Exhibit S:** VERIFIED EMERGENCY NOTICE AND DEMAND FOR IMMEDIATE STAY
5 OF **UNLAWFUL PROCEEDINGS**; NOTICE OF **JUDICIAL FRAUD** AND **RAILROADING**;
6 AND DEMAND FOR ENFORCEMENT OF CONSIDERED AND UNDISPUTED
7 SUMMARY JUDGMENT AS A *MATTER OF LAW*, filed April 24, 2025.
- 8 6. **Exhibit T:** Transcribed voicemail from court clerk "Christine," dated April 28, 2025,
9 confirming that the May 1, 2025, "prove-up hearing" would proceed at the direction of
10 Defendant Tamara L. Wagner, despite the state court having been divested of jurisdiction
11 by federal removal on April 28, 2025.
- 12 7. **Exhibit U:** Verified **Emergency** Motion AND DEMAND to Dismiss Unlawful Detainer for
13 **Lack of Jurisdiction**, Stay Execution of Writ of Possession, and Request for **Temporary**
14 **Restraining Order** Pending Resolution of Quiet Title Action (Case No. CVR12502206)
- 15 15. **Exhibit V:** Verified Notice of Appeal – Filed May 23, 2025
- 16 16. **Exhibit W:** Verified Notice of Stay – Filed May 23, 2025
- 17 17. **Exhibit X:** Verified Declaration of Corey: Walker in lieu of reporter's transcript and in
18 support of writ of supersedes, (Summarizing Proceedings, Court Rulings, and Motion to
19 Dismiss and Stay in Trial Court).
- 20 18. **Exhibit Y:** VERIFIED EMERGENCY EX PARTE MOTION AND DEMAND TO STAY WRIT
21 OF POSSESSION PENDING APPEAL and Resolution of Quiet Title Action (Case No.
22 CVR12502206)
- 23 19. **Exhibit Z:** Trial court docket showing removal to federal court on **April 28, 2025**, and
24 remand received on **May 5, 2025**.
- 25 20. **Exhibit AA: FULL Reconveyance** was recorded with the Riverside County Recorder (Doc.
26 No. 2007-0505537), filed **August 6, 2007**.
- 27 21. **Exhibit BB:** Email Notice to Courtroom Deputy Clerk Ponce Regarding Judicial Inaction on
28 Emergency TRO (Sent June 5, 2025)

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 or about **June 24, 2025**, I served the within documents:

1. NOTICE OF MOTION, AND VERIFIED EMERGENCY MOTION TO ENFORCE STATUTORY DISQUALIFICATION, DEMAND FOR IMMEDIATE REASSIGNMENT, AND NOTICE OF JUDICIAL MISCONDUCT UNDER 28 U.S.C. § 144

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.

Tamara-Lucile: Wagner (#188613)
C/o TAMARA WAGNER
505 South Buena Vista,
Corona, California [92882]
Certified Mail #7022 2410 0001 7119 3707

Kai: Fan
C/o KAI FAN
3426 Vineland Avenue
Baldwin Park, California [91706]
Certified Mail #7022 2410 0001 7119 3714

