

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 COURT OF APPEALS FOR THE NINTH CIRCUIT

Kevin: Realworldfare, Corey: Walker
Petitioners/Plaintiffs/Injured Parties,
vs.

Hon. Kenly Kiya Kato, Hon. Sunshine S.
Sykes, Hon. Dolly M. Gee, **UNITED**
STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF
CALIFORNIA, EASTERN DIVISION,
Respondents.

Case No.

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

VERIFIED EMERGENCY PETITION
FOR WRIT OF MANDAMUS TO
ENFORCE MANDATORY JUDICIAL
DISQUALIFICATION UNDER 28 U.S.C.
§ 144, VACATE VOID ORDERS,
COMPEL IMMEDIATE
REASSIGNMENT TO AN ARTICLE III
JUDGE, AND ADJUDICATE PENDING
EMERGENCY RELIEF

(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 their own rights, title, and interest.

By this VERIFIED MOTION, Plaintiffs move this Honorable Court to enforce the **mandatory disqualification** of Judge Kenly Kiya Kato under 28 U.S.C. § 144, which became operative by law upon the filing of **verified** and legally sufficient **motions and affidavits unequivocally evidencing and demonstrating judicial bias and misconduct**. The refusal to step down after such **verified motions and affidavits** were filed is a direct violation of the plain command of § 144, and every subsequent act by Judge Kato is void ab initio. The pertains to **Case No [5:25-cv-01330-KK-SHK](#)**.

Plaintiffs now demand **immediate reassignment** of this matter to a constitutionally competent and neutral Article III Judge, free from prior entanglement or demonstrated prejudice, and further seek sanctions and investigatory referral for the pattern of **willful judicial misconduct, obstruction of equitable relief, and abuse of authority already on record**. This is not a request. This is a **lawful** demand under controlling statute, due process, and constitutional guarantees. Delay is no longer tolerable. Plaintiffs now seek full enforcement of § 144 as a matter of law and integrity

I. RELIEF REQUESTED

Petitioners Kevin: Realworldfare and Corey: Walker respectfully petition this Court for issuance of a Writ of Mandamus directing:

1. The **immediate** enforcement of mandatory judicial disqualification under 28 U.S.C. § 144 of Judge Kenly Kiya Kato;
2. Vacatur of all orders entered by Judge Kato after the filing of legally sufficient **verified motions and affidavits** of bias;
3. Reassignment of the case to a neutral and constitutionally competent Article III judge;

4. Immediate adjudication by the reassigned judge of Petitioners' *Verified Emergency Motion for Equitable Possessory Restoration and Injunctive Relief* (Dkt. 12), which remains unaddressed and implicates irreparable harm;
5. Any other relief this Court deems just and proper to preserve the integrity of federal jurisdiction, due process, and Article III adjudication.

II. JURISDICTION

This Court has lawful and plenary jurisdiction to hear and adjudicate this matter under the following authorities:

- **28 U.S.C. § 1651 (The All Writs Act):** Grants original authority to issue all writs necessary or appropriate in aid of this Court's jurisdiction and in enforcement of its lawful orders, particularly to prevent irreparable injury or judicial misconduct.
- **28 U.S.C. § 144 (Judicial Disqualification):** Provides a mandatory, non-discretionary mechanism for the disqualification of a judge upon the filing of a legally sufficient and verified affidavit of bias or prejudice. Once triggered, jurisdiction is divested from the disqualified judge by operation of law.
- **Article III, § 2 of the United States Constitution:** Confers original judicial power over all cases in law and equity arising under the Constitution, laws, and treaties of the United States, including those concerning violations of due process, separation of powers, and judicial misconduct.
- **Controlling Ninth Circuit Precedent:** Authorizes the issuance of writs of mandamus or other extraordinary relief where a district judge has refused or failed to perform a clear, ministerial, and non-discretionary duty under federal law, particularly in cases involving judicial disqualification and the protection of fundamental rights. See *United States v. Sibla*, 624 F.2d 864 (9th Cir. 1980); *In re Cement Antitrust Litig.*, 688 F.2d 1297 (9th Cir. 1982).

This Court's jurisdiction is therefore established both by statutory authority and by constitutional mandate, and no further adjudication may proceed until the

1 disqualification is fully enforced and a neutral judicial officer is reassigned in
2 compliance with § 144.

3 III. GROUNDS FOR ISSUANCE OF WRIT

4 **A. Judge Kenly Kiya Kato Is Statutorily Disqualified by Operation of Law** 5 **Pursuant to 28 U.S.C. § 144**

6 Petitioners filed multiple **verified affidavits of personal bias and prejudice** against
7 Judge Kenly Kiya Kato, thereby **triggering automatic and mandatory**
8 **disqualification** by operation of federal statute. See Dkt. Nos. 24 through 30.
9 Once a timely, legally sufficient affidavit is filed under **28 U.S.C. § 144**, the
10 presiding judge is **divested of jurisdiction** to take any further action in the matter,
11 save for forwarding the motion to another judge for assignment. The
12 disqualification is **not subject to discretion**, judicial review, or interpretation by the
13 accused judge.

14 “The affidavit is not passed upon by the judge whose bias or prejudice is in
15 question. It is passed upon by another judge.” — *Berger v. United States*, 255 U.S.
16 22, 36 (1921)

17 “If the affidavit is legally sufficient, the judge must proceed no further.” —
18 *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980)

19 Despite this black-letter mandate, **Judge Kato unlawfully retained**
20 **jurisdiction** and **continued to issue void orders post-disqualification**,
21 including the denial of emergency injunctive relief and a refusal to restore
22 Plaintiffs’ lawful possession. This conduct constitutes **judicial usurpation of**
23 **authority, willful misconduct, and simulated legal process** in direct
24 violation of § 144.

25 **B. The District Court Is Improperly Obstructing Adjudication of Emergency** 26 **Equitable Relief**

27 Petitioners’ **Verified Emergency Motion for Equitable Possessory Restoration,**
28 **Injunctive Relief, and to Enjoin State Enforcement Under Federal Jurisdiction**

(Dkt. 12) has been **pending since June 10, 2025**, and remains **wholly unadjudicated** — despite verified affidavits, supporting memoranda, and a properly filed proposed order.

This failure to rule on pending emergency relief — particularly when the Petitioners are suffering from **ongoing unlawful dispossession, trespass, constitutional violations, and commercial injury** — violates both the spirit and letter of **Rule 65 of the Federal Rules of Civil Procedure** and the **Due Process Clause of the Fifth and Fourteenth Amendments**.

“Due process requires that a recipient have timely and adequate notice and an effective opportunity to defend by confronting any adverse evidence and by presenting his own arguments and evidence orally.” — *Goldberg v. Kelly*, 397 U.S. 254, 267 (1970)

“[D]ue process is flexible and calls for such procedural protections as the particular situation demands.” — *Mathews v. Eldridge*, 424 U.S. 319, 334 (1976)

The Court’s refusal to act on the verified emergency motion — **while citing the presence of a disqualification motion that statutorily divests the judge of jurisdiction to act at all** — constitutes a **constructive denial, deliberate obstruction, and violation of fundamental rights** under federal law.

Petitioners therefore demand the issuance of a writ directing immediate enforcement of disqualification, reassignment to a neutral Article III judge, and **forthwith adjudication of Dkt. 12** to prevent further irreparable harm.

IV. MANDAMUS IS THE APPROPRIATE AND NECESSARY REMEDY

Under binding Ninth Circuit precedent set forth in *Bauman v. U.S. District Court*, 557 F.2d 650 (9th Cir. 1977), the five-part test for issuance of a writ of mandamus is fully satisfied in the present case:

1. No Other Adequate Means to Attain Relief Exist.

Petitioners have **exhausted all procedural avenues** within the District Court, which has refused to:

(a) Enforce the mandatory judicial disqualification under 28 U.S.C. § 144, and
(b) Adjudicate Petitioners' long-pending Verified Emergency Motion for
Equitable Possessory Restoration and Injunctive Relief (Dkt. 12).

As such, Petitioners are left without an effective remedy unless this Court
intervenes.

2. Petitioners Face Irreparable Harm Not Correctable on Appeal.

Petitioners are being unlawfully and forcibly dispossessed of real property,
deprived of federal due process, and are sustaining ongoing constitutional and
commercial injury. This is not an abstract procedural defect — the harm is
immediate, ongoing, and incapable of full redress by any subsequent appeal.
Possessory rights and equitable remedies cannot be retroactively restored after
unlawful transfer or occupation.

3. Judicial Usurpation of Power Has Occurred.

Judge Kenly Kiya Kato is statutorily disqualified under 28 U.S.C. § 144, and
any further adjudication by her is **void, ultra vires, and without lawful
authority**.

Her blatant refusal to step down, coupled with the ongoing issuance of judicial
orders **post-disqualification**, constitutes a **usurpation of jurisdiction in
violation of black-letter law**. See *Berger v. United States*, 255 U.S. 22 (1921);
United States v. Sibla, 624 F.2d 864 (9th Cir. 1980).

4. The District Court's Legal Error Is Clear and Indisputable.

The statute is unambiguous: once a timely and legally sufficient affidavit under
§ 144 is filed, the judge "**shall proceed no further**." The Court's refusal to act on
the disqualification is not a matter of discretion — **it is a clear violation of
controlling federal law and constitutes grounds for extraordinary intervention**.

5. Issuance of the Writ Is Appropriate Under the Circumstances.

Petitioners do not seek an advisory opinion or speculative relief — they seek
enforcement of a mandatory statutory disqualification, reassignment to a

9 WHEREFORE, Petitioners Kevin: Realworldfare and Corey: Walker respectfully
10 demand that this Honorable Court enter immediate relief as follows:

- 11 **1. ISSUE A WRIT OF MANDAMUS** compelling the immediate enforcement of
12 statutory disqualification under 28 U.S.C. § 144 and ordering Judge Kenly
13 Kiya Kato to cease all further involvement in this matter;
- 14 **2. VACATE ALL ORDERS** issued by Judge Kato following the filing of verified
15 affidavits triggering her mandatory disqualification, as such orders are **void**
16 **ab initio** and without jurisdiction;
- 17 **3. ORDER IMMEDIATE REASSIGNMENT** of this action to a constitutionally
18 competent, neutral, and detached Article III judge with no prior involvement,
19 appearance of bias, or entanglement;
- 20 **4. COMPEL PROMPT ADJUDICATION** of Plaintiffs' **Verified** Emergency
21 Motion for Equitable Possessory Restoration and Injunctive Relief (Dkt. 12),
22 which remains unlawfully unaddressed under Rule 65 and federal equity
23 standards;
- 24 **5. GRANT SUCH OTHER AND FURTHER RELIEF** as this Court deems just,
25 proper, and necessary to uphold due process, prevent irreparable harm, and
26 preserve the integrity of the federal judicial process.

27 All rights are expressly reserved under UCC 1-308. Petitioners do not waive any
28 substantive or procedural objections by filing this motion.

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 **1. Exhibit A – Dkt. 1 – Verified Complaint for Declaratory and Injunctive Relief,**
- 2 **Equitable Possession, Quiet Title, Civil Rights Violations, and Damages**
- 3
- 4 **2. Exhibit B – Dkt. 3 – EX PARTE APPLICATION for Temporary Restraining Order**
- 5 **3. Exhibit C – Dkt. 9 – VERIFIED AFFIDAVIT Establishing Void Title Transfer, Unlawful**
- 6 **Detainer Fraud, and Equitable Possession**
- 7 **4. Exhibit D – Dkt. 10 – MINUTES (In Chambers) Order DENYING Plaintiffs' Ex Parte**
- 8 **Application for a Temporary Restraining Order**
- 9 **5. Exhibit E – Dkt. 11 – VERIFIED MOTION AND DEMAND TO RECUSE OR**
- 10 **DISQUALIFY JUDGE FOR BIAS, PREJUDICE, AND MISCONDUCT**
- 11 **6. Exhibit F – Dkt. 12 - VERIFIED EMERGENCY MOTION FOR EQUITABLE**
- 12 **POSSESSORY RESTORATION AND INJUNCTIVE RELIEF**
- 13 **7. Exhibit G – Dkt. 13 - VERIFIED MEMORANDUM OF POINTS AND AUTHORITIES**
- 14 **IN SUPPORT OF EMERGENCY MOTION**
- 15 **8. Exhibit H – Dkt. 14 - VERIFIED AFFIDAVIT OF COREY WALKER IN SUPPORT OF**
- 16 **EMERGENCY MOTION**
- 17 **9. Exhibit I – Dkt. 15 - VERIFIED AFFIDAVIT OF KEVIN REALWORLDFARE IN**
- 18 **SUPPORT OF EMERGENCY MOTION**
- 19 **10. Exhibit J – Dkt. 17 – VERIFIED NOTICE OF JUDICIAL INACTION AND DEMAND**
- 20 **FOR IMMEDIATE RULING ON VERIFIED EMERGENCY EX PARTE APPLICATION**
- 21 **11. Exhibit K – Dkt. 18 – VERIFIED NOTICE OF FACTUAL CLARIFICATION,**
- 22 **JURISDICTIONAL DIVESTITURE, AND ULTRA VIRES ACTS**
- 23 **12. Exhibit L – Dkt. 22 – VERIFIED NOTICE OF FACTUAL ERROR AND**
- 24 **CLARIFICATION OF CAPACITY AS SUI JURIS**
- 25 **13. Exhibit M – Dkt. 23 - ORDER DENYING DISQUALIFICATION (ALLEGEDLY VOID**
- 26 **UNDER 28 U.S.C. § 144) by Judge Kenly Kiya Kato.**
- 27 **14. Exhibit N – Dkt. 28 – VERIFIED RENEWED VERIFIED MOTION AND DEMAND to**
- 28 **Recuse or Disqualify Judge Kenly Kiya Kato**

- 1 **15. Exhibit O** - Dkt. 29 – VERIFIED NOTICE of Filing Verified Affidavits in Support of
2 Mandatory Disqualification of Judge Kenly Kiya Kato
- 3 **16. Exhibit P** - Dkt. 30 – VERIFIED AFFIDAVIT of Kevin Realworldfare in Support of
4 Mandatory Disqualification of Judge Kenly Kiya Kato
- 5 **17. Exhibit Q** – Dkt. 32 – VERIFIED AFFIDAVIT of Corey Walker in Support of Mandatory
6 Disqualification of Judge Kenly Kiya Kato
- 7 **18. Exhibit R** - Dkt. 33 – SCHEDULING NOTICE AND ORDER by Judge Sunshine
8 Suzanne Sykes, **which is a text-only entry without a PDF.**
- 9 **19. Exhibit S** - Dkt. 34 – VERIFIED EMERGENCY NOTICE of Unaddressed Motion,
10 Continuing Irreparable Harm, Notice of Judicial Inaction, and DEMAND for
11 Immediate Ruling Dkt. 12 Under Federal Jurisdiction, with DEMAND to Vacate Void
12 Orders and Enforce Equitable Possessory Relief
- 13 **20. Exhibit T** - Dkt. 35 – VERIFIED EMERGENCY NOTICE AND DEMAND to Vacate
14 Void Order, Disqualify Judge Kato Under 28 U.S.C. Section 144, Dispense with
15 Improper Hearing, Reassign to Neutral Article III Judge, and Grant Unaddressed
16 Emergency Equitable Relief
- 17 **21. Exhibit U** - Dkt. 36 – Notice **by Judge Kenly Kiya Kato** regarding dockets 12, 34, and
18 **35 which is a text-only entry without a PDF.**
- 19 **22. Exhibit V** - NOTICE OF MOTION, AND **VERIFIED EMERGENCY MOTION AND**
20 **DEMAND** TO ENFORCE STATUTORY DISQUALIFICATION, DEMAND FOR
21 IMMEDIATE REASSIGNMENT, AND **NOTICE OF JUDICIAL MISCONDUCT**
22 **UNDER 28 U.S.C. § 144, filed June 24, 2025**

23 //

24 //

25 //

26 //

27 //

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

1. VERIFIED EMERGENCY PETITION FOR WRIT OF MANDAMUS TO ENFORCE MANDATORY JUDICIAL DISQUALIFICATION UNDER 28 U.S.C. § 144, VACATE VOID ORDERS, COMPEL IMMEDIATE REASSIGNMENT TO AN ARTICLE III JUDGE, AND ADJUDICATE PENDING EMERGENCY RELIEF

2. EXHIBITS A through V

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.

Mary H. Murguia, Elena Kagan, Fiduciary(ies)
C/o UNITED STATES DISTRICT COURT OF APPEAL
95 Seventh Street
San Francisco, California [94103-1526]
Express Mail No. [ER204091339US](#) with form [3811](#)

Tamara-Lucile: Wagner (#188613)
C/o TAMARA WAGNER
505 South Buena Vista,
Corona, California [92882]
Certified Mail #[7022 2410 0001 7119 3707](#) with form [3811](#)

Kai: Fan
C/o KAI FAN
3426 Vineland Avenue
Baldwin Park, California [91706]
Certified Mail #7022 2410 0001 7119 3714 with form 3811

Kai: Fan
C/o KAI FAN
12220 Casper Court
Rancho Cucamonga, California [91739]
Certified Mail #7022 2410 0001 7119 3738 with form 3811

By Electronic Service. Based on a court order and/or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

Kai: Fan
kevinyin520@gmail.com

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **June 24, 2025** in Riverside County, California.

/s/Chris Yarbraz/
Chris Yarbraz