

Kevin: Realworldfare
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)

**VERIFIED AFFIDAVIT OF KEVIN:
REALWORLDFARE IN SUPPORT
OF MANDATORY
DISQUALIFICATION OF JUDGE
KENLY KIYA KATO**

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

KNOW ALL MEN BY THESE PRESENT, that I, Kevin: Realworldfare, proceeding
sui juris, in propria persona, appearing by *Special Limited Appearance* only, **not**
generally, and **not** pro se, with **all rights reserved without prejudice**, waiving
none, preserving **all** immunities, protections, and remedies, being over the age of
18, competent to testify, and having firsthand knowledge of the facts stated herein,
do hereby declare, certify, verify, and affirm under penalty of perjury under the
laws of the United States of America and the State of California, that the following
is true, correct, and complete to the best of my knowledge, belief, and
understanding, and made in **good faith**:

- 1 1. I am the Plaintiff and Real Party in Interest, secured party, and Creditor in the
2 above-captioned matter. I proceed *sui juris, in propria persona*, by *Special*
3 *Limited Appearance*, in my private capacity, **not** as a corporate fiction, not as a
4 U.S. citizen vessel, and **not** “pro se.” My verified status as *sui juris, in propria*
5 *persona* has been **declared repeatedly, on the record, un rebutted, and under**
6 **penalty of perjury**.
- 7 2. This **verified** affidavit is made pursuant to 28 U.S.C. § 144, which **mandates** that
8 a federal judge “**shall proceed no further therein, but another judge shall be**
9 **assigned to hear such proceeding**” when presented with a timely and sufficient
10 affidavit establishing bias or prejudice or a **verified** motion. That bar has not
11 only been met – it has been exceeded.
12 **“A party need not submit a notarized affidavit where the motion is**
13 **verified under penalty of perjury pursuant to 28 U.S.C. § 1746.”**
14 – *Schroeder v. McDonald*, 55 F.3d 454, 460 n.10 (9th Cir. 1995)
15 – *Carter v. Comm’r of Internal Revenue*, 784 F.2d 1006, 1009 (9th Cir. 1986)
16 3. Judge Kenly Kiya Kato has demonstrated an unmistakable pattern of **actual and**
17 **apparent bias**, judicial prejudice, and a **conscious betrayal of her oath of office**
18 **and the Constitution she is sworn to uphold**, as evidenced by the following
19 verified and un rebutted facts:
20 **A. WILLFUL MISREPRESENTATION OF LEGAL STATUS – FRAUD ON THE**
21 **RECORD**
22 4. After multiple **verified notices and judicial filings** establishing my lawful
23 standing as *sui juris, in propria persona*, and explicitly rejecting any
24 appearance *pro se*, Judge Kenly Kiya Kato knowingly and repeatedly
25 mischaracterized me as “pro se” – despite **actual and constructive notice to the**
26 **contrary**. This was **not a clerical error**. It was a **deliberate misstatement of party**
27 **capacity**, made in defiance of verified fact, and intended to reframe the
28 jurisdictional nature of these proceedings.

“A party cannot be forced into a legal capacity he has not knowingly, willfully, and intentionally assumed.”

— *Merriam v. People*, 6 Cal. 3d 583, 588 (1972)

5. The imposition of an unwanted, statutory classification is not harmless. In a proceeding grounded in **exclusive equity and Article III jurisdiction**, mischaracterizing Plaintiffs as “pro se” constitutes **judicial fraud** and **jurisdictional sabotage** — a legal maneuver designed to collapse private rights into administrative procedure and strip the Plaintiffs of their properly declared status.

“Capacity to sue or defend is not a mere procedural technicality. It is jurisdictional.”

— *Summers v. Interstate Tractor & Equipment Co.*, 466 F.2d 42, 49 (9th Cir. 1972)

“Judicial notice binds the court. It may not ignore facts properly noticed.”

— *United States v. Rey*, 811 F.2d 1453, 1457 (11th Cir. 1987)

6. The Court’s refusal to recognize Plaintiffs’ lawful capacity, after repeated formal notices and un rebutted affidavits, evidences **bias and fraud on the record**. This is a **material misrepresentation** that distorts not just the parties’ standing, but the forum, jurisdiction, and applicable body of law.

“Fraud on the court occurs where a party or officer of the court corrupts the judicial process itself.”

— *United States v. Estate of Stonehill*, 660 F.3d 415, 444 (9th Cir. 2011)

7. This conduct constitutes **constructive fraud, willful judicial misrepresentation**, and a **material falsification of the record** that contaminates every ruling that follows.

B. COLLUSIVE TOLERATION OF ULTRA VIRES STATE CONDUCT – AIDING THEFT UNDER COLOR OF LAW

8. On April 28, 2025, Plaintiffs lawfully removed Unlawful Detainer Case No. UDCO2500416 to the United States District Court. Pursuant to 28 U.S.C. §1446(d), the State court was immediately and automatically divested of all

jurisdiction, and was legally barred from taking any further action in either case. Any subsequent state court orders or proceedings were **void ab initio** as a matter of federal supremacy and procedural law.

9. Despite this, **Defendant Judge Tamara Wagner** unlawfully issued writs of possession after removal – acts taken in the **complete absence of jurisdiction**.

10. Judge Kato was on notice of these ultra vires acts and took no action. She issued no injunction, no order to show cause, and **provided no protection whatsoever against illegal state action**.

11. Her silence and inaction – while Plaintiffs were **dispossessed of their home** by state actors acting without lawful authority – constitutes **gross judicial negligence**, if not **active collusion**. It directly violates the mandates of **Ex parte Young, Pulliam v. Allen**, and **Cooper v. Aaron**, and it permitted irreparable harm under color of law.

C. CONTINUED JUDICIAL ACTIVITY AFTER STATUTORY DISQUALIFICATION – **VOID AB INITIO**

12. On **June 9, 2025**, Plaintiffs filed a **Verified Motion to Recuse** under §144, properly supported, timely, and verified under penalty of perjury. That motion **automatically divested Judge Kato of all jurisdiction to proceed**.

“The judge *shall* proceed no further.” – 28 U.S.C. § 144

13. Despite this, Judge Kato **continued to rule, denied relief, and ignored federal statutes, constitutional claims, and Supreme Court precedent**. Every action she has taken since June 9, 2025 is therefore **void for want of jurisdiction** and was issued in **direct violation of controlling law**.

D. JUDICIAL CONDUCT UNFIT FOR THE BENCH

14. Judge Kato’s conduct demonstrates:

- **Deliberate bias** against Plaintiffs;
- **Systemic prejudice** in favor of state actors;
- **Judicial fraud** through misclassification of capacity;

- **Conscious disregard** for controlling jurisdictional statutes;
- **Failure to preserve equity**, due process, or basic fairness.

15. Her continued participation irreparably taints these proceedings and renders this forum **constitutionally incapable of providing remedy**.

“A fair trial in a fair tribunal is a basic requirement of due process.” — *In re Murchison*, 349 U.S. 133, 136 (1955)

“Justice must satisfy the appearance of justice.” — *Offutt v. United States*, 348 U.S. 11 (1954)

“Even the appearance of bias justifies recusal.” — *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988)

E. DEMAND FOR DISQUALIFICATION, VACATUR, AND SANCTION

16. Based on the foregoing, I affirm that:

- Judge Kato cannot be trusted to act impartially in this matter;
- Her continued participation constitutes a **structural due process violation**;
- All rulings issued after June 9, 2025 must be **vacated in full**;
- The matter must be **reassigned** to an impartial Article III judge;
- This misconduct must be referred to the **Judicial Council** under **28 U.S.C. §§ 351–364** for investigation.

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Executed in compliance with 28 U.S.C. § 1746 and California Code of Civil Procedure § 2015.5,

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FURTHER AFFIANTS SAYETH NOT.

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

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

By: Kevin: Realworldfare
Kevin: Realworldfare, Plaintiff, RealParty In Interest,
 Secured Party, Injured Party, national

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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 9, 2025**, I served the within documents:

1. VERIFIED AFFIDAVIT OF KEVIN: REALWORLDFARE IN SUPPORT OF MANDATORY DISQUALIFICATION OF JUDGE KENLY KIYA KATO

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 3677

Kai: Fan
C/o KAI FAN
3426 Vineland Avenue
Baldwin Park, California [91706]
Certified Mail #7022 2410 0001 7119 3684

Kai: Fan
C/o KAI FAN
12220 Casper Court
Rancho Cucamonga, California [91739]
Certified Mail #7022 2410 0001 7119 3691

Date: June 13, 2025

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 13, 2025** in Riverside County, California.

/s/Chris Yarbra/
Chris Yarbra

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NOTICE:

Using a notary on this document does *not* constitute joinder adherence, or consent to any foreign jurisdiction, *nor does it alter my status in any manner*. The purpose for notary is verification and identification only and not for entrance into any foreign jurisdiction.

Date: June 13, 2025

JURAT:

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.

State of Riverside
County of California } ss.

Subscribed and ~~sworn~~ to (or affirmed) before me on this 13th day of June, 2025 by Kevin: Realworldfare (formerly Kevin Walker) proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Joyti Patel, Notary public
print
Joyti Patel Seal:

