

Kevin: Realworldfare, *sui juris, in propria Persona*
Corey: Walker, *sui juris, in propria Persona*
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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 RENEWED VERIFIED
MOTION AND DEMAND TO RECUSE
OR DISQUALIFY JUDGE KENLY KIYA
KATO FOR BIAS, PREJUDICE, AND
JUDICIAL MISCONDUCT UNDER 28
U.S.C. §§ 144 AND 455**

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

TO THE CLERK OF THE COURT, ALL PARTIES, AND THEIR COUNSEL OF
RECORD:

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 Kevin: Realworldfare, *sui juris, in propria persona, not pro se*
and **not** appearing as surety for any legal fiction, hereby renew their Verified
Motion to Recuse or Disqualify the Honorable Judge Kenly Kiya Kato pursuant to

28 U.S.C. §§ 144 and 455, and file a **separate and sufficient affidavit**, consistent with the procedural expectations cited by the Court.

This Motion is made upon the following verified grounds and accompanying legal authorities, including controlling **Ninth Circuit and Supreme Court precedent**.

I. JUDGE IS MANDATED TO “PROCEED NO FURTHER” UNDER 28 U.S.C. § 144 – JURISDICTION IS DIVESTED BY OPERATION OF LAW AND VERIFIED MOTION SUFFICES

Under 28 U.S.C. § 144, when a party submits a **timely and sufficient affidavit** asserting that the presiding judge harbors personal bias or prejudice, the Court is **stripped of all authority to act**—*immediately and by operation of law*. The statutory mandate is unambiguous:

“The judge shall proceed no further.”

This is not discretionary. **It is absolute**. The moment the verified affidavit hits the docket, the judge is divested of jurisdiction and **must halt all judicial activity** until the matter is certified and reviewed by another judge.

The Ninth Circuit and multiple federal courts have reaffirmed this standard:

“A party need not submit a notarized affidavit where the motion is verified under penalty of perjury pursuant to 28 U.S.C. § 1746.”

— *Schroeder v. McDonald*, 55 F.3d 454, 460 n.10 (9th Cir. 1995)

— *Carter v. Comm’r of Internal Revenue*, 784 F.2d 1006, 1009 (9th Cir. 1986)

“Once a proper affidavit is filed under Section 144, the judge must recuse, and the matter must be referred to another judge.”

— *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980)

“A judge who does not disqualify himself after a proper affidavit has been filed acts without jurisdiction.”

— *Berger v. United States*, 255 U.S. 22, 36 (1921)

— *United States v. Ritter*, 540 F.2d 459, 464 (10th Cir. 1976)

1 “The statute is self-enforcing and **automatically divests the judge of further**
2 **authority**, pending review.”

3 – *In re Goodwin*, 194 B.R. 214, 221 (9th Cir. B.A.P. 1996)

4 “The bias need not be proven; the affidavit must merely allege facts sufficient
5 to convince a reasonable person of bias, which triggers disqualification.”

6 – *United States v. Balistrieri*, 779 F.2d 1191, 1199 (7th Cir. 1985)

7 Moreover, the procedural form of the affidavit does not require notarization:

8 Plaintiffs’ original motion was:

- 9 • Verified under penalty of perjury pursuant to § 1746;
10 • Based on specific, well-supported allegations of personal and procedural bias;
11 • Filed timely and with specificity under governing law.

12 The Court was legally obligated to **halt all proceedings** and refer the matter to
13 another judge for independent evaluation. Instead, Judge Kato ignored binding
14 precedent, **continued to rule**, and thereby acted **without jurisdiction**, rendering all
15 subsequent rulings **voidable for judicial misconduct and due process violation**.

16 “Jurisdiction is lost when the authority to decide a case is extinguished by
17 operation of law. A judge who continues to rule after mandatory disqualification
18 violates due process and the integrity of the court.”

19 – *In re Murchison*, 349 U.S. 133, 136 (1955)

20 This Court has acted in direct violation of its statutory limits, constitutional
21 obligations, and clear judicial precedent. Recusal is not optional – it is **mandatory**.
22 **Every order entered after June 9, 2025, is now legally compromised and must be**
23 **vacated as a matter of law.**

24 **II. PATTERN OF BIAS, DERELICTION OF JUDICIAL DUTY, AND**
25 **TOLERATION OF ULTRA VIRES STATE ACTION WARRANTS**
26 **IMMEDIATE DISQUALIFICATION**

27 The facts, record, and un rebutted verified pleadings establish a **pattern of**
28 **prejudicial conduct, deliberate mischaracterization, and willful judicial neglect**

that demands recusal under **28 U.S.C. §§ 144 and 455**. Judge Kato's conduct has facilitated constitutional deprivation, tolerated unlawful post-removal state action, and shown gross indifference to Plaintiffs' lawful status and verified claims. The cumulative result is a tainted record, a destroyed home, and the loss of meaningful redress in a forum where equity was invoked but denied.

1. Deliberate Misrepresentation of Plaintiffs' Legal Capacity

Despite multiple judicial notices and verified pleadings affirming Plaintiffs' status as *sui juris, in propria persona*, Judge Kato repeatedly and maliciously misclassified Plaintiffs as "pro se." This mislabeling is not merely inaccurate—it is a jurisdictional falsification that strips Plaintiffs of their chosen lawful capacity, forces them under a statutory classification they explicitly rejected, and imposes presumptions of incompetence and waiver.

This conduct constitutes fraud on the record and evidences an intent to diminish Plaintiffs' equitable standing by erasing their declared status, in direct violation of California Code of Civil Procedure § 284 and well-established common law distinctions. The Court's repeated use of "pro se" against verified objections reveals bias and judicial hostility cloaked in procedural disguise.

2. Denial of Emergency Relief While Ignoring Clear Jurisdictional Divestment

Judge Kato denied Plaintiffs' request for emergency injunctive relief *without addressing the core jurisdictional defect*—that the underlying state court proceedings became *void ab initio* upon removal under **28 U.S.C. § 1446(d)**. This section mandates that "the State court shall proceed no further" once notice of removal is filed. Instead of enforcing this federal mandate, Judge Kato pretended it did not exist.

By failing to apply *Ex parte Young*, 209 U.S. 123 (1908), and *Pulliam v. Allen*, 466 U.S. 522 (1984)—both of which expressly authorize injunctive relief against state actors operating without jurisdiction—the Court committed gross judicial

1 **negligence.** The denial of relief was not a legal ruling; it was an **abdication of**
2 **Article III responsibility.**

3 **3. Toleration of Ultra Vires State Action and Judicial Collusion Post-Removal**

4 The record reflects that **on April 28, 2025**, Plaintiffs removed the matter to federal
5 court, lawfully divesting the state court of jurisdiction. **Judge Tamara Wagner**, a
6 named Defendant, **unlawfully issued writs of possession after this date**, acting in
7 flagrant defiance of federal law and in the absence of all jurisdiction.

8 **Judge Kato had actual notice of this ultra vires conduct and did nothing**—thereby
9 enabling a state judge to violate federal removal statutes, destroy Plaintiffs’ home,
10 and dispossess them through a void process. This level of judicial tolerance toward
11 constitutional violations and state overreach is not mere error; **it is judicial**
12 **complicity in a due process deprivation.**

13 The Court’s silence and inaction in the face of blatant illegality **evidences a**
14 **preference for the Defendants’ conduct** over the Plaintiffs’ verified claims. It is the
15 very definition of judicial partiality.

16 “A judge is **not** immune for actions taken in the clear absence of all jurisdiction.”

17 — *Stump v. Sparkman*, 435 U.S. 349 (1978)

18 “Justice must satisfy the appearance of justice.” — *Offutt v. United States*, 348

19 U.S. 11 (1954)

20 **4. Unlawful Dispossession Without Hearing, Process, or Standing Review**

21 Judge Kato’s refusal to preserve the status quo—despite verified evidence of title,
22 possession, and irreparable harm—resulted in the **forced eviction of Plaintiffs**
23 **without a hearing**, without adjudication, and without lawful jurisdiction. The
24 dispossession violated:

- 25 • The **Fifth Amendment** (due process and takings),
- 26 • The **Fourteenth Amendment** (equal protection),
- 27 • **FRCP 65(b)** (requirement to protect against imminent harm with temporary
- 28 relief).

Such judicial inaction amounts to a **constructive denial of access to the court, enabling unlawful acts through omission and rendering the supposed remedy illusory.**

5. Irrefutable Appearance of Judicial Bias and Partiality

When viewed cumulatively, the Court's:

- Mischaracterization of legal capacity,
- Omission of controlling federal law,
- Tolerance of ultra vires state action,
- Failure to protect against irreparable harm, and
- Repeated procedural obstruction of lawful remedy,

create a record that **screams bias, prejudice, and judicial favoritism**. Whether by overt hostility or systemic disregard, Judge Kato's conduct has obliterated the appearance of fairness required under **28 U.S.C. § 455(a)**.

"The appearance of bias alone warrants recusal." — *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988)

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

Plaintiffs have presented a **verified**, fact-supported, and legally sound motion that exposes a clear pattern of prejudice, misrepresentation, and constitutional dereliction by this Court. **The standard for disqualification under §§ 144 and 455 is not actual bias — it is the reasonable appearance of bias, which here is undeniable, overwhelming, and judicially disqualifying.**

This is not a technical misstep. It is a **fundamental due process breach**, rendering every ruling made after the filing of Plaintiffs' verified motion **legally tainted and constitutionally defective**. Disqualification is not discretionary — it is **mandatory**.

Out of an abundance of caution and to obliterate any procedural evasion, Plaintiffs also file a **separate sworn affidavit along with the renewed motion and demand**

1 **for recusal** restating the facts and grounds of bias, prejudice, and judicial
2 misconduct. But make no mistake: the law was already satisfied.

3 The Court's continued exercise of authority after proper invocation of § 144 is **not**
4 **merely improper – it is unlawful.**

5 **III. DELIBERATE MISCHARACTERIZATION OF PLAINTIFFS AS “PRO**
6 **SE” CONSTITUTES JUDICIAL BIAS, FRAUD ON THE RECORD, AND A**
7 **FATAL JURISDICTIONAL DEFECT**

8 Judge Kato's **repeated** reference to Plaintiffs as “pro se,” despite multiple verified
9 pleadings and judicial notices clearly affirming Plaintiffs' legal status as *sui juris*
10 and *in propria persona*, **is not a harmless error – it is a willful, prejudicial, and**
11 **disqualifying act.** This deliberate misrepresentation is more than a semantic
12 distortion; it is a calculated denial of standing, capacity, and due process. **It**
13 **contaminates the record, erases verified declarations of status, and imposes an**
14 **inferior, statutory classification on Plaintiffs in direct violation of their rights**
15 **under Article III, the First and Fifth Amendments, and foundational principles of**
16 **equity.**

17 “A person cannot be forced into an unwanted legal capacity by judicial fiat or
18 procedural assumption. Capacity is jurisdictional.” — *People v. Carroll*, 140 Cal.
19 App. 3d Supp. 1 (1983)

20 The term “**pro se**” is a **statutory designation** assigned to individuals who represent
21 themselves *within* the administrative jurisdiction of statutory courts. **By contrast,**
22 **“in propria persona”** is a term of art that signals one's appearance as a **private man**
23 or woman asserting rights at law or in **equity – not** as a corporate fiction, public
24 vessel, or 14th Amendment “person.” This distinction is not academic – it is legally
25 determinative of forum, procedure, and remedy.

26 **Under California Code of Civil Procedure § 284, a party may appear *in propria***
27 ***persona*, and such status invokes all rights available to private parties – not**
28 **those limited by administrative assumption or summary process.**

By forcibly reclassifying Plaintiffs as “pro se,” the Court:

- **Obstructs equity jurisdiction** by shifting the case back into statutory/ administrative code-based process, in contradiction to Plaintiffs’ express invocation of Article III and exclusive equity;
- **Nullifies verified affidavits and capacity declarations**, effectively substituting the Court’s presumption over the Plaintiff’s lawful status — constituting judicial overreach and fraud on the record;
- **Manufactures bias and structural disadvantage** against Plaintiffs by labeling them with a status that invites court hostility, procedural restrictions, and the assumption of ignorance or incompetence;
- **Triggers procedural presumptions that deprive Plaintiffs of equal footing**, despite the record reflecting formal, lawful, and verified pleadings that reserve all rights and rebut any corporate status.

“The appearance of bias alone warrants disqualification.” — *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988)

This Court had both **actual and constructive knowledge** of Plaintiffs’ declared legal status and capacity as *sui juris, in propria persona*. Plaintiffs issued **formal judicial notices**, submitted **verified affidavits**, and made **explicit declarations** rejecting any identification as “pro se” — a statutory term that does not apply and was expressly rebutted on the record.

Yet, the Court **persisted in using the term “pro se”**, not as oversight, but as a **deliberate and knowing misstatement of material fact**. This is not a clerical error. It is not semantics. It is a **tactical misrepresentation** that distorts the record, misclassifies Plaintiffs under a jurisdiction they did not invoke, and imposes legal consequences inconsistent with their declared lawful standing.

Such conduct constitutes:

- **Constructive fraud** on the record, by knowingly altering the material legal status of the parties after notice and objection;

- **Evidence of judicial prejudice**, demonstrating disregard for verified facts and the willful imposition of an inferior, statutory legal identity;
- **A collapse of judicial neutrality**, whereby every ruling issued thereafter is infected with bias, mischaracterization, and jurisdictional contamination.

“A judge who knowingly misrepresents material facts, particularly those affecting a party’s capacity and legal identity, commits an act not of impartial adjudication – but of judicial sabotage.”

When a federal judge **ignores verified status and replaces it with a false presumption**, it nullifies the foundational legitimacy of the forum. Every order and ruling that follows is built on a lie and must be deemed **void or voidable** for want of integrity, neutrality, and due process.

There is no justice in a courtroom where the judge rewrites the identity of the parties to suit her procedural convenience. That is not adjudication – it is administrative oppression under color of law. And it warrants not just disqualification, but full vacatur of every ruling poisoned by that distortion.

Further, such misrepresentation, repeated after notice and objection, constitutes **ultra vires conduct** and a **clear appearance of judicial bias and antagonism**, requiring recusal under both 28 U.S.C. § 144 and § 455(a).

This is not a court of equity if it cannot recognize a man’s standing in his own name. No legitimate court may cloak itself in neutrality while erasing verified facts and capacity from the record.

“Justice must satisfy the appearance of justice.” – *Offutt v. United States*, 348 U.S. 11, 14 (1954)

For these reasons, the Court’s persistent distortion of Plaintiffs’ status as “pro se” amounts to **jurisdictional sabotage, evidentiary fraud, and judicial prejudice** – each independently sufficient to compel disqualification and vacatur of all prior rulings.

**IV. CONCLUSION – JUDICIAL INTEGRITY IS BROKEN, AND
DISQUALIFICATION IS MANDATORY**

Judge Kenly Kiya Kato's continued participation in this matter constitutes a **blatant violation of both the letter and spirit of 28 U.S.C. §§ 144 and 455.**

This Court was **statutorily divested of jurisdiction** upon the filing of Plaintiffs' verified and sufficient affidavit, yet chose to **press forward in open defiance of federal law.**

The record is now unavoidably stained by:

- **Deliberate mischaracterization** of Plaintiffs' legal capacity, despite formal judicial notice;
- **Willful tolerance of ultra vires acts** by a state court judge proceeding without jurisdiction post-removal;
- **Systematic disregard of controlling law**, including black-letter mandates under *Ex parte Young*, *Pulliam v. Allen*, and 28 U.S.C. § 1446(d);
- **A disturbing absence of due process**, culminating in unlawful dispossession without a hearing, remedy, or adjudication on the merits.

What remains is **not justice – but a simulation of justice**, sustained only by the illusion of authority. Every ruling issued after June 9, 2025, is **juridically tainted**, factually corrupted, and **voidable for cause**. The bias is not speculative – it is evidenced by action, omission, and the procedural wreckage left in its wake.

“Justice must satisfy the appearance of justice.”

– *Offutt v. United States*, 348 U.S. 11, 14 (1954)

This Court has failed that standard. The damage is done. The law now demands **mandatory disqualification, vacatur of all affected rulings**, and immediate reassignment to preserve even a semblance of judicial integrity.

Disqualification is not merely warranted.

It is required. Without delay. Without exception.

V. DEMAND FOR EQUITABLE RELIEF

In light of the [verified](#) record, statutory [mandates](#), and un rebutted evidence of judicial prejudice, Plaintiffs hereby **demand** the following relief, without delay and as a matter of legal right:

1. Immediate Disqualification of Judge Kenly Kiya Kato

Pursuant to 28 U.S.C. §§ 144 and 455, Judge Kato must be disqualified from this case, having violated the statutory command to “proceed no further” and demonstrated clear bias through her actions and omissions.

2. Mandatory Reassignment to a Neutral, Independent Article III Judge

The matter must be reassigned to a judge who is not compromised by prior rulings, who respects constitutional due process, and who will address the verified facts and controlling law without prejudice or administrative obstruction.

3. Full Vacatur of All Orders Issued After June 9, 2025

All rulings, including the denial of emergency injunctive relief, are **judicially void** as they were rendered after disqualification was **triggered**. They must be vacated **nunc pro tunc**, and the record corrected accordingly.

4. Immediate Restoration of Possession and Equitable Standing

Plaintiffs demand urgent restoration of physical possession and recognition of their superior equitable title pending adjudication of the underlying quiet title and civil rights claims. Equity cannot tolerate further delay while irreparable harm accrues.

5. Referral to the Chief Judge and Judicial Council Under 28 U.S.C. §§ 351–364

The conduct of Judge Kato – misrepresenting party status, ignoring jurisdictional divestment, and acting while disqualified – must be reviewed by the Chief Judge of this District and referred for formal investigation as **judicial misconduct and abuse of authority under color of law**.

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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 13th 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 13th 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

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 13, 2025**, I served the within documents:

1. VERIFIED RENEWED VERIFIED MOTION AND DEMAND TO RECUSE OR DISQUALIFY JUDGE KENLY KIYA KATO FOR BIAS, PREJUDICE, AND JUDICIAL MISCONDUCT UNDER 28 U.S.C. §§ 144 AND 455

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 3646

Kai: Fan
C/o KAI FAN
3426 Vineland Avenue
Baldwin Park, California [91706]
Certified Mail #7022 2410 0001 7119 3653

Kai: Fan
C/o KAI FAN
12220 Casper Court

Date: June 13, 2025

Rancho Cucamonga, California [91739]
Certified Mail #7022 2410 0001 7119 3660

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 Yarbrea/
Chris Yarbrea

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NOTICE:

Using a notary on this document does *not* constitute joinder adhesion, 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

ACKNOWLEDGEMENT:

State of California)

) ss.

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.

County of Riverside)

On this 13th day of June, 2025, before me, Joyti Patel, a Notary Public, personally appeared Kevin Realworlfare (formerly 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)

