

Date: July 11, 2025

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*Respondent, Real Party In Interest, Secured Party,
Injured Party*

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

MARINAJ PROPERTIES LLC,
[Purported] *Plaintiff*,
vs.
KEVIN WALKER, DONNABELLE
MORTEL,
[Purported] *Defendants*.

Case No. 5:25-cv-01450-SSS(SP_x)

**VERIFIED NOTICE MOTION AND
VERIFIED MOTION AND DEMAND
TO DISQUALIFY JUDGE SUNSHINE
SUZANNE SYKES UNDER 28 U.S.C.
§§ 144 AND 455 FOR BIAS,
**PREJUDICE, AND FAILURE TO
PRESERVE FEDERAL REMOVAL
JURISDICTION****

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

TO THE COURT, ALL PARTIES, AND 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, in full capacity as the natural, living man and
Real PartyIn Interest, proceeding *sui juris, in propria persona*, **not pro se**, by
Special Limited Appearance only, not appearing as surety for any legal fiction, not

a corporation, **not a “resident”**, and **not** a U.S. citizen under the 14th Amendment, and invokes the Court’s original jurisdiction in **equity**, demanding adjudication according to the **facts, truth, and applicable law**, and and respectfully moves this Court for the immediate disqualification of Judge Sunshine Suzanne Sykes pursuant to 28 U.S.C. §§ 144 and 455(a), on the basis of demonstrated bias, failure to enforce mandatory federal removal jurisdiction under 28 U.S.C. § 1446(d), and improper judicial tolerance of procedurally void filings, simulated legal process, and fraudulent party substitutions.

I. STATEMENT OF FACTS

1. This matter was lawfully removed under 28 U.S.C. §§ 1441, **1443**, and 1446(d) from Riverside County Superior Court, where it was proceeding under the simulated caption *MARINAJ PROPERTIES LLC v. KEVIN LEWIS WALKER*, Case No. UDME2500465.
2. Despite removal, Judge Sykes has failed to take mandatory judicial notice of un rebutted affidavits and verified filings establishing:
 - Party misidentification and absence of real party in interest.
 - Procedural voidness of the unlawful detainer (“UD”) based on unresolved title claims pending in related quiet title cases.
 - Fatal jurisdictional defects, including violation of 28 U.S.C. § 1446(d) and the supremacy of federal jurisdiction upon removal.
3. Judge Sykes has instead entertained repetitive and fraudulent filings – including a defective and unverified Motion to Remand – submitted by MARINAJ PROPERTIES LLC and its counsel, despite prior notices and affidavits of fraud on the court and lack of standing.
4. **Respondent and Purported Defendant have also documented judicial bias in a separate matter before Judge Sykes (Case No. 5:25-cv-01357 and Case No. 5:25-cv-01434), where un rebutted verified filings and motions were ignored in violation of federal mandates, further evidencing a prejudicial pattern.**

5. Respondent and Purported Defendant have previously been subjected to proceedings before Judge Sunshine Suzanne Sykes in unrelated litigation (Case No. 5:25-cv-01330), during which the **Sunshine Suzanne Sykes exhibited a consistent pattern of fraud, obstruction, judicial misconduct, judicial bias, disregard for verified filings, failure to consider dispositive legal authorities, and repeated rulings that undermined Respondent and Purported Defendant's right to fair process and equal protection.**

II. EVIDENCE OF BIAS AND PREJUDICE

Judge Sunshine Suzanne Sykes **has demonstrated actual and apparent bias, prejudice, and a failure to uphold mandatory federal jurisdiction,** including the following:

- **Refusal to Strike a Procedurally Void Unlawful Detainer Case:** This matter is a *removed unlawful detainer* action that was never adjudicated on the merits and is facially defective under federal and state law. Despite multiple verified notices and demands to strike for lack of jurisdiction and the fatal absence of indispensable parties, Judge Sykes has taken no corrective action.
- **Willful Tolerance of Parallel Pending Quiet Title Actions:** **There are two (2) active and related quiet title actions involving the same subject matter and property,** yet Judge Sykes continues to allow this unlawful detainer to proceed – despite it being fundamentally jurisdictionally barred and inherently subordinate to superior title claims.
- **Fraudulent Party Substitution and Procedural Misconduct:** Respondent has repeatedly objected to the **unauthorized and fraudulent substitution of parties** – most egregiously the substitution of “KEVIN REALWORLDFARE” in place of the originally named party “KEVIN LEWIS WALKER”, without court order, stipulation, or

lawful basis. This unilateral re-captioning and misidentification constitutes **simulated legal process** and is void ab initio. No motion to amend, substitution order, or verified stipulation was filed – violating Fed. R. Civ. P. 17(a), Local Rule 19-1, and controlling due process authority. Simultaneously, Plaintiff Marinaj Properties LLC and its counsel – who are **not named in the underlying Note or Deed of Trust** – have engaged in repeated filings of **unverified declarations, inadmissible hearsay exhibits, and legally defective pleadings**, while **failing to demonstrate standing as real parties in interest** under Fed. R. Civ. P. 17(a)(1). These cumulative defects constitute **fraud upon the court**, violate 28 U.S.C. § 1446(d), and render the proceeding incurably void..

- **Silence and Inaction in the Face of Verified Affidavits:** Despite being served with numerous **unrebutted verified affidavits** detailing jurisdictional violations, procedural fraud, party misidentification, and fatal defects, Judge Sykes has neither acknowledged nor addressed any of these substantive filings – demonstrating clear bias and obstruction of justice.
- **Permitting Simulated Legal Process:** The ongoing docket activity reveals that Judge Sykes continues to allow filings, hearings, and rulings on matters that were already **removed to federal court under 28 U.S.C. §§ 1441, 1443, and 1446(d)**. This not only violates federal supremacy and mandatory jurisdiction but shows active participation in or allowance of a simulated legal process.
- **Pattern of Prejudice and Partiality in Related Cases:** In related matters involving the same parties and subject matter (e.g. 5:25-CV-01434 and 5:25-cv-01357), Judge Sykes has exhibited a pattern of prejudicial rulings, refusal to consider verified evidence, and failure to enforce

clear federal protections. Her continued involvement raises serious questions as to impartiality and fairness under 28 U.S.C. § 455(a). In totality, these actions represent **fraud upon fraud**, all occurring in direct contravention of controlling federal statutes, due process, and basic standards of judicial neutrality.

III. 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
- 11 bias;
- 12 • Filed timely and with specificity under governing law.

13 The Court is obligated to **halt all proceedings** and refer the matter to another judge
14 for independent evaluation.

15 **IV. LEGAL AUTHORITY AND MANDATORY RECUSAL UNDER 28**

16 **U.S.C. §§ 144 AND 455**

17 It is well-established that a **verified affidavit or motion alleging judicial bias must**
18 **be accepted as true** for purposes of disqualification, and **recusal is mandatory** if the
19 motion is legally sufficient:

- 20 • **Berger v. United States**, 255 U.S. 22, 35 (1921): A sufficient affidavit under 28
21 U.S.C. § 144 “must be accepted as true,” and the judge “cannot pass upon the
22 truth of the facts alleged nor upon the sufficiency of the evidence.”
- 23 • **United States v. Sibla**, 624 F.2d 864, 867 (9th Cir. 1980): Where an affidavit is
24 legally sufficient, recusal under § 144 is not discretionary — “the judge must
25 refer the motion to another judge.”
- 26 • **United States v. Ritter**, 540 F.2d 459, 464 (10th Cir. 1976): An affidavit
27 meeting the statutory threshold “must be referred to another judge for
28 hearing and determination.”

- **In re Nettles**, 394 F.3d 1001, 1002 (7th Cir. 2005): A verified § 144 filing must be accepted as true in determining whether recusal is required.

In addition to statutory grounds, due process under the Constitution mandates recusal where judicial impartiality is in doubt:

- **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868, 881–82 (2009): Recusal is constitutionally required where “the probability of actual bias... is too high to be constitutionally tolerable.” No actual misconduct is necessary; even the appearance of partiality under extreme facts violates due process.
- **Liteky v. United States**, 510 U.S. 540, 551 (1994): Disqualification is warranted where a judge exhibits “such a high degree of favoritism or antagonism as to make fair judgment impossible,” regardless of whether the bias arises from extrajudicial sources.
- **United States v. Jordan**, 49 F.3d 152, 157 (5th Cir. 1995): Bias sufficient to mandate recusal can be inferred from “past adverse rulings where there is evidence of personal animus or a fixed predisposition,” including conduct in unrelated matters.
- **United States v. Holland**, 519 F.3d 909, 913–14 (9th Cir. 2008): Disqualification is necessary under 28 U.S.C. § 455(a) when “a reasonable person with knowledge of all the facts would conclude that the judge’s impartiality might reasonably be questioned.” The standard is objective and focused on public confidence in the judiciary.

Additionally, courts have expressly held that **a verified motion under penalty of perjury satisfies the affidavit requirement of 28 U.S.C. § 144**, and need **not** be notarized to trigger mandatory recusal:

- **Schroeder v. McDonald**, 55 F.3d 454, 460 n.10 (9th Cir. 1995): “A party need not submit a notarized affidavit where the motion is verified under penalty of perjury pursuant to 28 U.S.C. § 1746.”

- **Carter v. Comm’r of Internal Revenue**, 784 F.2d 1006, 1009 (9th Cir. 1986):
The Ninth Circuit confirmed that § 1746 allows unsworn declarations under penalty of perjury to function as sworn affidavits in federal proceedings, including motions for disqualification.

V. DEMAND FOR RELIEF

WHEREFORE, based on the undisputed facts, controlling federal law, and binding precedent, Affiant respectfully and lawfully demands the following:

1. IMMEDIATE DISQUALIFICATION OF JUDGE SUNSHINE SUZANNE

SYKES pursuant to 28 U.S.C. §§144 and 455(a), for demonstrated and ongoing judicial misconduct, actual and apparent bias, and tolerance of fraud upon the court. The record irrefutably establishes a failure to maintain impartiality, protect federal removal jurisdiction, or enforce the most basic rules of procedure, standing, and due process. Her continued involvement is constitutionally intolerable.

2. MANDATORY REASSIGNMENT TO A NEUTRAL, UNINVOLVED

ARTICLE III JUDGE, selected randomly and excluding any judge with prior exposure to Plaintiff or the underlying subject property. Reassignment is required to safeguard structural due process and eliminate the appearance of impropriety arising from Judge Sykes' adverse and prejudicial handling of multiple related cases.

3. IMMEDIATE DISMISSAL OF THIS ACTION WITH PREJUDICE, as the case

is an **unlawful detainer action** that is facially **void *ab initio***, procedurally defective, and materially compromised. It was filed under a **fraudulent caption**, involves **unauthorized party substitutions**, and is being litigated despite the pendency of **two related quiet title actions** (each involving verified evidence, un rebutted affidavits, and a perfected security interest in the subject property). This constitutes duplicative litigation, jurisdictional fraud, and simulated legal process in violation of federal and constitutional law.

1 **4. AUTOMATIC STAY OF ALL PROCEEDINGS**, including all pending motions,
2 remand attempts, or judicial action, until final determination and reassignment
3 are complete. Continuing proceedings under these facts would further entrench
4 due process violations and amplify irreparable harm.

5 **5. ANY OTHER EQUITABLE, INJUNCTIVE, OR SUPERVISORY RELIEF** this
6 Court—or a reviewing tribunal—deems just, proper, and constitutionally
7 required under the circumstances, including sua sponte dismissal, sanctions
8 against bad faith parties, and formal referral for disciplinary review under Rule
9 11 and 28 U.S.C. §1927.

10 The United States Constitution and the inherent authority of this Court demand
11 nothing less.

12 //

13 **VERIFICATION:**

14 Pursuant to **28 U.S.C. § 1746**

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

21 Executed, signed, and sealed this 11th day of July in the year of Our Lord two
22 thousand and twenty five, *without* the United States, **with all rights reserved and**
23 **without recourse and without prejudice**.

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

25
26 By: Kevin: Realworldfare

27 **Kevin: Realworldfare**, Real Party In Interest,

28 Respondent, Secured Party, Injured Party

LIST OF EXHIBITS / EVIDENCE:

1. **Exhibit T:** GRANT DEED recorded in Official Records County of Riverside, DOC #2024-0291980, APN: 957-570-005, File No.: 37238 KH, where the private trust property is titled to 'WG Private Irrevocable Trust, dated February 7, 2022'.
2. **Exhibit U:** UCC1 filing #2024385925-4.
3. **Exhibit V:** UCC1 filing #2024385935-1.
4. **Exhibit W:** UCC3 filing and NOTICE #2024402433-7.
5. **Exhibit X:** UCC3 filing and NOTICE #2024411182-7.
6. **Exhibit Y:** NOTE lawfully discharged and extinguished
7. **Exhibit Z:** Mortgage/DEED OF TRUST lawfully discharged and extinguished
6. **Exhibit AA:** Affidavit and Contract and Security Agreement #EI988807156US.
7. **Exhibit BB:** Affidavit and Contract and Security Agreement #RF775822865US.
8. **Exhibit CC:** Affidavit and Contract and Security Agreement #RF775823755US.
9. **Exhibit DD:** Contract and Security Agreement / Affidavit Certificate of Dishonor, Non-response, DEFAULT, JUDGEMENT, and LIEN AUTHORIZATION and LIEN AUTHORIZATION, #RF775824288US.
10. **Exhibit EE:** Form 3811 corresponding to Exhibit G.
11. **Exhibit FF:** Form 3811 corresponding to Exhibit H.
12. **Exhibit GG:** Form 3811 corresponding to Exhibit I.
13. **Exhibit HH:** Form 3811 corresponding to Exhibit J.

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Date: July 11, 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 **July 11, 2025**, I served the within documents:

1. VERIFIED NOTICE MOTION AND VERIFIED MOTION AND DEMAND TO DISQUALIFY JUDGE SUNSHINE SUZANNE SYKES UNDER 28 U.S.C. §§ 144 AND 455 FOR BIAS, PREJUDICE, AND FAILURE TO PRESERVE FEDERAL REMOVAL JURISDICTION

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.

Naji Doumit, Mary Doumit, Daniel Doumit
C/o **NAJI DOUMIT, MARINAJ PROPERTIES, FOCUS ESTATES INC**
louisatoui3@yahoo.com
najidoumit@gmail.com

John L. Bailey (#103867), Therese Bailey (#171043)
C/o **THE BAILEY LEGAL GROUP**
jbailey@tblglaw.com
tbailey@tblglaw.com

Barry-Lee: O'Connor (#134549)
C/o **BARRY LEE O'CONNOR, BARRY LEE O'CONNOR & ASSOCIATES**
udlaw2@aol.com

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on **July 11, 2025** in Riverside County, California.

/s/Chris Yarbrea/
Chris Yarbrea

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Date: July 11, 2025

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.

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ACKNOWLEDGEMENT:

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 11th day of July, 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)

