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Kevin: Realworldfare, 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

Plaintiff, Real Party in Interest, Injured Party

### UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT

Kevin: Realworldfare,

Petitioner/Plaintiff/Injured Party,

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-01357)

**VERIFIED EMERGENCY PETITION** FOR WRIT OF MANDAMUS TO DISQUALIFY JUDGE SUNSHINE SUZANNE SYKES, VACATE VOID PROCEEDINGS, AND COMPEL ENTRY OF FINAL JUDGMENT ON UNREBUTTED RECORD

(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, Plaintiff/Secured Party/Injured Party/Real Party In Interest Kevin Realworldfare, a living man, 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 a living, sentient man, specially appearing in their true private capacity, competent to state and defend his own rights, title, and interest.

By this **VERIFIED EMERGENCY** PETITION FOR WRIT OF MANDAMUS, Plaintiff respectfully petitions this Court pursuant to 28 U.S.C. § 1651 (All Writs Act) and Rule 21 of the Federal Rules of Appellate Procedure for a Writ of Mandamus 3 directing United States District Judge Sunshine Suzanne Sykes to disqualify herself, vacate all void orders and proceedings issued after July 11, 2025, and for 5 reassignment of the matter to a neutral Article III judge, and for an order directing the District Court to enter Summary Judgment and Default Judgment as a Matter of Law and Equity in favor of Petitioner, based on unrebutted verified filings and procedural default 9 I. INTRODUCTION 10 This Petition presents a constitutional crisis in miniature — a federal judge, formally disqualified under 28 U.S.C. §§ 144 and 455, continues to preside 12 over proceedings without lawful authority, issuing void orders and refusing 13 to adjudicate dispositive motions supported by an unrebutted record. The 14 result is a structural violation of due process, a breakdown of lawful 15 adjudication, and a textbook case for issuance of the extraordinary writ of mandamus. 17 18 Petitioner, Real Party In Interest, and Injured Party seeks immediate relief from this Court pursuant to the All Writs Act, 28 U.S.C. § 1651(a), and Rule 21 of the Federal 19 Rules of Appellate Procedure. The lower court's continued post-disqualification 20 actions are void ab initio and represent a judicial usurpation of power in direct 21 defiance of controlling statutes and binding precedent. 22 There is no adequate remedy at law. Final judgment on the verified and 23 unrebutted record has been unlawfully withheld. Repeated procedural defaults, 24 failure to strike void filings, and deliberate inaction on dispositive motions 25 constitute not mere error, but obstruction and ultra vires conduct. Absent 26 immediate intervention by this Court, Petitioner faces continued deprivation of 27

rights, irreparable harm, and the collapse of lawful process.

This Court has the constitutional, statutory, and supervisory authority to issue the relief demanded. The time for correction by the district court has passed. This Petition is not a collateral appeal — it is a lawful invocation of equity, commercial 3 default, and federal due process principles to preserve judicial integrity, enforce disqualification, and compel final judgment as a matter of law. 5 II. RELIEF REQUESTED 6 Petitioner respectfully demands the following relief pursuant to the All Writs Act, 28 U.S.C. § 1651, and Rule 21 of the Federal Rules of Appellate Procedure: 1. An order disqualifying United States District Judge Sunshine Suzanne Sykes 9 from further participation in Case No. 5:25-cv-01357 under 28 U.S.C. §§ 144 and 10 455, based on verified affidavits filed by Petitioner on July 11, 2025 (Dkts. 72-11 74), and which triggered mandatory disqualification by operation of law; 12 2. Vacatur of all judicial actions, orders, and docket entries issued after July 11, 13 2025, including Dkts. 75–80 and any subsequent filings or minute orders entered 14 under the color of jurisdiction by a disqualified judge, as such actions are void 15 *ab initio* and in violation of federal statute and due process; 16 3. Immediate reassignment of the matter to a neutral, unaffiliated Article III 17 district judge, untainted by prior rulings or jurisdictional improprieties, to 18 19 ensure impartial adjudication going forward; 4. An order compelling entry of Summary Judgment and Default Judgment as a 20 Matter of Law and Equity in favor of Petitioner, based on the *unrebutted* 21 verified record and procedural default of the Defendants, as detailed in Dkts. 25, 22 57-62 – including: 23 • Dkt. 58 - Verified Motion and Demand for Clerk's Entry of Default and 24 Final Judgment as a Matter of Law and Equity; 25

Immediate Ruling on Summary Judgment;

o Dkt. 61 - Verified Request for Judicial Notice of Ripeness and Demand for

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**Dkt. 59** – Verified Motion to Strike Void Filings and Enforce Final Judgment;

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itself.

**5.** Any such further relief as this Court deems necessary and appropriate to vindicate Petitioner's rights, protect the integrity of federal judicial proceedings, and prevent further irreparable harm.

### **III. JURISDICTION**

This Court has original jurisdiction under 28 U.S.C. § 1651(a), the All Writs Act, to issue extraordinary relief in aid of its appellate and supervisory powers. Mandamus is appropriate where, as here, the Petitioner has no other adequate remedy at law, and the need for intervention is both urgent and compelled by justice.

Petitioner's right to relief is clear and indisputable: The district judge below, having been formally and properly disqualified under 28 U.S.C. §§ 144 and 455, is without legal authority to preside over the case in any capacity. All further actions taken by that judge after disqualification are void ab initio and constitute an ongoing usurpation of judicial power. See *United States v. Sciuto*, 521 F.2d 842 (7th Cir. 1975); *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988).

Where a lower court openly defies mandatory disqualification statutes, disregards the Constitution's guarantee of due process and a neutral tribunal, and continues to act in clear excess of jurisdiction, mandamus is not just appropriate — it is necessary to prevent irreparable harm to the integrity of the judicial process

### IV. STATEMENT OF FACTS

On **July 11**, **2025**, Petitioner filed the following verified documents in the United States District Court for the Central District of California in **Case No. 5:25-cv-01357**:

- Verified Notice of Objection to Judicial Reassignment and Verified
   Motion and Demand for Disqualification (Dkt. 72);
- Verified Affidavit in Support of Mandatory Disqualification (Dkt. 74);
- These filings, submitted under oath and in compliance with **28 U.S.C. §§ 144 and** the self-striggered mandatory judicial disqualification. Upon receipt of such an

1	affidavit, a judge "shall proceed no further". The law affords no discretion to the	
2	presiding judge when a sufficient affidavit is filed. Any judicial action taken	
3	thereafter is <u>void ab initio</u> .	
4	Despite this, Judge Sunshine Suzanne Sykes unlawfully continued to preside over	
5	the case, and the Court Clerk processed filings in direct defiance of statutory law	
6	and binding precedent. Docket entries 75 through 81 reflect continued judicial and	
7	procedural activity under a disqualified bench, rendering all such filings	
8	jurisdictionally void.	
9	Even prior to these events, Petitioner had fully briefed and submitted a Verified	
10	Motion and Demand for Summary Judgment in Equity and Final Judgment as a	
11	Matter of Law (Dkt. 25), supported by <u>unrebutted</u> verified affidavits, <u>verified</u>	
12	notices, commercial filings, and <i>perfected</i> security instruments. No <u>verified</u>	
13	opposition was ever filed by Defendants.	
14	In fact, the record shows escalating defaults, tacit admissions, and procedural	
15	silence across the following key filings:	
16	Dkt. 57 – Verified Motion and Demand to Strike Defendants' Declarations	
17	and Objections as Void Under Equity and Procedure;	
18	Dkt. 58 – Verified Notice of Motion and Demand for Clerk's Entry of Default	
19	and Final Judgment as a Matter of Law and Equity;	
20	Dkt. 59 – Verified Motion to Enforce Summary Judgment and Strike Void	
21	Filings;	
22	Dkt. 60 – Verified Notice of Defamation and Demand to Strike Frivolous	
23	Mischaracterizations;	
24	Dkt. 61 – Verified Request for Judicial Notice of Ripeness and Demand for	
25	Immediate Ruling on Summary Judgment in Equity;	

in further support of Summary Judgment, Default Judgment, and enforcement under commercial and equitable law.

Dkt. 62 - Supporting Memorandum of Points and Authorities (83 pages) filed

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1	To date, no competent, admissible, or verified rebuttal exists to any of the facts,
2	claims, or filings in the verified record. All opposing declarations (Dkts. 52-56) are
3	unverified, procedurally defective, and filed without jurisdictional authority, as
4	they were submitted while the Court was operating in <b>post-disqualification</b>
5	dishonor.
6	Petitioner has demanded <b>final judgment</b> based on unrebutted facts, procedural
7	default, and failure to respond to verified commercial offers and notices of
8	dishonor. Nonetheless, the district court has refused to adjudicate the ripe,
9	dispositive motions and has instead permitted continued obstruction and
10	fraudulent litigation tactics, compounding the harm and further disqualifying itself
11	from lawful administration.
12	In light of these circumstances — and the Court's continued refusal to strike
13	void actions, enter judgment, or enforce its mandatory recusal – Petitioner
14	has no adequate remedy other than extraordinary relief by way of
15	mandamus.
16	V. LEGAL STANDARD FOR MANDAMUS
17	Mandamus is an extraordinary remedy, reserved for situations where a lower court
18	has exceeded its lawful authority, failed to perform a clear legal duty, or where a
19	party has no other adequate means to obtain relief. It is not intended to correct
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ordinary legal error, but to prevent judicial usurpation of power, to compel

performance of a ministerial duty, or to address a clear abuse of discretion that

undermines the integrity of judicial proceedings.

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The United States Supreme Court has emphasized the exceptional nature of mandamus:

"Only exceptional circumstances amounting to a judicial usurpation of power, or a clear abuse of discretion, will justify the invocation of this extraordinary remedy."

- Cheney v. U.S. Dist. Court, 542 U.S. 367, 380 (2004) (internal citations omitted).

1	The Ninth Circuit evaluates petitions for writ of mandamus under the five-		
2	facto	r test set forth in Bauman v. U.S. District Court, 557 F.2d 650 (9th Cir.	
3	1977)	:	
4	1.	The party seeking the writ has no other adequate means to attain	
5		relief;	
6	2.	The petitioner will be damaged or prejudiced in a way not correctable	
7		on appeal;	
8	3.	The district court's order is clearly erroneous as a matter of law;	
9	4.	The error is an oft-repeated one or manifests a persistent disregard of	
10		federal rules;	
11	5.	The issue raises new and important problems, or implicates questions	
12		of law of first impression.	
13	Not a	all five factors need be satisfied; rather, the Ninth Circuit has held that	
14	the first three factors are <b>dispositive</b> when clearly met. See <i>In re Cement</i>		
15	Antit	rust Litig., 688 F.2d 1297, 1302 (9th Cir. 1982), aff'd, 459 U.S. 1190 (1983).	
16	The t	hreshold inquiry is whether the petitioner has a "clear and	
17	indis	putable" right to relief, and whether the lower court has committed a	
18	clear	legal error or refused to act where required by law.	
19	Mano	damus is particularly appropriate where a district judge has refused	
20	mano	datory disqualification under 28 U.S.C. §§ 144 or 455, or has continued to	
21	act af	ter losing lawful authority to preside. Any such conduct is void ab	
22	initio	, and the appellate court may issue mandamus to vacate all resulting	
23	proce	eedings and enforce judicial disqualification as a matter of due process	
24	and s	tatutory compliance.	
25	<u>VI. (</u>	GROUNDS FOR EXTRAORDINARY RELIEF UNDER 28 U.S.C. §§ 144, 455,	
26		AND THE ALL WRITS ACT	
27	A wri	t of mandamus is warranted where a district court judge refuses to	
28	disqu	alify, continues to exercise jurisdiction after the statutory basis for recusal	

1 has been triggered, and fails to adjudicate dispositive motions supported by an

2	unrebutted record. That is precisely the situation here.
3	A. Mandatory Disqualification Under Federal Law
4	Federal law imposes <b>two independent and mandatory bases for disqualification</b> :
5	1. 28 U.S.C. § 144 requires disqualification when a party files a timely and
6	sufficient affidavit demonstrating that the judge has a personal bias or
7	prejudice. The statute <b>removes all discretion</b> from the judge, who must
8	immediately step aside.
9	United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1975):
10	"Once a party files a proper affidavit under § 144, the judge shall proceed no
11	further in the matter."
12	2. 28 U.S.C. § 455(a) requires disqualification where the judge's impartiality might
13	<b>reasonably be questioned</b> — a lower standard. This provision is <b>self-enforcing</b>
14	and must be honored whether or not a motion is filed.
15	Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 865 (1988):
16	"The issue is not whether the judge is impartial in fact, but whether the
17	judge's impartiality might reasonably be questioned."
18	Once the statutory standard is met, any further judicial action is void.
19	Russell v. Lane, 890 F.2d 947, 948-49 (7th Cir. 1989):
20	"[A] judge who continues to preside after a valid recusal motion acts without
21	jurisdiction, and any orders entered thereafter are a nullity."
22	B. Mandamus Standard and Applicability
23	The Ninth Circuit applies the five-part test articulated in <i>Bauman v. U.S.</i>
24	Dist. Court, 557 F.2d 650 (9th Cir. 1977), for determining whether a writ
25	of mandamus is appropriate. The following three factors are dispositive
26	here:
27	1. Petitioner has no other adequate means to attain relief
28	The district court has refused to disqualify, continues to act without jurisdiction,
	Page 8 of 16

1	and has failed to rule on ripe, dispositive motions — foreclosing any remedy
2	other than mandamus.
3	2. Petitioner's right to relief is clear and indisputable
4	Verified disqualification filings (Dkts. 72–74) triggered mandatory recusal.
5	Continued judicial participation thereafter violates §§ 144 and 455 and renders
6	all subsequent actions void.
7	3. The lower court has committed a clear judicial usurpation of power
8	A judge acting <b>after disqualification</b> is committing a constitutional violation
9	and cannot invoke judicial immunity or discretion.
10	In re Cement Antitrust Litig. (MDL No. 296), 688 F.2d 1297, 1303 (9th Cir. 1982),
11	aff'd, 459 U.S. 1190 (1983):
12	"Mandamus is appropriate where the district court has committed a clear
13	error of law and failed to perform a duty mandated by statute."
14	All three prongs are irrefutably met on the record.
15	C. Denial of Summary Judgment on Unrebutted Record Violates Due Process
16	In addition to violating federal recusal statutes, the district court has failed to adjudicate
17	Plaintiff's Verified Motion for Summary Judgment (Dkt. 25), despite no verified
18	opposition and a complete record of unrebutted affidavits and procedural default:
19	Dkt. 58 - Motion and Demand for Clerk's Entry of Default and Final
20	Judgment;
21	Dkt. 59 – Motion to Strike Void Filings and Enforce Final Judgment;
22	Dkt. 61 – Judicial Notice of Ripeness;
23	Dkt. 62 – 83-page Memorandum in support of Summary Judgment.
24	Where a party moves for summary judgment supported by competent evidence,
25	and the opposing party fails to create a genuine dispute of material fact, judgment
26	must be granted as a matter of law.
27	Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986):
28	"Rule 56 mandates the entry of summary judgment against a party who fails
	Page 0 of 16

YERIFIED EMERGENCY PETITION FOR WRIT OF MANDAMUS TO DISQUALIFY JUDGE SUNSHINE SUZANNE SYKES, VACATE VOID PROCEEDINGS, AND COMPEL ENTRY OF FINAL JUDGMENT ON UNREBUTTED RECORD

to make a showing sufficient to establish the existence of an element essential to 1 that party's case." 2 Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986): 3 "Only disputes over facts that might affect the outcome of the suit under 4 governing law will properly preclude the entry of summary judgment." 5 The lower court's failure to adjudicate the motion constitutes an additional due 6 process violation and judicial obstruction of final judgment. This is not mere error. It is a complete breakdown in the rule of law. The judge's refusal to disqualify herself, continued post-disqualification actions, and deliberate inaction on dispositive motions represent a judicial usurpation of power, a 10 structural due process failure, and a textbook case for mandamus. VII. CONCLUSION 12 13 The record in this matter presents a clear and indisputable case of judicial lawlessness, jurisdictional misconduct, and systemic due process violations. The verified disqualification filings submitted by Petitioner on July 11, 2025 (Dkts. 72-15 74) triggered mandatory recusal under 28 U.S.C. §§ 144 and 455, stripping Judge 16 Sunshine Suzanne Sykes of all lawful authority to proceed. Her continued 17 involvement, and the acceptance of filings by the Clerk of Court, constitute a 18 direct usurpation of power, rendering all subsequent docket activity void ab 19 initio. 20 Concurrently, the district court has refused to adjudicate ripe, dispositive motions (Dkts. 25, 57–62), including a properly supported and unrebutted **Verified Motion** for Summary Judgment and Default Judgment, despite Defendants' procedural silence and the absence of any genuine issue of material fact. This is not a clerical 24 oversight — it is a deliberate obstruction of justice and a structural breach of the 25 judicial oath. 26 Accordingly, Petitioner respectfully demands that this Court issue an immediate 27

Writ of Mandamus, ordering the following:

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### **VERIFICATION:**

### Pursuant to 28 U.S.C. § 1746

I, <u>Kevin</u>: 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 <u>19th</u> day of <u>June</u> 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: Keym: Kealworldtare

**Kevin: Realworldfare**, Real Party In Interest, Plaintiff, Secured Party, Injured Party, Petitioner

## LIST OF EXHIBITS / EVIDENCE:

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### I. Verified Disqualification Filings (Mandatory Disqualification Trigger)

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- Exhibit A Dkt. 72: Verified Notice of Objection to Judicial Reassignment and Verified Motion and Demand for Disqualification (Filed July 11, 2025)
- Exhibit B Dkt. 73: Verified Notice of Affidavit in Support of Disqualification (Filed July 11, 2025)
- Exhibit C Dkt. 74: Verified Affidavit and Verified Notice of Mandatory Disqualification (Filed July 11, 2025)

### II. Post-Disqualification Void Judicial Activity

- Exhibit D Dkt. 75: Defendants' Opposition to Objection and Verified Motions (Filed July 15, 2025)
- Exhibit E Dkt. 76: Declaration of Therese Bailey Post-Disqualification (Filed July 15, 2025)
- Exhibit F Dkt. 77: Clerk's Deficiency Notice (Filed July 16, 2025)
- Exhibit G Dkt. 78: Defendants' Reply/Objection to Verified Motions (Filed July 16, 2025)
- Exhibit H Dkt. 79: Reply to Opposition on Clerk Demands and Judgment (Filed July 16, 2025)
- Exhibit I Dkt. 80: Judicial Notice re: Motions Filed After Disqualification (Filed July 16, 2025)
- Exhibit J Dkt. 81: Verified Motion to Strike Void Filings and Enforce Disqualification (Filed July 15, 2025)

### III. Unrebutted Summary Judgment / Default Judgment Motions

- Exhibit K Dkt. 25: Verified Motion and Demand for Summary Judgment in Equity and Final Judgment Based on Unrebutted Record (Filed June 13, 2025)
- Exhibit L Dkt. 57: Verified Motion to Strike Defendants' Declarations and Objections as Void (Filed July 3, 2025)

Express Mail No. ER204090789US — Date: July 18, 2025

#### PROOF SERVICE STATE OF CALIFORNIA 2 3 SS. COUNTY OF RIVERSIDE 4 I competent, over the age of eighteen years, and not a party to the within 5 action. My mailing address is the Walkernova Group, care of: 30650 Rancho 6 California Road suite #406-251, Temecula, California [92591]. On or about June 19, **2025**, I served the within documents: 8 1. VERIFIED EMERGENCY PETITION FOR WRIT OF MANDAMUS TO DISQUALIFY 9 JUDGE SUNSHINE SUZANNE SYKES, VACATE VOID PROCEEDINGS, AND 10 COMPEL ENTRY OF FINAL JUDGMENT ON UNREBUTTED RECORD 11 EXHIBITS A through Q 2. 12 By United States Mail. I enclosed the documents in a sealed envelope or package 13 addressed to the persons at the addresses listed below by placing the envelope for 14 collection and mailing, following our ordinary business practices. I am readily 15 familiar with this business's practice for collecting and processing correspondence 16 for mailing. On the same day that correspondence is placed for collection and 17 mailing, it is deposited in the ordinary course of business with the United States 18 Postal Service, in a sealed envelope with postage fully prepared. I am a resident or 19 employed in the county where the mailing occurred. The envelope or package was 20 placed in the mail in Riverside County, California, and sent via Registered Mail 21 with a form 3811. 22 23 Mary H. Murguia, Elena Kagan, Fiduciary(ies) C/o UNITED STATES DISTRICT COURT OF APPEAL 24 95 Seventh Street San Francisco, California [94103-1526] Express Mail No. ER204090789US with form 3811 25 26

Tamara-Lucile: Wagner (#188613) C/o TAMARA WAGNER 505 South Buena Vista, Corona, California [92882]

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By Electronic Service. Based on a court order and/or an <u>agreement of the</u> 1 parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below. 3 Kai Fan 4 3426 Vineland Avenue Baldwin Park, California [91706] kevinyin520@gmail.com 5 6 Kai Fan 12220 Casper Court Rancho Cucamonga, California [91739] kevinyin520@gmail.com 7 8 Sunshin S Sykes and Dolly M Gee 9 3470 Twelfth Street 10 Riverside, California [92501-3801] SSS\_Chambers@cacd.uscourts.gov 11 DMG Chambers@cacd.uscourts.gov 12 I declare under penalty of perjury under the laws of the State of California 13 14 that the above is true and correct. Executed on **June 19**, **2025** in Riverside County, 15 California. /s/Chris Yarbra/ 16 Chris Yarbra 17 18 19 20 21 22 23 24 25 26 27 28