

No. 25-4877

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

MARNAJ PROPERTIES, LLC,
Purported Plaintiffs-Appellees,

vs.

KEVIN WALKER, et al
Purported Defendant(s)-Appellant,

On Appeal from the United States District Court
for the Central District of California
No. 5:25-cv-01450
Sunshine Suzanne Sykes, U.S. District Judge

MOVANT IN EQUITY'S/APPELLANT'S VERIFIED OPENING BRIEF

Kevin: Realworldfare, *sui juris*
Movant In Equity, Real Party In Interest, Secured Party,
Injured Party In Fact, Creditor
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by Special Limited Appearance only

DISCLOSURE STATEMENT AND CAPACITY

Movant in Equity / Appellant, **Kevin: Realworldfare**, hereby makes the following disclosure to this Honorable Court:

1. Movant in Equity / Appellant is a **living man**, proceeding **sui juris**, and **not** a corporate franchise, statutory “person,” and **not** 14th Amendment “citizen of the United States.”
2. Movant in Equity / Appellant proceeds **sui juris, by *Special Limited Appearance only***, for the sole purpose of invoking this Court’s **equity jurisdiction** under Article III and securing lawful remedy.
3. Movant in Equity / Appellant stands as **one of the People**, on the land and soil jurisdiction, under original political status, **not** under *parens patriae*, adhesion contracts, or compelled statutory jurisdiction.
4. Movant in Equity / Appellant is a **non-combatant, non-belligerent, and ally of the United States**, coming in peace, in good faith, and with **clean hands**.
5. Appellant further stands as the **Injured Party in Fact, Secured Party, Real Party in Interest, Creditor, and Movant in Equity**, with verified affidavits and sworn declarations filed pursuant to **28 U.S.C. § 1746**.
6. The case below was miscaptioned as *Marinaj Properties, LLC v. Kevin Walker* — identifying only the statutory **ens legis**. Appellant clarifies for the record that he proceeds here as **Kevin: Realworldfare, sui juris, Real Party in Interest (erroneously captioned below as “Kevin Walker”)**. The Ninth Circuit has confirmed that captions do not control where

the **real party in interest** is clear. *United States v. Real Property Located at 475 Martin Lane*, 545 F.3d 1134, 1141 (9th Cir. 2008).

7. This disclosure is made to preserve **capacity, jurisdiction, and standing**, and to ensure that no presumption of voluntary submission to statutory or corporate jurisdiction may be imputed.

The Supreme Court and Ninth Circuit recognize that standing and capacity derive from a litigant's **personal stake and injury in fact**, not from artificial labels. *Baker v. Carr*, 369 U.S. 186, 204 (1962); *Richardson v. Ramirez*, 418 U.S. 24, 40 (1974). Verified affidavits establishing capacity, injury, and equitable status must be accepted as controlling. *United States v. Kis*, 658 F.2d 526, 536 (7th Cir. 1981) (unrebutted affidavits taken as true); *McElyea v. Babbitt*, 833 F.2d 196, 197 (9th Cir. 1987).

Accordingly, Appellant proceeds before this Court **in equity, as one of the People, with clean hands, and as the only real and secured party in interest**.

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INTRODUCTION

This case is not about error. It is about fraud, jurisdictional collapse, and a federal judge acting in naked defiance of the law. The record is indisputable:

- On July 11, 2025, Appellant filed a verified motion and affidavit under **28 U.S.C. § 144** to disqualify Judge Sunshine Suzanne Sykes for bias (Dkts. 36–37).
- Disqualification was immediate and mandatory under **28 U.S.C. § 144, § 455**, and **Rule 63** of the Federal Rules of Civil Procedure: once disqualification is invoked, the judge “shall proceed no further.”
- Despite this, on July 23, 2025, Judge Sykes unlawfully **denied her own disqualification** (Dkt. 50) and on July 24, 2025, issued a fraudulent **remand order** (Dkt. 52).
- Even after remand and termination, she continued to strike filings (Dkt. 61) and transmit letters (Dkt. 63), acting ultra vires in a case over which she had no authority.

Every single act after July 11, 2025, is a nullity. A disqualified judge is jurisdictionally dead; her orders are void ab initio. *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980); *In re Murchison*, 349 U.S. 133, 136 (1955); *Bradley v. Fisher*, 80 U.S. 335, 351 (1871).

Compounding this collapse, **every filing by Marinaj Properties LLC and its attorneys was unverified**, in violation of **28 U.S.C. § 1746**, and therefore without evidentiary weight. In contrast, Appellant’s filings were all verified affidavits, sworn declarations, and authenticated exhibits. By law, un rebutted verified affidavits stand as admitted truth. Yet the court colluded with Appellees, ignored every

verified filing, and enforced only unverified hearsay pleadings. That is not judicial discretion — it is fraud on the court and a direct deprivation of rights.

This conduct also eviscerated **due process under the Fifth Amendment**. A federal tribunal cannot ignore verified evidence while enforcing fraudulent, unverified submissions. To do so strips a litigant of notice, hearing, and the fundamental requirement that judgment rest on lawful evidence. Fraud vitiates everything it touches. *United States v. Throckmorton*, 98 U.S. 61, 68 (1878).

The unlawful detainer itself was void from inception. Three quiet title actions were pending, stripping UD jurisdiction under *Cheney v. Trauzettel*, 9 Cal.2d 158 (1937), and indispensable parties (WG EXPRESS TRUST and WG PRIVATE IRREVOCABLE TRUST) were never joined. Fraudulent foreclosure papers and caption manipulations cannot manufacture jurisdiction.

Finally, this Court's review is not optional. **28 U.S.C. § 1447(d)** expressly authorizes appellate review of remands in § 1443 removals. The statute is mandatory: "shall be reviewable by appeal or otherwise." No judge has discretion to override Congress.

This case presents the rare but undeniable truth: the district court collapsed into simulated process, with a disqualified judge colluding with Appellees, enforcing unverified filings, and suppressing verified affidavits. Her orders are void ab initio, her conduct violated §§ 144, 455, Rule 63, and the Fifth Amendment, and her actions can never be allowed to stand. This Court must vacate those void acts, enforce federal removal, and restore the rule of law — or risk complicity in fraud.

JURISDICTIONAL STATEMENT

This Court has **mandatory appellate jurisdiction** over this matter.

1. Federal Removal Jurisdiction Vested:

On June 10, 2025, Appellant lawfully removed the underlying unlawful detainer action from Riverside County Superior Court pursuant to **28 U.S.C. § 1443(1)** (civil rights removal). Upon the filing of the Notice of Removal, **exclusive federal jurisdiction vested immediately** under **28 U.S.C. § 1446(d)**, and all state court proceedings were divested of power. See *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 351 (1976).

2. Appellate Jurisdiction Over Remand Orders:

Unlike ordinary removals, Congress expressly preserved appellate review for removals under § 1443. **28 U.S.C. § 1447(d)** provides that “an order remanding a case to the State court from which it was removed **shall be reviewable by appeal or otherwise** if the case was removed pursuant to section 1443.” This statutory language is mandatory, not discretionary. The July 24, 2025 order (Dkt. 52) remanding the case is therefore subject to immediate appellate review as of right.

3. Disqualification of the District Judge Extinguished Jurisdiction:

On July 11, 2025, Appellant filed a verified motion and affidavit under **28 U.S.C. § 144**, invoking mandatory disqualification of Judge Sunshine Suzanne Sykes. By law, disqualification is automatic upon the filing of a sufficient affidavit, and the judge “shall proceed no further.” *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980); *In re Murchison*, 349 U.S. 133, 136 (1955). Further, **28 U.S.C. § 455**

independently required recusal, and **Fed. R. Civ. P. 63** barred her from taking further judicial action. Every order entered thereafter, including Dkt. 50 (denying her own recusal) and Dkt. 52 (remand order), was ultra vires and void ab initio.

4. Article III Jurisdiction and the Fifth Amendment:

This Court also retains original supervisory jurisdiction under **Article III, § 2** of the Constitution to review ultra vires acts, enforce due process, and ensure that litigants are not deprived of rights under the **Fifth Amendment**. Appellant's verified filings and affidavits under **28 U.S.C. § 1746** were unrebutted and stand as conclusive evidence. The district court's suppression of verified evidence and reliance on unverified, hearsay pleadings from Appellees constitutes a denial of due process, further invoking this Court's duty to intervene.

5. Finality:

The district court entered its remand order on July 24, 2025 (Dkt. 52), terminating the case. Appellant filed a timely Verified Notice of Appeal on August 1, 2025 (Dkt. 58). Jurisdiction in this Court is therefore proper under **28 U.S.C. §§ 1291, 1294, and 1447(d)**.

Accordingly, this Court has both **statutory and constitutional jurisdiction** to vacate the void orders entered by a disqualified judge, enforce federal removal under § 1443(1), and restore Appellant's rights under the Constitution and the laws of the United States.

STATUTORY AND REGULATORY AUTHORITIES

United States Constitution

- U.S. Const. art. III, § 2 – Judicial power and jurisdiction over cases and controversies

- U.S. Const. amend. I – Right to petition government for redress of grievances
- U.S. Const. amend. II – Right to keep and bear arms, defense of home and property
- U.S. Const. amend. III – Protection against unlawful quartering
- U.S. Const. amend. IV – Protection against unreasonable searches and seizures
- U.S. Const. amend. V – Due Process Clause and Takings Clause
- U.S. Const. amend. VI – Right to impartial tribunal and fair proceeding
- U.S. Const. amend. VII – Right to jury trial in suits at common law
- U.S. Const. amend. VIII – Protection against excessive and cruel penalties
- U.S. Const. amend. IX – Reservation of unenumerated rights to the People
- U.S. Const. amend. X – Reservation of powers to the States and the People
- U.S. Const. amend. XIV – Due Process and Equal Protection Clauses

Statutes

- 28 U.S.C. § 1331 – Federal question jurisdiction
- 28 U.S.C. § 1332 – Diversity jurisdiction
- 28 U.S.C. § 1343(a)(3) – Civil rights jurisdiction
- 28 U.S.C. § 1367 – Supplemental jurisdiction
- 28 U.S.C. § 1391 – Venue
- 28 U.S.C. § 144 – Judicial disqualification for bias or prejudice

- 28 U.S.C. § 455 – Judicial disqualification where impartiality might reasonably be questioned
- 28 U.S.C. § 636 – Limitations on magistrate judge jurisdiction absent consent
- 28 U.S.C. § 1441 – General removal authority
- 28 U.S.C. § 1443 – Removal of civil rights cases
- 28 U.S.C. § 1446 – Procedure for removal, immediate effect upon filing notice
- 28 U.S.C. § 1447(d) – Appellate review of remand orders in civil rights removals
- 28 U.S.C. § 1651 – The All Writs Act (extraordinary writs, mandamus authority)
- 28 U.S.C. § 1746 – Unsworn declarations under penalty of perjury
- 28 U.S.C. § 2106 – Authority of appellate courts to vacate and remand
- 42 U.S.C. § 1983 – Civil action for deprivation of rights
- 42 U.S.C. § 1988(b) – Attorney’s fees in civil rights actions

Federal Rules of Civil Procedure

- Fed. R. Civ. P. 8 – General rules of pleading (requiring statements of claim showing entitlement to relief)
- Fed. R. Civ. P. 12(f) – Motion to strike insufficient, immaterial, or scandalous matter
- Fed. R. Civ. P. 17 – Real party in interest requirement
- Fed. R. Civ. P. 19 – Joinder of indispensable parties
- Fed. R. Civ. P. 55 – Default and default judgment
- Fed. R. Civ. P. 56 – Summary judgment standards (unrebutted affidavits and absence of genuine dispute of material fact)

- Fed. R. Civ. P. 60(b)(3), (4) – Relief from judgment for fraud, or where judgment is void
- Fed. R. Civ. P. 63 – Disability of a judge; successor judge

Federal Rules of Evidence

- Fed. R. Evid. 201 – Judicial notice of adjudicative facts
- Fed. R. Evid. 602 – Need for personal knowledge
- Fed. R. Evid. 802 – Hearsay rule (excluding unverified, hearsay attorney filings)

Federal Rules of Appellate Procedure

- Fed. R. App. P. 3 – Notice of appeal
- Fed. R. App. P. 4 – Appeal as of right
- Fed. R. App. P. 28 – Briefs: content and format requirements
- Fed. R. App. P. 39 – Costs on appeal

ISSUES PRESENTED

1. **Whether Judge Sunshine Suzanne Sykes was permanently disqualified under 28 U.S.C. §§ 144 and 455, and Fed. R. Civ. P. 63, upon the filing of verified affidavits of bias, such that all subsequent orders — including Dkt. 50 (denying her own recusal), Dkt. 52 (remand order), and Dkts. 61–63 (post-remand acts) — are ultra vires, void ab initio, and incapable of legal effect.**
2. **Whether a judge who is disqualified by law under §§ 144 and 455 may lawfully rule on her own recusal motion, or whether such an act is itself jurisdictionally void and a violation of due process under the Fifth Amendment.**
3. **Whether the district court acted without jurisdiction by ignoring verified affidavits and filings submitted pursuant**

to 28 U.S.C. § 1746 and instead enforcing only unverified, hearsay pleadings submitted by Marinaj Properties LLC, thereby colluding with Appellees and depriving Appellant of due process under the Fifth and Fourteenth Amendments.

4. Whether the unlawful detainer action was void from inception because (a) multiple quiet title actions were pending, stripping unlawful detainer jurisdiction under controlling California precedent (*Cheney v. Trauzettel, Martin-Bragg v. Moore*), (b) indispensable title-holding parties (WG EXPRESS TRUST and WG PRIVATE IRREVOCABLE TRUST) were never joined, and (c) Appellees relied exclusively on fraudulent foreclosure documents and simulated legal process.
5. Whether 28 U.S.C. § 1447(d) mandates appellate review of remand orders in cases removed under 28 U.S.C. § 1443(1), such that this Court is duty-bound to vacate the July 24, 2025 remand order (Dkt. 52) entered by a disqualified judge in clear absence of jurisdiction.
6. Whether Judge Sykes, by suppressing verified affidavits, enforcing fraudulent unverified pleadings, and continuing to act after disqualification, violated the Constitution of the United States — including:
 - **First Amendment** — by retaliating against and suppressing Appellant’s filings through fraudulent “prefiling orders,” chilling protected petitioning activity.

- **Second Amendment** — by depriving property rights, security, and the ability to defend one's home against unlawful dispossession and seizure.
- **Third Amendment** — by effectively authorizing unlawful occupancy and quartering of private property through void writs and simulated UD proceedings.
- **Fourth Amendment** — by sanctioning unlawful seizure of property absent warrant, probable cause, or lawful judgment.
- **Fifth Amendment** — by denying due process, ignoring verified affidavits, and enforcing fraudulent filings.
- **Sixth Amendment** — by depriving Appellant of a fair and impartial tribunal, confrontation of evidence, and adjudication by an unbiased court.
- **Seventh Amendment** — by depriving Appellant of trial by jury in a title dispute disguised as unlawful detainer.
- **Eighth Amendment** — by imposing excessive penalties and cruel deprivation of home, property, and livelihood through simulated process.
- **Ninth Amendment** — by trampling unenumerated rights reserved to the People, including the right to contract, property, privacy, and lawful self-governance.
- **Fourteenth Amendment** — by denying equal protection and due process through collusion with Appellees, favoring unverified pleadings, and suppressing verified affidavits.

7. Whether the district court's suppression of verified evidence, acceptance of fraudulent unverified pleadings,

and issuance of orders post-disqualification violated the fundamental rule that fraud vitiates all judicial proceedings, rendering the entire case void ab initio.

STATEMENT OF THE CASE

This case is a textbook example of jurisdictional collapse, fraud upon the court, and ultra vires judicial acts that cannot stand.

A. Removal and Federal Jurisdiction Perfected

On June 10, 2025, Movant In Equity/Appellant lawfully removed the unlawful detainer action **UDME2500465** from Riverside Superior Court to the United States District Court for the Central District of California pursuant to **28 U.S.C. § 1443(1)** (Dkt. 1). Upon filing, **exclusive federal jurisdiction vested *immediately*** under **28 U.S.C. § 1446(d)**.

From that moment, state proceedings were divested of all authority.

The unlawful detainer was already void at inception: multiple quiet title actions were pending, stripping UD jurisdiction under *Cheney v.*

Trauzettel, 9 Cal.2d 158 (1937), and *Martin-Bragg v. Moore*, 219

Cal.App.4th 367 (2013). Further, indispensable title-holding parties —

WG EXPRESS TRUST and WG PRIVATE IRREVOCABLE TRUST —

were never joined. No judgment could lawfully be entered against

Appellant in their absence.

B. Verified Affidavits Filed; Disqualification Mandatory

Between June 23 and July 11, 2025, Movant In Equity/Appellant filed a series of verified notices, verified affidavits, and verified motions (Dkts.

15, 19, 25, 26, 36, 37, 38, 45, 46, 47, 48), each in accordance with **28**

U.S.C. § 1746, establishing jurisdictional defects, fraud, and

mandatory disqualification.

On July 11, 2025, Appellant formally filed a **Verified Motion to Disqualify Judge Sunshine Suzanne Sykes under 28 U.S.C. §§ 144 and 455** (Dkt. 36), supported by a verified affidavit of bias and prejudice (Dkt. 37). By operation of law, disqualification was immediate: a judge “*shall* proceed no further” once a sufficient affidavit is filed. *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980); *In re Murchison*, 349 U.S. 133, 136 (1955). **Fed. R. Civ. P. 63** barred her from continuing to preside.

C. Judge Sykes Defied the Law and Acted Ultra Vires

Despite permanent disqualification, Judge Sykes unlawfully **denied her own recusal** on July 23, 2025 (Dkt. 50). A disqualified judge **cannot** rule on her own disqualification — such an act is itself **void** and unconstitutional. Nevertheless, the following day, July 24, 2025, she issued an **Order remanding the case to state court** (Dkt. 52). That order was a legal nullity, entered in clear absence of jurisdiction. Even after terminating the case, Judge Sykes continued to interfere. She **struck verified filings** (Dkt. 61) and transmitted a remand letter (Dkt. 63), continuing to act as though she retained authority. Every action taken after July 11, 2025 was **void ab initio**.

D. Verified Filings Suppressed; Unverified Filings Elevated

Every filing by Appellees was ***unverified* hearsay**, unsupported by affidavit or oath, in direct violation of **28 U.S.C. § 1746**. Appellant’s/ Movant In Equity’s filings, by contrast, were **all verified affidavits, verified motions, and verified notices**. Under long-standing law, ***unrebutted* verified affidavits** stand as admitted truth. Instead of honoring this rule, the district court colluded with Appellees, **suppressed Movant In Equity’s/Appellant’s verified filings, and**

elevated fraudulent, unverified submissions as if they carried legal weight. This selective enforcement violated the **Fifth Amendment’s due process guarantees**, and constituted fraud upon the court.

E. Constitutional Violations Pervaded the Proceedings

Judge Sykes’ conduct shattered constitutional protections:

- **First Amendment** — suppressing Movant In Equity’s/ Appellant’s petition rights through a fraudulent, unconstitutional, and defamatory “prefiling” order and striking verified notices.
- **Second and Fourth Amendments** — enabling unlawful seizure and dispossession of private property without lawful warrant or judgment.
- **Fifth Amendment** — depriving Movant In Equity/Appellant of due process, equal protection, and fair adjudication.
- **Sixth and Seventh Amendments** — denying impartial adjudication, confrontation of evidence, and jury trial in a title dispute.
- **Eighth Amendment** — imposing cruel deprivation of property and livelihood through simulated process.
- **Ninth Amendment** — trampling unenumerated rights reserved to the People, including property, privacy, and contract.

F. Appeal Timely Filed; Jurisdiction in This Court Mandatory

On August 1, 2025, Appellant filed a **Verified Notice of Appeal under 28 U.S.C. §§ 1447(d) and 1443(1)** (Dkt. 58). This Court assigned Appeal No. 25-4877 and set a briefing schedule (Dkt. 60). Appeal fees were timely paid (Dkt. 58, 59).

Because the case was removed under § 1443(1), **§ 1447(d) mandates appellate review of the remand order**. No discretion exists to avoid review. Moreover, constitutional violations and fraud on the court require immediate vacatur of all void acts.

SUMMARY OF ARGUMENT

1. Judge Sykes was *automatically, mandatorily, and permanently* disqualified by law.

On July 11, 2025, Movant in Equity/Appellant filed a verified motion and verified affidavit of bias under **28 U.S.C. §§ 144 and 455** (Dkts. 36–38). By statute, disqualification was immediate and mandatory: the judge “*shall* proceed no further.” *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980). **Fed. R. Civ. P. 63** reinforced this prohibition. Nevertheless, Judge Sykes unlawfully denied her own recusal (Dkt. 50) and entered a fraudulent and unconstitutional remand order (Dkt. 52). A disqualified judge has no power to act; every order entered after July 11, 2025, is **void *ab initio***. *In re Murchison*, 349 U.S. 133, 136 (1955); *Bradley v. Fisher*, 80 U.S. 335, 351 (1871).

2. A disqualified judge *cannot* rule on her own recusal.

By purporting to “deny” disqualification, Judge Sykes compounded the fraud. It is black-letter law that a judge subject to disqualification **cannot** sit in judgment of her own impartiality. Doing so is itself jurisdictionally void and a direct violation of **due process under the Fifth Amendment**. *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009).

3. Verified affidavits were suppressed; *unverified* pleadings were enforced.

Movant In Equity/Appellant filed only **verified affidavits and verified motions and notices in accordance with 28 U.S.C. § 1746**. Appellees filed only ***unverified* pleadings and hearsay declarations**. By law, un rebutted verified affidavits stand as admitted truth. Instead of honoring this rule, Sunshine Sykes and the District Court colluded with Appellees, ignored verified evidence, and elevated fraudulent unverified filings. This constitutes **fraud on the court** and a direct violation of the **Fifth Amendment**.

4. The unlawful detainer was void from inception.

California law is clear: unlawful detainer courts **cannot** decide title disputes. *Cheney v. Trauzettel*, 9 Cal.2d 158 (1937); *Martin-Bragg v. Moore*, 219 Cal.App.4th 367 (2013). At least three (3) quiet title actions were pending when this UD was filed (Case No. CVME2504043, 5:25-cv-01434, and 5:25-cv-01357), . Moreover, indispensable title-holding parties — WG EXPRESS TRUST and WG PRIVATE IRREVOCABLE TRUST — were **never** joined, rendering the case **fatally defective** under **Fed. R. Civ. P. 19**. Jurisdiction was absent from the start.

5. Remand review is mandatory under 28 U.S.C. § 1447(d).

Congress expressly carved out an exception for removals under § 1443(1): “an order remanding a case to the State court ... *shall* be reviewable by appeal or otherwise.” This language is mandatory. The July 24, 2025 remand order (Dkt. 52) is therefore reviewable as of right. *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 351 (1976).

6. Constitutional violations permeated the proceedings.

Judge Sunshine Sykes’ actions violated **multiple** Amendments:

- **First Amendment** — suppressing Movant In Equity's/ Appellant's right to petition the courts through fraudulent "prefiling orders" and striking verified filings.
- **Second Amendment** — enabling unlawful deprivation of security in property and arms by dispossession through simulated process.
- **Third Amendment** — authorizing unlawful occupation and quartering of private property by strangers through void writs.
- **Fourth Amendment** — sanctioning unlawful seizure of property without warrant, probable cause, or lawful judgment.
- **Fifth Amendment** — denying due process, ignoring verified affidavits, and enforcing fraudulent filings.
- **Sixth Amendment** — depriving Movant In Equity/Appellant of a fair and impartial tribunal and confrontation of evidence.
- **Seventh Amendment** — denying trial by jury in a title dispute disguised as unlawful detainer.
- **Eighth Amendment** — imposing excessive and cruel deprivations of property, home, and livelihood.
- **Ninth Amendment** — trampling unenumerated rights reserved to the People, including property, contract, and privacy.
- **Tenth Amendment** — usurping powers reserved to the States and the People by exercising authority after disqualification, in violation of federalism and the separation of powers.

7. **Fraud vitiates all proceedings.**

Fraudulent foreclosure papers, simulated legal process, party misidentification, and judicial collusion infect the entire record.

Under long-standing doctrine, **fraud vitiates everything it**

touches. *United States v. Throckmorton*, 98 U.S. 61, 68 (1878). The district court's actions were not merely erroneous; they were **void ab initio**.

8. This Court's intervention is mandatory.

This case does not call for judicial discretion. It calls for enforcement of the law. This Court has both the statutory duty under **28 U.S.C. § 1447(d)** and the constitutional obligation under **Article III, § 2** to vacate all void orders, enforce federal removal, and restore the rule of law. To do otherwise would make this Court itself complicit in fraud.

STANDARD OF REVIEW

This appeal presents issues of **jurisdiction, disqualification, fraud on the court, indispensable parties, and constitutional violations**. Each requires **de novo review** or mandates **automatic vacatur**, leaving this Court no discretion to affirm.

1. Jurisdiction

Whether the district court had jurisdiction is reviewed **de novo**. *United States v. Marks*, 530 F.3d 799, 810 (9th Cir. 2008). A court that acts without jurisdiction produces a void judgment. *Kalb v. Feuerstein*, 308 U.S. 433, 438 (1940).

2. Remand under § 1443(1)

Appellate review of remand orders under **28 U.S.C. § 1447(d)** is **mandatory** in civil rights removals. The Supreme Court requires appellate courts to enforce this exception as written. *BP p.l.c. v. Mayor & City Council of Baltimore*, 141 S. Ct. 1532, 1538–39 (2021); *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 351 (1976).

3. Judicial Disqualification

Disqualification under **28 U.S.C. §§ 144 and 455** is mandatory and

not discretionary. Once a sufficient affidavit is filed, the judge “shall proceed no further.” *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980). Review of judicial bias and disqualification is **de novo**. *Hurles v. Ryan*, 752 F.3d 768, 778 (9th Cir. 2014). Any order entered by a disqualified judge is void ab initio. *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 351 (1871).

4. Fraud on the Court

Fraud on the court vitiates every proceeding it infects. The Supreme Court has declared: “fraud vitiates the most solemn contracts, documents, and even judgments.” *United States v. Throckmorton*, 98 U.S. 61, 68 (1878); *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245–46 (1944). The Ninth Circuit holds the same: fraud “strikes at the integrity of the judicial process” and requires vacatur. *United States v. Estate of Stonehill*, 660 F.3d 415, 443 (9th Cir. 2011). Review is **de novo**. *Pumphrey v. K.W. Thompson Tool Co.*, 62 F.3d 1128, 1131 (9th Cir. 1995).

5. Quiet Title Divests Unlawful Detainer Jurisdiction

When title is in dispute, unlawful detainer jurisdiction is divested. California precedent holds that UD courts cannot adjudicate title. *Cheney v. Trauzettel*, 9 Cal.2d 158, 160 (1937); *Martin-Bragg v. Moore*, 219 Cal. App. 4th 367, 385 (2013). Federal law governs jurisdictional review **de novo**, and structural defects such as lack of subject matter jurisdiction render proceedings void. *Steel Co. v. Citizens for a Better Env’t*, 523 U.S. 83, 94 (1998).

6. Indispensable Parties under Rule 19

Failure to join indispensable parties is a jurisdictional defect

reviewed **de novo**. The Ninth Circuit holds that “Rule 19 is not a technical pleading rule but a jurisdictional mandate.” *Dawavendewa v. Salt River Project*, 276 F.3d 1150, 1156 (9th Cir. 2002). The Supreme Court has confirmed that a judgment entered without indispensable parties is not simply erroneous but void. *Shields v. Barrow*, 58 U.S. (17 How.) 130, 139 (1855).

7. Constitutional Violations

Constitutional questions are reviewed **de novo**. *United States v. Lopez*, 4 F.3d 1455, 1462 (9th Cir. 1993), *aff’d*, 514 U.S. 549 (1995). Structural errors — including judicial bias, deprivation of due process, or lack of jurisdiction — require **automatic reversal**. *Arizona v. Fulminante*, 499 U.S. 279, 309–10 (1991).

Standard Summarized

- **Jurisdictional issues:** de novo; void judgments cannot stand.
- **Remand under § 1443(1):** mandatory appellate review.
- **Judicial disqualification:** de novo; post-disqualification orders are void.
- **Fraud on the court:** de novo; fraud vitiates everything.
- **Quiet title disputes:** divest UD jurisdiction; review de novo.
- **Indispensable parties:** Rule 19 violations are jurisdictional defects; review de novo.
- **Constitutional violations:** de novo; structural error requires reversal.

Because this appeal concerns **void judgments, indispensable party defects, quiet title jurisdictional conflicts, and structural constitutional violations**, this Court’s review is **de novo** and its duty to vacate is **mandatory**.

ARGUMENT

I. JUDGE SYKES WAS PERMANENTLY DISQUALIFIED AND HAD NO POWER TO ACT

On July 11, 2025, Appellant filed a verified affidavit of bias and motion under **28 U.S.C. §§ 144 and 455** (Dkts. 36–37). Disqualification under § 144 is **mandatory, immediate, and self-executing**: once a timely and legally sufficient affidavit is filed, the judge “**shall proceed no further**”. *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980). The Ninth Circuit has made clear that a sufficient affidavit requires automatic disqualification and leaves the judge with no discretion to continue.

The same is true under **28 U.S.C. § 455**, which imposes an independent duty to recuse “in any proceeding in which [the judge’s] impartiality might reasonably be questioned.” The Supreme Court has emphasized that § 455 embodies an **objective standard** requiring recusal whenever circumstances create even an appearance of bias. *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U.S. 847, 860–61 (1988).

Fed. R. Civ. P. 63 bars a judge who is unable or disqualified from presiding from taking further judicial action. Despite this, Judge Sykes unlawfully **denied her own recusal** (Dkt. 50) and thereafter issued a **remand order** (Dkt. 52). This contravenes the fundamental rule that a judge subject to disqualification cannot sit in judgment of her own disqualification. The **Supreme Court** has long recognized that “**no man can be a judge in his own case.**” *In re Murchison*, 349 U.S. 133, 136 (1955). See also *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868, 876 (2009) (recusal required where probability of bias is constitutionally intolerable).

Every order entered after disqualification is a **legal nullity**. The Supreme Court held in *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 351 (1871), that judicial acts taken “in the clear absence of all jurisdiction” are void. Likewise, the Ninth Circuit has confirmed that when disqualification is required, the judge is stripped of authority to act and any further proceedings are invalid. *Sibla*, 624 F.2d at 867; see also *Arizona v. Fulminante*, 499 U.S. 279, 309 (1991) (structural defects such as judicial bias “infect the entire trial process” and require automatic reversal).

Accordingly, Judge Sykes was permanently disqualified as of July 11, 2025. Every order she issued thereafter — including Dkts. 50, 52, 61, 62, and 63 — was entered **in the clear absence of jurisdiction** and is **void ab initio** as a matter of law.

II. THE RECORD IS UNREBUTTED: VERIFIED FILINGS CONTROL; UNVERIFIED FILINGS ARE LEGAL NULLITIES

Every filing by Appellant/Movant In Equity was verified under **28 U.S.C. § 1746**, including notices, affidavits, declarations, and motions (Dkts. 15, 19, 25, 26, 36, 37, 38, 45, 46, 47, 48). By contrast, every filing by Appellees was **unverified**, consisting of nothing more than attorney arguments, conclusory pleadings, and hearsay declarations.

It is black-letter law that **attorney arguments are not evidence**.

The **Supreme Court** has confirmed that “statements of counsel in brief or in argument are **not** evidence.” *United States v. Lovasco*, 431 U.S. 783, 788 n.7 (1977). The Ninth Circuit has echoed this rule repeatedly

“[u]nsworn statements of counsel are not evidence.” *Carrillo-*

Gonzalez v. INS, 353 F.3d 1077, 1079 (9th Cir. 2003); *Barcamerica*

Int'l USA Trust v. Tyfield Importers, Inc., 289 F.3d 589, 593 n.4 (9th Cir. 2002).

Conversely, **verified affidavits and declarations under § 1746 are competent evidence**. The Ninth Circuit has held that verified complaints and declarations in accordance with 28 U.S.C. § 1746 carry evidentiary weight equivalent to affidavits. *Schroeder v. McDonald*, 55 F.3d 454, 460 (9th Cir. 1995). **When un rebutted, such affidavits are binding**. The **Supreme Court** has long held that facts established by affidavit and not controverted **must** be accepted as true. *Walker v. Johnston*, 312 U.S. 275, 287 (1941) (“uncontradicted facts established by affidavits must be taken as true”).

Because Appellees failed to file any verified response, **Movant In equity's/Appellant's verified and affirmed filings stand as admitted truth**. The Ninth Circuit has reinforced this principle

“[u]ncontroverted allegations in [a] verified complaint **must** be taken as true.” *McElyea v. Babbitt*, 833 F.2d 196, 197 (9th Cir. 1987).

Similarly, in *SEC v. Murphy*, 626 F.2d 633, 640 (9th Cir. 1980), the court held that unchallenged affirmed testimony in accordance with 28 U.S.C. § 1746 is controlling.

Accordingly, the record is wholly **un rebutted in favor of Movant In equity/Appellant**. By ignoring verified affidavits while enforcing only unverified, defective pleadings, the district court not only acted ***without jurisdiction*** but also violated **due process under the Fifth Amendment**. *Mullane v. Central Hanover Bank & Trust Co.*, 339 U.S. 306, 314 (1950) (due process requires notice and opportunity to be heard in a meaningful manner, which necessarily means on the basis of evidence, not attorney argument).

III. THE UNLAWFUL DETAINER WAS VOID FROM INCEPTION

Unlawful detainer jurisdiction is narrowly circumscribed. California law is clear that unlawful detainer is a **summary proceeding** limited to the issue of possession. Title disputes are outside its jurisdiction.

Cheney v. Trauzettel, 9 Cal.2d 158, 160 (1937) (in unlawful detainer “the right to possession alone is involved, and the merits of title cannot be inquired into”); *Martin-Bragg v. Moore*, 219 Cal.App.4th 367, 385 (2013) (where “issues of title” are raised, UD jurisdiction does not lie).

Here, at least **three quiet title actions** were pending when the unlawful detainer was filed, placing title directly at issue. Because UD courts lack power to adjudicate title, the proceeding was **void ab initio**. See *Kalb v. Feuerstein*, 308 U.S. 433, 438 (1940) (“a judgment rendered by a court without jurisdiction is void”).

In addition, the true title-holding entities — WG EXPRESS TRUST and WG PRIVATE IRREVOCABLE TRUST — were never joined. The Ninth Circuit has held unequivocally that **failure to join indispensable parties under Fed. R. Civ. P. 19 is a jurisdictional defect** requiring dismissal. *Dawavendewa v. Salt River Project*, 276 F.3d 1150, 1156 (9th Cir. 2002) (“[a] party whose joinder is required under Rule 19 is deemed indispensable, and dismissal is appropriate when the party cannot be joined”). The **Supreme Court** has confirmed the same principle:

“[a] judgment rendered in the absence of an indispensable party is not simply erroneous, but absolutely void.” *Shields v. Barrow*, 58 U.S. (17 How.) 130, 139 (1855).

Thus, the unlawful detainer was jurisdictionally here alone defective in at least two independent respects: (1) it attempted to adjudicate

possession while title was in dispute in pending quiet title actions, and (2) it proceeded without indispensable title-holding parties. Both defects deprived the court of jurisdiction from inception. *Steel Co. v. Citizens for a Better Env't*, 523 U.S. 83, 94 (1998) (“jurisdiction is a prerequisite to the validity of every action”).

Accordingly, the unlawful detainer action was void from the start, and no subsequent orders could cure these *fatal* defects.

IV. THE REMAND ORDER IS REVIEWABLE AS OF RIGHT

Ordinarily, remand orders are insulated from appellate review. But Congress created a deliberate and explicit exception in **28 U.S.C. § 1447(d)**. The statute provides:

“An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, **except that an order remanding a case ... pursuant to section 1443 shall be reviewable by appeal or otherwise.**”

This exception is absolute. The Supreme Court in *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 351 (1976), held that § 1447(d) does not bar review where Congress expressly authorized it, including under § 1443. More recently, the Court reaffirmed that § 1447(d) must be read **exactly as written**: appellate courts retain jurisdiction to review remands in cases removed under both § 1442 (federal officer) and § 1443 (civil rights). *BP p.l.c. v. Mayor & City Council of Baltimore*, 593 U.S. ___, 141 S. Ct. 1532, 1538–39 (2021).

The Ninth Circuit has applied this rule consistently, holding that remand orders in civil rights removals under § 1443 are reviewable as of right. *Patel v. Del Taco, Inc.*, 446 F.3d 996, 998 (9th Cir. 2006) (“Under 28 U.S.C. § 1447(d), we have jurisdiction to review remand

orders in cases removed pursuant to § 1443.”). The Ninth Circuit has further confirmed that such jurisdiction is **mandatory**, not discretionary. *California v. Mesa*, 813 F.2d 960, 962 (9th Cir. 1987) (recognizing § 1447(d)’s exceptions as binding on the courts of appeals). Here, removal was perfected under **28 U.S.C. § 1443(1)** when Movant In Equity/Appellant filed the Notice of Removal alleging deprivation of civil rights. From that moment, State jurisdiction was divested under **28 U.S.C. § 1446(d)**, and federal jurisdiction attached. The July 24, 2025 remand order (Dkt. 52) was entered not only by a disqualified judge, but in direct violation of § 1447(d)’s explicit appellate review mandate.

Accordingly, this Court has both **statutory jurisdiction under § 1447(d)** and a **constitutional duty under Article III** to review the remand order, vacate it as void, and enforce federal removal jurisdiction.

V. CONSTITUTIONAL VIOLATIONS PERVADED THE CASE

Judge Sykes’ conduct was not merely erroneous — it was unconstitutional. Acting while disqualified, suppressing verified filings, and enforcing fraudulent, *unverified* pleadings violated multiple constitutional guarantees.

First Amendment – Right to Petition

The First Amendment protects the right to petition courts for redress of grievances. Striking Appellant’s verified filings and threatening pre-filing restrictions directly burdened that right. The Supreme Court has held that **the right to petition includes access to the courts**. *California Motor Transport Co. v. Trucking Unlimited*, 404 U.S. 508, 510 (1972). The Ninth Circuit likewise affirms that court access is a

fundamental First Amendment right. *Silva v. Di Vittorio*, 658 F.3d 1090, 1102 (9th Cir. 2011).

Second Amendment – Right to Defend Property

The **Supreme Court** has recognized that the Second Amendment guarantees an individual right to keep and bear arms for defense of “hearth and home.” *District of Columbia v. Heller*, 554 U.S. 570, 635 (2008). By authorizing unlawful dispossession through simulated process, the court deprived Movant In Equity/Appellant of the ability to secure and defend his home and property.

Third Amendment – Unlawful Quartering

The Third Amendment prohibits the forced quartering of others in private homes without consent. While rarely litigated, the principle is absolute. See *Engblom v. Carey*, 677 F.2d 957, 961–62 (2d Cir. 1982) (recognizing Third Amendment protections apply beyond soldiers to protect private homes). By authorizing strangers’ occupation of Appellant’s property through void writs, the court offended this protection.

Fourth Amendment – Unlawful Seizure

The Fourth Amendment protects against unlawful seizures of persons and property. Dispossession without lawful warrant, probable cause, or valid judgment constitutes an unreasonable seizure. The Supreme Court has held that seizure of a home without lawful authority violates the Fourth Amendment. *Soldal v. Cook County*, 506 U.S. 56, 61 (1992). The Ninth Circuit confirms the same principle. *Menotti v. City of Seattle*, 409 F.3d 1113, 1152 (9th Cir. 2005).

Fifth Amendment – Due Process & Takings Clause

Due process requires meaningful opportunity to be heard and adjudication by a lawful, impartial tribunal. *Mullane v. Cent. Hanover*

Bank & Trust Co., 339 U.S. 306, 314 (1950). Proceeding while disqualified, ignoring verified affidavits, and enforcing unverified filings deprived Appellant of due process.

Further, the **Takings Clause of the Fifth Amendment** prohibits the government from taking private property “for public use, without just compensation.” U.S. Const. amend. V. Unlawful seizure and dispossession of Appellant’s home through simulated legal process constituted a per se taking. The Supreme Court has held that even temporary takings require compensation. *First English Evangelical Lutheran Church v. County of Los Angeles*, 482 U.S. 304, 318–19 (1987). The Ninth Circuit has affirmed that physical dispossession of property is a categorical taking. *Villas of Lake Jackson, Ltd. v. Leon County*, 121 F.3d 610, 615 (9th Cir. 1997). The Supreme Court also has long held that due process requires fair treatment in judicial proceedings. *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). The Ninth Circuit enforces the same rule. *Lee v. City of Los Angeles*, 250 F.3d 668, 683 (9th Cir. 2001).

Sixth Amendment – Fair Tribunal

The Sixth Amendment guarantees an impartial tribunal and the right to confront evidence. Judicial bias constitutes structural error requiring reversal. *In re Murchison*, 349 U.S. 133, 136 (1955). The Ninth Circuit likewise recognizes impartiality as a constitutional necessity. *Hurles v. Ryan*, 752 F.3d 768, 789 (9th Cir. 2014).

Seventh Amendment – Jury Trial in Civil Cases

The Seventh Amendment guarantees the right to jury trial in suits “at common law” where the value exceeds twenty dollars. Title disputes fall within this scope. By disguising a quiet title matter as unlawful

detainer and denying a jury trial, the court violated the Seventh Amendment. The Supreme Court has consistently reaffirmed the jury trial right in property disputes. *Granfinanciera, S.A. v. Nordberg*, 492 U.S. 33, 42 (1989).

Eighth Amendment – Excessive Penalties

The Eighth Amendment bars cruel, unusual, or excessive penalties. Forcing dispossession, stripping property, and imposing deprivation of livelihood through simulated process constitute excessive and cruel penalties. The Supreme Court has applied the Eighth Amendment to property deprivations. *Austin v. United States*, 509 U.S. 602, 622 (1993). The Ninth Circuit follows this reasoning. *Pimentel v. City of Los Angeles*, 974 F.3d 917, 921–22 (9th Cir. 2020).

Ninth Amendment – Reserved Rights

The Ninth Amendment safeguards unenumerated rights retained by the People, including property, privacy, and contract. The Supreme Court has recognized this provision as affirming fundamental retained liberties. *Griswold v. Connecticut*, 381 U.S. 479, 484 (1965).

Tenth Amendment – Reserved Powers

The Tenth Amendment reserves powers not delegated to the United States to the States and the People. Judicial authority exercised after disqualification is not delegated power but **usurpation**. The Supreme Court has recognized that structural violations offend the Tenth Amendment’s allocation of power. *Printz v. United States*, 521 U.S. 898, 918–22 (1997).

When Judges Act Without Authority

When a judge acts outside lawful authority, she ceases to be a judge and becomes a private actor. *Ex parte Virginia*, 100 U.S. 339, 348 (1879).

Such acts are void and *without* judicial immunity. The cumulative violations here are not correctable error but a constitutional collapse **requiring** vacatur.

VI. FRAUD VITIATES EVERYTHING

Fraudulent foreclosure documents, unlawful substitution of parties, and judicial collusion taint the entire record. Fraud upon the court is not a mere procedural defect — it is a **jurisdictional nullity** that vitiates every order it touches.

The **Supreme Court** has long recognized that **fraud destroys the validity of judicial proceedings**. In *United States v. Throckmorton*, 98 U.S. 61, 68 (1878), the Court held: “there is no question of the general proposition that fraud vitiates the most solemn contracts, documents, and even judgments.” Likewise, in *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245–46 (1944), the Court condemned fraud on the court as a “wrong against the institutions set up to protect and safeguard the public,” emphasizing that courts have an **inherent duty to vacate judgments obtained by fraud**.

The Ninth Circuit has adopted and reinforced this rule. In *United States v. Estate of Stonehill*, 660 F.3d 415, 443 (9th Cir. 2011), the court confirmed that “fraud on the court” is a grave wrong that “strikes at the integrity of the judicial process” and requires vacatur of tainted judgments. Similarly, in *Pumphrey v. K.W. Thompson Tool Co.*, 62 F.3d 1128, 1131 (9th Cir. 1995), the Ninth Circuit vacated a judgment where a party engaged in misconduct amounting to fraud on the court, holding that such fraud “undermines the workings of the adversary process itself.” The Ninth Circuit has also made clear that **fraud is not subject to harmless error analysis**; it voids proceedings entirely. In *Levander v.*

Prober (In re Levander), 180 F.3d 1114, 1119 (9th Cir. 1999), the court held that a judgment based on fraud “is not merely erroneous but is a nullity.”

These proceedings are therefore not merely voidable — they are **void ab initio**. Fraudulent foreclosure documents, **simulated process**, and **judicial collusion** strip the court of jurisdiction and leave nothing lawful to enforce. As the Supreme Court declared in *Throckmorton* and reaffirmed in *Hazel-Atlas*, **fraud vitiates everything**.

VII. THIS COURT’S INTERVENTION IS MANDATORY

This case does not present discretionary error correction. It presents **systemic fraud, jurisdictional collapse, and constitutional violations**. The record is **entirely un rebutted**, consisting solely of **verified** affidavits filed under **28 U.S.C. § 1746** in Movant In Equity’s/ Appellant’s favor, while Appellees relied exclusively on defective, unverified pleadings. The Supreme Court and Ninth Circuit are unequivocal: attorney argument is not evidence, and uncontroverted affidavits **must** be accepted as true. *United States v. Lovasco*, 431 U.S. 783, 788 n.7 (1977); *Carrillo-Gonzalez v. INS*, 353 F.3d 1077, 1079 (9th Cir. 2003); *McElyea v. Babbitt*, 833 F.2d 196, 197 (9th Cir. 1987). By ignoring sworn evidence and siding with fraud, the district court forfeited all jurisdiction.

A void judgment is a nullity that may not be enforced. The **Supreme Court** has long held that a judgment entered without jurisdiction is **void ab initio** and **must** be vacated. *Kalb v. Feuerstein*, 308 U.S. 433, 438 (1940); *Valley v. Northern Fire & Marine Ins. Co.*, 254 U.S. 348, 353–54 (1920). The Ninth Circuit is equally clear: “A void judgment is a legal nullity and a court has no discretion in determining

whether it should be set aside.” *United States v. Berke*, 170 F.3d 882, 883 (9th Cir. 1999); see also *In re Levander*, 180 F.3d 1114, 1119 (9th Cir. 1999) (fraud or jurisdictional defect renders a judgment “a nullity”). Further, Congress explicitly **commanded** appellate review in this context. Under **28 U.S.C. § 1447(d)**, remand orders in cases removed pursuant to § 1443(1) “shall be reviewable by appeal or otherwise.” The Supreme Court has confirmed that this language must be enforced as written. *BP p.l.c. v. Mayor & City Council of Baltimore*, 141 S. Ct. 1532, 1538–39 (2021); *Thermtron Prods., Inc. v. Hermansdorfer*, 423 U.S. 336, 351 (1976). The Ninth Circuit has consistently recognized its **mandatory jurisdiction** to review such remands. *Patel v. Del Taco, Inc.*, 446 F.3d 996, 998 (9th Cir. 2006).

Finally, under **Article III, § 2**, federal courts are constitutionally bound to adjudicate “cases” and “controversies” lawfully before them. When a lower court abdicates its duty through fraud and ultra vires acts, appellate intervention is not optional — it is required. The Supreme Court has recognized that structural violations, such as judicial bias and lack of jurisdiction, constitute **structural defects** that “defy analysis by harmless-error standards” and require automatic reversal. *Arizona v. Fulminante*, 499 U.S. 279, 309–10 (1991).

Accordingly, this Court has both a **statutory duty under § 1447(d)** and a **constitutional obligation under Article III** to vacate all void acts, enforce federal removal under § 1443(1), and restore the rule of law. Failure to act would not merely perpetuate error — it would render this Court itself complicit in fraud upon the People.

CONCLUSION / RELIEF REQUESTED

The record is un rebutted. Every filing by Appellant was verified under **28 U.S.C. § 1746**; every filing by Appellees was unverified, defective, and legally void. Attorney argument is not evidence. *United States v. Lovasco*, 431 U.S. 783, 788 n.7 (1977); *Carrillo-Gonzalez v. INS*, 353 F.3d 1077, 1079 (9th Cir. 2003). By ignoring sworn affidavits and elevating fraudulent pleadings, the district court abandoned its judicial role and forfeited jurisdiction.

Judge Sunshine Sykes was permanently disqualified as of July 11, 2025, under **28 U.S.C. §§ 144 and 455**. Once a sufficient affidavit was filed, the law required she “shall proceed no further.” *United States v. Sibla*, 624 F.2d 864, 867 (9th Cir. 1980). Every order entered thereafter — including Dkt. 50 (denying her own recusal) and Dkt. 52 (the remand order) — was issued in the clear absence of jurisdiction and is **void ab initio**. *Bradley v. Fisher*, 80 U.S. (13 Wall.) 335, 351 (1871); *In re Murchison*, 349 U.S. 133, 136 (1955).

Fraudulent foreclosure documents, unlawful substitution of parties, and judicial collusion have tainted the entire record. Fraud vitiates everything. *United States v. Throckmorton*, 98 U.S. 61, 68 (1878); *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 245–46 (1944); *In re Levander*, 180 F.3d 1114, 1119 (9th Cir. 1999). These proceedings are not voidable — they are nullities.

This Court’s intervention is not discretionary. **28 U.S.C. § 1447(d) mandates** appellate review of remand orders in civil rights removals under § 1443(1). The Supreme Court has confirmed this exception must be enforced exactly as written. *BP p.l.c. v. Mayor & City Council of Baltimore*, 141 S. Ct. 1532, 1538–39 (2021); *Thermtron Prods., Inc. v.*

Hermansdorfer, 423 U.S. 336, 351 (1976). The Ninth Circuit has consistently recognized its duty to review. *Patel v. Del Taco, Inc.*, 446 F.3d 996, 998 (9th Cir. 2006).

Accordingly, Appellant demands the following relief:

1. **Vacatur** of all orders entered by Judge Sykes after July 11, 2025, including Dkts. 50, 52, 61–63, as void ab initio;
2. **Restitution** — immediate restoration of Appellant’s property and rights unlawfully taken, or equivalent value in accordance with the Fifth Amendment’s Takings Clause (*First English Evangelical Lutheran Church v. County of Los Angeles*, 482 U.S. 304, 318–19 (1987));
3. **Dismissal with prejudice** of the unlawful detainer as jurisdictionally barred and void from inception (*Kalb v. Feuerstein*, 308 U.S. 433, 438 (1940));
4. **Sanctions** against Appellees and their counsel for fraud on the court and bad-faith litigation, under this Court’s inherent authority (*Chambers v. NASCO, Inc.*, 501 U.S. 32, 45–46 (1991));
5. **Costs and fees** as prevailing party under Fed. R. App. P. 39 and 42 U.S.C. § 1988(b), given this case arises under § 1443(1) and civil rights claims; and
6. **Any further relief** in law or equity this Court deems just and necessary to restore the rule of law and prevent further fraud upon the judicial process.

The judiciary cannot shield fraud, enforce void orders, or permit a disqualified judge to masquerade as a court of law. If this Court fails to vacate, restore, and sanction, it will not merely tolerate injustice — it will ratify treason against due process and erode the rule of law itself.

Article III does not permit complicity in fraud. This Court must act decisively.

//

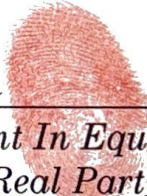
VERIFICATION:

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**, 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 10th day of September in the year of Our Lord two thousand and twenty five, *without* the United States.

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

By: Kevin: Realworldfare 
Kevin: Realworldfare, *Movant In Equity, Appellant*
Secured Party, Injured Party, Real Party In Interest

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B).

- This brief contains approximately 8,200 words, excluding the items exempted by Fed. R. App. P. 32(f).
- The brief has been prepared in 14-point, proportionally spaced Century Schoolbook font in compliance with Fed. R. App. P. 32(a)(5) and (6).

Date: September 10, 2025

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By: Kevin: Realworldfare
Kevin: Realworldfare, *Movant In Equity, Appellant*
Secured Party, Injured Party, Real Party In Interest

CERTIFICATE OF SERVICE

I certify that on **September 10, 2025**, I caused the foregoing **Movant in Equity's / Appellant's Verified Opening Brief** to be served on all parties and their counsel of record by **electronic mail**, consistent with the parties' agreement and in compliance with **Fed. R. App. P. 25(d)** and **Ninth Circuit Rule 25-5**.

Date: September 10, 2025

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

By: Kevin: Realworldfare
Kevin: Realworldfare, *Movant In Equity, Appellant*
Secured Party, Injured Party, Real Party In Interest

ADDENDUM OF STATUTES AND RULES

Pursuant to Ninth Circuit Rule 28-2.7, Appellant includes the following statutes and rules that are central to this appeal.

28 U.S.C. § 144 — Bias or Prejudice of Judge

Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.

The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.

28 U.S.C. § 455 — Disqualification of Justice, Judge, or Magistrate Judge

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b) He shall also disqualify himself in the following circumstances:

1. Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;
2. Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter,

or the judge or such lawyer has been a material witness concerning it;

3. Where he has served in governmental employment and in such capacity participated as counsel, adviser, or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;
4. He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;
5. He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:
 - (i) Is a party to the proceeding, or an officer, director, or trustee of a party;
 - (ii) Is acting as a lawyer in the proceeding;
 - (iii) Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding;
 - (iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

(c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

- (1) “proceeding” includes pretrial, trial, appellate review, or other stages of litigation;
- (2) the degree of relationship is calculated according to the civil law system;
- (3) “fiduciary” includes such relationships as executor, administrator, trustee, and guardian;
- (4) “financial interest” means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that:
 - (i) Ownership in a mutual or common investment fund that holds securities is not a “financial interest” in such securities unless the judge participates in the management of the fund;
 - (ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a “financial interest” in securities held by the organization;
 - (iii) The proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a “financial interest” in the organization only if the outcome of the proceeding could substantially affect the value of the interest;
 - (iv) Ownership of government securities is a “financial interest” in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(e) No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification

arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

(f) Notwithstanding the preceding provisions of this section, if any justice, judge, or magistrate judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him, that he individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, or magistrate judge, as the case may be, divests himself of the interest that provides the grounds for the disqualification.

28 U.S.C. § 1443(1) — Civil Rights Cases; Removal

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof.

28 U.S.C. § 1447(d) — Review of Remand Orders

An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, **except that an order remanding a case to the State court from which it was removed pursuant to section 1442 or 1443 of this title shall be reviewable by appeal or otherwise.**

28 U.S.C. § 1746 — Unsworn Declarations Under Penalty of Perjury

Wherever, under any law of the United States or under any rule, regulation, order, or requirement made pursuant to law, any matter is required or permitted to be supported, evidenced, established, or proved by the sworn declaration, verification, certificate, statement, oath, or affidavit, in writing of the person making the same (other than a deposition, or an oath of office, or an oath required to be taken before a specified official other than a notary public), such matter may, with like force and effect, be supported, evidenced, established, or proved by the unsworn declaration, certificate, verification, or statement, in writing of such person which is subscribed by him, as true under penalty of perjury, and dated, in substantially the following form:

- If executed without the United States:
“I declare (or certify, verify, or state) under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature).”
- If executed within the United States, its territories, possessions, or commonwealths:
“I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature).”

Fed. R. Civ. P. 63 — Judge’s Inability to Proceed

If a judge conducting a hearing or trial is unable to proceed, any other judge may proceed upon certifying familiarity with the record and determining that the case may be completed without prejudice to the parties. In a hearing or a nonjury trial, the successor judge must, at a party’s request, recall any witness whose testimony is material and disputed and who is available to testify again without undue burden. The successor judge may also recall any other witness.

Fed. R. Civ. P. 8 — General Rules of Pleading

(a) Claims for Relief. A pleading that states a claim for relief must contain:

1. a short and plain statement of the grounds for the court's jurisdiction, unless the court already has jurisdiction and the claim needs no new grounds of jurisdiction to support it;
2. a short and plain statement of the claim showing that the pleader is entitled to relief; and
3. a demand for the relief sought, which may include relief in the alternative or different types of relief.

(b) Defenses; Admissions and Denials.

1. **In General.** A party must:
 - (A) state in short and plain terms its defenses to each claim asserted against it; and
 - (B) admit or deny the allegations asserted against it by an opposing party.

STATE OF CALIFORNIA)
) ss.
COUNTY OF RIVERSIDE)

I competent, over the age of eighteen years. My mailing address is ***care of:*** 2082 Highway 183 #170-229, Leander, Texas. On or about **September 10, 2025**, I served the within documents:

1. MOVANT IN EQUITY'S/APPELLANT'S VERIFIED OPENING BRIEF

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.

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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 **September 10, 2025** in Riverside County, California.

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By: Kevin: Realworldfare
Kevin: Realworldfare, Movant In Equity, Appellant
 Secured Party, Injured Party, Real Party In Interest