S_____

IN THE

SUPREME COURT OF CALIFORNIA

KAREEM SALESSI
Petitioner,

vs.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE,
Respondent.

WORLD SAVINGS BANK et al.,
Real parties in Interest

After a Decision by the court of Appeal
Fourth Appellate District, Division Three
(Case No. G040713)

PETITION FOR REVIEW AND REQUEST FOR IMMEDIATE ACTION:

Kareem Salessi,
Plaintiff and Petitioner
In Propria Persona
28841 Aloma Ave.,
Laguna Niguel, California, 92677
(949) 218 7666

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INTRODUCTION

Petitioner requests review by the Supreme Court of California of the Fourth Appellate Court and the Orange County Superior Court's decision why the judge in the Orange County Superior Court should not be disqualified pursuant to a Challenge for Cause according to California Codes of Civil Procedure §170.1; §170.1(a)(2); and § 170.1(a)(6)(c), and pursuant to signing a fraudulent order, knowing it to be fraudulent, as it had not been presented to petitioner Salessi for review anytime in advance of it being stamped, thus void for violations of, inter alia, CRC §3.1300, and CCP §1005(c), and CC §1572. The order and the fraudulent repossession must be set aside, injunction issued.

ISSUES PRESENTED FOR REVIEW

1. Where a Statement of Disqualification under *C.C.P.* §170.1 states objective facts which a reasonable person might consider in assessing actual or apparent judicial bias, is the challenged judge entitled to strike the Statement under *C.C.P.* §170.4(b) based upon his own determination that it does not state sufficient facts to support disqualification, or is he prohibited from striking the Statement by *C.C.P.* § 170.3(c)(5)? If the judge can pass on his own judgment of himself then what is the utility of challenge statutes?

2. Where a Statement of Disqualification sets forth facts reflecting a judge's abuse of discretion in denying a Mandatory Injunction, in the form of a preliminary injunction, are such facts sufficient to establish bias by the challenged judge and that he must either accept disqualification or transfer the

matter for hearing and determination by an independent judge?

3. Where a Statement of Disqualification states objective-facts which a reasonable person might consider in assessing actual or apparent judicial bias, and the challenged judge strikes the Statement rather than allowing it to be heard by another judge as required by *C.C.P.* §170.3(c)(5), is the Court of Appeal obligated to grant a timely-filed Petition for **Writ** of **Mandate** attacking the Order striking the Statement of Disqualification, or does it have discretion to deny the Petition, thereby leaving the party with no appellate remedy?

4. Where a Statement of Disqualification sets forth facts reflecting a judge's complete disregard of facts of the case, and complete disregard of laws, pertaining to the nullity of deeds of trust, their underlying notes and grant deeds, all of which were created by means of proven forgeries, are such facts when intentionally ignored sufficient to require that the challenged judge either accept disqualification or transfer the matter for hearing and determination by an independent judge?

5- Where a Petition for a **Writ** of **Mandate** sets forth facts pertaining to the judge's direct violation of CCP §170.1(a)(2) in furnishing zealous advice to defendants in open court, and directing defendants to steal plaintiff's residential abode under the false pretense of his preplanned denial of a preliminary [Mandatory] injunction, where defendants were already in a superior position of power and wealth, with financial resources plundered from the California community, including Salessi?

6- Where after the summary denial of the Petition for a **Writ** of **Mandate** it is discovered that the order signed by the judge had been an actual fraud per CC §1572, inter alia, in that it had not been served to Salessi in the court-house until after the hearing of 7/15/2008, and which was stamped with the judge's name despite its missing proof of service, of which the court became aware of it before stamping the said order?

7- Where Salessi's Petition for a **Writ** of **Mandate** documented disparaging remarks of the judge against Salessi thus prejudging the case at the earliest stage of the case did the judge disqualify himself as a matter of law, per CCP §611, Haluck v. Ricoh Electronics, Inc., 60 Cal.Rptr.3d 542, Cal.App.4.Dist.,2007 , quoting from: the language used by the court in *Pratt v. Pratt*, 141 Cal. 247, 252 [74 Pac. 742], is applicable to the present situation: "The trial of a case should not only be fair in fact, but it should also appear to be fair. And where the contrary appears, it shocks the judicial instinct to allow the judgment to stand." In the RICOH case, the 4th Appellate District Division Three, reversed the judgment for defendants RICOH and ordered a new trial by a different judge. The 4th Appellate District Division Three should have done the same with petitioner Salessi's **Writ** of **Mandate**.

STATEMENT OF FACTS AND THE CASE

On 7/15/08, the judge acted as advisor, advocate, and jury for defendants and their counsel by stating:

> "EXHIBIT 1 OF THE WRITTEN OBJECTIONS TO MR. SALESSI ABOUT PROCEEDING WITH THE EX-PARTE ON JULY 15TH DUE TO DEFECTIVE NOTICE. CCP 527 ALLOWS FOR A CONTINUANCE AT

THE PLAINTIFF'S REQUEST. RATHER, NO PROVISION OF 527 ALLOWS FOR A CONTINUANCE AT THE PLAINTIFF'S REQUEST, IT SHOULD SAY." [TR, P.8, L. 4:9].

Here, although counsel for defendants cited CCP 527 stating that it allowed Salessi to have a continuance, the judge turned it around and reversed it against Salessi. This is blatant abuse of discretion, judicial misconduct, and siding with a party, and is by itself grounds for exit from this court.

The challenge was timely filed by petitioner Salessi, on the morning of 7/8/2008, subsequent to the viewing of the deadly tentative ruling of the court and the showing of the judge's siding with defendants with the appearance that the tentative ruling had been written by defendants, and without the slightest mention of Salessi's reply papers.

On the prejudging of the case as in the Salessi case, the following case is dispositive: *Rosenfield v. Vosper*, 45 Cal.App.2d 365 [114 P.2d 29]: A trial judge should not prejudge the issues but should keep an open mind until all of the evidence is presented to him. When issues of fact are submitted to a jury for determination it is made the duty of the judge to admonish the jurors at each separation that "it is their duty not to form or express an opinion thereon until the case is finally submitted to them." (Code Civ. Proc., sec. 611.)In the case under review the trial judge took the place of the jury as a trier of the issues of fact. It was his duty to determine whether plaintiff had agreed to accept $1,000 in full for his services, whether the receipt of the check for $250 constituted an accord and satisfaction, and the reasonable value of plaintiff's services. These matters constituted issues of fact and the trial judge, like the jurors in a jury trial, had the duty to refrain from forming an opinion on such issues until the case

was finally submitted to him.

In the instant case Salessi fully proved its balance of hardship, despite the fact that the irreparable harm balance was to be presumed per inter alia, CC §3387 which presumes the burden of proof for prevailing in a residential dwelling case such as this one. On the contrary defendants had nothing to say about suffering any irreparable injury, or any injury at all. All they had to say was that plaintiff had been living there rent free for almost a year, not mentioning that he had paid the full price of the house already, or that he had paid in advance fifteen years worth of rent for the subject property. The judge became defendants' advocate and made a derogatory remark that: "but as I understand it you have been living "RENT FREE" for a year", thus taking sides with defendants World Savings, now claiming to be doing business as Wachovia Mortgage.

Further, the judge continued disparaging remarks against Salessi's claims that World Savings was insolvent (per CC §3430.05) and Wachovia had not shown any proof that it had legitimately taken over the assignment of rights of World Savings obligations and assets. The judge said: "come on Mr. Salessi..." as if he had advance knowledge about defendants which he was withholding.

REASONS TO GRANT REVIEW

Review by this Court is required to settle important questions of law. Cal. Rules of Court §8.525. An immediate stay is requested because the underlying cases are in total turmoil and require this Court's extraordinary intervention in order to enforce the automatic stay provisions and to prevent petitioner and his family from facing irreparable harm by losing their residential abode, and

suffering further acts of terror by defendants in their current attempts to evict petitioner, and to convert the subject property which Salessi has preserved as the crime-scene evidence of the defendants' crime-frauds in their 2002 sale. Review is also necessary to prevent the frustration of the public policy consumer causes of action initiated and litigated by petitioner Salessi since 2004, on behalf of the California community under California Consumer Legal Remedies Act (CLRA), CC §1750; Unfair and Deceptive Acts & Practices (UDAP), B&P §17200, et seq, among others.

This Court reviews the Court of Appeal decision de novo. It must "necessarily be deemed an abuse" for a lower court to select an erroneous legal rule or to apply decisional law in a manner "that is inconsistent with the law itself'). *Aguilar v. Atl. Richfield Co.*, 25 Cal.4th 826, 860 (2001)

LEGAL DISCUSSION

I

JUDGE MONROE IS DISQUALIFIED PURSUANT TO CCP 170.1 and CCP 170.3

The test is whether "a person aware of the facts might reasonably entertain a doubt that the Judge would be able to be impartial." [CCP § 170.1(a)(6) (A),(B),(C)] "Bias" exists where the judge evidences a "predisposition to decide a cause or an issue in a certain way, which does not leave the mind perfectly open to conviction." *[Pacific & Southwest Annual Conf. of United Methodist Church v. Sup.Ct. (Barr)* (1978) 82 CA3d 72, 86, 147 CR 44, 52] The test under Sec. 170.1(a)(6)(C) is objective: "The situation must be viewed through the eyes of the ... average person on the street" as of the time the motion is brought. *[United Farm Workers of America v. Sup.Ct. (Maggio)* (1985) 170 CA3d 97, 104, 216 CR 4, 9 'The word 'might1 in the statute was

intended to indicate that disqualification should follow if the reasonable man, were he to know all the circumstances, would harbor doubts about the judge's impartiality."[*United Farm Workers of America v. Sup.Ct. fMaaaio)*, supra, 170 CA3d at 104, 216 CR at 9.

The Statement of Disqualification sets forth the facts that the judge had disregarded the nullity of defendants claims because their deeds of trust and the grant deed of the subject property were all forged and that the judge had ignored those facts and sided with the defendants. It further stated that " **...The court granted the bank permission to utilize forged documents, which the bank admitted to be forged. Plaintiff fully met the evidentiary burden on the merits, and on the balance of hardships, and should have been granted injunctive relief, without bond, as a matter of law, per interalia, *TVA v. Hill*, 437 U.S.153, 98 S.Ct.2279(1978).**" This is more that sufficient to show bias, or at least to show the appearance of bias of Judge Monroe against petitioner Salessi.

On 7/8/08 there had been no rulings and the judge could have refrained from continuing misconduct including having his clerk sign an unserved [proposed] ORDER, handed to her earlier by the defense counsel to pervert justice, and by having the court stamp it, without Salessi every seeing it in advance. The said signed ordere is deed void, or voidable, owing to the violation of inter alia CRC §3.1300, and CCP §1005(c) whereby the proof of service for a document to be considered in a hearing must be filed at least five court days in advance of the hearing. Further, petitioner believes that this type of misconduct is probably sanctionable, against the court, and most definitely against defense counsel for which Salessi prays from this honorable court.

II
SALESSI HAS A RIGHT TO A WRIT ORDERING A STAY; TRIAL COURT AND PARTIES DO NOT RECOGNIZE THAT THE TRIAL COURT ORDER IS VOID AB INITIO AND PARTIES MUST REFRAIN FROM INTERFERENCE WITH SALESSI'S POSSESSION OF PROPERTY

A [proposed] ORDER, file stamped July 15, 2008, had not been served to Salessi, by the fraudulent counsel of defendants, until after it had been stamped by the court. This type of illegal act causes a mistrial if conducted within the course of a trial. Therefore, the said order must be ordered void and defendants acts of terrorism including eviction action, and public defamations such as by destruction of Salessi's credit reputation, and nuisance per se, must be immediately ordered stopped by this court. Defendants and their agents and allies are organized crime enterprises as defined by Title 18 U.S.C. §§1961-1969 (RICO).

Through his first underlying action, the Orange County Superior Court Case # 04CC11080, Petitioner Salessi has been warning this nation since 2004, of the housing and economic plunder calamities that these RICO enterprises had been brewing, The RICO enterprise had been to lend unlimited Ponzi (phony) credit money to legitimate, and illegitimate, buyers (or already owners) of real estate with cheap phony money resulting in artificial quadrupling of property prices in the past eight years, then by hiking the interest rates to make payments unaffordable; then to repossess millions of houses, and buy them back in bulk through credit markets for ten cents, or less, on the dollar. See the Wall Street front page article of 8/15/08, about anonymous buyers wanting to buy 60,000 reposed FANNIE MAE homes in bulk.

The total number of repossessed houses stands over three millions and is fast rising. In 2004, Salessi had been pleading that the so called lenders had funded these loans with phony Ponzi dollars, not with real dollars, which is why the collapse would occur, around 2007. That is exactly what happened, and the few RICO enterprising companies, and individuals, as these defendants reaped mountains of wealth at the expense of the masses.

THE INJUNCTION:

CCP §525 and CC §3420 authorize a court to issue preliminary injunctions in the form of an order to prevent an act [prohibitory] or to compel an act [mandatory]. An appeal stays a mandatory injunction but not a prohibitory injunction.

The grounds for an injunction are set forth in CCP §526. The most frequent grounds are irreparable harm (if money damages will suffice, then a Preliminary Injunction would not be appropriate), maintaining the status quo, and the probability of prevailing on the merits. The burden is on the plaintiff to show all elements necessary to support issuance of the injunction. The evidence is based on the verified complaint and declarations filed by the parties. A plaintiff must show a likelihood of success on the merits of his action. The court employs a more probable than not" standard.

The burden then shifts to defendant to show that it will suffer irreparable injury if the injunction is granted. The court balances the relative hardships *(Farrington v. Dyke Water Co.* (1958) 50 Cal.2d 198, 200) and determines whether a greater injury will result to defendant or plaintiff. Once this burden is met then the injunction would be mandatory as in: ***TVA v. Hill,*** 437 U.S. 153 (1978) [However, the legislative body may by explicit language or provision foreclose the exercise of equitable discretion, so that injunctive relief is

mandatory if the evidentiary burden is met.]

Complete disregard of facts of the case, and carved-in-stone rules of law, pertaining to the nullity of deeds of trust, their underlying notes and grant deeds, all created by means of proven forgeries, are substantial facts to grant review of a writ petition to mandate that a challenged judge's disqualification.

A mandatory injunction is one that changes the status quo. *Hayworth v. CIO, of Oakland*, 129 Cal.App.3d 723, 727-728 (1982). The impact of the order, not its language, determines whether it is mandatory or prohibitory. "It is, of course, elementary that this court will not be bound by the form of the order but will look to its substance to determine its real nature." *Feinberg v. One Doe Co.*, 14 Cal.2d 24, 29 (1939). *See also* *Davenport v. Blue Cross of California*, 52 Cal.App.4th 435, 447 (1997).

In *Podesta v. Linden Irrigation Dist.*, 132 Cal.App. 2d 250 (1955), for example, an injunction required a public water district to give up control it had exercised to convey water across private land, and the court found this to be a mandatory order, because "by a decree couched in prohibitory language [the district] is mandated to surrender all of that for which it is contending in the cause." *Id.* at 261. In the instant case Salessi had requested the court for a similarly mandatory injunction, in the prohibitory language, to enjoin defendants in their continued activities leading to the wrongful foreclosure, and grant theft of the subject property.

A preliminary injunction is mandatory, whatever its language, if it requires someone to surrender an office or position that the person previously occupied. *Clute v. Superior Court*, 155 Cal. 15, 20 (1908); *Feinberg*, 14 Cal.2d at 29; *Davenport*, 52 Cal.App.4th at 446. In *Clute*, a preliminary injunction ordered the defendant, who claimed to be a corporation treasurer and hotel manager, to

relinquish control. He appealed, but while the appeal was pending, he was adjudged guilty of contempt for violating the injunction. He sought and received relief by a writ petition, with the court ruling that "if the enforcement of the injunction has been stayed by an appeal, a writ of *supersedeas* may properly be issued by the appellate court to arrest further action by the court below." *Id.*, 155 Cal. at 18. In the instant case owing to the ongoing frauds of defendants, and their counsel, this Supreme Court of California should sanction defendants by issuing not only a preliminary injunction but a permanent one, and ordering the bank to expunge all of the fraudulent instruments they have recorded in the official records of the County of Orange, since 2002, in accordance CC §3412.

The judge's arguments are self destructive in the pages of his "ORDER STRIKING STATEMENT OF DISQUALIFICATION" (Striking Statement), dated July 14, 2008, and served to Salessi on 7/15/08 in the court. The judge made numerous remarks, and citations justifying that judges' erroneous rulings, even if continuous, are not grounds for disqualification. This is judicial declaration of self-incrimination in that the judge is declaring that he has made erroneous rulings but that the said rulings did not entitle Salessi to disqualify him. However, Salessi disqualified the judge on the morning of 7/8/2008, before his first appearance. No rulings had been made until a week later. Thus the judge in his striking statement is judicially declaring his predisposition, and preplanned ruling, against Salessi at a time when he had not yet made any rulings, telling Salessi that he will make his predetermined erroneous rulings, and that Salessi's week-old challenge for cause will be discounted. This of course is beyond judicial misconduct.

In his attached verified answer (Answer) the judge continues to support his rulings, none of which had yet occurred. Further, the judge insists on keeping this case in his court in lines 17-21, of his answer, where he states to have experience in handling similar cases. Is this is to mean that the judge has experience in handling similar cases involving countless forgeries against defendants and him turning the case in defendants' favor, or is it to mean that he has experience with foreclosure cases in general? Either way, he has intentionally failed to apply the pertinent laws to the forgery facts of Salessi's case. In application of the laws to Salessi's Petition for a **Writ** of **Mandate,** the Appeals Court should have issued the writ as it did in its published opinion, dated 2/14/1997 in case # G020239 Charles Chitat Ng v. Superior Court of Orange County:

> "Code of Civil Procedure section 170.1, subdivision (a)(6) provides the standard by which we are to determine whether the trial judge is to be disqualified: ". . . a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial." We need not determine whether there is actual bias. The quoted, derogatory and apparently unfounded statements concerning counsel, coupled with the evidence presented in support of the earlier petitions, and the court's unusual and inappropriate desire to keep the case, lead us to conclude that the interests of justice require that further proceedings herein be heard before a trial judge other than the presently assigned judge. (Code Civ. Proc., § 170.2, subd. (c).)"

The above solid decision of the intelligent justices of The 4th Appellate, Division 3 came long before the landmark cases of Curle, and Hartford, which wiped out long standing confusions about the application of challenges for cause. In Curle [citations omitted] this court made it clear that a judge is not a party to a CCP 170 challenge and can not file his oppositions. In *Hartford Cas. Ins. Co. v. Superior Court*, 125 Cal.App.4th

250, 22 Cal.Rptr.3d 507, this court made several fundamental declarations including:

As the *Giometti* court explained, it is the *fact* of disqualification that controls, not subsequent judicial action on that disqualification. That rule is confirmed by decisions holding that a judge who improperly rejects a timely filed statement of disqualification is disqualified as of the time the challenge was filed. (E.g., *Ziesmer v. Superior Court* (2003) 107 Cal.App.4th 360, 363-364, 132 Cal.Rptr.2d 130; *Zilog, Inc. v. Superior Court* (2001) 86 Cal.App.4th 1309, 1323, 104 Cal.Rptr.2d 173; *In re Jenkins* (1999) 70 Cal.App.4th 1162, 1165-1167, 83 Cal.Rptr.2d 232; see also *Geldermann, Inc. v. Bruner* (1991) 229 Cal.App.3d 662, 665, 280 Cal.Rptr. 264.)

Applying the above established fundamental the judge had been disqualified as of 8/7/2008, and remains so thereafter. As in Hartford, Judge Monroe made a ruling following sticking his own disqualification, while having declared before hand of his intentions to make erroneous rulings, in his striking statement. Hartford also answers the questions of what becomes of a ruling made by a disqualified judge must be set aside by stating: It was his responsibility to disqualify himself once factors that triggered the provisions of section 170.1, subdivision (a)(8)(B), arose. (*Betz, supra*, 16 Cal.App.4th at p. 937, 20 Cal.Rptr.2d 841; *Urias, supra*, 234 Cal.App.3d at p. 425, 285 Cal.Rptr. 659.)

Hartford then goes on to explain that judgments entered by the judge, in similar cases, [citations omitted] were rendered voidable, and that CCP §170.3(b)(4) did not apply to them. It then further goes on to state:

"And, even judges who have made rulings in a case, then become

disqualified when the use of a dispute resolution neutral arises as an issue, can protect their prior rulings by promptly disqualifying themselves when the need arises and avoiding entry of any orders subject to challenge. On balance, the countervailing policy consideration of providing relief to parties from orders entered by a judge who, in good faith or bad, failed to properly disqualify himself, outweighs any concerns of gamesmanship that litigants might attempt. (See *Tatum, supra*, 250 Cal.App.2d at p. 42, 58 Cal.Rptr. 238 [policy of preventing the taint of any appearance of judicial interest in pending cases].)

In the instant case, not only the judge had not made any rulings prior to his disqualification but also persevered that he was entitled to make as many erroneous rulings as he pleased without ever risking a challenge for cause. This is considering that in Salessi's reply papers to defendants' opposition Salessi had extensively documented how the underlying case # 04CC11080 had resulted in an unfortunate challenge and that the case is now in the Appellate Court (Case # G030082) mainly on those grounds. In fact this detail made it abundantly clear that the judge had not even cared to read Salessi's opposition papers for the 7/8/08 hearing on the preliminary injunction; that he had made a predisposed judgment of denying the injunction and having the bank steal the subject property. This, the judge made clear by his ex parte instructions to defense counsel to sell the house in auction, immediately after the planned hearing of 7/15/08. Next the judge even took the added measure to alter the court transcript by redacting the ex parte instruction, but then admitting to it per his own judicial declaration, a week later. The same volume of the transcript in which the court redacted an

incriminating statement had been redacted following the text of line 10, page 2, while starting from line 11, on page 10 of the said transcript (of 7/15//08), the judge states to have said similar things none of which appear where he claims to have said it on 7/8/08, or anywhere at all.

Further, the judge on the last page of his striking order quote from *Briggs v. Superior Court* (2001) 87 Cal.App.4th 312, 319,: "Judicial responsibility does not require shrinking every time an advocate asserts the objective and fair judge appears to be biased. The duty of a judge to sit where not disqualified is equally as strong as the duty not to sit when disqualified." Thus the judge is admitting that since he is disqualified he has a duty not to sit, while in practice he did the exact opposite. Or that the judge had the delusion of not having been disqualified. In either case his order denying the preliminary injunction must be vacated, and the fraudulent repossession of the property by Wachovia must be ordered expunged from the Orange County records. Similarly all the notices of default and trustee sale must be ordered expunged as it was ordered so in Hartford, supra, which states: "We have already concluded the order was made by a disqualified judge. Hartford has objected to that order and is entitled to have it vacated."

ON line 5, of his striking order, the judge begins to state that if plaintiff intended to make a peremptory challenge it was too late. However, even though that was not Salessi's intent, even if he had intended to file such a challenged it would have been cited as under CCP §170.6, and it would have still been timely per CCP §170.6(a)(5) which states: when the challenge is made to an all purpose judge it must be made within 10 days after the party first appears before the judge, or within 10 days of the judge's

appointment. In this case, plaintiff challenged the judge even before his first appearance before the judge on 7/8/08, therefore even a 170.6 challenge would have been timely.

III
THE COURT OF APPEAL ERRONEOUSLY SUMMARILY DENIED THE PETITION.

This Court held in *Powers v. City of Richmond* (1995) 10 C4th 85, 114, that:

"When an extraordinary writ proceeding is the only avenue of appellate review, a reviewing court's discretion is quite restricted. Referring to the **writ** of **mandate**, this court has said: "'Its issuance is not necessarily a matter of right, but lies rather in the discretion of the court, but where one has a substantial right to protect or enforce, and this may be accomplished by such a writ, and there is no other plain, speedy and adequate remedy in the ordinary course of law, he [or she] is entitled as a matter of right to the writ, or perhaps more correctly, in other words, it would be an abuse of discretion to refuse it.'" (Dowell v. Superior Court (1956)47 Cal.2d 483, 486-487 [304 P.2d 1009], quoting Potomac Oil Co. v. Dye (1909) 10 Cal.App. 534, 537 [102 P. 677]; accord, May v. Board of Directors (1949) 34 Cal.2d 125, 133-134 [208 P.2d 661].) Accordingly, when writ review is the exclusive means of appellate review of a final order or judgment, an appellate court may not deny an apparently meritorious writ petition, timely presented in a formally and procedurally sufficient manner, merely because, for example, the petition presents no important issue of law or because the court considers the case less worthy of its attention than other matters." 12 C4th 119.

Nevertheless, in this case the Court of Appeal summarily denied the

petition although it was meritorious and timely presented in a formally and procedurally sufficient manner. They have to be answerable to someone. They are answerable to you.

This Court may take the matter itself or refer it back to the Court of Appeal to be heard on the merits. Summary denial in this case removes all accountability and makes a nullity of this Court's decision, as in *Powers* (supra).

IV. CONCLUSION.

For all the foregoing reasons, it is urged that the petition be granted.

Respectfully submitted.

Dated, August 17, 2008

Kareem Salessi,
Plaintiff and Petitioner
In Propria Persona
28841 Aloma Ave.,
Laguna Niguel, California, 92677
(949) 218 7666

CERTIFICATE OF WORD COUNT:

According to the Microsoft Word-Count tool program the total number of words in this document, including this page are: 5280

Dated, August 17, 2008

Kareem Salessi,
Petitioner/Plaintiff

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

KAREEM SALESSI, Petitioner, v. THE SUPERIOR COURT OF ORANGE COUNTY, Respondent; WORLD SAVINGS BANK et al., Real Parties In Interest.	G040713 (Super. Ct. No. 30-2008-00107531) O R D E R

THE COURT:*

The petition for a writ of mandate/prohibition is DENIED.

RYLAARSDAM, J.
RYLAARSDAM, ACTING P. J.

* Before Rylaarsdam, Acting P. J., Fybel, J., and Ikola, J.

G040713
Salessi v. The Superior Court of California, County of Orange

Superior Court of Orange County

Kareem Salessi
28841 Aloma Ave.
Laguna Niguel, CA 92677

The Superior Court of California, County of Orange
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PROOF OF SERVICE BY MAIL RE:

SUPREME COURT OF CALIFORNIA CASE #

SALESSI v. ORANGE COUNTY SUPERIOR COURT
WACHOVIA, et al. OSC Case # **30-2008-00107531**
Court of Appeal Case: G040713

I, plaintiff/appellant herewith declare that I am a party to this action. My business address is 30262 Crown Valley Parkway, B-174, Laguna Niguel, Ca. 92677. I testify that on August 18, 2008, I served by the United States Mail a copy of the following document:

PETITION FOR REVIEW AND REQUEST FOR IMMEDIATE ACTION:

to the addresses that follow:

SEE ATTACHED SERVICE LIST.

I declare under the penalty of perjury of the laws of California that the foregoing is true and correct.

Dated: **August 18, 2008**

Kareem Salessi,
Plaintiff/Appellant

SERVICE LIST

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