

No. _____

IN THE
Supreme Court of the United States

Adam Bereki,
Petitioner.

v.

SUPREME COURT OF CALIFORNIA,
Respondent.

Canjian Hou et al
(Real Parties In Interest)

**MOTION TO DIRECT THE CLERK TO FILE A PETITION
FOR A WRIT OF CERTIORARI OUT OF TIME**

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CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, the following real parties in interest to this proceeding are non-governmental corporate entities of which Petitioner is aware:

Citizens Bank, N.A. — Real Party in Interest; national banking association.

Parent corporation: Citizens Financial Group, Inc. (NYSE: CFG), a publicly held corporation.

MTC Financial, Inc. (d/b/a Trustee Corps) — Real Party in Interest; California corporation. Petitioner is unaware of any publicly held parent corporation owning 10% or more of its stock.

INTRODUCTION

Petitioner came to this Court to appeal an injury: the California courts refused to decide his constitutional claims, yet continue to enforce the judgment against him anyway. No court, at any level, ever ruled on whether the Constitution permitted the non-judicial sale of his home, valued at approximately \$1.5 million, for \$371,688 to satisfy an unadjudicated “default” directly resulting from the unlawful enforcement of a void judgment or whether the non-judicial foreclosure sale and scheme itself were constitutional. Full examination of the predicate void judgment and non-adjudication are addressed in the companion certiorari petition, *Adam Bereki v. Supreme Court of California* (postmarked August 31, 2026) (“Companion Petition”). California’s

structural failure to hear and determine Petitioner's claims is what he brings here for review.

This Court's Clerk refused to file his application for extension of time, and ultimately, his certiorari petition, focusing on the non-judicial foreclosure issues, on the grounds that because the California Supreme Court did not enter a reviewable judgment, there was nothing to appeal and the filing was out of time. So the very wrong Petitioner seeks to appeal — that no court would decide his case — became the Clerk's ground for refusing to let him appeal it. The Clerk is weaponizing the injury to bar review of the injury. That judicial determination was made by the Clerk's Office alone, by letter, with no Justice and no order of this Court.

As this Court held in *Nashville, C. & St. L. Ry. v. Wallace*, 288 U.S. 249, 264 (1933):

“Whenever the judicial power is invoked to review a judgment of a state court, the ultimate constitutional purpose is the protection, by the exercise of the judicial function, of rights arising under the Constitution and laws of the United States.”

That is the function this motion asks the Court to exercise. Petitioner asks this Court to direct the Clerk to file his petition for a writ of certiorari so that he may invoke the judicial power of the United States and exercise his right to claim the protection of the laws and to receive a judicial determination of his rights.

AUTHORITY

This motion is made under Article III, § 2 and Rule 21 and invokes this Court’s supervisory authority over its own Clerk. The Clerk is an officer of the Court. That authority exists for this very circumstance — so that a clerk cannot, at the clerk’s desk, foreclose the appellate jurisdiction the Constitution vests in the Court as a mandatory duty.

PROCEDURAL HISTORY

Petitioner’s application reached this Court after the California courts, at every level, declined to decide it — and after a clerk of both the California Supreme Court and this Court — not a Justice, closed the doors to the courthouse.

On December 15, 2025, Petitioner filed an emergency petition for a writ of mandate in the Supreme Court of California, invoking that court’s original jurisdiction. (Exhibit M, p. E–68).

On December 16, 2025, the Chief Justice transferred the matter to the Court of Appeal, Fourth Appellate District, Division Three. The order stated:

“The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.” (Exhibit A, p. E–2).

The transfer was conditional. The Court of Appeal was to deny only “[i]n the event” it “determines that this petition is substantially identical to a prior petition.”

The determination was the condition. Without it, no power to deny the petition on other grounds arose.

The Court of Appeal never made the conditional determination. On December 18, 2025, it granted judicial notice and then denied the petition and the stay in a single sentence:

“Petitioner’s request for judicial notice is GRANTED. The petition for writ of mandate or other relief, as well as the request for immediate stay, are DENIED.” (Exhibit B, p. E–4).

The Court of Appeal made no finding of identical prior petition. It named no prior petition. It gave no reason. It did not analyze *Hagan*. It did not rule on its own jurisdiction. It did not perform the mandatory ministerial transfer duty that Code of Civil Procedure § 396(b) imposes as requested in the petition, and it did not adjudicate the merits.

The Supreme Court had transferred the matter on a single condition, and the transferee court disposed of it without meeting that condition. Nothing may be read into that silence. *Hagan* holds that a denial of a writ application without opinion “is not res judicata of the legal issues presented by the application unless the *sole possible* ground of the denial was that the court acted on the merits, or unless it affirmatively appears that such denial was intended to be on the merits.” 57 Cal.2d at 770. A silent denial decides no merits. The December 18 denial therefore made no merits determination.

Nor could an affirmative denial under *Hagan* have been made. *Hagan* holds that a court may, in its discretion, refuse to entertain a repetitive application that reasserts a petition already denied, where the refiling serves to circumvent the time limits for seeking review in a higher court. *Hagan*, 57 Cal.2d at 770-771. The petitions were *not* substantially identical and did not seek to circumvent any time limit. The prior petition, No. G066117, was filed in the Court of Appeal and asked whether the Appellate Division of the Superior Court had breached its mandatory, ministerial duty under Code of Civil Procedure § 396(b) to transfer an unlawful-detainer appeal that lay outside its jurisdiction. (Exhibit J, p. E-46). It sought an order compelling that transfer to the Court of Appeal. The Court of Appeal dismissed the writ with “DENIED” and refused to adjudicate the merits of that petition.

The petition here was filed in the Supreme Court of California's original jurisdiction and sought, as its direct object, a ruling that the limited-civil division's judgment is void for want of subject-matter jurisdiction over an unlawful-detainer action that necessarily adjudicates title to an approximately \$1.5 million property — relief the prior petition did not request, having instead targeted the Appellate Division's ministerial duty to transfer under § 396(b). It also expressly presented a facial and as-applied constitutional challenge to California's non-judicial foreclosure scheme, Civil Code §§ 2924–2924k, and expressly incorporated the concurrently filed Cal. Supreme Court petition, *Adam Bereki v. Fourth District Court of Appeal*, No. S294386 — neither of which the prior petition raised. (Exhibit M, p. E-68). Different

court. Different questions. Different relief. No court ever found them identical, and the transfer's condition therefore never took effect.

Because the transfer order only vested jurisdiction to make the *Hagan* determination — a determination that was never made — and because no merits adjudication had ever occurred, the matter had never left the Supreme Court's original jurisdiction. Petitioner returned there. On January 25, 2026, he submitted a verified application asking the Supreme Court to recall the failed transfer and exercise jurisdiction. (Exhibit C, p. E-6).

At this juncture, one might wonder if Petitioner should have instead applied to the Cal. Supreme Court for appellate review of the December 18 denial. Petitioner answers no. First, there was no decision to review as the summary denial was not a merits adjudication. Second, the matter originated in the Supreme Court's own original jurisdiction and was transferred down solely on a condition the Court of Appeal never met. The remedy for a transferee court's failure to meet that condition was to return to the court that retained jurisdiction and imposed the transfer order. That is why he filed the recall application. But even assuming *arguendo* that he could have sought review, his application to recall the transfer was substantively that: it notified the Cal. Supreme Court of the Court of Appeal's breach of transfer duty and asked it to resume jurisdiction and adjudicate the case. That adjudication — which never occurred in the Fourth District — is also the very decision § 1257 looks for from the highest court in which a decision could be had.

The Supreme Court Clerk refused to file the transfer application. Petitioner did not receive a judicial determination of his rights from the Court. He received a letter. On January 26, 2026, a Deputy Clerk stated:

“No action may be taken on your ‘Application to recall transfer and for reinstatement or original jurisdiction’, received on January 26, 2026. The order transferring your petition was final forthwith and may not be reconsidered. Without jurisdiction, this court is unable to consider your request for legal relief.” (Exhibit D, p. E-18).

No Justice acted. Neither the application nor the letter appear on the docket of the case. The refusal decided the court’s jurisdiction — that the court had none — and disposed of the application and the original writ without adjudication on the merits. Deciding whether a court has jurisdiction over a matter before it and the disposition of an original writ proceeding and the merits is an exercise of the judicial power. A clerk performed it. The result was not an order of the court. It was a clerk’s determination, entered in place of the judicial act the application and writ called for and it denied Petitioner fundamental due/ judicial process. It closed the last door to every courthouse in California.

The California proceedings thus produced no adjudication at any level, including the other proceedings in the Superior Court and its limited civil and appellate divisions as briefly discussed in the Companion Petition and its Exhibits F, p. A-49.

**THIS COURT’S CLERK’S OFFICE DECIDED A JUDICIAL QUESTION IT
HAD NO AUTHORITY TO DECIDE**

Petitioner then sought review in this Court, computing his time from the January 26 letter as the last act of the California courts in which a decision *could be had*. What happened next repeated the same pattern. The Clerk’s Office refused Petitioner’s filing (the Application for an Extension of Time, Exhibit E, p. E–20: Annotated) on two grounds: that the January 26 letter “is not considered an order and is not reviewable,” and that the operative judgment was instead the December 16, 2025 transfer order, from which review is untimely. (Exhibit F, p. E–25). That same day, by telephone, the Clerk’s Office told Petitioner the application “can’t be filed either way,” and confirmed this was “a final determination.” (Exhibit L, p. E–65). Petitioner had identified the January 26 refusal as the judgment under § 1257(a) — the last act in which a decision *could be had*. The Office set that act aside, reached back to the December 16 transfer order Petitioner never challenged, and declared it the operative judgment. It did so on its own, and refused the filing on its own substitution. A Clerk’s job of enforcing a clear deadline against an undisputed judgment is ministerial. To the contrary, choosing which act the deadline runs from, and displacing the disputed/ challenged act petitioner appealed from — which was the cause of his injury — is both a judicial determination of this Court’s jurisdiction and his rights. That decision, to refuse to file Petitioner’s application and certiorari petition resulted in denying him the federal forum the Constitution guarantees to obtain relief. The point is that the refusal of the State Courts to hear and determine

Petitioner’s Constitutional claims — the injury he brings here — is the very thing the Office used to bar his appeal, treating the absence of an adjudication below as the ground for refusing to file the appeal of that non-adjudication. That converts this Court into an instrument of the oppression rather than a vessel for remedial justice.

When Petitioner urged that a Justice, not the Office, should decide this issue, the Clerk’s Office answered that “our job here [is] to determine whether the Court has jurisdiction or not.” (Exhibit G, p. E–34). Asked again, Petitioner was told “the entire office” agreed with the determination. (Exhibit K, p. E–55). And when he asked how to reach a Justice, the Office directed him to the only motion it would docket — one “specific to that December order and not at all the January letter.” (Exhibit G, p. E–37, lines 5-7). That confines Petitioner to a vehicle built on the Office’s own answer as a final determination: a motion premised on the December 16 order concedes the point in dispute and cannot succeed.

This determination was never the Clerk’s to make. In at least this instance, deciding whether the California Supreme Court Clerk’s usurpation of judicial power constituted a “final order or decree” for purposes of § 1257(a) is an exercise of the judicial power, reserved to the Court. See also the concurrently submitted Motions to Direct the Clerk to File the petitions of Pier Prenga (*Pier Prenga v. Second District Court of Appeal*) and Tin Vo (*Tin Vo v. Fourth District Court of Appeal*) involving similar injury by this Court’s Clerk’s Office; copies available at adjudicationdenied.org under “appeal” and “motion”.

Nor does Petitioner have another available forum— no lower federal court will reach the question. A collateral attack on the implicated judgments is purportedly barred by *Rooker v. Fidelity Trust Co.*, 263 U.S. 413 (1923). That jurisdictional doctrine bars a lower federal court from reviewing the state judgments themselves, leaving this Court the only forum remaining. See Companion Petition; *Bereki v. Humphreys*, No. 8:19-cv-02050 (C.D. Cal.), and the Ninth Circuit appeal No. 20-55181.

The stakes here are also beyond ordinary docket screening. The discretionary character of certiorari is not constitutional; it is a creature of the Judiciary Act of 1925, adopted to screen out petitions frivolous or already settled. This petition is neither. See Jonathan Sternberg, *Deciding Not to Decide: The Judiciary Act of 1925 and the Discretionary Court*, 33 J. Sup. Ct. Hist. 1, 9–10 (2008). Article III provides that this Court “shall have appellate Jurisdiction” — a duty, not a discretion. “We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be treason to the constitution.” *Cohens v. Virginia*, 19 U.S. 264, 404 (1821). This Court has enforced that limit against even the broadest asserted power to close the courthouse, holding that the floor of judicial review of a constitutional deprivation may not be eliminated. *Webster v. Doe*, 486 U.S. 592, 603 (1988); *Boumediene v. Bush*, 553 U.S. 723 (2008). Because no other forum exists and no court has heard these claims, review here is not a matter of discretion but the forum the Constitution guarantees. Petitioner’s invocation of jurisdiction under § 1257 is made only under duress as this Court’s Clerk’s Office has

previously stated in writing that it will refuse to file a Writ of Error invoking Article III jurisdiction directly. His invocation of § 1257 is not a waiver of his right to appeal or to a discretionary jurisdiction foreign to the Constitution.

RELIEF REQUESTED

For the foregoing reasons, Petitioner respectfully requests that the Court:

1. Direct the Clerk to accept and file his petition for a writ of certiorari upon its submission within sixty days of the order granting this motion — the same period the Clerk affords a corrected petition under Rule 14.5; and
2. Grant such other and further relief as the Court deems just.

Dated: September 14, 2026

Respectfully filed,



Adam Bereki

VERIFICATION OF STATEMENTS AND AUTHENTICATION OF EXHIBITS

I, Adam Bereki, declare as follows. I am the Petitioner in this matter. I have personal knowledge of the facts stated in this motion. The statements of fact made in this motion are true and correct.

Exhibits A through M attached to this motion are true and correct copies of the documents they purport to be, except that Exhibits E, G, K, and M are excerpts of the complete documents. The certified transcript attached as Exhibit L is complete. The transcript excerpts attached as Exhibits G and K each include the transcriber's certification, and the omitted portions concern preliminary or unrelated matters. Complete copies of all excerpted documents are available upon request.

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

Signed on September 14, 2026, at Las Vegas, Nevada.



Adam Bereki

Petitioner incorporates by reference, as if fully set forth herein, the complete records of both underlying cases and of all related state, federal, and bankruptcy proceedings. Those records are voluminous and estimated to exceed ten thousand pages. Any document within them not attached to this motion is available upon request.

EXHIBITS TO THIS MOTION

- Exhibit A** — Order of the Supreme Court of California, December 16, 2025, transferring No. S294339 to the Court of Appeal for consideration in light of *Hagan*.
- Exhibit B** — Order of the Court of Appeal, Fourth Appellate District, December 18, 2025 (granting judicial notice; denying the petition and the stay without reasoning, and without the *Hagan* determination).
- Exhibit C** — Verified Application to Recall Transfer and for Reinstatement of Original Jurisdiction (No. S294339).
- Exhibit D** — Letter of the Clerk of the Supreme Court of California, January 26, 2026, refusing the Application to Recall the Transfer.
- Exhibit E** — Application for an Extension of Time to File a Petition for a Writ of Certiorari, postmarked April 9, 2026 (excerpt).
- Exhibit F** — Letter of the Clerk of this Court, April 16, 2026 (Scott S. Harris, Clerk, per Rashonda Garner, Case Analyst), returning unfiled the Application for an Extension of Time in the S294339 matter.
- Exhibit G** — Certified transcript of the August 3, 2026 telephone conference with the Clerk's Office (Irma and Emily), certified by Trisha Huynh (excerpt).
- Exhibit H** — Order of the Court of Appeal, Fourth Appellate District, Division Three, October 29, 2025 (No. G066117), denying the petition for writ of mandate and the request for immediate stay.
- Exhibit I** — Minute order of the Appellate Panel of the Superior Court of Orange County, December 18, 2025, dismissing the unlawful detainer appeal (No. 30-2025-01482941).
- Exhibit J** — First Amended Petition for Writ of Mandate, No. G066117 (the prior petition, evidencing that the petitions were not substantially identical).
- Exhibit K** — Certified transcript of the July 21, 2026 telephone conference with the Clerk's Office (Irma, Case Analyst), certified by Trisha Huynh, in which the Office confirmed that the entire Office agreed with the determination (excerpt).
- Exhibit L** — Certified transcript of the April 16, 2026 telephone call with Rashonda Garner of the Clerk's Office, certified by Trisha Huynh.
- Exhibit M** — Emergency Petition for Writ of Mandate or Prohibition, Request for Stay, Restoration of Possession, and Writ of Supersedeas; Request for Consolidation, filed in the Supreme Court of California, December 15, 2025 (No. S294339) — the petition that was transferred and denied — evidencing that the petitions were not substantially identical (excerpt).

EXHIBIT A

Order of the Supreme Court of California, December 16, 2025, transferring No.
S294339 to the Court of Appeal for consideration in light of Hagan.

S294339

IN THE SUPREME COURT OF CALIFORNIA

SUPREME COURT
FILED

DEC 16 2025

ADAM BEREKI, Petitioner,

Jorge Navarrete Clerk

v.

Deputy

SUPERIOR COURT OF ORANGE COUNTY, Respondent;

CANJIAN HOU, Real Party in Interest.

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, for consideration in light of *Hagan v. Superior Court* (1962) 57 Cal.2d 767. In the event the Court of Appeal determines that this petition is substantially identical to a prior petition, the repetitious petition must be denied.

GUERRERO

Chief Justice

EXHIBIT B

Order of the Court of Appeal, Fourth Appellate District, December 18, 2025
(granting judicial notice; denying the petition and the stay without reasoning, and
without the Hagan determination).

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

ADAM BEREKI,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

CANJIAN HOU,

Real Party in Interest.

G066337

(Super. Ct. Nos. 30-2025-01459684,
30-2025-01482941, 30-2025-01487778)

O R D E R

THE COURT:*

Petitioner's request for judicial notice is GRANTED. The petition for writ of mandate or other relief, as well as the request for immediate stay, are DENIED.

MOORE, ACTING P. J.

* Before Moore, Acting P. J., Delaney, J., and Gooding, J.

EXHIBIT C

Verified Application to Recall Transfer and for Reinstatement of Original
Jurisdiction (No. S294339).

Original Case No. **S294339**

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

Adam Bereki,
Petitioner.

v.

Superior Court of California for the County of Orange
Respondent.

Karen Humphreys and Gary Humphreys
(Real Parties in Interest)

**APPLICATION TO RECALL TRANSFER AND FOR REINSTATEMENT
OF ORIGINAL JURISDICTION**

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TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF CALIFORNIA:

INTRODUCTION

Petitioner Adam Bereki respectfully applies for an order:

(1) recalling this Court's transfer of this original writ proceeding to the Court of Appeal for the limited purpose of determining whether *Hagan v. Superior Court*, 57 Cal.2d 767 (1962) applies;

(2) reinstating this matter on the Supreme Court's original-jurisdiction docket; and

(3) exercising original jurisdiction, because the limited transfer failed and no lower court made the determination this Court requested.

This Court did not find that the petitions were substantially identical. It transferred this matter only so the Fourth District could determine whether *Hagan* applies.

The Fourth District did not make that determination. It issued a one-word disposition, "Denied," without analysis (Exhibit A), without a finding of substantial identity, and without addressing whether any abuse of the writ existed.

Hagan does not authorize a court to deny jurisdiction simply because two petitions are alleged to be similar. *Hagan* holds that a denial without opinion is not a decision on the merits and is not *res judicata* of the legal issues presented unless it affirmatively appears that the denial was intended to be on the merits or the sole possible ground was

a merits determination. It further holds that even where petitions are identical, the court is not deprived of jurisdiction, and any refusal to consider a second petition is discretionary only, justified solely to prevent evasion of time limits through repetitive filings in the same court.

The abuse found in *Hagan* was narrow: a petitioner filed the same petition in the same appellate court 50 days later to circumvent the time for seeking Supreme Court review. The Court emphasized that this was an attempt to extend jurisdictional deadlines and that the discretionary refusal was grounded in orderly administration of justice, not in any lack of power to decide.

That circumstance is not present here. Petitioner did not file repetitive petitions in the same court to evade time limits. He filed two distinct original proceedings in two different courts, seeking different relief, based on different injuries, invoking different jurisdictional powers, and supported by different records.

The two petitions have been attached as Exhibits B (First Amended Petition for Writ of Mandate, Fourth District case. no. G066117; writ only without exhibits) and C (Petition for Writ of Mandate, Cal. Supreme Court case no. S294339) and are incorporated by reference as if fully set forth herein. They are not substantially identical in any respect material to *Hagan*:

1. The relief differs. This proceeding seeks a stay, writ of supersedeas, restoration of possession, and consolidation with related original proceedings. The Fourth

District petition sought only a ministerial transfer under Code of Civil Procedure section 396(b).

2. The jurisdictional power differs. This proceeding invokes this Court's original and supervisory jurisdiction to halt enforcement of void judgments and prevent irreparable harm based on the refusal of all inferior courts to exercise the judicial power of California to afford Petitioner a judicial determination of rights. The Fourth District petition invoked mandamus solely to compel transfer between appellate tribunals.
3. The legal theory and injury differ. This proceeding challenges ongoing enforcement (punishment/ deprivation of property by state power without adjudication) and seeks immediate protective relief. The Fourth District petition challenged a forum-allocation defect only.
4. This proceeding expressly incorporates and is contingent upon the companion original proceeding S294386, which independently sought vacatur of the void 2017 judgment and systemic constitutional relief. The Fourth District petition contains no incorporation of S294386, no challenge to the underlying judgment's constitutional validity, and no request for supervisory relief.

Because the petitions differ in relief, jurisdiction, theory, and record, they cannot be substantially identical under *Hagan*. The factual predicate for transfer therefore never existed.

PROCEDURAL HISTORY

On December 15, 2025, Petitioner filed an Emergency Petition in this Court, invoking original jurisdiction to halt enforcement of a void unlawful-detainer judgment, issue supersedeas, restore possession, and consolidate with the companion original proceeding challenging the 2017 judgment that caused the foreclosure.

On December 16, 2025, this Court transferred the matter to the Fourth District solely so that court could determine whether *Hagan* applied. The Court did not find the petitions duplicative and did not relinquish original jurisdiction.

On December 18, 2025, the Fourth District issued a one-word disposition: “Denied.” Exhibit A. It did not determine whether the petitions were substantially identical, did not analyze *Hagan*, and did not decide whether any abuse existed.

The Fourth District’s summary denial also failed to determine its own jurisdiction. The petition before it sought enforcement of a ministerial duty to transfer under Code of Civil Procedure section 396(b). By entering a one-word “Denied” without addressing jurisdiction or the statutory command to transfer, the court neither accepted jurisdiction nor performed the transfer duty imposed by statute, breaching multiple non-discretionary ministerial duties. The result is that the Court of Appeal did not decide the matter and did not transfer it, leaving the jurisdictional defect unresolved and Petitioner without a judicial forum.

The limited purpose of the transfer was therefore never fulfilled.

**SUPREME COURT SUMMARY DENIAL OF S294386 CONFIRMS THE
STRUCTURAL INJURY ALLEGED HERE**

On January 21, 2026, this Court summarily denied the companion original proceeding S294386 by a one-word disposition (“Denied”), while granting the request for judicial notice. The docket reflects that S294386 was fully briefed, accepted for filing with permission to exceed word limits, and amended by a First Amended Petition filed January 13, 2026. No opinion issued, and no constitutional claim was adjudicated.

Under *Hagan v. Superior Court*, 57 Cal.2d 767 (1962), a summary denial of an original writ does not constitute a decision on the merits and is not *res judicata* of the legal issues presented unless it affirmatively appears that the denial was intended to be on the merits, which does not appear here.

Accordingly this Court’s summary denial of S294386 did not adjudicate the merits, but instead confirms the precise structural injury now alleged: that no California court will hear Petitioner’s constitutional claims while enforcement continues.

S294339 fully incorporates S294386 by reference. The summary denial of S294386 therefore operates not as a bar, but as evidence of the closed judicial loop described in this proceeding. The issues in S294386 remain fully alive in this proceeding and require full, fair, and impartial adjudication.

THE TRANSFER FAILED AND MUST BE RECALLED

A *Hagan* transfer is valid only if it results in a determination of identity and discretionary abuse. Where the transferee court declines to perform the assigned function and disposes of the matter without findings, the transfer fails.

Courts possess inherent authority to recall a transfer where its predicate proves mistaken, its mechanism fails, or manifest injustice would result. All three conditions are present here including that Petitioner has no other forum in California to obtain relief.

The transferee court's refusal to determine jurisdiction or to perform its statutory transfer duty under section 396(b) independently confirms that the transfer failed and that this Court must resume jurisdiction to prevent a denial of a judicial forum.

THIS COURT CANNOT RETURN THE MATTER TO A COURT THAT HAS DISCLAIMED IT

Once the Fourth District issued its disposition in the previous Mandate case (G066117), and again in this case, it conclusively declined to exercise its mandatory duty. The subsequent transfer back to the Fourth District thus created a closed procedural loop in which no court will hear the matter. Such a loop operates as a constructive denial of original jurisdiction and violates due process by ensuring that no forum will adjudicate a properly raised constitutional challenge while enforcement continues.

THE CONSTITUTION FORBIDS A CLOSED ENFORCEMENT LOOP: COURTS MUST DECIDE CONSTITUTIONAL VALIDITY BEFORE PUNISHMENT MAY PROCEED

This case now presents a single, dispositive constitutional question:

Is California operating a closed judicial system in which no court will hear certain constitutional claims while enforcement and punishment proceed?

The United States Supreme Court has held that such a system is unconstitutional. In *SEC v. Jarkesy*, 603 U.S. 109 (2024), the Court reaffirmed that when the government seeks to impose punishment, the Constitution requires that the legality of that scheme be adjudicated in an Article III court with full constitutional safeguards before sanctions may be enforced. Where the sanction is penal in nature, courts have a duty to determine constitutional validity before enforcement may proceed.

In *Axon Enterprise, Inc. v. FTC*, 598 U.S. 175, 187–90 (2023), the Court held that structural constitutional challenges must be heard immediately, not postponed until after enforcement, because forcing a party to undergo an unconstitutional proceeding is itself a constitutional injury.

And in *Free Enterprise Fund v. PCAOB*, 561 U.S. 477, 489–91 (2010), the Court held that a system which insulates enforcement from judicial review by routing claims into a procedural loop that no court will hear violates separation of powers and due process.

Together, these cases establish a controlling rule: the Constitution does not permit a closed enforcement loop in which punishment proceeds while no court will hear a properly raised constitutional challenge to the authority for that punishment.

That is exactly what has occurred here.

The punishment imposed here is not limited to a monetary sanction or a loss of possession. It is the complete denial of all applicable rights secured by the California and United States Constitutions, including the fundamental liberty right to a judicial determination of rights before deprivation of liberty and property. By refusing to adjudicate the constitutional validity of the judgments and statutes at issue, while nevertheless permitting their enforcement, the State has deprived Petitioner of liberty and property without lawful authority, resulting in the forced sale of Petitioner's home and the transfer of approximately \$1.2 million in equity to a purchaser who acquired no valid title. That uncompensated transfer constitutes an unlawful taking and a continuing due-process violation.

Where the State imposes punishment by denying every forum for constitutional adjudication, the system itself becomes the instrument of punishment. Under *Jarkesy*, *Axon*, and *Free Enterprise Fund*, that condition compels this Court to resume original jurisdiction and provide a forum.

INDEPENDENT BASIS FOR RELIEF IN THIS PROCEEDING, WITHOUT REACHING THE 2017 JUDGMENT

This proceeding does not require any adjudication of the 2017 judgment challenged in S294386. Relief may be granted here based solely on the unlawful and void enforcement process that culminated in the foreclosure, eviction, and transfer of title. Multiple independent jurisdictional and constitutional violations occurred in that enforcement chain, including: authorization of foreclosure in violation of the automatic stay and without prior adjudication of lien validity; enforcement of a discharged debt in contravention of the discharge injunction; failure to honor mandatory homestead

protections; denial of the right to answer and be heard in the unlawful detainer proceeding; and the issuance of enforcement orders without subject-matter jurisdiction. Each of these defects independently deprives the enforcing courts of lawful authority and renders all downstream orders and transfers void.

California law provides a narrow, statutory path to unwind such void enforcement without reaching the merits of the underlying judgment. In *Shapell SoCal Rental Properties, LLC v. Chico's FAS, Inc.*, 84 Cal.App.5th 166, as modified, 85 Cal.App.5th 198 (4th Dist., Div. 3)), the Fourth District held that where enforcement is void or jurisdictionally defective, the entire enforcement chain must be unwound and restitution is authorized under Code of Civil Procedure section 908, even where possession has changed hands and third parties are involved. The court rejected mootness and “too late” arguments and confirmed that effective relief remains available to restore all property and rights lost through the void enforcement. Accordingly, this Court may grant relief in S294339 by addressing only the independent defects in the foreclosure and eviction process, without reaching the merits of the 2017 judgment at issue in S294386.

MANDATORY RELIEF

This Court will please provide the following relief:

- (1) recall the transfer of S294339;
- (2) reinstate the petition on this Court's original-jurisdiction docket;

(3) exercise original jurisdiction or issue such orders as are necessary to ensure that a court of competent jurisdiction hears and lawfully determines the matter.

January 25, 2026

Respectfully filed,

A handwritten signature in black ink, appearing to be 'Adam Bereki', with a stylized, cursive script.

Adam Bereki

EXHIBIT D

Letter of the Clerk of the Supreme Court of California, January 26, 2026, refusing
the Application to Recall the Transfer.



Supreme Court of California

JORGE E. NAVARRETE
CLERK AND EXECUTIVE OFFICER
OF THE SUPREME COURT

EARL WARREN BUILDING
350 MCALLISTER STREET
SAN FRANCISCO, CA 94102
(415) 865-7000

January 26, 2026

SENT VIA EMAIL & USPS

Adam Bereki
3649 Metter Street
Las Vegas, NV 89129
abereki@gmail.com

Re: *BEREKI v. S.C. (HOU)* – S294339

Dear Mr. Bereki:

No action may be taken on your “Application to recall transfer and for reinstatement or original jurisdiction”, received on January 26, 2026. The order transferring your petition was final forthwith and may not be reconsidered. Without jurisdiction, this court is unable to consider your request for legal relief.

Sincerely,

JORGE E. NAVARRETE
Clerk and
Executive Officer of the Supreme Court

M. Chang

By: M. Chang, Deputy Clerk

Enclosure

cc: Rec.

EXHIBIT E

Application for an Extension of Time to File a Petition for a Writ of Certiorari,
presented to Justice Kagan as Circuit Justice on April 8, 2026 (excerpt).

No. _____

IN THE
Supreme Court of the United States

Adam Bereki,
Petitioner.

v.

Supreme Court of California,
Respondent.

Canjian Hou, Citizens Bank, N.A., MTC Financial, Inc.
(Real Parties In Interest)

**APPLICATION FOR AN EXTENSION OF TIME TO FILE A
PETITION FOR A WRIT OF CERTIORARI**

Adam Bereki
3649 Metter St.
Las Vegas, NV 89129
(949) 241-6693
abereki@gmail.com

second writ petition substantially identical to a prior one filed in the same court to evade jurisdictional time limits, and only on that narrow basis — required as a precondition of any denial. *Hagan* does not authorize a one-word denial issued without opinion, without analysis, and without any determination that the petitions were substantially identical — the only condition under which *Hagan* permits declining jurisdiction. Under *Hagan* itself, a denial without opinion is not res judicata of the legal issues presented unless it affirmatively appears the denial was on the merits. 57 Cal.2d at 770. The Fourth District’s one-word “Denied” affirmatively appears to be nothing: no analysis, no finding, no reasoning. The limited purpose of the transfer was therefore never fulfilled, and the constitutional claims presented in S294339 remained fully alive and unresolved.

Applicant then returned to the California Supreme Court — the Respondent named in this proceeding and the highest court of the State — and filed an Application to Recall the Transfer on January 25, 2026. The California Supreme Court’s Clerk, acting as the office of the California Supreme Court, denied that application by letter on January 26, 2026. Exhibit C. That letter is the final action of the California Supreme Court in this matter, the judgement sought to reviewed, and the operative date under 28 U.S.C. §1257(a).

The January 26, 2026 date controls. The California Supreme Court is the Respondent — the highest court of the State and the court in which review was sought. The December 18 denial was an act rendered by a court to which the matter had been unconstitutionally transferred; it was not the act of the court whose

jurisdiction was invoked. The Clerk’s letter of January 26 was the California Supreme Court’s own affirmative, final act closing its jurisdiction over this matter — and because that court possessed a non-discretionary duty to adjudicate the constitutional questions presented, see *Windsor v. McVeigh*, 93 U.S. 274 (1876), that letter was simultaneously the final act of the court in which review was sought and the final exercise of its power to block adjudication, which is precisely the constitutional injury the petition presents. The 90-day period under 28 U.S.C. §1257 runs from that January 26, 2026 closure, making the petition due on April 26, 2026. Applicant files this Application on April 8, 2026, more than ten days before that date. See Rule 13.5. The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a). This request is filed in good faith and not for purposes of delay.

A. Background

This petition presents a single foundational constitutional question that this Court assumed but did not answer in *Tyler v. Hennepin County*, 598 U.S. 631 (2023), and that the oral argument in *Pung v. Isabella County*, No. 25-95 (argued Feb. 25, 2026), confirmed remains entirely unresolved: whether California’s non-judicial foreclosure mechanism — which destroys constitutionally protected vested equity without any court at any stage determining whether the state had constitutional authority to authorize that result — had constitutional authority to operate at all.

In this case, a \$1.5 million property was sold for \$371,688 on a \$62,523 debt. Approximately \$1.13 million in vested equity — equity never pledged to any creditor

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the time to file his petition for a writ of certiorari in the above-captioned matter be extended 60 days, to and including Saturday, June 27, 2026.

Dated this 9th day of April, 2026.

Respectfully filed,



Adam Bereki

EXHIBIT F

Letter of the Clerk of this Court, April 16, 2026 (Scott S. Harris, Clerk, per Rashonda Garner, Case Analyst), returning unfiled the Application for an Extension of Time in the S294339 matter.

**SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001**

April 16, 2026

Adam Bereki
3649 Metter St.
Las Vegas, NV 89129

RE: Adam Bereki v. Superior Court of Orange County, et al.
CASC No. S294339

COPY

Dear Mr. Bereki:

The application for an extension of time within which to file a petition for a writ of certiorari in the above-entitled case was postmarked April 9, 2026 and received April 14, 2026. The application is returned for the following reason(s):

It appears you are requesting an extension of time to file a petition for a writ of certiorari seeking review of the attached letter from the California Supreme Court dated January 26, 2026. The January 26, 2026 letter by the California Supreme Court appears to take no action on a document titled as an "application to recall transfer and for reinstatement or original jurisdiction." The letter is not considered an order and is not reviewable by this Court.

Additionally, to the extent you wish to seek review of the order dated December 16, 2025, the application is out-of-time. The date of the lower court judgment or order denying a timely petition for rehearing was December 16, 2025. Therefore the application for an extension of time was due on or before March 16, 2026. Rules 13.1, 30.1 and 30.2. When the time to file a petition for a writ of certiorari in a civil case has expired (including any habeas action), the Court no longer has the power to review the petition or to consider an application for an extension of time to file the petition.

Sincerely,
Scott S. Harris, Clerk
By:

COPY
Rashonda Garner
(202) 479-3025

Enclosures

EXHIBIT G

Certified transcript of the August 3, 2026 telephone conference with the Clerk's Office (Irma and Emily), certified by Trisha Huynh (excerpt).

**PHONE CONVERSATION WITH U.S. SUPREME COURT CLERK'S
OFFICE IRMA AND EMILY**

Between Adam Berekı, Irma, and Emily

August 3, 2026

Transcript prepared by:
Trisha Huynh

1 unfiled, unfortunately.

2 Bereki: Oh, I see. So, all you guys have in your docket
3 or whatever is the letters that you send,
4 essentially.

5 Emily: Exactly, yeah.

6 Bereki: I see. Okay. And I have one other question. Are
7 you kind of -

8 Emily: Sure.

9 Bereki: In a supervisory capacity or just like a senior
10 clerk there? Or like what function do you have?

11 Emily: I'm a supervisor.

12 Bereki: Okay. Do you have another minute to hear me out
13 on something?

14 Emily: Sure.

15 Bereki: Okay. I sent in two applications for extension
16 of time. The one is the one that we just dealt
17 with. Let's call that one 386. That's the last
18 three numbers of the Supreme Court case. There
19 was another writ of mandate that I filed in the
20 California Supreme Court.

21 Emily: Mm-hm.

22 Bereki: The Supreme Court transferred it to the Lower
23 Appellate Court to make a determination on an
24 issue. That Court never made the determination,
25 and it basically just denied the petition. So

1 from that, because the Court didn't do its job
2 and didn't actually adjudicate what the Supreme
3 Court directed it to do, and it did not answer
4 the questions that I presented, I filed a
5 motion for recall of transfer to the California
6 Supreme Court. And I said -

7 Emily: Mm-hm.

8 Berekhi: "Hey there, want to let you know, you
9 transferred this to the Lower Court to perform
10 a certain duty. That Court did not perform its
11 duty. And so I need you to recall the transfer
12 and exercise your jurisdiction over this
13 because they didn't do their job." All right.
14 They didn't adjudicate anything, so to speak.

15 Emily: Mm-hm.

16 Berekhi: So when I did that, I did not get back from the
17 Court itself, from the Justices, I did not get
18 a denial of the motion. What I got was a
19 clerk's letter saying, "We don't have
20 jurisdiction over this." Okay? So, that's what
21 I - that decision right there, even though it's
22 not a judicial decision, it should have been a
23 judicial decision, but it wasn't, and I don't
24 think that that Supreme Court clerk had the
25 authority to make that jurisdictional

1 determination. And so, that is what I appealed
2 from. That's what my other appeal, the 339
3 appeal, to your court was about. I don't
4 remember the name of who handled it, but she
5 said, "We do not have jurisdiction over this
6 because you were supposed to appeal the Lower
7 Court of Appeals' decision, and you didn't.
8 You're out of time. So I'm not filing the
9 application." What effectively I'm saying that
10 that clerk did is she made a judicial
11 determination pertaining to which judgment
12 could be appealed from that I believe only the
13 Justices of the Court can make because that was
14 going to be one of the questions in my appeal.
15 And so, effectively now, what I have is no
16 court in California answered my constitutional
17 questions. And then a clerk in the California
18 Supreme Court denied my motion, which requires
19 a judge to do. Then I come to the U.S. Supreme
20 Court and a clerk denies my appeal. So now I've
21 gone through the entire state and federal
22 spectrum with no adjudication.

23 Emily: Okay, so it looks like I'm just looking at the
24 system. You're talking about the April 24th
25 letter to you?

1 Bereki: I'm not sure the date. I don't have it in front
2 of me. Can you tell me just what it's about or
3 what it says on there?

4 Emily: It says, "If you're just seeking a request for
5 an extension of time to file a position for a
6 certiorari to review the attached letter from
7 the California Supreme Court dated January 26,
8 2026. The January 26, 2026 letter by the
9 California Supreme Court appears to take no
10 action on a document titled as the application,
11 recall, transfer, or reinstatement or original
12 jurisdiction. The letter is not considered in
13 order and is not reviewable by this Court." And
14 then it goes on to tell you about a December
15 16th order. [unintelligible - 21:37]

16 Bereki: Yes, that December 16th order was the transfer
17 to the Lower Court.

18 Emily: Right. So is this the letter? Is this what
19 you're talking about, though?

20 Bereki: Yes, that's the correct. That's the correct.
21 The correct one. So -

22 Emily: Okay. I mean, she is correct in that we don't
23 have authority to put anything on the docket
24 that we cannot determine if we have
25 jurisdiction of. And when it comes to Lower

1 Courts, when they issue things like letters or
2 sometimes they come in a different format, but
3 unless it's an official order, we cannot
4 properly put that on the docket, unfortunately.
5 So -

6 Bereki: Okay, but so then that...

7 Emily: The option would have been to file an extension
8 from the transfer order and seek review of that
9 itself, but after that timeliness had expired,
10 there's nothing that could have been done.

11 Bereki: So what I'm saying is that how am I supposed to
12 know that? Like, because what I'm saying should
13 have happened is that the clerk wrote a letter
14 and the clerk had no authority to write that
15 letter, but that letter disposed of my case in
16 the way that a court judgment should have. So
17 because you guys are saying, essentially, I'm
18 putting it in different words, but I'm alleging
19 that the California Supreme Court clerk
20 exercised authority that she didn't have. And
21 as a result of that dereliction or that
22 abdication of duty, now that's being used by
23 you guys, essentially, to deny even docketing
24 the appeal for a judge to the Justices to make
25 a determination of whether it goes forward or

1 not. That's the issue that I'm saying. It's
2 like... I agree with you if you're saying that I
3 didn't appeal in time, but I did appeal in
4 time. What am I trying to say? It's not my
5 fault that the clerk of the Supreme Court chose
6 to write a letter rather than giving my motion
7 to the Justices. Do you see what I'm saying?

8 Emily: Yeah, no, I completely understand that. And to
9 be clear, I'm not saying that that's your
10 fault. I'm just saying that we can't do
11 anything with that and I understand that's not
12 the information you want to hear either.

13 Bereki: Well, it's going to be what it's going to be,
14 but do you see the problem is that this results
15 in a denial of an appeal and a determination by
16 a judge on this question? I get that you guys
17 have to screen things. I have no problem with
18 that, but this is a judicial question of
19 whether it, essentially, the question is
20 whether the clerk had any authority to issue
21 that letter, because if the clerk had no
22 authority, then that letter is void, and that's
23 something that a judge needs to determine. It
24 can't be - My right to an appeal can't be
25 foreclosed by a clerk making a judicial

1 determination of rights.

2 Emily: I understand what you're saying. I disagree,

3 and that is our job here to determine whether

4 the Court has jurisdiction or not. You know,

5 this sounds like a really frustrating

6 circumstance, but in this situation, there's

7 nothing that the case analyst has done, you

8 know, improperly.

9 Bereki: Okay, and that's just one thing that, you know,

10 maybe I'm wrong and you can correct me. I think

11 determinations of jurisdiction are for the

12 judges, not the clerks, because that's an

13 exercise of judicial power. I get if she wants

14 to align and say, "Hey, this decision, you

15 know, whatever." But if I have, I've been

16 wronged through this process and essentially

17 what's happening now is the clerk's office in

18 the Supreme Court is making this judicial

19 determination and effectively barring my right

20 to an appeal. And so there's really nothing I

21 can do now because, I mean, what, start the

22 whole case over again, essentially. And -

23 Emily: Yes, I understand what you're saying, but our

24 job here in the clerk's office is to ensure

25 that submissions are in compliance with the

1 rules and so with that being said, our job is
2 to determine timeliness and to determine if
3 they've been filed in compliance with
4 jurisdictional procedure. And so, you know,
5 part of our job is determining that something
6 can or cannot go on the docket. And, you know,
7 unfortunately in this circumstance, it could
8 not go on the docket.

9 Berek: Right. So one last thing, and I'm not trying to
10 beat a dead horse, but if you look at 28 U.S.C.
11 1257, which is the certiorari jurisdiction
12 statute.

13 Emily: I'm familiar.

14 Berek: It says, "In which a decision could be had."

15 Emily: Yes, but a letter from a lower court is not a
16 decision that we can put on as cert here. So if
17 you wanted to file some other sort of a
18 petition, if you felt that that aligned more,
19 if you felt that that was something that you
20 could file, fine. But as far as a petition for
21 a certiorari, it's going to be a no for that.

22 Berek: Okay. Will you accept a petition or a writ of
23 error?

24 Emily: You know, the court of the Court don't make any
25 provisions for that type of petition. Our

1 extraordinary writs are comprised of habeas
2 corpus, mandamus, prohibition, and mandamus
3 and/or prohibition.

4 Berek: Okay. Okay. So, all right, I just wanted to get
5 clear on that and make sure. And so you're the
6 third person that told me that there's no
7 authority. Well, you told me what you told me,
8 that they've all basically said the same thing,
9 that there's no -

10 Emily: Right, and just to be clear, if you were to
11 file an extraordinary writ, it would need to be
12 directed to another court, right? So it would
13 be filed here, but you can't direct this Court
14 to do something to itself.

15 Berek: Right.

16 Emily: So, it would need to be, yes.

17 Berek: Okay. One other quick thing. I think what I'm
18 going to do is, and this is no disrespect to
19 you or the office, I want to file a motion to
20 order you to, or the clerk's office, to file it
21 based on the circumstances. Will that be
22 accepted?

23 Emily: You can submit it, absolutely, but I will be
24 honest with you that it's not something that's
25 going to go in the docket.

1 Bereki: Okay, because I've seen other things like that
2 where people have filed motions to the Court to
3 get the clerk to file something, and they did
4 make it to the dock -

5 Emily: That would be a motion to direct the clerk to
6 file a petition out of time. So if you wanted
7 to file that, that would be specific to that
8 December order and not at all the January
9 letter.

10 Bereki: Okay, so you're saying that... Wait, I don't
11 understand what you're saying there.

12 Emily: I'm saying that motions to direct do exist, but
13 they are only in the realm of something being
14 untimely. So it's called a motion to direct to
15 start to file a position out of time. So, with
16 this being said, you would only be able to file
17 that as to the December order that was out of
18 time, not to the letter that is not considered
19 a reviewable order.

20 Bereki: Okay, I see what you're saying. So, they would
21 not make a determination, so to speak, if the
22 clerk's office made an error by not filing the
23 application when I requested it. Is that what
24 you're saying?

25 Emily: Not exactly, no. But in short, I mean, it's the

1 same outcome.

2 Bereki: Okay.

3 Emily: My point is that you're asking if you can file
4 a motion to direct. The answer is a motion to
5 direct only exists if it's a motion to direct
6 the clerk to file a petition out of time, which
7 means that it would need to be a cert petition
8 and it would need to be seeking review of a
9 reviewable order. So you would have to be
10 filing cert as to the December order by the
11 California Supreme Court. That was the transfer
12 order, but your whole point of contention is
13 the January letter. And I want to be clear that
14 a motion to direct the clerk to file a petition
15 out of time cannot be put on as to that letter
16 because you cannot file cert as to that letter.

17 Bereki: Okay, so you'd essentially say right now, given
18 the facts that you have in front of you on this
19 that that's not going to even be docketed.

20 Emily: No, but if you want to submit it, we're happy
21 to take a look at it.

22 Bereki: Okay, all right. Okay.

23 Emily: I don't want to manage your expectations. I
24 don't want, you know.

25 Bereki: Well, I appreciate that. You've been very

1 candid with me and just told me straight up how
2 you see it. And that's just the truth of how
3 you see it and I respect that. So, thank you
4 very much for your time and yeah, I'll figure
5 out what I'm going to do.

6 Emily: All right, no problem.

7 Bereki: Thank you for -

8 Emily: If you have any other questions, just give us a
9 call back.

10 Bereki: Thank you for taking the time to answer my
11 questions and I really appreciate that you did
12 that. Thank you.

13 Emily: Not a problem at all.

14 Bereki: Okay, have a nice day. Okay. Yeah.

15 Emily: You too. Bye-bye.

16

17

18

19

20

21

22

23

24

25

1 CERTIFICATION OF TRANSCRIPT
2

3 I, TRISHA HUYNH, CERTIFY THAT, TO THE BEST OF MY
4 ABILITY, THIS TRANSCRIPT ACCURATELY REFLECTS THE
5 CONTENTS OF THE AUDIO RECORDING OF THE CONVERSATION
6 PROVIDED. THE FOLLOWING TRANSCRIPT CONTAINS PAUSES AND
7 OVERLAPS WITH THE EXCEPTION OF NON-VERBAL UTTERANCES
8 AND VERBAL FILLER WORDS. I AM NOT A CERTIFIED
9 REPORTER.

10
11 DATED this 9th day of August, 2026.

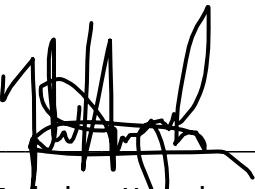
12
13 
14 _____
15 Trisha Huynh

EXHIBIT H

Order of the Court of Appeal, Fourth Appellate District, Division Three, October 29, 2025 (No. G066117), denying the petition for writ of mandate and the request for immediate stay.

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION THREE

ADAM BEREKI,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

CANJIAN HOU,

Real Party in Interest.

G066117

(Super. Ct. Nos. 30-2025-1482941,
30-2025-01487778)

O R D E R

THE COURT:*

The petition for writ of mandate and request for immediate stay
are DENIED.

MOORE, ACTING P. J.

* Before Moore, Acting P. J., Delaney, J., and Gooding, J.

EXHIBIT I

Minute order of the Appellate Panel of the Superior Court of Orange County,
December 18, 2025, dismissing the unlawful detainer appeal (No.
30-2025-01482941).

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE**

MINUTE ORDER

DATE: 12/18/2025

TIME: 07:50:00 AM

DEPT:

JUDICIAL OFFICER PRESIDING: Appellate Panel

CLERK: N. Sharma

REPORTER/ERM:

BAILIFF/COURT ATTENDANT:

CASE NO: **30-2025-01482941-CL-UD-CJC** CASE INIT.DATE: 05/15/2025

CASE TITLE: **Hou vs. Berek**

CASE CATEGORY: Civil - Limited

CASE TYPE: Unlawful Detainer - Residential

APPEARANCES

Appellate Panel Judge(s):

Honorable Megan L. Wagner, Assistant Presiding Judge

Honorable Thomas S. McConville, Judge

Honorable Vibhav Mittal, Judge

Trial Court Case Number: 30-2025-01459684

Written notice of the briefing schedule having been given to the parties, and the Appellant having failed to comply with California Rules of Court, rule 8.882(a), the Court on its own motion orders the appeal dismissed pursuant to California Rules of Court, rule 8.882(c).

Respondent is awarded costs on appeal.

EXHIBIT J

First Amended Petition for Writ of Mandate, No. G066117 (the prior petition, evidencing that the petitions were not substantially identical).

In the Fourth District Court of Appeal of California

Case No. GO66117

Adam Bereki,
Petitioner

v.

Appellate Division of the Superior Court of California
for the County of Orange,
Respondent

v.

Canjian Hou,
Real Party in Interest

**FIRST AMENDED PETITION FOR WRIT OF MANDATE
TO THE APPELLATE DIVISION OF THE SUPERIOR COURT
FOR THE COUNTY OF ORANGE
RELATED APPEAL PENDING**

Consolidated Case Nos.:
30-2025-1482941 (Lead Case) and 30-2025-01487778

*****STAY REQUESTED*****

All Proceedings in the Appellate Division of the Superior Court of Orange County,
Consolidated Case Nos. 30-2025-01482941 and 30-2025-01487778, Including Minute
Orders Dated October 9 and 17, 2025. Stay requested for October 22, 2025 by 5:00 PM

RELATED FOURTH DISTRICT APPEAL CASE NO: G055075

Adam Bereki
3649 Metter St.
Las Vegas, Nevada 89129
949.241.6693 | abereki@gmail.com

TO THE JUSTICES OF THE FOURTH DISTRICT COURT OF APPEAL, DIVISION 3:

OVERVIEW

California Code of Civil Procedure (“CCP”) section 396 imposes a mandatory, non-discretionary, ministerial duty on a court to transfer an action or proceeding, including an appeal, when it lacks jurisdiction. The Appellate Division of the Superior Court of California for the County of Orange, which lacks subject matter jurisdiction of an appeal, is breaching this duty by refusing to transfer a consolidated appeal in main case no. 30-2025-01482941 to this court.

The Appellate Division has exercised jurisdiction without authority, violating due process (Cal. Const. Art. I, §§ 7, 9; U.S. Const. Art. I, § 10) by: (1) denying Petitioner’s Application for Transfer; (2) denying his request to submit an Oversized Brief (despite the complexity of appealing five court orders, evidencing numerous underlying title disputes, and making two Constitutional challenges); (3) placing the appeal in default; (4) denying his Request for Reconsideration to transfer; and (5) failing to provide a reasoned explanation of its decisions, stating “no so” or “denied” in response to the transfer requests despite clear jurisdictional statutes and supporting case law divesting it of jurisdiction.

This *First Amended* Verified Petition for Writ of Mandate supersedes the prior Petition filed on October 22, 2025.

Petitioner Adam Bereki respectfully petitions this Court for a writ of mandate compelling Respondent Appellate Division of the Superior Court of Orange County to vacate its Minute Orders dated October 9, 2025, and October 17, 2025, in consolidated appellate main case No. 30-2025-01482941, and to transfer the appeal to this court pursuant to CCP § 396(b). This writ is necessary because the Appellate Division lacks jurisdiction over the appeal due to a bona fide title dispute that must be adjudicated prior to the issue of possession and an amount in controversy exceeding \$35,000, rendering the underlying unlawful detainer action a general civil case, not a “limited civil case” as defined by CCP §§ 85 and 86. The Appellate Division has a clear, present, and ministerial duty to transfer the appeal, and Petitioner has no adequate remedy at law.

This petition is brought under CCP § 1085, as the Appellate Division’s refusal to transfer violates due process and perpetuates a void unlawful detainer judgment, causing irreparable harm, including the ongoing deprivation/ unlawful taking/ theft of Petitioner’s home and approximately \$1.2 million in equity.

I. PARTIES

1. **Petitioner Adam Bereki** is the appellant in the underlying appeal before the Appellate Division and the defendant in the unlawful detainer action (Orange County Superior Court Case No. 30-2025-01459684). Petitioner resides at 3649 Metter St., Las Vegas, Nevada 89129.
2. **Respondent Appellate Division of the Superior Court of Orange County** is the appellate body of the Orange County Superior Court that improperly asserted

jurisdiction over Petitioner's appeal in Consolidated Case Nos. 30-2025-01482941 (Lead Case) and 30-2025-01487778.

3. **Real Party in Interest Canjian Hou** is the respondent in the underlying appeal and the plaintiff in the unlawful detainer action.

II. JURISDICTION

This Court has original jurisdiction to issue a writ of mandate under article VI, section 10 of the California Constitution and Code of Civil Procedure section 1085. Mandate is appropriate to compel the performance of a ministerial duty where there is no plain, speedy, and adequate remedy at law (CCP § 1086; *County of Sacramento v. Hickman*, 66 Cal.2d 841, 845 (1967)). Here, the Appellate Division has a mandatory duty under CCP § 396(b) to transfer the appeal to this Court, as it lacks jurisdiction. The Appellate Division's refusal to transfer (October 9 and 17, 2025, Minute Orders) necessitates immediate review by this Court to correct the jurisdictional error and determine which court has authority to hear and determine this appeal.

III. REQUEST FOR JUDICIAL NOTICE

Petitioner resubmits his Request for Judicial Notice, previously filed in the Appellate Division of the Superior Court (attached hereto as Exhibit 7), and respectfully requests this Court take judicial notice of all exhibits therein as required by law.

V. REQUESTED RELIEF

This Court will please order the following relief:

1. Grant Petitioner's Request for Judicial Notice (Ex. 7).
2. Issue an alternative writ of mandate directing the Appellate Division to vacate its October 9 and 17, 2025, Minute Orders and transfer the appeal to this Court or show cause why it should not do so.
3. Upon return of the alternative writ, issue a peremptory writ of mandate compelling the transfer.
4. Issue a stay of all proceedings in the Appellate Division of the Superior Court of Orange County in Consolidated Case Nos. 30-2025-01482941 (main case) and 30-2025-01487778, pending resolution of this Petition, pursuant to California Rules of Court, rule 8.486, to preserve the status quo and prevent further due process violations pending the this Court's determination of the appellate jurisdiction governing this case. The stay should be effective October 22, 2025 at 5:00pm.
5. Upon determination that this Court has jurisdiction of this Appeal, assign a case number and file all of Petitioner's documents including the Verified Opening Brief (Ex. 1), Motion to File an Oversized Brief (Ex.2), Request for Judicial Notice (Ex.7 7), Motion to Take Additional Evidence (Ex.6), and the Clerk's Transcript (Ex.8) in the new case.
6. As soon as permissible by law, on this Court's own motion, grant immediate partial relief by vacating the unlawful detainer judgment as to possession in Orange

EXHIBIT K

Certified transcript of the July 21, 2026 telephone conference with the Clerk's Office (Irma, Case Analyst), certified by Trisha Huynh, in which the Office confirmed that the entire Office agreed with the determination (excerpt).

**PHONE CONVERSATION WITH U.S. SUPREME COURT CLERK'S
OFFICE IRMA**

Between Adam Berekí and Irma

July 21, 2026

Transcript prepared by:
Trisha Huynh

1 petition based on her determination -

2 Irma: As long as... So, you, so, as long as you comply
3 with the rules for filing, we will file it. We
4 will be happy to file your petition. So
5 [unintelligible] -

6 Bereki: But she's refusing to. That's what I'm saying.
7 That's what the problem is.

8 Irma: So, it could be that it did not comply with the
9 rules then. That's the only reason we will not
10 file.

11 Bereki: She is saying that the decision that should
12 have been appealed from is the Lower Court of
13 Appeals' decision, not the Supreme Court's
14 decision. That's where our argument is, and
15 because we have a disagreement of that, that's
16 why she's refusing to file it. Because in her
17 belief, she believes that the Lower Court of
18 Appeals' opinion is the one that should be
19 filed, and I'm saying it's the Supreme Court's,
20 the clerk's determination. And she's saying the
21 clerk's determination isn't a judgment. Well, I
22 agree with that. It's something that should
23 have been done by the Court, but the clerk is
24 the one that's refusing to is that sent me the
25 letter. So, I don't have control over the fact

1 that I get a clerk's letter versus a judgment
2 from a Court, and that's my problem.

3 Irma: Okay.

4 Bereki: Does that make sense?

5 Irma: Yes. So, let me put you on hold here, so that I
6 can get someone to help me look at this, okay?

7 Bereki: Okay. Thank you.

8 Irma: Okay. One moment.

9 *[call on hold]*

10 Irma: Mr. Bereki?

11 Bereki: Yes, ma'am?

12 Irma: Okay, I had someone look at it again. Just to
13 make sure I was understanding correctly. So,
14 for the case ending in 339 -

15 Bereki: Mm-hm.

16 Irma: The one for which we wrote you on April 16th
17 and April 24th. We simply don't have
18 jurisdiction to review that order. So, if you
19 went back to the Supreme Court for an
20 additional judgment, then we wouldn't be able
21 to do anything on that one. So, that is
22 correct. That still stands, like your letter
23 states. Now, for the petitions that we have in
24 front of us, though, that are still pending,
25 that were received in May, end of May, I think,

1 end of June. Let me make sure I have the right
2 date.

3 Bereki: Yeah, that's fine. That's fine.

4 Irma: Those are still being reviewed.

5 Bereki: Okay, no problem there. Okay, that's the one I
6 wanted the answer on was the 3391. And the
7 answer is still the same as before, which is
8 that you don't have jurisdiction. And is it you
9 agree with Rashonda's determination or whoever
10 it was?

11 Irma: We all. We all agree, yes.

12 Bereki: Okay, I see.

13 Irma: The entire office, yes.

14 Bereki: Oh, jeez. Okay. Well, thank you so much for -

15 Irma: Okay.

16 Bereki: For double-checking that. Okay, thank you for
17 your time.

18 Irma: Yeah, of course.

19 Bereki: Okay.

20 Irma: No problem. Have a good one. Okay. Mm-hm.
21 Bye-bye.

22

23

24

25

1 CERTIFICATION OF TRANSCRIPT
2

3 I, TRISHA HUYNH, CERTIFY THAT, TO THE BEST OF MY
4 ABILITY, THIS TRANSCRIPT ACCURATELY REFLECTS THE
5 CONTENTS OF THE AUDIO RECORDING OF THE CONVERSATION
6 PROVIDED. THE FOLLOWING TRANSCRIPT CONTAINS PAUSES AND
7 OVERLAPS WITH THE EXCEPTION OF NON-VERBAL UTTERANCES
8 AND VERBAL FILLER WORDS. I AM NOT A CERTIFIED
9 REPORTER.

10
11 DATED this 9th day of August, 2026.

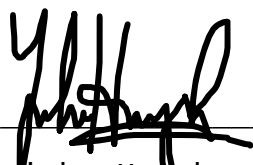
12
13 
14 _____
15 Trisha Huynh

EXHIBIT L

Certified transcript of the April 16, 2026 telephone call with Rashonda Garner of the Clerk's Office, certified by Trisha Huynh.

**PHONE CONVERSATION WITH U.S. SUPREME COURT CLERK'S
OFFICE RASHONDA GARNER**

Between Adam Bereki and Rashonda Garner

April 16, 2026

Transcript prepared by:

Trisha Huynh

1 *[Bereki phone rings - 0:00]*

2 Bereki: Hello, this's Adam.

3 Garner: Hi, my name is Rashonda. I'm calling from
4 the Clerk's Office of the U.S. Supreme
5 Court.

6 Bereki: Hi, Rashonda. Thank you so much for calling
7 me. How are you today?

8 Garner: Hi, I'm doing well. How are you?

9 Bereki: I'm okay. Thank you.

10 Bereki: So, uh, they forwarded someone else from
11 the office forwarded the, uh, the email
12 with the letter that you sent.

13 Garner: Mhm.

14 Bereki: Um, and uh, I understand why you uh, um,
15 denied it based on the information that you
16 had, um, but, uh ar- was your determination
17 basically that you thought that the Fourth
18 District Court of Appeal was the one that
19 made the final determination?

20 Garner: No, um, not at all. So, um the letter was
21 sent back because, um, you did have that
22 order from the California Supreme Court,
23 um, and that order was dated December 16,
24 2025. Um, therefore, if you were trying to
25 seek review of, um, an extension to- get an

1 extension to file a petition of seeking
2 review of that order, um, then the
3 application would be out of time. But, it
4 seems also that you were trying to seek
5 review of this January 26, 2026 letter, um,
6 from the California Supreme Court. And that
7 letter is not an order. It is just only a
8 letter. So, um, therefore, no application
9 for extension of time can be filed because
10 it is not an order that is reviewable by
11 this Court. (inaudible - 1:33)

12 Bereki: Okay. I-I understand why you would think
13 that. Um, are you open to hearing a little
14 bit more explanation about what actually
15 happened?

16 Garner: Um, you can let me kn-

17 Bereki: 'Cause there are some things that are
18 incorrect.

19 Garner: Okay, you can let me know.

20 Bereki: Okay, so what originally happened was there
21 was a petition for writ of mandate filed in
22 the California Supreme Court in the Court's
23 original jurisdiction -- and in its
24 supervisory jurisdiction because the issue
25 involved the lower Court of Appeal.

1 Alright. So, what happened was the --
2 California Supreme Court transferred it to
3 the lower Court of Appeal, who was the
4 subject of the petition for writ of
5 mandate, and asked that court to do what's
6 called a Hagen determination under
7 California law. The Hagen determination
8 basically says: "Hey Court, uh, we think
9 that this petitioner has filed this
10 petition already. Make a determination of
11 whether it's been filed already. If it has,
12 deny it." Well, th-th- the -- when the
13 Court of Appeal got that, they never made
14 the determination and yet, denied the
15 petition, and the petition wasn't a
16 duplicate of what had previously been
17 filed. So essentially, the California
18 Supreme Court transferred it to the Court
19 that it couldn't transfer it to, and asked
20 it to make a determination, and that Court
21 never made that determination. So, what I
22 did is I filed an application for recall in
23 the California Supreme Court, and th- I-
24 instead of getting -- and I notified them
25 that the actual order -- that the -- what

1 the Court had asked to be done. The order
2 to be done. Was not done. There was no
3 determination made. And so, the Court's
4 transfer was a nullity. And so, rather than
5 getting back a determination from the
6 Court, what I got back was a Clerk's
7 letter. That's why that letter is being
8 appealed, because i-it was -- Do you
9 understand what I'm saying?

10 Garner: I understand everything that you're saying.
11 You also outlined, um, some of that
12 information in your application um, I did
13 notice that while I was reading it. Um, but
14 again, that letter is not an order. So,
15 it's not reviewable by this Court. Um, you
16 did just mention that it is a letter, so
17 that's why, um, the application was
18 returned back to you because this Court has
19 no jurisdiction to review that. It's not an
20 order from the Court.

21 Bereki: Okay, so what -- what my feeling is - and I
22 appreciate what you're saying, but I'm
23 presenting a jurisdictional issue that I
24 feel needs to be determined by one of the
25 Justices because that's part of the

1 petition is -- is -- that's part of
2 question of whether I have the- the right
3 remaining to be heard by the Supreme Court.
4 I feel that that's-

5 Garner: Um-

6 Bereki: ... a judicial determination, not an
7 administrative determination. So how -- how
8 can I ensure that a Justice answers that
9 question?

10 Garner: So again, um, as far as filing an
11 application for an extension of time, um,
12 you cannot file an application (inaudible -
13 4:45) seeking review-

14 *[Background noise - 4:47]*

15 Garner: Um, of that January 20- January 26, 2026
16 letter. Again, that is not an order. It's
17 not even reviewable by this Court. Uh- And I
18 am going to direct you to Rule 1.1, because
19 the Clerk does receive documents for filing
20 with the Court and has the authority to
21 reject any submitting -- submitted filings
22 that do not comply with the rules.

23 Bereki: Alright, I hear you. I'm well aware of Rule
24 1.1., and I know that. But, what -- what my
25 position is that whether that is a letter

1 or a final determination that was usurped
2 by a clerk is a judicial question. And so,
3 that's what I'm concerned about is that I-I
4 hear you. I understand what your powers and
5 authorities are and all of that. But, a-
6 the jurisdictional question that's being
7 raised here is whether that letter was an
8 actual- it's -- it's part of the
9 constitutional injury I'm alleging. Does
10 that make sense?

11 Garner: So, um, I really can't get into the merits
12 of your case. Um, but, what I can tell you
13 is that, um, as far as the rules of our
14 Court, this Court doesn't have jurisdiction
15 to review something that is a letter and
16 not a final order.

17 Bereki: Ssssss-

18 Garner: Now, like I said, if you were trying to
19 seek review of that final order from the
20 California Supreme Court dated December 16,
21 2025, um, you could have done that. But at
22 this point, that -- that would be out of
23 time. So, um-

24 Bereki: Okay, yea that's -- that's not what I'm
25 saying -- so if I-

1 | Garner: No, no, I get exactly what you're saying.

2 | I'm just letting you know that, um, this

3 | application just -- it can't be filed

4 | either way.

5 | Bereki: Okay, there -- so is there any way that even

6 | if I file a resubmittal of this and -- or a

7 | renewed application and ask that you

8 | transmit it to a Justice for her review,

9 | you're not going to do that?

10 | Garner: You cannot refile a renewed application for

11 | an extension of time.

12 | Bereki: Okay, so this is a final determination?

13 | Garner: Yes. This is something that - that like I

14 | said, this is a letter that you will

15 | receive stating that

16 | *[Background noise - 6:51]*

17 | Garner: ... this application for an extension of time

18 | cannot be filed, because this letter- the

19 | letter from the California Supreme Court

20 | letter is not considered an order and is

21 | not reviewable by this Court.

22 | Bereki: Thank you so much for your help.

23 | Garner: No problem.

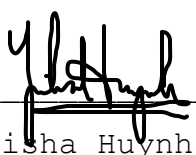
24 | Bereki: Okay.

25 | *[Bereki hangs up - 7:05]*

CERTIFICATION OF TRANSCRIPT

I, TRISHA HUYNH, CERTIFY THAT, TO THE
BEST OF MY ABILITY, THIS TRANSCRIPT
ACCURATELY REFLECTS THE CONTENTS OF THE
AUDIO RECORDING OF THE CONVERSATION,
INCLUDING TONE, INFLECTION, PAUSES,
OVERLAPS, AND NON-VERBAL UTTERANCES. I AM
NOT A CERTIFIED COURT REPORTER.

DATED this 21st day of April, 2026.



Trisha Huynh

EXHIBIT M

Emergency Petition for Writ of Mandate or Prohibition and Request for Stay,
filed in the Supreme Court of California, December 14, 2025 (No. S294339)
(the petition transferred and denied; evidencing that the petitions were not
substantially identical) (excerpt).

S294339

Original Case No. S_____

**IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA**

Adam Bereki,
Petitioner.

v.

Superior Court of California for the County of Orange
(Limited Civil and Appellate Division)
Respondent.

Canjian Hou
(*Real Party in Interest*)

**EMERGENCY PETITION FOR WRIT OF MANDATE OR PROHIBITION,
REQUEST FOR STAY, RESTORATION OF POSSESSION, AND WRIT OF
SUPERSEDEAS; REQUEST FOR CONSOLIDATION WITH PENDING MANDATE
PETITION** (*Bereki v. Humphreys*, No. S_____)

*****STAY REQUESTED***
RELATED APPEAL PENDING**

Emergency request for immediate temporary stay of all further proceedings and enforcement in Orange County Superior Court (Limited Civil) Case No. 30-2025-01459684 and Appellate Division Consolidated Case Nos. 30-2025-01482941 (lead) and 30-2025-01487778, including enforcement of the March 18, 2025 unlawful-detainer judgment, the writ of possession, and the Appellate Division's November 17, 2025 Minute Order striking Petitioner's opening brief and threatening dismissal, and for restoration of possession pending this Court's determination of this Petition. There is no published phone number for the Appellate Div. of the Court.

Judges Knill, McConville, Mittal

Adam Bereki
3649 Metter St.
Las Vegas, NV 89129
949.241.6693 | abereki@gmail.com

ISSUES PRESENTED

1. When an unlawful-detainer action filed in the limited-civil division necessarily requires adjudication of title to real property valued at approximately \$1.5 million, is the action outside the subject-matter jurisdiction of the limited-civil court under Code of Civil Procedure §§ 85, 86(a)(1), and 86(a)(4)?
2. When the foreclosure underlying the unlawful-detainer judgment was caused exclusively by a ~\$930,000 monetary judgment that the Court of Appeal has already declared is not shielded by res judicata, collateral estoppel, or law of the case ([RJN Ex. 15](#)), and a petition for writ of mandate challenging that monetary judgment on multiple voidness grounds is being filed concurrently, may this Court immediately stay enforcement of the unlawful-detainer judgment, issue supersedeas, restore possession, and consolidate the matters?

NOTICE REGARDING EXHIBITS

All Exhibits are incorporated as if fully set forth herein.

All references in this Petition to Requests for Judicial Notice (“RJN Ex. ____”) are hyperlinked to the identical documents filed with the concurrently submitted Request for Judicial Notice in this proceeding. Pages are bates numbered in the bottom right corner. The linked files are the exact copies of the exhibits as lodged with the Court and are hosted on a secure, publicly accessible Cloudflare R2 storage instance for convenience of review. No alterations have been made to any document.

INTRODUCTION

The limited-civil unlawful-detainer judgment that ejected Petitioner from his long-time domicile at 818 Spirit Avenue, Costa Mesa, rests entirely on a trustee’s deed obtained after a foreclosure that was caused solely by a void ~\$930,000 monetary judgment to be filed in this Court as soon as practically possible after this Emergency

the Fourth District Court of Appeal has breached its duty to order the Appellate Division to transfer the case, the ordinary appellate process cannot afford any relief.

INCORPORATION BY REFERENCE OF PRIOR FILINGS AND RELATED RECORDS

Petitioner hereby incorporates by reference, as though fully set forth herein, every pleading, motion, declaration, exhibit, request for judicial notice, appellate brief, writ petition, complaint, and correspondence in all cases and all complaints or reports submitted by him to all state or federal agencies concerning the facts and parties involved or related to this matter. These documents collectively exceed 10,000 pages and include hundreds of exhibits. In the interest of judicial economy and to avoid burdening this Court with duplicative filings, Petitioner has not appended the entirety of these records to the present Petition. Complete copies of all incorporated documents are on file with the respective courts and agencies, including those identified above and are available for immediate retrieval by this Court on its own motion or upon request. Petitioner will promptly lodge any specific document the Court may direct. See also concurrently filed Request for Judicial Notice.

RELIEF REQUESTED

Petitioner respectfully requests that this Court:

1. Issue an immediate stay and writ of supersedeas halting all proceedings in Orange County Superior Court Limited Civil Case No. 30-2025-01459684 and Appellate Division Consolidated Case Nos. 30-2025-01482941 and 30-2025-01487778, including enforcement of the November 17, 2025 Minute Order;

2. Order Petitioner restored to possession of the real property at 818 Spirit Avenue, Costa Mesa, California 92626 pending final resolution of these proceedings;
3. Issue a peremptory Writ of Mandate or Prohibition directing the Superior Court to vacate the March 18, 2025 default judgment and the writ of possession as void for lack of subject-matter jurisdiction;
4. Consolidate this proceeding with *Bereki v. Humphreys* (S_____) for unified determination of the validity of the underlying ~\$930,000 monetary judgment and the validity of the foreclosure proceedings;
5. Award Petitioner monetary damages against Real Party in Interest Canjian Hou in an amount according to proof at an evidentiary hearing for (a) the reasonable rental value of the premises from April 2025 through the date possession is restored to Petitioner, (b) waste, destruction of property, alterations and renovations performed without Petitioner's consent following execution of the void writ of possession, and (c) all other consequential damages directly flowing from the unlawful occupation of the property;
6. Grant such other and further relief as the Court deems just and proper.

Dated: December 14, 2025

Respectfully filed,

A handwritten signature in black ink, appearing to be 'Adam Bereki', with a stylized, cursive script.

Adam Bereki

CERTIFICATE OF SERVICE

I, Tin Vo, hereby certify that on September 14, 2026, I served a true and correct copy of the foregoing Motion to Direct the Clerk to File a Petition for a Writ of Certiorari upon the following parties by the methods indicated:

**Court of Appeal of the State of California,
Fourth Appellate District, Division Three**

601 W. Santa Ana Blvd.

Santa Ana, CA 92701

Via United States Mail, first-class postage prepaid.

Supreme Court of California

350 McAllister Street

San Francisco, CA 94102

Via United States Mail, first-class postage prepaid.

Office of the Attorney General of California

300 South Spring Street

Los Angeles, CA 90013-1230

Via United States Mail, first-class postage prepaid.

Governor of California

1201 O Street, Suite 9000

Sacramento, CA 95814

Via United States Mail, first-class postage prepaid.

William G. Bissell, Esq.

Counsel for Gary Humphreys and Karen Humphreys,
Real Parties in Interest

Via electronic mail: wbissell@wgb-law.com

Henry Paloci, Esq.

Counsel for Canjian Hou

Via electronic mail: hpaloci@hotmail.com

Citizens Bank, N.A.

c/o CSC – Lawyers Incorporating Service

2710 Gateway Oaks Drive, Suite 150N

Sacramento, CA 95833

Via USPS mail and electronic mail: steven.m.autieri@citizensbank.com,
legal@trusteecorps.com

Real Party in Interest — Foreclosing Lender and as agent Trustee Corps for Principal
Citizens Bank, N.A.

Christina J. Khil

Malcolm Cisneros, A Law Corporation
2112 Business Center Drive
Irvine, California 92612
Attorney for Citizens Bank, N.A.
Via electronic mail: christinao@mclaw.org

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

Signed in Garden Grove, California on September 14, 2026.

Tin Vo

A handwritten signature in black ink, appearing to be 'Tin Vo', is written over a horizontal line. The signature is stylized with a large, sweeping loop at the end.



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PURCHASE DETAILS

Product	Qty	Unit Price	Price
First-Class Mail® Large Envelope Santa Ana, CA 92701 Weight: 0 lb 5.60 oz Estimated Delivery Date Wed 09/16/2026	1		\$3.14
First-Class Mail® Large Envelope Los Angeles, CA 90013 Weight: 0 lb 5.60 oz Estimated Delivery Date Wed 09/16/2026	1		\$3.14
Priority Mail® Med FR Box Washington, DC 20543 Flat Rate Expected Delivery Date Thu 09/17/2026 Tracking #: 9505 5100 5065 6257 7849 83 Insurance Up to \$100.00 included	1		\$24.80
Total			\$24.80

Grand Total: \$31.08

Credit Card Remit \$31.08

Card Name: MasterCard
Account #: XXXXXXXXXXXX0476
Approval #: 01057Z
Transaction #: 629
AID: A0000000041010 Chip
AL: MASTERCARD
PIN: Not Required CAPITAL ONE

US SUPREME COURT
MOTION TO DIRECT
CLERK TO FILE

VO - ATTNY GEN &
4TH DIST COURT

- BEZEKI



Adam Bereki <abereki@gmail.com>

Bereki v. Supreme Court Motion to Direct Email

1 message

tin vo <tinvo35@gmail.com>

Mon, Sep 14, 2026 at 9:17 AM

To: govlegalunit@gov.ca.gov, wbissell@wgb-law.com, kmoehumphreys@yahoo.com, ghconsult@aol.com, hpaloci@hotmail.com, AngusHou0823@gmail.com, steven.m.autieri@citizensbank.com, legal@trusteecorps.com, christinao@mclaw.org, Adam <abereki@gmail.com>

Good day,

Please see Adam Bereki's Motion to Direct to the Clerk to File his certiorari petition.

Sincerely,

Tin Vo

2 attachments

BEREKI V. SUPREME COURT MOTION FOR LEAVE TO FILE IFP.pdf
1145K



BEREKI V. SUPREME COURT MOTION TO DIRECT CLERK TO FILE.pdf
3848K

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USPS Tracking Plus®

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Delivered, Front Desk/Reception/Mail Room

SAN FRANCISCO, CA 94102

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- Out for Delivery

SAN FRANCISCO, CA 94102

September 17, 2026 6:10 AM
- Arrived at Post Office

SAN FRANCISCO, CA 94124

September 17, 2026 5:54 AM
- Arrived at USPS Facility

SAN FRANCISCO CA DISTRIBUTION CENTER

September 16, 2026 3:56 PM
- Departed USPS Facility

SAN FRANCISCO CA DISTRIBUTION CENTER

September 16, 2026 3:06 PM

Feedback

- Arrived at USPS Facility

SAN FRANCISCO CA DISTRIBUTION CENTER

September 16, 2026 11:53 AM
- In Transit to Next Facility

September 16, 2026 9:49 AM
- In Transit to Next Facility

September 16, 2026 6:36 AM
- Departed USPS Facility

ANAHEIM CA DISTRIBUTION CENTER

September 16, 2026 3:42 AM
- Arrived at USPS Facility

ANAHEIM CA DISTRIBUTION CENTER

September 15, 2026 3:18 AM
- Departed Post Office

GARDEN GROVE, CA 92842

September 14, 2026 9:12 PM
- USPS in possession of item

GARDEN GROVE, CA 92842

September 14, 2026 4:16 PM
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Delivered, In/At Mailbox
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SANTA ANA, CA 92701
September 15, 2026 8:17 AM

Arrived at Post Office

SANTA ANA, CA 92711
September 15, 2026 8:06 AM

Arrived at USPS Facility

SANTA ANA, CA 92711
September 15, 2026 5:53 AM

Departed USPS Facility

ANAHEIM CA DISTRIBUTION CENTER
September 15, 2026 5:29 AM

Arrived at USPS Facility

ANAHEIM CA DISTRIBUTION CENTER
September 15, 2026 3:18 AM

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September 14, 2026 9:12 PM

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Delivered, Individual Picked Up at Post Office

LOS ANGELES, CA 90012
September 16, 2026 10:49 AM

Out for Delivery

LOS ANGELES, CA 90013
September 16, 2026 6:10 AM

Arrived at Post Office

LOS ANGELES, CA 90012
September 16, 2026 4:53 AM

Arrived at USPS Facility
LOS ANGELES, CA 90012
September 16, 2026 3:38 AM

Departed USPS Facility
LOS ANGELES CA DISTRIBUTION CENTER
September 16, 2026 2:58 AM

Arrived at USPS Facility
LOS ANGELES CA DISTRIBUTION CENTER
September 15, 2026 7:23 AM

Departed USPS Facility
ANAHEIM CA DISTRIBUTION CENTER
September 15, 2026 6:06 AM

Arrived at USPS Facility
ANAHEIM CA DISTRIBUTION CENTER
September 15, 2026 3:17 AM

Departed Post Office
GARDEN GROVE, CA 92842
September 14, 2026 9:12 PM

USPS in possession of item
GARDEN GROVE, CA 92842
September 14, 2026 4:18 PM

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Delivered to Agent

Delivered to Agent, Picked up at USPS

SACRAMENTO, CA 95814
September 17, 2026 8:27 AM



Out for Delivery

SACRAMENTO, CA 95814
September 17, 2026 6:44 AM



Arrived at Post Office

SACRAMENTO, CA 95813
September 17, 2026 6:33 AM



Departed USPS Facility

SACRAMENTO, CA 95837
September 17, 2026 6:11 AM



Arrived at USPS Facility

SACRAMENTO, CA 95837
September 17, 2026 6:11 AM



Departed USPS Facility

SACRAMENTO, CA 95813
September 17, 2026 4:54 AM



Arrived at USPS Facility

- SACRAMENTO, CA 95813
September 17, 2026 4:54 AM
- **Departed USPS Facility**
SACRAMENTO CA DISTRIBUTION CENTER
September 17, 2026 4:24 AM
- **Arrived at USPS Facility**
SACRAMENTO CA DISTRIBUTION CENTER
September 16, 2026 1:27 PM
- **In Transit to Next Facility**
September 16, 2026 5:42 AM
- **Departed USPS Facility**
ANAHEIM CA DISTRIBUTION CENTER
September 16, 2026 3:19 AM
- **Arrived at USPS Facility**
ANAHEIM CA DISTRIBUTION CENTER
September 15, 2026 3:22 AM
- **Departed Post Office**
GARDEN GROVE, CA 92842
September 14, 2026 9:12 PM
- **USPS in possession of item**
GARDEN GROVE, CA 92842
September 14, 2026 4:21 PM
- **Hide Tracking History**

What Do USPS Tracking Statuses Mean?

Text & Email Updates	▼
USPS Tracking Plus®	▼
Product Information	▼

See Less ^

Remove X

Tracking Number:

420205439505514716996257630895

Copy Add to Informed Delivery

Latest Update

Your item was picked up at the post office at 8:09 am on September 16, 2026 in WASHINGTON, DC 20543.

Get More Out of USPS Tracking:

USPS Tracking Plus®



Delivered

Delivered, Individual Picked Up at Post Office

WASHINGTON, DC 20543
September 16, 2026 8:09 AM



Arrived at Post Office

WASHINGTON, DC 20018
September 16, 2026 7:03 AM



Arrived at USPS Facility

WASHINGTON DC DISTRIBUTION CENTER
September 16, 2026 1:11 AM



Departed Post Office

GARDEN GROVE, CA 92842
September 14, 2026 9:12 PM



USPS in possession of item

GARDEN GROVE, CA 92842
September 14, 2026 4:23 PM



Hide Tracking History

What Do USPS Tracking Statuses Mean?

Text & Email Updates



USPS Tracking Plus®



Product Information



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Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs

Remove X

Tracking Number:

9505510050656257784983

Copy

Add to Informed Delivery

Latest Update

Your item was picked up at the post office at 8:35 am on September 17, 2026 in WASHINGTON, DC 20543.

Get More Out of USPS Tracking:

USPS Tracking Plus®



Delivered

Delivered, Individual Picked Up at Post Office

WASHINGTON, DC 20543
September 17, 2026 8:35 AM



Arrived at Post Office

WASHINGTON, DC 20018
September 17, 2026 5:40 AM



Arrived at USPS Facility

WASHINGTON DC DISTRIBUTION CENTER
September 16, 2026 3:02 PM



Departed USPS Facility

WASHINGTON DC DISTRIBUTION CENTER
September 16, 2026 2:51 PM



Departed USPS Facility

WASHINGTON DC DISTRIBUTION CENTER
September 16, 2026 2:31 PM

Feedback

- **Arrived at USPS Facility**
WASHINGTON DC DISTRIBUTION CENTER
September 16, 2026 12:17 PM
- **Arrived at USPS Facility**
LAS VEGAS NV PACKAGE SORTING CENTER
September 15, 2026 12:39 AM
- **Arrived at USPS Facility**
LAS VEGAS NV DISTRIBUTION CENTER
September 14, 2026 10:01 PM
- **Departed Post Office**
LAS VEGAS, NV 89134
September 14, 2026 6:00 PM
- **USPS in possession of item**
LAS VEGAS, NV 89134
September 14, 2026 1:30 PM
- **Hide Tracking History**

What Do USPS Tracking Statuses Mean?

Text & Email Updates	▼
USPS Tracking Plus®	▼
Product Information	▼

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Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs