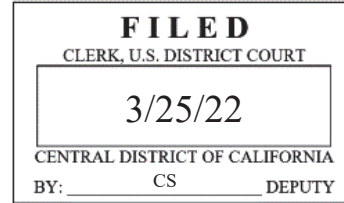


1 MARY CUMMINS
2 Appellant, Debtor, Defendant, In Pro Per
3 645 W. 9th St. #110140
4 Los Angeles, CA 90015
5 Direct: (310) 877-4770
6 Email: mmmarycummins@gmail.com



7 UNITED STATES COURT FOR THE
8 CENTRAL DISTRICT OF CALIFORNIA

<p>9 In re:</p> <p>10 MARY CUMMINS-COBB,</p> <p>11</p> <p>12 Debtor</p> <hr/> <p>13 MARY CUMMINS-COBB</p> <p>14</p> <p>15 Appellant</p> <p>16</p> <p>17 KONSTANTIN KHIONIDI, as Trustee</p> <p>18 of the COBBS TRUST,</p> <p>19</p> <p>20 Appellee.</p>	<p>) Case No. 2:22-cv-00423-AB</p> <p>) Ch. 7 Case No. 2:17-bk-24993-RK</p> <p>) Adv. Proc. No. 2:18-ap-01066-RK</p> <p>) APPELLANT’S NOTICE TO FILE</p> <p>) MOTION DISQUALIFY, RECUSE</p> <p>) JUDGE ANDRÉ BIROTTE FROM</p> <p>) HEARING APPEAL OF JUDGE</p> <p>) ANDRÉ BIROTTE ORDER,</p> <p>) REQUEST REASSIGN CASE TO</p> <p>) ANOTHER JUDGE</p>
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21 **INTRODUCTION**

22 Appellant Cummins is appealing an order from the Court of Judge Andre Birotte.
23 The appeal was assigned to Judge Dale S. Fischer. Appellant had filed a few
24 documents with Judge Dale S. Fischer’s court which were confirmed received by the
25 Court.

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28 **APPELLANT’S NOTICE TO FILE MOTION DISQUALIFY, RECUSE JUDGE ANDRÉ BIROTTE
FROM HEARING APPEAL OF JUDGE ANDRÉ BIROTTE ORDER, REQUEST REASSIGN CASE
TO ANOTHER JUDGE**

1 Today March 25, 2022 Appellant received a notice (Doc #9, Exhibit 1) stating
2 “Case was assigned in error to District Judge Dale S. Fischer. Case will be assigned to
3 District Judge Andre Birotte.”

4 Judge Andre Birotte cannot legally hear the appeal of an order from Birotte’s own
5 court as Birotte is clearly biased and prejudiced for numerous reasons. See 28 U.S.C.
6 §§ 144 (“Whenever a party to any proceeding in a district court makes and files a
7 timely and sufficient affidavit that the judge before whom the matter is pending has a
8 personal bias or prejudice either against him or in favor of any adverse party, such
9 judge shall proceed no further therein, but another judge shall be assigned to hear such
10 proceeding.”), 455(a)–(b) (listing circumstances in which judges shall disqualify
11 themselves).

12 Appellant asks that Judge Andre Birotte voluntarily recuse, disqualify himself and
13 have the case reassigned to another Judge. Appellant will be filing a Motion to Recuse,
14 Disqualify Judge Andre Birotte in the next few days. Appellant previously filed a
15 notice objecting to Judge Andre Birotte hearing an appeal of his own order. Appellant
16 previously stated that Appellant would file a Motion to Recuse Birotte if the case were
17 transferred back to his court.

18 Appellant is requesting to file electronically in this court and receive court notices
19 to the above email address.

20 Appellee the alleged Russian Appellee Konstantin Khionidi does not exist. Per
21 Federal Rules of Civil Procedure 17(a) “An action must be prosecuted in the name of
22 the real party in interest.” Plaintiff/Appellee Konstantin Khionidi does not exist and
23 therefore cannot legally file a complaint, i.e. the Adversary Proceeding or the Motion
24 for Summary Judgment or Reply to Appeal of same. For these and other reasons the
25 Adversary Proceeding and any reply to Appellant’s appeal should be dismissed.

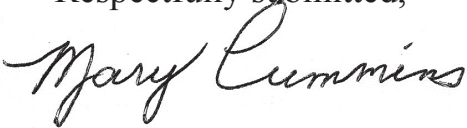
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28 **APPELLANT’S NOTICE TO FILE MOTION DISQUALIFY, RECUSE JUDGE ANDRÉ BIROTTE
FROM HEARING APPEAL OF JUDGE ANDRÉ BIROTTE ORDER, REQUEST REASSIGN CASE
TO ANOTHER JUDGE**

1 **CONCLUSION**

2 Appellant requests that Judge Andre Birotte recuse, disqualify himself from the
3 appeal of Judge Andre Birotte’s own court order. Appellant requests that this Court
4 reassign the appeal to another Judge.

5 Respectfully submitted,

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8 Mary Cummins, Defendant pro se

9 March 25, 2022
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DECLARATION OF DEFENDANT MARY CUMMINS

I, MARY CUMMINS, declare as follows:

1. I am Mary Cummins Defendant in pro per. I make this declaration on my personal knowledge of the facts set forth herein.
2. Everything in APPELLANT’S REPLY was written by me and is the truth to the best of my knowledge.
3. All exhibits cited, footnoted, attached are true and correct copies of the originals.
4. Ex Plaintiff Amanda Lollar told me in person to my face in 2015 that the Russian does not exist. Lollar stated Lollar is the alleged “Russian” then Lollar laughed at me.

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

Executed on March 25, 2022 at Los Angeles, California.

By: 
MARY CUMMINS

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PROOF OF SERVICE
(FRCivP 5 (b)) or
(CCP 1013a, 2015.5) or
(FRAP 25 (d))

I am Plaintiff in pro per whose address is 645 W. 9th St. #110-140, Los Angeles, California 90015-1640. I am over the age of eighteen years.

I further declare that on the date hereof I served a copy of:

APPELLANT’S NOTICE TO FILE MOTION DISQUALIFY, RECUSE JUDGE ANDRÉ BIROTTE FROM HEARING APPEAL OF JUDGE ANDRÉ BIROTTE ORDER, REQUEST REASSIGN CASE TO ANOTHER JUDGE

on the following interested parties by email to the following and by ECF.

Philip H. Stillman
Stillman & Associates
pstillman@stillmanassociates.com

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

Executed this day, March 25, 2022, at Los Angeles, California.

Respectfully submitted,



Mary Cummins, Appellant, Defendant
Dated: March 25, 2022
645 W. 9th St. #110140
Los Angeles, CA 90015

APPELLANT’S NOTICE TO FILE MOTION DISQUALIFY, RECUSE JUDGE ANDRÉ BIROTTE FROM HEARING APPEAL OF JUDGE ANDRÉ BIROTTE ORDER, REQUEST REASSIGN CASE TO ANOTHER JUDGE

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Mary Katherine Cummins-Cobb

APPELLANT(S)

CASE NUMBER

2:22-cv-00423-DSF

v.

Knostantin Khionidi

APPELLEE(S)

NOTICE OF CLERICAL ERROR

You are hereby notified that due to a clerical error documents associated with the filing of the new action the following scanned document docket entry have/has been corrected as indicated below.

Title of scanned document: _____

Filed date: _____ Document Number(s): _____

Incorrect case number _____ was assigned to this action document

Case number has been corrected. The correct case number is _____

Incorrect judge's initials were indicated on this action document . The correct judge's initials are: _____

Incorrect magistrate judge's initials were indicated on this action document . The correct magistrate judge's initials are: _____ .

Case has been reassigned from Judge Magistrate Judge _____ to Judge Magistrate Judge _____ . The initials of the new judge(s) are: _____

Case was assigned to Western Southern Eastern division. Pursuant to General Order 21-01, the case has been reassigned to the Western Southern Eastern division. The former case number _____ has been reassigned to new case number _____ .

Case title is corrected from _____ to _____

Document has been re-numbered as document number _____

Incorrect Filed Date Date of Document Date ENTERED on CM/ECF was stamped on the document. The correct date is _____ .

Document is missing page number(s): _____

To ensure proper routing of documents, all documents filed with the court must reflect the following case number and judge's initials: 2:22-cv-00423-AB

Other: Case was assigned in error to District Judge Dale S. Fischer. Case will be assigned to District Judge Andre Birotte.

CLERK, U.S. DISTRICT COURT

Date: March 25, 2022

By: Luis Rodriguez
Deputy Clerk