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**UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII**

**UNITED STATES OF AMERICA**

**CASE NO. 17-00101 LEK**

Plaintiff.

v.

**ANTHONY TROY WILLIAMS**

Defendant.

**MOTION IN OPPOSITION TO ORDER DENYING RECUSAL OF JUDGE KOBAYASHI**

The undersigned, Private Attorney General Anthony Williams, who is a servant of the Most-High Yahweh Elohim Yahshua, files this Motion In Opposition to Order Denying Recusal of Judge Kobayashi. In support of this motion the undersigned state the following facts.

The order issued by this court erroneously determines that the reason the undersigned filed the recusal was because of this court's failure to rule on pending motions. However, this was not the reason for the undersigned's appeal to Chief Justice Recktenwald.

The undersigned sent the appeal to the Chief Justice because it is extremely prejudicial and unfair to believe that a party would have confidence in a judge who has shown the propensity to violate the rights of a defendant without regard for the law.

The undersigned expressed that Judge Kobayashi struck all of the undersigned's witnesses from the mainland in the middle of trial who were previously approved to testify and verified by Judge Kobayashi that they were relevant to the undersigned's defense. Then for Judge Kobayashi to arbitrarily strike all of these vital witnesses using the unjustifiable reason that they don't live in Hawaii, yet allowed the government to call witnesses from the mainland, who didn't live in Hawaii to testify against the undersigned, who had no first-hand knowledge of the charges that were filed against the undersigned or his business in Hawaii, was a harmful reversible error. This act was a blatant display of judicial bias and discrimination against the undersigned.

The legal standard for the recusal of a judge is outlined in 28 USC 455 that if a judge is aware of grounds for recusal, that judge has a duty to recuse himself or herself. Under section 455(a) it states "any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality may reasonably be questioned." In *Liljeberg v. Health Servs. Acquisition Corp.*, 486 U. S. 847, 850 (1988), the court ruled this "is established when a reasonable person, knowing the relevant acts, would expect that a justice, judge, or magistrate knew of circumstances creating an appearance of partiality." The question under section 144 or 455 is whether the facts establish that the judge has in some manner demonstrated "a bent of mind that may prevent or impede impartiality and judgment." *Berger v. United States*, 255 U. S. 22, 33-34, 41 S. Ct. 230, 233, 65 L. Ed. 481 (1921).

Judge Kobayashi's bias against the undersigned is not mere conjecture or just an appearance of impartiality, but is factual and can be demonstrated. It is unconscionable to believe that someone would have confidence in a judge to issue a fair ruling on a 2255 motion wherein most of the grounds and violations were committed by the judge who is now tasked with determining whether they violated the rights of the petitioner or not. No judge knowing that they committed multiple violations of the law and rights against a defendant will issue a ruling that admits they were bias, prejudice and committed those violations and rule in favor of a defendant whose complaint is against them.

### **EVIDENCE OF JUDGE KOBAYASHI'S BIAS AND PREJUDICE**

To dispel any misnomer regarding the bias and prejudice exemplified against the undersigned by Judge Kobayashi, the undersigned will enumerate her actions that constituted bias and prejudices:

1. The undersigned was ordered by Judge Kobayashi to outline why each witness from the mainland was relevant to the undersigned's defense and present it to the court to rule on in order to issue a subpoena for that witness to testify. The undersigned provided the reasoning and Judge Kobayashi approved EVERY witness that the undersigned planned to call from the mainland and stated that the undersigned showed how they were relevant to his defense and issued the subpoenas.



2. However, in the middle of trial without any justification, Judge Kobayashi struck all of the witnesses from testifying which was the primary reason the undersigned lost trial. Some of these witnesses were government officials who would have testified that every thing the undersigned did was lawful and he was given approval before taking any action.
3. Judge Kobayashi displayed her bias for the prosecution and against the undersigned during trial on numerous occasions in front of the jury most notably when she coached Gregg Paris Yates to object to the undersigned's line of questioning. The following is an excerpt from the trial:

*DEFENDANT: Q Okay. If you was to look at the lawsuit, the lawsuit was about --*

*THE COURT: No, no. Do you have any objection to this? Isn't this far afield, Mr. --*

*MR. YATES: Yes, yes, Your Honor.*

*THE COURT: I mean, I don't want to earn your paycheck for you.*

*MR. YATES: I apologize, Your Honor. Out of scope and improper hypothetical.*

*THE COURT: All right. Sustained. So you need to ask her questions in the area that Mr. Yates asked her questions in about what you have to be to be licensed, how she keeps the database. We're going kind of far afield here. (See Trial Transcript Day 7, pg. 113 Lines 7-20)*

4. Before the undersigned was indicted, he filed a federal lawsuit against FBI Agents Megan Crawley and Joseph Lavelle, who retaliated and had charges filed against the undersigned 6 months after the suit was filed. The case was assigned to Judge Kobayashi who dismissed the case stating, "it had no merit" although a previous judge that initially got the case ruled that "it had merit," but that the undersigned filed it in the wrong district. The undersigned filed it in the wrong district "on purpose to obtain a fair and unbiased ruling" from a judge who did not know the undersigned.
5. Judge Kobayashi presided in a civil case involving a client of the undersigned who would later be a witness for the government. Judge Kobayashi dismissed that case without considering the merits of the case.
6. Judge Kobayashi was then assigned as the judge in the undersigned's criminal case and the undersigned filed a proper recusal motion which outlined these facts and was summarily denied by Judge Kobayashi.
7. After the undersigned exposed the illegal acts of Judge Kobayashi and pettifogger prosecutor Kenneth M. Sorenson's actions, of illegally obtaining mortgages and having them paid off in less than a year, Judge Kobayashi's demeanor changed toward the undersigned, which was conspicuously apparent.

### **RECUSAL WAS WARRANTED**

If justice is to prevail, then it goes without saying that there must be a judge presiding whose actions cannot be questioned or misconstrued as bias or prejudice

against a party in a case before them. This is a fundamental right that all litigants expect when they are a party to a litigation. The facts that have been presented are not the opinions of the undersigned, rather, these are actual evidence and proof of bias that warrants recusal of Judge Kobayashi from the undersigned's case. No reasonable person could or would expect a judge who have shown nothing but bias against them would somehow be fair in issuing a ruling that admits they were bias and prejudice against the defendant and outline all of the errors that they made and that the defendant was right and was unfairly treated by them and reprimand their own self for their inappropriate and unlawful conduct. However, this is what is being expected of Judge Kobayashi to look at the complaints and grounds against her and expect her to be honest and fair and admit her wrong doing and issue an equitable ruling.

### **CONCLUSION**

Based upon the foregoing facts and the established prevailing law, it would be a travesty and miscarriage of justice to allow Judge Kobayashi to preside over any case involving the undersigned and therefore the order to deny recusal must be overturned and another judge assigned to hear the merits of this case.

Executed this 22<sup>nd</sup> day of April, 2023.

Righteously submitted,

/s/Anthony T. Williams  
Anthony T. Williams

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was furnished by US Mail to the following recipient(s):

On the 22nd day of April, 2023.

United States District Court  
State of Hawaii  
Prince Kuhio Federal Bldg.  
U.S. Attorneys Office  
Kenneth Sorenson  
Gregg P. Yates  
300 Ala Moana Blvd., Room 6-100  
Honolulu, Hawaii 96850

/s/Anthony T. Williams  
Anthony T. Williams,  
Private Attorney General (Frankenhauser v. Rizzo, 59 F. R. D. 339, (E. D. Pa. 1973))  
Counsel to the Poor (Psa. 14:6)  
Common Law Counsel (28 USC 1654, First Judiciary Act of 1789, § 35)

“For I know how many are your offenses and how great your sins. You oppress the righteous and take bribes and you deprive the poor of justice in the courts.”

Amos 5:12