

# When Due Process Fails: Fraudulent Evictions and Court Failures in California

By Asya Weston

---

## Introduction

On August 7, 2025, my daughter and I were locked out of our home at **WIP 800 J Lofts in downtown Sacramento**. We were not behind on rent. In fact, just two days earlier, I had filed a **Notice of Appeal** and a **motion for stay pending appeal** in Sacramento Superior Court.

But in a **ten-minute hearing**, the presiding judge refused to hear testimony or review evidence. Attorneys for my landlord painted me as “noncompliant” while concealing evidence that their property manager had falsified rent ledgers. Within forty-eight hours, the sheriff padlocked our door.

I am a **law student, a computer science student, a licensed vocational nurse, and a mother**. I know what due process is supposed to look like. What happened to us was not due process. It was fraud — and the court became an instrument of it.

This is not just my story. It is a **public crisis**. Sacramento’s courts are failing paying tenants. And when due process fails in the housing system, the consequences spread far beyond one family.

---

## The Law: California’s Tenant Protection Act

California adopted the **Tenant Protection Act (TPA)** in 2020 to shield tenants from excessive rent hikes and wrongful evictions. In April 2024, **Senate Bill 567** strengthened those protections:

- **Rent caps:** no more than 5% plus inflation, capped at 10% in a 12-month period.
- **“Just cause” evictions only:** tenants can only be removed for specific reasons, like nonpayment of rent, lease violations, or limited “no-fault” grounds.

- **Owner move-in rules:** the owner or qualifying relative must move in within 90 days and live there for a year.
- **Substantial remodel limits:** evictions only allowed for major structural or safety work, with permits attached.
- **Relocation assistance:** landlords must pay one month's rent for all no-fault evictions.
- **Penalties:** tenants can recover damages, attorney's fees, and up to triple damages if landlords act with fraud, oppression, or malice.

On paper, the law should protect families like mine. In practice, it failed — because the court failed to enforce it.

---

## Case Study: WIP 800 J Lofts

I filed my appeal and stay motion on August 5, 2025. That should have halted any lockout until my case was reviewed.

Instead:

- **Rushed hearing:** On August 7, the judge denied my stay request in a hearing that lasted less than ten minutes. No testimony. No exhibits. No real opportunity to be heard.
- **Attorney misconduct:** Opposing counsel misrepresented me as “noncompliant” and deliberately withheld evidence about falsified rent records created by property manager **Maher Rashid**.
- **Clerk mishandling:** My filings — including the Notice of Appeal — were delayed in docketing. This prevented the court from seeing the full record before ruling.
- **Mailbox denial:** After the lockout, I lost access to my mailbox. Yet attorneys and clerks continued serving me only by mail at that address, knowing I could not receive notices.

The result was devastating:

- My daughter, who suffers from **asthma**, experienced worsened health after being displaced.
- I lost access to my home, my belongings, and stability.

- My **academic performance dropped** from A-level work to B's because my focus shifted from studying to survival.

We were not protected by the Tenant Protection Act. We were not protected by the Constitution.

---

## Why This Is Fraud on the Court

Fraud on the court is not ordinary dishonesty between parties. It is deliberate misconduct by attorneys or officers of the court that undermines the integrity of judicial proceedings.

The U.S. Supreme Court has long recognized that when attorneys knowingly mislead the tribunal or conceal evidence, the resulting orders are **void ab initio**. A judgment built on fraud cannot stand.

In my case:

- **Misrepresentation:** Attorneys lied to the court, characterizing me as a noncompliant tenant.
- **Concealment:** They withheld the fact that their own property manager falsified payment records.
- **Clerical failure:** The court clerk delayed docketing my filings, leaving the judge with an incomplete record.
- **Mailbox obstruction:** Service by mail continued even after I was locked out, cutting me off from access to the case.

Together, these acts turned the court into a **tool of fraud**. What should have been a legal proceeding became a sham.

---

## Civil Rights Dimensions

This is not just a housing issue. It is a **civil rights issue**.

- **Due Process (14th Amendment):** I was deprived of property without meaningful notice or an opportunity to be heard.

- **Access to Courts (1st & 14th Amendments):** Clerk delays and mailbox denial obstructed my ability to pursue appellate review.
- **Equal Protection (14th Amendment):** As a Black single mother with a child, I was treated differently and denied fair protections that others receive.
- **Section 1983 Liability:** Attorneys and landlords, acting jointly with state actors (clerks, judges, sheriff), deprived me of constitutional rights under color of law.

That is why I filed a **federal civil rights lawsuit**: *Weston v. [Landlord/Defendants]*, Case No. 2:25-cv-02364-DJC-CKD (E.D. Cal.).

---

## Broader Implications for Sacramento

My case is not isolated. Sacramento is in a housing crisis. Families are being displaced not only by skyrocketing rents but also by **fraudulent evictions** carried out in the courts.

Each wrongful eviction has a ripple effect:

- Families lose stability.
- Children suffer in health and education.
- Homelessness numbers rise.
- Public confidence in the courts erodes.

If **paying tenants** can be locked out because of lies and clerical failures, then **no tenant is safe**.

---

## What Must Change

### 1. Judicial Oversight

- The Judicial Council of California must investigate Sacramento's eviction courts for fraudulent filings and clerk mishandling.

## 2. Legislative Reform

- Strengthen penalties for fraudulent evictions.
- Require clerks to verify filings before writs or lockouts issue.
- Mandate alternative service methods when tenants are displaced.

## 3. Attorney Accountability

- The State Bar of California must enforce Rule 3.3: duty of candor to the court.
- Attorneys who lie to courts should face discipline, suspension, or disbarment.

## 4. Local Government Action

- Sacramento City Council and County Supervisors must treat fraudulent evictions as a **public matter** tied to homelessness and displacement.

## 5. Public Awareness

- Tenants must be educated on their rights under the **Tenant Protection Act** and **SB 567**.
- Fraudulent evictions must be exposed, not buried in court files.

---

# Conclusion

As a law student, I study due process in the classroom. As a tenant, I lived through its denial in real life. As a mother, I watched my daughter's health deteriorate because of a system that should have protected us.

Fraudulent evictions are not rare mistakes. They are the **predictable result** of courts that rush hearings, ignore evidence, and accept attorney misrepresentations at face value.

If this can happen to me — a law student who knows how to fight back — it can happen to anyone.

When due process fails, we all lose faith in justice. It is time for Sacramento, and California as a whole, to confront fraudulent evictions for what they are: a civil rights crisis that demands urgent reform.

Please reference to full amended complaint attached.