

**Fifth Circuit Court of Appeal
State of Louisiana**

No. 26-C-64

KHALED OUAAZ A/K/A KADE WISE, ET AL

versus

ALOHA CAPITAL LLC, ET AL.

IN RE KHALED OUAAZ A/K/A KADE WISE
APPLYING FOR A SUPERVISORY WRIT TO THE TWENTY-FOURTH JUDICIAL DISTRICT
COURT, PARISH OF JEFFERSON, STATE OF LOUISIANA, DIRECTED TO THE
HONORABLE SHAYNA BEEVERS MORVANT, DIVISION "M", No. 864-241

TRUE COPY

April 06, 2026



LINDA TRAN
DEPUTY CLERK

Panel composed of Judges Susan M. Chehardy,
Fredericka Homberg Wicker, and Stephen J. Windhorst

WRIT DENIED

In this *pro se* writ application, relator, Khaled Ouaz a/k/a Kade Wise, seeks supervisory review of the trial court's denial of his motion to recuse Judge Shayna Beevers Morvant and motion to set aside an *in rem* judgment.

On August 26, 2025, the trial court rendered an *in rem* judgment awarding plaintiff, Aloha Capital, LLC, judgment against defendant, Saharan Developments, LLC, \$247,140.00 with interest.

On November 18, 2025, Khaled Ouaaz a/k/a Kade Wise filed a motion to set aside the August 26, 2025 judgment and a motion to recuse Judge Shayna Beevers Morvant.

The August 26, 2025 final judgment

Relator's writ application first involves the question of whether relator should have sought review of the rulings at issue herein through a writ application or an appeal. This court's appellate jurisdiction extends to final judgments identified as such by appropriate language and to interlocutory judgments when expressly provided by law. La. C.C.P. arts. 1918 and 2083; Toussaint v. Spears, 25-428 (La. App. 4 Cir. 7/23/25), 417 So.3d 1220, 1223; First NBC Bank v. River Park Dev., L.L.C., 21-1209 (La. App. 1 Cir. 4/8/22), 341 So.3d 827, 829. The resolution of this issue is determined based on whether the trial court's judgment was final and appealable. If so, an appeal was the proper procedural vehicle for seeking review instead of a writ application.

According to La. C.C.P. art. 2083, "[a] final judgment is appealable in all causes in which appeals are given by law, whether rendered after hearing, by default, or by reformation under Article 1814."

La. C.C.P. art. 1841 states:

A judgment is the determination of the rights of the parties in an action and may award any relief to which the parties are entitled. It may be interlocutory or final.

A judgment that does not determine the merits but only preliminary matters in the course of the action is an interlocutory judgment.

A judgment that determines the merits in whole or in part is a final judgment.

A judgment is final when it disposes of all the remaining issues in the proceeding and concludes the litigation. Succession of Cotaya, 24-38 (La. App. 5 Cir. 12/5/24), 409 So.3d 860, 865. When a judgment denying a motion for nullity disposes of all remaining issues between the parties, the judgment should be considered a final appealable judgment. Id.

We find, based on the law and jurisprudence, that the denial of the motion to set aside (annul) judgment in this case constitutes a final appealable judgment. The August 26, 2025 *in rem* judgment determines all of Aloha's claims against relator and, therefore, is a final judgment. As indicated by the trial court, these proceedings have concluded in that the judgment was rendered on August 26, 2025, and all appeal delays were expired. This final judgment cannot be reviewed through a writ application pursuant to our supervisory jurisdiction, nor can appellate review, once expired, be effectively revived by an application for writs.

The December 23, 2025 judgment denying recusal

Relator also seeks review of the *ad hoc* recusal judge's denial of his motion to recuse the trial judge who had rendered the judgment which had become final upon the expiration of appeal delays. We deny this writ for the following reasons.

First, on December 22, 2025, the *ad hoc* recusal judge conducted a contradictory hearing on relator's recusal motion. Relator failed to provide a transcript of the hearing. Further, relator provided nothing indicating that any evidence was introduced during the contradictory hearing. We therefore have nothing before us to determine if any of the allegations were proven.

Second, relator's motion states conclusory allegations mostly related to procedural and merits rulings by the trial court. It is well settled that adverse rulings, even many of them, are not a *per se* ground for recusal. There has been no showing that those rulings are palpably wrong. Further, for the reasons explained above, those rulings are now final.

Third, the *ad hoc* recusal judge stated in her reasons for judgment that the only ground argued by relator in the hearing was that the trial judge he seeks to recuse would or might be called as a witness in the cause. As she points out, that is not possible. Although raising that "ground" is not procedurally proper now, we also have nothing before us which shows why or how the trial judge would be called.

In addition, the judgment denying relator's motion to recuse is based on and related to the *in rem* judgment. We review final judgments pursuant to our appellate jurisdiction. Thus, the proper

procedural vehicle for reviewing these judgments at issue is an appeal, not a supervisory writ.¹

Denial to file as pauper

Lastly, relator asks to proceed in forma pauperis, but he has provided no evidence which would so permit. Further, there was no finding of pauper status in the trial court. Accordingly, pauper status is denied.

We therefore deny this writ application in all respects.

Gretna, Louisiana, this 6th day of April, 2026.

**SJW
SMC
FHW**

¹ To take an appeal, a party must obtain an order therefor, within the delay allowed, from the court which rendered the judgment. La. C.C.P. art. 2121. The appeal delays found in La. C.C.P. art. 2087 are not prescriptive periods that are subject to interruption; these time limits are jurisdictional. An appellant's failure to file a devolutive appeal timely is a jurisdictional defect, and neither the court of appeal nor any other court has the jurisdictional power and authority to reverse, revise, or modify a final judgment after the time for filing a devolutive appeal has elapsed. Everett v. Baton Rouge Student Hous., L.L.C., 2010-0856 (La. App. 1 Cir. 5/6/11), 64 So.3d 883, 886, writ denied, 2011-1169 (La. 9/16/11), 69 So.3d 1149.

SUSAN M. CHEARDY
CHIEF JUDGE

FREDERICKA H. WICKER
JUDE G. GRAVOIS
MARC E. JOHNSON
STEPHEN J. WINDHORST
JOHN J. MOLAISON, JR.
SCOTT U. SCHLEGEL
TIMOTHY S. MARCEL

JUDGES



FIFTH CIRCUIT
101 DERBIGNY STREET (70053)
POST OFFICE BOX 489
GRETNA, LOUISIANA 70054
www.fifthcircuit.org

CURTIS B. PURSELL
CLERK OF COURT

SUSAN S. BUCHHOLZ
CHIEF DEPUTY CLERK

LINDA M. TRAN
FIRST DEPUTY CLERK

MELISSA C. LEDET
DIRECTOR OF CENTRAL STAFF

(504) 376-1400
(504) 376-1498 FAX

NOTICE OF DISPOSITION CERTIFICATE OF DELIVERY

I CERTIFY THAT A COPY OF THE DISPOSITION IN THE FOREGOING MATTER HAS BEEN TRANSMITTED IN ACCORDANCE WITH **UNIFORM RULES - COURT OF APPEAL, RULE 4-6** THIS DAY **04/06/2026** TO THE TRIAL JUDGE, THE TRIAL COURT CLERK OF COURT, AND AT LEAST ONE OF THE COUNSEL OF RECORD FOR EACH PARTY, AND TO EACH PARTY NOT REPRESENTED BY COUNSEL, AS LISTED BELOW:

CURTIS B. PURSELL
CLERK OF COURT

26-C-64

E-NOTIFIED

24th Judicial District Court (Clerk)
Honorable Shayna Beevers Morvant (DISTRICT JUDGE)
Tiffany Gautier Chase (DISTRICT JUDGE)
No Attorney(s) were ENOTIFIED

MAILED

Kade Wise (Relator)
In Proper Person
1439 North Highland Avenue
Unit 303
Hollywood, CA 90028

Penny M. Daigrepoint (Respondent)
Attorney at Law
3500 North Causeway Boulevard
Suite 116
Metairie, LA 70002