

CASE NUMBER

24-7310

ORIGINAL

**IN THE SUPREME COURT OF THE UNITED STATES**

IAN LEONARD CLARK on behalf of himself and all others similarly situated;

12399 SE Oatfield Rd, Milwaukie, OR, 97222,

Plaintiff-Appellant,

v.

Ms TINA KOTEK, under color of her official capacity as governor of Oregon;

OFFICE OF THE GOVERNOR.

900 COURT St. Ste. 254,

SALEM, OR, 97301-4047,

Defendant-Respondent.

On Appeal from the United States Court of Appeals for the Ninth Circuit  
Case No. 25-721

District Court Case No.

3:24-cv-01750-jr

**PETITION FOR A WRIT OF CERTIORARI**

RECEIVE

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OFFICE OF THE  
SUPREME COURT

### **QUESTIONS PRESENTED**

The Appellant respectfully requests the Court to determine the applicability of Oregon Revised Statute 14.270. Appellant finds ORS 14.270 to be in violation of the Federal Constitution. However, the District Court does not accept the illegality of 14.270 as true. The Appellate Court does not agree with the Plaintiff that the District Courts refusal to repeal 14.270 is, of itself, unconstitutional. Does the Supreme Court agree with the Appellant or with the decision of the lower courts that ORS 14.270 should remain and continue in its current form?

**LIST OF PARTIES**

**Peititoner,**

Ian Leonard Clark,  
12399 SE OATFIELD ROAD,  
PORTLAND,  
OREGON, 97222

**Defendant - Respondent,**

Tina Kotek,  
Office of the Governor,  
900 Court St. Ste. 254  
Salem,  
Oregon, 97301-4047

**Please note: This is a full and complete list of all the parties to this case.**

**RELATED CASES**

Clark v. Rosenblum 3:23-cv-01667-sb  
Appeal: 24-1274

Clark v. Kotek 3:24-cv-01750-jr  
Appeal: 25-721

Clark v. Bynum 3:25-cv-00291-im

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IN THE  
SUPREME COURT OF THE UNITED STATES  
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
**\***  is unpublished.

The opinion of the United States district court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
**\***  is unpublished. *\* I assume that they are unpublished.*

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

The opinion of the \_\_\_\_\_ court appears at Appendix \_\_\_\_\_ to the petition and is

reported at \_\_\_\_\_; or,  
 has been designated for publication but is not yet reported; or,  
 is unpublished.

## JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 25<sup>th</sup> FEB 2025.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 25 Feb 2025, and a copy of the order denying rehearing appears at Appendix A.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

For cases from **state courts**:

The date on which the highest state court decided my case was \_\_\_\_\_. A copy of that decision appears at Appendix \_\_\_\_\_.

A timely petition for rehearing was thereafter denied on the following date: \_\_\_\_\_, and a copy of the order denying rehearing appears at Appendix \_\_\_\_\_.

An extension of time to file the petition for a writ of certiorari was granted to and including \_\_\_\_\_ (date) on \_\_\_\_\_ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

**\*ORS 14.270.** The Appellant has written much to the lower courts on this matter of ORS 14.270. The Appellant trusts that the Judges at the Marble Palace have sufficient integrity to repeal those parts of the statute that create conditions of unconstitutionality, in Oregon. The continuing operation of ORS 14.270 creates a *de facto* judicial-dictatorship. This state of affairs is obtained by excluding Oregon's residents from the protections of the Federal Constitution's Fourteenth Amendment, specifically the right to Due Process and Equal Protection. These rights do not exist in Oregon and have not since 1969.

## STATEMENT OF THE CASE

### 1.

The Court of Appeals (9<sup>th</sup> Circ.) did not agree to relieve the People of Oregon of the illegal, statutory provisions contained in the language of ORS 14.270. There is no reason given, directly, by the Appellate Court, but for the comment that it used particular case-law to reach its erroneous decision. This case is, *Bauman v U.S Dist. Court*, 557 F.2d 650 (9<sup>th</sup> Circ. 1977). However, there is nothing in the reading of *Bauman* that excuses the current form of ORS 14.270, or renders ORS 14.270 a legal statute that conforms with the U.S. Constitution. No matter which case is used, there is no disputing the fact that the continuing operation of ORS 14.270 is an extraordinary and unnatural situation, which requires an urgent remedy.

### 2.

In its decision, the Ninth Circuit wrote that the Appellant did not demonstrate, “indisputable right to the extraordinary remedy of mandamus *In re Mersho*, 6 F.4th 891, 897 (9th Circuit, 2021). The Court noted that, “[t]o determine whether a writ of mandamus should be granted, we weigh the five factors outlined in *Bauman v United States District Court*, 557, F.2d, 650 (9th Cir. 1977).

### 3.

The case text of *Bauman* includes a review of Supreme Court and recent Ninth Circuit cases pertaining to the appellate use of Writs (<https://casetext.com/case/bauman-v-us-dist-court>). The review discloses the five guiding principles, which the Appellate Court mentioned in the dismissal order:

- (1) The party seeking the writ has no other adequate means, such as a direct appeal, to attain the relief he or she desires. *Kerr v. United States District Court, supra*, 426 U.S. at 403, 96 S.Ct. 2119; *Roche v. Evaporated Milk Ass'n*, 319 U.S. 21, 26, 27-29, 63 S.Ct. 938, 87 L.Ed. 1185 (1943); *Arthur Young Co. v. United States District Court, supra*, 549 F.2d at 691-692; *American Fid. Fire Ins. Co. v. United States District Court*, 538 F.2d 1371, 1374 (9th Cir. 1976); *Pan American World Airways, Inc. v. United States District*

*Court*, 523 F.2d 1073, 1076 (9th Cir. 1975); *Kerr v. United States District Court, supra*, 511 F.2d at 196; *Belfer v. Pence*, 435 F.2d 121, 123 (9th Cir. 1970).

(2) The petitioner will be damaged or prejudiced in a way not correctable on appeal.

(This guideline is closely related to the first.) *Arthur Young Co. v. United States District Court, supra*, 549 F.2d at 691-692; *Pan American World Airways, Inc. v. United States District Court, supra*, 523 F.2d at 1076; *Kerr v. United States District Court, supra*, 511 F.2d at 196; *Belfer v. Pence, supra*, 435 F.2d at 123.

(3) The district court's order is clearly erroneous as a matter of law. *Arthur Young Co. v. United States District Court, supra*, 549 F.2d at 691-692, 692-697; *Hartland v. Alaska Airlines*, 544 F.2d 992 (9th Cir. 1976); *Green v. Occidental Petroleum Corp.*, 541 F.2d 1335 (9th Cir. 1976); *Commercial Lighting Products, Inc. v. United States District Court*, 537 F.2d 1078, 1079 (9th Cir. 1976); *Pan American World Airways, Inc. v. United States District Court, supra*, 523 F.2d at 1076, 1077-81; *McDonnell Douglas Corp. v. United States District Court*, 523 F.2d 1083 (9th Cir. 1975), *cert. denied*, 425 U.S. 911, 96 S.Ct. 1506, 47 L.Ed.2d 761 (1976); *Kerr v. United States District Court, supra*, 511 F.2d at 196.

(4) The district court's order is an oft-repeated error, or manifests a persistent disregard of the federal rules. *LaBuy v. Howes Leather Co., supra*, 352 U.S. at 255-60, 77 S.Ct. 309; *McDonnell Douglas Corp. v. United States District Court, supra*, 523 F.2d at 1087.

(5) The district court's order raises new and important problems, or issues of law of first impression. *Schlagenhauf v. Holder*, 379 U.S. 104, 111, 85 S.Ct. 234, 13 L.Ed.2d 152 (1964); *Pan American World Airways, Inc. v. United States District Court, supra*, 523 F.2d at 1076.

4.

The 5-part standard is entirely consonant with the Appellant's situation at the District Court. There can be no doubt, in the minds of law-abiding people, that the District Court should be directed to act on the Appellant's behalf, and on the behalf of the People of Oregon.

5.

5.

The remedy of mandamus is a drastic one, to be involved only in extraordinary situations. *Will v. United States*, 389 U.S. 90, 95 [88 S.Ct. 269, 273, 19 L.Ed.2d 305] (1967); *Banker's Life Cas. Co. v. Holland*, 346 U.S. 379, 382-385 [74 S.Ct. 145, 147-149, 98 L.Ed. 106] (1953); *Ex parte Fahey*, 332 U.S. 258, 259, [67 S.Ct. 1558, 1559, 91 L.Ed. 2041] (1947). As we have observed, the writ "has traditionally been used in the federal courts only to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so." *Will v. United States*, 389 U.S., at 95, [88 S.Ct. [269], at 273] quoting *Roche v. Evaporated Milk Assn.*, 319 U.S. 21, 26 [63 S.Ct. 938, 941, 87 L.Ed. 1185] (1943). And, while we have not limited the use of mandamus by an unduly narrow and technical understanding of what constitutes a matter of "jurisdiction," *Will v. United States*, 389 U.S., at 95, [88 S.Ct. [269], at 273] the fact still remains that "only exceptional circumstances amounting to a judicial 'usurpation of power' will justify the invocation of this extraordinary remedy." *Ibid.*

6.

The Court of Appeals does not elaborate on why the situation at the trial court should be ignored, supported and encouraged. There can be nothing more outrageous than a system that conspires to sustain a system of egregious corruption upon the People, such as found so blatantly in the continuing operation of ORS 14.270.

**WHEREFORE**, The Appellant respectfully requests the Supreme Court to direct the District Court, at Portland, Oregon, to: (a) certify the Appellant's Class Action Complaint, and; (b) repeal the current version of ORS 14.270 and replace it with the original version, as it was signed into law, in 1955.

Signed  Ian Clark

Date 10<sup>th</sup> March 2025

5035938483  
ianclark01@gmail.com

6.

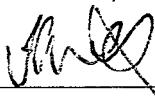
### **REASONS FOR GRANTING PETITION**

The reason to grant the Appellant's Petition is that to do so restores the People of Oregon's Constitutional protections.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Ian Clark

Date: 10 MARCH 2025