



No.25-5725  
IN THE SUPREME COURT OF THE UNITED STATES

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DAVID C. WHITE Petitioner P  
Vs.

Scott Ashford, (R1) in his personal capacity, Jeff Nason (R2) in his  
personal capacity, Philip Mote (R3) in his personal capacity,  
Edward Feser, (R4) in his personal capacity and his official  
capacity of Provost of Oregon State University

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On Petition for Rehearing of Docket 25-5725 by Rule 44

Extraordinary Writ of Prohibition, Mandamus by Rule 20.

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Respondent's Counsel of record

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## SUMMARY

Under Rule 55 there are only four legitimate reasons for denying a Writ of Certiorari:

1. Writ formatted wrong.
2. Writ doesn't prove the case.
3. Writ contains erroneous factual findings or the misapplication of a properly stated rule of law.
4. The petitioner contends not that the lower court interpreted the law incorrectly, but that the court simply applied the law wrongly to the facts of that case.

None of 1-4 are applicable. The Writ filed in the instant docket is formatted correctly, addressing numerous legal constitutional and federal law questions, which are referenced in the statement of the case. The Writ presents factual findings of federal laws violated by Respondents. The lower court is clearly biased against Pro Se litigant by dismissing the case. In addition to the absence of the four disqualifying factors, three qualifying factors must be present before the U.S. Supreme Court will review a state court decision:

1. A substantial federal question must be present. Must be a real question.
2. The federal question must be crucial to the decision.
3. The losing party must have exhausted all state remedies.

These three factors are made abundantly clear and factual in this Request to prove that the Writ meets all of the criteria for acceptance. Of primary importance is the fact that Respondents are in default and have thereby

1  
2 abandoned their case. For that reason alone, there can be no legally  
3  
4 defensible reason for denying the Writ.  
5

6  
7 [https://legalknowledgebase.com/why-would-the-supreme-court-reject-a-](https://legalknowledgebase.com/why-would-the-supreme-court-reject-a-writ-of-certiorari-)  
8 [writ-of-certiorari-](https://legalknowledgebase.com/why-would-the-supreme-court-reject-a-writ-of-certiorari-)  
9

## 10 **GROUND**

11  
12 In this Petition for Rehearing by Rule 44, Petitioner states the grounds  
13  
14 briefly and distinctly. Petitioner begs the U.S. Supreme Court for  
15  
16 Rehearing on the merits of 25-5725. This petition is presented in good  
17  
18 faith in the U.S. Supreme Court and not for delay.  
19

20 Of first importance in granting the Rehearing is the fact that Respondents  
21  
22 are in default and Constitutional procedural considerations governing that  
23  
24 default have been ignored. Reinforcing procedural considerations, are a  
25  
26 plethora of violations related to refusal to abide by the well-established  
27  
28 scientific method.  
29

### 30 **A. Procedural Grounds**

#### 31 32 1. Affirmative Action Violations

33  
34 In the first place, Rehearing is requested, with all due respect, because  
35  
36 failure to grant this Writ constitutes violation of the U.S. Supreme Court 20-  
37  
38 1199 Harvard Students vs Harvard College case law precedent for  
39  
40 Affirmative Action.

1  
2 [https://www.supremecourt.gov/opinions/22pdf/20-1199\\_hgdj.pdf](https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf)

3  
4 The Court held that Affirmative Action is reverse discrimination. For two  
5  
6 years, Petitioner paid \$100 to apply to finish his PhD, needing only 22  
7  
8 Credits.

9  
10 However, each year Petitioner and virtually all other potential in-state grad  
11  
12 students were denied. Instead, the Oregon State University (OSU)  
13  
14 Environmental Engineering department gave almost all graduate student  
15  
16 positions to foreign persons of color. Petitioner is not prejudiced, just  
17  
18 stating a fact for the record; that preference was given to out-of-country  
19  
20 students because they pay much more than an in-state student. By  
21  
22 dismissing the case, the biased judge denied Petitioner his request for  
23  
24 discovery to prove this fact. Each year OSU Respondents confessed to  
25  
26 Petitioner that he was denied because of his positions on Affirmative Action  
27  
28 and DEI, the latter being a subset of Affirmative Action.

## 29 30 2. Default Violations

31  
32 Respondents are *prima facie* in default based on the timeline established  
33  
34 by Rule 55 when they were duly served the Writ.

35  
36 The legal irregularity of this dismissal is the main reason this Petition for  
37  
38 Rehearing by Rule 44 is filed in this docket.

39  
40 With all due respect, the Court has failed to follow Federal rules regarding

1 the strength and legal weight of a default judgment and the conditions for  
2 overturning it. The Supreme Court is bound to these rules by Article VI of  
3 the U.S. Constitution, which requires that "This Constitution, and the Laws  
4 of the United States which shall be made in Pursuance thereof; shall be  
5 The supreme Law of the Land; and all executive and judicial Officers, both  
6 of the United States and of the several States, shall be bound by Oath or  
7 Affirmation, to support this Constitution;" Surely, failure of the court system  
8 To uphold these federal laws "made in pursuance thereof" is a lapse of  
9 "good behavior" required by Article III.

10 The lower court judges deserve disqualification by 28 U.S. Code § 455.

11  
12 Only the U.S. Supreme Court can correct this tragedy by granting this Writ.

13  
14 As this Writ ably demonstrates, lower court judges who dismiss a case

15  
16 when the Defense abandons its argument by default are guilty of

17  
18 Misprision of Felony by 18 U.S.C. 4. They have been informed of an

19  
20 alleged crime – admitted by abandonment -- but then fail to investigate or

21  
22 adjudicate it, by ignoring due process of law.

1 How can the U.S. Supreme Court discipline notorious, longstanding  
2  
3 offenses in the 9<sup>th</sup> Circuit Court of Appeals if it, in effect, is on the verge of  
4  
5 committing the same offense.  
6

### 7 *Strength and Legal Weight of Default Judgment*

8 According to Rule 55 – made in pursuance to the U.S. Constitution -- a  
9  
10 default judgment is a final, legally binding decision. It resolves all  
11  
12 questions of liability presented in the initial complaint.  
13

14 The winning party (Petitioner) can take action to collect on the judgment,  
15  
16 which may include, for example, wage garnishment, bank account levies,  
17  
18 or property liens. Plaintiff has presented an overwhelming *quantum* of  
19  
20 admissible evidence that justifies the relief requested, in the Writ filed  
21  
22 based on the merits, as demonstrated below.

23  
24 Moreover, Defendants voluntarily confessed their guilt in use of illegal  
25

1 Affirmative Action and DEI criteria both verbally and in their use of an  
2  
3 Assessment Instrument. The confession is considered the "most  
4  
5 reasonable evidence" because a person would not admit guilt if it were not  
6  
7 true. How is justice served by such a dismissal, which results in  
8  
9  
10 Misprision of Felony by 18 U.S.C. 4, when the alleged crimes are  
11  
12 confessed and defense has abandoned its arguments by default, but then  
13  
14 due process of law is denied to Plaintiff?

15 **Conditions for Overturning Default Judgment**

16  
17 Moreover, the conditions for overturning a default judgment by Rule 55  
18 have not been met. Dismissal requires the defaulting party to actively file  
19 a motion to set it aside. (FRCP 60) No such motion has been filed by the  
20  
21 defaulting party. They have abandoned their argument by failure to  
22  
23 appear, and the Court therefore, with all due respect, has no authority to  
24  
25 deny this Writ under the Constitution.



1

2 It is this very practice of arbitrary and subjective, judicial discretion –

3

4 resulting in Misprision of Felony by 18 U.S.C. 4 -- that has frustrated U.S.

5

6 Citizens in the 9<sup>th</sup> Circuit Court of Appeals for decades. How can the Court

7

8 discipline renegade judges in the 9<sup>th</sup> Circuit if it is culpable of the very same

9

10 trespass?

11 Such a motion to overturn a default judgment requires the defaulting party

12

13 to demonstrate Good Cause or some reasonable excuse for failing to file a

14

15 timely answer or appear in court, such as improper service of process, a

16

17 medical emergency, fraud, or a legitimate mistake. In addition, the



1  
2 defaulting party must show a valid, justifiable reason or Meritorious

3  
4 Defense for their claims. This means that the outcome of the case might

5  
6 be different if they were allowed to present their side, as demonstrated by

7  
8 an affidavit or sworn statement outlining the facts of their defense. But

9  
10 again, no such pleading was provided in a prompt or timely manner.

11 **B. Scientific Grounds**

12  
13 On top of the procedural irregularities, the environmental science book

14  
15 taught at OSU for sophomore college students is an agenda-driven,

16  
17 copyright violation of Welty, Wicks and Wilson Chemical Engineering book

18  
19 called Momentum Heat and Mass Transfer. The chapters in the book they

20  
21 use appear in the filed Writ and match the chapters in the original Chemical

22  
23 Engineering book. They simply changed the cover title to include the

24  
25 words "and Environmental Science," when the book has nothing to do with

1  
2 man's interaction with the environment. This appears to be a deliberate  
3  
4 attempt to disguise the definition of environmental science to avoid  
5  
6 classroom discussion and debate about the UN's politically motivated  
7  
8 climate change propaganda.  
9

10 By contrast, Petitioner's published college and high school textbooks  
11  
12 for Environmental Science deal forthrightly and accurately with man's  
13  
14 interaction with the environment. The necessary implication is that OSU  
15  
16  
17 is misrepresenting the content of the program, making Respondents  
18  
19 guilty of several felonies, not the least of which is violation of U.S. Code:  
20  
21 Title 17 copyright law.  
22

23 OSU's Title 17 copyright law respondents are guilty of using a copyrighted  
24  
25 plagiarized textbook which is violation by Title 17 copyright law.  
26

27 Petitioner leads a team of 35 Professors at Universities who participate in  
28  
29 the Expert and Government Review of the Intergovernmental Panel on  
30  
31 Climate Change (IPCC) reports for the Global Change Group  
32  
33 (globalchange.gov) of the National Academy of Sciences. The Global  
34  
35 Change Group was shut down.  
36

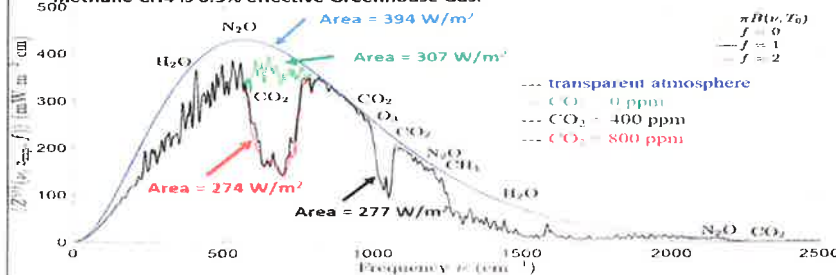
37 As an example, when IPCC Chief Jim Skea, claimed we need to lower  
38  
39 carbon dioxide by 45% by 2030 he was basing that statement on a  
40

1 paragraph buried on page 95 in the SR 1.5 report. That paragraph has no  
2 supporting, references, meaning the 45% figure is completely made up.  
3  
4 Our watchdog team forced them to move it to page 6 of the AR6 report,  
5  
6 paragraph b.1.3. See Petitioner's college textbook page on  
7  
8 <https://cctruth.org> for a link to AR6. Also the IPCC probability of lowering  
9  
10 CO2 by working on emissions of CO2 is 66%. Petitioner begs the question;  
11  
12 would anyone take their auto to a mechanic who said they could fix it every  
13  
14 time?  
15

16  
17 In addition, for working group 1 for SR 1.5 we found the Global Warming  
18  
19 Potential Model was fake. It was not benchmarked with the data in Annex  
20  
21 Two (Appendix Two). In annex two our watchdog team found 14 published  
22  
23 manuscripts where water vapor is the largest Greenhouse gas, then N2O  
24  
25 then CO2 at 9% effect and methane at 0.3 % effect. Moreover, the fake  
26  
27 model assumes equal concentrations of greenhouse gases which is a  
28  
29 complete misrepresentation. For example, carbon dioxide is 219 times  
30  
31 more concentrated than methane. Also, they ignore the obvious cure for  
32  
33 any carbon dioxide imbalance that has been taught in every college  
34  
35 chemistry and physics class since the 1940's:  
36  
37 Plank Schwarzschild Curve  
38

## Plank Schwarzschild Curve

Thermal radiation to space from the Earth, with a surface temperature of 15.5 C and with greenhouse gases is the area under the jagged black "Schwarzschild" curve. This is only about 70% of what it would be without greenhouse gases, the area under the smooth blue "Planck" curve. The Sun heats the Earth and greenhouse gases hinder the cooling. H<sub>2</sub>O water vapor is the 89% effect greenhouse gas followed by CO<sub>2</sub> carbon dioxide is 8.9% greenhouse effect and methane CH<sub>4</sub> is 0.3% effective Greenhouse Gas.



**Max Planck**  
1858-1947



**Karl Schwarzschild**  
1873-1916

The United Nations has 20 "Emissions gap" scientists who are supposed to review the IPCC reports.

However, all they review is the Summary for Policy Makers which has nothing to do with the body of the report, but instead simply confirms what the United Nations wants to hear that matches their false agenda. This has been thoroughly debunked at Cctruth.org Climate Change has by scientists who are not on the government payroll.

## The Relief Sought

Petitioner prays the Court to Rehear this case by Rule 44 because

Respondents violated copyright law to misrepresent program content and practiced illegal affirmative action in student selection criteria to achieve unjust enrichment.

1 Petitioner prays for two judicial signatures certifying to the Washington  
2  
3 County recorder that an illegal Lis Pendens has been removed from his  
4  
5 home.

6  
7 Having been denied the OSU graduate program, Petitioner, applied to  
8  
9 finish his PhD at an out of state University and was accepted. Petitioner  
10  
11 was scheduled to move there by mid-August, 2025, but was prevented  
12  
13 from doing so, because all lower court judges can't take the one minute  
14  
15 required to provide two signed documents certifying that the illegal Lis  
16  
17 Pendens is removed from Petitioner's home title. Would you be so kind as  
18  
19 to sign those two documents in the Writ Appendix please.

20  
21  
22 **Conclusion**

23  
24 In conclusion, for the above reasons, this rehearing should be granted and  
25  
26 the relief sought except number seven in the writ should be granted.  
27

28 

29 Certified by David C. White

30  
31 November 28<sup>th</sup> 2025.

32  
33  
34 **CERTIFICATE OF SERVICE**

35  
36 I hereby certify that on 11/28/2025, a true and correct copy of the  
37

1 above document shipped filed with the Clerk of the Supreme Court  
2  
3 using Fedex. A copy of the document will be served upon interested  
4  
5 parties via email by ORCP 9 C 3. FRCP 4 defaults to state service  
6  
7 rules.  
8

9 Miller Nash LLP  
10 1140 SW Washington St, Ste 700, Portland, OR 97205  
11 Direct: 503.205.2330  
12  
13

14 Additionally, a courtesy copy is being provided as follows:  
15 Also emailed to defendants by email service of  
16 thelawisyourattorney.com to mike.porter@millernash.com  
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18 Via hand delivery  
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21 XX Via Overnight Delivery  
22 Via Facsimile  
23 XX Via Email  
24 Via CM/ECF notification  
25 to the extent registered DATED: 11/28/2025  
26 By: David White

27 

28 David White Pro Se 11/28/2025  
29  
30