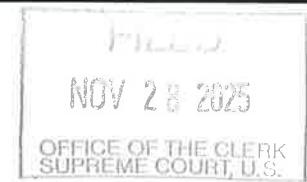


26



No.25-5725

IN THE SUPREME COURT OF THE UNITED STATES

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

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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 abandoned their case. For that reason alone, there can be no legally  
2  
3 defensible reason for denying the Writ.  
4  
5  
6

7 <https://legalknowledgebase.com/why-would-the-supreme-court-reject-a->  
8 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 On top of the procedural irregularities, the environmental science book  
13 taught at OSU for sophomore college students is an agenda-driven,  
14 copyright violation of Welty, Wicks and Wilson Chemical Engineering book  
15 called Momentum Heat and Mass Transfer. The chapters in the book they  
16 use appear in the filed Writ and match the chapters in the original Chemical  
17 Engineering book. They simply changed the cover title to include the  
18 words “and Environmental Science,” when the book has nothing to do with  
19  
20  
21  
22  
23  
24  
25

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

8  
9 By contrast, Petitioner's published college and high school textbooks  
10 for Environmental Science deal forthrightly and accurately with man's  
11  
12 interaction with the environment. The necessary implication is that OSU  
13  
14 is misrepresenting the content of the program, making Respondents  
15  
16 guilty of several felonies, not the least of which is violation of U.S. Code:  
17 Title 17 copyright law.

18  
19 OSU's Title 17 copyright law respondents are guilty of using a copyrighted  
20  
21 plagiarized textbook which is violation by Title 17 copyright law.

22  
23 Petitioner leads a team of 35 Professors at Universities who participate in  
24  
25 the Expert and Government Review of the Intergovernmental Panel on  
26  
27 Climate Change (IPCC) reports for the Global Change Group  
28  
29 (globalchange.gov) of the National Academy of Sciences. The Global  
30  
31 Change Group was shut down.

32  
33 As an example, when IPCC Chief Jim Skea, claimed we need to lower  
34  
35 carbon dioxide by 45% by 2030 he was basing that statement on a

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 In addition, for working group 1 for SR 1.5 we found the Global Warming  
16

17 Potential Model was fake. It was not benchmarked with the data in Annex  
18

19 Two (Appendix Two). In annex two our watchdog team found 14 published  
20

21 manuscripts where water vapor is the largest Greenhouse gas, then N2O  
22

23 then CO2 at 9% effect and methane at 0.3 % effect. Moreover, the fake  
24

25 model assumes equal concentrations of greenhouse gases which is a  
26

27 complete misrepresentation. For example, carbon dioxide is 219 times  
28

29 more concentrated than methane. Also, they ignore the obvious cure for  
30

31 any carbon dioxide imbalance that has been taught in every college  
32

33 chemistry and physics class since the 1940's:  
34

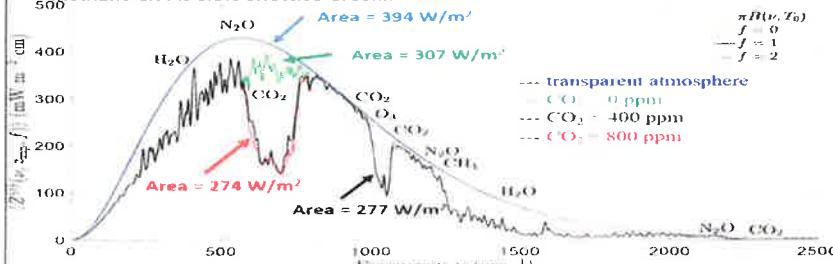
35 Plank Schwarzschild Curve  
36

37

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. H2O water vapor is the 89% effect greenhouse gas followed by CO2 carbon dioxide is 8.9% greenhouse effect and methane CH4 is 0.3% effective Greenhouse Gas.



Max Planck  
1858-1947



Karl Schwarzschild  
1873-1916

1

2

3

4 The United Nations has 20 "Emissions gap" scientists who are supposed to  
5  
6 review the IPCC reports.

7

8 However, all they review is the Summary for Policy Makers which has  
9  
10 nothing to do with the body of the report, but instead simply confirms what  
11  
12 the United Nations wants to hear that matches their false agenda. This has  
13  
14 been thoroughly debunked at Cctruth.org Climate Change has by  
15  
16 scientists who are not on the government payroll.

17

18

## The Relief Sought

19

20 Petitioner prays the Court to Rehear this case by Rule 44 because  
21  
22 Respondents violated copyright law to misrepresent program content and  
23  
24 practiced illegal affirmative action in student selection criteria to achieve  
25  
26 unjust enrichment.

27

28

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   
30  
31  
32  
33  
34  
35  
36  
37

Certified by David C. White

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

CERTIFICATE OF SERVICE

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

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

17  
18       Via hand delivery  
19       Via U.S. Mail, 1st Class,  
20 Postage Prepaid  
21 XX Via Overnight Delivery  
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23 XX Via Email  
24 Via CM/ECF notification  
25 to the extent registered DATED: 11/28/2025  
26 By: David White

27  
28         
29       David White Pro Se 11/28/2025  
30