

No. 25-5808

FILED

IN THE SUPREME COURT OF THE UNITED STATES

SEP 29 2025

OFFICE OF THE CLERK
SUPREME COURT, U.S.

DAVID C. WHITE Petitioner

V.

Respondents

FERC Chairman Willie L. Phillips, R1, Commissioner Mark Christie
R2, Commissioner David Rosner R3, Commissioner Lindsay S. See R4
Commissioner Judy W. Chang R5

On Petition for an Extraordinary Writ of Prohibition, Mandamus by
Rule

20 to the United States Federal, Court the Ninth Circuit Docket 24-
5811

Extraordinary Writ of Prohibition, Mandamus by Rule 20.

Respondents Counsel of Record

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Petitioner David C. White

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1
2 **QUESTIONS[S] PRESENTED FOR REVIEW**

3 Q(x)

- 4 1. Shall any hydroelectric dam be removed in the United States without
5 express consent of Congress, when the simple, scientific solution is
6 dam maintenance to include dredging to remove contaminated silt,
7 heat-scrubbing toxins, installing or repairing fish ladders, and
8 retrofitting for earthquake if needed?
9
- 10 2. Shall U.S. Courts persist in extreme bias against pro se or any litigant,
11 contrary to Loper Bright, especially in use of Administrative Law to
12 nullify Federal Law for Summary Judgment, by dismissing a case as
13 frivolous when defense fails to Appear, in collusion for obstruction of
14 justice?
15
- 16 3. Shall a judge who dismisses a case when Defense fails to Appear be
17 guilty of Misprision of Felony, having reviewed the felonies admitted by
18 abandonment of the Defense, and then doing nothing to adjudicate
19 them, in defiance of Loper Bright?
20
- 21 4. Shall the Circuit Court of Appeals violate its protocol for selecting a
22 unique panel of judges for each case tried when a litigant has
23 simultaneously presented two or more unique cases for review?
24
- 25 5. Shall "good behavior" in Article III, Section 1 be defined in part by
26 compliance with Federal Rules, Federal Laws and the U.S. Constitution
27 itself.
28
- 29 6. Shall the Circuit Court of Appeals refer a PETITION FOR
30 RECONSIDERATION OF DISPOSITIVE ORDER to the same panel of
31 judges whose extreme bias in dismissing that very case is being
32 challenged by pro se, or any litigants?
33
- 34 7. Shall any Court dismiss a Complaint as frivolous when Defendants are
35 in default by the 21+1 day FRCP rule or have otherwise made public
36 confession of a crime such as killing hundreds of endangered fish?
37
38

1 8. Shall pseudo-scientists in an East Coast Agency be denied extra-
2 Congressional authority to order vandalism of West Coast dams (2008
3 Bi-Op), contrary to the opposition of West Coast scientists and local
4 stakeholders?
5

6 10. Shall judges in the Ninth Circuit persist in violation of Loper Bright, thus
7 denying citizens 14th Amendment equal protection under the law,
8 compared to citizens in other jurisdictions such as the Tenth Circuit, which
9 comply with Loper Bright, per their home page?
10

11 11. Shall a ruling of "frivolous" be rendered only after a thorough
12 investigation of case facts, rather than subjective Judicial Discretion.
13

14 12. If a case is found to be frivolous after thorough investigation, shall the
15 accuser be subject to the same penalty that he attempted to inflict on the
16 accused?
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TABLE OF AUTHORITIES

Court Cases:

- 13) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): 12.
14) 22–451 June 28th, 2024 Federal Case number 22–451 in Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce that all courts shall no longer function as administrative law courts.
https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf 10, 11, 12., 14, 17, 23, 28.

Federal Law:

- 1) 18 USC 3 accessory after the fact 9, 13, 30.
2) 16 USCA § 1532(19); 9, 11.
3) 18 U.S. Code § 41. 9, 11.
4) The Endangered Species Act of 1973.
<https://www.fws.gov/laws/endangered-species-act/section-11>.....9, 11.
5) 18 U.S.C. § 1001 False Statements, Concealment....9, 11, 23...
6) 29 CFR § 1606.8 (1) – Harassment. 9, 11.
7) 28 U.S. Code § 4101 Defamation 9, 11, 28.

1
2 9) 33 U.S.C. §1251 Clean Water Act, Section 404. 9, 11.

3
4 10) [https://www.uscourts.gov/judges-judgeships/code-conduct-united-](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges)
5 [states-judges](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges) . 15, 22, 23, 28.

6
7 11) 28 U.S. Code § 455 (b), (1) 9, 11, 30.

8
9 13) 18 U.S.C. 4: Misprision of Felony 23.

10
11 15) 8 U.S.C. 4.

12
13 **Constitutional Provisions:**

14
15 8) Article III of U.S. Constitution, Section 1. 30, 31.

16
17 Article VI, Section 2 of U.S. Constitution.

18 Amendment V of the U.S. Constitution.

19 Amendment XIV of the U.S. Constitution.

20
21 **(Table of Authorities Ends)**

22
23
24 IN THE SUPREME COURT OF THE UNITED STATES

25
26 Extraordinary Writ of Prohibition, Mandamus by Rule 20.

27
28 Petitioner respectfully prays that an Extraordinary Writ to review the

29
30 judgement below be granted.

31
32 **OPINIONS BELOW**

33
34 **ORDER FILED.** (Sidney R. THOMAS, Jay S. BYBEE, Daniel P. COL

35 Upon a review of the record, the response to the court's
36 October 11, conclude this appeal is frivolous. We
37 therefore deny appellant's motion Entry No. 5), see 28
38 U.S.C. § 1915(a), and dismiss this appeal as frivolous
39 (court shall dismiss case at any time, if court determines

1 it is frivolous entertained in this closed case. DISMISSED.
2 [Entered: 11/20/2024
3
4

09/17/2024	10	<p>ORDER FILED. Michael McShane</p> <p>To the extent Plaintiff seeks to challenge the final dismissal in 3:24-cv-00755-JR, the federal rules preclude it. And to the extent Plaintiff seeks to challenge the licensing decision made by FERC regarding the Klamath Hydroelectric Project, this Court lacks jurisdiction. For these reasons, the Court cannot grant Plaintiff's request to proceed IFP. The Application, ECF No. 2, is DENIED. Plaintiff's Complaint, ECF No. 1, is DISMISSED with prejudice and without leave to amend. Any outstanding motions are DENIED as moot.</p> <p>IT IS SO ORDERED.</p> <p>DATED this 17th day of September, 2024.</p> <p>s/Michael J. McShane Michael McShane United States District Judge</p>
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5
6
7
8 **JURISDICTION**
9

10 Date of order to review is 11/20/2024 in Docket 24-5811. Basis for
11
12 Jurisdiction for this case is a federal environmental question. An
13
14 environmental disaster in the Klamath Basin has resulted from
15
16 Respondent's licensee, Klamath River Renewal Corporation's (KRRC)
17
18 willful destruction of the environment in violation of known stipulations and
19
20 restrictions of the FERC license. FERC cherry-picked data, ignoring an
21
22 approximate 80% public vote opinion poll and adamant public testimony
23

1 against illegal dam removal by 20).

2
3 Therefore, Respondents illegally gave KRRC a license to remove Klamath
4
5 River dams by the now obsolete Chevron Doctrine (back to 2005 by Loper
6
7 Bright). This makes Respondents guilty of KRRC's alleged crimes by
8
9 Accessory after the Fact 1).

10
11 Additional violations are: 18 USC 3, 16 USCA § 1532, 2) 18 U.S. Code §
12
13 41 3), Item 3 below, The Endangered Species Act of 1973, 4), 18 U.S.C. §
14
15 1001, 5), 18 USC 3, 29 CFR § 1606.8, 6), 28 U.S. Code § 4101,
16
17 7) 33 U.S.C. §1251, 9), 18 U.S.C. 1743, 28 U.S. Code § 455 (b), (1) and
18
19 FRCP 16.

20
21 This Court has jurisdiction, over the subject matter of this Complaint,
22
23 because the illegal and unlawful actions of KRRC are violated Federal
24
25 Law, to include the Wild and Scenic Rivers Act, PL 90-542, the Clean
26
27 Water Act, and the Commerce Clause of the U.S. Constitution. The
28
29 Respondents are complicit in these statutory violations by negligently
30
31 providing KRRC with its license.

32
33 **CONSTITUTIONAL AND OTHER**
34 **LEGAL REASONS FOR ALLOWANCE OF THIS WRIT**
35

36 Allowance for this Writ is necessary -- indeed essential for survival of a
37
38 free people -- due to universal flaunting of the Supreme Court's Roper,
39

1 Bright, Enterprise landmark decision of June 28, 2024 among judges of
2
3 the Ninth Circuit Court of Appeals. The questions posed for review are
4
5 not isolated incidents, but are violations ingrained in the culture and daily
6
7 routine of the Ninth Circuit judges. The violations strike at the very heart
8
9 of a just legal System and have frustrated citizens for decades. See
10
11 Q(2). In five unique, substantive lawsuits filed by Petitioner during 2024,
12
13 the same illegal stratagem for dismissal was executed by corporate
14
15 defense attorneys and the Court, in what seems to be a set of unwritten
16
17 "insider rules." Statistically, that means the injustice is systemic throughout
18
19 the entire Ninth Circuit. This case is but one example, which presents a
20
21 unique opportunity for reform. In the instant case the process unfolded
22
23 as follows:

24
25 1. To set the stage, Defendant refused to appear in the case during the
26 21+1 days of time allotted. Why would a rational person do that unless
27 aware that they are shielded by some unspoken, insider, protection
28 stratagem. See Q(7).

29
30 2. Plaintiff then filed for Summary Judgment by 10) after 21 plus 1 days,
31 per Federal Rules of Court Procedure FRCP 12.

32
33 3. With astonishing bias, the judge then declared the violations
34 frivolous and dismissed them by local Administrative Law, leaving
35 allegations of federal crimes committed un-investigated and un-
36 adjudicated. See Q(3).

37
38 How long will we tolerate such distortions of justice to prevail under the

1
2 guise of Judicial Immunity? See Q(8). As in a family, it does no good to
3
4 lay down a rule if it is not subsequently enforced.

5
6 Specifically:

7
8 **1. Federal Court in Portland, Oregon Systemic Denial of Due Process of Law:**

9
10 **STATEMENT OF THE CASE**

11
12 **Flaunting of Loper Bright Enterprises Landmark Decision**

13
14 Acceptance of this Writ is necessary -- indeed essential for survival of a
15
16 free nation -- due to universal flaunting of the Supreme Court's Loper,
17
18 Bright, Enterprises landmark decision of June 28, 2024 by 1) among
19
20 judges of the Ninth Circuit Court of Appeals. See Q(2). The judicial
21
22 process unfolded according to procedural rules known only to "court
23
24 insiders," as follows:

25
26 To set the stage, Respondents refused to make any Appearance in the
27
28 federal case initiated in Portland, Oregon. Why would any rational actor
29
30 do this unless they were aware of being protected by some spoken or
31
32 unspoken stratagem of a dishonest judge? Sure enough, instead of
33
34 immediately granting Petitioner the Summary Judgment in compliance with
35
36 the 21+1 day federal rule, Petitioner was penalized by illegal dismissal
37
38 under Administrative Law. See Q(7). This is Collusion in Obstruction of
39
40 Justice, whether spoken or unspoken. See Q(2).

1 This same scenario has been played out in five unique, substantive
2
3 cases initiated by Petitioner in the past year. It's the same kind of judicial
4
5 dishonesty that has frustrated countless other litigants in the Ninth Circuit
6
7 for decades. Hundreds, if not thousands, are longing for the Supreme
8
9 Court to exercise the authority and responsibility granted by the
10
11 Constitution to dismiss judges that are not living up to Article III standards
12
13 of "good behavior." See Q(5).
14

15 On August 8th, 2024, Petitioner filed a Complaint against the
16
17 Federal Energy Regulatory Commissioners (FERC) which had unlawfully
18
19 issued Klamath River Renewal Corporation (KRRC) a license to remove
20
21 four of the dams on the lower Klamath River. This was accomplished by
22
23 cherry picking data as part of a scheme to supplant federal
24
25 environmental law 12) which assumes and by implication requires
26
27 preservation of the dams. See Q(9).

1
2 As evidence of KRRC lawbreaking, Petitioner found more than nine
3
4 violations of environmental law in the FERC licensing document itself.

5
6 Judge McShane in the case 1:24-CV-1301-MC then misconstrued or
7
8 ignored this lawful evidence to claim that Petitioner was suing FERC in
9
10 conjunction with KRRC, resulting in Petitioner's loss of the KRCC case.

11
12 This false correlation was legal duplicity and an egregious falsehood.

13
14 Respondent was simply referring to the FERC document as evidence.

15
16 Respondents were in Default by failing to respond to the Complaint.

17
18 This, even though Petitioner called and emailed to remind them and also
19
20 introduced the Complaint and Memorandum of Points Pleading which
21

1 proves FERC violated their own rules and federal law by illegal cherry-

2
3 picking data. This document was previously uploaded to this docket.

4
5 About 80% of local stakeholders didn't want the dams removed.

6
7 FERC blatantly ignored overwhelming and vociferous objections of local

8
9 stakeholders in polling and sworn testimony against removal of the dams

10
11 in both Siskiyou County, California and Klamath County, Oregon. One-

12
13 doctor stands out, who testified that his wife died due to the Chromium 6

14
15 poisoning and his steady flow of patients likewise suffering the same

16
17 symptoms. And this leads to the final unresolved issue of deadly arsenic

18
19 deposits left lining the banks of the Klamath River by FERC's

20
21 incompetent supervision of this project. This is an environmental

1
2 catastrophe more serious than the Exxon-Valdez oil spill of the last
3
4 century.

5 REASONS FOR GRANTING THE WRIT

6
7 Deadly arsenic deposits on the banks of the Klamath River must be
8
9 removed. But, the Federal Court illegally dismissed this case when
10
11 Respondents (FERC Commissioners) were in default by the 21 + 1 day
12
13 Rule and the court should have granted Summary Judgment. See Q(7). In
14
15 addition, the Federal Court did not provide the requested hearing to argue
16
17 the Complaint.

18
19 Thus, the Appeal was filed, but then three Ninth Circuit Court Justices
20
21 illegally dismissed the Appeal because they naively accepted the illegal
22
23 dismissal of the Federal Court instead of ruling on the illegal procedure.
24
25 The Federal Court judge had two Complaints pending against him at the
26
27 time in the Ninth Circuit for illegal judicial bias, violations of Judicial Code of
28
29 Conduct by 10) and illegal abuse of Administrative Law. Likewise, the three
30
31 Appeals Court Justices have similar Complaints and dockets filed in the
32
33 Ninth Circuit Court.

34
35 The Appellees abandoned these case issues by failure to make a
36

1 response to any pleading in Docket 24-5811 and Case 1:24-CV-1301-MC.

2
3 The judge's subsequent dismissal makes this a Conspiracy in Obstruction
4
5 of Justice and such judges must be held liable for Misprision of Felony.

6
7 See Q(3). To nip future problems in the bud, the Court is urged to clarify
8
9 the definition of "good behavior" to include this kind of legal chicanery and
10
11 limit Judicial Immunity to Article III courts only. See Q(5) and Q(8).

12
13 The much-abused concept of "frivolous" must be removed from the realm
14
15 of subjective Judicial Discretion and rendered only after a thorough
16
17 investigation of the facts and law. See Q(11). At that point if the
18
19 accusation is found to be frivolous, the accuser should receive the same
20
21 judgment he sought to inflict on the accused See Q(12).

22
23 To avoid future illegitimate dam removals, the Court is urged to declare the
24
25 2008 Bi-OP (Biological Opinion) null and void, based as it is on junk
26
27 science.

28 29 INTRODUCTION

30
31 This case is far from frivolous; it is a life and death matter that requires the
32
33 Court's immediate attention due to deadly arsenic deposits on the banks
34
35 of the Klamath River. It involves the Federal Energy Regulatory
36
37 Commission (FERC) Respondents who illegally cherry-picked emotional
38
39 demands of upstream stakeholders exclusively by 20) and illegally
40

1 provided Klamath River Restoration Corp. (KRRRC) (NCA9 Docket 24-5275)

2
3
4 a license to remove four dams on the Klamath River in Oregon and
5
6 California. See Q(1).
7

8 The emotional hue and cry from upstream users was, "Take out the Iron
9
10 Gate and let the river run free," but long-time resident Hoyt Johnson,
11
12 spoke reality: "They had a beautiful river and now it's just a big mud hole
13
14 all the way down."
15

16 Chemical testing of the silt behind the dams by the Department of Interior
17
18 in 2011 revealed levels of Chromium 6 and Arsenic a minimum of 40
19
20 times the EPA safe level. Having failed to perform adequate research,
21
22 and not bothering to read the chemistry test on the silt from the 2009-
23
24 2011 Department of Interior study, KRRRC released all of this
25
26 contaminated
27

28 silt at one time and without being heat-scrubbed. FERC failed to monitor
29
30 the work in progress and was oblivious to this. KRRRC washed their
31
32 hands of the damage their incompetency created by simply planting grass
33
34 in the contaminated silt, denying the scientific reality that the Arsenic does
35
36 not leach out. Consequently, we request that this Writ is increased to
37
38 \$100 million, which is needed to remove toxic silt deposits on both banks of

1
2 the Klamath River for about 200 plus river miles.

3
4 These actions are in clear violation of the Federal Endangered Species

5
6 Act and Federal Clean Water Act of the U.S. Congress. Crimes also

7
8 include voluntary confession to wanton killing of fish, including

9
10 endangered

11
12 Salmon without permits. See Q(7). This voluntary confession, containing

13
14 detailed facts about the number of fish killed that only the accused could

15
16 know, is irrefutable evidence of guilt. The confession also contained an

17
18 assertion that Defendant knew ahead of time that these fish would be

19
20 killed, making it a premeditated crime. Judge McShane clearly did not

21
22 review the record as he claimed, or he would have seen and presumably

23
24 acted on this confession. But his commitment is to Administrative rules

25
26 over federal rules as required by Loper Bright Enterprises.

27
28 Following are specific Statement of Claims:

29
30 **STATEMENT OF CLAIMS**

31
32 1. Class Action members of the Complaint are now subjected to millions

33
34 of dollars of private property damage due to future flooding, such as the

35
36 Columbus Day Storm of 1962, which resulted in about \$60 million of

37
38 uninflated dollars before the Iron Gate Dam was activated. Also, wells

1
2 drying up, loss of environmental values of recreation and tourism, and a
3
4 return to intermittent water flow in the river. A retirement village built on
5
6 one of the reservoirs has lost at least 50% of its property value.
7

8 2. The silt left deposited on the sides of the river and all estuaries
9
10 downstream (and fish), are contaminated with 40-200 times the EPA limit
11
12 for Arsenic, according to a Department of Interior study in 2011. There are
13
14 also substantial amounts of Chromium 6 in the
15
16 deposits by a 2009 Department of Interior chemistry test on the silt behind
17
18 the illegally removed dams, that FERC ignored. See Chapter 3 in this link
19
20 to the study.
21

22 [https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-](https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf)
23 [Evaluation-of-Contaminants-in-Sediments.pdf](https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf)

24
25 3. People and scientists in Western states are being forced to remove
26
27 dams due to a 2008 “ivory tower” Biological Opinion which is now in
28
29 violation of Loper Bright Enterprise cancelation of the Chevron Doctrine.
30

31 Here we have academic fish biologists on the East Coast telling the
32

33 Northwest what to do with their dams with almost no input from the West

1
2 Coast. See Q(9). This scientific nonsense has depopulated endangered

3
4 Salmon species in violation of the Clean Water Act and Wild & the Scenic

5
6 Rivers Act, while ignoring the inexpensive solution of dredging and

7
8 repairing the fish ladders. As a life-long Chemical Engineer, with Biology

9
10 and Forestry training in college, Petitioner humbly asks the Supreme

11
12 Court to declare this Biological Opinion to be null and void. See Q(1).

13
14 [https://www.nwp.usace.army.mil/Missions/Environmental-Steward-](https://www.nwp.usace.army.mil/Missions/Environmental-Stewardship/Fish/WVP-BiOP/)
15 [ship/Fish/WVP-BiOP/](https://www.nwp.usace.army.mil/Missions/Environmental-Stewardship/Fish/WVP-BiOP/)

16
17 4. About Eighty percent of residents in Klamath County, Oregon and

18
19 Siskiyou County, California (each end of the river) voted overwhelmingly

20
21 to keep the dams. This is why in February 2023 Petitioner set up a table at

22
23 the only Grocery Store in Klamath Falls and distributed 500 documents

24
25 about the need to preserve the Klamath dams. Four Hundred Ninety-Nine

26
27 People agreed and only one person disagreed. FERC, therefore, illegally

1
2 cherry-picked data, flaunting Loper Bright, to illegally give KRRC a license
3
4 to destroy the environment in the Klamath Basin. Respondents' Counsel of
5
6 Record Danielle Mechling admitted in a phone call that FERC didn't follow
7
8 their own rules for data collection. Petitioner believes this is why
9
10 Respondents have not appeared in any Court Proceeding since that time
11
12 because they know they are guilty. This, even though the Respondents
13
14 have been duly served in each case and pleading.

15
16 The 2018 baseline document for granting KRRC a license, was found to be
17
18 seriously compromised by mitigation and regulatory violations, resulting in
19
20 irreparable vandalism of federal property. See Q(9). The Supreme Court
21
22 has an obligation to prosecute and declare the 2008 Biological Opinion
23
24 null and void to prevent further damage, because the lower courts refused
25
26 to honor requests for a stop-work injunction subject to investigation.

27
28 5. Administrative Law is making a travesty of justice in the Ninth Circuit
29
30 Court of Appeals. The Court is urged to limit Judicial Immunity only to
31
32 Article III Judges. Article III, Section 1 of the U.S. Constitution grants no
33
34 such immunity to judges who fail to display "good behavior" by habitually
35
36 breaking federal law. See Q(5). The Circuit Court Complaint in Appendix
37
38 B contains this question: "have you filed a lawsuit against this Judge?"

1
2 This implies that Judicial Immunity is not absolute when a Court convenes
3
4 illegally under Administrative Law. See Q(2).
5

6 6. The FERC 2018 mitigation document is based on junk science:
7 [https://salmonprotectiondevice.com/Klamath-river-MEMORANDUM-OF-](https://salmonprotectiondevice.com/Klamath-river-MEMORANDUM-OF-POINTS-ferc.pdf)
8 [POINTS-ferc.pdf](https://salmonprotectiondevice.com/Klamath-river-MEMORANDUM-OF-POINTS-ferc.pdf)
9

10 Public testimony of Physicians in a 2017 California Water Board public
11
12 hearing confirmed levels of poisonous substance in silt behind the dams
13
14 harmful to human and animal life. This signaled the need for dredging and
15
16 heat scrubbing poisons, which was being illegally by 14) ignored. See Q(1).
17
18 Starting at page 52 of the link above please read testimony of PhD
19
20 scientists who gave the Respondent licensee's far more colorful names
21
22 than the "pseudo-scientist" label we have ascribed to them.
23

24 7. FERC illegally by their own protocols (which they violated) and by
25
26 Loper Bright 14) failed to evaluate this testimony -- in which University
27
28 Professors called the Pseudo Scientists at KRRC names unfit to publish.
29
30 Unheeded, their exhortations resulted in untold damage to man and
31
32 environment in the Klamath River basin.
33

34 [https://www.waterboards.ca.gov/waterrights/water_issues/programs/water](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)
35 [quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)
36

37 Advertising in the Klamath Falls Herald and News appears in Appendix
38
39 C. Local Stakeholders are signing up for this class action complaint.
40

End State of Claims

ARGUMENT

Rather than first dredging and heat-scrubbing on-site, KRRC --

Respondent's license holder -- released the sludge/silt all at one time, leaving Arsenic-laced silt on both banks for at least 200 river miles.

Respondent's licensee killed no less than one herd of elk, and confessed to killing more than 2000 fish, including endangered salmon. See Q(7). This confession was recorded in a publication of record (OPB) but it was ignored by the Courts, contrary to laws of evidence. This highly toxic silt now covers both sides of the riverbank. It does not leach out over time as Defendant pseudo-scientists have falsely claimed. By contrast, KRRC Appellee's license holder performed a sham test in the mouth of tributaries, claiming no poison whatsoever left in the river. KRRC, Respondent's license holder, has now attempted to cover up their crime by simply planting grass that will be eaten by unsuspecting deer & elk, eventually to be consumed, along with contaminated fish, by humans.

As a life-long Chemical Engineer, with expertise in hydrology and advanced statistics, Petitioner is warning unequivocally that both sides of the Klamath River Bank need to be scraped and heat-scrubbed to mitigate this assault

1 on both human and wildlife in the Klamath Basin. This is an EPA super-
2
3 fund level environmental catastrophe. That's why we need the Court's help
4
5 to release the \$100 million dollars, which is being denied by
6
7 scientifically naïve, lower court judges.

8
9 The reason for this extraordinary Writ by Rule 20 is the unmitigated
10
11 damage to the Klamath River Area in Southern Oregon by Respondent's
12
13 licensee. This is a clear violation of the Clean Water Act by 9). The silt on
14 the sides of the river is highly toxic with 40-200 times the EPA limit of
15
16 Arsenic, that does not leach out. Respondents are Accessary after the
17
18 Fact by 1) for laws violated by well-documented, clear and convincing
19
20 evidence. See Q(3).

21
22 The federal Judges in Ninth Circuit Court and Portland Federal Court were
23
24 never charged with Misprision of Felony for deliberately failing to
25
26 adjudicate these crimes and failing to honor a legal stop-work injunction.
27
28 See Q(3).

29
30 Public testimony warned of this disaster, by one doctor in particular who
31
32 lost his wife by Chromium 6 poisoning, and claimed to be flooded with
33
34 patients suffering the same symptoms. Respondents and their licensee
35
36 ignored these dire preliminary findings, contrary to the Scientific Method,
37
38 and "cherry-picked" data from ill-advised, upstream water users only.

39
40 The impetus behind radical dam removal in the Western states is an

1
2 illegitimate Biological Opinion (Bi-OP) in 2008, which now violates
3
4 Loper Bright's cancelation of the Chevron Doctrine. See Q(2).
5
6 Petitioners' lifelong friend, Steve Cramer of Cramer Fish Scientists, had
7
8 testified before Congress every year and received annual funding for
9
10 Salmon research. This company is the "go to" source for Salmon
11
12 Research in the Northwest since 1985. Petitioner recalls Steve being very
13
14 upset when the BI-OP didn't invite him, *the* expert to testify. Steve called
15
16 the Bi-OP "a farce!" See Q(9). These are agenda-driven, fish biologists
17
18 on the East Coast -- oblivious to the common-sense dredging option --
19
20 presuming to order radical vandalism of Northwest dams, with virtually no
21
22 input from the Northwest. This scientific nonsense has killed endangered
23
24 Salmon species, violated the Clean Water Act, and left an environmental
25
26 catastrophe in its wake on the banks of the Klamath. Meantime, self-
27
28 absorbed, upstream stakeholders are congratulated by the Oregon
29
30 Governor for sighting of a single (contaminated) salmon, after rejecting
31
32 scientific solutions that would have benefited everybody.
33
34 [https://www.nwp.usace.army.mil/Missions/Environmental-](https://www.nwp.usace.army.mil/Missions/Environmental-Stewardship/Fish/WVP-BiOP/)
35 [Stewardship/Fish/WVP-BiOP/](https://www.nwp.usace.army.mil/Missions/Environmental-Stewardship/Fish/WVP-BiOP/)
36
37 Petitioner humbly asks the Supreme Court to rescind this eccentric,

1
2 agenda-driven, bureaucratic order to vandalize and destroy fully

3
4 capitalized, public property that benefits everybody, including the fish.

5
6 See Q(1).

7
8 Ignoring these facts, the lower courts proceeded with reckless disregard

9
10 for human life and the environment, to convene under authority of illegal,

11
12 local Administrative Law to dismiss this case as frivolous. See Q(7). They

13
14 illegally denied Petitioner's urgent plea for an injunctive Restraining

15
16 Order. As the Court is well aware, under the Loper Bright Enterprises

17
18 ruling, Administrative Law is illegal and ALL courts must convene as a court

19
20 under Article III of the U.S. Constitution. By failing to do so, the lower Court

21
22
23 is criminally liable. See Q(8).

24
25 The Chevron doctrine is invalid. Therefore, the cherry-picking

26
27 data method of FERC (Respondents) was illegal and the lower court is

28
29 criminally liable for failing to adjudicate it by Loper Bright. See Q(8).

30
31 Federal and state agencies may no longer cherry pick data for their false

32
33 agenda like this glaring example of contumacy in defiance of Supreme

34
35 Court orders. Stare decisis must be vertical to the Constitution not lower

36
37 or sideways.

1
2 <https://thelawisyourattorney.com/loper-bright-enterprises/>
3
4

5 **Article VI, Section 2:**
6

7 This Constitution, and the laws of the United States which shall be
8 made in pursuance thereof; and all treaties made, or which shall be
9 made, under the authority of the United States, shall be the supreme
10 law of the land; and the judges in every state shall be bound thereby,
11 anything in the Constitution or laws of any State to the contrary
12 notwithstanding.
13

14 **Fifth Amendment:**
15

16 ... nor shall any person be subject for the same offence to be twice
17 put in jeopardy of life or limb;... nor be deprived of life, liberty, or
18 property, without due process of law;
19

20 The unjust procedure described above (1-3) makes a mockery of federal
21

22 rules, the Constitution, and Loper Bright Enterprises, denying
23

24 Plaintiff his "day in court" and due process of law by "Judicial
25

26 Discretion." See Q(1).
27

28 Local Administrative Law must no longer be allowed to violate
29

30 Federal Rules, such as the 21+1 day deadline for making an appearance.
31

32 In the instant case, the judge refused to render the required Summary
33

34 Judgment by 10) for Plaintiff and dismissed the case, after Defendant
35

36 suspiciously failed to Appear within the 21 plus 1 day deadline. See Q(7).
37

38 The Court is urged to consider a more equitable definition of Judicial
39

1 Immunity to balance judicial protection with citizen's Constitutional
2
3 rights. These rights are currently vulnerable to the demonstrably
4
5 unjust legal collusion being practiced in the Ninth Circuit, such as
6
7 that of R2 in the instant case. See Q(8).
8

9 **2. Federal Court in Portland, Oregon Systemic Denial of "Thorough**
10 **Investigation" for Frivolity:**

11
12 **English Common Law Under Alfred the Great:**

13
14 And the judges shall investigate thoroughly; and if the witness is a
15
16 false witness and he has accused his brother falsely, then you shall
17
18 do to him just as he intended to do to his brother. Thus, you shall
19
20 purge the evil from among you" (Deut. 19:18,19).
21

22 The unjust procedure described above (1-3) denies the opportunity for a
23
24 "thorough investigation" of clear and convincing evidence of federal crimes
25
26 committed prior to a determination that the case is "frivolous." See Q(2).
27
28 Introduction of frivolous cases would be severely reduced if the accuser
29
30 knew that he would be subject to the same penalty he sought to inflict on
31
32 his opponent if it was shown to be untruthful. See Q(12). Instead, the
33
34 determination of "frivolous" is based on the judge's subjective impressions
35
36 as defined by the nebulous concept of "judicial discretion." See Q(11). Is
37
38 this any different than a return to rule by "Divine Right of Kings" dressed up
39

1 in modern, judicial "trade jargon." It was for this offense that Charles I of
2
3 England was executed. A ruling of "frivolous" must no longer be permitted
4
5 until all facts, felonies and federal law are thoroughly examined in light of
6
7 federal rules, law and the U.S. Constitution. See Q(11). Otherwise, we
8
9 end up with an avalanche of frivolous dismissals, such as Petitioner has
10
11 seen in the Ninth Circuit Court on five out of five substantive cases.
12

13 **3. Federal Court in Portland, Oregon Systemic Denial of** 14 **Constitutional and Statutory Provisions Involved**

15
16 The lower court dismissals leave clear violations of the Federal Clean Air
17
18 and Federal Clean Water Acts of the U.S. Congress un-adjudicated.
19

20 Also, their contumacious refusal to forsake illegal Administrative Law has
21
22 left the confession to wanton killing of fish including endangered Salmon
23
24 without permits un-adjudicated. See Q(7). Likewise, more than one case
25
26 of entire herds of elk have been reported trapped in the pools of
27
28 quicksand created by Respondent's licensee. Local stakeholders tried in
29
30 vain to rescue these victims of FERC criminal lack of mitigation oversight.
31

32 See Q(3). Additional violations are: 18 USC 3, 16 USCA § 1532, 2) 18
33
34 U.S. Code § 41, 3) Item 3 below, The Endangered Species Act of 1973, 4),
35
36 18 U.S.C. § 1001, 5) 18 USC 3, 29 CFR § 1606.8, 6) 28 U.S. Code § 4101,
37
38 7), 33 U.S.C. §1251, 9, 18 U.S.C. 1743, 28 U.S. Code § 455 (b), (1), and
39

1 FRCP 16.

2
3 **4. Federal Court in Portland, Oregon Systemic Denial of Equal Protection of the**
4 **laws:**

5
6
7 **14th Amendment:**

8
9 No State shall make or enforce any law which shall abridge the
10 privileges or immunities of citizens of the United States; nor shall any
11 State deprive any person of life, liberty, or property, without due
12 process of law; nor deny to any person within its jurisdiction the equal
13 protection of the laws.

14
15 The unjust procedure described (1-3) above makes a mockery of equal
16
17 protection under the laws among the states, and leaves well-documented
18
19 federal crimes un-adjudicated. Systemic refusal to adhere to Loper

20
21 Bright Enterprises denies citizens in the Ninth Circuit Court, rights enjoyed
22
23 by citizens in other Circuits where Loper Bright Enterprises is honored,
24
25 such as the Tenth Circuit. See Q(10).

26
27 Therefore, Ninth Circuit Judges, and all others, need to be held liable for
28
29 Misprision of Felony for refusing to thoroughly investigate evidence of
30
31 federal crimes due to their capricious and frivolous dismissals in violation
32
33 of federal rules. See Q(3).

34
35 The Tenth Circuit has already made the transition to Article III Court status
36
37 as seen on their home page (Appendix C). A Court order that directly
38
39 addresses this contumacy by judges in the Ninth Circuit is needed to help

1
2 secure their conversion to Article III court status in compliance with Loper
3
4 Bright. But the best way to secure compliance is to reserve judicial
5
6 immunity exclusively for Courts convened under Article III of the U.S.
7
8 Constitution and deny it to illegal Administrative Law Courts. See Q(8).
9

10 **5. Federal Court in Portland, Oregon Systemic Denial of FRCP rules**
11
12 **for Court Process and Procedure:**
13

14 Respondents abandoned these case issues by making no response
15
16 to any Complaint Pleading in Docket 24-5811 and Case 1:24-CV-1301-
17
18 MC. See Q(3).
19

20 The federal court was in error by not providing the requested hearing.
21

22 It was also in error by convening under illegal Administrative Law by 14).
23

24 By no stretch of the imagination was this ever a frivolous case. Only in the
25
26 mind of judges committed to illegal Administrative Law is this frivolous.
27

28
29 **CORPORATE DISCLOSURE STATEMENT**
30

31 The Corporation associated with Plaintiff in this case is
32

33 Salmonprotectiondevice.com a non-profit 501C3 research corporation.
34

35 There is no parent or publicly held company owning 10% or more of the
36
37 corporation's stock.
38
39

**LIST OF ALL PROCEEDINGS IN STATE
AND FEDERAL TRIAL AND APPELLATE COURTS**

No state courts are involved. Illegal Orders are below. In each case the Respondents were in default, having abandoned their defense, and, a summary judgment(s) on the default was filed in the docket. Then the Judge(s) illegally dismissed the cases. See Q(7). For case 3:24-cv-00755-JR the court is correct in lacking jurisdiction to remove the debunked 2018 FERC document. However, the court did have jurisdiction to charge Defendants in this action as Accessory after the Fact for KRRC's crimes. In addition, Judge McShane filed the order without leave to amend with no legal standing.

ORDER FILED. (Sidney R. THOMAS, Jay S. BYBEE, Daniel P. COL

Upon a review of the record, the response to the court's October 11, conclude this appeal is frivolous. We therefore deny appellant's motion Entry No. 5), see 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous (court shall dismiss case at any time, if court determines it is frivolous entertained in this closed case. DISMISSED. [Entered: 11/20/2024]

ORDER FILED. Michael McShane

To the extent Plaintiff seeks to challenge the final dismissal in 3:24-cv-00755-JR, the federal rules preclude it. And to the extent Plaintiff seeks to challenge the licensing decision made by FERC regarding the Klamath Hydroelectric Project, this Court lacks jurisdiction. For these reasons, the

1 Court cannot grant Plaintiff's request to proceed IFP. The Application, ECF
2 No. 2, is DENIED. Plaintiff's Complaint, ECF No. 1, is DISMISSED with
3 prejudice and without leave to amend. Any outstanding motions are DENIED
4 as moot.

5 IT IS SO ORDERED.

6 DATED this 17th day of September, 2024.

7 s/Michael J. McShane Michael McShane

8 United States District Judge
9

10 **CONCISE STATEMENT OF THE**
11 **BASIS FOR JURISDICTION IN THIS COURT**
12

13 **Proposal for Judicial Immunity Reform**
14

15
16 Judicial Immunity does not / should not exist in an illegal Administrative
17

18 Law Court, yet Ninth Circuit Judge(s) rely on it habitually to excuse their
19

20 unjust rulings. The question is, shall any Judge of an illegal
21

22 Administrative Law Court be privileged with judicial immunity in violat.on of
23

24 Loper Bright? See Q(8).
25

26 Article III, Section 1 of the U.S. Constitution is mute on the subject, except
27

28 for the assumption of "good behavior," which such a contumacious
29

30 Administrative Law judge is clearly lacking. See Q(5).
31

32 Article III <https://www.law.cornell.edu/constitution/articleiii>
33

34 Compensation is pay and benefits, with a universal assumption, of "good
35

36 behavior" for acceptable performance of the "job description," which in this
37

38 case is the Loper Bright Ruling. Why is a judge paid for habitual,
39

40 contumacious refusal to perform by the requirements of the Job

1
2 Description?

3
4 The Circuit Court Complaint Form, Section 3, in the Appendix asks : "4.

5
6 Have you filed any lawsuits against the judge? [] Yes [X] No" This

7
8 implies that no judicial immunity exists in an Administrative Law Court in

9
10 which the judge refuses to comply with neither Loper Bright nor the U.S.

11
12 Constitution. See Q(8). Petitioner humbly suggests the following:

13
14 A judge's normal Article III Court decisions shall have Judicial
15
16 Immunity. However, violations of federal laws and court rules (as in the
17
18 wayward Judge of Article III, Section 1) shall not enjoy Judicial Immunity
19
20 by

21
22 ([https://www.law.cornell.edu/constitution-conan/article-3/section-1/good-](https://www.law.cornell.edu/constitution-conan/article-3/section-1/good-behavior-clause-doctrine-and-practice)
23 [behavior-clause-doctrine-and-practice](https://www.law.cornell.edu/constitution-conan/article-3/section-1/good-behavior-clause-doctrine-and-practice)).

24
25 This Court likewise has the Constitutional responsibility to police itself by
26
27 removing – or at least correcting -- the wayward judge in Appendix 1 who
28
29 has two Judicial Performance complaints pending against him see
30
31 Appendix 2. The other is in docket 24-6787.

32
33 Therefore, Petitioner requests a Supreme Court ruling that only courts
34
35 convened under Article III of the U.S Constitution have Judicial Immunity.
36
37 Illegal Administrative Law court judges do not have Judicial Immunity.

38
39 See Q(8).
40

1 **CONSTITUTIONAL AND OTHER**
2 **LEGAL REASONS FOR ALLOWANCE OF THIS WRIT**

3
4 **Judicial Misconduct In the Federal Court**

5
6 On 11/20/2024 docket 11 in Docket 24-5811 Circuit Court Justices filed an
7
8 order and by extreme judicial bias and illegal Administrative Law
9
10 dismissed the docket which most certainly deserves to be remanded by
11
12 the U.S. Supreme Court, as in other recent decisions. This case ruling
13
14 was based on illegal bias 14) 15), 16), 17) and 19), illegal abuse of
15
16 Administrative Law 20), and failure to adjudicate clear and convincing
17
18 evidence of felonies. These Respondent licensees by 1) are guilty by
19
20 confession to killing more than 2,000 fish, some endangered species, as
21
22 un-adjudicated felonies in Docket 24-5275 (KRRC) of the Ninth Circuit
23
24 Court. These judges, therefore, deserve prosecution for Misprision of
25
26 Felony 18) and official Judicial Misconduct. See Q(3). The Complaint in
27
28 the Appendix is filed against the Federal Judge who with illegal bias 14)
29
30 15), 16), 17) and 19) and illegal Administrative Law by 20) illegally
31
32 dismissed the case. See Q(2). Also, failure to adjudicate felonies by
33
34 accessory after the fact 1) in the public
35
36 (OPB) confession by Klamath River Renewal (KRRC), the Defendant's
37
38 licensee, of killing over two thousand fish, some protected species. See
39
40 Q3). The judges, (appeals case and lower court), therefore, deserve

1
2 prosecution for Misprision of Felony 18) and official Judicial Misconduct,
3
4 because the judicial system seems incapable of policing itself.

5
6 Defendant's in (Docket 24-5275), deserve to be charged with 18),
7
8 Misprision of Felony.
9

10 Is voluntary "confession," not the ultimate evidence of guilt? Why then did
11
12 the Courts ignore it? It follows that this appeal is emphatically not
13
14 frivolous, by virtue of the confession alone. See Q(7). Plaintiff filed case
15
16 1:24-CV-1301-MC against the Defendants for cherry-picking data based on
17
18 the now defunct Chevron Doctrine by 14) and their licensee for destroying
19
20 the environment in the Klamath Basin with arsenic-laced and chromium 6-
21
22 laced silt. A requested hearing was not provided. The final decision
23
24 of the judge was not based on the merits of the case facts. Rather, it was
25
26 based solely on the Judge's bias and illegal beliefs by 14), 16), 17)
27
28 and 19) above. See Q(11). The well-documented felonies of licensee
29
30 were public confession to killing more than 2000 fish and a herd of elk
31
32 without permits, and releasing 5 million yards of silt from the Iron Gate
33
34 dam, which killed all aquatic life in 120 river miles. The Clean Water
35
36 permits specified a maximum of 1500 yards could be released at one
37
38 time. With dams removed, the Klamath River has been above flood
39
40 stage many times thus far this Winter. This will get much worse with the

1
2 spring snow melt. And it is only a matter of time before another notorious
3
4 "Columbus Day Storm" ravages the Klamath basin with no dam protection.

5
6 [https://waterdata.usgs.gov/monitoring-](https://waterdata.usgs.gov/monitoring-location/11530500/#dataTypeId=continuous-00065-0&period=P365D&showMedian=false)
7 [location/11530500/#dataTypeId=continuous-00065-](https://waterdata.usgs.gov/monitoring-location/11530500/#dataTypeId=continuous-00065-0&period=P365D&showMedian=false)
8 [0&period=P365D&showMedian=false](https://waterdata.usgs.gov/monitoring-location/11530500/#dataTypeId=continuous-00065-0&period=P365D&showMedian=false)
9

10 (<https://thelawisyourattorney.com/loper-bright-enterprises/>) is recognized
11
12 by the US Supreme Court and Ninth Circuit Court as illegal Judicial
13
14 Misconduct.

15
16 [https://thelawisyourattorney.com/judicial-bias-against-litigants-in-dam-](https://thelawisyourattorney.com/judicial-bias-against-litigants-in-dam-removal-cases/)
17 [removal-cases/](https://thelawisyourattorney.com/judicial-bias-against-litigants-in-dam-removal-cases/)
18

19 **CONCLUSION**

20
21 Respondents illegally gave Klamath River Renewal Corp (KRRC) a license
22
23 to remove four dams. In turn their flawed mitigation document which
24
25 ignored the need to heat scrub the silt deposits, and their failure to
26
27 supervise destroyed the environment in the Klamath Valley of Washington.
28
29 Respondents violated the Loper Bright Supreme Court Opinion which
30
31 makes the Chevron Doctrine null and void to 2005, when they listened only
32
33 to upstream users.

34
35 Respondents are also therefore Accessory after the Fact for KRRC's killing
36
37 of more than 2000 fish including endangered salmon, as well as a herd of
38
39 elk. KRRC also let out more than 5 million yards of highly contaminated silt,
40

1 laced with extremely high levels of arsenic and chromium-6. This is a
2
3 violation of the Clean Water Act because the toxic silt still lines the banks of
4
5 the Klamath River for no less than 120 river miles. Respondents' Counsel
6
7 of Record Danielle Mechling admitted in a phone call that FERC didn't
8
9 follow their own rules for data collection. Petitioner believes this is why
10
11 Respondents have not appeared in any Court Proceeding since that time
12
13 because they know they are guilty. This, even though the Respondents
14
15 have been duly served in each case and pleading.
16

17 **PRAYER FOR RELIEF**

18
19 **PRAYER #1:** Petitioner Pro Se hereby respectfully requests the Court to
20
21 provide relief and order FERC to provide funds (\$100 Million) for cleaning
22
23 the poisoned silt left deposited on the sides of the river and all estuaries
24
25 downstream.
26

27 **PRAYER #2:** As a life-long Chemical Engineer, Petitioner humbly asks
28
29 the court to declare the 2008 Biological Opinion to be null and void.
30

31 **PRAYER #3:** Issue an official Court order that "first-line" resolution of
32
33 any problems associated with dams owned or regulated by the
34
35 government of the United States shall be 1) dredging behind the dam,
36
37 2) heat-scrubbing of silt dredged immediately on-site, 3) repair or
38
39 installation of fish ladders, 4) chemical treatment of reservoir water 5)
40

1 retrofitting of dams for earthquake protection where necessary.

2
3 <https://www.rivers.gov/rivers/rivers/sites/rivers/files/2023-07/section-7.pdf>

4
5 **PRAYER #4:** Plaintiff Pro Se requests update of the definition of "Judicial
6
7 Immunity" by U.S. Supreme Court ruling that only Courts convened under
8
9 Article III of the U.S Constitution shall enjoy Judicial Immunity. Illegal
10
11 Administrative Law courts shall not have Judicial Immunity.
12

13 **PRAYER #5:** Petitioner Pro Se requests Issuance of an official Court
14
15 Order requiring all judges within the jurisdiction of the Ninth Circuit Court to
16
17 Cease and Desist convening as Administrative Law Courts, thereby
18
19 flaunting Loper Bright. Repeat violators shall be dismissed after one
20
21 warning, consistent with the revised definition of "Judicial Immunity."
22

23 **PRAYER #6:** Issue an official Court Order that vandalism of publically
24
25 owned dams by removal shall not be a remedy for any problems
26
27 associated with dams owned or regulated by the government of the United
28
29 States apart from an act of Congress. Owners of privately owned dams
30
31 shall not be coerced by threat of lawsuit to remove their dams ~~and any~~
32

33 **PRAYER #7:** Petitioner humbly requests the Court to order Respondents
34
35 (FERC) to embrace the overwhelming Water Board testimony against dam
36
37 removal and remove KRRC's license immediately.
38

1 [https://www.waterboards.ca.gov/waterrights/water](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water)
2
3 [quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)

4
5 **PRAYER #8:** Petitioner humbly requests the Court to take
6
7 appropriate disciplinary action in light of the fact that such behavior of
8
9 Judicial bias and judicial discretion is subject to permanent removal of the
10
11 bar license and defrocking of any Federal Judge in violation of 14) 20-
12
13 1199
14
15 Loper Bright Enterprises, 15) Judges Code of Conduct by 10), Canons 2
16
17 and 3;

18
19 <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states>
20
21 judges, 18 U.S.C. § 1001 5) False Statements, Concealment., 15) 18 U.S.
22
23 Code § 1621 – Perjury, by 16), and 28 U.S. Code § 455 (b), (1)

24
25 **PRAYER #9** Petitioner Pro Se hereby respectfully requests the Court to
26
27 add to this complaint, \$100 million needed to replace the Iron Gate Dam
28
29 and the CopCo dam with fish ladders serving the retirement community
30
31 formerly located on the edge of the reservoir whose property values have
32
33 been decimated.

34
35 Restoration to the original condition is the lawful penalty for vandalism.
36

1 Kewit Construction shall be required to bear an equitable portion of the
2
3 expense (determined by the Court) because they were warned by
4
5 Petitioner of the illegal nature of their vandalism and proceeded anyway.
6
7 Kewit's project supervisor has since been dismissed by the company,
8
9 presumably for his role in releasing the contaminated silt.
10

11 [https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-](https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf)
12 [Evaluation-of-Contaminants-in-Sediments.pdf](https://salmonprotectiondevive.com/CDM_2011_0119_Screening-Level-Evaluation-of-Contaminants-in-Sediments.pdf)
13

14 **PRAYER #10:** Petitioner Pro Se respectfully requests the Court to vacate
15
16 the 3:24-cv-00755-JR final dismissal on 7/26/2024. This Federal Court
17
18 dismissal was based on KRRC legal counsel's concocted ECF's and
19
20 manipulation of case law and Federal Law.
21

22 **PRAYER #11:** Petitioner Pro Se respectfully requests the Supreme Court
23
24 to acknowledge standing based on Federal Environmental laws
25
26 broken with associated 7 Environmental Values denied to Petitioner
27
28 Pro Se, Class Action members, and the River itself. Likewise,
29

1 standing based on harms inflicted on Petitioner Pro Se resulting in
2
3 preparations taken to move out of state due to harms inflicted by
4
5 KRRC's malfeasance.
6

7 **PRAYER #12:** Petitioner Pro Se hereby respectfully requests the Court to
8
9 provide relief, and take judicial notice of the lethal environmental
10
11 consequences of Respondent's licensee KRRC's actions, which
12
13 require immediate mitigation. Rule Salmon Protection Device
14
15 remediation team to the task of project mitigation immediately, to
16
17 avoid further lethal environmental consequences from KRRC's gross
18
19 negligence. Local courts have failed to
20
21 impede a crime in progress and are thus guilty of Misprision of Felony?"
22

23 **PRAYER #13:** Petitioner requests a Writ of Mandamus and a
24
25 Summary Judgment in Petitioner's favor because Defendants are clearly
26
27 biased against Federal Environmental law, not doing what they are
28
29 legally required to do.
30
31

32 **PRAYER #14** Petitioner Pro Se hereby respectfully requests the
33
34 Supreme Court to a ruling that FERC illegally by Loper Bright failed to
35
36 evaluate this testimony, in which University Professors called the Pseudo
37

1 Scientists at KRRRC names unfit to publish, resulting in untold damage to
2
3 man and environment.
4

5 [https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)
6 [quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf](https://www.waterboards.ca.gov/waterrights/water_issues/programs/water_quality_cert/docs/lower_klamath_ferc14803/comments/gierak1.pdf)
7

8 **PRAYER #15:** Petitioner respectfully requests the Court to
9

10 award any other cost to the Petitioner Pro Se as the Court sees fit.
11

12 With a favorable ruling against FERC or the Federal Court, Petitioner Pro
13

14 Se will relocate to the Klamath Basin in California and supervise mitigation
15

16 of the environmental mess created and left unmitigated by KRRRC.
17

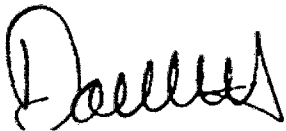
18 Petitioner Pro Se's home is for sale at 18965 NW Illahe St, Portland, OR
19

20 97229 | Zillow pending a favorable decision and the Court signatures
21

22 needed to satisfy the County Recorder. The devastation in the Klamath
23

24 Basin is akin to a war zone.
25

26 David White Pro Se 9/29/2025

27 
28
29
30
31
32
33
34
35
36
37
38

1 **APPENDICES**

2
3 **APPENDIX A**

4
5 The Extraordinary Writ of Prohibition, Mandamus by Rule 20 is needed so
6
7 Salmon Protection Device and Class action members can remedy the
8
9 massive environmental damage to the Klamath River Basin.

10
11 The Federal District Court in Medford, Oregon issued an illegal and biased
12
13 by 11) administrative law order saying Plaintiff in that action was suing
14
15 KRRC and Not the FERC defendants. Petitioner in the instant action
16
17 postulates Judge McShane didn't even read the complaint. Therefore,
18
19 Petitioner humbly asks the Court to review this illegal order with the review
20
21 based on the case facts herein in light of Mandamus and prohibition
22
23 against this administrative law Judge. Therefore the illegal orders below
24
25 must be vacated.

26
27
28 Ninth Circuit Court of Appeals illegal biased, administrative law order.

29 11/20/2024 11 **ORDER FILED.** (Sidney R. THOMAS, Jay S. BYBEE,
30 Daniel P. COL

31 Upon a review of the record, the response to the court's
32 October 11, conclude this appeal is frivolous. We
33 therefore deny appellant's motion Entry No. 5), see 28
34 U.S.C. § 1915(a), and dismiss this appeal as fri (court
35 shall dismiss case at any time, if court determines it is
36 frivolous entertained in this closed case. DISMISSED.
37 [Entered: 11/20/2024 0

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39 Federal Court District of Portland Oregon illegal biased and administrative law