

# W A I V E R

## SUPREME COURT OF THE UNITED STATES

No. 25-5911

Donice Noelle Smith

(Petitioner)

Tina Kotek, Governor of Oregon

V.

(Respondent)

**I DO NOT INTEND TO FILE A RESPONSE** to the petition for a writ of certiorari unless one is requested by the Court.

**Please check the appropriate box:**

- ☒ I am filing this waiver on behalf of all respondents.
- ☐ I only represent some respondents. I am filing this waiver on behalf of the following respondent(s):

**Please check the appropriate box:**

- ☒ I am a member of the Bar of the Supreme Court of the United States. (Filing Instructions: File a signed Waiver in the Supreme Court Electronic Filing System. The system will prompt you to enter your appearance first.)
- ☐ I am not presently a member of the Bar of this Court. Should a response be requested, the response will be filed by a Bar member. (Filing Instructions: Mail the original signed form to: Supreme Court, Attn: Clerk's Office, 1 First Street, NE, Washington, D.C. 20543).

Signature: /s/ Benjamin Gutman

Date: 11/6/25

(Type or print) Name Benjamin Gutman

☒ Mr. ☐ Ms. ☐ Mrs. ☐ Miss

Firm Oregon Department of Justice

Address 1162 Court St. NE

City & State Salem, OR

Zip 97301

Phone (503) 378-4402

Email benjamin.gutman@doj.oregon.gov

A copy of this form must be sent to petitioner's counsel or to petitioner if *pro se*. Please indicate below the name(s) of the recipient(s) of a copy of this form. No additional certificate of service or cover letter is required.

cc:

Donice Noelle Smith, pro se petitioner