

Judicial Council of the Ninth Circuit

**COMPLAINT OF JUDICIAL MISCONDUCT**

**United States Court of Appeals for the Ninth Circuit  
Office of the Circuit Executive  
P.O. Box 193939  
San Francisco, CA 94119-3939**

1. Name of Complainant: Dave White Pro Se \_\_\_\_\_  
Contact Address: 18965 NW Illahe st \_\_\_\_\_  
Portland, OR 97229 \_\_\_\_\_  
Daytime telephone: (503\_) 6087611 \_\_\_\_\_
2. Name(s) of Judge(s): Judge Russo and Judge Nelson \_\_\_\_\_  
Court: Portland Oregon Federal court \_\_\_\_\_
3. Does this complaint concern the behavior of the judge(s) in a particular lawsuit or lawsuits?  
 Yes                      [   ] No  
If "yes," give the following information about each lawsuit:  
Court: \_\_\_\_\_  
Case Number: 3:24-cv-00755-JR \_\_\_\_\_

Docket number of any appeal to the 9th\_\_Circuit: 24-5275\_\_\_\_\_

Are (were) you a party or lawyer in the lawsuit?

Party                       Lawyer                       Neither

If you are (were) a party and have (had) a lawyer, give the lawyer's name, address, and telephone number:

\_\_\_\_\_  
\_\_\_\_\_

4. Have you filed any lawsuits against the judge?

Yes                       No

9<sup>th</sup> circuit

\_\_\_\_\_  
\_\_\_\_\_

5. **Brief Statement of Facts.** The Judges believed untruthful nonsense of KRRC's attorneys See case docket report below. The final ruling was most likely made by the KRRC attorneys. It was completely one-sided.

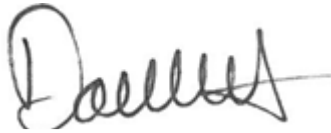
**6. Acknowledgment, declaration and signature:**

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I declare under penalty of perjury that the statements made in this complaint are true and correct to the best of my knowledge.



(Signature)\_\_\_\_\_

10/22/24

(Date)

The overriding, foundational complaint against Judges Russo and Nelson is their failure to convene as an Article III, Section 2 Court of the U.S. Constitution. In violation of the recent Roper decision of the U.S. Supreme Court they used administrative rules in an unlawful manner to cherry-pick data and to override Federal laws under the U.S. Constitution.

They are guilty of mismanaging a case involving senseless, illegal destruction of 4 dams on the Klamath River. These judges ignored overwhelming evidence of a crime in progress and refused to issue a stop-work injunction while the case was being adjudicated. The Klamath River Reclamation Corporation (KRRC) in conjunction with subcontractor Kiewit Construction were thus allowed to proceed with acts of criminal vandalism depriving local stakeholders of much needed hydro-electric power, irrigation water, flood control, loss of property value, and forest fire containment.

Not to mention vandalism of a fully capitalized productive asset owned by the United States government and protected by federal environmental law, notably the Wild and Scenic Rivers Act. In the process they inflicted incalculable damage on the environment they were allegedly "reclaiming" and Judges Russo and Nelson let them get away with it.

Judges Russo and Nelson permitted Defendants to ignore basic principles of scientific method by excluding overwhelming evidence of the harms they were inflicting on man and environment. This came in the form of two public hearings in Klamath (OR) and Yreka (CA) Counties. Stakeholder testimony was unanimous against removal of the dams, with one doctor in particular reporting that his wife had died due to Chromium poisoning from silt behind the dams and he was receiving a steady stream of patients with similar symptoms. In spite of this, KRRC cherry-picked ill-informed, emotional testimony from upstream Native Americans and Judges Russo and Nelson let them get away with it.

A scientific survey of respondents in Klickitat County revealed about 80% opposition to dam removal. The extent of the danger was reported by an in-depth chemical assessment of silt behind the Klamath dams conducted by the Department of the Interior in 2011. That assessment found

levels of Arsenic and Chromium 6 at a minimum of 40 times the EPA safe level for human exposure. Mitigation guidelines required sludge water to be released in small increments, but Defendants released it all at one time in January 2024.

Unbelievably, they failed to scrub the silt of toxicity before release, thus killing all aquatic life in 120 River miles between the Iron Gate Dam and the Pacific Ocean, leaving both banks of the river permanently contaminated. Once again, Judges Russo and Nelson were mute in the face of an Exxon-Valdez level environmental disaster and annual flood damage projected at an average \$60,000,000. They allowed trivial administrative procedure to completely blot out case facts screaming for justice. This is unlawful under the Roper decision of the U.S. Supreme Court.

Furthermore, Judges Nelson and Russo ignored all evidence suggesting that there were far less draconian solutions to alleged impedance of fish migration than removing the dams. If fish were in fact being blocked from reaching their spawning grounds, the simple solution was/is to 1) dredge behind the dams, 2) heat scrub the silt on-site, and 3) repair or install fish ladders.

Plaintiff repeatedly called attention to **these** common sense, scientific measures and the evidence, but it was ignored, along with a list of 21 violations of law in the FERC mitigation document. For example, KRRC failed to install fencing resulting in destruction of a herd of elk, and Defendant's confession to killing 2000 fish without a permit, including endangered species was ignored. Is a confession not decisive in a court of law? Here again, judges Russo and Nelson ignored all this clear and convincing case evidence and allowed themselves to be distracted by trivial, red herring delaying tactics while the vandalism proceeded.

Among these tactics was the completely unfounded accusation that reference to the evidentiary FERC document, was somehow proof that Plaintiff was suing FERC, **not** KRRC exclusively as the caption in the Heading specified! The Judges' entire final ruling was based solely on this kind of deceptive manipulation of administrative law, and irrelevant case law presented by the defense. They ignored all of the case facts and relevant Federal law. This is precisely the kind of judicial malfeasance that the 22-451 June 28th, 2024 Loper decision was/is meant to curtail. As an example, ECF 18 was untruthful, wrong use of federal law and wrong use of case law.

Plaintiff filed ECF 22 on 5/20/24 which proves ECF 18 was nonsense.

Then Judge Nelson with clear bias against Pro Se denied ECF 22 illegally.

05/22/2024	25	<b>ORDER:</b> Plaintiff's Motion, ECF <a href="#">22</a> , is DENIED. Although plaintiff clarified in his motion that he is asking for his requested rulings "to be considered by the court at the appropriate time," his motion is, in essence, a motion for judgment on the pleadings. Pursuant to Federal Rule of Civil Procedure 12(c), such a motion is appropriately filed only "[a]fter the pleadings are closed[.]" Defendants have not filed an answer or other responsive pleading to plaintiff's complaint. Thus, the pleadings are not closed, and plaintiff's motion is procedurally inappropriate. Ordered by Judge Adrienne Nelson. (dsg) (Entered: 05/22/2024)
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Therefore, Plaintiff filed ECF 27 on 5/22/24 and fixed ECF 22

Also, what does "Defendants have not filed an answer or other responsive pleading to plaintiff's

complaint? This makes the defendants legally default.  
The Judges accepted the illegal ECF 18 on 6/24/2024

By law, the Judges were required to dismiss ECF18. May 24 was the last day for Defendants to file anything and they missed the deadline. Thus, they were legally in default. ECF 70 and ECF 71 are therefore unlawful because of the default and also because those ECF's were nothing more than a rehearsal of trivial administrative law arguments designed by Defendants' legal counsel to obfuscate the facts of the case. This kind of legal manipulation is no longer permitted to override Federal law and The U.S. Constitution, by the Supreme Court's Loper decision.

This is a violation of:

22-451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and Relentless, Inc. v. Department of Commerce. [https://www.supremecourt.gov/opinions/23pdf/22-451\\_7m58.pdf](https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf)  
18 U.S. Code § 4 - Misprision of felony

28 U.S. Code § 144 - Bias or prejudice of judge

Judges Code of Conduct, Canons 2 and 3; <https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>.