

No.25-5660

IN THE SUPREME COURT OF THE UNITED STATES

DAVID C. WHITE Petitioner P  
Vs.  
Respondent  
Judge Charles Bailey R1  
Judge Amy Baggio R2

**On Petition for rehearing of Docket 25-5660 by Rule 44**

## Extraordinary Writ by Rule 20

Respondent's R1 Counsel of record

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R2

## Judge Amy Baggio

Mark O. Hatfield United States Courthouse 1000 Southwest Third Avenue, Room 1427  
Portland, Oregon 97204-2944nChambers: 503-326-8320 503-326-8051

P

David C. White 18965 NW Illahe st Portland, OR 97229 503-608-7611

## SUMMARY

Rehearing is requested, with all due respect, because failure to grant this Writ is a violation of Americans with Disability Act, 42 U.S. Code § 12101, Article III, Article VI, and Amendment 14 of the U.S. Constitution. As this Writ ably demonstrates, lower court judges who dismiss a case when the Defense abandons its argument by default are guilty of Misprision of Felony. They have been informed of an alleged crime but then fail to adjudicate it by not honoring due process of law. How can the U.S. Supreme Court discipline notorious, longstanding offenses in the 9<sup>th</sup> Circuit Court of Appeals if it, in effect, is culpable for the same failure.

With the irregular and unjustified denial of this ADA docket, Petitioner now fears what the Court might order this Friday 11/21/2025 for my other three dockets being in default by Rule 55: Docket 25-5725, Docket 25-5726, if against Petitioners untruthful x-wife and her colluding attorney who all lied in 21DR02783 as below.

Docket 25-5808. Strengthening the default ruling, FERC formally capitulated and two FERC commissioners were removed.

But will the Court ignore Rule 55 requirements in these cases as well?

How is justice served by such a ruling, which results in Misprision of Felony when alleged crimes are simply ignored with no due process of law?

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3  
4 **GROUND**  
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6 In this Petition for Rehearing by Rule 44, Petitioner states its grounds  
7  
8 briefly and distinctly. Petitioner begs the U.S. Supreme Court for Rehearing  
9  
10 on the merits of 25-5660. This petition is presented in good faith in the U.S.  
11  
12  
13 Supreme Court and not for delay. Respondents are *prima facie* in default  
14  
15 based on the timeline established by Rule 55 when they were duly served  
16  
17 the Writ of Certiorari.

18  
19 However, the order list of 11/17/2025 has this: "25-5660 IN RE DAVID C.  
20  
21 WHITE. The petition for a Writ of Mandamus and/or prohibition is denied."  
22  
23 The legal irregularity of this dismissal is why this Petition for Rehearing by  
24  
25 Rule 44 is filed in this docket.  
26

27 With all due respect, the Court has failed to follow Federal rules regarding  
28 the strength and legal weight of a default judgment and the conditions for  
29 overturning it. The Supreme Court is bound to these rules by Article VI of  
30 the U.S. Constitution, which requires that "This Constitution, and the Laws  
31 of the United States which shall be made in Pursuance thereof; shall be the  
32 supreme Law of the Land;... and all executive and judicial Officers, both of  
33 the United States and of the several States, shall be bound by Oath or  
34 Affirmation, to support this Constitution;...." Surely, failure of the judiciary to

1 uphold these federal laws “made in pursuance thereof” is a lapse of “good  
2 behavior” required by Article III.

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

4 According to Rule 55 – made in pursuance to the U.S. Constitution -- a  
5  
6 default judgment is a final, legally binding decision. It resolves all  
7  
8 questions of liability presented in the initial complaint.  
9

10 The winning party (Petitioner) can take action to collect on the judgment,  
11  
12 which may include, for example, wage garnishment, bank account levies,  
13  
14 or property liens. Plaintiff has presented an overwhelming *quantum* of  
15  
16 admissible evidence that justifies the relief requested, in the Writ filed  
17  
18 based on the merits, as demonstrated below.

### 19 **Conditions for Overturning Default Judgment**

20 Moreover, the conditions for overturning a default judgment by Rule 55  
21 have not been met. Dismissal requires the defaulting party to actively file  
22 a motion to set it aside. (FRCP 60) No such motion has been filed by the

1 defaulting party. They have abandoned their argument by failure to  
2 appear, and the Court therefore, with all due respect, has no authority to  
3 dismiss under the Constitution.

4  
5 It is this very practice of arbitrary and subjective, judicial discretion –  
6  
7 resulting in Misprision of Felony -- that has frustrated U.S. Citizens in the

8  
9 9<sup>th</sup> Circuit Court of Appeals for decades. How can the Court discipline

10  
11 renegade judges in the 9<sup>th</sup> Circuit if it is culpable of the very same

12  
13 trespass?

14  
15 Such a motion to overturn a default judgment requires the defaulting party

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

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timely answer or appear in court, such as improper service of process, a  
medical emergency, fraud, or a legitimate mistake.

In addition, the defaulting party must show a valid, justifiable reason or

**Meritorious Defense** for their claims. This means that the outcome of the

case might be different if they were allowed to present their side, as

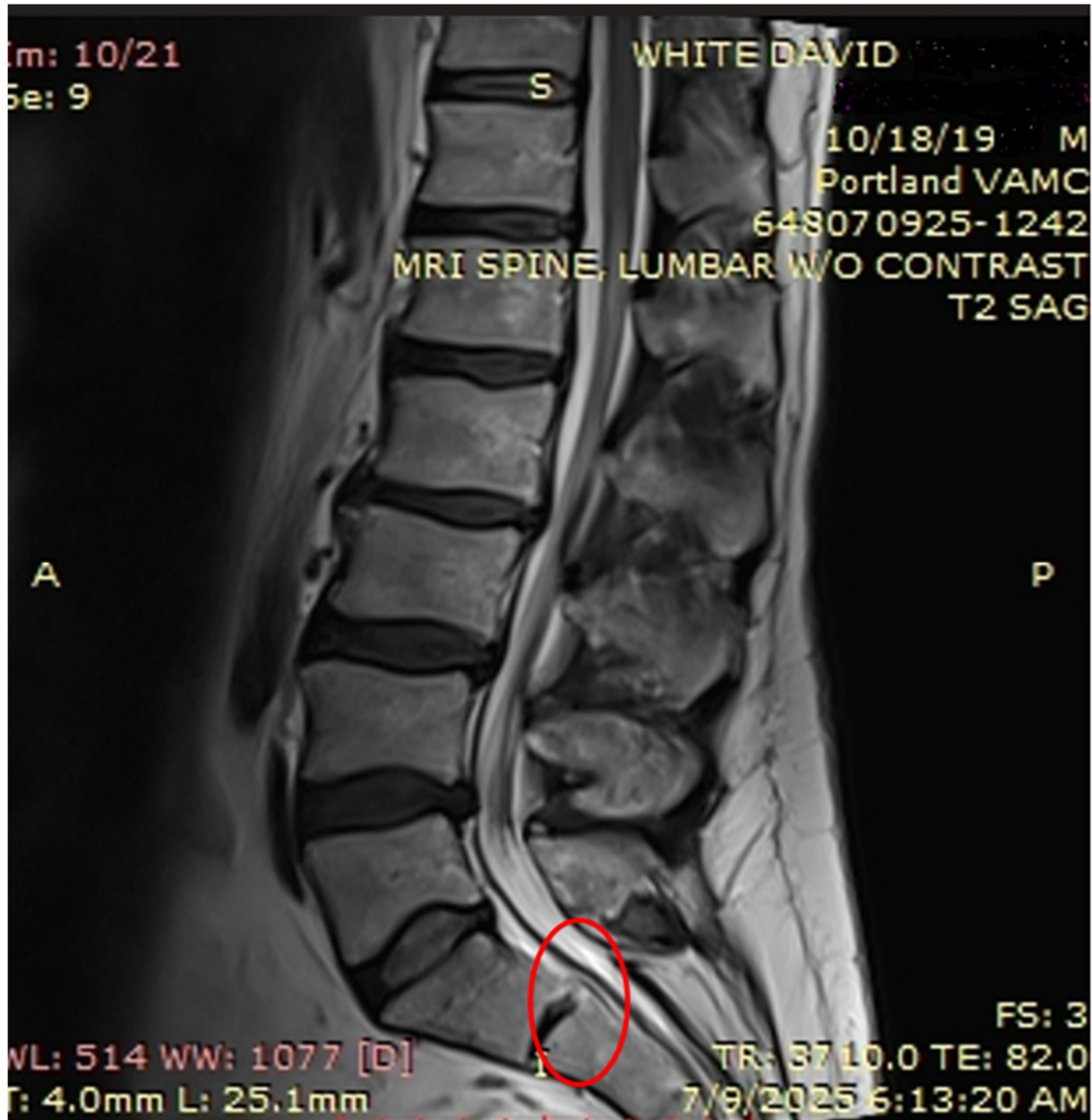
demonstrated by an affidavit or sworn statement outlining the facts of their

defense. But again, no such affidavit was provided in a prompt or timely

manner.

### **ADA Qualified Injury**

There is no question that Petitioner is a severely disabled military veteran. Petitioner by the Portland Oregon VA for over 2 years now, had Physical Therapy and now a VA provided device (Saunders Lumber Traction Device by Performance health SKU 199603) to pull Appellants back apart and lower the pressure of the pinched nerve in Petitioners back. Petitioner has presented affidavits of clear and convincing evidence as required by law.



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2  
3 Petitioner is taking two strong muscle relaxers which cause defendant to  
4 fall asleep every afternoon. Petitioner has been diagnosed with:

5  
6  
7 Multi-level degenerative disc disease  
8 Facet Arthropathy  
9 Central canal stenosis  
10 Yellow ligament hypertrophy

11  
12 This independent Doctor agreed with as many as eight VA Doctors that



1  
2 this is why for two Months during November and December 2024

3  
4 Petitioner could not get off his couch to attend the hearing.

5  
6 These issues could easily be web-searched. Petitioner has been  
7  
8 prescribed VA RX to manage pain and had requested remote testimony  
9  
10 for Washington county Oregon case 24CN03814 because of this acute  
11  
12 medical issue. The remote testimony was denied by Wayward Judge R1.

13  
14 This case24CN03814 is based on a no case facts ruling and final  
15  
16 judgement with illegal orders in it by 21DR02873 in the same county.

17  
18 Transcripts of 21DR02783 in Washington County Oregon with R1  
19 presiding Page 445 line 11 to 21.

20 "THE COURT: Go ahead, Mr. White. What else do you want to tell me that  
21 will be helpful in me figuring out how to distribute the assets of this  
22 and whether to determine spousal support for Ms. White?

23 THE WITNESS: Okay. So I -- I explained what the law says that --

24 THE COURT: I'm familiar with the law.

25 THE WITNESS: And you're familiar with the law and that I can't pay  
26 spousal support. And also, I have a **medical issue**; (bold added) that  
27 is why I can't get another job."

28  
29 The transcripts are fixed in time and all parties stipulated them as fact  
30  
31 around December 1st 2022.

32  
33 This fact is undisputed in the transcripts, however, the Judge and Attorney  
34  
35 Shipley didn't consider it at all; Exhibit two in the WRIT filed contains the  
36  
37 clear and convincing evidence of an acute medical issue.

38  
39 Petitioner's lower back feels like barbed wire has been wrapped around it.  
40

1 Petitioner on January 21st has a VA appointment for a steroid shot in  
2  
3 his lower back to reduce the inflamed muscles. Thus, after two years of  
4  
5 treatment, Petitioner will finally find out whether the pinched nerve is due  
6  
7 to inflamed muscles pushing on the spine or just the pinched spine. All  
8  
9 VA appointments are by video because Petitioner can't leave his home  
10  
11 except for procedures like the shot or physical therapy.

12  
13 The video is scheduled for the 17th of November at 3:30 with a VA  
14  
15 doctor discussing effects of a newly prescribed medicine.

16  
17 [https://1drv.ms/v/c/d172f747c79ee46a/EZulYVdEputBpAqThjFE674BqyV-](https://1drv.ms/v/c/d172f747c79ee46a/EZulYVdEputBpAqThjFE674BqyV-l0Vc61V4VNZOayALRA?e=cbhLD8)  
18 [l0Vc61V4VNZOayALRA?e=cbhLD8](https://1drv.ms/v/c/d172f747c79ee46a/EZulYVdEputBpAqThjFE674BqyV-l0Vc61V4VNZOayALRA?e=cbhLD8)  
19

#### 20 21 Americans with Disabilities Act:

22  
23 ADA Title II covers all activities of State and local governments  
24  
25 regardless of the government entity's size or receipt of Federal funding.

26  
27 Title II requires that State and local governments give people  
28  
29 with disabilities an equal opportunity to benefit from all of their

30  
31 programs, services and activities (e.g. public educations,  
32  
33 employment, transportation, recreation, health care, social services,  
34  
35 *courts*, voting, and town meetings). Note the inclusion of "courts."

36  
37 The civil cover sheet in the Federal Docket proves that this is an ADA case.

38 Petitioner could not get off his couch to appear for an illegal prima fascia

1  
2 hearing convened by R1 on November 27<sup>th</sup> 2024 who thus violated ADA by  
3  
4 42 U.S. Code § 12101 and due process of law by Articles five and fourteen  
5  
6 of the U S. Constitution, convicting Petitioner with zero evidence. The sham  
7  
8 contempt hearing against Petitioner, scheduled by his ex-wife, her attorney,  
9  
10 and R1 was apparently the result of an ex-parte collusion, a practice often  
11  
12 engaged in by R1.

13  
14 Acceptance of this Writ is necessary -- indeed essential for survival of a free  
15  
16 nation -- due to universal flaunting of the Supreme Court's Loper, Bright,  
17  
18 Enterprises landmark decision of June 28, 2024 by 1) among judges of the  
19  
20 Ninth Circuit Court of Appeals.

### 21 22 **The Relief Sought**

23  
24 Petitioner prays for the U.S. Supreme court to rehear this case by Rule 44  
25  
26 and confirm that no one, not even a judge, is authorized to violate the  
27  
28 ADA or a Rule 55 default judgment without due process of law.  
29

1 Furthermore, the Appendix in the filed Writ contains overwhelming proof of  
2  
3 Petitioner's Disability.

4 **Conclusion**

5  
6 In conclusion, for the above reasons, the relief sought should be granted.  
7

8 

9 Certified by David C. White  
10 November 18<sup>th</sup> 2025.

11  
12 denise.fjordbeck@doj.oregon.gov  
13

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on 11/18/2025, a true and correct copy of the  
16 above document shipped filed with the Clerk of the Supreme Court  
17 using Fedex. A copy of the document will be served upon interested  
18 parties via email by ORCP 9 C 3.  
19

20 Additionally, a courtesy copy is being provided as follows:  
21 Also emailed to defendants by email service of  
22 thelawisyourattorney.com  
23

24 Via hand delivery  
25 Via U.S. Mail, 1st Class,  
26 Postage Prepaid  
27 XX Via Overnight Delivery  
28 Via Facsimile  
29 XX Via Email  
30 Via CM/ECF notification  
31 to the extent registered DATED: 11/18/2025  
32 By: David White

33 

34 David White Pro Se 11/18/2025  
35