

No.25-5808

IN THE SUPREME COURT OF THE UNITED
STATES

DAVID C. WHITE Petitioner

V.

Respondents

Federal Energy Regulatory Commission (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 rehearing of Docket 25-5808 by Rule 44.

Extraordinary Writ of Prohibition, Mandamus by Rule 20.

D. John Sauer

Counsel of Record

Solicitor General

United States Department of Justice

950 Pennsylvania Avenue, NW

Washington, DC 20530-0001

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Ph: 202-514-2217

SUMMARY

Rehearing is requested, with all due respect, because failure to grant this Writ constitutes violation of the Clean Water Act by 33 U.S.C. §1251, 22–451 June 28th, 2024 Federal Case number 22–451 in Loper Bright and many other Constitutional provisions. Worst of all, failure to approve this Writ perpetuates a deadly threat for human and animal life in the Klamath River Basin. FERC incompetence has unleashed an environmental catastrophe far worse than the Exxon-Valdez oil spill of the last century. FERC is accessory after the fact by 18 USC 3 for KRRC killing 2000 fish and a herd of Elk. This is also a violation of 16 USCA § 1532 endangered species act. Also a violation of 18 U.S. Code § 41 having no license to kill wildlife.

The lower courts judges deserve disqualification by 28 U.S. Code § 455.

Only the U.S.

Supreme Court can correct this tragedy by granting this Writ.

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 by 18 U.S.C. 4. They have been informed of an alleged crime but then fail to investigate or adjudicate it by ignoring due process of law. How can the U.S. Supreme Court discipline notorious, longstanding

1 offenses in the 9th
2
3 Circuit Court of Appeals if it, in effect, is culpable of the same failures.
4
5 The Federal Energy Regulatory Commission (FERC) (Respondent)
6
7 capitulated, and thus confessed to the alleged crimes, not only because
8
9 their legal counsel filed Waiver of Right of Respondent (FERC) to respond
10
11 on Nov 03 2025, but because they know FERC is guilty of providing a
12
13 license to remove dams by illegal cherry picking data.
14
15

16 They listened exclusively to unscientific, emotional appeals of upstream
17 tribes and completely ignored all other testimony adamantly opposed to
18
19 dam removal. These reasonable alternatives could have satisfied
20
21 everybody's needs, including the tribes. Because of this, two FERC
22
23 commissioners were removed. As in U.S Supreme Court docket 25-5660,
24
25 Petitioner strongly urges the Court not to accept any opinion or ruling
26 from the 9th circuit courts, which are convened under illegal administrative
27
28 law by 22-451 June 28th, 2024 Federal Case number 22-451 in Loper
29
30 Bright. Six dockets and six illegal opinions they were frivolous
31
32 when the dockets were not. However, Petitioner would not have filed
33
34 complaints if the complaints were unfounded.
35
36

37
38 <https://thelawisyourattorney.com/loper-bright-enterprises/>
39

40 Was the Rule of 4 used to dismiss this WRIT?

1
2 <https://legalknowledgebase.com/why-would-the-supreme-court-reject-a->
3 writ-of-certiorari

4
5 Under Rule 55 there are only four legitimate reasons for denying a Writ:
6 Reasons for denying a writ.

7

- 8 1. Writ formatted wrong.
- 9 2. Writ doesn't prove the case.
- 10 3. Writ contains erroneous factual findings or the misapplication of a
11 properly stated rule of law.
- 12 4. The petitioner contends not that the lower court interpreted the law
13 incorrectly, but that the court simply applied the law wrongly to the
14 facts of that case.

15
16 None of 1-4 are applicable. The Writ is formatted correctly with many legal
17
18 questions, which are referenced in the statement of the case. The Writ
19
20 presents factual findings of federal laws violated by Respondent's
21
22 licensees. The lower court is biased against Pro Se.

23
24 Three factors must be present before the U.S. Supreme Court will review a state court
25 decision:

- 26 • A substantial federal question must be present. Must be a real question.
- 27 • The federal question must be crucial to the decision.
- 28 • The losing party must have exhausted all state remedies.

29
30 These three factors are abundantly made clear and factual in this writ.

31
32 It is abundantly clear that the Writ meets all of the criteria for acceptance.

33
34 Respondents were in default, and they abandoned their case by
35
36 confession of guilt. Thus, there can be no legally defensible reason for
37
38 denying this Writ.

39
40 Petitioner's Prayer to evaluate and approve all dam removals might at first

glance appear presumptuous. However, as evidence in this appeal substantiates, his lifetime of experience as a Chemical Engineer makes him far more qualified than the “expert” fish Biologists whose incompetence has destroyed the environmental ecosystem in the Klamath River basin.

Reinforcing the FRCP 55 default in Docket 25-5808, FERC formally capitulated and two FERC commissioners were removed.

How can the Court simply ignore this confession and associated FRCP 55 requirements?

How is justice served by such a dismissal, which results in Misprision of Felony by 18 U.S.C. 4, when the alleged crimes are confessed, but then ignored with no due process of law?

Cherry picking data to support a false narrative for Klamath Dam removal is wrong scientifically, wrong by FERCs own rules, and illegal because the Chevron doctrine since 2005 was made null and void by 22-451 June 28th, 2024 Federal Case number 22-451 in Loper Bright with Justice Neil M. Gorsuch's supporting opinion which explained in detail how administrative law crept into the judiciary, making the Chevron Doctrine null and void. <https://thelawisyourattorney.com/loper-bright-enterprises/>. And yet, all of the justices in the 9th Circuit have persisted in flaunting 22-

1
2 451 June 28th, 2024 Federal Case number 22-451 in Loper
3
4 Bright since its enactment on June 28, 2024, refusing to convene as Article
5
6 III Courts. By refusing this Writ the Court grants tacit approval for the
7
8 egregious contumacy of the 9th Circuit Court of Appeals to continue
9
10 unabated.

11

12

13

14 **OUR STORY:**

15
16 **salmonprotectiondevice.com**

17

18 Virtually all dam-related issues may be resolved without dam removal, **as**
19
20 the research of the late Steve Cramer so powerfully demonstrates. Steve

21

22 Cramer worked on salmon research at Cramer Fish Sciences in Portland

23

24 since the early 1980's. Through the years Steve and Petitioner had

25

26 talked about the idea of a Salmon Protection Device (SPD) to prevent sea
27
28 lions from attacking the salmon as they enter the fish ladders at the

1
2 Bonneville Dam. The SPD is a big cage made of 1-inch stainless steel
3
4 rods attached to the foot of a fish ladder . Unfortunately, Steve passed
5
6 away of cancer in the Spring of 2023. In January, that year I talked with
7
8 Steve and he said he wasn't going to live much longer and he asked me to
9
10 make the SPD a reality. Petitioner told him Petitioner would do
11
12 everything he could, but resources were limited.
13
14 Then in December 2023 Petitioner saw ODFW funding available for such
15
16 projects and with Steve in mind went ahead and applied. The application
17
18 process asked how this idea will be promoted. I post it on X-Twitter every
19
20 day and have 3000 followers who repost it. Also, on the Next-Door App. In
21

1 the process I contacted the Army Corp of Engineers. They liked the idea
2
3 and rushed the Section 408 and Joint application. This application
4
5 normally takes a year, but they finished in one month. We also received the
6
7 latest fish ladder drawings from the Corp.
8
9 Petitioner Salmon fished on Sauvé Island many times between January
10
11 and March each year. Our group of about 25 would walk back a few miles
12
13 to our favorite spot. Salmon are much faster than Sea Lions and can \\\
14
15 normally out run them, but not on the end of a fish line. Almost every other
16
17 catch a sea lion would take the Salmon off our line and eat it. We ended
18
19 up with a salmon head and that's all.
20
21 As part of the follow-up protocol, we're asking for a three-year moratorium

1

2 on Salmon Fishing below the Bonneville Dam on both banks. This, along

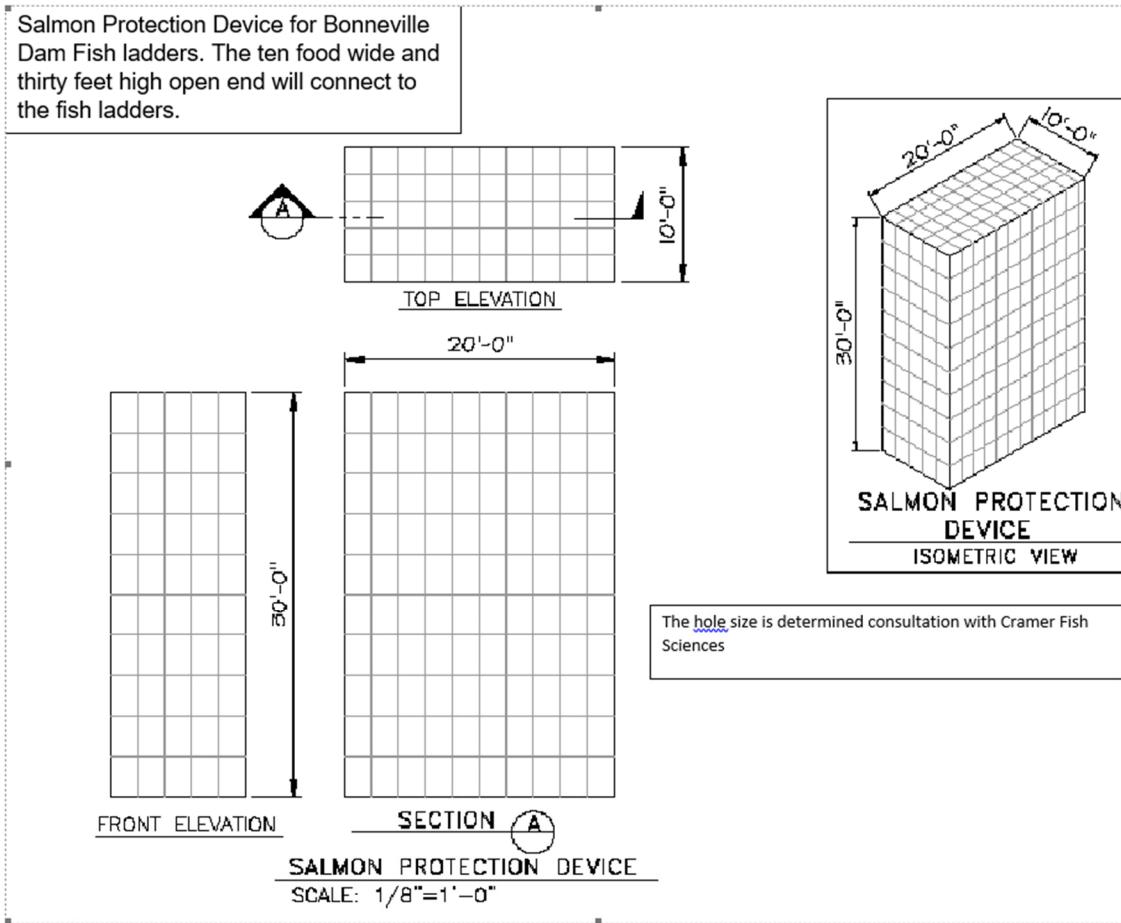
3

4 with the SPD will remove easy access to food for the Sea Lions in the

5

6 river.

7



8

9 This should be adequate time to train the Sea Lions to return to the ocean

10

1 where they belong and give the Salmon population time to recover, free
2
3 from sea lions and fishermen.

4
5 As noted in the table below, the increase in Sea Lions correlates almost
6

7 one-to-one with the declining fish counts at Bonneville dam. It's a well-
8

9 known fact that the Sea Lions wait at the fish ladders on the downstream
10

11 side of the Dam for Salmon going upstream to enter the ladder. One Sea
12

13 Lion eats its fill and another Sea Lion takes its place in a round robin style.

14
15 See Figures one and two for proof that the major issue with the
16

17 decline in salmon population on the Columbia is the Sea Lions, not the
18

19 dams. The two lines are almost parallel, indicating correlation of the two
20

21 Variables.

1
2 <https://www.columbian.com/news/2015/oct/21/sea-lions-now-a-year-round-issue-in-columbia/>
3



5
6 The problem is a bit different on the Green Peter Dam in Western Oregon,
7
8 where water turbidity has been killing the fish. A judge ordered draining the
9
10 reservoir on the assumption that that would allow it to refill with clean water
11
12 from upstream. However, that made turbidity much worse as dirt sloughed
13
14 off the newly exposed banks and the water level went down. This was \
15
16 done on the advice of a radical environmental group that stands to profit
17
18 from removal of the dam after the fish are “protected.” Their idea of
19

1 "protection" has killed orders-of-magnitude more fish than would get the

2

3 rest of us thrown in jail probably for life.

4

5 They made no effort to consult with Dam operators or local residents before

6

7 making their extreme draw-down, and dam removal proposal. When I

8

9 visited the dam with my sister to take some pictures, I spoke with the Dam

10

11 operator. He said that he emphatically did not agree with the judge's ruling

12

13 and that the protocol had resulted in far more fish being killed by additional

14

15 turbidity. He recommended dredging behind the dam to save both the dam

16

17 and the fish. This will get the fish ladder working again. That fish ladder has

18

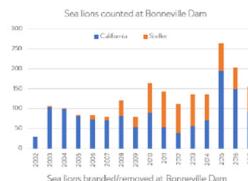
19 not been operational since the late 1980's because of silt buildup behind

20

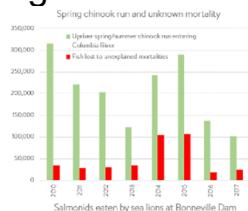
21 the dam.

1
2 On the way home, I spoke with a member of the university team who had
3
4 prepared the scientific assessment for the court. After a brief discussion
5
6 with myself and my sister he agreed that dredging behind the dam would
7
8 be the best solution.

9
10 [This article was edited by Oliver Woods, Head-of-School at
11 www.hymarkacademy.us, an online classical school for grades 7-12. Keys
12 to the Classics: A History of the Decline and Fall of Western Civilization]



13
14 Figure 1. Sea Lion Increase in Columbia River



15
16
17 Figure two salmon counts decrease almost mirrors the Sea Lion Increase,
18
19 making it a direct correlation.
20
21 Our grant for putting our salmon protection device on the fish ladders at
22
23 Bonneville Dam has finished scientific peer review with NOAA Fisheries
24

1 and funding is scheduled for January 1, 2026.

2

DOC OIG Hotline Form

Department of Commerce, Office of Inspector General, Fraud, Waste & Abuse Hotline



Thank you.

Your information has been submitted to the DOC OIG.

The OIG will evaluate your complaint and determine an appropriate course of action. Options include opening an OIG review (audit, evaluation, or investigation); referring the matter to a DOC Operating Unit for review and corrective action, if warranted; referring the matter to another Federal agency; or taking no action (allegations that do not involve a potential violation of law, rule, regulation, or policy as well as allegations with limited specificity or merit may be closed with no further action). Due to privacy interests, we do not provide complainants with updates on, or the results of, complaints and/or investigative matters.

If you did not provide contact information and you wish to provide additional information about this complaint matter, please call (800) 424-5197 and provide your tracking number.

Your submission tracking number is: **24184**

3
4 [https://www.opb.org/article/2023/08/05/columbia-river-salmon-habitat-
5 spending-study/](https://www.opb.org/article/2023/08/05/columbia-river-salmon-habitat-spending-study/)

6 [Or https://salmonproectiondevice.com/Billions_spent_on%20hatcheries.pdf](https://salmonproectiondevice.com/Billions_spent_on%20hatcheries.pdf)

7

8 The article says “Prior to damming, an estimated 16 million salmon and

9

10 steelhead returned to the Columbia River in the area above what is now

11

12 Bonneville Dam each year. But by the 1970s, less than 1 million were

13

14 returning.” . This is true because the Columbia river dams didn’t have fish

15

16 ladders. Starting around 1970 fish ladders were installed in the Columbia

17

1 river dams and the runs returned in a few short years, In the late 1980's
2
3 Sea Lions found an easy meal at the fish ladders and fisher men's fishing
4
5 line. In 2002 2.5 million returning in spring runs. This spring less than
6
7 300,000.
8

9 Or this link Complaint filed against NOAA Fisheries waste of \$1 billion as a
10
11 whistle blower.

12
13 [Salmonprotectiondevice.com](#) will fix the declining salmon and sturgeon
14
15 runs in the Columbia river within a few years. The Sea Lions have always
16
17 been the issue for the declining runs.

18
19 <https://thelawisyourattorney.com/judicial-bias-against-litigants-in-dam-removal-cases/>

21
22 They said council review not need and we will get the funding just after
23
24 January 1st, 2026
25
26

1 NA26NMFX463C0122-T1-01

2 **Status**

Scientific Review Group review completed: Council review pending. Refer any questions to the Program Official or Grants Management Specialist.

3 **PI Name**

4 White, Dave

5 **Project Title**

6 Install Salmon protection devices on Bonneville Dam fish ladders to prevent Sea Lions from eating salmon

7 **NIH Appl. ID**

8 11262709

9 **Application ID**

10 NA26NMFX463C0122-T1-01

11    National Institutes of Health
12 Office of Extramural Research

13 **Contacts**

14 Administration: Scientific Review Officer (SRO)
15 Name: Gange, Melanie L.
16 Phone:
17 Email: melanie.gange@noaa.gov

18 Administration: Grants Management Specialist (GMS)
19 Name: Parrish, Bakia
20 Phone:
21 Email: Bakia.Parrish@noaa.gov

22 **Latest Update**

23 Application Source: Grants.gov
24 Opportunity Number: [NOAA-NMFS-HCPO-2025-29043] -
25 NOAA's Restoring Fish Passage through Barrier Removal
26 Grants Under the Bipartisan Infrastructure Law- Round 3

27 **eRA Service Desk**

28 Hours: Monday-Friday, 7:00 AM-8:00 PM EDT/EST
29 Web: <https://www.era.nih.gov/need-help>
30 Toll-free: 866-504-9552
31 Phone: 301-402-7469
32 Contact initiated outside of business hours via Web or
33 voice mail will be returned the next business day.

34 **Status Information**

35 **NA26NMFX463C0122-T1-01**

36 **Status**

37 Scientific Review Group review completed: Council review pending. Refer any questions to the Program Official or Grants Management Specialist.

38 **PI Name**

39 White, Dave

40 **NIH Appl. ID**

41 11262709

42 **Application ID**

43 NA26NMFX463C0122-T1-01

44 **>Status**

45 **Status**

46 Scientific Review Group review completed: Council review pending. Refer any questions to the Program Official or Grants Management Specialist.

47 **Last Status Update Date**

48 07/09/2025

49 **PI Name**

50 White, Dave

51 **Organization Name**

52 School Name

53 School Category

54 Division Name

55 Department Name

56 **NIH Appl. ID**

57 11262709

58 **Proposal Receipt Date**

59 01/22/2025

60 **Proposal Title**

61 Install Salmon protection devices on Bonneville Dam fish ladders to prevent Sea Lions from eating salmon

62 **Project Period Begin Date**

63 03/01/2025

64 **Project Period End Date**

65 Current Award Notice Date

66 The issue with the salmon in the Columbia river is not the dams. It's the
67 sea lions.

68 We can help you write an injunction against what this judge did based on
69 junk science. As long as a dam has a fish ladder then the fish are trained to
70 go there. However, on the Columbia River, the Sea Lions wait at the fish
71 ladder entrance downstream of the lower dam.

72 <https://salmonprotectiondevice.com/>

73 My number is 503-608-7611 x602

74 In short, the 2008 and 2024 Biological Opinions are junk science and

1 illegal cherry picking evidence and testimony. Petitioner requests these
2
3 Biological Opinions be made null and void by the U.S. Supreme Court. This
4
5 is explained in the Writ filed in this docket. Based on everything we've
6
7 seen so far, the data proves Petitioner, a life-long Chemical Engineer,
8
9 knows more about fish science than most fish biologists.
10
11 Failure to approve this Writ perpetuates a deadly threat for human and
12
13 animal life in the Klamath River Basin. Below is a warning sign we intend
14
15 to post on both sides of the river if this Writ is granted.
16
17

DO NOT COME NEAR THE RIVER WITHOUT WEARING A GAS MASK.

18 THE SILT IS HEAVY LADEN WITH ARSENIC AND CHROMIUM 6
19 POISONS.

20 https://salmonprotectiondevice.com/CDM_2011_0119_ScreeningLevel-Evaluation-of-Contaminants-in-Sediments.pdf
21
22

23 Chapter three tables in the Department of Interior Report identify
24 arsenic and chromium 6 up to 40 times recommended levels in the
25 silt.

26 DON'T EAT THE FISH

27
28 Las tablas del capítulo tres describen el arsénico y el cromo 6 en el limo.

29
30 NO SE ACERQUE AL RÍO SIN MÁSCARA DE GAS.

31

32 EL LODO ESTÁ CARGADO DE ARSNICO Y CROMO VI.
33 NO COMAS EL PESCADO

34 Salmonprotectiondevice.com see Klamath page
35 503-608-7611 x602

GROUNDS

In this Petition for Rehearing by Rule 44, Petitioner states the grounds briefly and distinctly. Petitioner begs the U.S. Supreme Court for Rehearing on the merits of 25-5725. This petition is presented in good faith in the U.S. Supreme Court and not for delay. Respondents are *prima facie* in default based on the timeline established by Rule 55 when they were duly served the Writ. Respondent Legal Counsel filed to capitulate on November 3rd by their legal counsel; Solicitor General D. John Sauer filed Waiver of Right of Respondent FERC to Respond.

The legal irregularity of this dismissal is why this Petition for Rehearing by Rule 44 is filed in this docket.

With all due respect, the Court has failed to follow Federal rules regarding

the strength and legal weight of a default judgment and the conditions for

overturning it. The Supreme Court is bound to these rules by Article VI of the Constitution.

¹⁰ According to the Supreme Court's bounds to these rules by Article 11 of

the U.S. Constitution, which requires that “This Constitution, and the Laws

of the United States which shall be made in Pursuance thereof; shall be

1 The supreme Law of the Land; and all executive and judicial Officers, both
2
3 of the United States and of the several States, shall be bound by Oath or
4
5 Affirmation, to support this Constitution;” Surely, failure of the judiciary
6
7 To uphold these federal laws “made in pursuance thereof” is a lapse of
8
9 “good behavior” required by Article III.

10

11 *Strength and Legal Weight of Default Judgment*

12
13 According to Rule 55 – made in pursuance to the U.S. Constitution -- a
14
15 default judgment is a final, legally binding decision. It resolves all
16
17 questions of liability presented in the initial complaint.

18
19 The winning party (Petitioner) can take action to collect on the judgment,
20
21 which may include, for example, wage garnishment, bank account levies,
22

1 or property liens. Plaintiff has presented an overwhelming *quantum* of
2
3 admissible evidence that justifies the relief requested, in the Writ filed
4
5 based on the merits, as demonstrated below.

6 Conditions for Overturning Default Judgment

7
8 Moreover, the conditions for overturning a default judgment by Rule 55
9
10 have not been met. Dismissal requires the defaulting party to actively file
11
12 a motion to set it aside. (FRCP 60) No such motion has been filed by the
13
14 defaulting party. They have abandoned their argument by failure to
15
16 appear, and the Court therefore, with all due respect, has no authority to
17
18 dismiss 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 9th Circuit Court of Appeals for decades. How can the Court
7
8 discipline renegade judges in the 9th Circuit if it is culpable of the very same
9
10 trespass?
11
12 Such a motion to overturn a default judgment requires the defaulting party
13
14 to demonstrate Good Cause or some reasonable excuse for failing to file
15
16 a timely answer or appear in court, such as improper service of process, a
17

1 medical emergency, fraud, or a legitimate mistake.
2
3 In addition, the defaulting party must show a valid, justifiable reason or
4
5 Meritorious Defense for their claims. This means that the outcome of the
6
7 case might be different if they were allowed to present their side, as
8
9 demonstrated by an affidavit or sworn statement outlining the facts of their
10
11 defense. But again, no such affidavit was provided in a prompt or timely
12
13 manner.

14
15 **The Relief Sought**
16

17 Petitioner prays for the U.S. Supreme court to rehear this case by Rule
18
19 44 and confirm that Respondents, violated the internal FERC documents
20
21 against cherry picking data, ignoring County wide votes in Klamath and

1 Yreka County's where about 80% of people didn't want the dams
2
3 removed, 2017 California Water board testimony and 2009-2002 Interior
4
5 Department sanctioned chemistry test. This test, chapters 2 and 3, prove
6
7 the silt behind the dams and on the river side is highly contaminated with
8
9 Arsenic and Chromium 6 which are highly toxic.

10
11 The relief sought in the Writ filed will allow us to clean up the silt and
12
13 require that no dam in the United States may be removed without
14
15 salmonprotectiondevice.com approval, shown below:

16
17
18 **Dam removal Approval Procedure**
19

20 Call 503-608-7611 x602 and ask where to submit these documents.
21
22 This applies to all private and publicly owned dams in the United States
23
24 and its territories.

25
26 1. Clean water act by 33 U.S.C. §1251 Section 404, 408 or other
27 appropriate section permit.
28
29 2. Army Corp of Engineers Joint Application result.
30
31 3. Chemistry test of any silt on the upstream side of the dam including
32 mitigation of EPA listed chemicals.
33 https://salmonprotectiondevice.com/CDM_2011_0119_Screening_Level_Evaluation_of_Contaminants_in_Sediments_1.pdf
34
35
36
37 4. Does the Dam have a fishway (fish ladder)? If so is it working or filled
38 with silt?
39
40 5. Detailed cost of dredging behind the dam.

1
2 6. Detailed cost of removing the dam.
3

4 https://salmonprotectiondevice.com/Dam_Removal_Application.pdf
5

6 https://salmonprotectiondevice.com/Dam_removal_Approval_Procedure.pdf
7

8
9 Upload documents after filling them out here:
10

11 <https://salmonprotectiondevice.com/dam-applications/>
12

13 Conclusion 14

15 In conclusion, for the above reasons, this writ should be granted and the
16 relief sought should be granted.
17

18 

19 Certified by David C. White
20 November 26th 2025.
21
22

23 CERTIFICATE OF SERVICE

24 I hereby certify that on 11/26/2025, a true and correct copy of the
25 above document shipped filed with the Clerk of the Supreme Court
26 using Fedex. A copy of the document will be served upon interested
27 parties via email by ORCP 9 C 3.

28 Solicitor General

29 United States Department of Justice

30 950 Pennsylvania Avenue, NW

31 Washington, DC 20530-0001

32 SUPREMECTBRIEFS@USDOJ.GOV

33 Ph: 202-514-2217

34 Party name: FERC

36 Additionally, a courtesy copy is being provided as follows:
37 Also emailed to defendants by email service of

1 thelawisyourattorney.com to SUPREMECTBRIEFS@USDOJ.GOV
2
3 Via hand delivery
4 Via U.S. Mail, 1st Class,
5 Postage Prepaid
6 XX Via Overnight Delivery
7 Via Facsimile
8 XX Via Email
9 Via CM/ECF notification
10 to the extent registered DATED: 11/26/2025
11 By: David White



12
13 David White Pro Se 11/26/2025
14
15