

1 Office of the Circuit Executive
2 United State Court for the 9th circuit
3 James R. Browning
4 United State Courthouse
5 95 Seventh Street
6 San Francisco, CA 94119-3939
7 Susan Soong, Circuit Executive
8 December 28th 2024

Professor Dave White
cctruth.org
TheLawIsYourAttorney.com
SalmonProtectionDevice.com

9 Re: Complaint of official Misconduct Nos 25-90001, 25-90002, 25-90003

10

11 Dear Susan Soong,

12 Thank you for your kind (January 3rd 2025) response to my mail delivered
13 to you on January 2nd 2025 concerning issues with the three dam removal
14 cases. My concern is that they may not be resolved quickly before our
15 other two dockets currently on appeal (24-6799 and 24-6787) are decided
16 with similar illegal outcomes. Sometimes it seems as if there's an unwritten
17 rule circulating in the judiciary that a pro se litigant must not be allowed to
18 prevail.

19 As with all our Appeals, Docket 24-6799 Appellees did not file anything and
20 were thus in default. Yet, as in every other case, the Federal Judge
21 ignored the evidence and refused to obey the law, dismissing the case with
22 illegal bias. Hence the Appeal. Appellant has had the transcripts and
23 exhibits from 21DR02783 since November 2022 two months after the
24 fraudulent ruling and fake judgement. Appellant's first pleading was against
25 Appellee 4 Jim Shipley's 65+ untruthful statements in Court. A hard copy of
26 these was given to Judge Bailey's clerk, requesting delivery to the Judge.
27 Attorney Shipley (Appellee 4) prevaricates incessantly but is excused by
28 the Court.

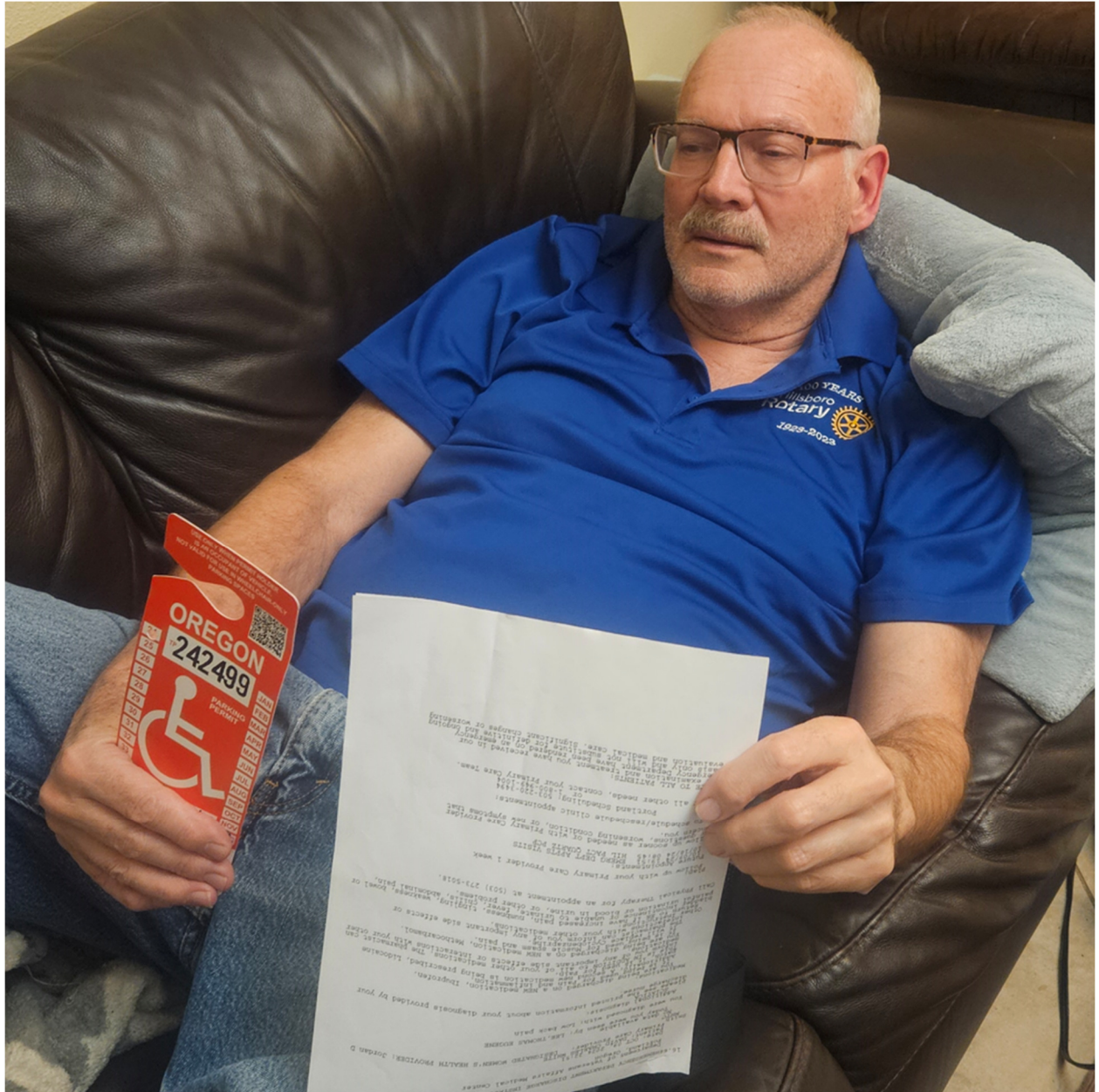
29 In the same case, Appellant then spelled out three well-documented
30 perjuries of Appellees 1-3. In the same manner. Appellant filed a request
31 into the case (21DR02783) for the Judge to adjudicate the felonies,
32 however crooked Judge Bailey dismissed these without reading. Appellees
33 Appellee 1 Appellee 4 filed to illegally split Appellant's IRA. Oregon
34 Supreme Court case Staveland and Fisher (12/99) requires that every

1 variable asset be split equally at the end of the dissolution. Half would be
2 just under \$100,000, but Appellee 1 was awarded \$117,000 and Appellant
3 received only \$83,000. This is clearly not fair and equitable as required by
4 Oregon Law and Staveland and Fisher. The biased Judge dismissed the
5 legal filings within 10 minutes of receiving them.

6 Appellee 4 filed an illegal ex-parte Writ of Execution, without serving it on
7 Appellant five days prior to filing, as required. Moreover, it was not filed in
8 the court docket, didn't have a certificate of service, and violated Oregon
9 Writ rules which allow for a challenge writ law. As before, Appellant
10 (21DR02783) filed against this and explained the laws were broken, but the
11 biased Judge ruled against it within 5 minutes. This is just some of the pain
12 from illegal rulings Appellant has been forced to endure without any
13 remedy. Appellant turned to the law instead of violence to right these
14 injustices. I very much appreciate the time taken from a busy schedule by
15 the Honorable Chief Justice to set things right. It is my last hope.

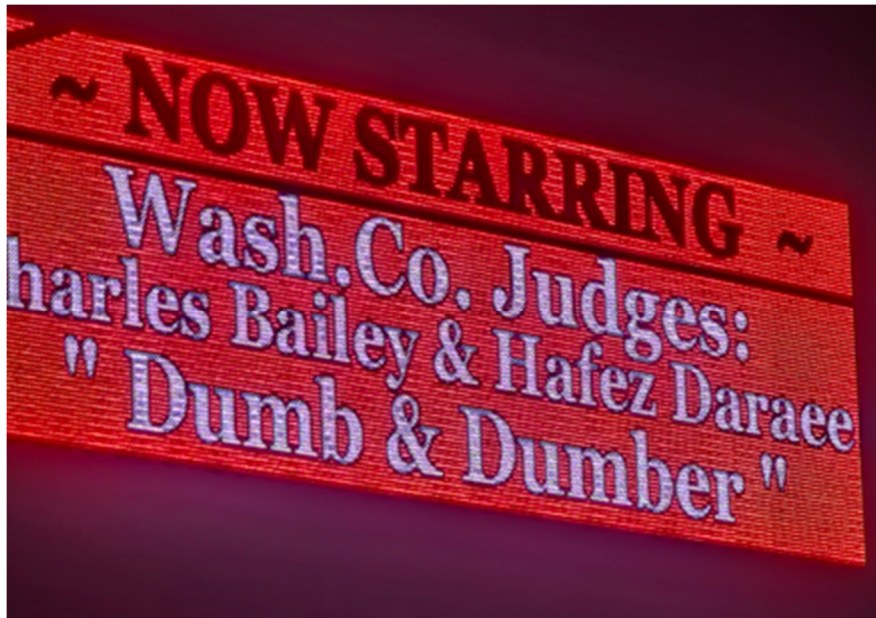
16 As you can see from this photo I'm usually confined to my couch with an
17 extremely painful, pinched sciatic nerve. In spite of the Oregon disabled
18 parking permit and discharge papers from Portland, Oregon VA emergency
19 room (that I'm holding), Judge Bailey spitefully refused to grant me remote
20 access to the hearing.

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The sign below on US 99W just west of Sherwood, is evidence that I'm not the only one Judge Bailey has abused to the point of extreme frustration.



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He was the Judge in the 21DR02783 case and Appellant is hoping for a just ruling in this docket to enter as the main exhibit in the criminal complaint against him on this link: <https://thelawisyourattorney.com/sample-page/crooked-judge-bailey/>

Judge Bailey violated Appellant's rights under Americans with Disabilities Act and due process of law from Articles 6 and 14 of the U.S. Constitution.

In addition, this seriously unqualified Judge failed to adjudicate:

4 felonies of perjury in the final ruling of 21DR02783.

Felony Perjury of Appellee 1.

Felony Perjury of Appellee 2.

Felony Perjury of Appellee 3.

Felony accessory after the fact and collusion with David Smith and Crooked Judge Bailey and the dishonest attorney Jim Shipley.

Appellant is now waiting for the Appeals court to correctly adjudicate without bias in accordance with Federal Law for summary disposition, which requires Appellant to prevail.

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In Docket 24-6787 Appellant vs Appellees of Oregon State University where for two years Appellant applied to finish his PhD of 22 credits and was denied by illegal Affirmative action. This even though the second year Appellant included this Supreme Court Ruling in the Cover Letter.

STUDENTS FOR FAIR ADMISSIONS, INC. v. PRESIDENT AND FELLOWS OF HARVARD COLLEGE

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIRST CIRCUIT

https://www.supremecourt.gov/opinions/22pdf/20-1199_hgdj.pdf

The Federal Judge’s ruling was based on unambiguous perjury. Appellant in Opening Appeal Brief totally debunked it and Appellees then filed they would not file an Answering Brief, with the legal implication that they agree with the Opening Appeal Brief. Therefore, Appellant filed for a summary disposition. Appellant is now waiting for the Appeals court to correctly adjudicate the summary judgment without bias and in accordance with federal law and U.S. Constitution and declare Appellant prevails.

Conclusion

In conclusion, thank you again for your kind attention to this matter. Here is a way to quickly get two compelling items off your to-do list.

We hope the Chief Justice will re-open the three cases, which were illegally dismissed and have three different panels adjudicate them with the clear understanding that Administrative Law must not be allowed to overrule Federal Law.

Any investigation into the arson fires in Los Angeles will soon discover that the 4 Klamath dams Appellee fought so desperately to preserve just a few months ago would have provided more than enough water to stop the arson fires before they got out so far out of control. This a tragic example,

1 of the devastating consequences when the Courts fail to exercise justice
2 under the law.

3 Another example, is the Clean water act [https://www.ecfr.gov/current/title-](https://www.ecfr.gov/current/title-33/chapter-II/part-323)
4 [33/chapter-II/part-323](https://www.ecfr.gov/current/title-33/chapter-II/part-323) Section 324.4, which states “If any discharge of
5 dredged or fill material resulting from the activities listed in paragraphs (a)
6 (1) through (6) of this section contains any toxic pollutant listed under
7 section 307 of the CWA such discharge shall be subject to any applicable
8 toxic effluent standard or prohibition, and shall require a section 404
9 permit”.

10 Instead, Appellees’ pseudo-scientists released toxic effluent from each of
11 the Klamath river dams and said it was covered in their section 404 permit.
12 Appellant has a letter from Rivers.gov to Klamath River Renewal Corp a
13 few months before Appellees released 5 million yards of toxic sediment
14 from the Iron Gate dam in January, 2024. A 2009 Department of Interior
15 contract to test the silt behind each dam found Arsenic concentrations 200
16 times the EPA limit.

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

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20 Therefore, it is highly appropriate for the 9th Circuit Court Chief Justice to
21 send an order and press release to all media and Judges that it is illegal to
22 remove dams by the Clean Water act. Something like this in your own
23 words:

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25 1. All future river reclamation projects within the purview of the Ninth Circuit Court shall comply
26 with the intent of the Clean Water Act and the Wild and Scenic Rivers Act, Section 71A2,3 to
27 preserve existing dam projects from removal, by the far less draconian strategy of:

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29 2.The only effective solution for regular dam maintenance, every 25-50 years:

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- 31 a. Dredge behind the dam, and
- 32 b. Heat-scrub toxin-contaminated silt on-site,
- 33 c. Install or repair fish ladders on each dam,
- 34 d. Install Salmon Protection Device cages at the foot of the fish ladder on the lower dam if
35 needed to deter predatory Sea Lions, Treating reservoirs for algae or other
36 contaminants, if necessary

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

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A handwritten signature in cursive script, appearing to read "D. Miller".

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1/20/25

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(Signature) _____

(Date)

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