

1                   **UNITED STATES COURT OF APPEALS**  
2   **FOR THE NINTH CIRCUIT**

3  
4   **Docket 24-5275**  
5   **Case 1:24-cv-01291-MC**  
6   **Case 3:24-cv-00755-JR**

7   **David White, Pro**

**EMERGENCY MOTION Under**  
**CIRCUIT RULE 27-3 RELIEF**  
**NEEDED BY 10/8/2024**

8  
9  
10   18965 NW Illahe St,  
11   **Portland OR.**

12   [dave@salmonprotectiondevice.com](mailto:dave@salmonprotectiondevice.com)  
13

14   **vs.**

15  
16   **Defendant 1. (D1)**

17   **Dave Coffman, as geoscientist**

18   [dcoffman@res.us](mailto:dcoffman@res.us)

19   **Resource Environmental Solutions, (RES)**

20   **Corporate Headquarters – Houston**

21   **6575 West Loop South, Suite 300**

22   **Bellaire, TX 77401**

23   **713.520.5400 x6134**

24   **Defendant 2. (D2)**

25   **Mark Bransom in his capacity as Chief Executive Officer of**  
26   **Klamath River Dam Renewal Corp. (KRRC)**

27   [info@klamathrenewal.org](mailto:info@klamathrenewal.org)

28   **Defendant 3 (D3)**

29   **Klamath River Renewal Corporation**

30   **2001 Addison Street, Suite 317**

31   **Berkeley, CA 94704**

32   **Phone: 510-560-5079**  
33

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34   Legal Counsel for D2 and Klamath River Renewal Corporation (KRRC),  
35   (D3)

36   **Julia E. Markley**, Bar No. 000791

37   [JMarkley@perkinscoie.com](mailto:JMarkley@perkinscoie.com)

38   **Megan Kathleen Houlihan**, OSB No. 161273

1 MHoulihan@perkinscoie.com

2 **PERKINS COIE LLP**

3 1120 N.W. Couch Street, Tenth Floor

4 Portland, Oregon 97209-4128

5 Telephone: 503.727.2000

6 Facsimile: 503.727.2222

7 **Laura Zagar**, *Pro Hac Vice Forthcoming*

8 LZagar@perkinscoie.com

9 **PERKINS COIE LLP**

10 505 Howard Street, Suite 1000

11 San Francisco, CA 94105

12 Telephone: 415.954.3230

13 Facsimile: 415.344.7050

14 **Richard Roos-Collins**, *Pro Hac Vice Forthcoming*

15 rrcollins@waterpowerlaw.com

16 Water and Power Law Group PC

17 2140 Shattuck Avenue

18 Suite 801

19 Berkeley, CA 94704

20 Telephone: 510.296.5589

21 *Attorneys for Defendants Mark Bransom and*

22 *Klamath River Renewal Corporation*

23

24

25 1)18 USC 3 accessory after the fact.

26 2) 16 USCA § 1532(19); see also Goble, D. D.; George, S. M.; Mazaika, K.;

27 3) Scott, J. M. & Karl, J. (1999) "Local and national protection of

28 endangered species: An assessment," *Environmental Science & Policy*, 2,

29 pp. 43-59.

30 4) 18 U.S. Code § 41 - Hunting, fishing, trapping; disturbance or injury on

31 wildlife refuges.

32 5) The Endangered Species Act of 1973,

33

34 <https://www.fws.gov/laws/endangered-species-act/section-11>

35

36 6) 18 U.S.C. § 1001 False Statements, Concealment.

37

38 7) 29 CFR § 1606.8 (1) – Harassment Has the purpose or effect of creating

39 an intimidating, hostile or offensive working environment.

1  
2 8) 28 U.S. Code § 4101 The term “defamation” means any action or other  
3  
4 proceeding for defamation, libel, slander, or similar claim alleging that  
5  
6 forms of speech are false, have caused damage to reputation or  
7  
8 emotional distress, have presented any person in a false light, or have  
9  
10 resulted in criticism, dishonor, or condemnation of any person.

11  
12 9) 33 U.S.C. §1251 et seq. (1972) Clean water act Section 404.

13  
14 10) 29 CFR § 1606.8 (1).

15  
16 11) 28 U.S. Code § 4101.

17  
18 12) 22–451 June 28th, 2024 Loper Bright Enterprises v. Raimondo and  
19 Relentless, Inc. v. Department of Commerce.  
20 [https://www.supremecourt.gov/opinions/23pdf/22-451\\_7m58.pdf](https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf)

21  
22 13) 29 CFR § 1606.8 (1).

23  
24 14) 28 U.S. Code § 4101.

25  
26 15) Judges Code of Conduct, Canons 2 and 3;  
27 [https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges)  
28 [judges](https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges)

29  
30 16) 18 U.S.C. 4 says, “Whoever, having knowledge of the actual  
31 commission of a felony cognizable by a court of the United States,  
32 conceals and does not as soon as possible make known the same to some  
33 judge or other person in civil or military authority under the United States,  
34 shall be fined under this title or imprisoned not more than three years, or  
35 both.”

1 17) 28 U.S. Code § 455 (b), (1)- Disqualification of justice, judge, or  
2 magistrate judge. In this case obstruction of justice by unnecessary delay  
3 of Proceedings in Forma Pauperis.

4  
5 18) 28 U.S. Code § 144 which says Where he (The Judge) has a  
6 personal bias or prejudice concerning a party, or personal knowledge of  
7 disputed evidentiary facts concerning the proceeding.

8 19) Pagtalunan v. Galaza, 291 F.3d 639, 642 (9th Cir. 2002): Pagtalunan

9  
10 was Pro Se and made numerous mistakes in filing his complaint resulting

11  
12 in the case being dismissed. However, upon appeal, the higher Court

13  
14 ruled that the lower Court was in error because they did not give allowance  
15 for Pagtalunan's lack of legal training.

16  
17  
18 **CIRCUIT RULE 27-3. EMERGENCY MOTIONS**

19  
20 Plaintiff notified Defendants legal Counsel and the Appeals Court  
21 early morning 10/2/2024.

22  
23 Plaintiff has completed Form 16 and will upload it at the same time  
24 this emergency motion is filed.

25  
26 The claimed emergency is: 1. Silt on both sides of the Klamath River  
27 which is highly contaminated with chromium 6 and 40 to 200 times the EPA  
28 limit for Arsenic, and 2. Flooding down stream of Iron Gate dam every  
29 Spring with estimated cost at \$150 million per year, based on the 60 million  
30 cleanup cost of the Columbus Day storm in 1964.

31  
32 Plaintiff was unaware that this Emergency Motion could be filed any  
33 earlier until yesterday. The Lower court judge should have signed our  
34 injunction in early May but they believed untruthful attorneys instead.

35

1 A letter to FERC from Siskiyou County (County) about the massive  
2 issue with Defendants' malfeasance. This link is to the letter  
3 <https://salmonprotectiondevice.com/letter.pdf>  
4

5 Please see PETITION FOR WRIT OF MANDAMUS PURSUANT TO  
6 18 U.S.C. § 3771(d)(3), filed with this motion, for more facts on why this is  
7 an emergency.  
8

9 Rulings requested  
10

11 1. This case is not frivolous.  
12

13 2. An emergency Injunction is requested to turn over Defendants'  
14 license to salmonprotectiondevice.com with all remaining funds so  
15 an experienced team of qualified scientists can begin immediate  
16 mitigation of the environmental disaster created by Defendants.  
17

18 The lethal threat to the environment and to human life in the  
19  
20 Klamath Basin demands immediate action, which we first  
21

22 requested in early May, 2024, five months ago that could have  
23

24 saved the dam and loss of fish and wildlife. Instead, the town of  
25

26 Yreka and Klamath is now vulnerable to being decimated by  
27

28 flooding, as it was in the Columbus Day Storm of 1964, just before  
29

30 the Iron Gate Dam became operational.  
31

32  
33 3. The public record filed above meets the requirement of Rule 201(b)(2) of  
34 the Federal Rules of Evidence. Therefore, Plaintiff respectfully requests  
35

36 that the Appeals Court grant this request for an injunction to immediately  
37

1 put a stop to the environmental damage and deadly threat to human and  
2  
3 wildlife created by Defendants' criminal negligence.  
4

5 4. Additionally, Plaintiff has clearly demonstrated that this Court does in fact  
6 have jurisdiction over this case because FERC is not a defendant,  
7

8 contrary to the false claims of Defendants made to distract the Court from  
9

10 the vital issues at stake! Simple logic and rules of evidence, not to mention  
11 the litigants named in the Complaint Caption, lead to this obvious  
12

13 conclusion.  
14

15 5. Appellant moves the Appeals Court to award Appellant the \$30 million  
16

17 which was sought in the Complaint to accomplish these tasks and any  
18

19 other award the Court deems necessary, such replacing at least two of the  
20 dams – Copco 1 and Iron Gate Dam.  
21

22 6, Remove Judge Russo and Judge Nelson for using illegal Administrative  
23

24 Law to ignore and override clear Federal law and facts found in case  
25

26 briefs.  
27

28 7. Adjudicate Defendants to the FBI for prosecution of killing fish and  
29

30 wildlife, and willful violation of the Federal Clean Water act and the 7  
31

32 environmental values of the Wild and Scenic River Act.  
33  
34  
35

36 **CERTIFICATE OF SERVICE**

37 I hereby certify that on, a true and correct copy of the above document was  
38 electronically filed with the Clerk of the Court using CM/ECF. A copy of the

1 document will be served upon interested parties via the Notices of  
2 Electronic Filing that are generated by CM/ECF. Additionally, a courtesy  
3 copy is being provided as follows:

4  
5 Attorneys for Defendants Dave Coffman, Mark Bransom and  
6 Klamath River Renewal Corp.

7 Julia E. Markley, OSB No. 000791

8 JMarkley@perkinscoie.com

9 Megan K. Houlihan, OSB No. 161273

10 MHoulihan@perkinscoie.com

11 1120 N.W. Couch Street, Tenth Floor

12 Portland, Oregon 97209-4128

13 Telephone: +1.503.727.2000

14  
15 Also emailed to docketpor@perkinscoie.com;

16 JeannetteKing@perkinscoie.com; skroberts@perkinscoie.com;

17 sburley@res.us; mhoulihan@perkinscoie.co;

18 BJones@perkinscoie.com; docketpor@perkinscoie.com

19  
20 \_\_\_ Via hand delivery

21 \_\_\_ Via U.S. Mail, 1st Class,

22 Postage Prepaid

23 \_\_\_ Via Overnight Delivery

24 \_\_\_ Via Facsimile

25 XX Via Email

26 XX Via CM/ECF notification

27 to the extent registered DATED: October 3rd, 2024

28 By: David White

29  
30 

31 David C. White Pro Se. October 3rd, 2024

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