

S. HRG. 119-313

CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

HEARING BEFORE THE COMMITTEE ON THE JUDICIARY UNITED STATES SENATE ONE HUNDRED NINETEENTH CONGRESS

FIRST SESSION

NOVEMBER 19, 2025

Serial No. J-119-50

Printed for the use of the Committee on the Judiciary



www.judiciary.senate.gov
www.govinfo.gov

U.S. GOVERNMENT PUBLISHING OFFICE

62-970

WASHINGTON : 2026

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CONFIRMATION HEARING ON FEDERAL APPOINTMENTS

WEDNESDAY, NOVEMBER 19, 2025

UNITED STATES SENATE,
COMMITTEE ON THE JUDICIARY,
Washington, DC.

The Committee met, pursuant to notice, at 10:05 a.m., in Room SD-106, Dirksen Senate Office Building, Hon. Charles E. Grassley, Chairman of the Committee, presiding.

Present: Senators Grassley [presiding], Cornyn, Cruz, Hawley, Tillis, Kennedy, Blackburn, Schmitt, Britt, Moody, Durbin, Whitehouse, Blumenthal, Hirono, and Schiff.

Also present: Senators Boozman, Cotton and Sullivan.

OPENING STATEMENT OF HON. TED CRUZ, A U.S. SENATOR FROM THE STATE OF TEXAS

Senator CRUZ. Good morning. The Senate Judiciary Committee is called to order. Welcome to everyone. Today, we welcome a panel of three nominees: Mr. Nicholas Ganjei, Mr. Aaron Peterson, and Mr. David Fowlkes. I want to thank each of you for your willingness to serve, and I welcome your families who are here in support.

We are participating in a process with a storied history. Under the Senate's earliest rules, the Judiciary Committee has stood as one of the three original Committees of the U.S. Senate. For more than 150 years, this Committee has held nomination hearings, upholding a tradition that reaches far beyond any single nominee. These proceedings represent the solemn duty entrusted to this Committee, to safeguard the integrity of the Federal Judiciary, an institution that remains the backbone of our constitutional republic. For more than 2 centuries, our courts have served as a stabilizing force in American life. They have defended liberty in times of crisis, checked overreach in moments of political passion, and upheld the rule of law when it was least popular to do so. And today, under President Trump, we are witnessing a welcomed return to that tradition, a return to judges who read the law, who respect the separation of powers, and who understand that the judiciary is not a political weapon, but rather, a constitutional trust.

We need to renew our constitutional heritage. Even now, some courts continue to stretch beyond their constitutional role, issuing sweeping injunctions, expanding statutes past their text, and inserting ideology into matters reserved for the elected branches. Through the nomination of rule-of-law judges, we are restoring courts to their rightful place, interpreting the law as written, not as wished, and that return to constitutional values shows the char-

acter and caliber of the nominees coming before this Committee. We see men and women who have dedicated their lives to the rule of law, who have prosecuted criminals, defended communities, and shown, through years of public service, that fidelity to the Constitution is not an abstract promise, but, rather, a lived commitment, which brings me to introduce the first nominee on today's panel, Nicholas Ganjei.

Nick is exactly the kind of nominee who reflects the best of this moment. Nick has spent nearly 20 years on the front lines of Federal law enforcement. He has prosecuted cartel traffickers, violent offenders, predators of children, human smugglers, and corrupt actors who have threatened our communities. He has tried cases, overseen offices, managed teams, and now, as the U.S. attorney for the Southern District of Texas, he leads one of the busiest, most consequential U.S. attorney offices in the Nation. His record is enormous in scope and unmistakable in character. Under his leadership, Federal prosecutors in Houston and across South Texas have dismantled transnational criminal organizations, stopped human trafficking pipelines, taken down large-scale drug rings, and protected children from predation. He has enforced immigration law faithfully in a district where more than 70 percent of Federal sentencing matters involve immigration offenses. He has done the work quietly, diligently, professionally that keeps Americans safe.

He has also served this body dutifully and patriotically. Indeed, Nick's one failing is his choice for whom to work, and for 3 years, Nick was my chief counsel on the Senate Judiciary Committee. I hope this Committee will forgive him that momentary lapse in judgment, but I can tell you, in that role, I saw firsthand the qualities that define him, exceptional judgment, deep integrity, respect for the Constitution, and humility in the exercise of public power. He was a leader on criminal justice issues, on border security, on judicial nominations, and on some of the most complex matters that come before this Committee. I trusted his counsel then, and I trust his character now.

President Trump nominated Nick because he embodies the traits we should demand from every Federal judge, seriousness, independence, commitment to the rule of law, and a lifetime of service and dedication to the American people. I have every confidence that he will serve the Southern District with honor, and I wholeheartedly support his nomination. And with that, I recognize Ranking Member Durbin for his opening remarks.

**OPENING STATEMENT OF HON. RICHARD J. DURBIN,
A U.S. SENATOR FROM THE STATE OF ILLINOIS**

Senator DURBIN. Thank you very much, Senator Cruz, and congratulations to the nominees, their families, and friends who have gathered here today. We have three district court nominees before the Committee. I want to apologize in advance that I have a meeting with the leadership at 10:30, so I have to step out. I hope I can return and personally ask my questions at that time.

I want to raise an issue that doesn't relate exclusively to these nominees but, basically, all the Members of the Judiciary. The job of a district court judge is not an easy task. The dockets are busy,

the questions of law are complicated, but more recently, and especially this year, the work has become even more difficult as jurors across the country face increasing personal attacks and even threats of violence. The uptick in threats is not random. The attacks against individual judges by this administration and their passionate followers have well been recorded.

In March, the President demanded the impeachment of a Federal judge simply for ruling against the administration. The President called the judge “A Radical Left Lunatic, a troublemaker and agitator.” The President added, “This judge, like many of the Crooked Judges’ I am forced to appear before, should be IMPEACHED.” The President is not the only member of this administration to use this kind of inflammatory language. Earlier this month, Deputy Attorney General, Todd Blanche, a former personal lawyer of the President, told the Federalist Society the administration is engaged in “a war” against “rogue activist judges.” When the deputy attorney general refers to litigation involving the Government as a war, you can understand how the President’s supporters might consider threats and violence as a natural next step.

Just last month, the White House Deputy Chief of Staff, Stephen Miller, referred to a district judge court’s order blocking the Trump administration’s deployment of the National Guard as “legal insurrection.” Mr. Miller claimed that the so-called left-wing terrorism is “shielded by far-left Democratic judges, prosecutors, and attorneys general. The President who is nominated, who was nominated—his record should be explained.” Taking this criticism from the White House is hard to imagine, but this was a judge that was actually chosen by President Trump in his first term.

MAGA loyalists in Congress have eagerly piled on. So far this year, Republican Congressmen have filed impeachment resolutions against at least eight district court judges for high crimes and misdemeanors, and the crime they are accused of? Disagreeing with the President. In response to this unprecedented attack on the judiciary, Chief Justice John Roberts issued a rare statement. “For more than 2 centuries, it has been established that impeachment is not an appropriate response to disagreement concerning judicial decisions. The normal appellate review process was made for that purpose.” As a result of the surge in threats, many judges now require additional security, including many judges in my home State of Illinois. The administration’s unlawful immigration raids in Chicago have led to numerous lawsuits and controversial decisions. This litigation, in turn, has led to a rise in threats against several judges who actually handle these cases. As I’ve said many times before and will repeat each time given an opportunity, violence or threats of violence, whether from the right or the left of the political spectrum, are never, ever acceptable.

I would like to quote from a recent statement by the Chicago Chapter of the Federal Bar Association, a nonpartisan organization. The statement reads, “Expressions of public sentiment, whether criticism or praise, are not threats to judicial independence. Recent threats of violence directed at Chicago Federal judges for simply doing their job, however, are unacceptable and have no place in our discourse.” I couldn’t agree more. More than 6 months ago I asked the Justice Department for a briefing on the Marshal

Service efforts to protect our judges. I'm still waiting for that to take place. It should be a priority of this Committee. The threats and challenges our Federal judges face grow worse every day. Let's do something about it on the Judiciary Committee. I yield, Mr. Chairman.

Chairman GRASSLEY [presiding]. Thank you. Now, in this order because Senator Sullivan and Senator Cornyn have other engagements, I'm going to call on Senator Sullivan first.

**STATEMENT OF HON. DAN SULLIVAN,
A U.S. SENATOR FROM THE STATE OF ALASKA**

Senator SULLIVAN. Thank you, Mr. Chairman, and Senator Durbin, and my Senate colleagues on the Judiciary Committee. It's an honor to be here today to introduce a distinguished Alaskan before this Committee, Aaron Peterson, who has been nominated by President Trump to serve as a judge on the United States District Court for the District of Alaska.

As you all know, the vetting process for a Federal judge is rigorous and time consuming, as it should be, and I want to thank Aaron and his family for their patience as this process has moved forward. As part of this nominating process, Aaron was interviewed by the Alaska Federal Judiciary Council, a bipartisan group of Alaskans who volunteer their time to interview Federal judge candidates. The recent controversy about a Federal judge in Alaska, who was not my first choice and ended up being a real disgrace to Alaska and the Federal judiciary, made it clear to me that we needed a much better vetting system in Alaska for Federal judges, so I established the Alaska Federal Judiciary Council. Aaron is the first nominee who was interviewed by that Council, and I convened this, as I mentioned, for better vetting, and I actually took some advice from our Senators from Texas and Senator Durbin who have similar Committees to nominate quality candidates. I know that this Alaska Federal Judiciary Council process will improve the selection of Alaska judicial candidates, and I want to publicly thank all the Members of the Council who put time and effort into over the last year.

When I first met Aaron, I was impressed by his integrity, his respect for the rule of law, and his deep commitment to public service, which also includes military service. Alaska has more veterans per capita than any other State in the country, and Aaron is one of those proud Alaska veterans. He served in security forces in the U.S. Air Force after 9–11, deploying in the Middle East and around the globe to protect airfields and airmen. His legal experience is broad and deep and Alaska focused. After receiving his juris doctorate from Gonzaga University School of Law, he came back home to serve as a law clerk for Alaska Superior Court Judge, Michael Spaan. He went on to serve as an assistant district attorney for the Anchorage District Attorney's Office where he prosecuted serious criminal cases, including homicides and sex crimes. Alaska is a great State and my colleagues have heard me brag about it many, many times, but one thing we are not proud of in our State is our very high rates of sexual assault and domestic violence. It's a scourge on our State. Aaron's experience in prosecuting these cases

and working closely with victims will be a huge asset to the Federal court in Alaska.

Alaska is a unique State with many Federal laws that specifically focus on our uniqueness: the Trans-Alaska Pipeline Authorization Act, the Alaska Native Claims Settlement Act, the Alaska National Interest Lands Conservation Act. These are massive, complex laws exclusively focused on Alaska. Even more recent laws, like the 2017 Tax Cuts and Jobs Act, the 2020 CARES Act, and the recent budget reconciliation bill signed into law by President Trump in July, have entire sections in the Federal law focused on Alaska. All of these laws have significant and important promises and commitments made by the Congress to Alaskans and our Alaska Native people, but what has been a pattern for decades is that Federal agencies charged with carrying out these laws often ignore these commitments to Alaskans. Supreme Court Justice Elena Kagan said it recently and best in the two recent cases before the Supreme Court called *Sturgeon I* and *Sturgeon II*. Both were decided 9-to-0 by the U.S. Supreme Court in Alaska's favor in analyzing ANILCA and ANCSA, the statutes I just cited above. Justice Kagan concluded: "ANILCA and other Federal laws reflect the simple truth that Alaska is often the exception, not the rule, and is very different from the rest of the country in terms of laws."

For a Federal judge in Alaska, it's imperative that he or she have a deep understanding of these Federal laws and their application. Aaron definitely does. He has been an assistant attorney general in both the Civil and Criminal Divisions in the Department of Law for over 10 years. He is currently the senior assistant attorney general in the Natural Resources Section of the Alaska Department of Law. He is the primary litigation counsel on anything to do from fisheries, water rights, and access to Federal lands. Aaron is a life-long Alaskan. He knows and understands our great State and the Federal laws that reflect on Alaska. I think he will be a great Federal judge. I urge his nomination be sent to the Senate floor with positive votes from all the Members of this Committee. Thank you again, Mr. Chairman. It's an honor to introduce Aaron.

Chairman GRASSLEY. Thank you, Senator Sullivan. Now Senator Cornyn.

**OPENING STATEMENT OF HON. JOHN CORNYN,
A U.S. SENATOR FROM THE STATE OF TEXAS**

Senator CORNYN. Thank you, Mr. Chairman. It's hard to improve on Senator Cruz's introduction of Nick Ganjei, but I'm going to say a few nice words about him.

First of all, congratulations, Nick, to you and your family. I know they are very proud of this great day. I'm always happy to see more Texans represented on the Federal bench, and, as Senator Cruz pointed out, Mr. Ganjei is a highly accomplished lawyer, having served as a Federal prosecutor in multiple districts, including as interim U.S. attorney in the Southern District of Texas, the district into which now he will be an Article III judge after his confirmation. During his time as a prosecutor, he worked on important topics, like stemming the tide of illegal immigration, combating human trafficking and drug trafficking, and protecting children from malicious offenders.

His impressive legal credentials, paired with his extensive experience as a prosecutor and his longstanding dedication to advancing the rule of law in Texas and around the country, making him an excellent addition to the Federal bench. So, again, Nick, congratulations on your nomination. I look forward to supporting your confirmation both here and on the floor of the U.S. Senate. Thank you, Mr. Chairman.

Chairman GRASSLEY. Thank you, Senator Cornyn. Now Senator Boozman.

**STATEMENT OF HON. JOHN BOOZMAN,
A U.S. SENATOR FROM THE STATE OF ARKANSAS**

Senator BOOZMAN. Thank you, Chairman Grassley and Senator Durbin, for holding this very important hearing today, and good morning to my distinguished colleagues that serve on this difficult Committee. It's an honor to be here with my friend and colleague from the State of Arkansas, Senator Tom Cotton, to introduce President Trump's nominee to serve as judge on the United States District Court for the Western District of Arkansas. I would also like to say hello to his family and friends who are in attendance to support him, and we're very happy to have them.

A native of Harrison, Arkansas, Clay is a graduate of Arkansas State University and the University of Arkansas Law School. After graduating, Clay served as a deputy prosecuting attorney for Benton County where his work ethic and leadership elevated him to division chief. He then transitioned to the U.S. Attorney's Office of the Western District of Arkansas and has almost 2 decades there marked by extensive and impressive accomplishments. His experience at the U.S. Attorney's office includes stints as an assistant United States attorney, rising to deputy criminal chief, and then criminal chief, then as first assistant United States attorney, and eventually serving as the United States attorney since January 2020.

Throughout his career, Clay has earned the respect of his colleagues, law enforcement partners, and the communities he has served for his integrity, his professionalism, and leadership. He has built a reputation as a principled prosecutor who approaches every case with steady judgment, fairness, and unwavering commitment to the rule of law. I know he will approach each case put before him with the same dedication and intellect that he has demonstrated throughout his career. His expertise and temperament will undoubtedly serve him well as a judge, which is why Senator Cotton and I applaud President Trump for selecting him to fill this post. It's clear he's not only qualified, but extremely well suited for the role. I strongly support his nomination and urge my colleagues to do the same. Thank you, Senator Grassley.

Chairman GRASSLEY. Thank you, Senator Boozman. Now Senator Cotton.

**STATEMENT OF HON. TOM COTTON,
A U.S. SENATOR FROM THE STATE OF ARKANSAS**

Senator COTTON. Thank you, Chairman Grassley, Senator Durbin, and Members of the Judiciary Committee. Good morning. I'm pleased to join Senator Boozman today to introduce a civil servant

and a fellow Arkansan, Mr. David Clay Fowlkes. I'd first like to thank Clay for his many years of public service and for agreeing to continue this service as the President's nominee to be a United States district judge for the Western District of Arkansas. I would also like to thank his family who are joining him here today, and thank them for their support and encouragement throughout this process.

As an accomplished prosecutor with experience handling cases ranging from misdemeanors to murders, Clay has a lengthy track record that underscores his respect for the rule of law. Upon graduating from the University of Arkansas School of Law and after serving in the Benton County Prosecuting Attorney's Office, he began working at the United States Attorney's Office in the Western District. Clay has spent nearly 2 decades in this U.S. Attorney's Office, serving as the assistant U.S. attorney, the criminal chief, and now as the U.S. attorney for the Western District.

Under his leadership, the office has prioritized safety and law enforcement. Specifically, Clay has started a response team, alongside Federal and State agents, to curb fentanyl distribution, investigate every drug poisoning death, and hold drug dealers accountable. In addition to his efforts to crack down on illicit drug trafficking, Clay has also placed special emphasis on keeping kids safe and allowing them to live their childhoods to the fullest. Thanks to his leadership and efforts, his office has prosecuted more than 3 times the national average of child abuse and exploitation cases. Clay has also been recognized with numerous awards for his accomplishments throughout his career. These include the Hope Coalition Excellence in Law Enforcement Award and a recognition from the DEA for outstanding efforts in drug trafficking prosecutions.

Again, I'd like to thank him for his many years of working to get criminals off the streets and to keep Arkansas communities safe. I strongly support his nomination to be the next United States district judge for the Western District of Arkansas, and I encourage my colleagues to do the same. Thank you.

Chairman GRASSLEY. Thank you, Senator Cotton. Now will the three nominees please come to the table, and before you sit down, I would like to have you repeat the oath. Okay. Are you ready?

Do you swear that the testimony you're about to give before the Committee will be the truth the whole truth and nothing but the truth so help you God?

[Witnesses are sworn in.]

Chairman GRASSLEY. Each of you've answered in the affirmative. Thank you.

Now, we'll start with Mr. Fowlkes. Please sit down. This is your opportunity to speak, anything you want to say to the Committee, but also your opportunity to introduce family and friends, whatever the case might be, in your respective roles. So, proceed, Mr. Fowlkes.

**STATEMENT OF DAVID CLAY FOWLKES, NOMINEE TO SERVE
AS UNITED STATES DISTRICT JUDGE FOR THE WESTERN
DISTRICT OF ARKANSAS**

Mr. FOWLKES. Thank you, Chairman Grassley. As you've heard, my name is Clay Fowlkes. I'm currently serving as the United

States attorney in the Western District of Arkansas. I want to begin by thanking the Committee for your time and attention to this matter today. Thank you especially to Senator Grassley and Ranking Member Durbin, but thank you to every Member of the Committee for your attention today and for the opportunity to speak to you here today.

I want to also thank President Trump for this nomination. This is not only the honor of my lifetime to be nominated for this and the highest honor of my career, but it also exceeds my wildest expectations for my career and for my life, and I'm deeply grateful and thankful to President Trump for his support and for his nomination. I want to also thank Senator Boozman and Senator Cotton for their kind words of introduction and for their support for this nomination and throughout this process. I also want to thank them and give them my deepest gratitude for their commitment to making Arkansas a better place for our citizens.

Before I begin with introducing my family, I also want to take a moment and thank God for this opportunity as well. There's no question in my mind that I would not be here today speaking with this distinguished Committee if it weren't for his strong hand of intervention my behalf. As it says in John 3:27, "Man can receive not even one thing unless it's given to him from heaven," and I'm so grateful for his blessings. I'm also so thankful that my family is able to join me here today. I'm joined by my wonderful, beautiful wife of 23 years, Brianne Fowlkes. Not only has she done an amazing job raising our family, but she also is a very skilled and talented registered nurse and works at a hospital in Northwest Arkansas. Her skills as a nurse are only surpassed by her skills as a mom, and God has blessed us with three amazing children who I'm also proud to say are joining us here today. My son, Wit, is 17, and our twins, Adelynn and Asher, are both 12. They all three exceed at academics and sports and playing in the band back home in Western Arkansas.

I'm also joined by my parents today, David and Karen Sue Fowlkes, both of Jonesboro, Arkansas. I'm so grateful that they are here today to support me, but I'm also grateful for the many sacrifices that they made for my sister and I in raising us. They were careful to raise us according to God's word and his will, but they also instilled in both my sister and I a strong work ethic from a very young age, and I'm so thankful for both of them. My dad retired after 40 years of service with the United States Army and the United States Department of Agriculture. Senator Grassley, he'd be happy to talk to you about soybeans and corn anytime, and so I'm so grateful that they are here today in support of this.

I'm also very blessed to have the most amazing in-laws, who are also here to support me today, Danny and Linda Pridmore from Jonesboro, Arkansas. I'm so grateful for their unending support of our family and so thankful that they are here today. I see that Senator Kennedy has stepped out, but they both read Senator Kennedy's book and are enormous admirers of his, despite the Arkansas-Louisiana rivalry. I'm also joined by several friends here in the audience today and other family members, and I'm so grateful for all of them for their support. I'm also incredibly grateful for the many friends and family members back home in Western Arkansas

who are praying for me this morning and have expressed their support for me.

I want to end by just saying that I'm incredibly grateful for the men and women of the United States Attorney's Office in Western Arkansas. It's my honor and privilege to serve alongside them. I try to begin every day with the goal of thinking about what can I do today to make Arkansas a better and a safer place for our citizens, and I know that every member of the U.S. Attorney's Office in Western Arkansas shares that goal and shares the commitment that they have expressed over and over again to making Arkansas a better and a safer place. I'm so grateful to them for their support and to be able to serve alongside them. Thank you, Senator Grassley.

Chairman GRASSLEY. Thank you Mr. Fowlkes. Now Mr. Ganjei.

STATEMENT OF NICHOLAS JON GANJEI, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF TEXAS

Mr. GANJEI. Thank you, Chairman Grassley and Ranking Member Durbin, for scheduling this hearing this morning. Of course, I would like to thank President Trump for the great honor of this nomination, but I'd also like to thank Senator Cruz and Cornyn for their very generous introductions and thank them both for their recommendation of me to the White House, as well as their support throughout the confirmation process.

Sixty-four years ago, my father came to this country with nothing but his life savings of \$100 and a deep abiding faith in the American Dream. He started off working as a busboy and, later, hand drying cars at a carwash. He eventually moved West where he met my mother, herself the child of immigrants, growing up without hot water or indoor plumbing in a dusty Wyoming mining town. They are both here this morning. Today, just one generation later, their son sits before the world's greatest deliberative body being considered for a lifetime appointment to the Federal bench. In very few countries would something like this be possible, and nowhere else but America would something like this be a common occurrence. This country has given me and my family the gift of incalculable value, and I've sought to repay this debt, to the extent it can be repaid, through a lifetime of public service, the next chapter of which will hopefully be as a United States district court judge.

Thank you for your time. I greatly appreciate the opportunity to speak to you this morning and look forward to answering your questions.

Chairman GRASSLEY. Thank you. Now Mr. Peterson.

STATEMENT OF AARON CHRISTIAN PETERSON, NOMINEE TO SERVE AS UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF ALASKA

Mr. PETERSON. Chairman Grassley, Ranking Member Durbin, Members of the Committee, thank you for scheduling this hearing. I am thrilled to be here. I want to thank President Trump for giving me the honor of this nomination. It truly is the professional honor of a lifetime, and I want to thank Senator Sullivan both for

his support throughout this process and for that very kind introduction. I'd also like to thank Senator Murkowski for her support during this process.

I want to recognize some of the people who have traveled here to support me, first and foremost, my brilliant and beautiful wife, Kadra. We've been married over 21 years, and she's been with me every step of the way. I definitely would not be anywhere near this opportunity without her unwavering love, patience, and support. She's supported me throughout my career while pursuing her own very demanding careers as a math teacher and as a mother to our three children, our 12-year-old daughter and our 9-year-old twins. I want to thank her for all the sacrifices that she has made to make this a possibility. And I also want to thank Kadra's sister, Reagan, for watching our kids while we're here. Good luck, Reagan.

My father also traveled here from Alaska, and he wouldn't have missed this. He's been at every important life event for all of his children and his grandchildren. My father moved to Alaska from Southern California in 1975. He planned to stay for a few months and have an adventure, and he's been there for 50 years. And fortunately, my mother agreed to go to Alaska with him also from Southern California, and I thank God every day that they chose to live there and that I got to be born and raised in the Last Frontier. Unfortunately, my mother couldn't travel here today, but I know she's extremely proud watching back home in Eagle River. My sister, Lindsey, also came here and is at the hearing, and my uncle, U.S. Army Lieutenant Colonel, retired, Larry Peterson is also here.

On a professional level, I want to thank Judge Michael Spaan, for whom I had the privilege of clerking. Judge Spaan, it was truly an honor and it was a pleasure to work for him. When I told him I was thinking about this opportunity, he had been the U.S. attorney for many years in Alaska and he encouraged me, and I want to thank him for that encouragement. Judge Spaan approached his work diligently with humility and always respecting every litigant that appeared before him. I took so much away from that clerkship, and I've carried those lessons with me every day since.

And finally, I want to thank Attorney General Steve Cox and all of the fantastic people that I've had the pleasure to work with over the years at the Alaska Department of Law. It has been an honor and a pleasure to serve my home State alongside all of those extremely dedicated public servants. I welcome the Committee's questions.

Chairman GRASSLEY. Thank you. Now we'll have questions, and I'll start out, and I'm going to start with you, Mr. Ganjei.

The Committee has received multiple letters from criminal defense and civil rights attorneys who's litigated against you. Each of them praised your professionalism and the fidelity to the law. Several Members of this Committee and their staffs have also worked with you during your time on Senator Cruz's chief counsel, both as a prosecutor and as a Senate staffer. You've had to work with people who disagreed with you to serve the American people. So, this may seem like a softball question, but your answer will kinda tell us how you will approach it as a person with a robe. What lessons will you take from these experiences to the bench?

Mr. GANJEI. Senator, I think the single most important thing in the way that the court treats any litigant is to treat them with respect, not only treat them with personal respect, but let them understand that you're taking their case seriously. I think it's tempting to treat a case maybe as a routine matter. You see, you know, hundreds of these, you know, this specific type of case a year, but to the litigants in front of you, it's the single most important case of their life. And so, if fortunate enough to be confirmed as a district judge, I would approach each legal dispute with care, with attention, and I want everyone to walk out of that courtroom, they may not win, but they would feel that they have been given their day in court.

Chairman GRASSLEY. Thank you. Now to Mr. Fowlkes. You've had a long career as a local and Federal prosecutor, even including being a U.S. attorney. You've received many awards for your service, and you've tried over 20 cases to verdict, I've been told. Can you explain your judicial philosophy and how your experience as a prosecutor has prepared you to serve as a judge?

Mr. FOWLKES. Thank you, Senator. My experience as a prosecutor has meant everything in preparation for this moment. I have learned deep and lasting lessons from every single judge that I was able to practice in front of, from meticulous preparation, to understanding the case and the law, to treating parties with respect at every opportunity, and I have learned something from every single judge that I have tried cases in front of or practice in front of that I would intend to take with me and further my career, if I'm fortunate enough to be confirmed by the Senate. As far as my judicial philosophy, I agree with what my colleague, Mr. Ganjei, said. It is so important for a judge to be the most prepared individual in the courtroom, and it's so important for a judge to correctly identify the applicable law and to correctly find the proper facts and the true facts, apply the law to those facts, and make a decision that is independent and that is fair and just, and that demonstrates deep respect for the law. And I think that would be the judicial philosophy that I've learned throughout my career as a prosecutor that I would take with me to the bench.

Chairman GRASSLEY. Thank you.

Mr. FOWLKES. Thank you, Senator.

Chairman GRASSLEY. Now to Mr. Peterson. You've spent nearly 15 years in public service at the Alaska Department of Law. You now serve as assistant attorney general in the Natural Resource Section. Please tell us how your career has prepared you for the unique type of cases that you would preside over as a Federal judge in Alaska.

Mr. PETERSON. Well, Chairman Grassley, as Senator Sullivan mentioned, Alaska has many Federal statutes that are specific to Alaska. They're large, important pieces of legislation that are critical to the success of Alaska, and one of those that he mentioned was the Alaska National Interest Lands Conservation Act. I've litigated that act specifically for several years. I've a deep familiarity with the laws that are specific to Alaska and that are unique and come before district judges in Alaska, and where really nobody else in the country would have any reason to know much about them. So, the deep familiarity that I have with those laws, with my his-

tory of litigating them, I think, prepared me for many of the cases that will come before the district court and also my career as a prosecutor.

I traveled all across Alaska prosecuting cases, serious felonies in Anchorage and cases all across the State, from Juneau, to Dutch Harbor, to Kenai, to Delta Junction, even appearing in Utqiagvik on the Arctic Ocean for a sentencing hearing. So, I have a wide cross-section of experience in the arenas that are likely to come before the district court, and, hopefully, I'll be able to preside over those matters if I'm fortunate enough to be confirmed.

Chairman GRASSLEY. Thank you all very much. Now Senator Hirono.

Senator HIRONO. Thank you, Mr. Chairman. Welcome to each of you and to your families. Good morning.

I ask the following two initial questions of all nominees who come before any of the Committees on which I sit relevant to the fitness to serve, so I'll ask these questions, and I'd like to ask all of you to respond individually, starting with Mr. Fowlkes, and then we will just go right down the line. Since you became a legal adult, have you ever made unwanted requests for sexual favors or committed any verbal or physical harassment or assault of a sexual nature?

Mr. FOWLKES. No, Senator.

Mr. GANJEI. No, Senator.

Mr. PETERSON. No, Senator.

Senator HIRONO. Have you ever faced discipline or entered into a settlement relating to this kind of conduct?

Mr. FOWLKES. No, Senator.

Mr. GANJEI. No, Senator.

Mr. PETERSON. No, Senator.

Senator HIRONO. For Mr. Ganjei, you recently reposted on your official U.S. attorney X account a homeland security post that compared capturing undocumented immigrants to a Pokemon game using the game's catch phrase, "Gotta catch 'em all." And you reposted this video of ICE officers catching immigrants set to the Pokemon theme song, and you commented, "Give their"—meaning Homeland Security—"social media guy a raise." It's troubling enough, problematic enough that all of us are seeing videos of ICE agents masked, no identifying marks or anything, engaging in raids in communities, sowing fear and chaos. And to those individuals who are the subject of these raids, do you think that being portrayed as a game, do you think that's appropriate? Do you think that it's appropriate to repost this kind of a video knowing that you are going to be sitting as a judge possibly having some of these people come before you? Do you find it amusing?

Mr. GANJEI. Senator, my understanding of that video is that specifically is about ICE's Worst of the Worst Initiative. They specifically cite, I think, eight or nine individuals in that, one convicted of murder, one convicted of manslaughter, one convicted of unspecified homicide, several child sex—

Senator HIRONO. Excuse me. So, actually, we know that the ICE agents are not just going after the worst of the worst. That is what they are supposed to be doing, but we know that there are U.S. citizens who are also being caught up. We know that there is fear

in many communities because of these raids, and I'm asking you whether you consider this a source of amusement to the point where you would repost this kind of a video. You can just answer "yes" or "no."

Mr. GANJEI. Senator, again, the video, I understand it was specifically talking about the Worst of the Worst Initiative, and so, you know, having murderers and those that——

Senator HIRONO. Okay.

Mr. GANJEI [continuing]. Sexually prey on children off the street——

Senator HIRONO. No, this is not——

Mr. GANJEI [continuing]. Is a good thing and——

Senator HIRONO. Excuse me. This is not an opportunity for you to basically toe the regime's line. Let me go on because, obviously, I do not consider it appropriate what the ICE agents are doing, sowing fear and chaos through our communities, to the point where communities are rising up and protesting and doing everything they can to protect members in their community. Do you, Mr. Ganjei, agree that the Constitution provides due process rights to all persons, regardless of citizenship status?

Mr. GANJEI. Senator, due process applies to everyone.

Senator HIRONO. And as a judge, you would apply due process to everyone regardless of whether they're U.S. citizens or not.

Mr. GANJEI. Yes, Your Honor.

Senator HIRONO. Okay.

Mr. GANJEI. I'm sorry. Yes, Senator.

Senator HIRONO. Thank you. Throughout your career as a prosecutor—last question—you condemned attacks on law enforcement officers, and you even issued a warning in your district saying, "Let it be known, if you lay a hand on an officer, the Southern District of Texas will do whatever it can to put you in Federal prison, et cetera." So, you are very much against attacks on police officers. Did the rioters on January 6 attack law enforcement officers?

Mr. GANJEI. Senator——

Senator HIRONO. Yes or no.

Mr. GANJEI. I'm sorry?

Senator HIRONO. Yes or no.

Mr. GANJEI. Senator, my understanding from news reports is that there were some.

Senator HIRONO. I'm sorry. What?

Mr. GANJEI. My understanding from——

Senator HIRONO. Did they attack law enforcement officers or not on January 6?

Mr. GANJEI. Senator, my understanding from news reporting is that yes.

Senator HIRONO. And so, you also said that, "People who attack law enforcement officers are attacking the American system of justice." So, would you say that the rioters on January 6, who, by the way, were all pardoned by President Trump, were they attacking the American way of justice?

Mr. GANJEI. Senator, I can't offer my opinion——

Senator HIRONO. Yes or no.

Mr. GANJEI [continuing]. As to a matter of public controversy.

Senator HIRONO. Well, I would say that since you say that people who attack police officers are attacking the American system of justice, I would say the January 6 rioters fit that profile or mold. Thank you, Mr. Chairman.

Chairman GRASSLEY. Before I call on Senator Kennedy, I would like to enter into the record three letters of support for Mr. Ganjei, [off mic] one from a criminal defense attorney, one from a public defender, and one from a civil rights attorney. Each represented criminal defendants in cases before Mr. Ganjei. All three letters praise his competence, ethics, and professionalism as a Federal prosecutor. One of the letters described the nominee as "the human being that we should all strive to become and the attorney most who practice hope to be." All these records have similar sentiments.

Without objection, these three records will be placed in the report.

Chairman GRASSLEY. Senator Kennedy, and then who's ever on the Republican side, I've got to go up to Finance, and I'll be back, so just take your turn, and I think I'll be back before the meeting's over.

Senator KENNEDY [presiding]. Thank you, Mr. Chairman. Mr. Ganjei, how long did you work for Senator Cruz?

Mr. GANJEI. Senator, I worked for Senator Cruz for 3 years.

Senator KENNEDY. Okay. Did you work closely with him?

Mr. GANJEI. I would say so, Senator, yes.

Senator KENNEDY. Okay. Is it true that Senator Cruz can burp the alphabet backward?

Mr. GANJEI. Senator, I've been instructed not to reveal that.

[Laughter.]

Senator KENNEDY. Is it true that growing up, Senator Cruz had an imaginary friend who his parents actually preferred?

[Laughter.]

Mr. GANJEI. Senator, I have no such knowledge.

Senator KENNEDY. Okay. What article of the Constitution calls for checks and balances?

Mr. GANJEI. Senator, I think checks and balances is inherent in the first three articles of the Constitution, which gives to all of them different powers and responsibilities.

Senator KENNEDY. Okay. Mr. Peterson, welcome. Tell me how you amend the U.S. Constitution.

Mr. PETERSON. Senator, you amend the U.S. Constitution pursuant to the procedure found in Article V.

Senator KENNEDY. Could you speak into that mic, please, sir?

Mr. PETERSON. Sorry, Senator. The Constitution is amended pursuant to the procedure in Article V, and that is, a two-thirds vote of both the House and the Senate and then ratification by three-quarters of the States. There's also a constitutional convention method, but that's never been used.

Senator KENNEDY. Okay. Mr. Fowlkes, how are you?

Mr. FOWLKES. I'm doing well.

Senator KENNEDY. What's the warrant requirement?

Mr. FOWLKES. The warrant requirement states that any person who is going to be arrested should have a warrant. The police should seek a warrant for that person to arrest them. There are exceptions to the warrant requirement, including exigent cir-

cumstances, which are usually followed up in Arkansas with a probable cause complaint and an affidavit and warrant in support of that.

Senator KENNEDY. What about to search someone? Do you have to have a warrant?

Mr. FOWLKES. Yes, that is——

Senator KENNEDY. Well, let me amend that. Does the warrant requirement apply to search and seizure?

Mr. FOWLKES. Yes. According to the Fourth Amendment to the United States Constitution, there shall be no unreasonable searches and seizures without a warrant. There are obviously exceptions to that as well, including the Carroll Ross Doctrine for movable objects, exigent circumstances when time simply doesn't permit to be able to seek a warrant from a magistrate or a judge, but yes.

Senator KENNEDY. Could Arkansas decide that it doesn't want to follow the Federal rule, that it wants to require a warrant for all arrests and all searches and seizures with no exceptions?

Mr. FOWLKES. They certainly could, Senator. However, as a prosecutor for many years, I understand that those exemptions to the warrant requirement are important for public safety and for law enforcement safety.

Senator KENNEDY. Okay. How could Arkansas do that?

Mr. FOWLKES. Arkansas could pass a law with the State legislature to say that a warrant is required for every arrest that's made throughout the State of Arkansas, and obviously, you know, that would be subject to challenges in both State and Federal court.

Senator KENNEDY. And if Arkansas did that, why doesn't the supremacy clause overrule Arkansas?

Mr. FOWLKES. It certainly would be an argument if that was challenged in Federal court.

Senator KENNEDY. Well, who would win?

Mr. FOWLKES. I'm not sure without knowing more facts about how the statute was drafted and being able to examine, exactly you know, the type of legislative interpretation that goes along with that. So, without more facts, I don't think I can——

Senator KENNEDY. Well, let me give you these facts. You recited correctly the warrant requirement and the exceptions both for arrest and search and seizure. Suppose the Arkansas legislature said, we appreciate the advice, but we're not going to file it. We're going to require a warrant for both arrests and for searches and seizures, okay, and somebody challenged that under the supremacy clause. Who would win?

Mr. FOWLKES. I'm not sure I've ever thought about that in depth, Senator, but I think it would be a strong challenge to that State law, and I think it would be a——

Senator KENNEDY. What if Arkansas construed its State Constitution to require a warrant for both arrest and search and seizure?

Mr. FOWLKES. I think it would be the same analysis, whether it was a law that was passed by the State legislature or an amendment to the Constitution.

Senator KENNEDY. Why couldn't Arkansas—You ever heard of the adequate and independent State ground doctrine?

Mr. FOWLKES. Yes, Senator.

Senator KENNEDY. Why wouldn't the adequate and independent State ground doctrine apply there?

Mr. FOWLKES. That certainly would be an argument that one of the parties could make in support of that Arkansas State law. And again, I think it would go back to legislative analysis and determining all the factors that go into that as to whether that law would withstand the scrutiny from the court.

Senator KENNEDY. Okay. Thank you, Counselors. Senator Whitehouse.

Senator WHITEHOUSE. Thank you Chairman. Welcome to the witnesses.

Senator KENNEDY. I'm sorry. What did you call me?

Senator WHITEHOUSE. Chairman.

Senator KENNEDY. Thank you. I appreciate that.

Senator WHITEHOUSE. Yes. Well, you're the acting Chair, aren't you? You got the gavel.

You all, if you are confirmed, will become Members of the Federal Judiciary. You all will become Members of the Federal Judiciary at a time when there's a particularly difficult threat environment for judges. A person threatening a judge has committed a crime, correct?

Mr. FOWLKES. Yes, Senator.

Mr. GANJEI. Yes, Senator.

Mr. PETERSON. Yes, Senator.

Senator WHITEHOUSE. And the criminal liability related to that threat could extend beyond the utterer of the threat. Is that also correct?

Mr. FOWLKES. I think that would depend strongly on the facts and circumstances, the nature of the threat.

Senator WHITEHOUSE. Oh, absolutely, but there are facts and circumstances in which criminal liability for threatening a judge could extend beyond the utterer of the threat to individuals who may have orchestrated or, in other ways, directed that the threat be uttered against the judge. All three of you agree with that?

Mr. FOWLKES. And I think my answer to that would be that it just depends strongly on the facts and circumstances of that situation.

Senator WHITEHOUSE. Very much, but legally, it's a very open route that could happen if the facts and circumstances are there, correct?

Mr. FOWLKES. Yes, Senator.

Mr. GANJEI. I would agree with my colleague, Senator.

Mr. PETERSON. I agree with my colleagues.

Senator WHITEHOUSE. And let's say that you are now a judge and you are on the receiving end of that threat. Would you expect that the Marshal Service, or if the Marshal Service has handed the investigative piece of this over to the FBI, the FBI would take a look at not only the utterer of the threat, but also evidence that there may be other parties complicit or culpable behind the utterer of the threat?

Mr. FOWLKES. Senator, there's been some very recent case law on the analysis of threats both against individuals and against Federal officials, and I would hope that the investigating officers and

the investigating AUSAs would look closely at those factors and would look at also the facts and circumstances of the individual involved and the circumstances surrounding that. And so, I think my answer to that is, I would hope that the U.S. Marshals, the Federal Protection Service, and the AUSAs who are assigned to that case would look closely at all of those factors and make an appropriate determination.

Senator WHITEHOUSE. Do you all agree that it would be wrong to categorically refuse to investigate behind the utterer no matter what the evidence?

Mr. FOWLKES. I think I'd revert back to my original answer that it just depends very strongly on the facts and circumstances of the threat, and whether it's analyzed as a true threat or whether other individuals are involved in making that threat as well.

Senator WHITEHOUSE. Which means that if there were such facts and circumstances, it would be wrong for Federal investigators, as a categorical matter, to refuse to investigate that. There is a possible avenue of investigation, and to foreclose that would not be right. Do I understand that correctly?

Mr. FOWLKES. I think so, Senator. My original answer remains the same, that I would hope they analyze all the facts.

Senator WHITEHOUSE. Yes, highly dependent on facts and circumstances, but depending on the facts and circumstances, it would be wrong to foreclose investigating that at all as a categorical matter. Do you agree as well, Mr.—

Mr. GANJEL. Senator, I agree with my colleague. I think it's a highly factual circumstance, and I don't think I can offer an opinion as to the scenario you presented.

Senator WHITEHOUSE. Except that, you know, every criminal investigation ends up being a highly factual circumstance. And if there's an avenue of investigation and of criminal liability, that should be investigated where the facts and circumstances justify. It's a fairly straightforward proposition. You're not contesting that, are you?

Mr. GANJEL. Senator, my understanding of your question, whether every avenue of investigation should be pursued, I think that's highly dependent on the specific case. Maybe an avenue of investigation is—

Senator WHITEHOUSE. Are there some cases in which an avenue of investigation that's supported by the evidence should not be pursued?

Mr. GANJEL. Well, Senator, I think the "supported by the evidence" part of it's the key, and I think that—

Senator WHITEHOUSE. That's why my question was asked the way it was, which is, why would you want an investigative agency to categorically refuse to investigate legitimate avenues of investigation if the evidence, if the facts and circumstances justify it? You're not suggesting that that's a good idea, are you?

Mr. GANJEL. I'm sorry. I didn't understand your question, Senator.

Senator WHITEHOUSE. Never mind. My time has expired.

Senator KENNEDY. Thank you. Thank you, Senator. Senator Moody.

Senator MOODY. Thank you, Chairman Kennedy.

Senator KENNEDY. I love the sound of that, "Chairman."

[Laughter.]

Senator MOODY. And thank you to our nominees.

Senator KENNEDY. Gives me goosebumps.

[Laughter.]

Senator MOODY. Thank you to our nominees. Thank you to your families for being here today. This is certainly a big day for your loved ones, but you as well. Anytime someone in your family commits to public service, that demands the entire family's attention and often support. Certainly as someone who grew up in a family of public service and now in one myself, we are thankful to you for being here and supporting these folks. And I was so struck by our nominees, they all share one thing in common. At one point, either now or in the past, they were all prosecutors, working to ensure that the laws passed by lawmakers on behalf of the people, the people's laws were faithfully enforced. And that is so important to our carefully balanced separation of powers, the way our Government is meant to work, so thank you for your prior service. I think it speaks volumes and who you are as people and your commitment to ensuring, not only the strength of our constitutional framework, but the strength and safety of our communities, and I, for one, am comforted by that, that we have nominees of your caliber being put up for these positions.

I want to ask you about the phenomenon that we have been seeing around the Nation where prosecutors of jurisdictions are saying, "I don't care what the people's law says, I don't like the law, and I don't think it should be a law, and, therefore, I'm not going to prosecute it." What is your opinion, Mr. Ganjei, on what that does to the constitutional framework and how the people's Government is supposed to work?

Mr. GANJEI. Senator, I don't want to speak about the specific instance you described or a matter of public controversy, but I could say that as a Government official, an unelected mid-level executive branch official, it's not up to me to decide what laws, you know, should be prosecuted or not be prosecuted. I think the policy decisions are best left to the branches accountable to the people.

Senator MOODY. And just in general, not specifically, Mr. Fowlkes, how important it is do we have top prosecutors of jurisdictions enforcing the people's laws?

Mr. FOWLKES. I think that that's very important. Obviously, we've have all taken an oath to enforce the law as they are written, and I'm very proud of our record in Western Arkansas with our case intake and with the prosecution of a variety of criminal offenses in Western Arkansas. But I also share what Mr. Ganjei, my colleague, noted that I can't speak specifically to any particular prosecutors, so.

Senator MOODY. And I'm not going to speak specifically, but the phenomenon of having top prosecutors or top law enforcement officials say, "Personally, I'm not going to do what the people want me to do because I don't agree with it," that fundamentally disrupts our system of government. Would you agree?

Mr. FOWLKES. I agree, and I think back to some of the jury trials that I've handled and what we've asked jurors to do, which is, even if you don't agree with the law or you don't believe it should be a

law, can you faithfully apply that to the facts and circumstances of each individual case, and I think if we ask jurors to do that, it's perfectly acceptable to expect prosecutors and elected——

Senator MOODY. And so, let me stop you there and talk about the judicial branch. I was a former judge. I come from a long line of judges. I've been a prosecutor like yourselves, a lawyer.

Mr. FOWLKES. Yes, Senator.

Senator MOODY. And I'm really concerned right now that the judicial branch has a PR crisis, a rightfully labeled, probably, PR crisis because we have many district court judges around the Nation that are more interested in wearing a blue jersey than a black robe. And based on my fundamental belief, we have to have impartial judges that will faithfully apply the laws that are given to them. I believe this, just as the former situation I described, fundamentally disrupts the careful balance of power as set forth in our Constitution. Would you agree, Mr. Fowlkes?

Mr. FOWLKES. I do agree, and I think it's——

Senator MOODY. Do you agree, Mr. Ganjei?

Mr. GANJEI. I do, Senator.

Senator MOODY. Would you agree, Mr. Peterson?

Mr. PETERSON. Yes, Senator.

Senator MOODY. And specifically, when you have district court judges running around to conferences suggesting, with no evidence or any circumstances to support it, that this administration or this President is going to violate court orders, or you have district court judges with no evidence at all making decisions that Senators even would destroy evidence, all of this undermines that fair and impartiality need that we have to have, our public has to have, in our judges. And I am terrified that some of the behavior that we have seen around the country is undermining the strength of our system, and I want to ask you, Mr. Ganjei, part of this is when judges issue nationwide injunctions. What is your belief in terms of a ceiling of relief that's available to a district court judge?

Mr. GANJEI. Senator, I know the Supreme Court has spoken on this recently in the CASA case, that the relief should be one that would give the parties before it full relief, but that Congress did not authorize, otherwise, nationwide injunctions for district courts.

Senator MOODY. And I see that my time has expired. Thank you.

Chairman GRASSLEY [presiding]. Thank you, Senator Moody. Now Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman. Thank you all for being here, and thank you for your willingness to serve.

Mr. Ganjei, you have been a prosecutor, and you've repeatedly claimed that attacks on law enforcement are unacceptable, which I think we all can agree. You've also said that people who engage in attacks on law enforcement should be held accountable. You stated in a Department of Justice press release just last month, "Those who attack law enforcement officers are attacking the American system of justice." In another release you said, "Let it be known if you lay a hand on an officer, deputy, or a Federal agent, SDTX will do whatever it can to put you in Federal prison for as long as the law will allow. You've been warned." President Trump gave a blanket pardon to individuals who participated in the January 6, 2021, attack on the Capitol, and many of them were involved

in assaults on law enforcement. I know that you've been asked briefly about this issue during your appearance here today, but let me just take a couple of examples.

Julian Khater sprayed U.S. Capitol police officer, Brian Sicknick, with pepper spray. Officer Sicknick died the next day. Khater admitted to this violence. He pleaded guilty to assaulting officers with a deadly weapon. He was sentenced to more than 6½ years in prison for his crimes against law enforcement officers before he was pardoned by President Trump. So, my question to you is, do you support President Trump's pardon of Mr. Khater?

Mr. GANJEI. Senator, I can't comment on the executive and the President's exercise of his enumerated constitutional powers or comment at all on an accorded branch's use of its enumerated constitutional powers, any more that I could comment on the House's use of the power of the purse. I am comfortable saying I abhor political violence of all kinds.

Senator BLUMENTHAL. Well, this individual atrociously assaulted a Capitol Police officer, and you're unwilling to say whether you support a pardon that allowed him to go free without any record of a crime?

Mr. GANJEI. Senator, as a judicial nominee, it would be improper for me to wade into a public conflict like that and comment on the President's use of his pardon power or President Biden's commutation of people on death row. Those are issues that I think are improper for a judicial candidate to comment.

Senator BLUMENTHAL. Well, I'm talking about violent assault on a police officer Ryan Nichols, for example. Ryan Nichols also pled guilty to assaulting law enforcement officers. He pushed the crowd against officers who were defending the door at the Capitol, and after the attack, he posted a video to Facebook where he said, "I'm going to be violent now," and he said, "If you want to know where Ryan Nichols stands, Ryan Nichols stands for violence." He was sentenced to more than 5 years in prison. President Trump pardoned him. What do you think is the reason that would justify that pardon?

Mr. GANJEI. Senator, I wouldn't stand to speculate on the President's reasoning.

Senator BLUMENTHAL. Well, do you support it?

Mr. GANJEI. Senator, again, I can't comment on a separate branch's exercise of its enumerated constitutional powers.

Senator BLUMENTHAL. Are there any limits to what you would not support in terms of the pardon use by the President?

Mr. GANJEI. Senator, you stated any limits to what I would support. I'm stating that I cannot comment on President Trump's use of the pardon power or President Biden's use of the power of commutation for people on death row.

Senator BLUMENTHAL. Well, I haven't asked you about President Biden's use of the pardon power, and for you to gratuitously talk about other uses of the pardon, I think, is simply meant to distract from this use of the pardon power with respect to these individuals who committed brutal assaults on police officers. My time has expired. Thank you, Mr. Chairman.

Chairman GRASSLEY. Before I call on Senator Hawley, I have a letter here supporting Mr. Ganjei's nomination from a person, Ray

Hunt, executive director of the Houston Police Officers Union. Mr. Hunt praised Mr. Ganjei's "steadfast commitment to keeping our city safe," and his efforts to "work hand in hand with local law enforcement to combat violent crime, reduce the flow of illegal firearms and narcotics, and hold dangerous offenders accountable." Without objection, that'll go in the record.

Chairman GRASSLEY. Senator Hawley.

Senator HAWLEY. Thank you very much, Mr. Chairman. Mr. Ganjei, I'll give you just some more time if you wanted to respond. Did you want to say something about President Biden's use of the commutation power?

Mr. GANJEI. Senator, I was merely illustrating instances where the President exercises broad, unreviewable pardon power and commutation power, and I understand that President Joe Biden commuted the sentences of many people on Federal death row.

Senator HAWLEY. Violent offenders, I think, weren't they?

Mr. GANJEI. That is correct, my understanding.

Senator HAWLEY. Do you want to give him a grade on that?

Mr. GANJEI. Senator, I wouldn't offer a grade on that.

Senator HAWLEY. Do you want to grade any President on their use of the constitutional authority?

Mr. GANJEI. No, Senator, I would not.

Senator HAWLEY. Is that within your purview? Would it be within your purview, should you be confirmed?

Mr. GANJEI. Senator, neither whether I should be confirmed or as a nominee would it be proper for me to comment on that use.

Senator HAWLEY. Let me ask each of you, if I could, I want to talk a little bit first about nationwide injunctions. I think Senator Moody was starting to ask you just a moment ago. I think this is a vital issue. If you were to be confirmed, tell me what you understand the scope of your equitable powers to be to grant injunctive relief. To whom could you grant it? Under what circumstances? I think this is an issue of vital, vital importance. It's been something that has been discussed on a bipartisan basis here. So, let me start with you, Mr. Fowlkes. Am I pronouncing your name correctly.

Mr. FOWLKES. Fowlkes.

Senator HAWLEY. Fowlkes?

Mr. FOWLKES. Just like "a bunch of folks." Yes, sir.

Senator HAWLEY. Okay. Very good. Mr. Fowlkes, and then we'll go down the dais. Go ahead.

Mr. FOWLKES. As I understand it, the issue of injunctions and temporary restraining orders are controlled by the provisions of Federal Rule of Civil Procedure 65. And pursuant to that rule and the cases that have been interpreted of that rule, there's a series of factors that courts have typically considered in whether or not a temporary restraining order or an injunction is appropriate, and those begin with the likelihood of whether or not one of the parties, the moving party, will succeed at trial, the irreparable harm that may be possible if the order is not granted, the possibility of a public interest in that order and several orders—

Senator HAWLEY. All of that sounds correct. Is it your understanding, can you bind parties? Should you be confirmed, could you as a district court judge, could you bind parties who are not before you?

Mr. FOWLKES. It is a very developing area of the law, and my understanding is, is that power will be limited by the case law from the Supreme Court and also by the Federal Rules of Civil Procedure.

Senator HAWLEY. Well, tell me what you think the relevant case law from the court is. I assume you are talking about the CASA case——

Mr. FOWLKES. Yes, Senator.

Senator HAWLEY [continuing]. But tell me about it.

Mr. FOWLKES. In the CASA case, the Court determined that was a power that should be reserved to the Congress for a nationwide, you know, authority over certain issues, and I think it is modified our previous understanding of Federal Rule of Civil Procedure 65. And I think, again, it's a very developing area of the law, and it would be very fact determinative and very fact specific, but I think that going forward, it is an important case for every district court judge to keep in mind.

Senator HAWLEY. Well do you think that—are you telling me, as a district court judge, there are some instances as a district court judge where you could bind parties who are not before you?

Mr. FOWLKES. I think we're still understanding the Court's ruling in CASA, and we are still kind of developing procedures that go along with that, and so it would be highly unusual and certainly challengeable in court if something like that was——

Senator HAWLEY. Well, what's the basic rule that you understand the Supreme Court to have laid down on the CASA case? Let me ask it that way.

Mr. FOWLKES. The basic rule is that a nationwide injunction that enjoins people who aren't before the court would be exceeding the court's power in that respect.

Senator HAWLEY. Okay. Good. Mr. Ganjei, do you want to weigh in on this? How do you understand—what would your power be as a district court judge to bind parties not in front of you?

Mr. GANJEI. Senator, generally, I would not be able to bind parties, not in front of the court, but the goal for any injunction would be to give complete relief to the parties before the court.

Senator HAWLEY. Okay, which I think is the rule. I think you just stated the rule of the CASA case, correct?

Mr. GANJEI. Senator, yes.

Senator HAWLEY. So, in other words, the district courts. Senator Kennedy, here I am, I'm asking the questions and giving the answers, you know? I'm kind of——

Senator KENNEDY. You're doing a great job.

Senator HAWLEY. Yes, thanks. It's really, I think, kind of defeating the point, though. It's like your bar exam, except for I'm giving the answers. I think the CASA case said that the equitable powers of the district court are limited to providing full relief to a plaintiff who is in front of the court properly, but nothing exceeding that. Is that your understanding, Mr. Ganjei? Have I got that correct?

Mr. GANJEI. Yes, Senator.

Senator HAWLEY. Okay. So, let's just talk about what that means in practice. I'll come to you for that, Mr. Peterson. What does that mean in practice in terms of the district court's equitable powers?

Mr. PETERSON. Well, Senator, it means that the court has authority over the parties that are before it in the case, you know, the Supreme Court in *Trump v. CASA*, pointing out that nationwide injunctions don't flow from the Judiciary Act there, you know. The goal is to give complete relief to the parties before the court, and if I'm fortunate enough to be confirmed, I would strive to achieve that.

Senator HAWLEY. And, you know, is it fair to say that because the adjunctive power is itself equitable, and our courts have said for centuries now that equity power is something that's got to be very, very closely monitored, I mean, because it's discretionary in many ways. It's difficult to pin down. It can be broadened out and used for many, many purposes. You've got to be very careful in the use of equitable powers. Is it safe to say that you would want to be very, very careful about any kind of a ruling that reaches out beyond plaintiffs in front of you? Even if it's necessary to make the plaintiffs in front of you whole, you'd want to be very careful about binding parties in any way who are not in front of the court.

Mr. GANJEL. Absolutely.

Senator HAWLEY. Yes. All right. I've got some more questions for each of you as it relates to sentencing, the purposes of sentencing, the sentencing guidelines, which I think are very important. My time's expired, so I'll give those to you in the written record. Congratulations again on your nominations.

Chairman GRASSLEY. By the way, I have legislation in—I presume; I got several co-sponsors—on national injunctions. And I was with the Chairman of the House Judiciary Committee, and he also has legislation in on that. So, regardless of what the Supreme Court said, I think there's ways we can narrow it down even more.

Senator HAWLEY. And I agree with you, Mr. Chairman. I think it's important we do it.

Chairman GRASSLEY. Yes.

Senator HAWLEY. Absolutely.

Chairman GRASSLEY. Senator Schiff is on his way. Senator Kennedy, did you have any other questions you want to ask or anything?

Senator KENNEDY. Nope, I'm happy.

Chairman GRASSLEY. Okay. I'm going to ask you folks—

Senator KENNEDY. Can I be Chairman again?

[Laughter.]

Chairman GRASSLEY. Out of courtesy to Senator Schiff, I should just hold in abeyance the continuation. I don't have any more questions, but—

Senator HAWLEY. Well, Mr. Chairman, I'm happy to ask another question if you—

Chairman GRASSLEY. Please, go ahead.

Senator HAWLEY. Okay. I'm sure the nominees are ecstatic about that. Let me just—while we're are on this topic, I want to stay on the topic of nationwide injunctions for just a second. Let me just ask you this. If a district court were to recharacterize the injunction and say, "Well, it's not an injunction per se, it's a temporary restraining order, and, therefore, the *CASA* case doesn't really apply. Therefore, you know, it's a whole different set of analysis." Is it your understanding that you could do that? In other words,

is the temporary restraining order a get-out-of-jail free card? Is that a completely different set of circumstances, a completely different set of analysis? What's your understanding of how you can use TROs and how the *CASA* case relates to TROs? Let's start again with you, Mr. Fowlkes.

Mr. FOWLKES. Oh, I believe it's the same analysis and the same factors. The one that I was just about to get to before is the balance of equities, and I think that's where the *CASA* decision makes a direct impact on the factors for both a temporary restraining order and for a nationwide injunction.

Mr. GANJEI. Senator, I think the analysis would be the same. They are both equitable remedies.

Mr. PETERSON. It's the same analysis, Senator.

Senator HAWLEY. Okay.

Chairman GRASSLEY. Senator Schiff.

Senator SCHIFF. Thank you, Mr. Chairman. If you could give me one more moment?

Chairman GRASSLEY. Yes. We won't take it off your 5 minutes.

[Laughter.]

Senator SCHIFF. Thank you.

[Brief pause.]

Senator SCHIFF. Thank you, Chairman. Mr. Ganjei, you worked for professor and former deputy assistant attorney general, John Yoo. And I wanted to ask you, he recently wrote an op-ed in the Washington Post concerning the military strikes on shipping and raised an issue as to whether that was lawful, and let me ask you your thoughts as a legal and a constitutional matter. In the absence of congressional authorization to use force, in the absence of any declaration of war, are military attacks on ships suspected of drug trafficking lawful or constitutional?

Mr. GANJEI. Senator, I think that's a highly fact-specific situation, and if there were such strikes that were going to be challenged in court, there is a likelihood that it could come before me, if I'm fortunate enough to be confirmed, so I don't think I can offer an opinion that.

Senator SCHIFF. Well, can you offer an opinion on whether you believe that the War Powers Act is constitutional?

Mr. GANJEI. Senator, again, that might be something that comes before me as well.

Senator SCHIFF. I would imagine any number of legal issues could come before you. That doesn't preclude you from expressing your legal views on the subject, particularly something as broad as the constitutionality of legislation like the War Powers Act.

Mr. GANJEI. Senator, my answer's the same.

Senator SCHIFF. And let me ask you all, share with me, if you would, your views on nationwide injunctions, and we could go down the line.

Mr. FOWLKES. I think it's a very developing area of the law after *Trump v. CASA*, and that decision, but typically, injunctions and temporary restraining orders are constrained by Federal Rule of Civil Procedure 65. And the courts have, along with that rule, basically considered four important factors as to whether or not an injunction or a temporary restraining order should be issued, which I've already stated. But one of them is the likelihood of a party

being successful on that injunction in trial eventually, the balance of equities between issuing the injunction and not, the possibility of irreparable harm, and then, of course, the public interest in issuing that injunction. With it being a developing area of the law, it would be a very cautious analysis, but it would include those factors and the factors enumerated by the court in *Trump v. CASA*.

Senator SCHIFF. So, you wouldn't categorically rule out the potential applicability of a nationwide injunction?

Mr. FOWLKES. I think that we have to examine closely CASA, and the key would be the balance of equities and whether or not that Supreme Court decision constrains the application of those four factors with a nationwide injunction, and it would appear on its face that it would. And I think with it being a very developing area of the law, it's going to be a fact-specific and case-specific analysis that goes into those factors.

Senator SCHIFF. Would you care to respond?

Mr. GANJEI. Senator, I agree with much of my colleague's statement. I would say post-CASA, you would look to see what is needed to give the parties before you full and equitable relief, but, generally, the Supreme Court has cautioned against courts having the ability to bind parties not before it.

Mr. PETERSON. And I agree with both of my colleagues, Senator.

Senator SCHIFF. If we could go down the line also, do you believe that the Congress has the power to legislate an enforceable code of ethics on the Supreme Court?

Mr. FOWLKES. I think I would probably need more facts and circumstances to be able to answer that question fully, but, certainly, if Congress were to pass a law, it would be subject to all the same scrutiny requirements from any other piece of legislation.

Senator SCHIFF. Well, can you do a little better than that?

Mr. FOWLKES. I think that Congress certainly has the authority under the law to issue, you know, laws and to vote on laws and to pass statutes, and certainly that would be one that Congress has the authority to do. Whether it would withstand constitutional scrutiny, I would have to have more facts and circumstances to be able to make a complete analysis of that subject.

Mr. GANJEI. Senator, I also would like to have more facts before rendering an opinion on that, but, you know, I would obviously be very attuned to the separation of powers concerns that something like that would raise.

Mr. PETERSON. Senator, again, I agree with my colleagues. I was only going to add the potential separation of powers concern, but Mr. Ganjei did that.

Senator SCHIFF. Thank you, Mr. Chairman.

Chairman GRASSLEY [off mic]. Senator Schiff, are you done?

Senator SCHIFF. Yes. Thank you, Mr. Chairman.

Chairman GRASSLEY. Senator Durbin is on his way. [Off mic.] He'll be the last one. He had to go to another Committee meeting. That's why he wasn't here, so just hold, please.

[Brief pause.]

Chairman GRASSLEY. Are you ready to go if I call on you now? We're waiting for Senator Durbin, but you can go ahead.

Senator BLACKBURN. Thank you, Mr. Chairman, and as always, congratulations to you all on the nominations. We are working as

hard as we can, and I know you've heard it from others, to make certain that we get through the nominations and confirmation process, and to fill positions with people that believe in the Constitution and the rule of law and will conduct themselves accordingly. Mr. Ganjei, am I saying that correct?

Mr. GANJEI. Yes, Senator. Thank you.

Senator BLACKBURN. Okay. Just want to be sure there. I noted that you had served as both an acting and an interim U.S. attorney in Texas, and looking at your materials, I was impressed by your aggressiveness and noted that you had filed 225 cases in a single week. A lot of those were narcotics offenses, violent crimes, immigration matters, and your career has included successful prosecutions. And I noted that you had taken on some complex cases dealing with human trafficking, child abuse, crimes against children, so talk about this experience as a prosecutor and how you would translate that experience.

Mr. GANJEI. Senator, I first speak to my experience as a prosecutor. You know, the one thing that I learned was how interconnected so many of these different offenses are. Having a secure border where we know where people are coming in is essential to preventing the trafficking of children or human trafficking. You know, it is something that, as the numbers come down, you see less and less of it, and that's a very good thing. As a judge, I understand how sensitive those cases are and how they can be approached with great caution. We're fortunate in the Southern District to have phenomenal prosecutors that handle those cases. They're very dedicated. They handle them with great care, with great compassion. And so, you know, I think that if I were selected as a judge, I would bring that experience with me, understanding that there's a tremendous human cost. There's certain crimes that maybe don't have an immediate apparent victim, such as, say, narcotics trafficking. There isn't a person you can name, but with sex crimes, crimes against children, there's a very tangible victim there, and so justice for victims is very important.

Senator BLACKBURN. Thank you. Mr. Fowlkes, I want to come to you in the same vein because here at this Committee, we've put a lot of work into fighting CSAM. My REPORT Act, which requires Big Tech platforms to report to NCMEC when they have actions against the safety of children, and then we are trying to establish a national human trafficking data base. It is Senator Klobuchar and I, completely bipartisan, but we think DOJ needs to have that, and there is a lot of work we've done in protecting children in the digital space. Senator Blumenthal and I have the Kids Online Safety Act that went through the Senate. We're trying to get it signed into law, and I know that you've prioritized the prosecution of some of the CSAM and child abuse cases, so talk about what you have done and how that would influence your work going forward.

Mr. FOWLKES. Under my leadership at the U.S. Attorney's Office in the Western District of Arkansas, we have prosecuted child abuse cases and exploitation cases at over 3 times the national average, according to the Sentencing Commission in their statistics that they gathered over the last 5 years. We're very, very proud of our work there, and the work is so important because these are the most vulnerable members of our society. And when we take an

oath to uphold the law and accede to enforce the law, there's no greater opportunity to make our communities better and safer than to prosecute those who would knowingly take advantage of children and exploit them in the ways that you've described. It's such important work.

Going forward, obviously it would be so important for a judge to consider all the appropriate sentencing factors which are taken into account, but those would be among the most important cases that any judge would review because the victims, again, are so vulnerable and such important members of our society.

Senator BLACKBURN. Well, we appreciate the work that you all have done. I was talking with your Governor this morning——

Mr. FOWLKES. Yes.

Senator BLACKBURN [continuing]. And we were discussing the work that Arkansas has done and the work she's led——

Mr. FOWLKES. Yes.

Senator BLACKBURN [continuing]. To make certain that we protect our children in that virtual space because most children today, if they encounter a drug dealer, a sex trafficker, a predator, a pedophile, a groomer, it happens first that connection is first made in the digital space. So, thank you for that work.

Mr. FOWLKES. Thank you, Senator.

Senator BLACKBURN. Thank you, Mr. Chairman.

Chairman GRASSLEY [off mic]. Senator Durbin.

Senator DURBIN. Thank you. I'm sorry I had to step out, but I'll certainly be briefed by my staff as to the issues that you've discussed.

Mr. Ganjei, as U.S. attorney for the Southern District of Texas, you've repeatedly criticized defendants who assaulted law enforcement officers. For example, you stated on multiple occasions that you employ a "zero tolerance policy" against these offenders, and you argued that individuals who attack law enforcement are "attacking the American system of justice." Do you stand by your comments criticizing individuals who violently assault law enforcement?

Mr. GANJEI. Yes, Senator, I do.

Senator DURBIN. Do you believe that the January 6 offenders who were convicted of assaults on law enforcement attacked the American system of justice?

Mr. GANJEI. Senator, I think that calls for me to make a——

Senator DURBIN. Is your microphone on?

Mr. GANJEI. Yes, it is. I'm sorry. I'll move closer. Senator, I think that the question asks for me to wade into, like, a matter of public controversy and a political issue, and, therefore, I can't offer——

Senator DURBIN. Too hot to handle, huh?

Mr. GANJEI. I'm sorry?

Senator DURBIN. Too hot to handle.

Mr. GANJEI. No, Senator. I think just as a judicial nominee, it would be imprudent, and I think the canons of judicial conduct would prohibit me from weighing in on political matters such as that and matters of public controversy such as that.

Senator DURBIN. Mr. Fowlkes, the most important criminal justice reform legislation in a generation was the First Step Act of 2018. I was proud to lead this and follow the real leader, Chairman

Grassley. It was signed into law by President Trump during his first administration. The First Step Act represented a bipartisan recognition that we can and must do better when it comes to our criminal justice system in order to make our communities safer for all Americans. We've made great strides in bolstering public safety through the mechanisms of the First Step Act. What are your thoughts on the First Step Act as a Federal prosecutor, and what steps will you take as a judge, if you are confirmed, to ensure that you encourage rehabilitation whenever possible?

Mr. FOWLKES. I think it's an important piece of legislation, as you stated, Ranking Member Durbin, and I appreciate the question. I think that the First Step Act takes into account certain factors that are so important to the justice system, and some of those factors are obviously located already in 18 U.S.C. 3553(a)—the history and characteristics of the defendant, their past conduct, the nature and circumstances of the offense—but I think it also takes into account the notion of rehabilitation. And in Western Arkansas, we have something called the Focus Court, which our office has worked closely with our judges in Western Arkansas to attempt to rehabilitate those individuals who have been convicted of non-violent drug offenses and other nonviolent offenses, and to prepare them to reenter society and to be valuable members of society. And so, I think the First Step Act is an important part of that signaling the importance of rehabilitation of some of the criminals in our justice system.

Senator DURBIN. On another related issue, the question of court orders, there seems to be some doubt and some questions have been raised as to whether or not the Trump administration follows the orders of the court in a prompt fashion and in a complete fashion. What do you consider to be the status of a court order you issue, a final order, from the bench?

Mr. FOWLKES. That any order that's issued by Federal district court carries with it great weight, and it carries with it an analysis of the statute, an analysis of the factors before the court, and I think that it should be given great weight and great deference. With regard to speaking on current public controversies, I'm simply constrained by the judicial canons, especially Canon 5, which prohibits, you know, political speech and political conduct, but I would say my answer to your question is that the rulings of the court are inherently important to our justice system.

Senator DURBIN. Mr. Ganjei, a ruling by the court on the executive branch members, is it required to be followed?

Mr. GANJEI. Senator, if I'm fortunate enough to be confirmed as a judge, any order that I enter, I would expect the parties, you know, regardless of who they are, to follow them.

Senator DURBIN. Mr. Peterson?

Mr. PETERSON. Yes, Senator. If I'm fortunate enough to be confirmed, I would expect that any order that I enter would be followed by the parties.

Senator DURBIN. Thank you all very much. Thank you, Mr. Chairman.

Chairman GRASSLEY. Thank you. We're going to close now. Thanks to all the nominees for your testimony.

[Off mic.]

Chairman GRASSLEY. Written questions for the record may be submitted until November 26 at 5 p.m. We'd ask you to return them as quickly as you can.

[Whereupon, at 11:36 a.m., the hearing was adjourned.]

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

David Clay Wilkerson Fowlkes

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Western District of Arkansas

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Office: United States Attorney's Office
Western District of Arkansas
414 Parker Avenue
Fort Smith, Arkansas 72901

Residence: Farmington, Arkansas

4. **Birthplace:** State year and place of birth.

1978; Harrison, Arkansas

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2000 – 2003, University of Arkansas School of Law; J.D., 2003

1996 – 2000, Arkansas State University; B.A., 2000

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2007 – present
United States Attorney's Office

Western District of Arkansas
414 Parker Avenue
Fort Smith, Arkansas 72901
United States Attorney (2020 – 2025)
First Assistant United States Attorney (2016 – 2020)
Criminal Chief (2015 – 2016)
Deputy Criminal Chief (2014 – 2015)
Assistant United States Attorney (2007 – 2014)

2003 – 2007
Benton County Prosecuting Attorney's Office
102 Northeast A Street
Bentonville, Arkansas 72712
Division Chief (2005 – 2007)
Deputy Prosecuting Attorney (2003 – 2005)

2002
Davis, Wright, Clark, Butt & Carithers Law Firm
75 North East Avenue, Suite 402
Fayetteville, Arkansas 72701
Summer Law Clerk

2001
Womack, Landis, Phelps, McNeil, and McDaniel Law Firm
3000 Browns Lane
Jonesboro, Arkansas 72401
Summer Law Clerk

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the U.S. Military. I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Hope Coalition Excellence in Law Enforcement Award (2024)

Executive Office of the United States Attorney Director's Award for Outstanding Performance by an Assistant United States Attorney in the Criminal Division (Recognized for Operation Great Scott and Pantera Negra OCDETF) (2014)

Executive Office of the United States Attorney Director's Award for Outstanding Litigation Team (Recognized for *U.S. v. Bernie Hoffman, aka Tony Alamo*) (2011)

Certificate of Recognition from the Drug Enforcement Administration for Outstanding Efforts in Drug Trafficking Prosecutions (2011)

Certificate of Appreciation from the Department of Homeland Security (2011)

Certificate of Recognition from the Federal Bureau of Investigation for Outstanding Efforts in Criminal Prosecution (2010)

Letter of Recognition from the Deputy Attorney General for Outstanding Efforts in Litigation (2009)

Arkansas Bar Foundation Barrett Scholarship Award (2002)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Benton County Bar Association, Member (~2003 – 2007)

Christian Legal Society, Member (2000 – 2003)
Arkansas Student Chapter, President (2002 – 2003)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Arkansas, 2003

There have been no lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Eighth Circuit, 2008
United States District Court for the Western District of Arkansas, 2003

There have been no lapses in membership.

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you

belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

First Baptist Church, Fayetteville, Arkansas
Deacon (2005 – present)
Member (2002 – present)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To my knowledge, the organization listed above does not currently discriminate nor did they formerly discriminate on the basis of race, sex, religion, or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

In my capacity as United States Attorney or First Assistant, I issued or published on the internet over three hundred press releases. Copies of those releases can be found on the United States Attorney's Office website at: https://www.justice.gov/usao-wdar/pr?search_api_fulltext=%22david+clay+fowlkes%22&start_date=&end_date=&sort_by=field_date. I issued press releases on behalf of the office from January of 2020 to October of 2025.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Some news reports have attributed my assistance as a part of proposed legislation to increase the penalties for DWI homicide cases in which a child is involved as a passenger. To the best I can recall, I may have answered some informal questions posed to the Benton County Prosecuting Attorney's Office by elected state representatives regarding some DWI homicide cases I prosecuted as a Deputy Prosecuting Attorney. These questions were likely related to the penalties available under Arkansas law at that time for defendants convicted of DWI homicide charges, negligent homicide charges, or manslaughter charges.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

August 7, 2025: Speaker, "4th Annual Overdose Response Conference," Hot Springs Police Department, Hot Springs, Arkansas. I gave a brief welcome and introduction to the event. The event was held at an event center located at 2705 Central Avenue, Hot Springs, AR 71901. Remarks supplied.

May 9, 2025: Speaker, "Commencement Address, CJI School of Law Enforcement Supervision Graduation," Arkansas Criminal Justice Institute, Little Rock, Arkansas. Remarks supplied.

February 27, 2025: Speaker, "Press Conference on Immigration Enforcement Operation in Arkansas," United States Attorney's Office, Eastern District of Arkansas, Little Rock, Arkansas. Remarks supplied.

May 15, 2024: Speaker, "National Domestic Communication Assistance Center Training," Arkansas State Police, Springdale, Arkansas. I gave a brief lecture on the importance of electronic devices' location information to solving crimes and effectively prosecuting cases. I have no notes, transcript, or recording. The address of the Arkansas State Police is 1120 W Monroe Ave, Lowell, AR 72745.

April 18, 2024: Speaker, "Human Trafficking Symposium," University of Arkansas, Fort Smith, Arkansas. I gave a brief statement on the importance of investigating and prosecuting human trafficking cases in Western Arkansas. I have no notes, transcript, or recording. The address of the University of Arkansas Fort Smith is 5210 Grand Ave, Fort Smith, AR 72904.

February 22, 2024: Speaker, "Meth Awareness Conference," Northwest Arkansas Community College, Bentonville, Arkansas. I gave a brief statement on the importance

of investigating and prosecuting drug trafficking cases in Western Arkansas. I have no notes, transcript, or recording. The address of the Northwest Arkansas Community College is 1 College Dr, Bentonville, AR 72712.

November 9, 2023: Speaker, "DEA TFO Appreciation Luncheon," Drug Enforcement Administration, Conway, Arkansas. Notes supplied.

November 1, 2023: Speaker, "Press Conference on Bolling and Ferrer Case Sentencing," United States Attorney's Office, Western District of Arkansas, Hot Springs, Arkansas. Remarks supplied.

September 29, 2023: Speaker, "Roundtable Community Discussion with Marshall Islands Community," The White House Initiative on Asian Americans, Native Hawaiians, and Pacific Islanders, Springdale, Arkansas. Notes supplied.

September 27, 2023: Speaker, "Arkansas Police Chief's Association Meeting," Arkansas Police Chief's Association, Hot Springs, Arkansas. Presentation supplied.

September 15, 2023: Speaker, "Press Conference on *United States v. Ethan Driskell* Sentencing Hearing," United States Attorney's Office, Western District of Arkansas, Fayetteville, Arkansas. Remarks supplied.

September 13, 2023: Speaker, "Law Enforcement Summit," The Jones Center, Springdale, Arkansas. Presentation supplied.

July 20, 2023: Speaker, "Commencement Address, Arkansas Law Enforcement Training Academy (ALETA) Graduation," Arkansas Law Enforcement Training Academy, Western District of Arkansas, Springdale, Arkansas. Remarks supplied.

April 4, 2023: Speaker, "WDAR PSN Awards Presentation," United States Attorney's Office, Western District of Arkansas, Bentonville, Arkansas. Notes supplied.

January 9, 2023: Speaker, "Arkansas Sheriff's Association Meeting," Arkansas Sheriff's Association, Little Rock, Arkansas. Presentation supplied.

November 10, 2022: Speaker, "FBI Citizen's Academy Graduation Ceremony," FBI Citizen's Academy, Fort Smith, Arkansas. Presentation supplied.

May 26, 2022: Speaker, "Press Conference on COVID-19 Fraud Cases and *United States v. Heritage* Sentencing Hearing," United States Attorney's Office, Western District of Arkansas, Fayetteville, Arkansas. Remarks supplied.

December 1, 2020: Speaker, "Press Conference on *United States v. Petersen* Sentencing Hearing," United States Attorney's Office, Western District of Arkansas, Fayetteville, Arkansas. Remarks supplied.

November 2020 (approximate date): Speaker, “United States Attorney General’s Award for Courage in Law Enforcement,” United States Department of Justice, Fayetteville, Arkansas. Notes supplied.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Ron Wood, *Northwest Arkansas Authorities Say New State Laws Give Them More Tools to Fight Human Trafficking*, Arkansas Democrat-Gazette: Web Edition, June 15, 2025. Copy supplied.

Ron Wood, *Feds Announce Arrests in Child Abuse Sting with Two Arrested in Western District of Arkansas*, Arkansas Democrat-Gazette: Web Edition, May 7, 2025. Copy supplied.

Ron Wood, *No Frame-Up, Photos by Criminals*, Arkansas Democrat-Gazette, June 23, 2024. Copy supplied.

Steven Moss, *Accomplice in '22 Kidnapping Pleads, gets 10 more Years*, The Sentinel-Record: Hot Springs, Arkansas, May 20, 2024. Copy supplied.

Monica Brich, *Human Trafficking Lucrative, Experts tell Police at Fort Smith Event*, NWA Online, April 21, 2024. Copy supplied.

Interview with Reporters during the Human Trafficking Symposium hosted by the University of Arkansas, Fort Smith, Arkansas, April 18, 2024. A summary of the event is available at <https://uafs.edu/news/2024/human-trafficking-symposium.php>.

Danger! Danger!, Northwest Arkansas Democrat-Gazette, December 22, 2023. Copy supplied.

Tracy Neal, *Fentanyl Addiction and Trends in Northwest Arkansas*, The Arkansas Democrat Gazette Podcast, December 15, 2023. A full audio recording is available at: <https://www.nwaonline.com/news/2023/dec/15/listen-know-the-news-fentanyl-addiction-and-trends-in-northwest-arkansas/>

Interview with Reporters after the sentencing hearing held in *United States v. Bolling and Ferrer*, Hot Springs, Arkansas, November 3, 2023. A video recording is available at <https://www.hotsr.com/news/2023/nov/03/watch-us-attorney-kidnapping-horrific-crime/>.

Lance Brownfield, *US Attorney: Kidnapping “Horrific Crime,”* The Sentinel-Record, November 3, 2023. Copy supplied.

Steven M. Ross, *Accomplice in Kidnapping of Teen Girl, 17, is Sentenced*, Arkansas Democrat-Gazette: Web Edition, November 3, 2023. Copy supplied.

Ron Wood, *Drug Dealer Sentenced to 38 Years*, Arkansas Democrat-Gazette: Web Edition, September 16, 2023. Copy supplied.

Tracy M. Neal, *Office of Ex-State Official Searched*, Arkansas Democrat-Gazette, May 25, 2023. Copy supplied.

Dale Ellis, *Mail Thefts Lead to Federal Crackdown*, Arkansas Democrat-Gazette, March 6, 2023. Copy supplied.

Interview with Reporters regarding interstate kidnappings, Fayetteville, Arkansas, November 2, 2022. A summary of the interview is available at <https://www.nwahomepage.com/news/u-s-attorney-explains-complexity-of-charges-jurisdictions-in-deadly-arkansas-missouri-kidnapping-case/>.

Jaime Adame and Bill Bowden, *Fired UA Professor Sentenced for FBI Lie*, Arkansas Democrat-Gazette, June 17, 2022. Copy supplied.

Interview with Reporters on COVID-19 Fraud Cases (after *United States v. Heritage* sentencing hearing in Hot Springs), Fayetteville, Arkansas, May 26, 2022. A video recording is available at <https://www.fox16.com/crime/hot-springs-man-guilty-of-scamming-33-states/>

Zoe Papadakis, *Josh Duggar Sentenced to Over 12 Years in Prison for Child Pornography*, Newsmax.com, May 26, 2022. Copy supplied.

Interview with Reporters after the sentencing hearing held in *United States v. Josh Duggar*, Fayetteville, Arkansas, May 25, 2022. A video recording is available at <https://youtu.be/ft77gIY2B80?si=1CPAsS5G6sdfW2Of>.

NWA Editorial: *Sheriff's Sentencing an Example of what it takes to Preserve the Badge*, NWAOnline, March 22, 2022. Copy supplied.

Tom Sissom, *Officials say Awareness, Education are Keys*, Arkansas Democrat-Gazette: Web Edition, January 28, 2022. Copy supplied.

Natasha Anderson and Adriana Diaz, *"This couldn't have been intentional, Amy Duggar backs cousin Jana over child endangerment charge,"* Daily Mail Online, December 12, 2021. Copy supplied.

Interview with Reporters after the guilty verdict in the *United States v. Josh Duggar* jury trial, Fayetteville, Arkansas, December 9, 2021. A video recording is available at <https://youtu.be/vNIt6FxESIE?si=M2w8OOwi3HG3krHX>.

Ron Wood, *Dentist Guilty in Bribery of Ex-Senator*, Arkansas Democrat-Gazette: Web Edition, September 14, 2021. Copy supplied.

Doug Thompson, *Veterans Care System Pathologist Sentenced*, Arkansas Democrat-Gazette: Web Edition, January 23, 2021. Copy supplied.

NWA Editorial: *To the Rescue*, NWAOnline, December 7, 2020. Copy supplied.

Doug Thompson, *Arizona Adoption Lawyer Pleads Guilty*, Arkansas Democrat-Gazette: Web Edition, June 24, 2020. Copy supplied.

Robin Mero, *Failures and Successes*, Morning News of Northwest Arkansas, September 22, 2007. Copy supplied.

Tracy M. Neal, *McLemore Enjoys Serving Community as Deputy*, Benton County Daily Record March 6, 2006. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these cases, approximately what percent were:

jury trials:	_____ %
bench trials:	_____ %
 - ii. Of these cases, approximately what percent were:

civil proceedings:	_____ %
criminal proceedings:	_____ %
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a

significant role in the case.

- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.
- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices,

including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

None.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a clerk to a judge.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2003 – 2007
Benton County Prosecuting Attorney's Office
102 NE A St.
Bentonville, AR 72712
Division Chief (2005 – 2007)
Deputy Prosecuting Attorney (2003 – 2005)

2007 – present
United States Attorney's Office
Western District of Arkansas
414 Parker Avenue
Fort Smith, AR 72901
United States Attorney (2020 – 2025)
First Assistant United States Attorney (2016 – 2020)

Criminal Chief (2015 – 2016)
Deputy Criminal Chief (2014 – 2015)
Assistant United States Attorney (2007 – 2014)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator in alternative dispute resolution proceedings.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From the fall of 2003 to December of 2007, I served as a Deputy Prosecuting Attorney in Benton County. I handled a wide variety of cases as a Deputy Prosecuting Attorney, including misdemeanor DWI cases all the way up to murder cases. I tried several jury trials during this four-year period and appeared in Court frequently (usually at least three days per week).

In December of 2007, I began work as an Assistant United States Attorney in Fort Smith, Arkansas, in the Western District of Arkansas. I began my federal prosecution career by serving as the coordinator for the Project Safe Neighborhood (PSN) program in Western Arkansas. In this position, I prosecuted numerous illegal firearm possession cases, violent criminal cases, cases involving the use and possession of firearms in furtherance of drug trafficking crimes, and child exploitation cases. In 2011, I was awarded the EOUSA Director's Award for Superior Performance by a Litigative Team for my work in the *United States v. Tony Alamo* investigation and jury trial. Later in 2011, I became the lead task force attorney for the Organized Crime Drug Enforcement Task Forces (OCDETF) program in Western Arkansas. From 2011 to 2014, I prosecuted numerous cases involving multi-jurisdictional large scale drug trafficking organizations. I routinely reviewed and prepared wiretap applications and I indicted and prosecuted entire drug trafficking organizations, some of which included more than 40 total defendants convicted and sentenced to federal prison. It was during this time that I was awarded the EOUSA Director's Award for Outstanding Performance by a Criminal AUSA.

I am currently serving as the United States Attorney for Western Arkansas. I served as the Acting United States Attorney under the Vacancy Reform Act beginning on January 20, 2020. I was appointed by the Court to serve as the United States Attorney on November 17, 2021.

Prior to serving as the United States Attorney, I served as the First Assistant United States Attorney and supervised the Civil and Criminal Divisions in Western Arkansas. Prior to that, I was the Criminal Chief and Deputy Criminal Chief in Western Arkansas. During my time leading the office, we have made tremendous strides towards our ultimate goal of making Western Arkansas a safer and better place. As the United States Attorney, I began a response team for drug poisoning deaths that incorporated federal and state agents specifically trained to investigate death cases and the distribution of fentanyl. This team has worked very hard to make sure that every drug poisoning death in Western Arkansas is properly investigated and the drug dealers held accountable. Additionally, under my leadership our office has prosecuted over three times the national average number of child abuse and exploitation cases. During my time as the United States Attorney, my courtroom appearances decreased due to my focus on meeting with law enforcement officers to learn about criminal trends in Western Arkansas and spending time developing strategies to make our communities safer. I have also spent time developing and updating policies to include a new criminal division manual, a new discovery policy, and new intake processes.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As an Assistant United States Attorney, I prosecute criminal cases on behalf of the United States.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

The entirety of my practice has been in litigation. As a Deputy Prosecuting Attorney in Benton County, I appeared in state court frequently for hearings, oral arguments, and jury trials. As an Assistant United States Attorney, I have similarly appeared in federal court frequently for hearings, oral arguments, and jury trials. From December 2007 to April of 2013, I appeared in court at least twice a week for hearings, oral arguments, and jury trials. After being named deputy criminal chief, criminal chief, first assistant, and United States Attorney, my court appearances decreased as a result of other leadership and supervisory duties. Since then, I have appeared in court much less frequently, approximately once a month.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 80% |
| 2. | state courts of record: | 20% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 0% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 5% |
| 2. | criminal proceedings: | 95% |

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried 22 cases to verdict. 19 of those cases were jury trials and I have tried 3 cases to a verdict in bench trials. These were all criminal cases. I served as chief counsel on fifteen of these cases, and associate counsel on seven of these cases.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 85% |
| 2. | non-jury: | 15% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *State of Arkansas v. Ramon Sanchez*, Benton County Case Number 04CR-04-1166 (Benton County, Arkansas, 2005) (J. David Clinger) (Representation: 2004 – 2005).

This case involved the hit-and-run killing of a man in Rogers, Arkansas. The investigation conducted by the Benton County Sheriff's Office revealed that an illegal alien who unlawfully entered and remained in the United States drove a truck while intoxicated and ran over a competitive bicyclist training for an upcoming competition. The incident occurred during the early morning hours, and the driver fled the scene without stopping. The driver eventually fled back to Mexico (the driver was later extradited back to Benton County, Arkansas, where he received the maximum sentence for negligent homicide in a separate case). The investigation further showed that another individual, Ramon Sanchez, fraudulently used his own lawful resident status to purchase the truck and insurance for the truck used in the hit-and-run, thereby allowing the driver of the vehicle to own and drive a truck that he would otherwise be prohibited from operating as an illegal alien. As chief counsel on this case, I prepared all the investigative documents and the charging documents. I also served as the lead attorney for the trial team during the Ramon Sanchez jury trial. I charged Sanchez with Filing a False Police Report and Insurance Fraud stemming from his actions surrounding the DWI fatality accident that occurred in western Benton County. The jury returned a verdict of guilty on both counts and recommended a maximum sentence of five years in the Arkansas Department of Correction. Judge David Clinger sentenced Mr. Sanchez accordingly. The Department of Homeland Security deported Ramon Sanchez after he served his sentence in the Arkansas Department of Corrections.

Co-Counsel:

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Child Advocacy Studies Program Coordinator (formerly a Deputy Prosecuting Attorney)
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(479) 986-4000

Defense Counsel:

Mauricio Herrera
Herrera Law Group
1821 S 8th St
Rogers, AR 72756
(479) 770-5292

2. *State of Arkansas v. Christopher White*, Benton County Case Number 04CR-03-1001 (Benton County, Arkansas 2004 – 2005) (J. David Clinger) (Representation: 2004 – 2005)

The defendant in this case was charged with raping his two biological daughters. I prepared and tried this case before a jury in Benton County, Arkansas, in 2005. During this trial, I presented the two victims of this horrible abuse as well as expert witnesses and fact witnesses for the jury's consideration. The jury convicted White of all the

counts charged in the information and recommended a sentence of 420 months in the Arkansas Department of Correction. Judge David Clinger sentenced the defendant in accordance with the jury's recommendation.

Co-Counsel:

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Missouri State University
Legal Affairs and Compliance
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Defense Counsel:

Lisa Parks
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479-521-1270

3. *State of Arkansas v. Darra Barritt*, Benton County Case Number 04CR-05-477 (Benton County, Arkansas 2004 – 2005) (J. Tom Keith) (Representation: 2004 – 2005)

The defendant in this case was charged with one count of Battery in the First Degree for shaking her two-month-old child, causing severe and permanent injuries. I was the chief counsel for this case, and I tried this case before a jury in Benton County, Arkansas. The case centered around the severe injuries to the child and how they were caused. I presented expert witnesses from the Arkansas Children's Hospital and cross-examined an expert witness provided by the defense. The jury convicted Mrs. Barritt and recommended a sentence of fifteen years in the Arkansas Department of Correction. Judge Tom Keith sentenced the defendant to twelve years in the Arkansas Department of Correction. As the chief counsel in this case, I handled every aspect of the investigation, prosecution, and trial.

Opposing Counsel:

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4. *United States v. Hoffman a/k/a Tony Alamo*, No. 4:08-CR-40020, Western District of Arkansas, Texarkana Division (2008 – 2009) (J. Harry Barnes) (Representation: 2008 – 2009).

Tony Alamo, aka Bernie Hoffman, was the leader of a group in Southwest Arkansas and elsewhere that operated several compounds and businesses in Arkansas. Alamo used threats of violence and intimidation to ensure the compliance of his followers. He also used his position to exploit girls as young as 9 years old. Tony Alamo was charged with 10 counts of transporting minors in interstate commerce for illicit sexual purposes. I served as associate counsel on this trial team. The trial lasted approximately two weeks. I was responsible for preparing and arguing before the court all pretrial motions. I also presented the opening statement for the United States and cross-examined several key defense witnesses. The jury convicted Alamo on all 10 counts and Judge Barnes sentenced him to life in prison. In 2011, I was recognized with the EOUSA's Director's Award for Superior Performance by an AUSA as a part of a Litigative Team for my work on this case.

Co-Counsel:

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Kyra Jenner
(formerly at the U.S. Attorney's Office for the Western District of Arkansas)
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Opposing Counsel:

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Texarkana, AR 71854
(870) 330-7680

5. *United States v. Torrance Bunch, et al.*, No. 2:10-CR-20024, Western District of Arkansas, Fort Smith Division (2010) (J. Robert Dawson) (Representation: 2010 – Present).

This case involved a drug trafficking organization operating in Fort Smith, Arkansas. Two of the leaders of the organization, Torrance Bunch and Fernando Sanchez-Garcia, were involved in the distribution of large quantities of methamphetamine in the Fort Smith, Arkansas, area. During Torrance Bunch's jury trial, one of the cooperating co-conspirators, who was also charged in this case, testified to the jury that Torrance Bunch and Fernando Sanchez-Garcia operated a drug trafficking group that was the only organization that was capable of supplying large quantities of high-quality methamphetamine to drug dealers in Fort Smith, Arkansas. Torrance Bunch was sentenced to life in prison under the habitual offender provision in the federal drug trafficking statutes.

The investigation did not stop with Bunch and Garcia's arrest. The investigative team continued to work on this case until Bunch's source of supply for methamphetamine (Orlando Lira-Ibarra) was located, arrested, and prosecuted in the Western District of Arkansas. In all, we were able to prosecute a total of 27 individuals for their involvement in drug trafficking in Western Arkansas. As the chief counsel for this case, I was responsible for preparing all of the investigative documents, including search warrants and other applications for surveillance techniques. I was also responsible for preparing all the indictments, pretrial motions, sentencing arguments, and appeal briefs. I represented the United States at every court hearing and was lead counsel for the trial team during the Torrance Bunch and Fernando Sanchez-Garcia jury trial. The Court sentenced Bunch to life in prison and Sanchez-Garcia to 324 months in prison.

Co-Counsel:

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RMP Attorneys at Law
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Springdale, AR 72762
(479) 443-2705

Opposing Counsel:

Marvin Honeycutt
Honeycutt Law Office
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Fort Smith, AR 72901
(479) 783-0033

6. *United States v. Jose Machado, et al. (Operation Pantera Negra)*, No. 5:12-CR-50008, Western District of Arkansas, Fayetteville Division (2011 – 2012) (J. Jimm Hendren) (Representation: 2010 – Present).

This case targeted a drug trafficking organization operating in Springdale, Arkansas. The investigation began with an individual named Wilver Rosales and eventually uncovered a

large organization that was affiliated with the La Familia drug cartel in Mexico. The organization used members in Texas and Mexico to smuggle methamphetamine into the United States and eventually into Western Arkansas. As the sole counsel for this case, I was responsible for preparing all the search warrants, applications for surveillance techniques, indictments, and sentencing memorandums. I also represented the United States in every court proceeding, including contested sentencing hearings and one jury trial. My work on this case resulted in over 30 convictions for drug trafficking, several indictments against known cartel members, the seizure of hundreds of pounds of methamphetamine, and the seizure of numerous firearms, including several automatic weapons. This organization utilized numerous stash houses in Arkansas and Texas. As an example of the organization's distribution of large quantities of methamphetamine, in one stash house located in Dallas, Texas, the DEA seized over 100 pounds of methamphetamine and a machine gun.

Co-Counsel:

None

Opposing Counsel:

Jack Schisler (Retired)
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479-442-2306

7. *United States v. Arturo Vaca-Raya, et al. (Operation West End Gambler)*, No. 13-CR-50002, Western District of Arkansas, Fayetteville Division (2012 – 2013) (J. Jimm Hendren) (Representation: 2012 – Present)

This investigation began in October of 2012 when the DEA received information about an organization that was involved in distributing large quantities of methamphetamine in Northwest Arkansas. Arturo Vaca-Raya, who resided in Springdale, was identified as the leader of this organization. As a result of the investigation, law enforcement agencies were able to identify 12 associates of Vaca-Raya who were also involved in the distribution of methamphetamine. Through the investigation, law enforcement agencies learned that Vaca-Raya was involved in smuggling large quantities of methamphetamine into Northwest Arkansas and distributing the methamphetamine to other drug dealers in Arkansas and Oklahoma. On December 2, 2012, the DEA learned that Vaca-Raya was expecting a large shipment of methamphetamine and placed his residence under surveillance. During the surveillance, the agents observed a co-conspirator from Texas named Maria Molina bring Vaca-Raya what appeared to be a large quantity of methamphetamine. Vaca-Raya was arrested later that day. The next day, on December 3, 2012, the DEA executed a search warrant on his residence. During the search, the agents recovered approximately 6.9 kilograms of methamphetamine, digital scales, a

firearm, and ammunition. Vaca-Raya eventually entered a plea of guilty to the indictment and the Court imposed a sentence of 40 years in prison based on the large quantities of methamphetamine his organization distributed and Vaca-Raya's lengthy criminal history including violence and firearm convictions. I was the sole counsel in this case. I prepared all of the Title III Applications for Wire and Electronic Interceptions, I submitted the case to the Grand Jury for indictment, prepared all plea agreements, and made all of the arguments to the Court during contested sentencing hearings. Vaca-Raya had been one of the most prolific methamphetamine distributors in Northwest Arkansas for many years prior to this case. In addition to seizing a large amount of methamphetamine, we were also able to forfeit several hundred thousand dollars in cash and property that Vaca-Raya used to facilitate his distribution of methamphetamine.

Co-Counsel:

None

Opposing Counsel:

David Dunagin (deceased)

8. *United States v. Miguel Paramo, et al. (Operation Great Scott)*, No. 2:12-CR-20043, Western District of Arkansas, Fort Smith Division (2012 – 2013) (J. P.K. Holmes) (Representation: 2012 – Present)

This case targeted a drug trafficking organization operating in Waldron, Arkansas. The organization took advantage of the reduced law enforcement presence in small, rural communities like Waldron to organize the smuggling and distribution of methamphetamine to larger communities, such as Fort Smith and Fayetteville. The organization also used minors to transport and distribute methamphetamine as another way of concealing their drug trafficking operations. Various law enforcement techniques resulted in the identification of numerous members of the organization and the location of stash houses in both Arkansas and Texas. Over forty controlled purchases of methamphetamine were conducted with members of the organization, as well as several controlled purchases of marijuana. As a result of the investigation, 19 individuals were arrested. In addition, 28 firearms, 12 pounds of methamphetamine, \$49,800, over 100 pounds of marijuana, and 2 bullet-proof vests were seized from members of the organization. As the chief counsel for this case, I was responsible for the preparation of all of the investigative documents, including numerous search warrants and other applications for surveillance. I was also responsible for preparing the indictment for all 19 of the members charged in the case. I represented the United States in every court proceeding and successfully won convictions on all 19 of the defendants in this case. In 2014, I was recognized with the EOUSA's Director's Award for Superior Performance by a Criminal AUSA for this case and other drug trafficking investigations and cases I worked on.

Co-Counsel:

None

Opposing Counsel:

James Pierce
Federal Public Defender
30 S. 6th St.
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9. *United States v. Gerardo Gamboa, et al. (Operation Shawcrank Redemption)*, No. 2:13-CR-20037, Western District of Arkansas, Fort Smith Division (2013) (J. P.K. Holmes) (Representation: 2013 – Present)

This case targeted a significant drug trafficking operation within the Fort Smith Division of the Western District of Arkansas. Gerardo Gamboa was directly communicating with a member of the Drug Trafficking Organization (DTO) in Mexico and coordinating substantial shipments of methamphetamine destined for Fort Smith, Arkansas. Following a two-year investigation, we successfully indicted and convicted 41 members of the DTO, including the individual operating in Mexico. This case held immense significance as it marked the largest DTO prosecuted in the Fort Smith Division in several years. As the chief counsel for this case, I was solely responsible for all aspects of the investigation and prosecution of every member of this organization. My duties included preparing all investigative documents, Search Warrants, indictments, plea agreements, motions, and sentencing arguments. I represented the United States in every court proceeding, successfully presenting arguments before the Court in each case.

Co-Counsel:

None

Opposing Counsel:

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10. *United States v. Paul Petersen*, No. 5:19-CR-50079, Western District of Arkansas, Fayetteville Division (2020) (J. Timothy L. Brooks) (Representation: 2015 – Present).

This case stands as the first human trafficking case involving a group of individuals who specifically targeted the Marshallese people. Also notably, it was the first such case to be prosecuted within the United States under the theory advanced by the indictment I prepared and defended in the District Court and on Appeal to the Eighth Circuit Court of Appeals. The case involved a group of defendants, including Paul Petersen, a licensed attorney who practiced law in Arizona, Utah, and Arkansas. Beginning in 2014, Petersen devised a fraudulent scheme to defraud and obtain money and property from unsuspecting adoptive parents and others. He paid pregnant Marshallese women substantial amounts of United States currency, compelling them to travel to the Western District of Arkansas and subsequently place their infants for adoption in the same district. Petersen procured airline tickets for them and orchestrated their concealment of their true travel intentions from the authorities in the Republic of the Marshall Islands and the United States. In furtherance of this scheme, Petersen manipulated adoption case files, presenting documents that contained materially false and fraudulent statements. He subsequently filed these court documents in the Circuit Clerk's Offices of Washington and Polk counties and further distributed case documents via the United States mail to government offices in Little Rock, Arkansas. Petersen concealed his involvement in the payments and conducted wire transactions to transfer over one million dollars into a bank account. He eventually pleaded guilty to the indictment. I requested that the Court impose a sentence of 10 years in prison, considering the severe criminal conduct in this case. The Court, after a contested sentencing hearing, determined that a sentence of 74 months in prison was appropriate. As chief counsel in this case, I handled every aspect of the investigation and the prosecution. I developed the legal theory that enabled me to prosecute Petersen and his co-conspirators. I also traveled to Marshall Islands and spent a week there interviewing witnesses, gathering evidence, and preparing the case for presentation to the Grand Jury.

Co-Counsel:

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Opposing Counsel:

Kurt Altman
Altman Law and Policy
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Scottsdale, AZ 85255
(602) 491-0088

18. **Legal Activities:** Describe the most significant legal activities you have pursued,

including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

I have served in several management roles, including Criminal Chief and First Assistant United States Attorney. In these roles, I have helped develop procedures for discovery, indictments, grand jury, and other matters. I have also had the privilege of mentoring several new AUSAs over the years, including sitting as second chair on jury trials, accompanying them to grand jury presentations, and helping them navigate their new roles as federal prosecutors. Finally, I have also served as the United States Attorney under the Vacancy Reform Act, and later as appointed by our court. While serving in this role, I have been able to meet with police chiefs, sheriffs, local and state prosecutors, and many others involved in law enforcement in Western Arkansas. This has given me a unique perspective of the criminal issues facing our communities in Western Arkansas. I have also been able to guide our office to several important milestones, including leading our office to prosecute child exploitation cases at over three times the national average. I have also been able to lead our office to achieve significant progress in reducing drug poisoning deaths caused by the distribution of fentanyl. I began a program we refer to as our Overdose Response Team, made up of officers and agents from various agencies who take the lead in our district in investigating and prosecuting drug poisoning cases.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees,

dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my Financial Disclosure Report and will supplement this Questionnaire with a copy of that Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not have any financial arrangements that may present potential conflicts of interest. If confirmed, I would recuse myself from all cases in which I played a role in investigating or prosecuting the case. I would recuse myself from any criminal cases handled at the U.S. Attorney's Office while I worked there. I will evaluate any other real or potential conflict, or relationship that could give rise to the appearance of a conflict, on a case-by-case basis and determine appropriate action with the advice of parties and their counsel including recusal where necessary.

b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures governing circumstances relating to real or potential conflicts of interests.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have provided legal services to families finalizing adoptions of children. This occurred on two occasions. I applied for permission from DOJ to conduct these final adoptions and appear in court with these families. These families were both far along in the adoption process and I helped finalize some paperwork and schedule final adoption proceedings. I

provided these services free-of-charge on a pro-bono basis, which I hope greatly helped these families who had already expended significant sums of money during the entirety of the adoption process.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On Friday, November 22, 2024, I interviewed with Senator John Boozman in Rogers, Arkansas. On August 15, 2025, Senator Tom Cotton requested that I answer a questionnaire and submit supporting paperwork. On September 15, 2025, I interviewed with the White House Counsel's Office at the Eisenhower Executive Office building. Since then, I have been in contact with officials from the Office of Legal Policy at the Department of Justice.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		41	102	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities see schedule		51	861	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		252	788
Real estate owned – see schedule		671	400	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		37	600	– Student Loan		1	570
Cash value-life insurance							
Other assets itemize:							
Federal Thrift Savings Plan		204	618				
				Total Liabilities		254	358
				Net Worth		752	223
Total Assets	1	006	581	Total Liabilities and Net Worth	1	006	581
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

American Century RET DT 2045 Trust III	\$30,895
JPMorgan Mid Cap Growth Fund-R6	<u>\$20,966</u>
Total Listed Securities	\$51,861

Real Estate Owned

Personal Residence	<u>\$671,400</u>
Total Real Estate Owned	\$671,400

Real Estate Mortgages Payable

Personal Residence – Mortgage	<u>\$252,788</u>
Total Real Estate Mortgages Payable	\$252,788

AFFIDAVIT

I, David Clay Fowlkes, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

10-21-2025
(DATE)

David Clay Fowlkes
(NAME)

Heather Edmonson
(NOTARY)



Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for David Clay Wilkerson Fowlkes
Nominee to be U.S. District Judge for the Western District of Arkansas
November 26, 2025

1. In the aftermath of the January 6 attack on the U.S. Capitol, U.S. Attorneys' Offices around the country prosecuted rioters for assaulting law enforcement and other criminal acts. Your U.S. Attorney's Office was involved in several cases involving January 6 rioters.

a. Did you personally handle, supervise, or advise on any cases involving individuals who were present at the January 6 riot at the U.S. Capitol?

Response: I appeared for a Rule 5 hearing held in Western Arkansas for an individual who was charged by the United States Attorney's Office in Washington, D.C. for his involvement in the events of January 6. That appearance was my only involvement in the case.

Former Acting Deputy Attorney General Emil Bove previously directed a U.S. Attorney to fire dozens of line prosecutors who had worked on January 6 cases. Mr. Bove also sought the names of thousands of FBI employees who had worked on investigations into January 6 rioters and accused these career public servants of "weaponiz[ing]" the FBI against these violent offenders.

b. As a federal prosecutor, do you believe an order firing prosecutors simply for handling cases that were assigned to them is appropriate?

Response: It would be inappropriate for me to comment on the human resources decisions by other individuals at the Department of Justice. Further, this would likely require me to issue a political comment, which is prohibited by Judicial Cannon Five.

c. Do you believe your colleagues or the FBI investigators with whom they worked on January 6 cases "weaponized" the justice system against January 6 offenders?

Response: It would be inappropriate for me to comment on the investigative and charging decisions by other individuals at the Department of Justice. Further, this would likely require me to issue a political comment, which is prohibited by Judicial Cannon Five.

2. You served for several years as the First Assistant to U.S. Attorney Duane Kees. Mr. Kees resigned from the U.S. Attorney's Office for the Western District of Arkansas after the Office of the Inspector General (OIG or Office) at the Department of Justice (DOJ) received a referral from the Executive Office for U.S. Attorneys based on information

that Mr. Kees had sent inappropriate text messages to a subordinate. The OIG concluded that Mr. Kees committed misconduct by engaging in an intimate relationship with a subordinate despite warnings from DOJ leadership that the Department would not tolerate such relationships. The Office also found that while Mr. Kees was engaged in the improper relationship, he supervised the subordinate and participated in pay, performance, and reassignment decisions affecting her.

a. When did you become aware of Mr. Kees's relationship in the office?

Response: I became aware of this relationship on the day that EOUSA and OIG began their investigation of the matter.

b. When did you become aware of the OIG investigation?

Response: I became aware of the OIG investigation on the day it was initiated.

c. After the OIG issued its report, did you implement any additional office trainings or guidelines to prevent such misconduct from occurring again?

Response: Yes, we worked with the DOJ General Counsel's Office to ensure that our sexual harassment point of contact was provided with additional training and guidelines in an attempt to ensure that this misconduct would not occur again in the future. We also confirmed that every employee in the office complied with the annual sexual harassment prevention training requirements.

3. Throughout your career as a state and federal prosecutor, you have come across many public defenders. I believe that public defenders are critical to the criminal justice system and are vital to not only ensuring the judicial process works fairly, but also to preserving their clients' constitutional rights.

How has your experience working with public defenders shaped your view of what it takes to ensure the criminal justice system works fairly for all involved?

Response: I have been so very fortunate to work with great public defenders throughout my career in Western Arkansas. These individuals are skilled advocates who are dedicated to ensuring that each of their clients receives the very best legal representation possible. I have learned from them the importance of pursuing justice, of seeking fairness in each stage of the proceedings, and the dedication to the hard work required to make sure that each defendant receives the best representation for their individual cases.

4. Did President Trump lose the 2020 election?

Response: Congress certified President Biden as the winner of the 2020 election.

5. Where were you on January 6, 2021?

Response: I was working at the United States Attorney's Office in Western Arkansas.

6. Do you denounce the January 6 insurrection?

Response: The wording of this question and the answer it seeks from me would require me to issue a statement of an inherently political nature. This would be inappropriate for me to do, as a judicial nominee. This is according to the prohibition of political activity in Judicial Canon 5.

7. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: The wording of this question and the answer it seeks from me would require me to issue a statement of an inherently political nature. This would be inappropriate for me to do, as a judicial nominee. This is according to the prohibition of political activity in Judicial Canon 5.

8. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: Any litigant who disagrees with an order from the court should seek an appeal or a stay of the order pursuant to the Federal Rules of Civil Procedure.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: All parties must follow court orders in the absence of a stay.

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: In general, the judicial branch bears this responsibility.

9. District judges have occasionally issued non-party injunctions, which may include “nationwide injunctions” and “universal injunctions.”

a. Are non-party injunctions constitutional?

Response: In a recent case, *Trump v. CASA*, 145 S.Ct. 2540 (2025), the Supreme Court held that universal injunctions *may* exceed the equitable authority that Congress has given to federal courts and that ordinarily equitable power only extends to grant complete relief to the parties before the court. Specifically, the Supreme Court held that “[a] universal injunction can be justified only as an exercise of equitable authority, yet Congress has granted federal courts no such power.” *Id.* at 2550. As such, the equitable power of courts generally extends only to granting complete relief to the parties before the court. While the Court did not categorically hold that all non-party injunctions are unconstitutional, this decision does provide guidance that limits the applicability of such injunctions. If confirmed as a district judge, I would apply all relevant precedent when considering injunctive relief. As a judicial nominee, the canons of judicial conduct prohibit me from elaborating further as this is an issue that could come before me as a district judge. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to question 9(a).

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see my response to question 9(a).

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: No.

10. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

11. Does the U.S. Constitution permit a president to serve three terms?

Response: The 22nd Amendment to the Constitution provides that no person shall be elected to the office of President more than twice.

12. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who

“...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”¹

- a. Do you agree that these federal judges are “USA HATING” and “MONSTERS” who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?**

Response: The wording of this question and the answer it seeks from me would require me to issue a statement of an inherently political nature. This would be inappropriate for me to do, as a judicial nominee. This is according to the prohibition of political activity in Judicial Canon 5.

- b. Do you believe this rhetoric endangers the lives of judges and their families?**

Response: The wording of this question and the answer it seeks from me would require me to issue a statement of an inherently political nature. This would be inappropriate for me to do, as a judicial nominee. This is according to the prohibition of political activity in Judicial Canon 5.

- 13. In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”² and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”³**

- a. Do you agree that these judges are engaged in a “judicial coup” and that “we are living under a judicial tyranny”?**

Response: The wording of this question and the answer it seeks from me would require me to issue a statement of an inherently political nature. This would be inappropriate for me to do, as a judicial nominee. This is according to the prohibition of political activity in Judicial Canon 5.

- b. Do you believe this rhetoric endangers the lives of judges and their families?**

Response: The wording of this question and the answer it seeks from me would require me to issue a statement of an inherently political nature. This would be inappropriate for me to do, as a judicial nominee. This is according to the prohibition of political activity in Judicial Canon 5.

¹ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

² Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

³ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: The wording of this question and the answer it seeks from me would require me to issue a statement of an inherently political nature. This would be inappropriate for me to do, as a judicial nominee. This is according to the prohibition of political activity in Judicial Canon 5.

14. When, if ever, may a lower court depart from Supreme Court precedent?

Response: This would never be appropriate.

15. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: If I am fortunate enough to be confirmed as a district judge, my opinion of when it would be appropriate for the Eighth Circuit to overturn its own precedent would not be relevant. If confirmed, I will carefully apply and follow Eighth Circuit precedent.

16. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: If I am fortunate enough to be confirmed as a district judge, my opinion of when it would be appropriate for the Supreme Court to overturn its own precedent would not be relevant. If confirmed, I will carefully apply and follow all Supreme Court precedents.

17. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. *Brown v. Board of Education*

Response: As a district court nominee, it is generally inappropriate for me to comment on whether a specific Supreme Court case was correctly decided. Like numerous nominees before me, however, I will make an exception and state unequivocally that *Brown* was correctly decided as it rightly rejected discrimination based on race.

b. *Plyler v. Doe*

Response: *Plyler* is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Plyler* and all Supreme Court precedent.

c. *Loving v. Virginia*

Response: As many nominees before me have stated, the decision in *Loving* is so canonical and deeply rooted that the correctness of the judgment is beyond question. It is binding precedent. If I am fortunate enough to be confirmed as a district judge, I will follow this and all other binding precedents.

d. *Griswold v. Connecticut*

Response: *Griswold* is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Griswold* and all Supreme Court precedent.

e. *Trump v. United States*

Trump is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Trump* and all Supreme Court precedent.

f. *Dobbs v. Jackson Women's Health Organization*

Dobbs is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Dobbs* and all Supreme Court precedent.

g. *New York State Rifle & Pistol Association, Inc. v. Bruen*

Bruen is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Bruen* and all Supreme Court precedent.

h. *Obergefell v. Hodges*

Obergefell is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Obergefell* and all Supreme Court precedent.

i. *Bostock v. Clayton County*

Bostock is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Bostock* and all Supreme Court precedent.

j. *Masterpiece Cakeshop v. Colorado*

Masterpiece Cakeshop is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Masterpiece Cakeshop* and all Supreme Court precedent.

k. *303 Creative LLC v. Elenis*

303 Creative is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *303 Creative* and all Supreme Court precedent.

l. *United States v. Rahimi*

Rahimi is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Rahimi* and all Supreme Court precedent.

m. *Loper Bright Enterprises v. Raimondo*

Loper Bright is binding precedent. If I am fortunate enough to be confirmed as a district court judge, I would carefully follow *Loper Bright* and all Supreme Court precedent.

18. With respect to constitutional interpretation, do you believe judges should rely on the “original meaning” of the Constitution?

Response: The Supreme Court has interpreted constitutional provisions by discerning the original meaning of the words used as understood by the public at the time of the provisions passing. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004). As a district court judge, I would follow all applicable Supreme Court and Eighth Circuit precedent in interpreting constitutional provisions, including those originalist precedents.

19. How do you decide when the Constitution’s “original meaning” should be controlling?

Response: Please see my response to Question 18.

20. Does the “original meaning” of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court in *Obergefell* concluded that the Constitution provides a constitutional right to same-sex marriage, and I would faithfully apply that precedent.

21. Does the “original meaning” of the Constitution support the constitutional right to marry persons of a different race?

Response: The Supreme Court in *Loving* ruled that a state court law that prohibited such marriages should be invalidated. I would faithfully apply that precedent.

22. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Due Process Clause of the Fourteenth Amendment, among other things, applies the Bill of Rights to the states. The Equal Protection Clause ensures that states not “deny any person within its jurisdiction the equal protection of the laws.” Courts have used these provisions to evaluate the legitimacy of state actions using different levels of scrutiny depending on the circumstances, including the classification of persons or the right involved.

23. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has applied these provisions to discrimination based on sex and sexual orientation, and I would faithfully apply those decisions if confirmed. To the extent that the question asks for further elaboration on these provisions, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

24. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my responses to Questions 18-19 above.

25. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my responses to Questions 18-19 above.

26. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment Provides that, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The Supreme Court has held that these protections apply to the people and associations of individuals. *See Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010). If I am fortunate enough to be confirmed as a district judge, I will carefully determine all appropriate Supreme Court precedents regarding First Amendment protections and faithfully follow them.

27. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: I would carefully determine and apply all binding Eighth Circuit Court of Appeals precedents and all Supreme Court precedents regarding the steps for determining content-based and content-neutral speech regulations.

28. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: I would carefully determine the appropriate precedent from the Supreme Court. In this situation, the Supreme Court has stated that “true threats are serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Counterman v. Colorado*, 600 U.S. 66, 74 (2023). Such threats are a “historically unprotected category of communications.” *Id.*

29. Is every individual within the United States entitled to due process?

Response: Yes, everyone within the United States is entitled to due process. The Supreme Court has an exhaustive list of precedents that outlines the level of due process that individuals are entitled to in particular circumstances.

30. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: This question asks me to express an opinion regarding potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

31. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: As this question asks about matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment on it. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: As this question asks about matters that are the subject of ongoing litigation, it would be improper for me as a judicial nominee to comment on it. *See* Code of Conduct of U.S. Judges, Canon 3A(6).

32. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Yes. Demographic and professional diversity on the federal bench is important because no individual should be excluded from the opportunity to serve as a district judge based on race, ethnicity, religion, sex, or any other protected characteristic. Selecting highly qualified individuals from a wide range of backgrounds enhances public confidence in the judiciary, promotes respect for the rule of law, and ensures that the courts benefit from varied perspectives and experiences.

33. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: If I am fortunate enough to be confirmed as a district judge, I would carefully apply the provisions of the First Step Act fairly and impartially as I would any other enacted law of the United States.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Yes, it is vitally important for a district court judge to fashion sentences that are tailored to the individual circumstances of each case according to 18 U.S.C. §3553(a) and all binding legal precedents.

34. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

Response: No.

- 35. The Teneo Network states that its purpose is to “Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?**

Response: No.

- 36. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No.

- d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: No.

- 37. The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

Response: No.

- 38. The America First Legal Institute (AFLI) states that it seeks to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

Response: No.

- 39. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?**

Response: No.

- 40. The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: No.

- 41. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.**

Response: No, not to the best of my knowledge.

- b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?**

Response: No.

- d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: I am not familiar with these organizations nor am I aware of any of these organizations supporting my nomination in any way. The question of whether I would find such donations to be problematic would require me to make statements about policy or legal conclusions, as such it would be inappropriate for me to answer under the Code of Conduct for United States Judges.

- e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: I am unaware of any such donations. However, I will carefully follow all of the legal requirements for financial disclosures outlined in the United States Federal Code and in the Judicial Code of Conduct. I will also carefully follow all of the appropriate procedures for identifying potential appearances of conflicts and recusal from all cases when necessary.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: Please see my answers to Questions 41(a)-(e).

**Nomination of David Clay Wilkerson Fowlkes
Nominee to the United States District Court for the Western District of Arkansas
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. The U.S. Marshals Service is responsible for ensuring the safety of federal judges, including investigating threats against judges. In a threat investigation, would you expect the U.S. Marshals and FBI to investigate any party they have reason to believe is complicit or culpable, including under RICO and conspiracy statutes, in addition to the individual who made the threat?

Response: Yes.

2. Have you had any conversations with President Trump or members of the Trump administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.

Response: No.

3. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.
 - a. Leonard Leo?
 - b. Anyone affiliated with an entity led or funded by Leonard Leo?
 - c. Carrie Severino?
 - d. Mike Davis?
 - e. Anyone affiliated with The Article III Project?

Response: No.

Senate Judiciary Committee
Nomination Hearing
November 19, 2025
Questions for the Record
Senator Amy Klobuchar

For David Fowlkes, to be U.S. District Judge for the Western District of Arkansas

1. You stated that you received special permission from the Justice Department to provide pro bono representation to families working to finalize adoptions. As co-chair of the Congressional Coalition on Adoption Caucus, I have worked to assist families navigating the adoption process to ensure every child has a safe, loving, and permanent home.

- How did you get involved in pro bono work related to adoption and what did you learn from this experience?

Response: I became involved in pro bono work because I felt a deep calling to serve others. My involvement began when I learned about a couple in our church, First Baptist Church in Fayetteville, Arkansas, who were struggling to finalize an international adoption. After hearing their testimony in our Sunday School class, I volunteered to assist them with the legal process so they could reduce expenses during a critical time for their family. Through that experience, I gained valuable knowledge of Arkansas adoption law, which later proved unexpectedly beneficial when I prosecuted the first human trafficking case involving the Marshallese community in Western Arkansas.

2. Justice Scalia said that our Constitution separates powers to “prevent the centralization of power in one person, or one party.” In other countries, where power is centralized in one person, “the game is over” for rights.

- Do you agree with Justice Scalia regarding the importance of separation of powers?

Response: Yes, I agree with Justice Scalia regarding the critical importance of the separation of powers. The system established in the Constitution is a foundational principle of our democracy and was intentionally designed to prevent the concentration of power in any single person or branch of government. Through the structure of checks and balances, each branch is given both authority and limitations, ensuring accountability and safeguarding individual liberty. By dispersing power among the legislative, executive, and judicial branches, our Constitution helps preserve the freedoms that define our nation.

**Nomination of David Fowlkes to the
United States District Court for the Western District of Arkansas
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: Yes, I believe the Senate Judiciary Committee has a responsibility to fairly and thoroughly evaluate judicial nominees.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: Yes.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: I reviewed the responses of numerous prior nominees before preparing my answers to these questions. I initially drafted each response myself. After receiving feedback from individuals in the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized their submission to this Committee. These answers reflect my own views.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: Certain questions may admit of only one complete and correct answer. In such circumstances, it is appropriate for a nominee's response to be the same as that of previous nominees, provided the answer is accurate and complete.

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: Please see my response to question 3(a).

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Please see my response to question 3(a).

4. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case or matter if confirmed? If so, explain fully.

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

Response: No.

5. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: Benton County Circuit Court Judge (retired) David S. Clinger.

6. How would you describe your judicial philosophy?

Response: My judicial philosophy is to try my very best to determine the appropriate law, correctly determine the facts of each case, and apply the facts and the law to correctly determine the appropriate ruling. I would also include that every person who appears before the court should be treated with respect, dignity, and equal justice.

7. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

Response: The first step with regard to substantive due process analysis is to determine whether the right is “fundamental.” I would follow Eighth Circuit and Supreme Court precedent to make that determination.

- a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: Yes, but it is also important to consider the enumerated rights language in the Ninth Amendment to the Constitution.

- b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes, to make this determination I would carefully consult Eighth Circuit precedent and Supreme Court precedent.

- c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes, please see my response to Question 7(b). Further, other court of appeals precedents would be persuasive, but not binding.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

- e. What other factors would you consider?

Response: Please see my responses above. The most important considerations are Eighth Circuit and Supreme Court precedents.

8. If you concluded that the President had violated his constitutional duty to faithfully execute the laws and then had to determine the remedy, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: As a district court judge nominee, I do not think that it would be appropriate for me to address the potential remedies in an abstract hypothetical scenario. Further, it would be inappropriate for me to answer this question as it may call for political commentary. See Code of Conduct U.S. Judges, Canon 5.

9. Is President Trump eligible to be elected President for a third term in 2028? Assume that I know what the text of the 22nd Amendment says. I am interested in your application of that text to whether or not President Trump can be elected President in 2028.

Response: According to the 22nd Amendment to the United States Constitution, no person shall be elected to the office of President more than twice.

10. Who won the 2016 U.S. Presidential Election?

Response: Congress certified President Trump as the winner of the 2016 Presidential Election.

11. Who won the 2020 U.S. Presidential Election?

Response: Congress certified President Biden as the winner of the 2020 Presidential Election.

12. Who won the 2024 U.S. Presidential Election?

Response: Congress certified President Trump as the winner of the 2024 Presidential Election.

13. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: Congress's role under the law is to formally count and certify the electoral votes submitted by the states. Certification reflects that the states' electors have voted, and the votes have been received and counted. To the extent this question seeks to elicit an answer that could be taken as issuing an opinion on the political debate surrounding these elections, it would be improper for me to issue a response as that would potentially violate the judicial canons.

14. Under 28 U.S.C. § 455, "[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned." As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: Yes, I would recuse myself from any cases in which my impartiality might be questioned. In so doing, I would carefully follow the Code of Conduct for United States Judges.

15. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

- a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: Yes.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Yes, I believe this could be very beneficial in certain cases.

- c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes.

16. If you had to determine whether it is appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: This question seeks me to address a hypothetical, but one that addresses potentially ongoing litigation. As such, it would be inappropriate for me as a judicial nominee to answer this question. See Code of Conduct for U.S. Judges, Canon 3(A)(6).

17. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: Yes.

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: This question seeks me to address a hypothetical, but one that addresses potentially ongoing litigation. As such, it would be inappropriate for me as a judicial nominee to answer this question. See Code of Conduct for U.S. Judges, Canon 3(A)(6).

18. Do you believe that the Constitution protects a fundamental right to privacy?

Response: While the Constitution does not have a specifically enumerated right to privacy, the Supreme Court has recognized a right to privacy in certain circumstances.

- a. Do you agree that that right protects a woman's right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: The Supreme Court has extended constitutional protection to the use of contraceptives. *See Eisenstadt v. Baird*, 405 U.S. 438, 453-454 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 485 (1965). I would faithfully apply those and all other binding precedents of the Supreme Court.

19. Does the public's original understanding of the meaning of a constitutional provision constrain its application decades or centuries later?

Response: If confirmed, I would begin any constitutional analysis by applying binding Supreme Court and Eighth Circuit precedent. Where no controlling precedent exists, the clear and unambiguous meaning of the constitutional text would control. If further interpretation is required, I believe it is appropriate to look to the public meaning of the constitutional language as it was understood at the time of adoption.

- a. What specific sources would you employ to discern the public's original understanding of the meaning of a constitutional provision? Please provide three examples of sources you consider reliable in this regard.

Response: Please see my response to Question 19 above. I believe the most important process is to determine binding Supreme Court and Eighth Circuit precedent. Other reliable sources for discerning the public's original understanding of a constitutional provision include the text of the Constitution itself, contemporaneous legal materials, and records of public debate contemporaneous with ratification.

20. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: I strongly believe that a federal judge should adjudicate all claims regardless of the identity of the party. Further, I believe that the Constitution provides that all individuals, regardless of immigration status, are entitled to due process and a fair adjudication of their claims. The Constitution (through the fifth and fourteenth amendments) and various federal laws establish fundamental procedural protections that apply to everyone within the United States. Ensuring that each person's claims are heard and adjudicated fairly upholds the rule of law, maintains public confidence in our justice system, and reflects the principle that justice must be administered impartially and without regard to status or background. Further, the Supreme Court has an extensive body of precedents regarding due process that I would faithfully apply if I am confirmed.

21. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: This question seeks me to address a hypothetical, but one that addresses potentially ongoing litigation. As such, it would be inappropriate for me as a judicial nominee to answer this question. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

22. What criteria would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: I would seek to effectively and fairly apply the Federal Rules of Civil Procedure, including Rule 26, which governs discovery. While several rules provide guidance for the discovery process, the federal district court judge has wide latitude to facilitate the discovery process. I would seek to engage in an evaluation of the entirety of the litigation to determine if motions were frivolous and only filed to seek delay or harassment.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: I would again seek to fairly apply the Federal Rules of Civil Procedure, including Rule 11, which provides for sanctions for parties engaging in such practices.

23. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: I feel strongly that a federal judge should impartially apply the laws and facts in every case. In some circumstances, the practical consequences of an order could play a factor, however, such considerations should be inferior to a fair application of the laws and facts.

24. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's personal life experience may contribute to the development of qualities such as patience, discernment, and sound judgment. Nevertheless, a judge's primary duty is to fairly and impartially apply the law to the facts of each case, independent of personal background or views.

25. What role, if any, should empathy play in a judge's decision-making process?

Response: Empathy is an important part of treating all parties with respect and dignity.

26. What case or legal matter are you most proud of having worked on during your career?

Response: I have devoted my career to public service as a prosecutor in both state and federal courts. It is difficult to single out one case as the one I am most proud of. The cases that have been most meaningful to me are those where our work directly improved community safety. This includes the drug trafficking cases I have prosecuted, as well as cases involving human trafficking and child exploitation. In each instance, I take pride in

knowing that our efforts helped protect vulnerable individuals and strengthen the safety and well-being of the communities we serve.

27. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: Yes, I would consider implementing a standing order or policy that encourages junior lawyers to handle oral arguments. As a young lawyer, I would have greatly valued such opportunities, and I believe it is important to support initiatives that help develop the next generation of trial lawyers. Providing meaningful courtroom experience not only strengthens individual skills but also contributes to the overall effectiveness and professionalism of the legal community.

- a. How else would you support the skills development of junior lawyers appearing before you?

Response: I believe the Criminal Justice Act appointments are a great opportunity for junior lawyers to make more court appearances, make more oral arguments, and help develop important courtroom skills.

28. Discuss your proposed hiring process for law clerks.

Response: I would seek to initiate a fair process to find the very best candidates for these important roles. I would also seek to consult with my colleagues about their experiences and interviewing practices that have been effective in their courtrooms.

- a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: As a district court judicial nominee, I do not think it is appropriate for me to provide an opinion on whether or not Title VII of the Civil Rights Act should apply to law clerks and other court staff.

29. Recently, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

- a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: I have served on the management team in Western Arkansas for many years. I have always treated others with respect and dignity. I have handled numerous complaints and investigations. Through all of this, I have learned to necessity and importance to ensure that others are treated with respect in all ways and that misconduct is handled appropriately.

- b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: I would determine what resources are available to judicial staff and ensure that access to these programs are available to all staff.

- c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I would immediately raise the issue with the chief judge in our district and the federal judicial conference.

30. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: My response to this question would require me to express an opinion on political matters or potential future cases. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. See Code of Conduct for U.S. Judges, Canon 3(A)(6).

- a. If you think this question would require you to express an opinion on “political” matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either “an insurrection” or “not an insurrection” requires you to opine on a “political” matter.

Response: The public controversy and constant discourse over the labeling of this event make it a political issue that would be inappropriate for to comment on.

31. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: My response to this question would require me to express an opinion on political matters or potential future cases. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. See Code of

Conduct for U.S. Judges, Canon 3(A)(6).

32. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: My response to this question would require me to express an opinion on political matters or potential future cases. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. See Code of Conduct for U.S. Judges, Canon 3(A)(6).

33. At your Senate Judiciary Committee nomination hearing, Senator Moody said, “I’m really concerned right now that the judicial branch has a PR crisis . . . because we have many district court judges around the nation that are more interested in wearing a blue jersey than a black robe. . . . Based on my fundamental belief we have to have impartial judges that will faithfully apply the laws that are given to them, I believe this . . . fundamentally disrupts the carefully balanced powers set forth in our Constitution.” She then asked you if you agreed and you replied that you did.

- a. Because you said you agreed with Senator Moody’s statement, which district court judges do you believe are “more interested in wearing a blue jersey than a black robe”?

Response: To clarify, I agreed that our nation needs to have judges who are impartial and will faithfully apply the laws that are given to them. Any further comment on the political views of others would be inappropriate for me to make as a judicial nominee.

- b. What specific action(s) did each judge take to make you form that belief?

Response: Please see my response to Question 33(a).

**Senator Mazie K. Hirono
Senate Judiciary Committee**

**Nomination Hearing
Questions for the Record for David Wilkerson Fowlkes**

1. The Western District of Arkansas is home to the highest concentration of Marshallese people outside of Hawaii. In 2024, you joined a roundtable discussion with this community, discussing human trafficking. **What have you learned about the unique challenges facing this community? And, if confirmed, how will your experience working with this community in your district inform your work as a federal judge?**

Response: During my service as an Assistant United States Attorney and later as the United States Attorney in Western Arkansas, I had the opportunity to learn a great deal about the Marshallese community, an experience I deeply value. I prosecuted the first federal human trafficking case in which the victims were members of the Marshallese community in Western Arkansas and elsewhere, United States v. Petersen. During that case, I traveled to the Marshall Islands to interview witnesses and prepare for trial. That experience gave me a far deeper understanding of both the cultural background of the community and the unique challenges its members face.

Those challenges include adapting to life in a new and unfamiliar culture, raising families far from their homeland, navigating language and economic barriers, and striving to preserve cultural identity and traditions while building new lives in the United States. Seeing these realities firsthand reinforced for me how vulnerable certain communities can be to exploitation, particularly when they encounter systems they do not fully understand or trust.

If confirmed, my experience working closely with the Marshallese community will inform my work as a federal judge by reinforcing the importance of careful, thoughtful consideration of the full context in every case. It has deepened my commitment to ensuring that all individuals who come before the court—regardless of background, culture, or circumstance—are treated with fairness, dignity, and equal justice under the law. While all of my experiences as a prosecutor will shape my judicial service, the lessons I learned through the Petersen case will remain among the most meaningful.

**Nomination of David Clay Fowlkes
United States District Court for the Western District of Arkansas
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."¹

- a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

Response: It would not be appropriate for me, as a judicial nominee, to issue an opinion on the statements of any political figure or on any subject of political controversy. This would be in conflict with Judicial Code of Conduct Cannon 5.

2. If this Committee were to establish that a sitting federal judge knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: Such a situation would require an investigation into whether sufficient proof exists to demonstrate that a sitting federal judge knowingly provided false testimony under oath. This investigation would likely be conducted by the Federal Judicial Conference. If a thorough, impartial, and fair investigation did provide such proof, then the appropriate judicial disciplinary procedures should be implemented.

3. If this Committee were to establish that a political appointee knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: To establish that a political appointee knowingly provided false testimony, a thorough, fair, and impartial investigation would have to return strong evidence that false testimony was knowingly presented. If such an investigation did return such evidence, then the appropriate administrative procedures for dealing with misconduct should be

¹ Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

initiated. Typically, this involves the particular agency's general counsel and/or the office of the Inspector General.

4. How would you characterize your judicial philosophy?

Response: I would seek to be a fair and impartial judge who treats all those who appear before the court with respect, dignity, and equal justice. I would seek to properly determine the law and properly establish the true facts. Finally, I would apply both to each individual case to determine the proper, just, fair, and impartial outcome.

5. What do you understand originalism to mean?

Response: Originalism is a method of constitutional interpretation. The originalism method focuses on the original public meaning of constitutional provisions in order to properly interpret how the law applies.

6. Do you consider yourself an originalist?

Response: Yes. As noted by other nominees, the Supreme Court has repeatedly interpreted constitutional provisions by discerning the original meaning of the words used as understood by the public at the time of the Founding. As a district court judge, I would follow all applicable Supreme Court and Eighth Circuit precedent in interpreting constitutional provisions, including those originalist precedents.

7. What do you understand textualism to mean?

Response: Textualism is a method of interpreting law. This particular method focuses on the text as it is written, with the meaning it had at the time of its enactment. This method and originalism are best understood as "two sides of the same coin," in that they are closely related.

8. Do you consider yourself a textualist?

Response: Generally, yes. However, I would follow the instructions contained in precedents of the Supreme Court, especially those regarding statutory review. These would include the instruction that the best meaning of statutory text, assessed at the time of enactment, is generally entitled to the greater weight.

9. Please provide an example of a federal judge, or judges, whose jurisprudence you most agree with. Why?

Response: I agree with previous nominees in that I think that providing examples of judges whose jurisprudence I most agree with would be akin to me taking a position on which cases are rightly or wrongly decided. As a district court judicial nominee, I think it would be inappropriate for me to do so. If confirmed as a district judge, I will faithfully apply all binding Supreme Court and Eighth Circuit precedent.

10. What is your view of stare decisis?

Response: Stare decisis is a legal doctrine that guides courts to stand by decisions and rulings previously decided. It is routinely applied by federal courts.

11. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

- a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: Although legislative history may sometimes provide helpful context, it must be used cautiously, as it has not undergone the constitutional processes of bicameralism and presentment. If confirmed as a district court judge, I would begin by applying binding precedent from the United States Supreme Court and the Eighth Circuit. When controlling authority exists, it would guide the interpretation of the statute. In the absence of such precedent, I would give effect to the clear and ordinary meaning of the statutory text.

- b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: Please see my response to question 10(a).

12. According to an academic study, Black men were 65 percent more likely than similarly situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.²

- a. What do you attribute this to?

Response: While I am not familiar with this study, if confirmed as a District Court Judge, I will commit to treating every person who appears before the court with respect, fairness, impartiality, and ensure the equal application of justice to everyone.

- b. Do you believe the law should address the effects of disparate impact?

Response: Please see my answer to question 12(a). Additionally, 18 U.S.C. Section 3553(a) provides, in part, that any sentence imposed should avoid unwarranted sentencing disparity. If I am fortunate enough to be confirmed as a district court judge, I will carefully follow all of the sentencing considerations contained in the United States Code.

² Sonja B. Starr & M. Marit Rehavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

13. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.³

a. What do you attribute this to?

Response: If confirmed as a district judge, I would strive to faithfully, fairly, and impartially apply the law in every case, while carefully considering the individual circumstances of each defendant consistent with governing legal standards. Additionally, 18 U.S.C. Section 3553(a) provides, in part, that any sentence imposed should avoid unwarranted sentencing disparity. If I am fortunate enough to be confirmed as a district court judge, I will carefully follow all of the sentencing considerations contained in the United States Code.

14. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: If confirmed as a district judge, I would strive to faithfully, fairly, and impartially apply the law in every case, while carefully considering the individual circumstances of each defendant consistent with governing legal standards.

15. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: As a district court judicial nominee, I do not think it is appropriate for me to comment on the diversity goals of the executive branch.

16. Do you believe demographic diversity is an important goal in the legal profession? Why or why not.

Response: No one should be excluded from the legal profession based on characteristics like sex, race, or ethnicity. I have learned from my personal experience as a member of the management team in Western Arkansas that lawyers with different backgrounds can contribute different and valuable perspectives in all forms of litigation.

17. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

³ U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

- a. Abortion
- b. Affirmative action
- c. Contraceptives or birth control
- d. Gender-affirming care
- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination
- n. Disability discrimination
- o. Climate change or environmental disasters
- p. "DEI" or Diversity Equity and Inclusion

Response: During my service as United States Attorney over the past five years, I have issued press releases and made public statements in my official capacity concerning matters such as illegal firearm possession, immigration enforcement, and civil rights enforcement. It is my understanding that these official statements were referenced in my Senate Judiciary Questionnaire. Aside from those statements made in my official capacity as a Department of Justice employee, I do not recall authoring any articles or making additional public statements on these subjects.

18. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: Ordinarily, in the absence of a stay, all parties in a case must obey court orders. Some limited exceptions have been recognized such as when a court lacks subject matter jurisdiction or it is impossible to comply with the order.

- a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: If any party defied a court order, I would consult the Federal Rules of Criminal and Civil Procedure as well as binding precedent from the Supreme Court and the Fifth Circuit. I do not believe that further elaboration on the analysis that I would use would be appropriate as this matter could come before me if I am confirmed as a district judge.

- b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Please see my response to question 18.

19. Does the president have the power to ignore or nullify laws passed by Congress?

Response: This question asks me to express an opinion on an issue regarding ongoing or potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

20. Does the president have the power to withhold funds appropriated by Congress?

Response: Please see my response to Question 19.

21. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: Please see my response to Question 19.

22. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: Yes.

23. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: Yes.

24. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: I believe this question is related to the "major questions doctrine." This is a doctrine that provides that such delegations should be limited and specific. *See West Virginia v. Environmental Protection Agency*, 597 U.S. 692 (2022). Further discussion on this topic would require me to express an opinion on an issue regarding ongoing and potential litigation. I cannot provide an answer consistent with the ethical obligations of a district court judicial nominee. *See* Code of Conduct for U.S. Judges, Canon 3(A)(6).

25. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Just as other nominees for judicial office have done, I can confirm that *Brown* was rightly decided consistent with the Judicial Code of Conduct. This is because *Brown* is a

landmark civil rights case that rejected the separate-but-equal analysis. In general, the Judicial Code of Conduct prohibits a judicial nominee from grading previous decisions of the Supreme Court. *Brown* is one of two exceptions to this general prohibition that other nominees have noted.

26. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: *Griswold* is binding precedent, and I would faithfully follow it, and all other Supreme Court precedents, if confirmed to be a district court judge. In *Griswold*, the Supreme Court held that the Fourteenth Amendment protects the use of contraceptives.

27. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: *Lawrence* is binding precedent, and I would faithfully follow it, and all other Supreme Court precedents, if confirmed to be a district court judge. In *Lawrence*, the Supreme Court held that a state law criminalizing sexual conduct between two consenting adult males was unconstitutional.

28. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: *Obergefell* is binding precedent, and I would faithfully follow it, and all other Supreme Court precedents, if confirmed to be a district court judge. In *Obergefell*, the Supreme Court held that the Fourteenth Amendment requires a state to license marriages between two people of the same sex on the same terms and conditions as marriages between two people of the opposite sex.

29. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: Congress certified Joe Biden as the winner of the 2020 election, and he served as the 46th President of the United States.

- a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 29.

- b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: There was litigation concerning the outcome of the 2020 Presidential election. As a judicial nominee, it would be inappropriate for me to provide a personal view of the outcome of the election.

30. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁴

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: Congress certified President Trump as the winner of the 2016 election, and he served as the 45th President of the United States.

- b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my response to question 30(a).

- c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: Congress certified President Trump as the winner of the 2024 election, and he is serving as the 47th President of the United States.

- d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to question 30(c).

- e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The 22nd Amendment provides that “[n]o person shall be elected to the office of President more than twice”

31. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: In preparation for my confirmation hearing, I reviewed numerous past hearings and observed a consistent practice of judicial nominees declining to offer opinions on whether Supreme Court decisions were correctly decided. I also received general guidance from the Department of Justice’s Office of Legal Policy. Based on that preparation, as well as my review of the judicial Canons, I concluded that it would be inappropriate for a district court nominee to express personal views on the correctness of Supreme Court decisions.

32. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

⁴ U.S. CONST. amend. XXII.

33. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

34. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

35. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

36. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

37. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: In my capacity as the United States Attorney for the Western District of Arkansas, I have participated in group video conference calls with Deputy Attorney General Blanche. I do not recall speaking to the Deputy Attorney General during those calls.

38. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: In my capacity as the United States Attorney for the Western District of Arkansas, I have participated in group video conference calls with Emil Bove when he was employed by the Department of Justice. I do not recall speaking to Mr. Bove during those calls.

39. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

40. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

41. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.
- a. Enrique Tarrio
 - b. Stewart Rhodes
 - c. Kelly Meggs
 - d. Kenneth Harrelson
 - e. Thomas Caldwell
 - f. Jessica Watkins
 - g. Roberto Minuta
 - h. Edward Vallejo
 - i. David Moerschel
 - j. Joseph Hackett
 - k. Ethan Nordean
 - l. Joseph Biggs
 - m. Zachary Rehl
 - n. Dominic Pezzola
 - o. Jeremy Bertino
 - p. Julian Khater

Response: No.

42. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

43. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

44. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”⁵
- a. Do you agree with the above statement?

Response: I have no familiarity with this organization or this statement. As a district

⁵ <https://www.article3project.org/about>

court nominee, it is inappropriate for me to comment on the political statements of others.

- b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

- c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: No.

- d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: No.

- 45. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

- a. If so, who? What advice did they give?
- b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: No.

- 46. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

- 47. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No.

- 48. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: I reviewed responses of numerous prior nominees before answering these questions. I drafted my responses to each of these questions. After receiving feedback from persons at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to this Committee. My answers are my own.

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY
QUESTIONNAIRE FOR JUDICIAL NOMINEES**

PUBLIC

1. **Name:** State full name (include any former names used).

Nicholas Jon Ganjei

2. **Position:** State the position for which you have been nominated.

United States District Judge, Southern District of Texas

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

United States Attorney's Office, Southern District of Texas
1000 Louisiana Street
Suite 2300
Houston, Texas 77002

4. **Birthplace:** State year and place of birth.

1979; Santa Clara, California

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2023 – Present, Hillsdale College, Van Andel School of Government, Masters in Government.
In Progress.

2002 – 2005, University of California, Berkeley School of Law, Juris Doctor, 2005

Summer 2001, University of the District of Columbia (single class). No degree conferred.

1996 – 2000, American University, Bachelor of Arts in History and Political Science (dual major), and a minor in Public Administration (*cum laude*), 2000.

Spring 1999, Univerzita Karlova (Charles University), Prague, Czech Republic, American University's Study Abroad Program. No degree conferred.

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships,

institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

January 2025 – Present
United States Attorney's Office, Southern District of Texas
1000 Louisiana Street, Suite 2300
Houston, Texas 77002
United States Attorney

2022 – 2025
Senator Ted Cruz, United States Senate
167 Russell Senate Office Building
Washington, D.C. 20510
Chief Counsel

2020 – 2022
United States Attorney's Office for the Eastern District of Texas
550 Fannin Street, Suite 1250
Beaumont, Texas 77701
Acting United States Attorney (January to November 2021)
First Assistant United States Attorney (June 2020 – January 2021)

2008 – 2020
United States Attorney's Office for the District of New Mexico
201 3rd Street, N.W., Suite 900
Albuquerque, New Mexico 87102
Assistant United States Attorney

2018 – 2019
United States Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue, N.W., Suite 4234
Washington, D.C. 20530
Counsel (Detailee)

2012 – 2018
University of New Mexico
Department of Political Science
MSC 05-3070
Albuquerque, New Mexico 87131
Adjunct Professor / Lecturer

2007 – 2008
Judge Richard Allen Griffin

United States Court of Appeals for the Sixth Circuit
13919 South West Bayshore Drive Suite 208
Traverse City, Michigan 49684
Law Clerk

January 2007 – May 2007
University of North Dakota School of Law
215 Centennial Hall
Stop 9003
Grand Forks, North Dakota 58202
Adjunct Professor

2005 – 2007
Judge Ralph R. Erickson
United States District Court for the District of North Dakota
655 1st Avenue North, Suite 410
Fargo, North Dakota 58102
Law Clerk

2004 – 2005 (estimated)
University of California, Berkeley School of Law
890 Simon Hall
Berkeley, California 94720
Student Researcher for Professor John C. Yoo

2003 – 2004
Department of History
University of California, Berkeley
3229 Dwinelle Hall
Berkeley, California 94720
Student Reader (Teaching Assistant) for Dr. Anthony Adamthwaite

Summer 2004
Office of the District Attorney of New York
One Hogan Place
New York, New York 10013
Law Clerk / Intern

2003 – 2004 (estimated)
Jack in the Box
No Physical Address
Secret Shopper

2001 – 2002 (estimated)
Guardsmark Security (no longer extant)
San Jose, California

Security Guard

Summer 2001
The Bricksellar Inn (no longer extant)
Washington, D.C.
Barback

January 2001 – June 2001 (estimated)
a.k.a. Friscos Restaurant
4632 Wedgewood Boulevard
Frederick, Maryland 21703
Sandwich Maker

2000 – 2001
Radio Shack (no longer extant)
Bethesda, Maryland
Sales Associate

Uncompensated:

Summer 2008
John McCain 2008 (no longer extant)
Arlington, Virginia
Associate Counsel

Fall 2004
Alameda County District Attorney's Office
René C. Davidson Courthouse
1225 Fallon Street #900
Oakland, California 94612
Certified Law Clerk

2003 – 2004
Legal Aid At Work / East Bay Workers' Rights Clinic
2921 Adeline Street
Berkeley, California 94703
Co-Director

Summer 2003
State of California, Department of Justice
Office of the Attorney General
Torts and Condemnations Section
455 Golden Gate, Suite 11000
San Francisco, California 94102
Law Clerk

2002 – 2003
California Asylum Representation Clinic (CARC)
No physical address
Student Advocate

Spring 2002 – Summer 2002 (approximately)
Santa Clara County Office of the Public Defender
120 West Mission Street
San Jose, California 95110
Investigator (Intern)

2001 – 2002 (approximately)
Bay Area Legal Aid / Community Legal Services of Santa Clara County
4 North 2nd Street #600
San Jose, California 95113
Investigator (Intern)

Summer 2001
District of Columbia Public Defender Service
Mental Health Division
633 Indiana Avenue, N.W.
Washington, D.C. 20004
(202) 824-2860
No email available
Investigator (Intern)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military. I registered for selective service upon reaching eighteen years of age.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

American Conservatism and Governing Fellowship, Manhattan Institute (2024)

James Madison Fellow, Hillsdale College (2022)

Certificate of Appreciation, Drug Enforcement Administration (2020)

Attorney General's Award for Distinguished Service (2019)

Lincoln Fellow, The Claremont Institute (2019)

Certificate of Appreciation, Bernalillo County Sheriff's Office (2018)

Certificate of Appreciation, Homeland Security Investigations (2018)

Certificate of Commendation, United States Marshals Service (2017)

Sean Hopkins Award (for Outstanding Charitable Service),
Active 20-30 Club of Albuquerque (2017)

"40 Under 40" Award, Albuquerque Business First (2017)

Certificate of Appreciation, United States Postal Inspection Service (2016)

Drug Enforcement Administration

Certificate of Appreciation, Drug Enforcement Administration (2016)

Certificate of Appreciation, Drug Enforcement Administration (2014)

United States Attorney's Office

Special Act or Service Award, United States Attorney's Office (2011)

Special Act or Service Award, United States Attorney's Office (2010)

On-the-Spot Award, United States Attorney's Office (2010)

Special Act or Service Award, United States Attorney's Office (2009)

University of California, Berkeley School of Law

First Place, James Patterson McBaine Honors Moot Court Competition, (2005)

Major Walter Dinkelspiel Scholarship in Law (2002 – 2005)

American Jurisprudence Award, Negotiations (2004)

American University

University Honors (*cum laude*) (2000)

Dean's List (1997 – 2000)

Eagle Scout, Boy Scouts of America (1997)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Judge Paul Brown Inn of Court, Plano, Texas (2021 – 2023)

The Honorable T. John Ward Inn of Court, Tyler, Texas (2021 – 2022)

Michelle F. Mehaffy Inn of Court, Beaumont, Texas (2020 – 2022)

Magistrate Judge Selection Panel, United States District Court for the Eastern District of Texas,

Beaumont, Texas (2021)

Ronald M. Davies Inn of Court, Fargo, North Dakota (2006 – 2007)

10. **Bar and Court Admission:**

a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

California (2006)

Colorado (2014)

My Colorado bar license has been inactive since 2023 because after that date I no longer planned to practice law in Colorado. I have additionally submitted my application and paid all applicable fees to join the Texas bar, and am currently awaiting admission.

To my knowledge, there have been no other lapses in membership.

b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Supreme Court (2019)

United States Court of Appeals for the Fifth Circuit (2020)

United States Court of Appeals for the Tenth Circuit (2008)

United States Court of Appeals for the Sixth Circuit (2007)

United States District Court for the Southern District of Texas (2021)

United States District Court for the Northern District of Texas (2021)

United States District Court for the Eastern District of Texas (2020)

United States District Court for the District of New Mexico (2008)

United States District Court for the District of North Dakota (2007)

11. **Memberships:**

a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Texas Lyceum (2025 – Present)

Texas State Society (2024 – Present)

Teneo (2022 – Present)

John Carroll Society (2018 – Present)

Leadership New Mexico (2018 – Present)
 Lifetime Member (2019 – Present)
 Connect New Mexico Program (2018 – 2019)

The Federalist Society for Law and Public Policy Studies (2008 – 2009,
 2016 – Present)

California Alumni Association (2009 – Present)
 Golden Bear Life Member (2016 – Present)

Rotary Club of Beaumont #72 (2021 – 2022)

Albuquerque Country Club (2020 – 2021)

Young Professionals of Albuquerque (2018 – 2021)

Albuquerque Community Foundation / Future Fund (2017 – 2021)

New Mexico State Society (2019 – 2020)

Thomas More Society of America (2018 – 2020)

Republican National Lawyers Association (2008 – 2009, 2016 – 2020)

Active 20-30 Club of Albuquerque (2009 – 2018)
 Vice President and Board Member (2017 – 2018)
 Club Secretary and Board Member (2014 – 2015, 2016 – 2017)

Albuquerque Theatre Guild (2011 – 2012)

b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

I am not, and would not be, a member in any organization that practices discrimination on the basis of race, color, religion, gender, sexual orientation, or national origin. Nationally, the Active 20-30 Club is comprised of female, male, and co-ed chapters. Albuquerque had both a male chapter, to which I belonged, and had an equivalent female

chapter. Together, the two chapters promoted charitable programs that benefitted the disadvantaged youth of New Mexico. I resigned from the organization in 2018. Both of the chapters described above are no longer extant.

I understand that the Rotary Club, many decades before years I joined, had policies that excluded women. That policy was abandoned more than 40 years ago.

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

Ted Cruz, *Unwoke: How to Defeat Cultural Marxism in America*, Regnery Publishing, 2023. I provided general feedback on a draft copy of the manuscript.

Ted Cruz, *Justice Corrupted: How the Left Weaponized Our Legal System*, Regnery Publishing, 2022. I provided general feedback on a draft copy of the manuscript.

John Yoo, *The Powers of War and Peace: The Constitution and Foreign Affairs after 9/11*, University of Chicago Press, 2005. I provided cite checking of footnotes in several chapters of the book.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Report, *Annual Report to Congress on Department of Justice Activities to Combat Elder Fraud and Abuse*, October 18, 2021. As part of DOJ's annual report to Congress, I, along with other U.S. Attorneys and Acting U.S. Attorneys, provided comment on our respective offices' efforts to combat elder fraud. Report attached.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you

do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

October 2, 2025: Remarks, Houston Police Officers' Union, Houston, Texas. I spoke about the challenges and stresses of serving as a police officer. Notes provided.

September 4, 2025: Press Conference, United States Attorney's Office for the Middle District of Florida, Tampa, Florida. Along with the Attorney General and the U.S. Attorneys from the Middle District of Florida, Western District of Texas, and Vermont, I spoke about the public safety successes of Joint Task Force Alpha, specifically about the extradition of three alleged human smugglers connected to the 2021 mass casualty event in Chiapas, Mexico. My remarks are available at <https://www.dailymotion.com/video/x9q0io4>.

August 25, 2025: Press Conference, United States Attorney's Office for the Southern District of Texas, McAllen, Texas. I spoke to the press about the rollout of "Operation Pick Off," a multiagency enforcement operation focused on the apprehension of criminal illegal aliens. Notes provided.

August 20, 2025: Remarks, Southern District of Texas Naturalization Ceremony, Houston, Texas. I provided remarks to approximately 1500 new Americans about the unique greatness of the United States and the responsibilities of all citizens. Copy supplied.

July 23, 2025: Remarks, Federal Law Enforcement Officers Association, Houston, Texas. I spoke about the Southern District of Texas's law enforcement priorities and our appreciation of the efforts of federal law enforcement. Copy supplied.

July 8, 2025: Press Conference, United States Attorney's Office for the Southern District of Texas, Houston, Texas. I spoke to the press about my office's indictment of an alleged state-backed Chinese hacker who is believed to have infiltrated the information systems of several American universities in order to steal coronavirus research. Notes provided.

June 24, 2025: Press Conference, Federal Bureau of Investigation, Houston, Texas. I spoke about the Southern District of Texas' indictment of two high-ranking members of Tren de Aragua on material support of terrorism charges. Notes provided.

April 9, 2025: Remarks, Southern District of Texas Naturalization Ceremony, Houston, Texas. I provided remarks to approximately 1500 new Americans about the unique greatness of the United States and the responsibilities of all citizens. My remarks were substantially the same as my remarks for the August 20, 2025 event.

April 3, 2025: Press Conference, United States Attorney's Office, Southern District of Texas, Houston, Texas. I spoke to the press about the indictment and takedown of

“Operation Double Down,” a major operation focused on dismantling of illegal game rooms in the greater Houston area. My remarks are available at <https://www.youtube.com/watch?v=nf52BBk-Jsw>.

February 19, 2025: Press Conference, United States Attorney’s Office for the Southern District of Texas, Houston, Texas. I spoke to the press about my office’s RICO indictment brought against several members of the Bandidos Outlaw Motorcycle Gang. The press conference is available in its entirety at the following link: <https://www.youtube.com/watch?v=4XvFJUKv5Xk>.

February 10, 2025: Remarks, Judge Abner McCall Inn of Court, Waco, Texas. I delivered a talk on law enforcement and prosecutorial priorities of the current administration and additionally spoke on the subject of the judicial nominations process. I have no notes, transcript, or recording. The Judge Abner McCall Inn of Court has no physical address.

January 30, 2025, Remarks, Houses of Worship Safety Day, Federal Bureau of Investigation, Houston, Texas. I delivered remarks on the importance of a person’s ability to worship free from fear of physical harm, and the United States’ Attorney’s Office role in safeguarding such rights. I have no notes, transcript of recording. The address of the Federal Bureau of Investigation is 1 Justice Drive, Houston, Texas 77092.

October 23, 2024: Remarks, “Federal Judicial Nominations: What to Expect in the Next Administration,” Federalist Society New Mexico Lawyer’s Chapter, Albuquerque, New Mexico. I spoke about the mechanics of the federal judicial nomination process and what people could expect to see in the 119th Congress. Notes are the same as the ones supplied for the October 22, 2024 event.

October 22, 2024: Remarks, “Judicial Nominations in the 119th Congress,” University of New Mexico School of Law Student Chapter of the Federalist Society, Albuquerque, New Mexico. I spoke about the mechanics of the federal judicial nomination process and what people could expect to see in the 119th Congress. Notes supplied.

October 17, 2024: Remarks, Investiture of the Honorable Ernest Gonzalez, United States District Judge, Western District of Texas, Del Rio, Texas. I delivered a speech celebrating Judge Gonzalez’s accomplishments and career. I have no notes, transcript, or recording. The sponsoring organization was the United States District Court for the Western District of Texas and Judge Gonzalez, U.S. District Court, 111 East Broadway, Del Rio, Texas 78840.

September 21, 2024, Panelist, “Careers in Government Service,” Texas Chapters Conference, Federalist Society, Fort Worth, Texas. I provided comments on how a career in the public sector can provide great personal satisfaction. I have no notes, transcript, or recording. The address of the Federalist Society is 1776 I Street, NW, Washington, D.C. 20066.

August 20, 2024: Panelist, Federalist Society Colorado Lawyer's Chapter. I, along with other panelists, presented a "Supreme Court Roundup," where we discussed some of the more impactful Supreme Court decisions of the term. I have no notes, transcript, or recording. The Colorado Lawyer's Chapter of the Federalist Society does not have a physical address.

July 25, 2024: Panelist, "How to Make it On the Hill," American Compass. I spoke about my career working for Senator Ted Cruz and provided advice for young staffers on how to navigate Capitol Hill. I have no notes, transcript, or recording. The address of American Compass is 300 Independence Avenue, SE, Washington, D.C. 20003.

November 10, 2023: Remarks, University of California, Berkeley School of Law Federalist Society, Army & Navy Club of Washington, D.C. I gave impromptu remarks about the need for Berkeley Law alumni to better engage in the public sector and the political process. I have no notes, transcript, or recording. The address of the University of California, Berkeley School of Law Federalist Society, University of California, Berkeley School of Law is 2778 Bancroft Way, Berkeley, California 94704.

October 3, 2023: Remarks, Texas Review of Law and Politics, Washington, D.C. I spoke to a group of members of the Texas Review of Law and Politics about working for the Senate Judiciary Committee. I have no notes, transcript, or recording. The address of the Texas Review of Law and Politics is 727 East Dean Keeton Street, Austin, Texas 78705.

April 10, 2023: Remarks, University of California, Berkeley School of Law Federalist Society, Berkeley California. I spoke about the functions and procedures of the Senate Judiciary Committee, and the work of the Committee in the 117th Congress. I have no notes, transcript, or recording. The address of the University of California, Berkeley School of Law Federalist Society, University of California, Berkeley School of Law is 2778 Bancroft Way, Berkeley, California 94704.

November 14, 2021: Speech, North Texas Crime Commission, Dallas, Texas. I spoke about the Eastern District's commitment to targeting international drug trafficking operations and described some of the office's recent successes. Notes provided.

September 24, 2021: Press Conference, United States Attorney's Office for the Eastern District of Texas, FBI Dallas Headquarters, Dallas, Texas. I, along with the Acting U.S. Attorney for the Northern District of Texas, as well the local heads of federal, state, and local law enforcement, spoke about the return of indictments against a West African transnational fraud syndicate. Press conference can be viewed here: <https://www.nbcdfw.com/news/local/federal-law-enforcement-in-dallas-announce-large-scale-fraud-operation/2750932/>.

September 22, 2021: Guest Lecture, Pepperdine University Caruso School of Law, Malibu, California. I have no notes, transcript, or recording. I lectured about the mechanics and application of the United States Sentencing Guidelines to a class of law

students. Additionally, and along with another Acting U.S. Attorney and a federal judge, I spoke about my career in public service. The address of Pepperdine University Caruso School of Law is 24255 Pacific Coast Hwy, Malibu, CA 90263.

September 14, 2021: Press Conference, Visit of Attorney General of Panama to Eastern District of Texas, Coppell Arts Center, Coppell, Texas. I spoke about the continued anti-drug partnership between the Eastern District of Texas and the Republic of Panama and highlighted some recent successes. Notes provided.

September 14, 2021: Speech, Visit of Attorney General of Panama to Eastern District of Texas, Coppell Arts Center, Coppell, Texas. I spoke about the excellent working relationship between Panamanian law enforcement and the Eastern District of Texas and thanked the Attorney General of Panama for his continued support of our partnership. Notes provided.

September 10, 2021: Speech, 31st Annual DFW Fraud Conference, Irving, Texas. I spoke about Department of Justice law enforcement priorities, and areas of emphasis within the Eastern District of Texas U.S. Attorney's Office. I additionally provided some illustrative fraud case examples. Notes provided.

August 26, 2021: Press conference, United States Federal Courthouse, Plano, Texas. I, along with the local heads of federal, state, and local law enforcement, spoke about the superseding indictment returned in "Operation Cash Out," a wide-ranging, international black-market conspiracy. Notes provided.

June 22, 2021: Speaker, Law Enforcement Awards Ceremony 2021, Beaumont, Texas. I provided opening comments thanking law enforcement for their service to the Eastern District of Texas and the United States. My notes for the event were the same as ones delivered on June 9, 2021.

June 17, 2021: Speaker, Law Enforcement Awards Ceremony 2021, Sherman, Texas. I provided opening comments thanking law enforcement for their service to the Eastern District of Texas and the United States. My notes for the event were the same as ones delivered on June 9, 2021.

June 16, 2021: Speaker, Law Enforcement Awards Ceremony 2021, Plano, Texas. I provided opening comments thanking law enforcement for their service to the Eastern District of Texas and the United States. My notes for the event were the same as ones delivered on June 9, 2021.

June 15, 2021: Speaker, World Elder Abuse Awareness Day, Fort Worth, Texas. I provided introductory comments on the Department of Justice's efforts to combat financial crimes against the elderly. Notes provided.

June 9, 2021: Speaker, Law Enforcement Awards Ceremony 2021, Tyler, Texas. I provided opening comments thanking law enforcement for their service to the Eastern District of Texas and the United States. Notes provided.

June 8, 2021: Speaker, Eastern District of Texas COVID-19 Fraud Working Group, Tyler, Texas. I provided introductory comments to a group of over 14 federal law enforcement agencies and Inspectors General on the United States Attorney's Office COVID fraud efforts. Notes provided.

March 25, 2021: Speaker, Joint Meeting of the Anti-Terrorism Advisory Council & Area Maritime Security Committee, Port Arthur, Texas. I provided some introductory comments for the meeting, which concerned the security of Gulf Coast ports and waterways. I have no notes, transcript, or recording. The Anti-Terrorism Advisory Council & Area Maritime Security Committee varies in terms of meeting locale.

February 17, 2021: Moot Court Judge, University of California, Berkeley School of Law, Bales Trial Competition, Berkeley, California. I served as a moot court judge for trial advocacy students competing in the School of Law's Bales Trial Competition. I have no notes, transcript, or recording. The address of the University of California, Berkeley School of Law is 325 Boalt Hall, Berkeley, California 94720

February 11, 2021: Speaker, Tyler Rotary Club, Tyler, Texas. I spoke about the role of the United States Attorney's Office in the American system of justice. Notes provided.

October 21, 2020: Speaker, Domestic Terror Working Group, Tyler, Texas. I delivered opening remarks. I have no notes, transcript, or recording. The sponsoring organization was the Tyler, Texas branch office of the FBI, 3301 Golden Road, Suite 300, Tyler, Texas 75701.

January 25, 2019: Speaker, Leadership New Mexico, Roswell, New Mexico. I delivered a presentation on ethics in leadership. I have no notes, transcript, or recording. The address of the Leadership New Mexico was 320 Gold Avenue S.W. # 300, Albuquerque, New Mexico 87102.

November 23, 2013: Moot Court Judge, University of New Mexico, School of Law, Albuquerque, New Mexico. Along with the Honorable Karen B. Molzen, United States Magistrate Judge, I served as a moot court judge for trial advocacy students at the University of New Mexico School of Law. I have no notes, transcript or recording. The address of the University of New Mexico School of Law is 1117 Stanford N.E., MSC11 6070, 1 University of New Mexico, Albuquerque, New Mexico 87131.

September 2006 (approximately): Moot Court Judge, University of North Dakota School of Law, Grand Forks, North Dakota. I served as a moot court judge for University of North Dakota School of Law. I have no notes, transcript, or recording. The address of the University of North Dakota School of Law is 215 Centennial Hall, Stop 9003, Grand Forks, North Dakota 58202.

Spring 2005 (estimated): Panelist, University of California, Berkeley School of Law, Berkeley, California. I participated in a panel discussion on legal careers in the public sector. I have no notes, transcripts, or recording. The University of California, Berkeley School of Law is located at 2778 Bancroft Way, Berkeley, California 94704.

October 27, 2005: Welcome and Introductions, *A Debate: Should Race Be A Factor in UC Admissions?*, University of California, Berkeley School of Law, Berkeley, California. I introduced two debate participants, as well as the moderator, then-Dean of Boalt Hall School of Law. I have no notes, transcript of recording. The University of California, Berkeley School of Law Federalist Society, University of California, Berkeley School of Law is located at 2778 Bancroft Way, Berkeley, California 94704.

2004 (approximately): Introductory Comments, Guest Speaker Professor David Bernstein, University of California, Berkeley School of Law Federalist Society, Berkeley, California. I welcomed speaker Professor David Bernstein and provided introductory comments. I have no notes, transcript, or recording. The University of California, Berkeley School of Law Federalist Society, University of California, Berkeley School of Law is located at 2778 Bancroft Way, Berkeley, California 94704.

2004 (approximately): Introductory Comments, Guest Speaker Paul Rosenzweig, University of California, Berkeley School of Law Federalist Society, Berkeley California. I welcomed speaker Paul Rosenzweig and provided introductory comments. I have no notes, transcript, or recording. The sponsoring organization was the University of California, Berkeley School of Law Federalist Society, University of California, Berkeley School of Law, 2778 Bancroft Way, Berkeley, California 94704.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

In addition to the entries below, there are several hundred additional press releases that were issued during my time as head of office for the Eastern and Southern Districts of Texas. These releases do not include any quotes from me. The Eastern District of Texas releases are available at <https://www.justice.gov/usao-edtx/pr>. The Southern District of Texas releases are available at <https://www.justice.gov/usao-sdtx/pr>.

Press release, *Fleeing Illegal Alien Accused of Murdering Woman in Custody After Manhunt, Charged with Federal Weapons Violation*, United States Attorney's Office for the Southern District of Texas, October 8, 2025. Copy supplied.

Press release, *Illegal Alien Charged for Throwing Texas Law Enforcement Officer into Fence During Immigration Arrest*, United States Attorney's Office for the Southern District of Texas, October 6, 2025. Copy supplied.

Press release, *SDTX's "Operation Pick-Off" Comes to Laredo, Resulting in Nearly 30 Criminal Alien Arrests, Including Convicted Murderer; Initiative that Started in the Rio Grande Valley Expanded to Five Counties in Laredo Area; Continues to Target Illegal Aliens who Previously Committed Other Crimes while Unlawfully in the U.S.*, United States Attorney's Office for the Southern District of Texas, September 26, 2025. Copy supplied.

Press release, *Illegal Alien who Skipped Immigration Court Charged after Attacking Officer During Arrest*, United States Attorney's Office for the Southern District of Texas, September 26, 2025. Copy supplied.

Press release, *Houston Pimp Felon Sentenced to Over 15 Years for Sexual Conduct with Minor and Illegal Possession of Firearm*, United States Attorney's Office for the Southern District of Texas, September 25, 2025. Copy supplied.

Press release, *Illegal Alien Admits to Abandoning Corpse after Smuggling Scheme Results in Death*, United States Attorney's Office for the Southern District of Texas, September 25, 2025. Copy supplied.

Press release, *SDTX Charges Two Illegal Aliens for Choking Federal Agent During Escape*, United States Attorney's Office for the Southern District of Texas, September 23, 2025. Copy supplied.

Press release, *Two Arrested for Transporting 55 Illegal Aliens Inside Hidden Compartment in Produce Trailer*, United States Attorney's Office for the Southern District of Texas, September 22, 2025. Copy supplied.

Press release, *Two New Caney Individuals Charged for Firebombing Buddhist Temple*, United States Attorney's Office for the Southern District of Texas, September 19, 2025. Copy supplied.

Press release, *Leader of Houston Robbery Crew Sentenced to Nearly 20 Years*, United States Attorney's Office for the Southern District of Texas, September 18, 2025. Copy supplied.

Press release, *Tango Blast Gang Member Sentenced for Firearm Felony*, United States Attorney's Office for the Southern District of Texas, September 16, 2025. Copy supplied.

Press release, *Illegal Alien Indicted for Child Sexual Assault Material Offenses*, United States Attorney's Office for the Southern District of Texas, September 16, 2025. Copy supplied.

Press release, *Seven-Time Felon Imprisoned for Unlawfully Reentering the U.S. and Drunkenly Firing a Weapon*, United States Attorney's Office for the Southern District of Texas, September 16, 2025. Copy supplied.

Press release, *Former DHS Officer Sentenced to 70 Months for Laundering Drug Proceeds*, United States Attorney's Office for the Southern District of Texas, September 16, 2025. Copy supplied.

Press release, *Penitas Man Charged with Impeding Federal Law Enforcement During Arrest of Others*, United States Attorney's Office for the Southern District of Texas, September 16, 2025. Copy supplied.

Press release, *Convicted Felon Who Assaulted Officer Sent to Federal Prison for Illegally Reentering U.S.*, United States Attorney's Office for the Southern District of Texas, September 11, 2025. Copy supplied.

Press release, *Repeat Smuggler Imprisoned for 46 Months for Conspiracy to Transport Over Two Dozen People in Refrigerated Container*, United States Attorney's Office for the Southern District of Texas, September 9, 2025. Copy supplied.

Press release, *Online Child Predator Sentenced to 25 Years*, United States Attorney's Office for the Southern District of Texas, September 8, 2025. Copy supplied.

Press release, *Three High-Level MS-13 Gang Members Plead Guilty to 50-Year Sentences in Large-Scale Racketeering Conspiracy Involving Murder and Other Violent Crimes; Five More MS-13 Members Expected to Receive Terms of 35-50 Years*, United States Attorney's Office for the Southern District of Texas, September 8, 2025. Copy supplied.

Press release, *Three Human Smugglers Charged in U.S. for 2021 Mass Casualty Event in Chiapas, Mexico Extradited from Guatemala*, United States Attorney's Office for the Southern District of Texas, September 4, 2025. Copy supplied.

Press release, *Illegal Alien Sentenced to 20 Years in Federal Prison for Church Parking Lot Methamphetamine Deal*, United States Attorney's Office for the Southern District of Texas, August 28, 2025. Copy supplied.

Press release, *Operator of Illegal Alien Stash House at Center of Smuggling-For-Ransom Scheme Sentenced to Federal Prison*, United States Attorney's Office for the Southern District of Texas, August 28, 2025. Copy supplied.

Press release, *"Operation Pick-Off" Results in Nearly 80 Criminal Alien Arrests Throughout the Rio Grande Valley; Multi-Agency Effort Targeted Illegal Aliens Who Previously Committed Other Crimes While Unlawfully in the U.S.*, United States Attorney's Office for the Southern District of Texas, August 25, 2025. Copy supplied.

Press release, *Gang Member Sentenced to 40 Years for Role in Large-Scale Drug Trafficking Operation*, United States Attorney's Office for the Southern District of Texas, August 21, 2025. Copy supplied.

Press release, *Corpus Christi Man Imprisoned for 27 Years After Recording Sexual Video of Himself with Minor Relative*, United States Attorney's Office for the Southern District of Texas, August 20, 2025. Copy supplied.

Press release, *30-Year Sentence Imposed for Producing Sexual Abuse Material of Seven-Year-Old Child*, United States Attorney's Office for the Southern District of Texas, August 13, 2025. Copy supplied.

Press release, *Cartel-Linked Fugitive Wanted for Serious Crimes Returned to the United States from Mexico*, United States Attorney's Office for the Southern District of Texas, August 13, 2025. Copy supplied.

Press release, *Former City Council Member Guilty of Facilitating Bribe Payments*, United States Attorney's Office for the Southern District of Texas, August 13, 2025. Copy supplied.

Press release, *Jury Finds Abby's Bakery Owners Guilty of Harboring Illegal Aliens; Employees Were Living in Storage Area with Only One Exit, Sleeping on Mattresses and Rarely Had Hot Water*, United States Attorney's Office for the Southern District of Texas, August 13, 2025. Copy supplied.

Press release, *Rio Grande Valley Man Sentenced to 108 Months After Downloading and Uploading Child Sexual Abuse Material*, United States Attorney's Office for the Southern District of Texas, August 12, 2025. Copy supplied.

Press release, *Hidalgo Man Receives 9 Years for Distributing Child Sexual Abuse Material to a Minor*, United States Attorney's Office for the Southern District of Texas, August 12, 2025. Copy supplied.

Press release, *Chinese National Sent to Federal Prison After Bringing Child Sexual Abuse Material Into the U.S.*, United States Attorney's Office for the Southern District of Texas, August 12, 2025. Copy supplied.

Press release, *Houston Doctor Agrees to Pay Over \$2 Million to Settle Allegations of Fraudulent Billing of Federal Programs*, United States Attorney's Office for the Southern District of Texas, August 11, 2025. Copy supplied.

Press release, *Would-Be Smuggler of Three-Year-Old Child Sentenced to 36 Months in Federal Prison*, United States Attorney's Office for the Southern District of Texas, August 6, 2025. Copy supplied.

Press release, *Laredo Man Indicted for Possession of Child Sexual Abuse Material and Enticement of Three Separate Minor Females*, United States Attorney's Office for the Southern District of Texas, August 5, 2025. Copy supplied.

Press release, *Armed Cartel Carjacker Handed 108-Month Sentence*, United States Attorney's Office for the Southern District of Texas, July 24, 2025. Copy supplied.

Press release, *Former Mayor Sentenced to Nearly Four Years for Cocaine Conspiracy That Involved Use of School Building*, United States Attorney's Office for the Southern District of Texas, July 24, 2025. Copy supplied.

Press release, *63 Months for Leader of Years-Long Human Smuggling Conspiracy Operating Across Southern U.S.*, United States Attorney's Office for the Southern District of Texas, July 23, 2025. Copy supplied.

Press release, *Former Daycare Director Sentenced in Large-Scale Cocaine Trafficking Conspiracy*, United States Attorney's Office for the Southern District of Texas, July 23, 2025. Copy supplied.

Press release, *Illegal Alien Sent to Prison for Role in Nationwide Scheme to Sell Fake Texas Paper Vehicle Tags*, United States Attorney's Office for the Southern District of Texas, July 23, 2025. Copy supplied.

Press release, *Domestic Trafficker Imprisoned for Possessing Over 2,000 Counterfeit Pills*, United States Attorney's Office for the Southern District of Texas, July 23, 2025. Copy supplied.

Press release, *'We Knocked Her Out with Some Gummies:' Trafficker Sent to Prison For Conspiring to Smuggle Toddler from Mexico*, United States Attorney's Office for the Southern District of Texas, July 22, 2025. Copy supplied.

Press release, *Laredo Man Sentenced to 63 Months for Smuggling Over 100 Illegal Aliens in Locked Trailer*, United States Attorney's Office for the Southern District of Texas, July 22, 2025. Copy supplied.

Press release, *Texas National Guard Soldier Convicted of Alien Smuggling*, United States Attorney's Office for the Southern District of Texas, July 21, 2025. Copy supplied.

Press release, *Mexican Nationals Sentenced for Roles in Black Market Peso Exchange Money Laundering Scheme*, United States Attorney's Office for the Southern District of Texas, July 21, 2025. Copy supplied.

Press release, *Mexican Mafia and Tango Laredo Gang Members Sentenced to Decades for Prison Assault*, United States Attorney's Office for the Southern District of Texas, July 21, 2025. Copy supplied.

Press release, *Texas Trafficker Gets 20 Years for Attempting to Smuggle Over 40 Kilos of Methamphetamine in Torque Converters*, United States Attorney's Office for the Southern District of Texas, July 21, 2025. Copy supplied.

Press release, *Former Marine Sentenced to 60 Years for Sexual Exploitation of Minor*, United States Attorney's Office for the Southern District of Texas, July 18, 2025. Copy supplied.

Press release, *Former Huntsville Resident Arrested on Arson and Fraud Charges After Deaths of Two*, United States Attorney's Office for the Southern District of Texas, July 10, 2025. Copy supplied.

Press release, *Harlingen Man Imprisoned for Possession of Child Sexual Abuse Material*, United States Attorney's Office for the Southern District of Texas, July 8, 2025. Copy supplied.

Press release, *Chinese State-Sponsored Hacker Arrested on U.S. Warrant; China's Ministry of State Security Allegedly Directed Theft of COVID-19 Research and Confidential Information Regarding American Policy Makers*, United States Attorney's Office for the Southern District of Texas, July 8, 2025. Copy supplied.

Press release, *Mexican National Receives 8 Years for Possession Of Nearly 1,500 Images of Child Sexual Abuse Material*, United States Attorney's Office for the Southern District of Texas, July 2, 2025. Copy supplied.

Press release, *Bail Bondsmen and Former Federal Officer Indicted in Immigration-Related Bribery Case*, United States Attorney's Office for the Southern District of Texas, July 2, 2025. Copy supplied.

Press release, *Three More Sentenced in Wide-Ranging Scheme to Monopolize International Transit Industry*, United States Attorney's Office for the Southern District of Texas, July 1, 2025. Copy supplied.

Press release, *Nearly 50 Charged in Southern District of Texas as Part of National Health Care Fraud Takedown; Combined Efforts Have Resulted in Charges Against 18 Medical Professionals After Nearly 12 Million Pills Distributed and Over \$360 Million Fraudulently Billed to Medicare*, United States Attorney's Office for the Southern District of Texas, June 30, 2025. Copy supplied.

Press release, *16 "Anti-Tren" Members and Associates Charged with Cocaine and Firearms Trafficking*, United States Attorney's Office for the Southern District of Texas, June 30, 2025. Copy supplied.

Press release, *Repeat Illegal Alien Sentenced for Human Smuggling After High-Speed Chase, Crash*, United States Attorney's Office for the Southern District of Texas, June 25, 2025. Copy supplied.

Press release, *Romance Scheme Fraudsters Sentenced for \$3 Million Conspiracy*, United States Attorney's Office for the Southern District of Texas, June 24, 2025. Copy supplied.

Press release, *High-Ranking Tren De Aragua Members Charged with Terrorism and International Drug Distribution; Senior Leader Added to FBI's 10 Most Wanted Fugitives List, \$3 Million Potential Reward*, United States Attorney's Office for the Southern District of Texas, June 24, 2025. Copy supplied.

Press release, *Illegal Alien Imprisoned for 180 Months for Transporting Thousands of Videos and Images of Child Sexual Abuse Material Into U.S.*, United States Attorney's Office for the Southern District of Texas, June 24, 2025. Copy supplied.

Press release, *Mexican National Sentenced to Six Years for Coordinating Drug Shipments Into U.S.*, United States Attorney's Office for the Southern District of Texas, June 18, 2025. Copy supplied.

Press release, *Cartel Firearms Traffickers Sent to Federal Prison*, United States Attorney's Office for the Southern District of Texas, June 18, 2025. Copy supplied.

Press release, *Former Executive Pleads Guilty in Embezzlement Scheme*, United States Attorney's Office for the Southern District of Texas, June 17, 2025. Copy supplied.

Press release, *Mexican National Admits to Transporting Child Sexual Abuse Material Across State Lines to Mexico*, United States Attorney's Office for the Southern District of Texas, June 16, 2025. Copy supplied.

Press release, *10-Time Illegal Reentry Felon Sentenced to 69 Months for Unlawfully Reentering U.S. Again*, United States Attorney's Office for the Southern District of Texas, June 12, 2025. Copy supplied.

Press release, *San Antonio Woman Charged with Threatening to Shoot Federal Agent*, United States Attorney's Office for the Southern District of Texas, June 12, 2025. Copy supplied.

Press release, *Leader in Scheme to Monopolize Transmigrantes Market Imprisoned for Over 10 Years*, United States Attorney's Office for the Southern District of Texas, June 11, 2025. Copy supplied.

Press release, *132 Months for Smuggling 3,000 Pounds of Methamphetamine in Truckload of Cabbages*, United States Attorney's Office for the Southern District of Texas, June 4, 2025. Copy supplied.

Press release, *Illegal Alien Sentenced for Assaulting Law Enforcement*, United States Attorney's Office for the Southern District of Texas, June 4, 2025. Copy supplied.

Press release, *Registered Sex Offender Sentenced to 70 Years for Sexually Exploiting Minors*, United States Attorney's Office for the Southern District of Texas, June 3, 2025. Copy supplied.

Press release, *Fentanyl Distributor Linked to Three Fatal Overdoses Imprisoned for 27 Years; Left Infant Child in Drug-Cluttered Residence to Conduct Drug Deal*, United States Attorney's Office for the Southern District of Texas, June 2, 2025. Copy supplied.

Press release, *Father and Son Indicted for Providing Material Support to Mexican Cartel Engaged in Terrorism; Defendants Are Alleged to Have Illegally Imported Tens of Millions of Dollars in Crude Oil*, United States Attorney's Office for the Southern District of Texas, May 30, 2025. Copy supplied.

Press release, *Websites Selling Hacking Tools to Cybercriminals Seized Multinational Operation Linked Services to Known Ransomware Groups Targeting Victims Worldwide*, United States Attorney's Office for the Southern District of Texas, May 30, 2025. Copy supplied.

Press release, *Jury Convicts Illegal Alien of Stealing U.S. Citizen's Identity*, United States Attorney's Office for the Southern District of Texas, May 29, 2025. Copy supplied.

Press release, *Court Appoints Ganjei as U.S. Attorney*, United States Attorney's Office for the Southern District of Texas, May 28, 2025. Copy supplied.

Press release, *15 Charged in Wide-Ranging Narcotics and Weapons Conspiracy*, United States Attorney's Office for the Southern District of Texas, May 22, 2025. Copy supplied.

Press release, *Several Convicted for Roles in Deadly Transnational Human Smuggling Operation*, United States Attorney's Office for the Southern District of Texas, May 22, 2025. Copy supplied.

Press release, *Jury Convicts Home Health Agency Owner in Medicare Fraud and Identity Theft Scheme*, United States Attorney's Office for the Southern District of Texas, May 21, 2025. Copy supplied.

Press release, *Tennessee Man Sentenced for Smuggling a Truckload of Illegal Aliens*, United States Attorney's Office for the Southern District of Texas, May 21, 2025. Copy supplied.

Press release, *Houston Sex Trafficker Gets 14 Years for Luring Minor Through Social Media*, United States Attorney's Office for the Southern District of Texas, May 16, 2025. Copy supplied.

Press release, *Tango Blast Gang Members Sentenced After Leading Law Enforcement on Multiple Vehicle Pursuits During Smuggling Attempts*, United States Attorney's Office for the Southern District of Texas, May 15, 2025. Copy supplied.

Press release, *Truck Driver Receives Maximum Sentence for Smuggling 36 Illegal Aliens in Trailer*, United States Attorney's Office for the Southern District of Texas, May 14, 2025. Copy supplied.

Press release, *Armed Repeat Illegal Alien Admits to Human Smuggling and Firearms Charges*, United States Attorney's Office for the Southern District of Texas, May 8, 2025. Copy supplied.

Press release, *Four Sentenced in \$110 Million-Dollar Kickback Conspiracy*, United States Attorney's Office for the Southern District of Texas, May 8, 2025. Copy supplied.

Press release, *Jury Convicts Conspirator Involved in Transporting Aliens Shot En Route to Houston*, United States Attorney's Office for the Southern District of Texas, April 30, 2025. Copy supplied.

Press release, *Harlingen Couple Guilty in Multimillion-Dollar Medicare Fraud Scheme*, United States Attorney's Office for the Southern District of Texas, April 29, 2025. Copy supplied.

Press release, *Complaint Filed Against Houston Pharmacy and Its Owners for Violations of the Controlled Substances Act*, United States Attorney's Office for the Southern District of Texas, April 28, 2025. Copy supplied.

Press release, *Illegal Alien Sentenced in Multimillion-Dollar Elder Fraud Ring*, United States Attorney's Office for the Southern District of Texas, April 23, 2025. Copy supplied.

Press release, *Cartel Cocaine Conspirator Sentenced to 10 Years in Federal Prison*, United States Attorney's Office for the Southern District of Texas, April 22, 2025. Copy supplied.

Press release, *Houston ISD Official and Contractor Guilty in Nine-Year, Multimillion-Dollar Fraud Scheme; Jury Finds Brian Busby and Anthony Hutchison of All 33 counts as Charged*, United States Attorney's Office for the Southern District of Texas, April 18, 2025. Copy supplied.

Press release, *Federal Jury Convicts Would-Be Smuggler of Three-Year-Old Child*, United States Attorney's Office for the Southern District of Texas, April 16, 2025. Copy supplied.

Press release, *Federal Jury Finds Human Smuggler Guilty of Possessing Child Sexual Abuse Material*, United States Attorney's Office for the Southern District of Texas, April 15, 2025. Copy supplied.

Press release, *COVID Scammer Admits to Defrauding Investors with Fake Products and False Documents*, United States Attorney's Office for the Southern District of Texas, April 10, 2025. Copy supplied.

Press release, *Mexican National Receives More Than a Decade in Prison After Attempting to Bring Drugs and Child Sexual Abuse Material Across the Border*, United States Attorney's Office for the Southern District of Texas, April 8, 2025. Copy supplied.

Press release, *Leader of Alien Smuggling Organization Heads to Federal Prison*, United States Attorney's Office for the Southern District of Texas, April 8, 2025. Copy supplied.

Press release, *Final Sentence Imposed in Multimillion-Dollar Money Laundering Conspiracy*, United States Attorney's Office for the Southern District of Texas, April 8, 2025. Copy supplied.

Press release, *Repeat Alien Smuggler Sent to Prison*, United States Attorney's Office for the Southern District of Texas, April 8, 2025. Copy supplied.

Press release, *Federal Action Filed Against Aircraft Operator for Sham Dry Lease Scheme*, United States Attorney's Office for the Southern District of Texas, April 4, 2025. Copy supplied.

Press release, *Corpus Christi Resident Gets 20 Years for Distributing Child Sexual Abuse Material*, United States Attorney's Office for the Southern District of Texas, April 3, 2025. Copy supplied.

Press release, *Houston Man Guilty of Trafficking Minors in Two Cities*, United States Attorney's Office for the Southern District of Texas, March 27, 2025. Copy supplied.

Press release, *Repeat Illegal Alien Admits to Human Smuggling After High-Speed Chase, Crash*, United States Attorney's Office for the Southern District of Texas, March 27, 2025. Copy supplied.

Press release, *Alien Smuggling Group Dismantled*, United States Attorney's Office for the Southern District of Texas, March 26, 2025. Copy supplied.

Press release, *Illegal Alien Cartel Member Sent to Prison for Possessing Nearly 5,000 Rounds of Ammunition*, United States Attorney's Office for the Southern District of Texas, March 25, 2025. Copy supplied.

Press release, *Felon Extradited From Mexico Pleads Guilty to Illegally Acquiring Multiple Firearms*, United States Attorney's Office for the Southern District of Texas, March 20, 2025. Copy supplied.

Press release, *Cocaine Smuggler Who Led Law Enforcement on High-Speed Chase Sentenced to Decade in Federal Prison*, United States Attorney's Office for the Southern District of Texas, March 19, 2025. Copy supplied.

Press release, *Illegal Alien Guilty of Stealing U.S. Citizen's Identity*, United States Attorney's Office for the Southern District of Texas, March 18, 2025. Copy supplied.

Press release, *Methamphetamine and Fentanyl Dealer Sentenced in Corpus Christi To 25 Years*, United States Attorney's Office for the Southern District of Texas, March 13, 2025. Copy supplied.

Press release, *Repeat Child Sex Predator Sentenced to 25 Years for Possession of Child Sexual Assault Material*, United States Attorney's Office for the Southern District of Texas, March 12, 2025. Copy supplied.

Press release, *Eight Guilty in Wide-Ranging Scheme to Monopolize Industry Serving Transmigrants*, United States Attorney's Office for the Southern District of Texas, March 11, 2025. Copy supplied.

Press release, *Former Refugee Admits to Supporting ISIS*, United States Attorney's Office for the Southern District of Texas, March 7, 2025. Copy supplied.

Press release, *Mexican National Sentenced for Possession of Child Sexual Assault Material*, United States Attorney's Office for the Southern District of Texas, March 5, 2025. Copy supplied.

Press release, *McAllen Resident Sentenced to 25 Years for Using Communication App to Entice Minor*, United States Attorney's Office for the Southern District of Texas, March 5, 2025. Copy supplied.

Press release, *Leader of Organization Who Smuggled Aliens Through Corpus Christi Sent to Prison and Ordered to Forfeit \$1 Million*, United States Attorney's Office for the Southern District of Texas, March 5, 2025. Copy supplied.

Press release, *Fleeing Alien Smuggler Sent to Federal Prison*, United States Attorney's Office for the Southern District of Texas, March 3, 2025. Copy supplied.

Press release, *Donna Man Sentenced for Smuggling 49 Illegal Aliens*, United States Attorney's Office for the Southern District of Texas, March 3, 2025. Copy supplied.

Press release, *Romance Scheme Fraudster Admits to \$3 Million Conspiracy*, United States Attorney's Office for the Southern District of Texas, February 28, 2025. Copy supplied.

Press release, *Mexican Customs Worker Guilty in Stolen Vehicle Conspiracy*, United States Attorney's Office for the Southern District of Texas, February 28, 2025. Copy supplied.

Press release, *Man Alleged to Have Attempted to Shatter Plane Window Mid-Flight Faces Charges*, United States Attorney's Office for the Southern District of Texas, February 28, 2025. Copy supplied.

Press release, *Two High-Ranking Members of the Gulf Cartel Extradited to the United States for Drug Trafficking*, United States Attorney's Office for the Southern District of Texas, February 28, 2025. Copy supplied.

Press release, *Kansas Resident Sentenced for Distributing Child Sexual Assault Material While in Laredo*, United States Attorney's Office for the Southern District of Texas, February 28, 2025. Copy supplied.

Press release, *Thirteen Members of Houston Robbery Crew Charged in Robbery and Drug Conspiracy; Three Charged with Murder*, United States Attorney's Office for the Southern District of Texas, February 28, 2025. Copy supplied.

Press release, *Social Security Employee Heads to Prison for Creating Fake Children's Profiles to Steal Public Funds*, United States Attorney's Office for the Southern District of Texas, February 26, 2025. Copy supplied.

Press release, *Repeat Drug Trafficker Sentenced to a Decade in Prison*, United States Attorney's Office for the Southern District of Texas, February 25, 2025. Copy supplied.

Press release, *Federal Inmate Imprisoned for Punching and Injuring Deputy U.S. Marshal*, United States Attorney's Office for the Southern District of Texas, February 24, 2025. Copy supplied.

Press release, *Straw Purchaser Sentenced for Unlawfully Supplying Firearms to Illegal Aliens*, United States Attorney's Office for the Southern District of Texas, February 20, 2025. Copy supplied.

Press release, *Illegal Alien Sentenced for Drug Trafficking in South Texas*, United States Attorney's Office for the Southern District of Texas, February 20, 2025. Copy supplied.

Press release, *14 Members of Bandidos Motorcycle Gang Indicted for Offenses Including Racketeering, Assault and Murder*, United States Attorney's Office for the Southern District of Texas, February 19, 2025. Copy supplied.

Press release, *Truck Driver Pleads Guilty to Smuggling 36 Illegal Aliens in Trailer*, United States Attorney's Office for the Southern District of Texas, February 13, 2025. Copy supplied.

Press release, *Man Receives 60+ Years After Committing Series of Armed Robberies of Houston-Area Fast-Food Restaurants*, United States Attorney's Office for the Southern District of Texas, February 13, 2025. Copy supplied.

Press release, *Mexican National and Gang Member Sentenced for Illegally Reentering the Country for 14th Time*, United States Attorney's Office for the Southern District of Texas, February 13, 2025. Copy supplied.

Press release, *Trafficking Drugs for Mexican Cartel Lands Laredo Man in Prison for More than 16 Years*, United States Attorney's Office for the Southern District of Texas, February 12, 2025. Copy supplied.

Press release, *Two Women Sentenced for Attempting to Smuggle Mexican Child into U.S.*, United States Attorney's Office for the Southern District of Texas, February 11, 2025. Copy supplied.

Press release, *Illegal Alien Gang Member and Felon Gets Significant Sentence for Reentering U.S.*, United States Attorney's Office for the Southern District of Texas, February 10, 2025. Copy supplied.

Press release, *Laredo Felon Guilty in Conspiracy to Smuggle Hundreds of Aliens*, United States Attorney's Office for the Southern District of Texas, February 6, 2025. Copy supplied.

Press release, *Former Credit Union Manager Imprisoned for Embezzling Over \$200,000 from Elderly Clients*, United States Attorney's Office for the Southern District of Texas, February 6, 2025. Copy supplied.

Press release, *Member of Deadly Human Smuggling Ring Sent to Prison*, United States Attorney's Office for the Southern District of Texas, February 5, 2025. Copy supplied.

Press release, *"Dirtyman" Sentenced and Deemed Repeat and Dangerous Offender Against Minors*, United States Attorney's Office for the Southern District of Texas, February 5, 2025. Copy supplied.

Press release, *Illegal Alien Gets Life Sentence for Ongoing Sexual Abuse of Minor Child*, United States Attorney's Office for the Southern District of Texas, February 4, 2025. Copy supplied.

Press release, *Armed Felons Sentenced for Dual Smoke Shop Robberies*, United States Attorney's Office for the Southern District of Texas, February 4, 2025. Copy supplied.

Press release, *Manvel Resident Admits to Series of Frauds Totaling \$2 Million*, United States Attorney's Office for the Southern District of Texas, February 4, 2025. Copy supplied.

Press release, *Foreign Operator of Bulk Carrier Convicted for Concealment of Pollution and Falsification of Records*, United States Attorney's Office for the Southern District of Texas, January 29, 2025. Copy supplied.

Press release, *Former Federal Prosecutor Named U.S. Attorney for Southern District*, United States Attorney's Office for the Southern District of Texas, January 29, 2025. Copy supplied.

Press release, *Acting United States Attorney Nicholas Ganjei Announces Intent to Step Down from Eastern District of Texas Leadership*, United States Attorney's Office for the Eastern District of Texas, November 15, 2021. Copy supplied.

Press release, *Nine Indicted in Counterfeit Promethazine-Codeine Drug Trafficking Conspiracy*, United States Attorney's Office for the Eastern District of Texas, November 12, 2021. Copy supplied.

Press release, *Bringing the Fight to Them: Acting U.S. Attorney Ganjei Highlights EDTX's Successes in International Drug Investigations and Anti-Cartel Prosecutions, Ganjei Emphasizes Eastern District's Continued Commitment to its Law Enforcement Partners in Their Shared Fight to Bring International Traffickers to Justice*, United States Attorney's Office for the Eastern District of Texas, November 11, 2021. Copy supplied.

Press release, *Marion County Man Pleads Guilty to Distributing Bombmaking Instructions*, United States Attorney's Office for the Eastern District of Texas, November 4, 2021. Copy supplied.

Press release, *Indian National Pleads Guilty in Fraudulent Social Security Scam Targeting Elderly Beaumont Resident*, United States Attorney's Office for the Eastern District of Texas, November 4, 2021. Copy supplied.

Press release, *Denton Tax Preparer Sentenced to Federal Prison for Submitting Fraudulent Returns, Defendant Ordered to Pay Nearly \$3 Million in Restitution as Part of Sentence*, United States Attorney's Office for the Eastern District of Texas, November 3, 2021. Copy supplied.

Press release, *Irving Man Guilty of Wire Fraud Violations in the Eastern District of Texas*, United States Attorney's Office for the Eastern District of Texas, October 27, 2021. Copy supplied.

Press release, *Jefferson County Man Guilty of FEMA Fraud for Hurricane Harvey Payments*, United States Attorney's Office for the Eastern District of Texas, October 25, 2021. Copy supplied.

Press release, *Nigerian National Guilty of Elder Fraud Related Violations in the Eastern District of Texas*, United States Attorney's Office for the Eastern District of Texas, October 25, 2021. Copy supplied.

Press release, *Cuban National Sentenced to Federal Prison in Gas Pump Skimmer Scheme*, United States Attorney's Office for the Eastern District of Texas, October 21, 2021. Copy supplied.

Press release, *Jefferson County Man Sentenced to Nearly Two Decades in Federal Prison for Methamphetamine Trafficking*, United States Attorney's Office for the Eastern District of Texas, October 19, 2021. Copy supplied.

Press release, *Violent Guatemalan Drug Lord Receives Life Sentence in EDTX Defendant Apprehended and Prosecuted as Part of "Operation Black Sails," A Coordinated Drug Investigation of Federal, Local, and Guatemalan Law Enforcement*, United States Attorney's Office for the Eastern District of Texas, October 19, 2021. Copy supplied.

Press release, *Former McKinney Man Indicted for COVID-19 Relief Fraud*, United States Attorney's Office for the Eastern District of Texas October 15, 2021. Copy supplied.

Press release, *Justice Department, EPA, and State of Texas Reach Settlement with DuPont and PMNA Over Environmental Violations in EDTX, Settlement Will Require Action to Address Violations of Waste, Water and Air Environmental Laws at Orange, Texas Facility*, United States Attorney's Office for the Eastern District of Texas, October 14, 2021. Copy supplied.

Press release, *Justice Department Announces Investigation into Conditions at Five Juvenile Facilities in Texas*, United States Attorney's Office for the Eastern District of Texas, October 13, 2021. Copy supplied.

Press release, *Port Neches Man Guilty of Child Pornography Violations*, United States Attorney's Office for the Eastern District of Texas, October 12, 2021. Copy supplied.

Press release, *Smith County Woman Sentenced for Trafficking Methamphetamine in the Eastern District of Texas*, United States Attorney's Office for the Eastern District of Texas, October 7, 2021. Copy supplied.

Press release, *Aryan Circle Gang Leader Sentenced for Violent Crime in Aid of Racketeering*, United States Attorney's Office for the Eastern District of Texas, October 5, 2021. Copy supplied.

Press release, *Beaumont Career Felon Sentenced for Federal Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, October 5, 2021. Copy supplied.

Press release, *Houston Man Guilty of Trafficking Fentanyl through Eastern District of Texas, Defendant Prosecuted as Part of "Operation Chasing Waterfalls,"* United States Attorney's Office for the Eastern District of Texas, September 29, 2021. Copy supplied.

Press release, *Houston Man Who Supplied Methamphetamine to White Supremacist Gang Sentenced in Eastern District of Texas*, United States Attorney's Office for the Eastern District of Texas, September 28, 2021. Copy supplied.

Press release, *Houston Businessman Sentenced for Lake Livingston Insurance Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, September 28, 2021. Copy supplied.

Press release, *EDTX Indicts Two Dozen Defendants in International Multi-Scheme Fraud Conspiracy, Conspirators are Alleged to Have Used a Multitude of Fraud Schemes, Including Romance Scams, Investment Fraud, and Business Email Compromise, to Steal at Least \$17 Million*, United States Attorney's Office for the Eastern District of Texas, September 24, 2021. Copy supplied.

Press release, *Boston Man Sentenced for Transporting Women to Texas to Work in Sex Trade*, United States Attorney's Office for the Eastern District of Texas, September 23, 2021. Copy supplied.

Press release, *Dallas Man Sentenced for Distributing Counterfeit Pharmaceuticals that Led to Overdose Death; 30-Year Prison Term is Latest Sentence in EDTX Counterfeit Drug Investigation, Co-Defendants Each Received Sentences of 20 Years*, United States Attorney's Office for the Eastern District of Texas, September 23, 2021. Copy supplied.

Press release, *Purple Pistol Bandit Guilty of Beaumont Area Armed Robbery Spree*, United States Attorney's Office for the Eastern District of Texas, September 23, 2021. Copy supplied.

Press release, *Denton County Man Sentenced for Threatening U.S. Congressman*, United States Attorney's Office for the Eastern District of Texas, September 22, 2021. Copy supplied.

Press release, *Beaumont Man Guilty of Multiple Armed Convenience Store Robberies*, United States Attorney's Office for the Eastern District of Texas, September 21, 2021. Copy supplied.

Press release, *National Health Care Fraud Enforcement Action Results in Charges Involving over \$1.4 Billion in Alleged Losses*, United States Attorney's Office for the Eastern District of Texas, September 17, 2021. Copy supplied.

Press release, *Armed Beaumont Ice Cream Man Sentenced for Federal Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, September 16, 2021. Copy supplied.

Press release, *Grayson County Man Indicted for Child Pornography Violations*, United States Attorney's Office for the Eastern District of Texas, September 16, 2021. Copy supplied.

Press release, *Collin County Wedding Planner Sentenced for COVID Relief Fraud*, United States Attorney's Office for the Eastern District of Texas, September 16, 2021. Copy supplied.

Press release, *Grayson County Woman Sentenced to Federal Prison for Possession and Use of Protected Health Information*, United States Attorney's Office for the Eastern District of Texas, September 15, 2021. Copy supplied.

Press release, *Smith County Lawyer Sentenced for Federal Employment Tax Violations*, United States Attorney's Office for the Eastern District of Texas, September 15, 2021. Copy supplied.

Press release, *Rusk County Man Sentenced for Christmas Postal Crime Spree*, United States Attorney's Office for the Eastern District of Texas, September 25, 2021. Copy supplied.

Press release, *Louisiana Woman Sentenced in \$4.8 Million Elder Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, September 25, 2021. Copy supplied.

Press release, *Panamanian Attorney General Visits Eastern District of Texas*, United States Attorney's Office for the Eastern District of Texas, September 14, 2021. Copy supplied.

Press release, *High-Ranking Member of Los Zetas Cartel Sentenced in Eastern District of Texas to a Term of Life Imprisonment; Witnesses Described Defendant's Participation in the 2011 Allende Massacre, Where Over 100 Men, Women, and Children Were Slaughtered by the Zetas Cartel*, United States Attorney's Office for the Eastern District of Texas, September 13, 2021. Copy supplied.

Press release, *Target of U.S. Attorney's Office Anti-Violent Crime Initiative Sentenced for Federal Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, September 7, 2021. Copy supplied.

Press release, *Florida Man Guilty in Transnational East Texas Call Center Fraud Scheme, Scheme Targeted Over 2000 Victims and Involved Approximately \$3.2 Million*, United States Attorney's Office for the Eastern District of Texas, September 3, 2021. Copy supplied.

Press release, *EDTX Reaches Americans with Disabilities Act Resolution with Smith County; Texas Regarding Hearing-Impaired Individuals, Agreement Ensures that Deaf and Hard of Hearing Individuals Will Enjoy Equal Opportunities and Access to County Services, Programs, and Activities*, United States Attorney's Office for the Eastern District of Texas, September 3, 2021. Copy supplied.

Press release, *101 Indicted in Transnational Cell Phone Trafficking Conspiracy, "Operation Cash Out" Uncovers Illicit Sales of Over 70,000 Stolen Cellular Devices Valued at Nearly \$100 Million*, United States Attorney's Office for the Eastern District of Texas, August 26, 2021. Copy supplied.

Press release, *Three Guilty in Transnational East Texas Call Center Fraud Scheme, Scheme Targeted Over 2000 Victims and Involved Approximately \$3.2 Million*, United States Attorney's Office for the Eastern District of Texas, August 26, 2021. Copy supplied.

Press release, *Dallas Drug Trafficker Sentenced in East Texas Methamphetamine and Cocaine Trafficking Conspiracy*, United States Attorney's Office for the Eastern District of Texas, August 25, 2021. Copy supplied.

Press release, *Kirbyville Man Sentenced to Federal Prison for Newton County Mail Thefts, Defendant Victimized 82 Newton County Residents for intended loss of more than \$200,000*, United States Attorney's Office for the Eastern District of Texas, August 24, 2021. Copy supplied.

Press release, *Dallas County Man Sentenced for East Texas Bank Fraud Conspiracy*, United States Attorney's Office for the Eastern District of Texas, August 24, 2021. Copy supplied.

Press release, *Port Arthur Man Sentenced for Possessing Stolen Firearm While Under Felony Indictment*, United States Attorney's Office for the Eastern District of Texas, August 24, 2021. Copy supplied.

Press release, *Collin County Man Sentenced for Distributing Child Pornography*, United States Attorney's Office for the Eastern District of Texas, August 23, 2021. Copy supplied.

Press release, *Dallas County Man Sentenced for Attempting to Meet Minor for Sex*, United States Attorney's Office for the Eastern District of Texas, August 23, 2021. Copy supplied.

Press release, *Grayson County Pastor Sentenced to 30 Years in Federal Prison for Child Pornography Violations, Secret Cameras at Church Recorded 11 to 14-year-olds Undressing, Bathing*, United States Attorney's Office for the Eastern District of Texas, August 23, 2021. Copy supplied.

Press release, *Drug Cartel Member Sentenced to 30 Years in Federal Prison for Narcotics Trafficking in East Texas, Sentence Part of "Operation Dirty Bird" Anti-Drug and Money Laundering Investigation*, August 20, 2021. Copy supplied.

Press release, *Upshur County Man Sentenced for Identity Theft in Connection with CARES Act Economic Impact Payments*, United States Attorney's Office for the Eastern District of Texas, August 19, 2021. Copy supplied.

Press release, *Smith County Man Sentenced for Cocaine Trafficking and Firearm Violations*, United States Attorney's Office for the Eastern District of Texas, August 18, 2021. Copy supplied.

Press release, *Colombian National and Cartel Member Sentenced in the Eastern District of Texas for Conspiracy to Import Cocaine into the United States; Defendant Apprehended and Prosecuted as Part of "Operation Dragoneante," a Multinational Anti-Drug Investigation*, United States Attorney's Office for the Eastern District of Texas, August 17, 2021. Copy supplied.

Press release, *Teen Guilty of Shooting Port Arthur Man During Carjacking*, United States Attorney's Office for the Eastern District of Texas, August 11, 2021. Copy supplied.

Press release, *Harris County Man Sentenced for Laundering Drug Trafficking Proceeds*, United States Attorney's Office for the Eastern District of Texas, August 11, 2021. Copy supplied.

Press release, *Port Arthur Felon Guilty of Federal Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, August 2, 2021. Copy supplied.

Press release, *Little Rock Man Guilty of Trafficking Methamphetamine in Nacogdoches, Texas*, United States Attorney's Office for the Eastern District of Texas, July 28, 2021. Copy supplied.

Press release, *Former North Texas Mayor and Land Developer Husband Convicted in Public Corruption Trial*, United States Attorney's Office for the Eastern District of Texas, July 23, 2021. Copy supplied.

Press release, *Honduran National Guilty of Soliciting Murder-For-Hire of Family Members*, United States Attorney's Office for the Eastern District of Texas, July 23, 2021. Copy supplied.

Press release, *Grayson County Woman Who Stole and Sold Protected Health Information Sentenced to 2 1/2 Years in Federal Prison; Fraud Ring Used Proceeds from Stolen Information to Purchase Array of Luxury Items*, United States Attorney's Office for the Eastern District of Texas, July 22, 2021. Copy supplied.

Press release, *Ohio Man Sentenced for Distributing Counterfeit Pharmaceuticals in the Eastern District of Texas; Conviction Comes as Part of Joint Federal and Local Law Enforcement Anti-Drug Operation*, United States Attorney's Office for the Eastern District of Texas, July 20, 2021. Copy supplied.

Press release, *Mexican National Drug Trafficker Convicted in Beaumont Federal Trial; Conviction the Result of "Operation Dark Skye," a Multi-Agency Investigation Targeting Cocaine, Methamphetamine and Heroin Trafficking*, United States Attorney's Office for the Eastern District of Texas, July 20, 2021. Copy supplied.

Press release, *Jefferson County Felon Sentenced for Federal Firearms Violations*, United States Attorney's Office for the Eastern District of Texas, July 15, 2021. Copy supplied.

Press release, *Denton County Woman Sentenced to 15 Years in Federal Prison for Wire Fraud*, United States Attorney's Office for the Eastern District of Texas, July 13, 2021. Copy supplied.

Press release, *Jefferson County Man Guilty of FEMA Fraud Related to Hurricane Harvey*, United States Attorney's Office for the Eastern District of Texas, July 13, 2021. Copy supplied.

Press release, *Cooke County Felon Sentenced for Federal Firearms Violations*, United States Attorney's Office for the Eastern District of Texas, July 8, 2021. Copy supplied.

Press release, *Fraudster Who Stole Protected Health Information to Fund Spending Spree Sentenced to Prison; Criminals Used Ill-Gotten Proceeds to Purchase SUVs, Off-Road Vehicles, and Jet Skis*, United States Attorney's Office for the Eastern District of Texas, July 8, 2021. Copy supplied.

Press release, *Kaufman County Man Sentenced to Federal Prison for Trafficking Methamphetamine in the Eastern District of Texas*, United States Attorney's Office for the Eastern District of Texas, July 7, 2021. Copy supplied.

Press release, *Eastern District of Texas Delivers Another Blow Against White Supremacist Prison Gang; Three Additional Guilty Pleas Result From "Operation Noble Virtue," a Multiagency Anti-Crime Effort of Federal, State, and Local Law Enforcement*, United States Attorney's Office for the Eastern District of Texas, July 6, 2021. Copy supplied.

Press release, *Jefferson County Felon Guilty of Federal Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, June 30, 2021. Copy supplied.

Press release, *Honduran National Extradited to Eastern District of Texas Sentenced for Conspiracy to Import Cocaine into the United States; Defendant Apprehended and Prosecuted as Part of "Operation Dragoneante," a Multinational Anti-Drug Investigation*, United States Attorney's Office for the Eastern District of Texas, June 29, 2021. Copy supplied.

Press release, *Target of U.S. Attorney's Office Anti-Violent Crime Initiative Guilty of Federal Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, June 28, 2021. Copy supplied.

Press release, *Jefferson County Doctor Sentenced to Federal Prison for Health Care Fraud Violations*, United States Attorney's Office for the Eastern District of Texas, June 24, 2021. Copy supplied.

Press release, *Jefferson County Engineer Sentenced for \$13 Million COVID-Relief Fraud*, United States Attorney's Office for the Eastern District of Texas, June 17, 2021. Copy supplied.

Press release, *Costa Rican National Extradited to Eastern District of Texas and Sentenced for Conspiracy to Import Cocaine into the United States, Defendant Apprehended and Prosecuted as Part of "Operation Black Sails," a Wide-Ranging International Drug Investigation*, United States Attorney's Office for the Eastern District of Texas, June 17, 2021. Copy supplied.

Press release, *Henderson County Man Sentenced to 10 Years in Federal Prison for Trafficking Methamphetamine*, United States Attorney's Office for the Eastern District of Texas, June 17, 2021. Copy supplied.

Press release, *Final Defendant Sentenced in Anderson County Drug Trafficking Conspiracy*, United States Attorney's Office for the Eastern District of Texas, June 17, 2021. Copy supplied.

Press release, *Beaumont Felon Sentenced for Parkdale Mall Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, June 14, 2021. Copy supplied.

Press release, *Florida Man Guilty in Transnational Money Laundering Operation Involving Elder Fraud*, United States Attorney's Office for the Eastern District of Texas, June 14, 2021. Copy supplied.

Press release, *Collin County Man Convicted of Child Pornography Violations*, United States Attorney's Office for the Eastern District of Texas, June 11, 2021. Copy supplied.

Press release, *Seven-Time Felon Sentenced for Federal Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, June 10, 2021. Copy supplied.

Press release, *Ninth Circuit Court of Appeals Judge Ken Lee Addresses Eastern District of Texas as Part of EDTX's Distinguished Speaker Series*, United States Attorney's Office for the Eastern District of Texas, June 10, 2021. Copy supplied.

Press release, *Nacogdoches Felon Sentenced for Federal Drug Trafficking and Firearms Violations*, United States Attorney's Office for the Eastern District of Texas, June 9, 2021. Copy supplied.

Press release, *Guatemalan National Extradited to Eastern District of Texas and Sentenced for Conspiracy to Import Cocaine into the United States*, United States Attorney's Office for the Eastern District of Texas, June 7, 2021. Copy supplied.

Press release, *Dallas Felon Sentenced for Cooke County Firearms Violation*, United States Attorney's Office for the Eastern District of Texas, June 7, 2021. Copy supplied.

Press release, *Dallas Brothers Convicted of Supplying Heroin in Overdose*, United States Attorney's Office for the Eastern District of Texas, June 1, 2021. Copy supplied.

Press release, *Houston Man Pleads Guilty to Drug Trafficking in Southeast Texas*, United States Attorney's Office for the Eastern District of Texas, May 26, 2021. Copy supplied.

Press release, *Houston Man Sentenced for Federal Violations Related to Identity Theft Scheme*, United States Attorney's Office for the Eastern District of Texas, May 25, 2021. Copy supplied.

Press release, *Houston Man Guilty of Laundering Drug Proceeds*, United States Attorney's Office for the Eastern District of Texas, May 25, 2021. Copy supplied.

Press release, *Houston Man Sentenced for Tyler County ATM Burglary Attempt*, United States Attorney's Office for the Eastern District of Texas, May 24, 2021. Copy supplied.

Press release, *Kemah Man Sentenced for Liberty County Attempted Bank Robbery*, United States Attorney's Office for the Eastern District of Texas, May 21, 2021. Copy supplied.

Press release, *Owner of Wedding Planning Company Pleads Guilty to COVID-19 Relief Fraud*, United States Attorney's Office for the Eastern District of Texas, May 19, 2021. Copy supplied.

Press release, *Red River Army Depot Officials Charged in Bribery and Conspiracy Scheme*, United States Attorney's Office for the Eastern District of Texas, May 18, 2021. Copy supplied.

Press release, *Denton County Woman Sentenced for Student Loan Fraud*, United States Attorney's Office for the Eastern District of Texas, May 18, 2021. Copy supplied.

Press release, *North Texas Woman Sentenced for Tax Evasion*, United States Attorney's Office for the Eastern District of Texas, May 17, 2021. Copy supplied.

Press release, *Final Defendants Sentenced in Red River County Methamphetamine Trafficking Conspiracy, "Operation Big Red" Results in Eleven Federal Convictions*, United States Attorney's Office for the Eastern District of Texas, May 14, 2021. Copy supplied.

Press release, *Frisco Attorney Sentenced for Defrauding Client*, United States Attorney's Office for the Eastern District of Texas, May 13, 2021. Copy supplied.

Press release, *The U.S. Department of Justice and EDTX Recognize Federal, State, Local, and Tribal Law Enforcement During National Police Week*, United States Attorney's Office for the Eastern District of Texas, May 10, 2021. Copy supplied.

Press release, *New Yorker Sentenced in Eastern District of Texas for Nationwide Identity Theft and Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, May 6, 2021. Copy supplied.

Press release, *Investigation into White Supremacists and Drug Traffickers Yields Guilty Pleas, Convictions Come as Part of "Operation Noble Virtue," a Multiagency Anti-Crime Effort of Federal, State, and Local Law Enforcement*, United States Attorney's Office for the Eastern District of Texas, May 6, 2021. Copy supplied.

Press release, *Two Texas Women Sentenced to Federal Prison for Involvement in Transnational Elder Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, May 6, 2021. Copy supplied.

Press release, *Four North Texans Sentenced for Sex Trafficking Operation*, United States Attorney's Office for the Eastern District of Texas, May 5, 2021. Copy supplied.

Press release, *Denton County Man Sentenced for Production of Child Pornography*, United States Attorney's Office for the Eastern District of Texas, May 5, 2021. Copy supplied.

Press release, *Jefferson County Woman Sentenced for Distributing Methamphetamine*, United States Attorney's Office for the Eastern District of Texas, May 5, 2021. Copy supplied.

Press release, *Convicted Felon "Dollar Bill" Sentenced for Shooting Drug Customer Twice Over Drug Debt*, United States Attorney's Office for the Eastern District of Texas, May 4, 2021. Copy supplied.

Press release, *Mexican National Sentenced for Federal Firearms Violations*, United States Attorney's Office for the Eastern District of Texas, May 4, 2021. Copy supplied.

Press release, *Central Texas Lawyer Sentenced for Swindling Colombian Drug Trafficking Clients*, United States Attorney's Office for the Eastern District of Texas, May 3, 2021. Copy supplied.

Press release, *Tarrant County Man Convicted at Trial of Child Exploitation Violations*, United States Attorney's Office for the Eastern District of Texas, April 29, 2021. Copy supplied.

Press release, *Denton County Woman Sentenced for Bank Fraud*, United States Attorney's Office for the Eastern District of Texas, April 28, 2021. Copy supplied.

Press release, *Cherokee County Man Sentenced for Distribution of Methamphetamine*, United States Attorney's Office for the Eastern District of Texas, April 22, 2021. Copy supplied.

Press release, *Henderson County Man Indicted for Arson, Alleged Arsonist Charged with Destroying Water Utility Pumping Stations that Serviced Hundreds of Athens Homes*, United States Attorney's Office for the Eastern District of Texas, April 22, 2021. Copy supplied.

Press release, *Eastern District of Texas Commemorates the 40th Anniversary of National Crime Victims' Rights Week*, United States Attorney's Office for the Eastern District of Texas, April 20, 2021. Copy supplied.

Press release, *Baytown Man Guilty of Cocaine Trafficking*, United States Attorney's Office for the Eastern District of Texas, April 19, 2021. Copy supplied.

Press release, *East Texas Individuals Guilty in Postal Crime Spree*, United States Attorney's Office for the Eastern District of Texas, April 19, 2021. Copy supplied.

Press release, *Former Health Care Staffing Company Executives Charged in Superseding Indictment with Wage Fixing and Obstruction*, United States Attorney's Office for the Eastern District of Texas, April 19, 2021. Copy supplied.

Press release, *Florida Drug Traffickers Convicted for Large-Scale Cocaine Operation*, United States Attorney's Office for the Eastern District of Texas, April 16, 2021. Copy supplied.

Press release, *Four Members of East Texas Methamphetamine and Firearms Trafficking Ring Sentenced*, United States Attorney's Office for the Eastern District of Texas, April 15, 2021. Copy supplied.

Press release, *Van Zandt County Man Sentenced for Receiving Child Pornography*, United States Attorney's Office for the Eastern District of Texas, April 15, 2021. Copy supplied.

Press release, *Harrison County Man Sentenced for Possessing Pipe Bomb*, United States Attorney's Office for the Eastern District of Texas, April 14, 2021. Copy supplied.

Press release, *Upshur County Man Guilty of Sexual Exploitation of a Child*, United States Attorney's Office for the Eastern District of Texas, April 14, 2021. Copy supplied.

Press release, *Wood County Woman Guilty of Stealing Stimulus Payment*, United States Attorney's Office for the Eastern District of Texas, April 14, 2021. Copy supplied.

Press release, *Sexual Predators Sentenced for Attempted Coercion and Enticement, Distribution of Child Pornography*, United States Attorney's Office for the Eastern District of Texas, April 6, 2021. Copy supplied.

Press release, *North Texas Man Pleads Guilty to His Involvement in Multi-Million Dollar International Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, April 2, 2021. Copy supplied.

Press release, *Colombian Soccer Star Sentenced in the Eastern District of Texas for Conspiracy to Import Cocaine into the United States*, United States Attorney's Office for the Eastern District of Texas, March 31, 2021. Copy supplied.

Press release, *Harrison County Meth Dealer Sentenced to Decade in Federal Prison Prosecution Comes as Part of "Operation Pine Curtain," a Multiagency Effort of Federal, State, and Local Law Enforcement*, United States Attorney's Office for the Eastern District of Texas, March 31, 2021. Copy supplied.

Press release, *Gregg County Man Guilty of Federal Drug Trafficking Violations*, United States Attorney's Office for the Eastern District of Texas, March 30, 2021. Copy supplied.

Press release, *Grayson County Man Receives Life Sentence for Drug Trafficking Enterprise*, United States Attorney's Office for the Eastern District of Texas, March 26, 2021. Copy supplied.

Press release, *Longview Brothers "Big Hub" and "Little Hub" Sentenced to Federal Prison in Separate Firearms-Related Cases*, United States Attorney's Office for the Eastern District of Texas, March 26, 2021. Copy supplied.

Press release, *Four East Texas Felons Sentenced to Prison for Federal Firearms Violations*, United States Attorney's Office for the Eastern District of Texas, March 26, 2021. Copy supplied.

Press release, *Gregg County Man Sentenced for Trafficking Nearly Two Kilograms of Methamphetamine*, United States Attorney's Office for the Eastern District of Texas, March 26, 2021. Copy supplied.

Press release, *Nigerian National in Collin County Sentenced for Multimillion-Dollar Fraud and Money Laundering Scheme Which Victimized Senior Citizens, School Districts, and Charities, Defendant Engaged in Identity Theft, Cyber Fraud, and Elder Fraud, Laundering Money for Overseas Co-Conspirators – Ordered to Serve 34 Years in Prison and Repay Close to \$2 Million*, United States Attorney's Office for the Eastern District of Texas, March 25, 2021. Copy supplied.

Press release, *Smith County Man Guilty of Federal Drug Trafficking Violations*, United States Attorney's Office for the Eastern District of Texas, March 25, 2021. Copy supplied.

Press release, *North Texas Woman Guilty in Multimillion-Dollar Conspiracy Involving the Sale of Forged Prescriptions*, United States Attorney's Office for the Eastern District of Texas, March 25, 2021. Copy supplied.

Press release, *Louisiana Woman Guilty in \$4.8 Million Elder Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, March 24, 2021. Copy supplied.

Press release, *Jefferson County Man Sentenced for Federal Firearms and Drug Violations*, United States Attorney's Office for the Eastern District of Texas, March 24, 2021. Copy supplied.

Press release, *El Paso Man Sentenced to Federal Prison for Money Laundering Connected to East Texas Meth Trafficking Ring, Prosecution Comes as Part of "Operation Patch Over," a Multiagency Narcotics and Money Laundering Investigation*, United States Attorney's Office for the Eastern District of Texas, March 24, 2021. Copy supplied.

Press release, *Upshur County Individuals Guilty of Conspiring to Commit ID Theft for COVID Economic Impact Payments*, United States Attorney's Office for the Eastern District of Texas, March 23, 2021. Copy supplied.

Press release, *Houston Man Pleads Guilty to Federal Charges Stemming From Insurance Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, March 23, 2021. Copy supplied.

Press release, *Van Zandt County Man Sentenced for Mail-Order Opioids*, United States Attorney's Office for the Eastern District of Texas, March 19, 2021. Copy supplied.

Press release, *Members of Harrison County Drug Ring Sentenced to Methamphetamine Trafficking, Prosecution the Result of "Operation Pine Curtain," a Joint Investigation of Federal, State, and Local Law Enforcement*, United States Attorney's Office for the Eastern District of Texas, March 12, 2021. Copy supplied.

Press release, *Dallas County Man Convicted at Trial for Child Enticement*, United States Attorney's Office for the Eastern District of Texas, March 12, 2021. Copy supplied.

Press release, *U.S. Attorney's Office Statement on the Passing of Clyde M. Siebman*, United States Attorney's Office for the Eastern District of Texas, March 8, 2021. Copy supplied.

Press release, *Bowie County Sex Offender Sentenced for Possessing Child Pornography*, United States Attorney's Office for the Eastern District of Texas, March 5, 2021. Copy supplied.

Press release, *Correctional Officer and Inmate Sentenced to Prison for Bribery and Smuggling Scheme*, United States Attorney's Office for the Eastern District of Texas, March 5, 2021. Copy supplied.

Press release, *Longview Sex Offender Sentenced to Federal Prison for Child Pornography Violations Following International Investigation, Offender Brought to Justice by Joint Operation of Homeland Security Investigations, INTERPOL, Thailand Department of Special Investigations, and Australian Federal Police*, United States Attorney's Office for the Eastern District of Texas, March 5, 2021. Copy supplied.

Press release, *Smith County Woman Sentenced for Methamphetamine Trafficking*, United States Attorney's Office for the Eastern District of Texas, March 4, 2021. Copy supplied.

Press release, *Mexican Drug Cartel Members Sentenced for Narcotics Trafficking in East Texas, Agree to Forfeit Millions in Illicit Drug Proceeds, Sentences Part of "Operation Dirty Bird" Anti-Drug and Money Laundering Investigation*, United States Attorney's Office for the Eastern District of Texas, March 4, 2021. Copy supplied.

Press release, *U.S. Attorney's Office Reminds East Texans to Beware of Social Security Scam Calls*, United States Attorney's Office for the Eastern District of Texas, March 4, 2021. Copy supplied.

Press release, *Members of White Supremacist Prison Gang Plead Guilty to Federal Charges of Violent Crime in Aid of Racketeering*, United States Attorney's Office for the Eastern District of Texas, March 4, 2021. Copy supplied.

Press release, *Eight Individuals Indicted for Transnational Drug Trafficking, Money Laundering, and Financial Crimes, Registration of Thousands of Aircraft in Onalaska, Texas Linked to Charged Misconduct*, United States Attorney's Office for the Eastern District of Texas, February 26, 2021. Copy supplied.

Press release, *Harrison County Woman Sentenced on Federal Methamphetamine Trafficking Charges*, United States Attorney's Office for the Eastern District of Texas, February 26, 2021. Copy supplied.

Press release, *U.S. District Judge Jason Pulliam Addresses Employees of Eastern District as Part of New EDTX Distinguished Speaker Series*, United States Attorney's Office for the Eastern District of Texas, February 24, 2021. Copy supplied.

Press release, *Convicted Murderer Pleads Guilty to Federal Firearms Charge*, United States Attorney's Office for the Eastern District of Texas, February 23, 2021. Copy supplied.

Press release, *Bank President's Arson and Fraud Scheme Goes Up in Smoke*, United States Attorney's Office for the Eastern District of Texas, February 23, 2021. Copy supplied.

February 21, 2021: Interview, KLTN News, Tyler, Texas. I was interviewed about how the public can best avoid and report consumer fraud in the wake of a natural disaster. I do not know when, or if, this segment aired. Notes supplied.

Press release, *Houston Women Sentenced for Trading Illegal Drugs for Automatic Weapons*, United States Attorney's Office for the Eastern District of Texas, February 19, 2021. Copy supplied.

Press release, *Vidor Woman Sentenced to Federal Prison for Opioid Overdose Deaths*, United States Attorney's Office for the Eastern District of Texas, February 19, 2021. Copy supplied.

Press release, *Grayson County Man Indicted for Producing Child Pornography*, United States Attorney's Office for the Eastern District of Texas, February 12, 2021. Copy supplied.

Press release, *Texas Men Sentenced in Counterfeit Identification Documents Conspiracy*, United States Attorney's Office for the Eastern District of Texas, February 12, 2021. Copy supplied.

Press release, *Couple Behind "My Buddy Loans" Indicted for Wire Fraud and Aggravated Identity Theft, Alleged Scheme Involved Single Largest Number of Individual Fraudulent EIDL Applications Associated with the CARES Act*, United States Attorney's Office for the Eastern District of Texas, February 10, 2021. Copy supplied.

Press release, *Father and Son Guilty of Defrauding Department of Housing and Urban Development Through Texarkana Alzheimer's Assisted Living Facility*, United States Attorney's Office for the Eastern District of Texas, February 10, 2021. Copy supplied.

Press release, *Jefferson County Engineer Guilty of More than \$10 Million Covid Relief Fraud*, United States Attorney's Office for the Eastern District of Texas, February 9, 2021. Copy supplied.

Press release, *Tyler County Meth Dealer Guilty of Drug Trafficking and Firearms Violations*, United States Attorney's Office for the Eastern District of Texas, February 8, 2021. Copy supplied.

Press release, *Cherokee County Domestic Violence Offender Sentenced for Possessing Firearm*, United States Attorney's Office for the Eastern District of Texas, February 2, 2021. Copy supplied.

Press release, *Smith County Lawyer Guilty of Employment Tax Violations*, United States Attorney's Office for the Eastern District of Texas, February 1, 2021. Copy supplied.

Press release, *Two More Individuals Plead Guilty in Connection with Health Care Kickback Conspiracy*, United States Attorney's Office for the Eastern District of Texas, January 26, 2021. Copy supplied.

Press release, *Human Trafficking Has No Home in the Eastern District of Texas*, United States Attorney's Office for the Eastern District of Texas, January 26, 2021. Copy supplied.

Press release, *Member of White Supremacist Prison Gang Guilty of Violent Crime in Aid of Racketeering*, United States Attorney's Office for the Eastern District of Texas, January 26, 2021. Copy supplied.

Press release, *Grayson County Man Sentenced for Trafficking Methamphetamine*, United States Attorney's Office for the Eastern District of Texas, January 26, 2021. Copy supplied.

Press release, *U.S. Attorney's Office Recovers Nearly \$70 Million in 2020*, United States Attorney's Office for the Eastern District of Texas, January 25, 2021. Copy supplied.

Press release, *Vidor Woman Sentenced to 15 Years in Federal Prison Following Opioid Overdose Deaths*, United States Attorney's Office for the Eastern District of Texas, January 25, 2021. Copy supplied.

Press release, *Jefferson County Man Sentenced to Federal Prison for Violent Carjacking*, United States Attorney's Office for the Eastern District of Texas, January 22, 2021. Copy supplied.

Press release, *North Texas Woman Sentenced to Federal Prison for Bankruptcy Fraud Scheme*, United States Attorney's Office for the Eastern District of Texas, January 21, 2021. Copy supplied.

March 7, 2019: Interview, KOB 4 News, Albuquerque, New Mexico. I was interviewed by local news about my appearance on a game show. I do not have a video of the segment.

February 23, 2019: Interview, *Who Wants to Be A Millionaire?*, Las Vegas, Nevada. I was interviewed about my personal background as part of my appearance as a contestant on a game show. I do not have a video of the segment.

Interview, *What It Takes To Be "40 Under Forty,"* Albuquerque Business First, May 5 – 12, 2017. Copy supplied.

October 8, 2011: Interview, Sky TV, Auckland, New Zealand. My friends and I were briefly interviewed, as Americans, about the 2011 Rugby World Cup. I have no notes, transcript, or recording. I do not know if the segment aired or, if so, what portions of the interview were used.

Interview, *Law Students, Profs Protest Iraq War*, The National Jurist, October 2004. Copy supplied.

Editorial Board, *Boalt Hall Spat Over Professor is Part of Learning*, Oakland Tribune, May 29, 2004. Copy supplied. Reprinted in multiple outlets.

Josh Richman, *Prof's Stance on Detainees Splits Students*, Tri-Valley Herald, May 26, 2004. Copy supplied. Reprinted in multiple outlets.

Claire Cooper, *Berkeley Professor Stays Cool Under Fire*, Sacramento Bee, May 26, 2004 at A3. Copy supplied.

August 2000 (approximately): Interview, Washington, D.C. My classmates and I were featured in an NPR news segment about American University's Campaign Management Institute. I do not recall the exact date, and I do not have a copy of the recording.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not previously served as a judge.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

- i. Of these cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ %

- ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ %

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused

yourself sua sponte;

- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In January 2025, I was appointed United States Attorney for the Southern District of Texas by the Acting Attorney General James McHenry.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In 2008, I served as Associate Counsel for the John McCain 2008 presidential campaign. The position was full-time, although unpaid. Since that time, I have served as a volunteer poll watcher in 2010, 2012, and 2016. I have not otherwise been formally affiliated with any campaign or candidate, nor held any title, nor been paid any compensation.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2005 to 2007, I served as a law clerk to the Honorable Ralph R. Erickson, United States District Court for the District of North Dakota (now Judge for the United States Court of Appeals for the Eighth Circuit).

From 2007 to 2008, I served as a law clerk to the Honorable Richard Allen Griffin, United States Court of Appeals for the Sixth Circuit.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not worked alone.
- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2008 – 2020
United States Attorney’s Office for the District of New Mexico
201 3rd Street N.W.
Suite 900
Albuquerque, New Mexico 87102
Assistant United States Attorney

2018 – 2019
United States Department of Justice
Office of Legal Policy
950 Pennsylvania Avenue N.W.
Suite 4234
Washington, D.C. 20530
Counsel (Detaillee)

2020 – 2021
United States Attorney’s Office for the Eastern District of Texas
350 Magnolia Avenue
Suite 150
Beaumont, Texas 7701
First Assistant United States Attorney (2020 – 2021)
Acting United States Attorney (January 2021 – November 2021)

2022 – 2025
Office of United States Senator Ted Cruz
167 Russell Senate Office Building
Washington, D.C. 20510
Chief Counsel

2025 – Present
United States Attorney’s Office, Southern District of Texas
1000 Louisiana Street
Suite 2300
Houston, Texas 77002
United States Attorney
- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant

matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

Upon graduation from law school in 2005, I had the good fortune to serve for two years as a law clerk for the Honorable Ralph R. Erickson, then-United States District Judge for the District of North Dakota, now Circuit Judge for the Court of Appeals for the Eighth Circuit. In that role, I was responsible for researching a myriad of legal issues, drafting memoranda, and providing legal advice to Judge Erickson. The specifics of the district made for a varied docket, comprised of all types of civil and criminal matters.

In 2007, after completing my clerkship with Judge Erickson, I was fortunate enough to have the opportunity to clerk for the Honorable Richard Allen Griffin of the United States Court of Appeals for the Sixth Circuit. Again, the docket was highly varied, with both civil and criminal cases, which themselves varied in complexity.

In 2008, I was appointed as an Assistant United States Attorney for the District of New Mexico. I began my career in Las Cruces, where I had a high-volume generalist criminal practice, including cases involving illegal firearms, human smuggling, illegal reentry, and narcotics. In 2009, I joined a specialized narcotics unit in Albuquerque, where I prosecuted both reactive drug cases and proactive, organizational narcotics investigations. These investigations typically involved leading a team of agents and task force officers to gather evidence, identify suspects, and develop the probable cause and legal necessity required for Title III wiretap authorization. These investigations often required multiple wiretaps, and each wiretap, in turn, required authorization from Department of Justice Headquarters in Washington, and the supervision of a United States District Judge. In my more than ten years as a line Assistant United States Attorney, I've worked with great law enforcement partners, such as FBI, HSI, the Postal Inspection Service, the Social Security Administration, ATF, Border Patrol, the Department of the Interior, DEA, and state and local law enforcement.

From June of 2018, I served on a 19-month detail as a counsel to the Department of Justice's Office of Legal Policy in Washington, D.C. My portfolio primarily consisted of the vetting of candidates seeking nomination to federal courts. I also provided assistance with criminal

justice policy work, as needed.

Following my detail, I briefly returned to the District of New Mexico, before detailing in 2020 to the United States Attorney's Office for the Eastern District of Texas as First Assistant United States Attorney and later Acting United States Attorney.

Following my time as Acting United States Attorney, I, in 2022, joined the Senate Judiciary Committee, serving as Chief Counsel to Senator Ted Cruz, as then-Ranking Member of the Subcommittee on the Constitution. My portfolio concerned matters related to criminal justice, border security, judicial nominations, antitrust, intellectual property and religious liberty. In January of 2025, I was appointed interim United States Attorney for the Southern District of Texas. In this role, I am the chief law enforcement official, and representative for the United States in legal matters, for this 9-million person district, which includes the City of Houston, a significant portion of the Texas-Mexico border, and almost the entirety of the Texas Gulf Coast.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My entire career has been spent in federal public service and therefore my clients have been the people of the United States.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|------|
| 1. | federal courts: | 100% |
| 2. | state courts of record: | ___% |
| 3. | other courts: | ___% |
| 4. | administrative agencies: | ___% |

- ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 15% |
| 2. | criminal proceedings: | 85% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried 11 cases to verdict as either first or second chair counsel.

i. What percentage of these trials were:

- | | | |
|----|-----------|------|
| 1. | jury: | 100% |
| 2. | non-jury: | __% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced in the Supreme Court.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *United States v. Zazueta, et al.*, 09-CR-2047 JCH (D.N.M.), before the Honorable Judith C. Herrera, United States District Court Judge; 2009 – 2011.

This case involved three defendants who transported bulk methamphetamine, secreted in the interior lining of a rental car. The stopping officer received permission from the driver and lawful renter of the vehicle, Eder Zazueta, to search the rental car. Upon searching the vehicle, the officer found a large quantity of methamphetamine hidden in the car's rear molding. The three defendants filed two motions to suppress the drug evidence, arguing that the initial stop, and the scope of the subsequent search, were constitutionally invalid under the Fourth Amendment. The United States responded, arguing the stop and search were constitutionally valid, but also arguing that the passengers, Defendants Diaz-Ortega and Barboa-Cecena, lacked standing to contest the search of the rental car. After a full evidentiary hearing, the district court denied Zazueta and Barboa-Cecena's claims, but granted the suppression motion of Diaz-Ortega, suppressing the evidence as to him, determining that he had not given valid consent to search the rental car. I filed a Motion for Reconsideration, reemphasizing that Diaz-Ortega and Barboa-Cecena, as non-renters of the rental car, lacked any standing, and therefore could not challenge the search of the vehicle as a matter of law, to which Diaz-Ortega responded. Finding the government's arguing compelling, the district court

ultimately reversed its earlier decision, and determined that Diaz-Ortega did not have standing to contest the search of the Zazueta's rental car. All three defendants eventually pled guilty, with Zazueta receiving a sentence of 135 months' imprisonment, and Diaz-Ortega and Barboa-Cecena each receiving a sentence of 63 months.

Counsel for Defendants:

Thomas B. Jameson
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Albuquerque, NM 87102
(505) 346-2489
Counsel for Defendant Zazueta

Erlinda O. Johnson
Law Office of Erlinda Ocampo Johnson, LLC
620 Roma Ave. N.W.
Albuquerque, NM 87102
(505) 792-4048
Counsel for Defendant Diaz-Ortega

Jean McCray
Law Office of Jean A. McCray
851 Silver Avenue, SW
Albuquerque, NM 87102
(505) 243-3488
Counsel for Defendant Barboa-Cecena

2. *United States v. Peterson, et al.*, 10-CR-1919 JB (D.N.M.), before the Honorable James O. Browning, United States District Judge; 2010 – 2014.

This case involved the interstate smuggling of drugs from Tucson, Arizona to Louisville, Kentucky, doing so through private aircraft. During one smuggling run, the aircraft, piloted by Peterson, attempted to land in Santa Rosa, New Mexico to refuel. A State Police patrolman, gave chase to the unidentified aircraft – literally down the runway – before the plane took flight once again. Without sufficient fuel to complete their journey, Peterson and his co-conspirator, Nolf, crash landed the aircraft on ranchland outside of Tucumcari, New Mexico. The rancher and his son spotted the aircraft crash, and saw the two men unload duffle bags full of marijuana from the plane. Pretending not to be suspicious for his and his son's safety, the rancher drove Peterson and Nolf into Tucumcari to a local hotel. He later informed the police. The police responded to the hotel and detained Peterson, but Nolf had fled. Nolf would remain a fugitive for more than six months, before his eventual arrest in Arizona. After the two were indicted, Nolf immediately pled guilty, and Peterson elected to go to trial. After extensive pretrial litigation, and just before trial, Peterson pled guilty, and was ultimately sentenced to 110

months' imprisonment. Peterson subsequently appealed his conviction, which I successfully defended.

Counsel for Defendants:

Billy R. Blackburn
 Billy Blackburn Law Office
 1011 Lomas Blvd. N.W.
 Albuquerque, NM 87102
 (505) 242-1600
 Co-Counsel for Defendant Peterson

Paul Linnenburger
 Rothstein Donatelli LLP
 1215 Paseo De Peralta
 P.O. Box 8180
 Santa Fe, New Mexico 87504
 (505) 988-8004
 Co-Counsel for Defendant Peterson

Alonzo Padilla
 Office of the Federal Public Defender
 111 Lomas Blvd. N.W.
 Suite 501
 Albuquerque, NM 87102
 (505) 346-2489
 Counsel for Defendant Nolf

3. *United States v. Bassols*, 10-CR-2077 JP (D.N.M.) (Parker, J.)

Bassols, and his co-defendant Aiello, were methamphetamine smugglers that routinely transported narcotics from Los Angeles to Miami. After being caught along Interstate 40 in New Mexico, Defendant Aiello elected to plead guilty, while Bassols chose to go to trial, where he was convicted. Mr. Bassols was later sentenced to 120 months' imprisonment. The case's importance, however, stems from a Motion to Suppress that Mr. Bassols filed, and to which I responded, that required the district court to determine, as a matter of first impression, the breadth of N.M. Stat. Ann. 66-7-317, Roadways Laned for Traffic. This traffic statute is one of the most common violations of the traffic code seen in drug interdiction cases. After much litigation, the district court issued a ruling that read the statute expansively, providing much needed clarification to a previously ambiguous law, and preserving essential evidence for the government's case.

Order denying Motion to Suppress available at 775 F. Supp. 2d 1293 (D.N.M. 2011).

Counsel for Defendants:

Daniel J. Tallon
6 Placitas West Road
Placitas, New Mexico 87043
(505) 867-1515
Counsel for Defendant Bassols

Martin Lopez, III
Martin Lopez, III, P.C.
1500 Mountain Rd. N. W.
Albuquerque, New Mexico 87104
(505) 243-2900
Counsel for Defendant Aiello

4. *United States v. Dean, et al.*, 11-CR-1670 JCH (D.N.M.), before the Honorable Judith C. Herrera, United States District Judge for the District of New Mexico; 2011 to 2018.

This case involved the investigation and prosecution of a methamphetamine distribution ring in the Los Lunas and Belen communities, supplied from sources from Mexico. The investigation involved multiple wiretaps, numerous undercover purchases, and confidential informant cooperation. At the time of his apprehension, Dean attempted to flee from DEA agents in his vehicle, and ultimately collided with another motorist, killing her. I prosecuted him on behalf of the United States in conjunction with the Thirteenth Judicial District Attorney's Office, as they maintained jurisdiction over Dean's vehicular manslaughter charges. Dean was ultimately sentenced to twenty years in federal prison on his drug and conspiracy charges.

Counsel for Defendants:

Jacquelyn Robins
Jacquelyn Robins Law Firm
812 Marquette N.W.
Albuquerque, NM 87102
(505) 242-5359
Counsel for Defendant Dean

James Baiamonte
Deceased
Counsel for Defendant Diaz

Keith R. Romero
Keith R. Romero Law Office
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(505) 244-7636
Counsel for Defendant Estrada

Edward O. Bustamante
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Counsel for Defendant Miranda

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Daniel J. Tallon
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Counsel for Defendant Huynh

5. *United States v. Moreno*, 12-CR-694 JP (D.N.M.), before the Honorable James A. Parker, Senior United States District Court Judge; 2012 – 2015.

Moreno was a prolific methamphetamine dealer, operating in the Farmington, New Mexico area. After an exhaustive investigation and surveillance of Moreno, a state and local drug task force executed a search warrant on Moreno's residence and rented storage locker, resulting in the seizure of a distributable amount of cocaine, a bulk quantity of methamphetamine, approximately \$70,000 in cash, two pistols, eight long rifles, three

shotguns, and four assault rifles. As a convicted felon, Moreno was prohibited from owning firearms. After extensive preparation, Moreno pled guilty on the eve of trial. He was ultimately sentenced to a term of 15 years' imprisonment. Moreno later filed a motion to vacate his sentence under 28 U.S.C. § 2255, alleging ineffective assistance of counsel. I successfully defended Moreno's conviction against this challenge.

Co-Counsel:

Samuel Hurtado
United States Attorney's Office for the District of New Mexico
201 3rd Street N.W.
Suite 900
Albuquerque, NM 87102
(505) 346-7274

Counsel for Defendant:

James Baiaamonte
Deceased

6. *United States v. Medina-Moncivais, et al.*, 13-CR-3160 WJ (D.N.M.), before the Honorable William P. Johnson, United States District Judge; 2013 – 2015.

This case concerned the wiretap interception of a cocaine dealer, Medina-Moncivais. This interception revealed that Medina-Moncivais obtained bulk cocaine from the home of Bustillos-Dominguez, who was, in turn, sourced by Orona-Cota. Agents of the Drug Enforcement Administration were able to arrange for the undercover purchase of a kilogram of cocaine from Medina-Moncivais, at which time he was arrested. Agents learned that the vehicle that Medina-Moncivais drove to the purported drug deal was owned by a family member of Bustillos-Dominguez. Concerned that Bustillos-Dominguez would grow suspicious when Medina-Moncivais did not return with either the money or the family vehicle, and might destroy evidence as a result, agents entered Bustillos-Dominguez's home and secured the premises until a search warrant for the home could be obtained. Bustillos-Dominguez challenged the constitutionality of his arrest and subsequent confession, as the evidentiary "fruit" of an illegal entry into his home. After briefing the issue and an evidentiary hearing, the United States prevailed against Bustillos-Dominguez's Motion to Suppress. All three defendants pled guilty shortly thereafter.

Counsel for Defendants:

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Counsel for Defendant Medina-Moncivais

Raul A. Lopez
Raul A. Lopez, Attorney at Law
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Counsel for Defendant Bustillos-Dominguez

Erlinda O. Johnson
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Counsel for Defendant Orona-Cota

7. *United States v. Montoya, et al.*, 14-CR-4210 JP (D.N.M.), before the Honorable James A. Parker, Senior United States District Judge; 2015.

I inherited this case after prior government counsel left our office. This previous AUSA had indicted two defendants, Montoya and Gomez, with conspiracy to distribute 500 grams and more of methamphetamine. Specifically, it was alleged that Montoya had Gomez ship bulk methamphetamine from Mesa, Arizona to Albuquerque, New Mexico, via UPS. Counsel for Gomez contacted me and stated his belief that Gomez was factually innocent, and her indictment was premised on mistaken eyewitness identification. Although skeptical, I worked with my case agent, Gomez's counsel, and the defense investigator to explore Gomez's claims of innocence. After thoroughly investigating the matter and interviewing multiple witnesses in two states, we were able to identify the woman who had actually shipped the methamphetamine from Arizona, and for whom Gomez had been mistaken. Upon being interviewed by my case agent, this woman admitted her role in the offense. Because of the cooperation between both the government and the defense, we were able to prevent Gomez's wrongful conviction and incarceration.

Counsel for Defendants:

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Albuquerque, NM 87123
Counsel for Defendant Gomez

James C. Loonam
Federal Public Defenders Office
District of New Mexico

111 Lomas Blvd N.W.
Suite 501
Albuquerque, NM 87102
Counsel for Defendant Montoya

8. *United States v. Williams, et al.*, 16-CR-1097 JCH (D.N.M.), before the Honorable Judith C. Herrera, United States District Judge; 2017 – 2018.

Defendant Henry was indicted for interstate sex trafficking of children by means of force, threats, fraud, or coercion. Specifically, it was alleged that Henry was a “pimp,” and that he recruited and trafficked a 13-year old girl via internet advertisements in New Mexico and California. After extensive pretrial litigation, the matter proceeded to trial. After jury selection, but prior to opening statements, Henry elected to plead guilty. He was ultimately sentenced to a term of 20 years’ imprisonment.

Co-Counsel:

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Counsel for Defendant:

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Co-Counsel for Defendant Henry

Carter B. Harrison, IV
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Co-Counsel for Defendant Henry

9. *United States v. Torrez*, 16-CR-0463 MCA (D.N.M.), before the Honorable M. Christina Armijo, United States District Judge; 2018.

This tragic case concerned a “road rage” incident in which the defendant, Torrez, shot at another vehicle in a fit of anger, striking and killing four-year-old Lilly Garcia. Torrez

fled the scene. Acting on a tip, Albuquerque Police executed a search of Torrez's home and vehicles. From these searches, law enforcement recovered evidence consistent with drug trafficking, specifically, bulk marijuana, \$65,000 in cash, two assault rifles, a revolver, body armor, and the handgun Torrez used to murder Lilly Garcia. The United States indicted Torrez on federal drug and gun charges, while the State of New Mexico charged Torrez for the separate crime of shooting and killing Lilly Garcia. Torrez ultimately pled to second degree murder in state court and was sentenced to 16 years' imprisonment. Torrez later pled guilty to the federal charges. The chief issue at sentencing was whether to run the federal sentence concurrent with, or consecutive to, the state murder sentence. After briefing by the parties, the district court ultimately imposed the sentence urged by the United States, that of 101 months' imprisonment, to run wholly consecutive to Torrez's state sentence.

Co-Counsel:

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(505) 346-7274

Counsel for Defendant:

Honorable Zachary A. Ives
(Formerly of Zach Ives Law)
New Mexico Court of Appeals
237 Don Gaspar Avenue
Santa Fe, NM 87504

10. *United States v. Gomez-Azarte*, 19-2119; *United States v. Martinez-Torrez*, 19-2121, before the Honorable Carlos Lucero, United States Circuit Judge, the Honorable Robert E. Bacharach, United States Circuit Judge, and the Honorable Paul Kelly, Senior United States Circuit Judge; 2020.

These two related criminal appeals were joined for purposes of oral argument and disposition. The two defendants conditionally pled to conspiracy to possess with intent to distribute methamphetamine, doing so after the district court's denial of their motions to suppress. The defendants were arrested after police located drugs secreted in the bumper of their car. The defendants argued that the initial traffic stop was unlawful, challenging both the factual basis for the stop and the district court's legal interpretation of the applicable traffic law. The defendants additionally argued that the consent to search they provided the police was not freely given and that the search the police ultimately conducted was not within the scope of their consent. I successfully argued against each of these claims, resulting in a published opinion.

The opinion can be found at 981 F.3d 832 (10th Cir. 2020).

Counsel for Defendants:

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Counsel for Defendant-Appellant Gomez-Azarte

Sylvia Baiz
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Counsel for Defendant-Appellant Medina-Torrez

18. Legal Activities: Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As United States Attorney, in addition to overseeing the litigation of the office, I am also responsible for charting the overall strategy for the office, resource allocation, and the hiring of legal talent.

As Chief Counsel to the Subcommittee on the Constitution for the Senate Judiciary Committee, I advised on varied subject matters, including criminal justice, border security, judicial nominations, antitrust, intellectual property and religious liberty. I assisted in drafting legislation and preparing the Senator for hearings.

As a counsel to the Office of Legal Policy, I primarily dealt with judicial nomination, but I also advised on criminal justice policy matters.

As an Assistant United States Attorney, I would advise and assist law enforcement agencies on ongoing investigations and potential targets.

As a law clerk at both the district court and circuit levels, I would conduct research and draft memoranda for use by the judge.

I have not performed any lobbying activities.

19. Teaching: What courses have you taught? For each course, state the title, the institution

at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

From the Fall Semester of 2012, through the Spring Semester of 2018, I taught *Law in the Political Community* at the University of New Mexico. The class was an upper-division political science course that provides a broad overview of the subjects one would study in their first year of law school, specifically, Criminal Law, Torts, Contracts, Criminal Procedure, Property, and Constitutional Law. Many, if not most, of the students are considering entering law school upon graduation, and this course serves as their first foray into legal studies. A representative syllabus is supplied.

During the Spring Semester of 2007, I taught *Constitutional Law: First Amendment* at the University of North Dakota, School of Law. This course explored the practical applications of the protections and freedoms guaranteed by the First Amendment. The course syllabus is supplied.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Because of my federal government service, I will be entitled to receive a pension under the Federal Employees Retirement System.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I do not have any plans, commitments, or agreements to pursue outside employment in the future.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally submitted to the Senate, I will file my mandated Financial Disclosure Report and supply a copy to this Committee.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

Cases most likely to implicate conflict questions would be those related to my service as an attorney within the Department of Justice. To determine whether I would need to recuse, I would consult 28 U.S.C. § 455(a) & (b)(3), Canon 3C of the Code of Conduct for United States Judges, and all other applicable rules or canons. I would also consult any judicial decisions or Judicial Conference opinions addressing similar factual circumstances as those raised in the particular case. I will evaluate any other real or potential conflict, or a relationship that could give rise to an appearance of conflict, on a case-by-case basis and take appropriate action, including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts of interest by reference to 28 U.S.C. § 455, all applicable canons of the Code of Conduct for United States Judges, and any and all other laws, rules, practices, and procedures governing circumstances relating to real or potential conflicts of interests.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

For much of my professional career, I have worked for the Department of Justice. Because of my positions with the Department, I generally have been restricted from engaging in the practice of law on behalf of any entity other than the federal government. Given that, I was previously extensively involved in charitable activities, albeit in a non-legal capacity. My primary way of giving back over the past decade has been as a member, board member, Club Secretary and Vice President in the Active 20-30 Club of Albuquerque. This organization was comprised of Albuquerque professionals in their twenties and thirties that are committed to improving the lives of the youth of Albuquerque, particularly those that are disadvantaged.

Lastly, I am proud to have taught a pre-law course at the University of New Mexico for 12 semesters, helping to kindle an interest in the law among my students. Indeed, many have not only attended law school, but have graduated and begun to practice law themselves.

26. **Selection Process:**

a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In January of 2025, Senators Cruz and Cornyn announced on their websites they were accepting applications for Texas judicial vacancies. I submitted an application for a judicial position on February 26, 2025. I subsequently was invited to interview with Texas' Federal Judicial Evaluation Committee (FJEC), doing so on April 25, 2025. This committee subsequently recommended me to the two Senators, with whom I interviewed on July 15, 2025. I interviewed with attorneys from the White House Counsel's Office on October 7, 2025. Since then, I have been in contact with officials from the White House Counsel's Office and the Justice Department's Office of Legal Policy regarding the nomination.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		11	691	Notes payable to banks-secured (auto)			
U.S. Government securities				Notes payable to banks-unsecured		24	205
Listed securities – see schedule		901	985	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due			
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule		40	918
Real estate owned – see schedule		314	000	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		18	600	-- Student Loans		35	360
Cash value-life insurance							
Other assets itemize:							
				Total Liabilities		100	483
				Net Worth	1	145	793
Total Assets	1	246	276	Total Liabilities and Net Worth	1	246	276
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT**NET WORTH SCHEDULES**Listed Securities

Thrift Savings Plan (Estimated)	\$600,000
Vanguard 500 Index Admiral Fund	216,858
Vanguard 529 College Savings Fund #1	6,698
Vanguard 529 College Savings Fund #2	6,931
Vanguard Energy ETF	3,721
Invesco QQQ ETF	4,417
IShares Silver Trust ETF	262
Amazon.com, Inc. Stock	13,321
American Express Co. Stock	3,034
Barrick Mining Corp. Stock	534
Berkshire Hathaway, Inc. Class B Stock	6,878
Brinker International, Inc. Stock	2,936
Chipotle Mexican Grill, Inc. Class A Stock	6,354
ConocoPhillips Stock	3,445
Costco Wholesale Corp. Stock	1,963
Chevron Corp. Stock	2,522
Darden Restaurants, Inc. Stock	1,962
Exxon Mobil Corp. Stock	2,219
Ford Motor Co. Stock	649
Genko Shipping & Trading, Inc. Stock	112
Home Depot, Inc. Stock	5,791
Jack in the Box, Inc. Stock	299
Novo Nordisk Stock	1,267
Nvidia Corp. Stock	7,262
Southwest Airlines Co. Stock	2,550
Total Listed Securities	<u>\$901,985</u>

Real Estate Owned

Rental Property	<u>\$314,000</u>
Total Real Estate Owned	<u>\$314,000</u>

Real Estate Mortgages Payable

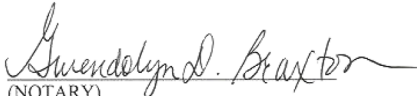
Rental Property – Mortgage	<u>\$40,918</u>
Total Real Estate Mortgages Payable	<u>\$40,918</u>

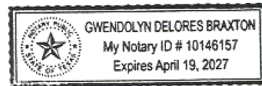
AFFIDAVIT

I, Nicholas J. Ganjei, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

October 21, 2025
(DATE)


(NAME)


(NOTARY)



Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Nicholas Jon Ganjei
Nominee to be U.S. District Judge for the Southern District of Texas
November 26, 2025

1. According to your Senate Judiciary Questionnaire, you spent a year working as a researcher for Professor John Yoo. Mr. Yoo served in the Justice Department's Office of Legal Counsel and infamously drafted the so-called "Torture Memos" that offered a legal justification for the torture of certain detainees. Another Bush appointee, Jack Goldsmith, later withdrew these memos and described them as, "tendentious, overly broad and legally flawed." They are rightly viewed as a stain on this nation's history. You previously defended John Yoo.

Please tell us whether you now agree with Jack Goldsmith's conclusion that Mr. Yoo's Torture Memos were legally flawed.

Response: I am not familiar with the specifics of Mr. Goldsmith's legal reasoning underlying his opinion and I am therefore unable to offer a comment.

2. In the aftermath of the January 6 attack on the U.S. Capitol, U.S. Attorneys' Offices around the country prosecuted rioters for assaulting law enforcement and other criminal acts.

- a. **In your role at the U.S. Attorney's Office for the Eastern District of Texas, did you personally handle, supervise, or advise on any cases involving individuals who were present at the January 6 riot at the U.S. Capitol?**

Response: The Eastern District of Texas did not prosecute any individuals present at the U.S. Capitol on January 6th, and my understanding is that all such prosecutions were handled by the United States Attorney's Office for the District of Columbia. The defendants in such cases resided throughout the country, so the Eastern District would have provided assistance in the execution of warrants within its district and other preliminary matters, as it would in any other case prosecuted by an out-of-district entity. I did not personally handle, supervise, or advise on any such matters.

Former Acting Deputy Attorney General Emil Bove previously directed a U.S. Attorney to fire dozens of line prosecutors who had worked on January 6 cases. Mr. Bove also sought the names of thousands of FBI employees who had worked on investigations into January 6 rioters and accused these career public servants of "weaponiz[ing]" the FBI against these violent offenders.

- b. **As a federal prosecutor, do you believe an order firing prosecutors simply for handling cases that were assigned to them is appropriate?**

Response: I am not familiar with the reasons underlying the termination of the specific employees you describe. Generally, absent ethical or legal concerns, prosecutors are expected to prosecute cases assigned to them.

- c. Do you believe your colleagues or the FBI investigators with whom they worked on January 6 cases “weaponized” the justice system against January 6 offenders?**

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- 3. In 2018, you donated \$1,250 to Steve Pearce’s campaign for Governor of New Mexico. Mr. Pearce had cast doubt on whether President Obama had been born in the United States and wrote in his book that women should “voluntarily submit” to their husbands.**

Do you agree with these statements by Pearce?

Response: I am not familiar with the statements you describe, nor have I read the book that you mention and therefore cannot offer a comment or opinion.

- 4. In March 2021, you, along with other members of Texas law enforcement, were copied on a letter from the Georgetown Institute for Constitutional Advocacy and Protection regarding unlawful militias operating in Texas. The letter described how these anti-government paramilitary groups had ties to January 6 rioting and other violent acts.**

- a. After receiving this letter, did you instruct your office to take any actions to investigate these violent militias, their violence on January 6, or other threats posed by these groups?**

Response: I am not familiar with the letter you describe and do not recall having received or read such a letter.

- b. If so, please describe your office’s work and its findings.**

Response: Please see my response to Question 4(a).

- c. If not, please explain why you did not feel the need to investigate this domestic terrorism and anti-government activity.**

Response: Please see my response to Question 4(a).

- 5. Did President Trump lose the 2020 election?**

Response: Joseph Robinette Biden, Jr. was certified the winner of the 2020 election.

6. Where were you on January 6, 2021?

Response: Beaumont, Texas.

7. Do you denounce the January 6 insurrection?

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

8. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: Article II, Section 2, Clause 1 of the U.S. Constitution empowers the President to issue pardons. Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

9. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

Response: A party that disagrees with a court order has a number of options, including seeking a stay or appeal, or moving for reconsideration of the court's order.

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: In almost all instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, there are some potential exceptions to this general rule, including lack of jurisdiction or impossibility. The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information.”).

- c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?**

Response: The judicial branch is the part of government empowered to issue federal court orders, and there is a review scheme through which courts can evaluate whether lower-court orders or their own prior orders are lawful.

- 10. District judges have occasionally issued non-party injunctions, which may include “nationwide injunctions” and “universal injunctions.”**

- a. Are non-party injunctions constitutional?**

Response: In *Trump v. CASA*, 145 S. Ct. 2540 (2025), the Supreme Court held that injunctions granted under a court’s equitable powers are suspect when they go beyond granting complete relief to the parties before the court. There are still open legal questions about constitutional and statutory limits on the scope of equitable relief. To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

- b. Are non-party injunctions a legitimate exercise of judicial power?**

Response: Please see my response to Question 10(a).

- c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?**

Response: Please see my response to Question 10(a).

- d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.**

Response: No, I don’t believe so.

- 11. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.**

Response: No.

- 12. Does the U.S. Constitution permit a president to serve three terms?**

Response: Section 1 of the Twenty-Second Amendment to the Constitution states, in relevant part, that “[n]o person shall be elected to the office of the President more than twice.”

13. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”¹

- a. **Do you agree that these federal judges are “USA HATING” and “MONSTERS” who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?**

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- b. **Do you believe this rhetoric endangers the lives of judges and their families?**

Response: Please see my response to Question 13(a).

14. In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”² and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”³

- a. **Do you agree that these judges are engaged in a “judicial coup” and that “we are living under a judicial tyranny”?**

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- b. **Do you believe this rhetoric endangers the lives of judges and their families?**

Response: Please see my response to Question 14(a).

- c. **Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?**

¹ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

² Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

³ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

Response: Please see my response to Question 14(a).

15. When, if ever, may a lower court depart from Supreme Court precedent?

Response: It is never appropriate for a lower court to depart from Supreme Court precedent.

16. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?

Response: If I were fortunate enough to be confirmed as a district court judge, I will not be in a position to overturn or consider overturning circuit court precedent. The Fifth Circuit may choose to revisit or overturn its own precedent by convening *en banc*.

17. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: If I were fortunate enough to be confirmed as a district court judge, I will not be in a position to overturn or consider overturning Supreme Court precedent. The Supreme Court discussed the circumstances in which it will overturn one of its own precedents. *See Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022).

18. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

- a. *Brown v. Board of Education*
- b. *Plyler v. Doe*
- c. *Loving v. Virginia*
- d. *Griswold v. Connecticut*
- e. *Trump v. United States*
- f. *Dobbs v. Jackson Women's Health Organization*
- g. *New York State Rifle & Pistol Association, Inc. v. Bruen*
- h. *Obergefell v. Hodges*
- i. *Bostock v. Clayton County*
- j. *Masterpiece Cakeshop v. Colorado*
- k. *303 Creative LLC v. Elenis*
- l. *United States v. Rahimi*
- m. *Loper Bright Enterprises v. Raimondo*

Response: All Supreme Court precedent is binding on lower courts, and I would fairly and faithfully apply all Supreme Court precedent. Consistent with the approach followed by many judicial nominees before me, in general, I cannot appropriately comment on whether a given Supreme Court precedent is correctly decided. There are limited exceptions to that general proposition, and *Brown v. Board of Education* and *Loving v. Virginia* are two such exceptions. *Brown v. Board of Education* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme

Comi precedent is correctly decided, numerous nominees have made an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that *Brown* and *Loving* were correctly decided.

19. With respect to constitutional interpretation, do you believe judges should rely on the “original meaning” of the Constitution?

Response: The Supreme Court has recognized that the original public meaning of a constitutional provision is an important inquiry when evaluating the scope of that provision. *See, e.g., New York State Rifle & Pistol Ass’n. v. Bruen*, 597 U.S. 1 (2022). I would follow Supreme Court and Fifth Circuit precedent as to the scope and application of such an analysis.

20. How do you decide when the Constitution’s “original meaning” should be controlling?

Response: Please see my response to Question 19.

21. Does the “original meaning” of the Constitution support a constitutional right to same-sex marriage?

Response: The Supreme Court has addressed this issue. In *Obergefell*, the Supreme Court stated that it “holds same-sex couples may exercise the fundamental right to marry in all States” and “hold[s] . . . that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character.” 576 U.S. 644, 681 (2015). *Obergefell v. Hodges* is a binding precedent of the Supreme Court, and if I am confirmed as a district court judge, I will follow all Supreme Court precedent.

22. Does the “original meaning” of the Constitution support the constitutional right to marry persons of a different race?

Response: The Supreme Court has already addressed this issue. In *Loving v. Virginia*, the Supreme Court recognized that the Constitution prohibits state law from barring interracial couples from marrying.

23. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The Fourteenth Amendment states, “nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” U.S. Const. amend. XIV, § 1. The application of those portions of the Fourteenth Amendment have been perhaps the most-discussed constitutional issues of the past century and thus cannot be readily synthesized

in the context of this question. If confirmed as a district court judge, I would be bound to apply all Supreme Court and Fifth Circuit caselaw regarding such matters.

24. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has applied these constitutional provisions to cases involving claims of discrimination based on sex and sexual orientation. *See, e.g., United States v. Virginia*, 518 U.S. 515 (1996); *Lawrence v. Texas*, 539 U.S. 558 (2003). As a district court judge, I would be bound to apply all Supreme Court and Fifth Circuit caselaw regarding such a question.

25. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my response to Question 19.

26. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my response to Question 19. To the extent this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

27. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment states: “Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” If I am confirmed as a district court judge, I would faithfully apply the relevant and governing First Amendment precedent of the Supreme Court and the Fifth Circuit.

28. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: Several recent Supreme Court cases have addressed speech and whether it is “content-based” or “content-neutral,” including *TikTok Inc. v. Garland*, 604 U.S. 56 (2025), among others. According to the Supreme Court, “[c]ontent-based laws—those that target speech based on its communicative content—are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Id.* at 70 (quoting *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015)). “Content-neutral laws, in contrast, ‘are subject to an intermediate level of scrutiny because in most cases they pose a less substantial risk of

excising certain ideas or viewpoints from the public dialogue.” *Id.* (quoting *Turner Broadcasting System, Inc. v. FCC*, 512 U.S. 622, 641 (1994)). I will apply the precedent of the Supreme Court and the Fifth Circuit in determining whether a law that regulates speech is “content-based” or “content-neutral.”

29. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: The Supreme Court has addressed “true threats” in cases such as *Counterman v. Colorado*, 600 U.S. 66 (2023), and *Elonis v. United States*, 575 U.S. 723 (2015).

30. Is every individual within the United States entitled to due process?

Response: The Supreme Court has held that “the Due Process Clause applies to all ‘persons’ within the United States.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). I would follow all binding Supreme Court and Fourth Circuit precedent on this topic. To the extent this question asks that I opine on a matter of political controversy or a matter that could come before me should I be confirmed, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

31. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: The answer to this question may depend on, among other things, treaties and reciprocal agreements. I am aware that the above question has been the subject of recent litigation. As a result, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

32. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: I am aware that the above question has been the subject of recent litigation. As a result, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?**

Response: Please see my response to Question 32(a).

- 33. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.**

Response: No one should be excluded from judicial service based on characteristics like sex, race, or ethnicity. Lawyers of many different backgrounds, including those pursuing law as a second career, or who studied at non-T-14 law schools, can add a valuable perspective to the federal bench.

- 34. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.**

- a. How do you view the role of federal judges in implementing the *First Step Act*?**

Response: It is the role of a federal judge to faithfully, fairly, and impartially apply all laws, including the *First Step Act*, as written to the facts of the case and controversy before them. In discharging this duty, the judge must apply the law without considering their own personal or policy views.

- b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?**

Response: If I am fortunate enough to be confirmed as a district judge, every sentence I would impose would be the product of an individualized assessment, based on the unique facts and circumstances of each defendant, and would be determined in accordance with the sentencing factors set forth in 18 U.S.C. § 3553(a).

35. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”

- a. In your Questionnaire, you state that you are currently or were previously a member of the Federalist Society. What is your understanding of “traditional values”?**

Response: I am not familiar with this statement you describe or what was intended by the use of the term in this particular context.

- b. President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.⁴**

- i. Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?**

Response: This question calls for a response that could be seen as opining on political matters, the statements made by individuals in a political branch, or pending litigation, and thus I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct Judges, Canons 3(A)(6), 5.

- ii. Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?**

Response: This question calls for a response that could be seen as opining on political matters, the statements made by individuals in a political branch, or pending litigation, and thus I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct Judges, Canons 3(A)(6), 5.

- iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: If confirmed, I would evaluate my affiliations for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

⁴ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

- c. During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: I am not aware of whether any given person is “associated with” the Federalist Society, an organization that I understand to have thousands of members. I have many friends who are members of the organization, and I have spoken with some of them about my selection process. I do not believe I have ever met or spoken to either Mr. Leo or Mr. Calabresi.

- d. Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: As noted in my questionnaire, I have been a member of the organization for many years, and I have attended and spoken at a variety of events.

- e. Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

Response: No.

- 36. The Teneo Network states that its purpose is to “Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”**

- a. In your Questionnaire, you state that you are currently or were previously a member of the Teneo Network. How many meetings have you attended since joining?**

Response: I believe I have attended a total of four events.

- b. During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.**

Response: I have casually spoken to friends who are members of the Teneo Network, who have reached out to congratulate me after news of my nomination became public.

- c. Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?**

Response: I attended a casual dinner of a handful of Houston-area Teneans where I discussed my work as United States Attorney for the Southern District of Texas.

- d. Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?**

Response: No.

- 37. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: Although I have several friends who work or have worked at the Heritage Foundation or Heritage Action, I do not know the full universe of who may be “associated” with the two organizations. I had numerous friends and colleagues reach out to congratulate me on my nomination once news became public, some of whom formerly worked for the Heritage Foundation.

- b. Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No.

- d. Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: No.

- 38. The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.**

Response: While I do not know everyone who is or was “associated” with AFPI, I did correspond with the (now former) Chief Counsel for Senator Cruz, an alumnus of AFPI, who was the designated point of contact for judicial applications.

- b. Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

Response: No.

- 39. The America First Legal Institute (AFLI) states that it seeks to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.**

Response: I am not aware of whether any given person is “associated with” AFLI, but not to my knowledge.

- b. Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

During my time as Chief Counsel for Senator Cruz, AFLI served as counsel of record for several amicus briefs filed by Senator Cruz.

- c. Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

Response: No.

- 40. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: I, and other members of my office, have spoken to Mr. Davis in a professional capacity regarding a case matter. I have never spoken to Mr. Davis in regard to my nomination.

- b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?**

Response: No.

- 41. The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: While I do not know everyone who is or was “associated” with ADF, I believe I received a message or two from members or alumni congratulating me on my nomination.

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: No.

- 42. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.**

- a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.**

Response: I am not aware of whether any given person is “associated with” the Concord Fund or the 85 Fund, but not to my knowledge.

- b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?**

Response: No.

- d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: If confirmed, I would be guided by the Code of Conduct for United States judges, which states, “a judge should not personally participate in fund-raising activities, solicit funds for any organization, or use or permit the use of the prestige of judicial office for that purpose. A judge should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fund-raising mechanism.” To the extent that this question calls for a response that could be seen as opining on political matters or potential future cases, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: Please see my response to Question 42(d). If confirmed, I will address all actual or potential conflicts by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

- f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?**

Response: Please see my response to Question 42(d).

Nomination of Nicholas Jon Ganjei
Nominee to the United States District Court for the Southern District of Texas
Questions for the Record
Submitted November 26, 2025

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. The U.S. Marshals Service is responsible for ensuring the safety of federal judges, including investigating threats against judges. In a threat investigation, would you expect the U.S. Marshals and FBI to investigate any party they have reason to believe is complicit or culpable, including under RICO and conspiracy statutes, in addition to the individual who made the threat?

Response: I would expect the U.S. Marshals Service to follow all applicable procedures and utilize all investigative methods they believe appropriate in a given case.

2. Have you had any conversations with President Trump or members of the Trump administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.

Response: No.

3. You said in your questionnaire that you were a member of the Federalist Society from 2008 to 2009 and from 2016 to present.

- a. Do you know Leonard Leo? If so, how do you know Leo?

Response: No. I do not believe I have ever met Mr. Leo.

- b. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

Response: No. I do not believe I have ever spoken to Mr. Leo.

4. You said in your questionnaire that you have been a member of the Teneo Network since 2022.

- a. Why did you join this group?

Response: I joined Teneo in order to have the opportunity to meet and interact with accomplished men and women of the same age cohort who work in fields outside of the law.

- b. What activities have you engaged in as part of the Teneo Network?

Response: I have attended approximately two dinners and two annual retreats.

- c. Have you participated in creating any agenda for the Teneo Network? If yes, please describe.

Response: No.

- d. Have you participated in any fundraising for the Teneo Network? If yes, please describe.

Response: No.

- e. Did your affiliation with Teneo Network play a role in securing your judicial nomination?

Response: No, not to my knowledge.

- 5. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

- a. Leonard Leo?

Response: I have not spoken to Mr. Leo regarding my nomination.

- b. Anyone affiliated with an entity led or funded by Leonard Leo?

Response: I do not know every group led or funded by Mr. Leo, nor do I know every person “affiliated” with such organizations, but my answer, to the best of my knowledge, is no.

- c. Carrie Severino?

Response: I have not spoken to Mrs. Severino regarding my nomination.

- d. Mike Davis?

Response: I have not spoken to Mr. Davis regarding my nomination.

- e. Anyone affiliated with The Article III Project?

Response: I do not know every person “affiliated” with The Article III Project, but my answer, to the best of my knowledge, is no, I have not spoken with anyone at The Article III Project regarding my nomination.

- 6. Your questionnaire indicates that you were a 2019 Lincoln Fellow at the Claremont Institute, where John Eastman is a Senior Fellow and the Founding Director of the Institute’s Center

for Constitutional Jurisprudence.

- a. Do you know John Eastman? If so, how do you know John Eastman?

Response: I do not believe I have ever met Mr. Eastman.

- b. Did you ever communicate with Eastman about any purported election irregularities or any other basis upon which to dispute the results of the 2020 election and certification of Joseph Biden by the Electoral College as the winner of the 2020 election? If so, please describe the communication(s) with specificity.

Response: No.

7. In December 2014, while serving as an Assistant U.S. Attorney, were you arrested and charged with driving while intoxicated, speeding, driving on the wrong side of the road, and having no proof of insurance?

Response: In December 2014, I was charged with misdemeanor DUI, speeding, improper lane change, and not having my current insurance card in my vehicle. I was never charged with driving on the wrong side of the road. I contested all charges and they were ultimately dismissed in full, without any admission of guilt, diversion program, or other negative adjudication. The matter was later expunged by the State of New Mexico. This information was already provided to the Senate Judiciary Committee.

Senate Judiciary Committee
Nomination Hearing
November 19, 2025
Questions for the Record
Senator Amy Klobuchar

For Nicholas Ganjei, to be U.S. District Judge for the Southern District of Texas

1. In May, Chief Justice Roberts said that “in our Constitution...the judiciary is a co-equal branch of government, separate from the others, with the authority to interpret the Constitution as law - and strike down acts of Congress or acts of the President.” He also said that part of the job of the courts was to “check the excesses of Congress or the executive and that does require a degree of independence.”

- Do you agree with the Chief Justice?

Response: As the Chief Justice indicated, it is the role of the judiciary to decide cases and controversies.

- What are your views on the importance of the independence of the judiciary?

Response: Judicial independence is a key feature of our constitutional order, and is written into our Constitution in the form of lifetime appointments and salary protection for judicial officers, *see* Article III, Section 1.

2. Since the start of this administration, President Trump has frozen at least \$425 billion in federal funding that Congress appropriated. This includes funding for cancer research, public safety grants including COPS grants and VAWA grants, funding that farmers and local agriculture depends on, and even funding for services at the Department of Veterans Affairs.

- What provision of the Constitution empowers the President to withhold funds appropriated by Congress?

Response: The issue of impoundment has been the topic of much debate, dating all the way back to the presidency of Thomas Jefferson. Proponents of the President’s authority to withhold funds have pointed to the Vesting Clause, the Take Care Clause, the Commander in Chief Clause, and the President’s foreign affairs powers. I am aware of the Supreme Court’s decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

- What is your understanding of the Appropriations Clause?

Response: The Appropriations Clause is found in Article I, Section 9, Clause 7 of the Constitution, and establishes Congress's role as the branch of government responsible for the appropriation of public funds.

**Nomination of Nicholas Ganjei to the
United States District Court for the Southern District of Texas
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: Yes.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: Yes.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: No.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: So long as the response fully and accurately summarizes my views on the topic, I see no issue with such an approach.

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: Yes.

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Yes.

4. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case or matter if confirmed? If so, explain fully.

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

Response: No.

5. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: I have had the good fortune to clerk for not one, but two, incredible judges, the Honorable Richard Allen Griffin of the Sixth Circuit Court of Appeals and the Honorable Ralph R. Erickson of the Eighth Circuit Court of Appeals (previously of the District Court for the District of North Dakota). Both judges have served as role models to me throughout my legal career, and I have always known them to adhere to the highest ethical standards.

6. How would you describe your judicial philosophy?

Response: My judicial philosophy would be to faithfully and impartially apply the law to the facts of any case or controversy that came before me. I would treat each party that came before me with respect, and I would take great pains to ensure that my own personal views or policy preferences factored into my judicial determinations.

7. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

Response: If I were confirmed, I would faithfully apply the standards set forth in all applicable Supreme Court and Fifth Circuit precedent.

- a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: Yes.

- b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes, in accordance with applicable precedent of the Supreme Court and the Fifth Circuit. As for the types of sources I would consult, I would faithfully apply binding Supreme Court precedent, including consulting the kinds of sources relied upon in *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022), *Washington v. Glucksberg*, 521 U.S. 702 (1997), and any other pertinent binding precedent.

- c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Should I be confirmed as a district judge, I would be bound by precedent of the Supreme Court or Fifth Circuit that recognized the right at issue. In the absence of controlling precedent, other circuits' treatment of the same right could be considered for its persuasive authority.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

- e. What other factors would you consider?

Response: I would consider any other factors identified in applicable precedent from the Supreme Court and the Fifth Circuit.

8. If you concluded that the President had violated his constitutional duty to faithfully execute the laws and then had to determine the remedy, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: The Take Care Clause, as found in Article II, Section 3, Clause 5, provides that the President "[s]hall take Care that the Laws be faithfully executed." The Supreme Court has also noted that "the Executive Branch possesses authority to decide 'how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.'" *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). However, how these or any other legal principles apply to presidential action, and the remedies available in challenges to actions by the Executive Branch, are matters of ongoing legal and political dispute, and it would be inappropriate for me as a judicial nominee to opine on such a question. *See* Code of Conduct of U.S. Judges, Canon 3(A)(6).

9. Is President Trump eligible to be elected President for a third term in 2028? Assume that I know what the text of the 22nd Amendment says. I am interested in your application of that text to whether or not President Trump can be elected President in 2028.

Response: The Twenty-Second Amendment to the U.S. Constitution provides, in pertinent part, that “[n]o person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of the President more than once.” Beyond this, this question calls for a response that could be seen as opining on a future case, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. See Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

10. Who won the 2016 U.S. Presidential Election?

Response: Donald John Trump was certified the winner of the 2016 Presidential Election.

11. Who won the 2020 U.S. Presidential Election?

Response: Joseph Robinette Biden, Jr. was certified the winner of the 2020 Presidential Election.

12. Who won the 2024 U.S. Presidential Election?

Response: Donald John Trump was certified the winner of the 2024 Presidential Election.

13. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: It means the candidate was certified the winner of the election.

14. Under 28 U.S.C. § 455, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: If confirmed, when making any recusal decision, I will follow the recusal statute and all ethical requirements of the Code of Conduct for United States Judges. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of other judges of Southern District of Texas.

15. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law

enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts' existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

- a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: If I am confirmed, I would take into account all applicable statutory authority, as well as the relevant provisions of the Sentencing Guidelines, in fashioning an individualized, appropriate sentence for every defendant.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Congress has determined that “terminat[ing] a term of supervised release” early can in certain circumstances serve “the interest of justice,” which could include providing an incentive for individuals to rehabilitate. *See* 18 U.S.C. § 3583(e)(1).

- c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes. I will review all applicable statutory authority and the Sentencing Guidelines in advance of sentencing any defendant.

- 16. If you had to determine whether it is appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- 17. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: The Supreme Court has recognized: “The ‘right to travel’ . . . protects the right a citizen of one State to enter and to leave another State, the right to be treated as a welcome visitor rather than an unfriendly alien when temporarily present in the second State, and, for those travelers who elect to become permanent residents, the right to be treated like other citizens of that State.” *Saenz v. Roe*, 526 U.S. 489, 500 (1999).

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: I assessing the constitutionality of any state law that prohibited or impinged interstate travel, I would look to the binding precedent of both the Supreme Court and the Fifth Circuit Court of Appeals, as well as persuasive authority from other circuits.

18. Do you believe that the Constitution protects a fundamental right to privacy?

Response: The Supreme Court has recognized a constitutional right to privacy in certain contexts. For example, in *Eisenstadt v. Baird*, 405 U.S. 438 (1972), the Court opined that “[i]f the right of privacy means anything, it is the right of the individual, married or single, to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child.” 405 U.S. 438, 453 (1972). If confirmed, I would faithfully apply all binding precedent.

- a. Do you agree that that right protects a woman’s right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: The Supreme Court has held that there is a constitutional right to use contraceptives. *See Griswold v. Connecticut*, 381 U.S. 479 (1965). I would faithfully apply all binding precedents of the Supreme Court.

19. Does the public’s original understanding of the meaning of a constitutional provision constrain its application decades or centuries later?

Response: The U.S. Supreme Court has held that certain constitutional provisions must be interpreted according to their original meaning. *See, e.g., United States v. Rahimi*, 602 U.S. 680 (2024); *N.Y. State Rifle & Pistol Ass’n v. Bruen*, 597 U.S. 1 (2022); *District of Columbia v. Heller*, 554 U.S. 570 (2008); *Crawford v. Washington*, 541 U.S. 36 (2004); *Wilson v. Arkansas*, 514 U.S. 927 (1995). I will faithfully follow all such binding precedent.

- a. What specific sources would you employ to discern the public’s original understanding of the meaning of a constitutional provision? Please provide three examples of sources you consider reliable in this regard.

Response: One method for interpreting the meaning of ambiguous text is to look to the context of where the text appears in the Constitution, and examine the other words of that same section or clause. One could also look to contemporary speeches or writings that use that same text, such as the Federalist Papers or the debates on the Constitution. Lastly, one could resort to using a dictionary to determine how people of that time understood that term.

20. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: If I am fortunate enough to be confirmed, I would expect all parties to comply with my orders. If I believed a party failed to do so, I would enter an Order to Show Cause in order to give the offending party the opportunity to demonstrate why they failed to comply with the court order. After making findings of fact and referencing all applicable legal precedent, I would impose sanctions, if appropriate.

21. What criteria would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: I would reference all applicable legal precedent in determining what criteria to use in assessing whether a party engaged in abusive litigation tactics, and, if so, what the proper remedy would be.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: Please see my response to Question 21.

22. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: There are situations in which the law requires a judge to consider the practical consequences of a ruling. For example, to obtain a preliminary injunction, a litigant must show "that he is likely to suffer irreparable harm in the absence of preliminary relief." *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

23. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's role is to apply the law, including precedents, to the facts of a case. Injecting one's own personal life experience into a case has the potential to upset the fair and impartial adjudication of a dispute.

24. What role, if any, should empathy play in a judge's decision-making process?

Response: A judge's role is to apply the law, including precedents, to the facts of a case. A judge's personal views or feelings should not drive the judge's substantive decision-making.

25. What case or legal matter are you most proud of having worked on during your career?

Response: I am most proud of a case that I inherited from another member of my office in which a defendant had been wrongfully indicted in a case of mistaken identity. Law enforcement worked with the defendant's investigator to locate the party actually responsible for the offense, who made a full confession.

26. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: If confirmed, I would consult with my colleagues on their views. In general, I would favor holding argument where the decision could not be made based on the papers submitted by the parties. Requiring both sides to prepare for argument could in some situations impose unwarranted costs on a party. While it is admirable that judges should seek to give the younger generation of lawyers adequate opportunities for practical courtroom experience, the decision of whether or not to hold a hearing, like any other legal decision, should not be based on the personal characteristics of counsel for either party.

- a. How else would you support the skills development of junior lawyers appearing before you?

Response: I would seek to be involved in the local Inn of Court or another young lawyer mentoring program.

27. Discuss your proposed hiring process for law clerks.

Response: If confirmed, I am inclined to follow the procedures and timelines for clerk hiring that are used by other judges in the Southern District of Texas.

- a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: If confirmed, I will not tolerate misconduct, harassment, or discrimination, of any sort, in my chambers. Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

28. Recently, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

- a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: As stated above, if confirmed, I will not tolerate misconduct, harassment, or discrimination, of any sort, in my chambers. Before deciding on any particular trainings or policies, I would review the existing and available policies and programs in the Southern District of Texas and consult with my colleagues to ensure that I am following best practices and not leaving any resources underutilized.

- b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: Please see my response to Question 28(a).

- c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I would consider taking whatever steps would be warranted by the circumstances, including reporting any inappropriate conduct to the appropriate authority.

29. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: The characterization of the events at the U.S. Capitol on January 6, 2021, is a subject of political and legal debate and could come before me if I am confirmed. As a result, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- a. If you think this question would require you to express an opinion on “political” matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either “an insurrection” or “not an insurrection” requires you to opine on a “political” matter.

Response: Please see my response to Question 29.

30. In a press release published on October 6, 2025, by your U.S. Attorney’s Office in the Southern District of Texas, you said, “[t]hose who attack law enforcement officers are attacking the American system of justice. The Southern District of Texas has a zero-tolerance policy towards anyone who does so. The message is clear—comply with officer directives and keep your hands to yourself.” In another press release published on September 23, 2025, you said, “[l]et it be known: if you lay a hand on an officer, deputy, or federal agent, SDTX will do whatever it can to put you in federal prison for as long as the law will allow. You’ve been warned.”

- a. Does your view also apply to the hundreds of rioters who were convicted of or pled guilty to assaulting law enforcement officers at the Capitol on January 6, 2021?

Response: The characterization of the events at the U.S. Capitol on January 6, 2021, is a subject of political and legal debate and could come before me if I am confirmed. As a result, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- b. If you think this question would require you to express an opinion on “political” matters, please explain why you think so, given your previous clear statements about your views on those who attack law enforcement officers.

Response: The comment you cite in Question 30 was made before I was a judicial nominee, and thus before I was subject to the Code of Conduct of U.S. Judges. Now that I am a judicial nominee, I am required to refrain from commenting on matters of political or legal debate. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- c. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: Given the question explicitly calls for me to weigh in on the “prudence” of the exercise of the President’s pardon power, I must refrain from answering. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- d. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to

those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: Please see my response to Question 30(c).

31. At your Senate Judiciary Committee nomination hearing, Senator Moody said, “I’m really concerned right now that the judicial branch has a PR crisis . . . because we have many district court judges around the nation that are more interested in wearing a blue jersey than a black robe. . . . Based on my fundamental belief we have to have impartial judges that will faithfully apply the laws that are given to them, I believe this . . . fundamentally disrupts the carefully balanced powers set forth in our Constitution.” She then asked you if you agreed and you replied that you did.

- a. Because you said you agreed with Senator Moody’s statement, which district court judges do you believe are “more interested in wearing a blue jersey than a black robe”?

Response: I agreed with her statement, which you cite above, that “we have to have impartial judges that will faithfully apply the law that are given to them.”

- b. What specific action(s) did each judge take to make you form that belief?

Response: Please see my response to Question 31(a).

32. The Southern District of Texas includes a significant portion of the Texas-Mexico border. You have made multiple public statements about immigration and the border. For example, in your remarks to the Federal Law Enforcement Officers Association on July 23, 2025, you said, “unfortunately, in recent years we’ve experienced a failure to enforce our nation’s immigration laws. That neglect has produced a crisis that is the most important problem facing the United States today. For the Department of Justice, and for the Southern District of Texas, addressing this crisis is priority number one.” Additionally, on September 22, 2025, the Department of Homeland Security posted on X a video of agents arresting people captioned with the slogan from Pokémon, “Gotta Catch ‘Em All.” You reposted this video from your official U.S. Attorney X account, writing, “Give their social media guy a raise.”

- a. Would you agree that these statements create at least the appearance of partiality with respect to cases involving immigration?

Response: No.

- b. What would you say to an individual who believes they would not get fair process from you, given your stated views on immigration?

Response: Respectfully, your premise of your question is that I have somehow expressed derogatory or otherwise negative views about “immigration.” This is

false. I am the proud son of an immigrant and have witnessed first-hand the many contributions that immigrants make to the United States. Your question does not distinguish between legal immigration and illegal immigration. The law, at Congress's direction, treats those two categories in very different ways.

In the hypothetical you describe—where the theorized litigant knows enough about me to know about my work's social media account—he or she would also know about my family's own immigrant story, and how I volunteered to deliver the keynote address at two separate naturalization ceremonies, where I welcomed 5,000 new Americans to their adopted home, and discussed my own family history. These events were also highlighted in the same media account that you referred to.

- c. At your Senate Judiciary Committee nomination hearing, you told Senator Hirono that “due process applies to everyone,” regardless of citizenship status. Do you stand by that statement?

Response: The Supreme Court has stated that “the Due Process Clause applies to all persons within the United States, including aliens, whether their presence here is lawful unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- d. Do you believe that everyone in this country deserves fair adjudication of their claims, regardless of their immigration status?

Response: Please see my response to Question 32(c).

- 33. President Trump announced your nomination for this position in a Truth Social post on November 12, 2025. At the conclusion of his post, he wrote, “Nick Ganjei is an America First Fighter, who will always uphold our Constitution, enforce the Rule of Law, and Keep our now very Secure Border, Secure. Congratulations Nick!”

- a. Is keeping the U.S. border “secure” part of the role of a federal judge?

Response: I do not know what the President meant by the term “secure” in the context of that message. As a general matter, I cannot comment on the meaning or intention of any other person's social media account.

- b. If so, what would you do to keep the U.S. border “secure” if you are confirmed?

Response: Please see my response to Question 33(a).

- c. If not, what do you think President Trump meant by his statement that you would “Keep our now very Secure Border, Secure”?

Response: Please see my response to Question 33(a).

34. In your remarks to the Federal Law Enforcement Officers Association on July 23, 2025, you said, “the State Department has officially designated the worst cartels and transnational gangs as foreign terrorist organizations, which gives us additional tools with which to pursue them and their enablers.” You also assisted U.C. Berkeley Law Professor John Yoo—who authored the President Bush-era “torture memos”—on his book *The Powers of War and Peace: The Constitution and Foreign Affairs After 9/11*, which argues that “American presidents have had to act decisively on the world stage without a declaration of war. They are able to do so . . . because the Constitution grants the president, Congress, and the courts very different powers, requiring them to negotiate the country’s foreign policy.”

- a. Do the “additional tools” you referenced include the Trump administration’s recent military strikes on boats in the Caribbean Sea?

Response: If the question is asking whether I was referring to the recent maritime strikes in my July 23, 2025 speech, the answer is no, because my comments predated the use of such strikes.

- b. If you had to determine whether such strikes are legal under U.S. law, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: You are correct in surmising that in such a situation I would look to all applicable precedent, including both binding and persuasive authority, in deciding this issue. I would consider the cases relevant to the arguments raised in the parties’ briefs. *See United States v. Sineneng-Smith*, 590 U.S. 371, 376 (2020) (“Courts are essentially passive instruments of government. They do not, or should not, sally forth each day looking for wrongs to right. They wait for cases to come to them, and when cases arise, courts normally decide only questions presented by the parties.” (cleaned up)). Beyond that, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

35. In your Senate Judiciary Questionnaire, you note that you have been a member since 2022 of the Teneo Network, an organization that exists to recruit and connect politically conservative leaders and thinkers.

- a. Do you think it is appropriate for a federal judge to be a member of such an organization?

Response: If confirmed, I would evaluate my affiliations for consistency with 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any and all other laws, rules, and practices governing such circumstances.

- b. If you are confirmed, will you discontinue your membership in the Teneo Network?

Response: Please see my response to Question 35(a).

- 36. On October 24, 2024, you spoke at a 2024 EDTX Bench Bar Conference event titled, “Is Help On The Way? The *JUDGES Act* And An Update on Pending Legislation.” I was proud to help lead the *JUDGES Act*, a commonsense, bipartisan bill that would have increased the number of federal district judges to help address rising caseloads across the country and ensure that Americans have swift access to justice regardless of where they live. Keeping in mind your experiences in prosecutorial roles as well as your potential future judicial role, what benefits do you think legislation to lower caseload burdens for federal district judges would have for our legal system?

Response: The judges of the Southern District of Texas work incredibly hard and, given the nature of the district, carry higher caseloads than judges of most other districts. Beyond this observation, as a judicial nominee, the canons of judicial ethics prohibit me from endorsing specific legislative proposals.

**Nomination of Nicholas Jon Ganjei
United States District Court for the Southern District of Texas
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR BOOKER

1. In December 2014, a local Albuquerque news organization reported that, while you were serving as an Assistant U.S. Attorney in the District of New Mexico, you were arrested by Albuquerque police for driving while intoxicated, speeding, and no proof of insurance.¹ Additional reporting provides the following details about your arrest:²

A 35-year-old prosecutor with the U.S. Attorney's Office in Albuquerque was arrested early Friday and charged with driving while intoxicated.

Police say 35-year-old Nicholas Ganjei was speeding down Third Street, then turned east on Tijeras and hit a curb. Ganjei then drove over the center line near Tijeras and First Street, and an officer who was following said he was going 59 mph in a 30-mph zone. The officer pulled him over and said the driver responded slowly, according to a criminal complaint filed in Metropolitan Court. Ganjei had bloodshot, watery eyes and smelled of alcohol, according to police. He told police he hadn't drunk any alcohol that night, the complaint says, and he didn't have proof of insurance. He did poorly on field sobriety tests and his blood alcohol content was at or above 0.08 percent, the state's presumed level of intoxication, according to the complaint.

He was charged with driving while intoxicated for the first time, speeding up to 10 mph over the limit, not driving within a traffic lane and having no proof of financial responsibility. He was booked into the county jail and released the same day.

- a. Do you dispute any of the facts as provided in the report above. If so, list each fact you dispute, whether you dispute it as false or incomplete, and provide a correction for the record.

Response: In December 2014, I was charged with misdemeanor DUI, speeding, improper lane change, and not having my current insurance card in my vehicle. I contested all charges and they were ultimately dismissed in full, without any admission of guilt, diversion program, or other negative adjudication. The matter was

¹ *Asst. US Attorney arrested for DWI*, KOB 4 (Dec. 7, 2014), https://web.archive.org/web/20150618105809/http://www.kob.com/article/stories/S3641968.shtml#_VYKkWnbP1qb.

² Nicole Perez, *DWI charge for ABQ prosecutor; Attorney also had no proof of insurance*, ALBUQUERQUE JOURNAL (Dec. 9, 2014).

later expunged by the State of New Mexico. This information was previously disclosed to the Senate Judiciary Committee.

- b. Were you intoxicated when you were arrested?

Response: Please see my answer to Question 1(a).

- c. What crimes were you charged with?

Response: Please see my answer to Question 1(a).

- d. What was the disposition of the charges against you?

Response: Please see my answer to Question 1(a).

- e. Did you make an admission of guilt as to any of the charges?

Response: Please see my answer to Question 1(a).

- f. Did anyone from the U.S. Attorney's Office for the District of New Mexico or other component of the Department of Justice intervene in your case or have any contact with the Albuquerque Police Department or the Bernalillo County District Attorney regarding your arrest or the charges against you? Identify any such individuals and the nature of the communications, including whether they sought to have the charges against you dismissed.

Response: No.

- g. Did you complete any community service or attend counseling or treatment as part of the resolution of the charges against you? If yes, describe.

Response: No.

- i. Have you ever sought counseling or treatment for alcohol or other substance addiction? If yes, provide the dates and the circumstances surrounding the counseling or treatment.

Response: No.

2. In August 2025, you announced that the U.S. Attorney's Office for the Southern District of Texas "Operation Pick-Off" had arrested 65 individuals, stating that "These are convicted

criminals. Some many times over.”³ The special agent in charge of the San Antonio Field Office noted that nearly half of those arrested had been previously convicted of “serious, violent felonies,” including for “DUI or DWI.”⁴

- a. Is it your view that anyone arrested solely for a DUI or DWI is a “criminal”? Explain why or why not.

Response: As a long-time federal prosecutor, I believe strongly in due process and the presumption of innocence. As such, I would generally reserve the term “criminal” for a person adjudged guilty of a criminal offense.

3. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president’s nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, “[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA.”⁵

- a. Do you agree with AG Bondi that “the ABA no longer functions as a fair arbiter of nominees’ qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations”?

Response: I am aware of criticisms that have been levied against the nominee ratings of the ABA’s Standing Committee on the Federal Judiciary. As a judicial nominee, under the judicial canons it would be inappropriate for me to express an opinion on the statements of any political figure or to comment on any political and policy issue.

4. If this Committee were to establish that a sitting federal judge knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: I would defer to this Committee as to the appropriate remedy in such a situation.

³ Press Release, “Operation Pick-Off” results in nearly 80 criminal alien arrests throughout the Rio Grande Valley,” U.S. ATTORNEY’S OFFICE, SOUTHERN DISTRICT OF TEXAS (Aug. 25, 2025), <https://www.justice.gov/usao-sdtx/pr/operation-pick-results-nearly-80-criminal-alien-arrests-throughout-rio-grande-valley>.

⁴ Dave Hendricks, *Feds discuss new immigration enforcement initiative*, VALLEY CENTRAL (Aug. 25, 2025), <https://www.valleycentral.com/news/local-news/watch-live-feds-discuss-new-immigration-enforcement-initiative/>.

⁵ Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

5. If this Committee were to establish that a political appointee knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: I would defer to this Committee as to the appropriate remedy in such a situation.

6. How would you characterize your judicial philosophy?

Response: My judicial philosophy is that judges should apply the law as written to the case before them without fear, favor, or partiality.

7. What do you understand originalism to mean?

Response: Generally speaking, I understand originalism to be a methodology for interpreting a constitutional provision whereby the judge will examine the original public meaning of the text at the time it was enacted.

8. Do you consider yourself an originalist?

Response: I generally eschew labels, as they can often mean different things to different people, however, I generally agree that the role of the judge when interpreting a constitutional provision is to look to the original public meaning of the provision, as evidenced by the text at issue and how that text would have been understood by a reasonable person at the time it was enacted. If I am confirmed, to interpret the Constitution I would employ methodologies consistent with the methods of interpretation utilized by the Supreme Court for similar legal questions. The Supreme Court has routinely interpreted various constitutional provisions by striving to discern the original meaning of the words used as a reasonable person would have understood them at the time of the Founding. *See, e.g., District of Columbia v. Heller*, 554 U.S. 570 (2008).

9. What do you understand textualism to mean?

Response: I understand textualism to be a methodology that requires the judge to interpret the text as it was written and understood at the time of its enactment.

10. Do you consider yourself a textualist?

Response: While I generally eschew labels, as they can mean different things to different people, I generally agree that a judge should look to the text as it was written and understood at the time of its enactment to discern its meaning. If I am confirmed, to conduct statutory interpretation I would employ methodologies consistent with the methods of interpretation utilized by the Supreme Court for similar legal questions. Moreover, if confirmed to serve as a district court judge, if there is binding precedent regarding what a statute means or how it is to be interpreted, I would apply all binding precedent, including on issues of how to interpret particular statutes.

11. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

- a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: I will consider legislative history if a statutory text is vague or ambiguous. However, the views of one legislator do not necessarily determine the meaning intended by all legislators, so care must be exercised in relying on legislative history. If confirmed, when interpreting a law, I will follow all applicable precedent from the Supreme Court and the Fifth Circuit Court of Appeals.

- b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: Please see my response to Question 11(a).

12. According to an academic study, Black men were 65 percent more likely than similarly-situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.⁶

- a. What do you attribute this to?

Response: I am unfamiliar with the study you describe, and I am not positioned to offer a causative explanation for the statistic that this question concerns.

13. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.⁷

- a. What do you attribute this to?

Response: I am unfamiliar with the report you describe, and I am not positioned to offer a causative explanation for the statistic that this question concerns.

14. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

⁶ Sonja B. Starr & M. Marit Rehani, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

⁷ U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

Response: 18 U.S.C. § 3553(a)(6) directs sentencing judges to consider “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” As a federal judge, I would apply this statute when making sentencing determinations.

15. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: No one should be denied the opportunity to serve in the judicial branch—either as a judge, law clerk, or other position—based on their race, sex, ethnicity, religion, or other protected characteristic.

16. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

- a. Abortion
- b. Affirmative action
- c. Contraceptives or birth control
- d. Gender-affirming care
- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination
- n. Disability discrimination
- o. Climate change or environmental disasters
- p. “DEI” or Diversity Equity and Inclusion

Response: To the best of my knowledge, my Senate Judiciary Questionnaire, as supplemented in my November 18, 2025 letter to Chairman Grassley and Ranking Member Durbin, discloses all my responsive published writings and public statements. To discern which topics my published writings and public statements have addressed, I would consult my as-supplemented Questionnaire and the materials that I provided to the Committee.

17. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: In most instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, there are some potential exceptions to this general rule. For instance, a court may lack jurisdiction to issue the order. *See In re Sawyer*, 124 U.S. 200, 220 (1888) ("Where a court has jurisdiction, it has a right to decide every question which occurs in the cause; and, whether its decision be correct or otherwise, its judgment, until reversed, is regarded as binding in every other court: but, if it act without authority, its judgments and orders are regarded as nullities. They are not voidable, but simply void.") (citations omitted). A party's noncompliance may also be excused if it is impossible for the party to comply with the court's order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order." (citing *Maggio v. Zeitz*, 333 U.S. 56, 76 (1948))). The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.... Such sanctions allow a party to obtain postjudgment review without having to reveal its privileged information.").

- a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: I would assess whether the official failed to comply with the order and, if so, whether the official had a valid defense to non-compliance, giving the parties notice and opportunity to be heard on the matter.

- b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Please see my responses to Questions 17 and 17(a).

18. Does the president have the power to ignore or nullify laws passed by Congress?

Response: In Article I, § 7, Cl. 2, the Constitution vests the President with the authority to veto legislation passed by Congress. Moreover, "[u]nder Article II, the Executive Branch possesses authority to decide 'how to prioritize and how aggressively to pursue legal actions against defendants who violate the law.'" *United States v. Texas*, 599 U.S. 670, 678 (2023) (quoting *TransUnion LLC v. Ramirez*, 594 U.S. 413, 429 (2021)). The Constitution, in Article II, § 3, also requires the President to "take Care that the Laws be faithfully executed." How these constitutional powers and authorities interact is a matter of ongoing dispute. If I were to be confirmed, this issue could come before me as a judge. Therefore, under the judicial canons, it would be inappropriate for me comment further.

19. Does the president have the power to withhold funds appropriated by Congress?

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

20. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: I am aware of the Supreme Court's decision in *Train v. City of New York*, 420 U.S. 35 (1975), and the Impoundment Control Act of 1974, 2 U.S.C. § 681 *et seq.* To the extent that this question asks for me to opine on a subject of pending litigation or a matter that could come before me as a federal judge, it would not be appropriate for me to do so under the judicial canons.

21. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supremacy Clause provides: "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding." As the Supreme Court has held, "this Clause creates a rule of decision: Courts 'shall' regard the 'Constitution,' and all laws 'made in Pursuance thereof,' as 'the supreme Law of the Land.' They must not give effect to state laws that conflict with federal laws." *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324 (2015).

22. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Supreme Court has held that Fifth Amendment's "Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). In any case, there will still remain a question of what "process" is "due." To the extent this question asks me to opine on current political or legal disputes that are pending or could soon be pending before a court, under the Code of Conduct for United States Judges, it would be inappropriate for me to weigh in further.

23. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: The Supreme Court recently reaffirmed that while “[l]egislative power ... belongs to the legislative branch, and to no other, ... Congress may seek assistance from its coordinate branches to secure the effect intended by its acts of legislation. And in particular, Congress may vest discretion in executive agencies to implement and apply the laws it has enacted—for example, by deciding on the details of their execution.” *FCC v. Consumers’ Rsch.*, 145 S. Ct. 2482, 2496-97 (2025) (cleaned up). For a delegation to be permissible, Congress must “set out an ‘intelligible principle’ to guide what it has given the agency to do.” *Id.* at 2497.

24. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes. *Brown v. Board of Education* was correctly decided. While it is almost always improper for judicial nominees to opine on whether a Supreme Court precedent is correctly decided, numerous nominees have made an exception and offered their views that *Brown* and *Loving v. Virginia* were correctly decided. In line with that practice, I believe it appropriate for me to offer my view that *Brown* and *Loving* were correctly decided.

25. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: Yes, *Griswold v. Connecticut* is a binding precedent of the Supreme Court. The case concerned individuals who prescribed contraceptives to married persons and were convicted and fined under a state statute that prohibited assisting or abetting another’s use of contraceptives. 381 U.S. at 480. The Court held “that appellants have standing to raise the constitutional rights of the married people with whom they had a professional relationship.” *Id.* at 481. The Court further held that the statute regulated conduct “within the zone of privacy created by several fundamental constitutional guarantees” and violated a “right to privacy” that the Court interpreted to be within the Constitution. 381 U.S. at 485-86.

26. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: Yes, *Lawrence v. Texas* is a binding precedent of the Supreme Court. In *Lawrence*, the Court held that laws criminalizing certain same-sex sexual intimacy violated “[t]heir right to liberty under the Due Process Clause,” which “gives them the full right to engage in their conduct without intervention of the government.” 539 U.S. 558, 578 (2003).

27. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: Yes, *Obergefell v. Hodges* is a binding precedent of the Supreme Court. In *Obergefell*, the Supreme Court stated that it “holds same-sex couples may exercise the fundamental right to marry in all States” and “hold[s] ... that there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the ground of its same-sex character.” 576 U.S. 644, 681 (2015).

28. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent you are asking about disputes or political statements regarding the conduct of the 2020 presidential election, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of U.S. Judges, Canons 3(A)(6), 5.

- a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 28.

- b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: Please see my response to Question 28.

29. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁸

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: Donald John Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

- b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my response to Question 29(a).

- c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: Donald John Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

- d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to Question 29(c).

- e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

⁸ U.S. CONST. amend. XXII.

Response: The Twenty-Second Amendment to the Constitution states that “[n]o person shall be elected to the office of the President more than twice.”

30. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: My answer to any question posed to me by a member of this Committee, either verbally or in writing, is my own.

31. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

32. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: I attended a social event in June of 2025 in which a member of DOGE staff was present. We exchanged pleasantries and spoke for one to two minutes.

33. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

No.

34. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: As a United States Attorney, there were a handful of occasions where I needed to speak to the Attorney General’s Chief of Staff. I do not recall the specific dates, but the subject matter concerned work-related matters.

35. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: As a United States Attorney, I have had the occasion to meet with the Attorney General in a professional setting. Although I do not recall all of the occasions or all of the dates, I know that we jointly held a press conference in September of this year. I also sat in on a meeting with her and Senator Cruz in advance of her confirmation hearing in January of this year.

36. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: During a social visit to a former colleague at Main Justice this year, I had the opportunity to be introduced to Deputy Attorney Blanche and then-Principal Deputy Associate Attorney General Emil Bove and chat for a few minutes. I do not recall the exact date. I also sat in on a January 2025 meeting with Mr. Blanche and Senator Cruz in advance of his confirmation hearing.

37. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: During a social visit to a former colleague at Main Justice this year, I had the opportunity to be introduced to Deputy Attorney Blanche and then-Principal Deputy Associate Attorney General Emil Bove and chat for a few minutes. I do not recall the exact date. Judge Bove was also kind enough to reach out and congratulate me on my judicial nomination in November of this year.

38. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: I do not believe I have ever spoken to Mr. Leo.

39. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

40. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.

- a. Enrique Tarrio
- b. Stewart Rhodes
- c. Kelly Meggs
- d. Kenneth Harrelson
- e. Thomas Caldwell
- f. Jessica Watkins
- g. Roberto Minuta
- h. Edward Vallejo
- i. David Moerschel
- j. Joseph Hackett
- k. Ethan Nordean
- l. Joseph Biggs
- m. Zachary Rehl
- n. Dominic Pezzola
- o. Jeremy Bertino
- p. Julian Khater

Response: No, not to my knowledge.

41. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No, not to my knowledge.

42. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: If confirmed, I will abide by all rules, law, and judicial ethical canons that apply to financial disclosure reports.

43. In your Senate Judiciary Questionnaire, you reported that you have been a member of Teneo since 2022.

- a. What is Teneo?

Response: Teneo is a networking group of conservative and conservative-leaning professionals from a variety of fields.

- b. What is Teneo's mission?

Response: I am not aware of any particular mission statement that Teneo has adopted.

- c. How did you become a member of Teneo?

Response: I was nominated for admission by a member of Teneo, and then conducted a short interview with a different member of Teneo. My understanding is that there was some sort of vote after that, which I presumably passed, as I was offered membership some time thereafter.

- d. Have you recruited others to join Teneo? If yes, provide the names of those individuals.

Response: Potential members are not "recruited," rather they are nominated by other members. I have successfully nominated one member, Sam Schneider.

- e. Provide a list of all events you have attended as a member of Teneo. Provide dates and locations for all events listed and describe the purpose of the event.

Response: I believe I attended a total of four events over the course of my membership in Teneo. I attended one dinner in 2025 in Houston, Texas, one dinner in Arlington, Virginia in 2022, a retreat in 2023 in Arizona, and a retreat in 2022 in Georgia.

- f. Have you (or, if applicable, your spouse) made financial contributions to Teneo? If yes, provide the amounts and dates of such contributions.

Response: I believe I have made a donation of \$500 each year that I have been a member.

44. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”⁹

- a. Do you agree with the above statement?

Response: I am not familiar with the above statement or the context in which it was made. I can say that I do not believe Democrats are evil.

- b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No, not to my knowledge.

- c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: Although I do not know all persons “associated” with A3P, I have known Mr. Davis in a professional capacity for several years and we have periodic contact.

- d. Have you ever been in contact with anyone associated with A3P? If so, who?

Response: Please see my response to Question 44(c).

45. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: The decision as to which cases to list on my SJQ were my decision alone.

- a. If so, who? What advice did they give?

⁹ <https://www.article3project.org/about>

Response: Please see my response to Question 45.

- b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: No.

- 46. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: As stated above, I do not know the full universe of persons associated with the Article III Project, but my answer to this question is, to the best of my knowledge, no.

- 47. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I do not know the full universe of persons associated with the Federalist Society, as I understand there are thousands of members, but it would be a safe assumption that I communicated with members of the Federalist Society during my application process. Almost the entirety of these conversations would have been social in nature, with some conversations with staff for the Texas senators concerning the selection process.

- 48. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: I prepared these responses on my own, and consulted my records, case law, statutory provisions, the Constitution, and previous Questions for the Record submissions in doing so. After receiving feedback from persons at the Office of Legal Policy at the U.S. Department of Justice, I finalized my answers and authorized them to be submitted to the Senate Judiciary Committee.

**Senator Peter Welch
Senate Judiciary Committee
Written Questions for Nicholas Ganjei
Hearing on “Nominations”
Wednesday, November 19, 2025**

1. According to your Senate Judiciary Questionnaire, you received a fellowship as a Lincoln Fellow at the Claremont Institute in 2019. Please describe why you applied to this fellowship, the nature of your work in this fellowship, and the extent of your affiliation with the Claremont Institute.

Response: I decided to pursue a Lincoln Fellowship at the Claremont Institute because of the program's emphasis on the life and work of Abraham Lincoln, its study of the American Founding, and its inclusion of political theory, an academic field that I had not previously studied. Since my fellowship, I have occasionally attended annual alumni events.

2. According to your Senate Judiciary Questionnaire, you received a fellowship as a James Madison Fellow at Hillsdale College in 2022. Please describe why you applied to this fellowship, the nature of your work in this fellowship, and the extent of your affiliation with Hillsdale College.

Response: I chose to pursue a Madison Fellowship in part, because of the reputation of the school's faculty, but also for the opportunity to meet and socialize with other staffers from Capitol Hill. Since my fellowship, I enrolled in Hillsdale College's graduate program, seeking a Master of Arts in Government.

3. According to your Senate Judiciary Questionnaire, you received a fellowship as a American Conservatism and Governing Fellow at the Manhattan Institute in 2024. Please describe why you applied to this fellowship, the nature of your work in this fellowship, and the extent of your affiliation with the Manhattan Institute.

Response: I chose to pursue the above fellowship to deepen my understanding of the intellectual underpinnings of conservative thought. I have not had any affiliation with the Manhattan Institute since that time.

LAW OFFICE OF WAYNE BAKER

November 16, 2025

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of Nicholas Ganjei to the United States District Judge, District of Texas

Dear Chairman Grassley and Ranking Member Durbin,

I write to attest to the abilities, qualifications and professionalism of Nicholas J. Ganjei, who has been nominated for the position of United States District Judge, Southern District of Texas. I first met Mr. Ganjei in approximately January 2010 when I represented a federal criminal defendant in United States District Court, Albuquerque, New Mexico. Mr. Ganjei was the assigned Assistant United States Attorney. Over the next few years, I represented numerous criminal defendants in cases that were prosecuted by AUSA Ganjei, from which I have formed a comprehensive evaluation of his advocacy skills and prosecutorial demeanor.

During his time in the US Attorney's Office, Nicholas Ganjei consistently impressed me and members of the bench and bar throughout the district as an intelligent, fair, dedicated and focused professional. I believe that he is clearly well-suited to meet the rigorous challenges of serving as a United States District Judge.

As a federal prosecutor, Nicholas proved himself to be an organized, disciplined and highly-motivated attorney. He prosecuted a wide variety of cases, from complex criminal drug enterprises to sophisticated white-collar defendants and each undertaking was marked by superior skill, methodical analysis and an unwavering commitment to the cause of justice. His tenure as United States Attorney will serve him well as a District Judge, managing a heavy caseload and having a vast expertise in all criminal proceedings.

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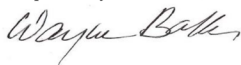
LAW OFFICE OF WAYNE BAKER

AUSA Ganjei strived to ensure the safety of victims and communities, all while steadfastly respecting the rights of subjects, targets and defendants. In one particular multi-defendant case which originated in another district, I represented an innocent defendant who was indicted based on false information provided by codefendants and witnesses. With the assistance of a private investigator, I was able to gather exculpatory evidence. We presented this evidence to AUSA Ganjei, who listened and evaluated the evidence before thoroughly questioning the defendant. AUSA Ganjei then rigorously challenged the investigating DEA Special Agents to reexamine all the facts and to follow-up on the leads we provided. After concluding that my client was actually innocent, AUSA Ganjei quickly sought and obtained approval to dismiss the charges. Throughout this matter, AUSA Ganjei conducted himself in the most professional manner, with the sole goal of searching for the truth and “getting it right.” I can say with a high degree of certainty that many other prosecutors would not have been willing to reconsider charging decisions and to be so honestly receptive to claims of actual innocence.

As a former Assistant United States Attorney in the Eastern District of New York and having served in a Senior Executive Service position for the Department of Homeland Security, I have worked alongside many talented attorneys and department heads. Nicholas Ganjei is equally suited; he possesses exception legal writing skills and a courtroom command and presence that reflects his superior intellect, dedication and legal acumen.

With Nicholas Ganjei as a United States District Judge you could be sure that all parties and attorneys who appear before him will receive a full opportunity to present their cases and will receive well-reasoned, legally-supported decisions. In conclusion, because Nicholas Ganjei is a highly-intelligent, thoughtful, well-balanced and committed public servant, I believe he would be a valuable addition to the federal bench.

Respectfully submitted,



Wayne Baker, Esq.

November 17, 2025

The Honorable Charles Grassley, Chairman
Committee on the Judiciary, United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin, Ranking Member
Committee on the Judiciary, United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Grassley and Ranking Member Durbin,

We, the signatories below, are all former U.S. Department of Justice officials who write in support of the confirmation of Nicholas J. Ganjei to be a judge on the U.S. District Court for the Southern District of Texas.

Mr. Ganjei has dedicated his career to public service. After law school, he clerked for two renowned federal judges, then worked for over a decade as an Assistant U.S. Attorney. He later served as Acting U.S. Attorney for the Eastern District of Texas, running that office for nearly a year before becoming Chief Counsel to Senator Ted Cruz, where Mr. Ganjei worked on legislation of national importance. In addition to his government service, Mr. Ganjei even found time to mentor younger generations, spending several years as an Adjunct Professor.

Since January 2025, Mr. Ganjei has served as the U.S. Attorney for the Southern District of Texas, where he has spearheaded high-profile prosecutions of human smugglers, drug traffickers, criminal aliens, and gang members. His role also requires significant familiarity with civil litigation involving the federal government.

Mr. Ganjei's rare combination of extensive courtroom experience and leadership roles in both the Department of Justice and the Senate makes him perfectly suited to serve as a District Judge. There is no doubt that he can assume and manage a heavy docket of criminal and civil matters on Day One. He will also be a collegial and supportive colleague. The judges of the Southern District have already voiced their support and respect for Mr. Ganjei by unanimously appointing him to serve as the U.S. Attorney for the District to which he is now nominated to serve as a District Judge.

Above all else, Mr. Ganjei possesses the highest integrity and is deeply patriotic. Texas is lucky to have him. We respectfully urge the Senate Judiciary Committee and the full Senate to move expeditiously to process and confirm his nomination.

Sincerely,

R. Trent McCotter, Deputy Associate Attorney General (2020-21); Assistant U.S. Attorney, Eastern District of Virginia (2017-20)

Beth A. Williams, Assistant Attorney General, Office of Legal Policy (2017-20)

Mark Champoux, Principal Deputy Assistant Attorney General, Office of Legal Policy (2018-20)

Stephen J. Cox, Deputy Associate Attorney General (2017-20); U.S. Attorney, Eastern District of Texas (2020-21)

Ryan Patrick, U.S. Attorney, Southern District of Texas (2018-21)

Gregg N. Sofer, U.S. Attorney, Western District of Texas (2020-21)

Jaime Esparza, U.S. Attorney, Western District of Texas (2022-25)

Damien M. Diggs, U.S. Attorney, Eastern District of Texas (2023-25)

Ryan Newman, Counselor to the U.S. Attorney General (2020); Acting Assistant Attorney General, Office of Legal Policy (2017)

Douglas Rathbun, Counsel (2007-21)

Brian Pandya, Deputy Associate Attorney General (2019-21)

Eric J. Soskin, Senior Trial Counsel (2006-20); Counsel to the Assistant Attorney General (2017-18)

Jennifer B. Dickey, Counsel, Office of Legal Policy (2017-18); Deputy Associate Attorney General (2019-20); Principal Deputy Assistant Attorney General, Civil Division (2020-21)

Jeffrey S. Beelaert, Deputy Associate Attorney General (2020-21)

Anthony M. Shults, Acting Deputy Assistant Attorney General and Senior Counsel, Office of Legal Policy (2019-21); Attorney-Advisor, National Security Division (2017-19, 2021)

Bethany P. Shah, Counsel to the Assistant Attorney General (2017-19); Special Assistant U.S. Attorney, Eastern District of Texas (2020-21)

John Coghlan, Deputy Assistant Attorney General (2020-21)

Benjamin D. Wilson, Deputy Assistant Attorney General (2019-21)

Daniel D. Mauler, Trial Attorney, Civil Division (2018-21)

Jordan Cunningham, Trial Attorney (2009-10)

Anthony J. Rodregous, Assistant U.S. Attorney, Western District of Texas (2019-23);
Assistant U.S. Attorney, Eastern District of Virginia (2024-25)

Jed Silversmith, Trial Attorney, Tax Division (2006-14)

Jordan L. Von Bokern, Senior Counsel, Office of Legal Policy (2018-20); Trial
Attorney, Federal Programs Branch (2020-22)

Austin Lipari, Senior Counsel, Office of Legal Policy (2019-21)

Prerak Shah, Acting U.S. Attorney, Northern District of Texas (2021); First Assistant
U.S. Attorney (2020-21); Deputy Assistant Attorney General (2020); and Deputy
Associate Attorney General (2019-20)

Laurel Simmons, Special Assistant U.S. Attorney, Eastern District of Texas (2021-
23)

J. Benjamin Aguiñaga, Chief of Staff, Civil Rights Division (2017-18)

Jessica Barker, Chief of Staff (Acting) and Senior Counsel, Office of Legal Policy
(2019-20)

Laurence E. Rothenberg, Deputy Assistant Attorney General (2007-22)

Carl D. Wasserman, Senior Counsel and Trial Attorney

November 14, 2025

Devon M. Fooks
111 Lomas Blvd NW, Ste 501
Albuquerque, NM 87102

The Honorable Chuck Grassley
Chairman, Committee on the Judiciary
United States Senate
135 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin
Ranking Member, Committee on the Judiciary
United States Senate
711 Hart Senate Office Building
Washington, D.C. 20510

Re: Nomination of Nicholas Ganjei to the United States District Court for the Southern District of Texas

Dear Chairman Grassley and Ranking Member Durbin,

My name is Devon Fooks. I am the Senior Litigator for the District of New Mexico Office of the Federal Defender. I am writing you today in my personal capacity to give my full-throated support of Nicholas Ganjei's nomination to the United States District Court for the Southern District of Texas.

Mr. Ganjei and I litigated cases against one another for approximately 6 years while he was an Assistant United States Attorney here in the District of New Mexico. I can honestly say, without hesitation that I hated litigating cases with Mr. Ganjei. In my 25 years of practice in multiple jurisdictions in two different states and in federal court, I have never encountered a more prepared and effective advocate. He was the bane of my existence.

Mr. Ganjei's command of case law is deep and precise. His recall was nearly flawless. His legal arguments were always concise and expertly voiced to the court and counsel. In my dealings with Mr. Ganjei, I have found him to also be extremely thoughtful, conscientious, and surprisingly empathetic in his prosecution of criminal defendants. He had a unique way of balancing his search for justice with the complexities of the human condition, that many of his contemporaries lack.

Beyond his legal acumen, however, Mr. Ganjei is simply a quality individual. Mr. Ganjei is a leader of men. He is not an outspoken leader rather he is contemplative and humble but his leadership qualities are evinced by the way others around him listen to what he says and look to him for advice and guidance. He colleagues universally admire, respect him, and hold him in the highest regard. To put it bluntly, Nicholas Ganjei is the human being that we should all strive to become and the attorney most who practice hope to be. I urge the Committee to report his

nomination favorably and the Senate confirm him to the United States District Court for the Southern District of Texas.

Respectfully,

A handwritten signature in blue ink, appearing to read "Devon M. Fooks". The signature is stylized, with the first name "Devon" written in a cursive-like script, followed by "M." and "Fooks" in a more blocky, capital-letter style.

DEVON M. FOOKS
Senior Litigator, District of New Mexico
Officer of the Federal Defender

HARRISON & HART, LLC

ATTORNEYS AND COUNSELORS AT LAW
924 PARK AVENUE SOUTHWEST, SUITE E
ALBUQUERQUE, NEW MEXICO 87102

TELEPHONE
(505) 295-9291

FACSIMILE
(505) 341-9340

CARTER B. HARRISON IV
NICHOLAS T. HART
DANIEL J. GALLEGOS
ELISE C. FUNKE

November 14, 2025

The Honorable Charles Grassley, Chairman
Committee on the Judiciary, United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Richard Durbin, Ranking Member
Committee on the Judiciary, United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Re: Nomination of Nicholas J. Ganjei to the U.S. District Court for the Southern District of Texas

Dear Chairman Grassley and Ranking Member Durbin:

I am writing to express my strong support for the confirmation Nicholas Ganjei to the United States District Court for the Southern District of Texas. I am a civil-rights and federal criminal-defense attorney on the CJA Panel in New Mexico, and I know Nick from working across from him on a number of cases when he was at the U.S. Attorney's Office here. I specifically recall two intensively litigated cases against him: a Tenth Circuit appeal from a drug-trafficking conviction, and a district-level sex-trafficking case that had extensive pretrial-motions practice and then pled early on in the jury trial.

Nick was a well-known AUSA and had a reputation for being the smartest and hardest-working line prosecutor in the office. He had a laid-back demeanor, recognized the humanity of our clients, and was reasonable in plea negotiations, and as a result was widely respected among the defense bar.

Moving to my specific observations in the cases we had together: in the appeal, his briefing was among the strongest I have seen, and the case resulted in a published opinion affirming the convictions; in the trial, Nick handled the vast majority of the pretrial litigation, and turned around a number of motions, and robust and well-written responses to my motions, on very tight timelines (on several occasions, as I recall, within the same day). This was a very sensitive and tragic case, and I specifically recall Nick going out of his way to produce a large amount of material, even though he strenuously took the position (ultimately agreed to by the district court) that the materials were entirely inadmissible. The material was uncovered very close to trial, and he took his disclosure obligations to my client seriously even though he opposed the use of that information

Ms. Mindy Barfield
November 14, 2025
Page 2 of 2

Confidential Submission

at trial. He worked with me while a protective order was pending so that I would have the opportunity to litigate admissibility on my client's behalf. I was a less-experienced attorney at the time and did not fully appreciate the commitment this decision showed to honoring the prosecution's obligations under *Brady*—but now, several years and over a dozen jury trials later, I recognize how outstanding his conduct was. I frankly doubt that many would have put in the (clearly extensive amount of) time and effort expended to find them in the first place, especially so close to trial, which I think speaks to Nick's integrity as well as his work ethic.

I struggle to think of anything bad to say about Nick, and I think he will be an excellent judge. I am also a trial lawyer, and I strongly believe that—while I am sympathetic to the younger generations of lawyers who, in many places in America, have not been given the opportunity to go to trial—it is incredibly important to put people on the bench who have actually tried cases. Nick has done that and done it well, and this experience is both invaluable and irreplaceable.

I enthusiastically support Nick's nomination. Thank you for your time, and I am happy to answer any questions that you or your committee may have.

Very truly yours,

HARRISON & HART, LLC



Carter B. Harrison IV

CBH

No enclosures



HOUSTON POLICE OFFICERS' UNION
FRATERNAL ORDER OF POLICE LODGE 110
 1600 STATE STREET - HOUSTON, TEXAS 77007 - 832.200.3410



November 17, 2025

The Honorable Charles Grassley, Chairman
 Committee on the Judiciary, United States Senate
 224 Dirksen Senate Office Building
 Washington, D.C. 20510

The Honorable Richard Durbin, Ranking Member
 Committee on the Judiciary, United States Senate
 224 Dirksen Senate Office Building
 Washington, D.C. 20510

Re: Nomination of Nicholas J. Ganjei to the U.S. District Court for the Southern District of Texas

Dear Chairman Grassley and Ranking Member Durbin:

As Executive Director of the Houston Police Officers' Union (HPOU) and a 35 year police officer, I am writing in strong support of the nomination and confirmation of Nicholas Ganjei to be a federal district court judge for the Southern District of Texas. The HPOU is Lodge 110 of the Fraternal Order of Police, representing over 5,300 active Houston Police Department Officers. Our officers work every day with federal law enforcement officials to keep Houston safe, and we see firsthand the value of having dedicated public servants fill the roles of federal prosecutors and federal judges.

Throughout his tenure as U.S. Attorney, Nick has demonstrated a steadfast commitment to keeping our city safe. He has worked hand in hand with local law enforcement to combat violent crime, reduce the flow of illegal firearms and narcotics, and hold dangerous offenders accountable. His partnership has been invaluable in carrying out our shared mission. We have been fortunate to have as our U.S. Attorney a public servant so dedicated to the rule of law and to the needs of the people he serves.

In every interaction our members have had with Nick, he has demonstrated unwavering honesty and integrity. He embodies the sound judgment and commitment to fairness that any person should want in a federal judge, and I have no doubt that he will discharge his duties on the bench as he has discharged his duties as a federal prosecutor—with a calm and thoughtful demeanor, committed to seeking the truth and enforcing the rule of law.

I respectfully urge the Senate to confirm Nick's nomination.

Sincerely,

Ray Hunt

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Aaron Christian Peterson

2. **Position:** State the position for which you have been nominated.

United States District Judge for the District of Alaska

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Alaska Department of Law
1031 West 4th Avenue #200
Anchorage, Alaska 99501

4. **Birthplace:** State year and place of birth.

1981; Anchorage, Alaska

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2007– 2010, Gonzaga University School of Law, J.D., 2010
2003 – 2007, University of Alaska Anchorage, B.B.A in finance (*cum laude*), 2007

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2019 – Present
Alaska Department of Law, Civil Division, Natural Resources Section
1031 West 4th Avenue #200
Anchorage, Alaska 99501
Senior Assistant Attorney General

2015 – 2019
Office of Special Prosecutions
Alaska Department of Law, Criminal Division
310 K Street #308
Anchorage, Alaska 99501
Assistant Attorney General

2012 – 2015
Anchorage District Attorney's Office
Alaska Department of Law, Criminal Division
310 K Street #520
Anchorage, Alaska 99501
Assistant District Attorney

2011 – 2012
Anchorage Municipal Prosecutor's Office
632 West 6th Avenue #210
Anchorage, Alaska 99501
Assistant Municipal Prosecutor

2010 – 2011
The Honorable Michael R. Spaan
Alaska Superior Court
825 West 4th Avenue
Anchorage, Alaska 99501
Law Clerk

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

2000 – 2003, United States Air Force, Senior Airman, Honorable Discharge

I registered for the selective service upon turning 18.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Trial of the Year Award from the Alaska Attorney General for the *Badillo* trial (2017)
University of Alaska Anchorage, Graduated *Cum Laude* (2007)
Air Force Achievement Medal (2001)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Alaska Bar Environmental/Natural Resources Section (2019 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Alaska, 2010

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

U.S. Court of Appeals for the Ninth Circuit, 2020

U.S. Court of Appeals for the Tenth Circuit, 2024

U.S. District Court, District of Alaska, 2019

Supreme Court of Alaska, 2010

There have been no lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Federalist Society (2025 – Present)

Fire Lake Arena Management, Inc., Volunteer Board Member (2024 – Present)

Mustang Hockey Association (1986 – 1996; 2021 – Present)

USA Hockey (2021 – Present)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership

policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies

12. **Published Writings and Public Statements:**

a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply copies of all published material to the Committee.

Press Release, *Alaska Wins Major Legal Battle to Protect Cook Inlet Salmon Fishery*, Alaska Department of Law, July 2, 2025. Copy supplied.

Press Release, *AK Supreme Court Rejects Challenge to State's Management of Herring Roe Fisheries in Sitka Sound*, Alaska Department of Law, January 2, 2024. Copy supplied.

Press Release, *Fishing Season is On in Southeast Alaska*, Alaska Department of Law, June 21, 2023. Copy supplied.

Press Release, *Alaska to Appeal Bitter Ruling on Southeast AK Chinook Fishery by Federal Court in Washington*, Alaska Department of Law, May 2, 2023. Copy supplied.

Press Release, *Bethel Superior Court Judge Dismisses Challenge to ADFG Management of Chum and King Salmon*, Alaska Department of Law, April 13, 2023. Copy supplied.

Press Release, *Bear Cub Poacher Sentenced to Three Months in Jail, 10 Year Hunting Ban, and Forfeiture of Boat, Truck, Firearms, and Gear*, Alaska Department of Law, January 23, 2019. Copy supplied.

Press Release, *Anchor Point Man Sentenced for Poaching and Wasting Three Moose*, Alaska Department of Law, December 7, 2018. Copy supplied.

Press Release, *Kenai Man Sentenced in Unlicensed Sport Fishing Guiding Case; Sport Fishing Vessel Forfeit*, Alaska Department of Law, October 12, 2018. Copy supplied.

Press Release, *Prince of Wales Man Sentenced in Commercial Seine Fishing In Closed Waters Case – Seine Vessel F/V Tlingit Lady Forfeit*, Alaska Department of Law, January 11, 2018. Copy supplied.

Press Release, *Big Game Guide Pleads Guilty To Several Bear Bait Station Violations - Guide License Permanently Revoked*, Alaska Department of Law, November 22, 2017. Copy supplied.

Press Release, *California Man Sentenced for Taking Brown Bears Out of Season and Failing to Salvage*, Alaska Department of Law, September 21, 2017. Copy supplied.

Letter to the Editor, Anchorage Daily News, Aug. 9, 2005. Copy supplied.

b. Supply copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I do not recall preparing or contributing to any such reports, memoranda, or policy statements.

c. Supply copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

Memorandum, Department of Law Comments on Proposals for the February 23 - March 5, 2024 Board of Fisheries Meeting for Upper Cook Inlet Finfish, Alaska Department of Law, February 14, 2024. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the January 9 - 12, 2024 Board of Fisheries Meeting, Alaska Department of Law, January 4, 2024. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the November 28 - December 1, 2023 Board of Fisheries Meeting, Alaska Department of Law, November 22, 2023. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the March 10, 2023 - March 14, 2023 Board of Fisheries Meeting, Alaska Department of Law, March 6, 2023. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the February 20, 2023 - February 25, 2023 Board of Fisheries Meeting, Alaska Department of Law, February 13, 2023. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the January 14, 2023 - January 18, 2023 Board of Fisheries Meeting, Alaska Department of Law, December 22, 2022. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the November 29 - December 3 Board of Fisheries meeting for Bristol Bay finfish, Alaska Department of Law, November 23, 2022. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the October 27-28, 2022 Board of Fisheries Meeting for Alaska Peninsula, Aleutian Islands, Bering Sea, and Chignik Pacific Cod, Alaska Department of Law, October 19, 2022. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the March 26, 2022 - April 2, 2022 Board of Fisheries Meeting, Alaska Department of Law, March 24, 2022. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the January 4 - 15 Board of Fisheries Meeting for Southeast Alaska and Yakutat, Alaska Department of Law, December 30, 2021. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the November 30 - December 6 Board of Fisheries Meeting for Prince William Sound finfish, Alaska Department of Law, November 24, 2021. Copy supplied.

Communication related to Board of Fisheries member request for legal interpretation, Alaska Department of Law, November 24, 2021. Copy supplied.

Memorandum, Department of Law Comments on Emergency Petition for the August 2, 2021 Board of Fisheries Meeting, Alaska Department of Law, August 2, 2021. Copy supplied.

Memorandum, Department of Law Comments on Emergency Petition for the March 16, 2021 Board of Fisheries Meeting, Alaska Department of Law, March 11, 2021. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the March 8 - March 11, 2020 Board of Fisheries Meeting for Statewide King & Tanner Crab, Alaska Department of Law, March 2, 2021. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the February 7 - February 19, 2020 Board of Fisheries Meeting for Upper Cook Inlet Finfish, Alaska Department of Law, March February 3, 2020. Copy supplied.

Memorandum, Department of Law Comments on Proposals for the December 10 - December 13, 2019 Board of Fisheries Meeting for Lower Cook Inlet Finfish, Alaska Department of Law, March December 6, 2019. Copy supplied.

d. Supply copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech,

and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

I do not recall giving any such speeches or talks.

e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and copies of the clips or transcripts of these interviews where they are available to you.

Zaz Hollander, *Newly released video shows Alaska father and son killing sow bear and screeching cubs in den*, Anchorage Daily News, Mar. 29, 2019. Copy supplied.

Julia Jacobs, *Alaska Hunter Who Killed Cubs in Bear Den Gets 3 Months in Jail*, N.Y. Times, Jan. 26, 2019. Copy supplied.

Alaska man, son sentenced in bear killings case, The Peninsula Clarion, Jan. 23, 2019. Copy supplied.

Dan Joling, *Anchor Point Moose Poacher Fined \$100,000, Sentenced to Jail*, Associated Press, Dec. 11, 2018. Copy supplied.

Leroy Polk, *Kenai sport fish guide to pay \$35,000, see jail time for violations*, NBC - 2 KTUU, Oct. 12, 2018. Copy supplied.

Zaz Hollander, *Rammed or shooting the gap? Salmon seiners clash in Prince William Sound criminal case*, Anchorage Daily News, Apr. 24, 2018. Copy supplied.

Zaz Hollander, ADN, *Troopers: Southeast fishermen illegally caught sea cucumbers*, Bristol Bay Times & Dutch Harbor Fisherman, Mar. 23, 2018. Copy supplied.

Rachel D'Oro, *Alaska men sentenced in musk oxen poaching case*, Associated Press, Aug. 4, 2017. Copy supplied.

Alaska News, *Game Guide Loses \$25,000 and ATV in Sentence for Hunting Offenses*, Alaska Dispatch Publishing, May 13, 2016. Copy supplied.

Sam Friedman, *Wasilla guide gets jail time for Delta area hunts*, Fairbanks Daily News-Miner, May 13, 2016. Copy supplied.

Dave Bendinger, KDLG, *Togiak fisherman sentenced for fishing outside the line*, Bristol Bay Times & Dutch Harbor Fisherman, Apr. 1, 2016. Copy supplied.

Becky Bohrer, *Adventure show hosts pleads guilty in illegal hunting case*, Associated Press, Jan. 8, 2016. Copy supplied.

Lisa Demer, *Reality TV host pleads guilty to killing brown bear without proper permit*,

Alaska Dispatch News, Jan. 7, 2016. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have not held judicial office.

a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____

i. Of these cases, approximately what percent were:

jury trials: _____ %
bench trials: _____ %

ii. Of these cases, approximately what percent were:

civil proceedings: _____ %
criminal proceedings: _____ %

b. Provide citations for all opinions you have written, including concurrences and dissents.

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

e. Provide a list of all cases in which certiorari was requested or granted.

f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

I have not held judicial office.

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

15. **Public Office, Political Activities and Affiliations:**

a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held public office or had any unsuccessful bids for elected or appointed office.

b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

I have not held any memberships or offices to any political party or election committee, and I have not been involved in any political campaigns.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

From 2010 to 2011, I served as a law clerk to the Honorable Michael R. Spaan, Superior Court Judge of the Alaska Superior Court in Anchorage.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2011 – 2012
Anchorage Municipal Prosecutor's Office
632 West 6th Avenue, Suite 210
Anchorage, Alaska 99501
Assistant Municipal Prosecutor

2012 – 2015
Anchorage District Attorney's Office
Alaska Department of Law, Criminal Division
310 K Street, Suite 520
Anchorage, Alaska 99501
Assistant District Attorney

2015 – 2019
Office of Special Prosecutions
Alaska Department of Law, Criminal Division
310 K Street, Suite 308
Anchorage, Alaska 99501
Assistant Attorney General

2019 – Present
Alaska Department of Law, Civil Division
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501

Senior Assistant Attorney General

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

- b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

After graduating from law school, I clerked for Judge Michael R. Spaan of the Alaska Superior Court in Anchorage. In that role, I assisted with a busy criminal docket and handled administrative appeals to the superior court. This experience provided me with an early grounding in criminal law and procedure, as well as exposure to the appellate process and the discipline of careful, neutral legal analysis in support of judicial decision-making.

From 2012 to 2015, as an Assistant District Attorney in Anchorage, my practice was devoted to criminal prosecution. I handled a wide range of felony cases, including homicide, sexual assault, robbery, burglary, and assault. This work required me to manage a large caseload, conduct jury trials, argue motions, and engage daily in courtroom practice. It also gave me substantial experience working directly with victims of crime and law enforcement agencies.

In 2015, I transitioned to the Office of Special Prosecutions, where I served until 2019 as the Statewide Fish and Wildlife Crimes Prosecutor. My practice remained criminal in nature but became more specialized, focusing on complex commercial fishing and wildlife poaching cases of statewide significance. This role required extensive jury trial work across Alaska, close coordination with the Alaska Wildlife Troopers and federal law enforcement, and frequent interaction with the public and media in high-profile cases. It also expanded my work into legislative and regulatory matters.

Since 2019, I have served as an Assistant Attorney General in the Civil Division's Natural Resources Section. My practice is now entirely civil, with a focus on federal and state litigation affecting Alaska's sovereign interests in natural resources and fisheries. I represent the Department of Fish and Game and the Board of Fisheries in both trial and appellate courts, and I have handled several consequential federal environmental and resource cases in recent years, including litigation involving the Alaska National Interest Lands Conservation Act (ANILCA), Endangered Species Act (ESA), National Environmental Policy Act (NEPA), the Magnuson-Stevens Act, and the Marine Mammal Protection Act. This phase of my career has emphasized constitutional law, statutory

interpretation, and federalism, and has required me to develop and present complex legal arguments before both state and federal trial and appellate courts.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

As a law clerk I worked on criminal matters and administrative appeals that came before the Alaska Superior Court.

As a prosecutor my clients were the people of the City of Anchorage and State of Alaska. I began my career prosecuting misdemeanors, focusing on domestic violence offenses, and later transitioned to prosecuting a wide range of felony cases. At the Office of Special Prosecutions, I specialized in wildlife poaching and commercial fishing offenses of statewide importance.

As a Senior Assistant Attorney General I represent and advise state agencies, primarily the Department of Fish and Game and the Board of Fisheries in a wide range of civil and administrative matters.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

- i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 40% |
| 2. | state courts of record: | 50% |
| 3. | other courts: | 0 % |
| 4. | administrative agencies: | 10% |

- ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 45% |
| 2. | criminal proceedings: | 55% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried over thirty cases to verdict, judgment, or final decision as sole counsel.

- i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 85% |
| 2. | non-jury: | 15% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I am co-counsel in *Alaska v. United States*, No. 25-320, in which we recently filed a Petition for Writ of Certiorari.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
 - b. the name of the court and the name of the judge or judges before whom the case was litigated; and
 - c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.
1. *United States v. Alaska*, 1:22-cv-00054-SLG, (D. Alaska 2022-2024) (Gleason, J.); *United States v. Alaska*, No. 24-2251, --- F.4th ----, 2025 WL 2406531 (9th Cir., 2025); Petition for Writ of Certiorari pending

The United States sued Alaska to prevent the State from managing fisheries on navigable waters within conservation system units created by the Alaska National Interests Lands Conservation Act. I represent Alaska in defending its sovereignty and authority to manage these waters. The case centers on whether a line of Ninth Circuit opinions that extended federal regulatory power over state-owned waters based on the Federal Reserved Water Rights (FRWR) doctrine remains valid after the Supreme Court's decision in *Sturgeon v. Frost II*. We argue that the Supreme Court clarified that FRWR are limited and do not confer authority over entire water systems, making the Ninth Circuit opinions inconsistent with controlling precedent.

The litigation also challenged the constitutionality of the Federal Subsistence Board, whose members exercise significant regulatory authority without presidential appointment or Senate confirmation.

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2. *United Cook Inlet Drift Association, et al. v. National Marine Fisheries Service, et al., and the State of Alaska*, (3:24-cv-00116-SLG) (D. Alaska 2024-2025) (Gleason, J.); *United Cook Inlet Drift Association, et al. v. National Marine Fisheries Service, et al., and the State of Alaska*, No. 25-5523 (9th Cir.) (appeal pending)

I was lone counsel for the State of Alaska as an intervenor-defendant in the most recent challenge by United Cook Inlet Drift Association (UCIDA) to Amendment 16 to the Fishery Management Plan for the Cook Inlet salmon fishery in the Exclusive Economic Zone (EEZ). UCIDA argued that the Magnuson-Stevens Act (MSA) required federal management of salmon across both state and federal waters and claimed that Amendment 16 unlawfully excluded state waters from federal jurisdiction. UCIDA also challenged the plan's compliance with the National Standards, including optimum yield, mixed-stock management, and safety at sea.

The State aligned with the National Marine Fisheries Service (NMFS), arguing that the MSA preserves state jurisdiction within three miles of shore and does not compel NMFS to regulate fisheries in state waters absent specific statutory findings. We also defended NMFS's reliance on the best available science to define optimum yield and maximum sustainable yield in the mixed-stock fishery.

The district court ruled in favor of NMFS and the State, rejecting UCIDA's claims and dismissing the case with prejudice. The court held that NMFS acted within its statutory authority by limiting Amendment 16 to the EEZ, properly explained its decisions, and satisfied the MSA's National Standards. UCIDA has appealed to the Ninth Circuit.

Co-Counsel

I did not have co-counsel.

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3. *Groundfish Forum, Inc. v. National Marine Fisheries Service, et al. and Central Bering Sea Fisherman's Association, et al.*, 3:23-cv-00283-SLG, (D. Alaska 2023-2024) (Gleason, J.)

The plaintiff Groundfish Forum challenged the validity of Amendment 123 to the Bering Sea and Aleutian Islands Groundfish Fishery Management Plan, which links halibut prohibited species catch limits for the Amendment 80 groundfish trawl fleet to halibut abundance. The plaintiff argued that Amendment 123 violated the Magnuson-Stevens Act, the APA, and NEPA, claiming the rule unlawfully allocated fishing privileges, imposed impracticable bycatch measures, and relied on an unduly narrow NEPA analysis.

I represented Alaska as an amicus curiae in support of NMFS, emphasizing the importance of halibut conservation while maintaining the stability of Alaska's groundfish fisheries. The court rejected all of Groundfish Forum's claims, holding that Amendment 123 was lawful, reasonable, and adequately explained. The court found NMFS's

approach consistent with National Standards 4 and 9, properly focused on the sector with the highest halibut bycatch mortality, and supported by practicable bycatch reduction measures. The court also upheld the adequacy of the final Environmental Impact Statement, concluding that NMFS had reasonably considered alternatives and complied with NEPA.

The court dismissed Groundfish Forum's claims with prejudice, allowing Amendment 123 to stand as an important conservation measure balancing halibut protection with continued groundfish harvest opportunities.

Co-Counsel

I did not have co-counsel.

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4. *Wild Fish Conservancy v. Quan, et al., the Alaska Trollers Association, and the State of Alaska*, 2:20-cv-00417, (W.D. Washington, 2020 – 2023) (Jones, J.); *Wild Fish Conservancy v. Quan, et al., the Alaska Trollers Association, and the State of Alaska*, No. 23-35322 (9th Cir., 2024)

In March 2020, the Wild Fish Conservancy sued NMFS, alleging that the federal Southeast Alaska Chinook salmon fishery violated the ESA by reducing prey availability for Southern Resident killer whales. I represented the State of Alaska in the district court litigation, which intervened to protect its fishery. The federal district court in Seattle ruled in favor of the Conservancy, finding that NMFS failed to provide binding mitigation measures in its biological opinion and did not properly evaluate the prey increase program’s impact on endangered Chinook salmon. The court ordered vacatur of the incidental take statement, effectively shutting down the fishery.

Alaska immediately appealed to the Ninth Circuit and sought an emergency stay to prevent the closure. The Ninth Circuit granted Alaska’s request, allowing the summer and winter troll fisheries to proceed while litigation continued. On appeal, the Ninth Circuit reversed the district court’s vacatur of the incidental take statement, holding that the

lower court misapplied the *Allied-Signal* test by failing to properly weigh the severe economic, social, and cultural harm that closing the fishery would impose on Alaskan fishing communities. The Ninth Circuit ultimately agreed with Alaska's position on remedy. NMFS has since issued a new biological opinion and NEPA documentation, and the fishery has continued uninterrupted.

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5. *Cook Inletkeeper et al. v. Raimondo, et al., Hilcorp, and the State of Alaska*, 541 F. Supp. 3d 987 (D. Alaska 2021) (Gleason, J.)

In this case, the State of Alaska intervened as a defendant aligned with NMFS to defend the State's interest in responsible resource development against a challenge to NMFS's Incidental Take Regulations for Hilcorp's oil and gas activities in Cook Inlet. Plaintiffs alleged violations of the Marine Mammal Protection Act, Endangered Species Act, and National Environmental Policy Act, arguing that NMFS failed to adequately account for tugboat noise impacts on the endangered Cook Inlet beluga whale. The district court partially agreed, holding that NMFS's "no take" determination was arbitrary and capricious and invalidating portions of the ITR, Biological Opinion, and Environmental

Assessment.

I represented Alaska during remedy briefing, in which we emphasized that a full vacatur would cause Alaska severe economic harm, disrupt critical maintenance and well-plugging operations, and heighten environmental risks. The court adopted a tailored remedy, allowing essential maintenance and decommissioning to proceed while NMFS corrected its analysis.

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6. *Cook Inlet Fisherman's Fund v. Department of Fish and Game and Alaska Board of Fisheries*, 3KN-19-641CI (Alaska Superior Court, 2019-2020) (Gist, J.); *Cook Inlet Fisherman's Fund v. Department of Fish and Game and Alaska Board of Fisheries*, 514 P.3d 1250 (Alaska 2022)

I was lead counsel for the Alaska Board of Fisheries and the Alaska Department of Fish and Game in *Cook Inlet Fisherman's Fund v. ADFG and the BOF*, a case in which a group of commercial fishers challenged both state agencies' regulation and management of Cook Inlet salmon, alleging that the state's fishery management practices in Cook Inlet violated federal law and national standards. The plaintiffs sought to impose federal fishery management standards on Cook Inlet salmon fisheries, arguing that Alaska was required to comply with the Magnuson-Stevens Act and other federal regulations.

My role included briefing and arguing that the State's management decisions were consistent with state and federal law, and that federal fishery management standards did not apply to state waters. The plaintiffs also attempted to depose officials, which the State successfully opposed on the basis that the administrative record contained all relevant evidence.

The superior court ruled in favor of the State, holding that Alaska was not bound by federal fishery management standards in state waters. The court also upheld the State's position that additional discovery was unnecessary. On appeal, the Alaska Supreme Court affirmed the decision, reinforcing the State's authority to manage its fisheries without additional federal oversight. The ruling reaffirmed that the Alaska Statehood Act did not impose ongoing federal management obligations and that the Magnuson-Stevens Act did not require Cook Inlet fisheries to operate under a federal fishery management plan at that time.

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7. *State of Alaska v. Demmert*, 1PW-17-145CR (Alaska District Court, 2017-2018) (Clark, M.J.)

I prosecuted this case as an Assistant Attorney General in the Office of Special Prosecutions. The defendant, a commercial salmon seine captain, was charged with multiple counts arising from an illegal fishing operation in Coco Harbor, an area closed to commercial fishing for nearly thirty years to protect salmon spawning streams. Evidence showed that the defendant fished more than sixty miles into closed waters, near a spawning stream, and attempted to conceal his actions by filing a false commercial fish ticket claiming the catch came from open waters.

I handled the case from charging through sentencing at which the court imposed a \$32,728 fine, 180 days of suspended jail time, forfeiture of \$17,728 in proceeds from the illegal catch, and forfeiture of the 58-foot vessel F/V Tlingit Lady, its skiff, nets, and all gear aboard.

This case was significant because it addressed an egregious violation with potential long-term impacts on a sensitive salmon run. The outcome underscored the seriousness of creek robbing and reinforced the State's commitment to protecting fisheries through vigorous enforcement and meaningful penalties, including vessel forfeiture.

Co-Counsel

I did not have co-counsel.

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8. *State of Alaska v. Badillo*, 3AN-15-03481CR (Alaska Superior Court, 2015-2017)

(Saxby, J.)

I served on the team prosecuting a case involving violent kidnapping, multiple armed robberies, sexual assault, and burglary. While on felony probation and absconding from supervision, the defendant abducted a woman at gunpoint from her garage as she was loading her two young children into a car. He assaulted the victim in her home, then forced her to drive him across town for several hours while committing multiple robberies at different locations. The following day, he continued his crime spree, burglarizing another home and pointing a firearm at two strangers before attempting to flee from law enforcement.

I promptly presented the case to the grand jury and successfully argued for a high bail amount to ensure public safety while the case awaited trial. After transferring to the Office of Special Prosecutions in 2016, I elected to remain on the case for trial, ultimately prosecuting it alongside another attorney from the Anchorage DA's Office in 2017. The jury convicted the defendant of three counts of kidnapping, multiple counts of first-degree sexual assault, nine counts of first-degree robbery, three counts of first-degree burglary, and several related offenses. Given his prior felony history, the state sought and obtained multiple aggravating factors, including the youth of the child victims, the number of victims involved, the severity of the crimes, and his continued criminal conduct despite previous rehabilitation attempts. The court ultimately imposed a composite sentence of 127 years to serve, ensuring the defendant would never again pose a danger to the public.

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9. *State of Alaska v. Kinmon*, 4DJ-14-00005 CR (Alaska District Court, 2015-2016) (Christian, J.); *Kinmon v. State of Alaska*, 451 P.3d 392 (Alaska Court of Appeals, 2017-2019)

I was the lone prosecutor in *State v. Kinmon*, a complex case involving a licensed vendor and registered big game guide who was charged with multiple guiding offenses after

allowing clients to hunt without proper tags, guiding for species he was not authorized to guide for, and falsifying hunt records to conceal the misconduct. The illegal hunts involved the unlawful taking of a Dall sheep, a grizzly bear, and a sublegal moose, all of which were forfeited to the State.

After hearing testimony from eight witnesses, the jury convicted the defendant on eleven counts. I argued for a significant sentence to ensure deterrence and later successfully defended that sentence on appeal. The case underscored the importance of enforcing Alaska's guiding and tagging requirements, which safeguard wildlife resources and preserve the integrity of lawful hunting in the state.

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10. *State of Alaska v. Wagner*, 3AN-11-12073 CR (Alaska Superior Court 2014)
(Smith, J.)

I co-chaired the murder trial. The defendant was accused of fatally stabbing the victim during a fight in the victim's garage. After the stabbing, the defendant continued to threaten the victim by breaking a window, spraying a fire extinguisher inside, and yelling he would kill him. The defendant claimed self-defense at trial, testifying the victim attacked him and that he wrested the knife from the victim before using it. The jury convicted the defendant of second-degree murder.

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18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

The most significant legal activities I have pursued span both criminal prosecution and civil litigation. Early in my career as a prosecutor, I handled serious felony cases from charging decisions through sentencing. These prosecutions required trial advocacy as well as extensive pretrial motion practice, evidentiary hearings, and plea negotiations. Many cases did not proceed to trial but still demanded careful legal judgment to ensure victims were heard and public safety protected.

Since 2019, my practice has centered on complex civil litigation defending Alaska's sovereign interests in federal and state court. I have represented the State in cases involving the Endangered Species Act, NEPA, the Magnuson-Stevens Act, the Marine Mammal Protection Act, and ANILCA, where the stakes often extended beyond the individual matter to long-term consequences for Alaska's economy, resource development, and self-governance. In this capacity, I have drafted and argued numerous motions and appellate briefs, advised agencies on litigation risk, and collaborated closely with clients in developing legal strategy.

In addition, I have served as legal counsel to the Alaska Board of Fisheries for the past six years. That work involves attending board meetings, advising on the legality of proposed regulations, and providing real-time guidance to avoid decisions that could later be invalidated in court. This role requires translating complex legal principles into practical advice for policymakers and ensuring that Alaska's fisheries are managed within statutory and constitutional limits.

Taken together, my most significant activities have required not only courtroom advocacy but also the consistent application of sound legal judgment in preventing litigation, guiding regulatory decision-making, and safeguarding the interests of my clients.

I have never acted or registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

None.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no plans, commitments, or agreements to pursue outside employment, with or without compensation.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

When my nomination is formally transmitted to the Senate, I will file my Financial Disclosure Report and supply a copy to this Committee.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I anticipate potential conflicts of interests arising from my current employment as a Senior Assistant Attorney General the with Alaska Department of Law. If confirmed, I will recuse myself from any case where I have ever played a role. Further, I will evaluate any potential conflict or issue that could give rise to the appearance of a conflict, on a case-by-case basis and determine appropriate action, including recusal where necessary.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts by referring to 28 U.S.C. § 455; Canon 3 of the Code of Conduct for United States Judges; and any other laws, rules, and practices governing such circumstances.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

My entire legal career has been dedicated to public service and to advancing the interests of all Alaskans, often with a focus on protecting the most disadvantaged members of society. As a prosecutor, I sought justice for victims of violent crime, many of whom lived in especially vulnerable circumstances. In my work enforcing Alaska's hunting and fishing laws, I pursued significant penalties against poachers, recognizing that illegal harvests disproportionately harm rural and subsistence users who rely on a sustainable surplus of fish and game to feed their families.

In my current role representing the Department of Fish and Game, I have worked to protect the rights of all subsistence users to harvest the resources upon which they depend. These cases frequently involve high-stakes questions of access and conservation, with outcomes that directly affect some of the most disadvantaged communities in Alaska.

In addition, I have devoted time to mentoring the next generation of lawyers as the Natural Resource section's intern supervisor. In that role, I supervised and mentored law students, helping them gain practical experience and encouraging them to pursue careers in public service.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your

jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

I was first contacted on January 21, 2025, by an attorney working on Governor Dunleavy's federal transition plan, encouraging me to apply to Senator Sullivan's Alaska Federal Judiciary Council. I submitted my application packet, resume, and references to the Council and interviewed on March 19, 2025. I subsequently interviewed with Senator Sullivan on March 29, 2025. On June 4, 2025, I interviewed with attorneys from the White House Counsel's Office at the Eisenhower Building in Washington, D.C. Since September 16, 2025, I have been in contact with officials from both the White House Counsel's Office and the Office of Legal Policy at the Department of Justice in preparation for a potential nomination. I am scheduled to meet with Senator Murkowski on October 23, 2025.

b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS				LIABILITIES			
Cash on hand and in banks		114	000	Notes payable to banks-secured (auto)		36	490
U.S. Government securities				Notes payable to banks-unsecured			
Listed securities – see schedule	1	398	437	Notes payable to relatives			
Unlisted securities				Notes payable to others			
Accounts and notes receivable:				Accounts and bills due		25	000
Due from relatives and friends				Unpaid income tax			
Due from others				Other unpaid income and interest			
Doubtful				Real estate mortgages payable – see schedule	1	859	095
Real estate owned – see schedule	3	510	100	Chattel mortgages and other liens payable			
Real estate mortgages receivable				Other debts-itemize:			
Autos and other personal property		100	000				
Cash value-life insurance							
Other assets itemize:							
				Total Liabilities	1	920	585
				Net Worth	3	201	952
Total Assets	5	122	537	Total Liabilities and Net Worth	5	122	537
CONTINGENT LIABILITIES				GENERAL INFORMATION			
As endorser, comaker or guarantor				Are any assets pledged? (Add schedule)	No		
On leases or contracts				Are you defendant in any suits or legal actions?	No		
Legal Claims				Have you ever taken bankruptcy?	No		
Provision for Federal Income Tax							
Other special debt							

FINANCIAL STATEMENT

NET WORTH SCHEDULES

Listed Securities

Alaska Target Date Retirement 2045 Trust Acct I	\$399,317
Alaska Target Date Retirement 2045 Trust Acct II	367,776
Alaska Target Date Retirement 2045 Trust Acct III	334,369
Alaska Target Date Retirement 2045 Trust Acct IV	19,944
Alaska 529 – Portfolio 2033	18,350
Alaska 529 – University of Alaska Portfolio	31,313
Global X S&P 500 Covered Call ETF	11,715
Guggenheim Strategic Opportunities Fund	8,952
JPMorgan Equity Premium Income ETF	17,004
S&P 500 Stock Index Fund	22,962
T Rowe Retirement 2045 Fund	64,770
US Small Cap Trust	37,369
Vanguard Target Retirement 2045	64,596
Total Listed Securities	<u>\$1,398,437</u>

Real Estate Owned

Personal Residence	\$846,500
Family Cabin (50% Interest)	711,700
Rental Property #1	995,500
Rental Property #2	956,400
Total Real Estate Owned	<u>\$3,510,100</u>

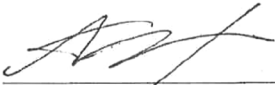
Real Estate Mortgages Payable

Personal Residence – Mortgage	\$551,352
Family Cabin (50% Interest)	318,973
Rental Property #1	474,932
Rental Property #2	513,838
Total Real Estate Mortgages Payable	<u>\$1,859,095</u>

AFFIDAVIT

I, Aaron Christian Peterson, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

September 30, 2025
(DATE)


(NAME)


(NOTARY)



Senator Dick Durbin
Ranking Member, Senate Judiciary Committee
Written Questions for Aaron Christian Peterson
Nominee to be U.S. District Judge for the District of Alaska
November 26, 2025

1. In your Questionnaire you noted that, earlier this year, you submitted an application to Senator Sullivan’s Alaska Federal Judiciary Council. According to public reporting and Senator Sullivan’s website, you were asked to list the judge or justice you most admired and why.¹

a. Which judge or justice did you list, and why?

Response: I listed Justice Antonin Scalia because his adherence to textualism and his insistence that judges apply the law as written, without regard to personal preference, reinforced the principle that judicial decisions must rest on constitutional and statutory text rather than policy judgments. His analytical precision forced courts and advocates alike to engage directly with the text, a shift reflected in Justice Kagan’s well-known acknowledgment that “we are all textualists now, in a way that was not remotely true when Justice Scalia joined the bench.”

You were also asked to list the Supreme Court decision you believed to be the most important or consequential.

b. Which Supreme Court decision did you list, and why?

Response: I listed *Marbury v. Madison* as the most consequential decision in American jurisprudence because it established the principle of judicial review, thereby cementing the judiciary’s role in interpreting the Constitution.

2. Last year, a Trump-appointed judge of the court to which you have been nominated resigned in disgrace, following an investigation into his sexual misconduct and his creation of a hostile work environment for court employees.

It is essential for judges to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary. But the fact remains that employees of the federal judiciary do not currently enjoy the same protections against workplace misconduct—including discrimination, harassment, and retaliation—that most workers have.

If you are confirmed to the district court, what steps will you take to ensure that court employees are not subject to abuse?

¹ Office of Senator Dan Sullivan, *Alaska Federal Judiciary Council – Application Information*, <https://www.sullivan.senate.gov/alaska-federal-judiciary-council>.

Response: If I am confirmed, I will take every possible step to ensure that no court employees are subjected to harassment, discrimination, retaliation, or any other form of misconduct. I will treat all employees with respect and professionalism and make it absolutely clear that maintaining the standard is condition of employment for everyone who works in my chambers. I will maintain an open environment where employees feel safe reporting concerns, and I will address any allegation of misconduct immediately and seriously.

If an issue arises, I would promptly consult the chief judge, other district judges, and the Clerk of Court, as well as any resources available through the Ninth Circuit and the Administrative Office of the U.S. Courts, to ensure that the matter is handled correctly, transparently, and in accordance with best practices. Abuse of any kind is unacceptable in the federal judiciary, and I am committed to fostering a workplace defined by integrity, professionalism, and mutual respect.

3. Did President Trump lose the 2020 election?

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.

4. Where were you on January 6, 2021?

Response: I was working in my office at the Alaska Department of Law in Anchorage, Alaska.

5. Do you denounce the January 6 insurrection?

Response: The events of January 6, 2021, are matters of significant political debate which may come before me as a Judge. Events related to January 6, 2021, are also subject to ongoing litigation. Thus, as a judicial nominee, it would be inappropriate for me to answer this question or engage in any political commentary. *See* Code of Conduct United States Judges, Canons 3(A)(6), 5.

6. Do you believe that January 6 rioters who were convicted of violent assaults on police officers should have been given full and unconditional pardons?

Response: Under Article II, Section 2, Clause 1 of the Constitution, the president has the power to “grant Reprieves and Pardons for Offences against the United States....” The Supreme Court has affirmed on several occasions that the pardon power is one of the President’s most plenary powers. *See e.g. Ex Parte Garland*, 71 U.S. 333 (1866); *United States v. Klein*, 80 U.S. 128 (1871); *Trump v. United States*, 603 U.S. 593 (2024). Beyond that, this question calls for an opinion on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of United States Judges, Canons 3(A)(6), 5.

7. The Justice Department is currently defending the Trump Administration in a number of lawsuits challenging executive actions taken by the Administration. Federal judges—both Republican and Democratic appointees—have enjoined some of these actions, holding that they are illegal or unconstitutional. Alarming, President Trump, his allies, and even some nominees before the Senate Judiciary Committee have responded by questioning whether the executive branch must follow court orders.

a. What options do litigants—including the executive branch—have if they disagree with a court order?

If a litigant disagrees with a court order, the appropriate options in nearly all cases are to comply with the order, seek relief through a motion for reconsideration or a request for a stay, or pursue appellate review. Courts have well-established procedures for challenging rulings, and those mechanisms must be followed to ensure respect for the rule of law. However, I am aware of narrow exceptions to the general rule. For example, A party's noncompliance may also be excused if it is impossible for the party to comply with the court's order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) (“[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order.”) The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) (“Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.”)

b. Do you believe a litigant can ever lawfully defy an order from a lower federal court? If yes, in what circumstances?

Response: Please see my response to Question 7.a.

c. Under the separation of powers, which branch of the federal government is responsible for determining whether a federal court order is lawful?

Response: As a general matter the Judicial Branch is responsible for determining whether a court order is lawful. Beyond that basic principle, the question calls for a hypothetical that touches on matters with significant political implications and issues that could come before me if I am confirmed. As a judicial nominee, it would be inappropriate for me to answer this question or engage in any political commentary. *See Code of Conduct United States Judges*, Canons 3(A)(6), 5.

8. District judges have occasionally issued non-party injunctions, which may include “nationwide injunctions” and “universal injunctions.”

a. Are non-party injunctions constitutional?

Response: In *Trump v. CASA*, 145 S. Ct. 2540 (2025), the Supreme Court held that federal courts likely lack the statutory authority to issue universal injunctions that broadly prohibit the enforcement of a law or policy against all non-parties. This is a developing area of law and if I am confirmed I will follow all Supreme Court and Ninth Circuit precedent. Because these matters could arise before me as a judge, it would be inappropriate for me to provide further comment. *See* Code of Conduct United States Judges, Canon 3A(6).

b. Are non-party injunctions a legitimate exercise of judicial power?

Response: Please see my response to Question 8.a.

c. Is it ever appropriate for a district judge to issue a non-party injunction? If so, under what circumstances is it appropriate?

Response: Please see my response to Question 8.a.

d. As a litigator, have you ever sought a non-party injunction as a form of relief? If so, please list each matter in which you have sought such relief.

Response: I cannot recall personally handling a case in which my client has sought a non-party injunction as a form of relief.

9. At any point during your selection process, did you have any discussions with anyone—including individuals at the White House, the Justice Department, or any outside groups—about loyalty to President Trump? If so, please provide details.

Response: No.

10. Does the U.S. Constitution permit a president to serve three terms?

Response: The 22nd Amendment states that “[n]o person shall be elected to the office of President more than twice....”

11. On May 26, 2025, in a Truth Social post, President Trump referred to some judges whose decisions he disagrees with, as “USA HATING JUDGES” and “MONSTERS”, who “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”²

a. Do you agree that these federal judges are “USA HATING” and “MONSTERS” “...SUFFER FROM AN IDEOLOGY THAT IS SICK, AND VERY DANGEROUS FOR OUR COUNTRY...”?

² Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. See Code of Conduct of United States Judges, Canons 3(A)(6), 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 11.a.

- 12. In addition to the President’s own attacks on judges, his adviser Stephen Miller took to social media to call a federal trade court’s ruling against President Trump’s tariffs a “judicial coup”³ and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”⁴**

a. Do you agree that these judges are engaged in a “judicial coup” and that “we are living under a judicial tyranny”?

Response: This question calls for a response to statements by a political figure regarding ongoing litigation, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. See Code of Conduct of United States Judges, Canons 3(A)(6), 5.

b. Do you believe this rhetoric endangers the lives of judges and their families?

Response: Please see my response to Question 12.a.

c. Would you feel comfortable with any politician or their adviser sharing a picture of you on social media if you issue a decision they disagree with?

Response: Please see my response to Question 12.a.

- 13. When, if ever, may a lower court depart from Supreme Court precedent?**

Response: It is never appropriate for a district court judge to depart from controlling Supreme Court precedent.

- 14. When, in your opinion, would it be appropriate for a circuit court to overturn its own precedent?**

Response: Circuit courts each have standards for overturning its own precedent. The Ninth Circuit may do so *en banc* or when a new higher authority is “clearly irreconcilable” with its precedent. *Miller v. Gammie*, 335 F.3d 889, 900 (9th Cir. 2003).

³ Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

⁴ Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

My judicial duty, if confirmed as a district court judge, will be to apply precedent rather than to overturn it. I will faithfully adhere to the decisions of the Supreme Court and the Ninth Circuit.

15. When, in your opinion, would it be appropriate for the Supreme Court to overrule its own precedent?

Response: The Supreme Court has established precedent on when it will overturn its own precedents. My judicial duty, if confirmed, will be to apply precedent rather than to overturn it. I will faithfully adhere to the decisions of the Supreme Court.

16. Please answer yes or no as to whether the following cases were correctly decided by the Supreme Court:

a. *Brown v. Board of Education*

Response: Yes. As many previous nominees have said, it is almost always improper for judicial nominees to opine on whether Supreme Court precedent is correctly decided. The two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. I agree that both those decisions were correctly decided.

b. *Plyer v. Doe*

Response: *Plyer* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Please see my response to Question 16.a.

c. *Loving v. Virginia*

Response: Yes. Please see my response to Question 16.a.

d. *Griswold v. Connecticut*

Response: *Griswold* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

e. *Trump v. United States*

Response: *Trump* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

f. *Dobbs v. Jackson Women's Health Organization*

Response: *Jackson* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

g. *New York State Rifle & Pistol Association, Inc. v. Bruen*

Response: *Bruen* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

h. *Obergefell v. Hodges*

Response: *Obergefell* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

i. *Bostock v. Clayton County*

Response: *Bostock* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

j. *Masterpiece Cakeshop v. Colorado*

Response: *Masterpiece Cakeshop* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

k. *303 Creative LLC v. Elenis*

Response: *303 Creative* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

l. *United States v. Rahimi*

Response: *Rahimi* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

m. *Loper Bright Enterprises v. Raimondo*

Response: *Loper Bright* is binding Supreme Court precedent and if confirmed, I will faithfully apply it. Beyond that, please see my response to Question 16.a.

17. With respect to constitutional interpretation, do you believe judges should rely on the “original meaning” of the Constitution?

Response: Yes, the public’s original understanding of a constitutional provision’s meaning at the time of its ratification does constrain its application in later eras, as the Supreme Court has repeatedly held that the Constitution’s text must be interpreted according to its original public meaning to preserve its status as enduring law rather than a vehicle for evolving judicial policy preferences.

18. How do you decide when the Constitution’s “original meaning” should be controlling?

Response: Please see my response to Question 17.

19. Does the “original meaning” of the Constitution support a constitutional right to same-sex marriage?

Response: In *Obergefell v. Hodges*, 576 U.S. 644 (2015), the Supreme Court held that the Constitution includes the right to same-sex marriage. If confirmed, I would faithfully follow *Obergefell* and all other precedents of the Supreme Court.

20. Does the “original meaning” of the Constitution support the constitutional right to marry persons of a different race?

Response: Yes. In *Loving v. Virginia*, 388 U.S. 1 (1967), the Supreme Court held that the Constitution includes the right to marry persons of a different race. As explained in my response to Questions 16.a. and c., *Loving* is properly decided under the original meaning of the Constitution. If confirmed, I would faithfully follow *Loving* and all other precedents of the Supreme Court.

21. What is your understanding of the Equal Protection and Due Process clauses of the Fourteenth Amendment?

Response: The text of the Due Process and Equal Protection clauses in the Fourteenth Amendment state: “No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” Generally speaking, the Equal Protection Clause requires courts to apply strict or intermediate scrutiny when a State classifies individuals based on a protected or quasi-protected characteristic. The Due Process Clause has been interpreted both to require basic procedural safeguards and to include a substantive component that limits the kinds of legislation a State may enact. There are tens of thousands of cases applying these provisions and if I am confirmed as a district court judge I will faithfully and dutifully apply all Supreme Court and Ninth Circuit precedent regarding these and all other issues.

22. How do these clauses apply to individuals that the Framers of the amendment likely did not have in mind, such as women? Or LGBTQ+ individuals?

Response: The Supreme Court has applied these constitutional provisions to discrimination based on sex, *see, e.g., United States v. Virginia*, 518 U.S. 515 (1996), and sexual orientation, *see, e.g., Lawrence v. Texas*, 539 U.S. 558 (2003). As with all other precedents of the Supreme Court, if confirmed I would faithfully apply these decisions.

23. Do you believe that judges should be “originalist” and adhere to the original public meaning of constitutional provisions when applying those provisions today?

Response: Please see my response to Question 17.

24. If so, do you believe that courts should adhere to the original public meaning of the Foreign Emoluments Clause when interpreting and applying the Clause today?

Response: Please see my response to Question 17.

25. Under the U.S. Constitution, who is entitled to First Amendment protections?

Response: The First Amendment states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” The Supreme Court has issued thousands of decisions on how, to whom, and in what manner the First Amendment applies. Because related matters could appear before me as a judge, it would be inappropriate for me to provide further comment on how the applicable law might apply. *See* Code of Conduct United States Judges, Canon 3A(6).

26. How would you determine whether a law that regulates speech is “content-based” or “content-neutral”? What are some of the key questions that would inform your analysis?

Response: I would apply the relevant and binding decisions from the Supreme Court and the Ninth Circuit on the issue. Because related matters could appear before me as a judge, it would be inappropriate for me to provide further comment on how the applicable law might apply. *See* Code of Conduct United States Judges, Canon 3A(6).

27. What is the standard for determining whether a statement is protected speech under the true threats doctrine?

Response: “[T]rue threats are serious expressions conveying that a speaker means to commit an act of unlawful violence.” *Counterman v. Colorado*, 660 U.S. 66, 74 (2023). If I am confirmed, I would faithfully apply the precedents of the Supreme Court and the Ninth Circuit regarding the true threats doctrine.

28. Is every individual within the United States entitled to due process?

Response: The Fifth Amendment states that “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without

due process of law; nor shall private property be taken for public use, without just compensation.” The Supreme Court has held that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). As a district court judge, I would apply all Supreme Court and Ninth Circuit precedents in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of pending or impending litigation, it would be improper for me as a judicial nominee to comment further. *See* Code of Conduct of United States Judges, Canon 3(A)(6).

29. Can U.S. citizens be transported to other countries for the purpose of being detained, incarcerated, or otherwise penalized?

Response: The above question has been the subject of recent litigation. As a result, this question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of United States Judges, Canons 3(A)(6), 5.

30. The Fourteenth Amendment states: “All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.”

a. Is every person born in the United States a citizen under the Fourteenth Amendment?

Response: Because this issue is actively being litigated and could appear before me as a judge, it would be inappropriate for me to comment. *See* Code of Conduct United States Judges, Canon 3A(6).

b. Is the citizenship or immigration status of the parents of an individual born in the United States relevant for determining whether the individual is a citizen under the Fourteenth Amendment?

Response: Please see my response to Question 30.a.

31. Do you believe that demographic and professional diversity on the federal bench is important? Please explain your views.

Response: Yes, no one should ever be denied the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic.

32. The bipartisan *First Step Act of 2018*, which was signed into law by President Trump, is one of the most important pieces of criminal justice legislation to be enacted during my time in Congress. At its core, the Act was based on a few key, evidence-based principles. First, incarcerated people can and should have meaningful access to rehabilitative programming and support in order to reduce recidivism and help our communities

prosper. Second, overincarceration through the use of draconian mandatory minimum sentences does not serve the purposes of sentencing and ultimately causes greater, unnecessary harm to our communities. With these rehabilitative principles in mind, one thing Congress sought to achieve through this Act was giving greater discretion to judges—both before and after sentencing—to ensure that the criminal justice system effectively and efficiently fosters public safety for the benefit of all Americans.

a. How do you view the role of federal judges in implementing the *First Step Act*?

Response: If confirmed as a district judge, I would apply the provisions of the First Step Act faithfully, fairly and impartially as I would any other enacted law of the United States.

b. Will you commit to fully and fairly considering the individualized circumstances of each defendant who comes before you when imposing sentences to ensure that they are properly tailored to promote the goals of sentencing and avoid terms of imprisonment in excess of what is necessary?

Response: Yes.

33. The Federalist Society seeks to “reorder[] priorities within the legal system to place a premium on individual liberty, traditional values, and the rule of law.”

a. In your Questionnaire, you state that you are currently a member of the Federalist Society. What is your understanding of “traditional values”?

Response: I am not familiar with the quoted material. I have never participated in drafting any position statement of that organization. There are tens of thousands of Federalist Society members.

b. In your Questionnaire, you state that you joined the Federalist Society in 2025. Why did you join the Federalist Society earlier this year?

Response: I have attended Federalist Society events periodically over the years, but I had never been an active participant and often could not attend functions due to schedule conflicts. I have always appreciated the opportunity to hear different perspectives and to gather with colleagues from a variety of practice areas and professional backgrounds. When I attended an event in early 2025, I learned that the Alaska Chapter had new leadership and planned to become more active, with more regular programming. At that point, I decided to formally join so I could be informed of and participate more consistently in those events.

c. President Trump wrote on Truth Social that the Federalist Society gave him “bad advice” on “numerous Judicial Nominations.” He also wrote that

Leonard Leo is a “sleazebag” who “probably hates America.” If you are not familiar with this post, please refer to it in the footnote.⁵

- i. **Do you agree with President Trump that the Federalist Society provided President Trump with bad advice during his first term? Why or why not?**

Response: This question calls for a response to statements by a political figure and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of United States Judges, Canon 5.

- ii. **Do you agree with President Trump that Leo is a sleazebag who probably hates America? Why or why not?**

Response: Please see my response to Question 33.c.i.

- iii. **If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: If confirmed, I will consult the canons of judicial ethics to determine generally what membership may or may not be appropriate and will make decisions in accordance with that guidance.

- d. **During your selection process, have you spoken to or corresponded with any individuals associated with the Federalist Society, including Leonard Leo or Steven G. Calabresi? If so, please provide details of those discussions.**

Response: No.

- e. **Have you ever been asked to and/or provided services to the Federalist Society, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- f. **Have you ever been paid honoraria by the Federalist Society? If so, how much were you paid, and for what services?**

Response: No.

- 34. The Teneo Network states that its purpose is to “Recruit, Connect, and Deploy talented conservatives who lead opinion and shape the industries that shape society.”

⁵ Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 29, 2025, 8:10 PM), <https://truthsocial.com/@realDonaldTrump/posts/114593880455063168>.

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with the Teneo Network, including Leonard Leo? If so, please provide details of those discussions.**

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have not spoken to or corresponded with any individuals associated with the Teneo Network. I have never spoken with Leonard Leo.

- b. **Have you ever been asked to and/or provided services to the Teneo Network, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. **Have you ever been paid honoraria by the Teneo Network? If so, how much were you paid, and for what services?**

Response: No.

35. The Heritage Foundation states that its mission is to “formulate and promote public policies based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense.” Heritage Action, which is affiliated with the Heritage Foundation, seeks to “fight for conservative policies in Washington, D.C. and in state capitals across the country.”

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action, including Kevin D. Roberts? If so, please provide details of those discussions.**

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have not spoken to or corresponded with any individuals associated with the Heritage Foundation or Heritage Action. I have never spoken with Kevin D. Roberts.

- b. **Have you ever been asked to and/or provided services to the Heritage Foundation or Heritage Action, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. **Were you ever involved in or asked to contribute to Project 2025 in any way?**

Response: No.

- d. **Have you ever been paid honoraria by the Heritage Foundation or Heritage Action? If so, how much were you paid, and for what services?**

Response: No.

36. The America First Policy Institute (AFPI) states that its “guiding principles are liberty, free enterprise, national greatness, American military superiority, foreign-policy engagement in the American interest, and the primacy of American workers, families, and communities in all we do.”

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with AFPI? If so, please provide details of those discussions.**

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have not spoken to or corresponded with any individuals associated with the America First Policy Institute.

- b. **Have you ever been asked to and/or provided services to AFPI, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. **Have you ever been paid honoraria by AFPI? If so, how much were you paid, and for what services?**

Response: No.

37. The America First Legal Institute (AFLI) states that it seeks to “oppose the radical left’s anti-jobs, anti-freedom, anti-faith, anti-borders, anti-police, and anti-American crusade.”

- a. **During your selection process, have you spoken to or corresponded with any individuals associated with AFLI, including Stephen Miller, Gene Hamilton, or Daniel Epstein? If so, please provide details of those discussions.**

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have not spoken to or corresponded with any individuals associated with the America First Legal Institute. I have never spoken with Stephen Miller, Gene Hamilton, or Daniel Epstein.

- b. **Have you ever been asked to and/or provided services to AFLI, including but not limited to research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. **Have you ever been paid honoraria by AFLI? If so, how much were you paid, and for what services?**

Response: No.

38. The Article III Project is an organization which claims that, “The left is weaponizing the power of the judiciary against ordinary citizens.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with the Article III Project, including Mike Davis, Will Chamberlain, or Josh Hammer? If so, please provide details of those discussions.**

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have not spoken to or corresponded with any individuals associated with the Article III Project. I have never spoken with Mike Davis, Will Chamberlain, or Josh Hammer.

- b. Have you ever been asked to and/or provided services to the Article III Project, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by the Article III Project? If so, how much were you paid, and for what services?**

Response: No.

39. The Alliance Defending Freedom (ADF) states that it is “the world’s largest legal organization committed to protecting religious freedom, free speech, the sanctity of life, marriage and family, and parental rights.”

- a. During your selection process, have you spoken to or corresponded with any individuals associated with ADF? If so, please provide details of those discussions.**

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have not spoken to or corresponded with any individuals associated with the Alliance Defending Freedom.

- b. Have you ever been asked to and/or provided services to ADF, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by ADF? If so, how much were you paid, and for what services?**

Response: No.

40. The Concord Fund, also known as the Judicial Crisis Network, states that it is committed “to the Constitution and the Founders’ vision of a nation of limited government; dedicated to the rule of law; with a fair and impartial judiciary.” It is affiliated with the 85 Fund, also known as the Honest Elections Project and the Judicial Education Project.

- a. During your selection process, have you spoken to or corresponded with any individuals associated with these organizations, including Leonard Leo or Carrie Severino? If so, please provide details of those discussions.**

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have not spoken to or corresponded with any individuals associated with the Concord Fund, Judicial Crisis Network, 85 Fund, Honest Elections Project, or the Judicial Education Project. I have never spoken with Leonard Leo or Carrie Severino.

- b. Have you ever been asked to and/or provided services to these organizations, including research, analysis, advice, speeches, or appearing at events?**

Response: No.

- c. Have you ever been paid honoraria by these organizations? If so, how much were you paid, and for what services?**

Response: No.

- d. Do you have any concerns about outside groups or special interests making undisclosed donations to front organizations like the Concord Fund or 85 Fund in support of your nomination? Note that I am not asking whether you have solicited any such donations, I am asking whether you would find such donations to be problematic.**

Response: I am not aware of the allegations referenced in the question, nor am I familiar with the organization described. Accordingly, I have not had occasion to form an opinion on the matter. Moreover, to the extent the question invites comment on ongoing political controversies, it would be inappropriate for a judicial nominee to do so.

- e. If you learn of any such donations, will you commit to call for the undisclosed donors to make their donations public so that if you are confirmed you can have this information when you make decisions about recusal in cases that these donors may have an interest in?**

Response: I am unaware of any such donations. If confirmed, I will address all potential or actual conflicts in accordance with the federal recusal statute, the Code of Conduct for United States Judges, and any other laws and rules

governing disqualification. Where appropriate, I will consult additional authorities, such as ethics opinions from the Committee on Codes of Conduct for the Judicial Conference of the United States, as well as the opinions and experiences of my colleagues. To the extent that this question asks about policy or legal views on whether certain donations should be disclosed, under the Code of Conduct for United States Judges, it would be inappropriate for me to answer.

f. Will you condemn any attempt to make undisclosed donations to the Concord Fund or 85 Fund on behalf of your nomination?

Response: Please see my response to Question 40.d. and e.

**Nomination of Aaron Christian Peterson
Nominee to the United States District Court for the District of Alaska
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR WHITEHOUSE

Please answer each question and sub-question individually and as specifically as possible.

1. The U.S. Marshals Service is responsible for ensuring the safety of federal judges, including investigating threats against judges. In a threat investigation, would you expect the U.S. Marshals and FBI to investigate any party they have reason to believe is complicit or culpable, including under RICO and conspiracy statutes, in addition to the individual who made the threat?

Response: In any threat investigation, I would expect the U.S. Marshals Service and the FBI to investigate all individuals or entities for whom there is a factual basis to believe they may be complicit, whether as principals, accomplices, or co-conspirators. If the evidence indicates that others may have participated in planning, encouraging, facilitating, or otherwise contributing to the threat, I would anticipate that the agencies would pursue those leads and consider all potentially relevant federal statutes.

At the same time, I would expect the investigation to remain grounded in established Department of Justice guidelines, including the requirement that investigative steps be based on articulable facts rather than speculation, and that any charging decisions be made only when supported by sufficient evidence and consistent with federal law and prosecutorial standards.

2. Have you had any conversations with President Trump or members of the Trump administration concerning your views on any policy or case law? If so, please identify with whom you spoke and describe those conversations with specificity.

Response: No.

3. You said in your questionnaire that you joined the Federalist Society in 2025.

- a. Why did you join this group?

Response: I have attended Federalist Society events periodically over the years, but I had never been an active participant and often could not attend functions due to schedule conflicts. I have always appreciated the opportunity to hear different perspectives and to gather with colleagues from a variety of practice areas and professional backgrounds. When I attended an event in early 2025, I learned that the Alaska Chapter had new leadership and planned to become more active, with more regular programming. At that point, I decided to formally join so I could be informed of and participate more consistently in those events.

- b. Do you know Leonard Leo? If so, how do you know Leo?

Response: No.

- c. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

Response: No.

4. Have you ever spoken with the following individuals or groups about your nomination? If so, please describe the conversation(s) with specificity.

- a. Leonard Leo?

Response: No.

- b. Anyone affiliated with an entity led or funded by Leonard Leo?

Response: No.

- c. Carrie Severino?

Response: No.

- d. Mike Davis?

Response: No.

- e. Anyone affiliated with The Article III Project?

Response: No.

5. You indicated in your questionnaire that as the Statewide Fish and Wildlife Crimes Prosecutor, you handled complex commercial fishing and wildlife poaching cases. Please describe the importance of investigating and prosecuting networks of illegal commercial fishing operations.

Response: Investigating and prosecuting networks of illegal commercial fishing operations is essential to protecting Alaska's fish resources, which is a critical pillar of the State's economy, its subsistence traditions, and its coastal communities. Alaska's fisheries are unique in scale and importance. They support thousands of jobs, generate billions in economic activity, and sustain communities that depend on salmon, halibut, and other species not only for commercial harvest but also for food security, cultural practices, and community identity. Any unlawful activity that undermines the sustainability of these resources carries consequences that extend far beyond a single illegal catch.

During my tenure as the Statewide Fish and Wildlife Crimes Prosecutor, I handled cases involving deliberate commercial fishing in closed waters, falsification of harvest records, guiding without proper authority, and poaching that targeted vulnerable fish populations. These were not isolated violations but often patterns of conduct aimed at gaining economic advantage at the expense of the long-term health of the resource. Illegal fishing can devastate a run or a localized stock, particularly in areas near spawning streams where even small, concentrated takes can have disproportionate biological impacts. A single closed-area seine set can remove a significant percentage of returning salmon, jeopardizing a run's viability for years to come. That reality is why Alaska law imposes substantial penalties and why prosecuting these cases is so important.

Illegal commercial fishing networks directly undermine efforts to manage for sustainability into the future. They distort the regulatory framework by creating unreported and unaccounted removals, compromise scientific stock assessments, and impose unfair disadvantages on the law-abiding majority of fishermen and subsistence users. Left unchecked, unlawful operations can permanently damage local ecosystems and collapse fisheries on which entire regions rely.

For these reasons, Alaska has long taken a strong stance against illegal commercial exploitation. Investigating these cases requires coordination among wildlife troopers, biologists, federal partners, and prosecutors. Successfully prosecuting them often requires complex evidentiary work, expert testimony, and a clear demonstration to the court of the broader ecological and social consequences of the offenses. In my work, I focused not just on obtaining convictions but on ensuring that the penalties imposed—including forfeitures, fines, and license revocations—were significant enough to deter future violations and to communicate clearly that Alaska will protect the resources that sustain its people.

In short, prosecuting networks of illegal commercial fishing operations is essential to safeguarding Alaska's fisheries, maintaining the integrity of its management regimes, and ensuring that commercial, sport, and subsistence users continue to have access to healthy, sustainable fish populations.

Senate Judiciary Committee
Nomination Hearing
November 19, 2025
Questions for the Record
Senator Amy Klobuchar

For Aaron Peterson, to be U.S. District Judge for the District of Alaska

President Trump has claimed “I have an Article II, where I have the right to do whatever I want as President.” On August 26, he said “I have the right to do anything I want to do. I am the president of the United States.”

- Do you believe that the president is able to do “anything he want[s] to do”?

Response: Canon 5 of the Code of Conduct for United States Judges restricts judges and judicial nominees from engaging in political activity or commenting on partisan political statements, so I must respectfully decline to address any specific remark attributed to a political figure or campaign. As a general matter of constitutional law, however, Article II of the Constitution vests the executive power in the President and grants certain enumerated powers, including the roles of Commander in Chief of the armed forces, the authority to grant pardons for federal offenses, the power to make treaties and appoint major public officials with the advice and consent of the Senate, the duty to faithfully execute the laws, and the responsibility to take care that the laws be faithfully executed. These powers, like those of Congress and the judiciary, are not unlimited; they are constrained by the text of the Constitution itself, by statutes enacted consistent with it, and by the system of checks and balances that includes judicial review and congressional oversight.

- Do you believe that these statements are compatible with our constitutional order?

Response: Canon 5 of the Code of Conduct for United States Judges restricts judges and judicial nominees from engaging in political activity or commenting on partisan political statements, so I must respectfully decline to address any specific remark attributed to a political figure or campaign.

**Nomination of Aaron Peterson to the
United States District Court for the District of Alaska
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR COONS

1. Do you believe that the Senate Judiciary Committee has a responsibility to evaluate judicial nominees to the best of its ability, including by asking questions on the record to make each nominee's unique background and viewpoint clear to the American people?

Response: Yes. The Senate Judiciary Committee plays an important role in the confirmation process, and it is appropriate for the Committee to ask questions on the record to fully understand a nominee's background, experience, and approach to the law so the public can have confidence in the process.

2. Do you believe that you, as a judicial nominee, have a responsibility to the American people to give full and complete answers to the Committee's questions to the best of your ability and in good faith?

Response: Yes. I believe I have a responsibility to provide full and complete answers to the Committee's questions to the best of my ability and in good faith, consistent with the obligations and limitations set forth in the Code of Conduct for United States Judges.

3. Do you believe you fulfilled this responsibility with the answers you have provided to my questions for the record?

Response: Yes.

- a. Did you receive assistance from staff in the White House, the Department of Justice, or any other organization in writing your responses to these questions? If so, from whom did you receive assistance and what was the nature of the assistance you received?

Response: I drafted the answers, and staff from the Office of Legal Policy reviewed the drafts for completeness and compliance with the Committee's requirements. The answers I have submitted are my own.

- b. Do you believe it is appropriate for a nominee to answer my questions for the record with the verbatim answers of previous nominees who answered the same questions?

Response: It is entirely appropriate, and in fact common and prudent, for a nominee to provide answers that are substantively identical to those given by prior nominees when the nominee fully shares the same views on the same question of law or judicial philosophy. Doing so ensures consistency in the advice given to the Senate about how a prospective judge understands settled legal principles,

promotes transparency, and avoids unnecessary reinvention of well-considered responses that accurately reflect the nominee's own thinking. I have followed that approach here only where the prior answer precisely captures what I myself believe to be correct, and I stand behind every word I have submitted as my own.

- c. Did you review the answers to my questions for the record submitted by previous judicial nominees before answering these questions?

Response: Yes.

- d. To your knowledge, are any of your answers to these questions for the record exact duplicates of answers provided by previous nominees?

Response: Yes. Many of the questions, such as the above Question 3.c. is a question that elicits only a yes or no response so many of the answers are identical to answers provided by previous nominees.

- 4. At any point during the process that led to your nomination, did you make any representations or commitments to anyone—including but not limited to individuals at the White House, at the Justice Department, or at outside groups—as to how you would handle a particular case or matter if confirmed? If so, explain fully.

Response: No.

- a. At any point during the process that led to your nomination, were you asked about your opinion on any cases that involve President Trump or the Trump administration?

Response: No.

- 5. When it comes to conducting yourself ethically, who in the legal profession do you see as a role model?

Response: The judge for whom I clerked.

- 6. How would you describe your judicial philosophy?

Response: My judicial philosophy is anchored in the belief that judges must apply the law as written, evaluate each case on its individual merits, and ensure that all parties receive a fair and even application of the law. In practice, this means starting with the governing statute or constitutional provision, giving effect to its plain language, and respecting the roles assigned to each branch of government. It also means recognizing the importance of precedent and the stability it provides, while remaining attentive to the specific record and legal issues before the court.

Every case deserves careful consideration, regardless of the parties or the subject matter, and every litigant should have confidence that the court has listened, applied the law faithfully, and reached a principled result.

7. With respect to substantive due process, what factors do you look to when a case requires you to determine whether a right is fundamental and protected under the Fourteenth Amendment?

Response: If I am fortunate enough to be confirmed I would faithfully follow and apply Supreme Court and Ninth Circuit precedent in determining whether a right is fundamental and protected under the Fourteenth Amendment.

- a. Would you consider whether the right is expressly enumerated in the Constitution?

Response: Yes, I would consider whether the right is expressly enumerated in the Constitution or recognized by controlling precedent.

- b. Would you consider whether the right is deeply rooted in this nation's history and tradition? If so, what types of sources would you consult to determine whether a right is deeply rooted in this nation's history and tradition?

Response: Yes, I would consider whether the right is deeply rooted in this nation's history and tradition as set forth in controlling precedent. The Supreme Court articulated a framework in *Washington v. Glucksberg*, 521 U.S. 702 (1997) for identifying such rights, and I would faithfully follow that and other controlling precedent.

- c. Would you consider whether the right has previously been recognized by Supreme Court or circuit precedent? What about the precedent of another court of appeals?

Response: Yes, I would consider whether the right has previously been recognized by Supreme Court or Ninth Circuit precedent, if so, that would be controlling. Decisions of other circuits could also be important to review for their persuasive value.

- d. Would you consider whether a *similar* right has previously been recognized by Supreme Court or circuit precedent?

Response: Yes.

- e. What other factors would you consider?

Response: I would consider any other factors set out by Supreme Court or Ninth Circuit precedent in determining whether a right is fundamental and protected under the Fourteenth Amendment.

8. If you concluded that the President had violated his constitutional duty to faithfully execute the laws and then had to determine the remedy, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: If I am fortunate enough to be confirmed I would faithfully apply all binding precedent of the Supreme Court and the Ninth Circuit, together with the text of the Constitution, statutes, and other authoritative sources of law, in any case or controversy properly before me. Beyond that, this question seeks a commitment to a specific analytical process in a hypothetical case challenging actions of a sitting President, which are matters that could conceivably come before me if I am confirmed. Doing so would risk violating the Code of Conduct for United States Judges, Canon 3(A)(6) which requires judges and nominees to abstain from public comment on the merits of any pending or impending proceeding, as well as the broader ethical principle that judicial nominees should not signal how they would rule in cases that might appear on their docket.

9. Is President Trump eligible to be elected President for a third term in 2028? Assume that I know what the text of the 22nd Amendment says. I am interested in your application of that text to whether or not President Trump can be elected President in 2028.

Response: The 22nd Amendment states that “[n]o person shall be elected to the office of President more than twice....”

10. Who won the 2016 U.S. Presidential Election?

Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

11. Who won the 2020 U.S. Presidential Election?

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States.

12. Who won the 2024 U.S. Presidential Election?

Response: President Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

13. If Congress certifies a candidate as being the winner of a presidential election, does that mean that the candidate won the election? If not, what does it mean?

Response: It means that Congress certified that a candidate secured the electoral majority, transforming that person from a candidate into the President-elect. To the extent that these issues have taken on a political valence it would be inappropriate for me, as a judicial nominee, to comment. *See* Code of Conduct for United States Judges, Canon 5.

14. Under 28 U.S.C. § 455, “[a]ny justice, judge, or magistrate judge of the United States shall disqualify [themselves] in any proceeding in which [their] impartiality might reasonably be questioned.” As a general matter, what criteria would you use when deciding whether to recuse yourself from a case?

Response: If I am fortunate enough to be confirmed I will refer to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and all other laws, rules, and practices governing such matters.

15. I have been proud to co-lead the bipartisan *Safer Supervision Act*, a bill to reform our federal supervised release system that has received substantial conservative and law enforcement support. The premise of the bill is that our federal supervision system has strayed far from how Congress designed it, as courts impose it mechanically in essentially every case, which means that probation officers do not have time to properly supervise those who most need it. The bill reinforces courts’ existing obligations under 18 U.S.C. §§ 3553 and 3583 to impose supervision as warranted by the individual facts of the case and encourages more robust use of early termination when warranted to provide positive incentives encouraging rehabilitation. At the encouragement of a bipartisan group of members of Congress, the U.S. Sentencing Commission adopted an amendment to supervision guidelines implementing certain parts of the bill; this amendment went into effect on November 1.

- a. As a sentencing judge, would you endeavor to impose supervision thoughtfully and on the basis of the individual facts of the case consistent with 18 U.S.C. § 3553 and 18 U.S.C. § 3583?

Response: Yes.

- b. Would you agree that the availability of early termination under 18 U.S.C. § 3583(e)(1) can provide individuals positive incentives to rehabilitate?

Response: Yes.

- c. Will you commit if confirmed to reviewing the *Safer Supervision Act* and the recent Sentencing Commission amendment and considering them as you develop your approach to sentencing of supervised release?

Response: Yes.

16. If you had to determine whether it is appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: This question calls for a response that could be seen as opining on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of United States Judges, Canons 3(A)(6), 5.

17. Do you agree that the constitutional right to travel across state lines is fundamental and well established?

Response: Yes, the constitutional right to travel has been observed by both the Supreme Court, *see, e.g., Zobel v. Williams*, 457 U.S. 55 (1982), and the Ninth Circuit, *see, e.g., Roe v. Anderson*, 134 F.3d 1101 (9th Cir. 1998).

- a. If you had to determine whether it is constitutional for a state to restrict the interstate travel of its citizens, what process would you use to perform that analysis? I assume you would faithfully follow binding precedent, but what specific precedents and/or other sources of law would you look to?

Response: The precedents I would look to might include the cases cited in Question 17, as the cases that are relevant would vary based on the arguments presented by the parties. *See United States v. Sineneng-Smith*, 590 U.S. 371, 376 (2020) (“Courts are essentially passive instruments of government. They do not, or should not, sally forth each day looking for wrongs to right. They wait for cases to come to them, and when cases arise, courts normally decide only questions presented by the parties.” (cleaned up)). Beyond that, this question calls for a response that could be seen as opining on political matters or current and potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of United States Judges, Canons 3(A)(6), 5.

18. Do you believe that the Constitution protects a fundamental right to privacy?

Response: While the Constitution does not expressly enumerate a “right to privacy” in its text, the Supreme Court has long recognized that certain zones of privacy are protected as fundamental liberties under the Constitution. *E.g. Griswold v. Connecticut*, 381 U.S. 479 (1965).

- a. Do you agree that that right protects a woman’s right to use contraceptives? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: The Supreme Court has specifically stated that the use of contraceptives is protected under the constitutional right to privacy. *See, e.g., Eisenstadt v. Baird*, 405 U.S. 438 (1972); *Griswold v. Connecticut*, 381 U.S. 479 (1965). If I am fortunate enough to be confirmed I will faithfully apply this and all other Supreme Court precedent.

19. Does the public's original understanding of the meaning of a constitutional provision constrain its application decades or centuries later?

Response: Yes, the public's original understanding of a constitutional provision's meaning at the time of its ratification does constrain its application in later eras, as the Supreme Court has repeatedly held that the Constitution's text must be interpreted according to its original public meaning to preserve its status as enduring law rather than a vehicle for evolving judicial policy preferences.

- a. What specific sources would you employ to discern the public's original understanding of the meaning of a constitutional provision? Please provide three examples of sources you consider reliable in this regard.

Response: To discern the original public meaning of a constitutional provision, I would rely on contemporaneous sources that reflect how the ratifying public understood the text at the time of adoption. Such sources include founding-era and ratification-era state constitutions, judicial decisions, and dictionaries. The Supreme Court has consistently relied on these types of historical materials in recent decisions, such as *District of Columbia v. Heller*, 554 U.S. 570 (2008), and *New York State Rifle & Pistol Ass'n v. Bruen*, 597 U.S. 1 (2022). If I am fortunate enough to be confirmed, I would follow the Supreme Court's and Ninth Circuit's precedent in interpreting constitutional provisions.

20. Do you believe that immigrants, regardless of legal status, are entitled to due process and fair adjudication of their claims?

Response: The Fifth Amendment states that "No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." The Supreme Court has held that "the Due Process Clause applies to all 'persons' within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent." *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). As a district court judge, I would apply all Supreme Court and Ninth Circuit precedents in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of pending or impending litigation, it would be improper for me as a judicial nominee to comment further. *See* Code of Conduct of United States Judges, Canon 3(A)(6).

21. Should you be confirmed, what would you do if a party refuses to comply with one of your orders?

Response: In nearly all instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. As a general matter, if a party defies a court order, the court should look to the Federal Rules of Civil and Criminal Procedure and to binding precedent from the Supreme Court and the Ninth Circuit to determine the appropriate course of action. Courts may consider show cause orders, sanctions, or contempt proceedings, but the analysis would depend on the nature of the violation. I cannot comment on a more specific scenario, as similar issues could come before me if I am confirmed as a district judge.

22. What criteria would you use to determine whether a party was engaging in abusive litigation tactics, such as excessive discovery requests, repeatedly or frivolously filing motions, or other procedural delays?

Response: In determining whether a party is engaging in abusive litigation tactics, such as excessive or oppressive discovery, repetitive frivolous motions, or deliberate delay, I would apply the objective standards established by the Federal Rules of Civil Procedure and any controlling Ninth Circuit precedent.

- a. If you determined that a party was engaging in such tactics, how would you address it?

Response: Much like the response to Question 21, the court should look to the Federal Rules of Civil and Criminal Procedure and to binding precedent from the Supreme Court and the Ninth Circuit to determine the appropriate course of action. Courts may consider show cause orders, sanctions, or contempt proceedings, but the analysis would depend on the nature of the violation. I cannot comment on a more specific scenario, as similar issues could come before me if I am confirmed as a district judge.

23. What role, if any, should the practical consequences of a particular ruling play in a judge's rendering of a decision?

Response: District court judges should always impartially apply the law to the facts of the case in accordance with controlling precedent. Pursuant to precedent, some circumstances call for the practical consequences to be considered, like in the case of balancing the equities when considering injunctive relief. *See e.g. Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7 (2008).

24. What role, if any, should a judge's personal life experience play in his or her decision-making process?

Response: A judge's personal life experiences can help develop the wisdom and judgment essential to the judicial role, but they must never displace the duty to decide every case impartially, based solely on the law and the facts presented.

25. What role, if any, should empathy play in a judge's decision-making process?

Response: A judge's fundamental duty is to decide every case impartially and solely according to the law and the facts presented. In fulfilling that duty, judges must treat every litigant and attorney with equal respect and dignity, and an appropriate measure of empathy can help ensure that the courtroom remains a place where all parties feel heard and fairly treated.

26. What case or legal matter are you most proud of having worked on during your career?

Response: I am proud of the body of work I have been fortunate to do throughout my career at the Alaska Department of Law, both as a prosecutor and as a civil litigator. As a prosecutor, I was honored to help secure justice for victims of violent crime and to protect communities across Alaska. In my current role, I am equally proud of the work I have done defending Alaska's interests in natural resource and environmental litigation, where the outcomes directly affect the livelihoods, culture, and well-being of Alaskans.

27. Some district court judges have issued standing orders indicating that the court will favor holding an oral argument when there is a representation that the argument would be handled by a junior lawyer. Such efforts are intended to provide more speaking opportunities in court for junior lawyers. Would you consider issuing a standing order that would encourage more junior lawyers to handle oral arguments? Why or why not?

Response: I am not personally familiar with this practice, but I am certainly open to considering it if confirmed. Oral argument is a vital part of the litigation process because it sharpens the issues, allows judges to probe counsel's reasoning in real time, and gives attorneys the opportunity to address the court's questions directly. While I would not commit in advance to a blanket standing order without first assessing the needs of the court and the cases on the docket, I would likely generally lean toward scheduling oral argument whenever it would aid the decisional process, provided it remains consistent with the fair, efficient, and orderly administration of justice.

- a. How else would you support the skills development of junior lawyers appearing before you?

Response: Early in my career as a prosecutor, I was fortunate to appear in court nearly every day before judges who were patient with my relative lack of experience yet uncompromising in their expectations of preparation, professionalism, and clarity. If confirmed, I would strive to provide the same constructive environment for young lawyers in my courtroom by maintaining a respectful and orderly atmosphere that encourages their participation, giving them a full and fair opportunity to be heard, and holding them to the same high standards of diligence and candor that I would require of all counsel.

28. Discuss your proposed hiring process for law clerks.

Response: If I am fortunate enough to be confirmed, I would seek to hire the most qualified law clerks possible who exhibit a demonstrated interest in the legal issues that

commonly arise in Alaska. In doing so, I would consult with my colleagues on the District of Alaska bench and, when helpful, with other judges, to benefit from their experience and to ensure that my hiring practices align with the best traditions of the federal judiciary.

- a. Do you think law clerks should be protected by Title VII of the Civil Rights Act?

Response: As a judicial nominee it would be inappropriate for me to comment on whether Title VII of the Civil Rights Act should apply to law clerks. *See* Code of Conduct of United States Judges, Canons 3(A)(6), 5. As a general matter, if I am fortunate enough to be confirmed, discrimination will have no place in my chambers.

29. Recently, multiple studies have revealed ongoing problems with workplace conduct policies and outcomes in the federal judiciary. In a national climate survey, hundreds of judiciary employees reported that they experienced sexual harassment, discrimination, or other forms of misconduct on the job. A study by the Federal Judicial Center and the National Academy of Public Administration found the branch has failed to set up trusted reporting systems for employees who experience misconduct or ensure those handling complaints are adequately trained.

- a. If confirmed, what proactive steps would you take to ensure that the clerks and judicial assistants who work in your chambers are treated with respect and are not subject to misconduct?

Response: If I am confirmed, I will treat everyone in my chambers with respect, professionalism, and courtesy, and I will make clear that the same standard of conduct is required of all who work there.

- b. What proactive steps would you take to ensure that any workplace-related concerns that your clerks and judicial assistants may have are fully addressed?

Response: I would consult with other district judges and any available resources, such as the Clerk of Court and the Executive Office of United States Courts, to determine what resources are available and best practices in timely addressing workplace-related concerns.

- c. If you are confirmed and you later hear from a colleague or your chambers staff that another judge is acting inappropriately, what steps would you take to help ensure the problem is addressed?

Response: I would consult with the chief judge and take any steps necessary, including following any guidelines in the District of Alaska, the Ninth Circuit, the Executive Office of United States Courts, or other authorities to rectify the situation. It is worth repeating that I will treat everyone with respect,

professionalism, and courtesy, and I will make clear that the same standard of conduct is required of all who work there.

30. Do you agree with me that the attack at the U.S. Capitol on January 6, 2021, was an insurrection? Why or why not?

Response: The events of January 6, 2021, are matters of significant political debate which may come before me as a Judge. Events related to January 6, 2021, are also subject to ongoing litigation. Thus, as a judicial nominee, it would be inappropriate for me to answer this question or engage in any political commentary. *See* Code of Conduct United States Judges, Canon 3A(6); Canon 5.

- a. If you think this question would require you to express an opinion on “political” matters, as some judicial nominees have responded when asked this question, please explain why labeling the events of January 6, 2021, as either “an insurrection” or “not an insurrection” requires you to opine on a “political” matter.

Response: Please see my response to Question 30.

31. As you know, the President has the power under the Constitution to grant executive clemency relief. Even so, in your opinion, do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned? I am asking for your opinion about whether the pardons were prudent, not whether the President has the authority to issue them.

Response: Under Article II, Section 2, Clause 1 of the Constitution, the president has the power to “grant Reprieves and Pardons for Offences against the United States...” The Supreme Court has affirmed on several occasions that the pardon power is one of the President’s most plenary powers. *See e.g. Ex Parte Garland*, 71 U.S. 333 (1866); *United States v. Klein*, 80 U.S. 128 (1871); *Trump v. United States*, 603 U.S. 593 (2024). Beyond that, this question calls for an opinion on political matters or potential future cases, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of United States Judges, Canons 3(A)(6), 5.

32. If you were the President on January 20, 2025, would you have pardoned the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021? Again, I know that the President has the power under the Constitution to grant executive clemency relief. I want to know whether you—if serving as President on January 20, 2025—would have chosen to issue pardons to those convicted of assaulting law enforcement officers at the Capitol on January 6, 2021.

Response: Please see my response to Question 31.

33. In your Senate Judiciary Questionnaire, you note that you interviewed with Senator Dan Sullivan for this role on March 29, 2025. A few days before your interview, on March

20, Senator Sullivan said, “I’m going to make sure Alaska does not get a federal judge who sides with the far-left radical enviros on every case.”

- a. Have you discussed your views on environmental law cases with Senator Sullivan, during your interview or otherwise?

Response: We discussed my background and work in the Office of Special Prosecutions, including as the Statewide Fish and Wildlife Crimes Prosecutor, and my experience representing Alaska’s Department of Fish and Game and Board of Fisheries, which includes working on litigation involving the Alaska National Interest Lands Conservation Act (ANILCA), Endangered Species Act (ESA), National Environmental Policy Act (NEPA), the Magnuson-Stevens Act, and the Marine Mammal Protection Act. I do not recall discussing my policy views on environmental law. If I am confirmed, I will apply the law as written, evaluate each case on its individual merits, and ensure that all parties receive a fair and even application of the law. To the extent that this question calls for a response to statements by a political figure, and I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. *See* Code of Conduct of United States Judges, Canon 5.

- b. Have you made any representations to him or anyone else about how you would rule in cases about protecting the environment, during your interview or otherwise?

Response: No.

34. Why did you decide to join the Federalist Society in 2025? Were you told, or did you otherwise believe, that membership in the Federalist Society would increase your chances of being nominated for a judicial position?

Response: I have attended Federalist Society events periodically over the years, but I had never been an active participant and often could not attend functions due to schedule conflicts. I have always appreciated the opportunity to hear different perspectives and to gather with colleagues from a variety of practice areas and professional backgrounds. When I attended an event in early 2025, I learned that the Alaska Chapter had new leadership and planned to become more active, with more regular programming. At that point, I decided to formally join so I could be informed of and participate more consistently in those events. I was not told and had no reason to believe that it would increase my chances of being nominated for a judicial position.

35. At your Senate Judiciary Committee nomination hearing, Senator Moody said, “I’m really concerned right now that the judicial branch has a PR crisis . . . because we have many district court judges around the nation that are more interested in wearing a blue jersey than a black robe. . . . Based on my fundamental belief we have to have impartial judges that will faithfully apply the laws that are given to them, I believe this . . .

fundamentally disrupts the carefully balanced powers set forth in our Constitution.” She then asked you if you agreed and you replied that you did.

- a. Because you said you agreed with Senator Moody’s statement, which district court judges do you believe are “more interested in wearing a blue jersey than a black robe”?

Response: I agree that judges must remain impartial, apply the law as written, and avoid any appearance of favoring one side or ideology. It is essential that judges faithfully apply the governing text, history, and precedent, and that they approach each case with neutrality and restraint. If I am confirmed, that is the standard I would hold myself to in every case.

- b. What specific action(s) did each judge take to make you form that belief?

Response: Please see my response to Question 35.a.

**Nomination of Aaron Christian Peterson
United States District Court for the District of Alaska
Questions for the Record
Submitted November 26, 2025**

QUESTIONS FROM SENATOR BOOKER

1. The American Bar Association (ABA) Standing Committee on the Federal Judiciary has conducted extensive peer evaluations of the professional qualifications of a president's nominees to become federal judges for seven decades. This practice has endured through 18 presidential administrations, under Republican and Democratic presidents.

On May 29, 2025, Attorney General Pam Bondi ended this longstanding practice when she informed the ABA that, "[T]he Office of Legal Policy will no longer direct nominees to provide waivers allowing the ABA access to nonpublic information, including bar records. Nominees will also not respond to questionnaires prepared by the ABA and will not sit for interviews with the ABA."¹

- a. Do you agree with AG Bondi that "the ABA no longer functions as a fair arbiter of nominees' qualifications and its ratings invariably and demonstrably favor nominees put forth by Democratic administrations"?

Response: As a judicial nominee, it would be inappropriate for me to comment on political matters such as this. *See* Code of Conduct United States Judges, Canons 3A(6), 5.

2. If this Committee were to establish that a sitting federal judge knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: If such a situation were established, I presume procedures are in place to effectively address it and those procedures should be followed. Beyond that general statement, as a judicial nominee, it would be inappropriate for me to comment on matters such as this. *See* Code of Conduct United States Judges, Canons 1, 2.

3. If this Committee were to establish that a political appointee knowingly provided false testimony to this Committee, what do you believe the appropriate process and consequences should be?

Response: If the Committee determined that a political appointee knowingly provided false testimony, the appropriate process would be to follow the mechanisms Congress has already established for addressing misconduct by Executive Branch officials. It is my understand that some of those mechanisms include referral to the relevant Inspector General, the Department of Justice, or other appropriate oversight entities, depending on the circumstances. It would

¹ Letter from Attorney General Pam Bondi to William R. Bay, President, American Bar Association (May 29, 2025), <https://www.justice.gov/ag/media/1402156/dl?inline>.

not be appropriate for me to comment on how those processes should be applied to any individual or hypothetical situation.

4. How would you characterize your judicial philosophy?

Response: My judicial philosophy is anchored in the belief that judges must apply the law as written, evaluate each case on its individual merits, and ensure that all parties receive a fair and even application of the law. In practice, this means starting with the governing statute or constitutional provision, giving effect to its plain language, and respecting the roles assigned to each branch of government. It also means recognizing the importance of precedent and the stability it provides, while remaining attentive to the specific record and legal issues before the court. Every case deserves careful consideration, regardless of the parties or the subject matter, and every litigant should have confidence that the court has listened, applied the law faithfully, and reached a principled result.

5. What do you understand originalism to mean?

Response: I understand originalism to mean a disciplined method of constitutional interpretation that begins with the text and the meaning that text would have had to the public at the time it was adopted. It ensures that the judiciary respects the choices made by the Framers and the democratic processes that amended the Constitution over time.

6. Do you consider yourself an originalist?

Response: Different people use that term to mean different things. My view is that courts should apply the law as it is written rather than how a judge might prefer it to be. I would focus on interpreting the law faithfully and deciding each case on its facts and the governing text.

7. What do you understand textualism to mean?

Response: Similar to originalism, textualism is a method of statutory interpretation that begins with the text and the meaning that text would have had to the public at the time it was adopted.

8. Do you consider yourself a textualist?

Response: Different people use that term to mean different things. My view is that courts should apply the law as it is written rather than how a judge might prefer it to be. I would focus on interpreting the law faithfully and deciding each case on its facts and the governing text.

9. Please provide an example of a federal judge, or judges, whose jurisprudence you most agree with. Why?

Response: I am hesitant to single out individual federal judges because doing so would be similar to taking positions on which decisions are right or wrong. As a nominee to a district court, it would be inappropriate for me to characterize particular judges or endorse specific lines of cases. *See* Code of Conduct for United States Judges, Canon 3(A)(6). If confirmed, I will faithfully apply all binding Supreme Court and Ninth Circuit precedent in every case before me.

10. What is your view of stare decisis?

Response: Stare decisis is the fundamental legal doctrine that courts should follow precedents established in prior decisions when deciding cases with similar facts and legal issues.

11. Legislative history refers to the record Congress produces during the process of passing a bill into law, such as detailed reports by congressional committees about a pending bill or statements by key congressional leaders while a law was being drafted. Some federal judges consider legislative history when analyzing the meaning of a statute.

- a. If you are confirmed to serve on the federal bench, would you consult and cite legislative history to analyze or interpret a federal statute?

Response: If confirmed as a federal district court judge in Alaska I would follow all binding Supreme Court and Ninth Circuit precedent when analyzing or interpreting federal statutes. The starting point for interpreting any statute is its text. If the text is clear, that is the end of the inquiry. In the rare circumstance where a statute is genuinely ambiguous after applying the traditional tools of interpretation, I may consider legislative history for whatever limited value it provides, but I would not rely on it to override or alter the statutory language enacted by Congress.

- b. Do you believe that congressional intent matters when interpreting a statute? Why or why not.

Response: Congressional intent matters, and the clearest expression of that intent is the text that Congress passed. Following the enacted text ensures that courts give effect to the intent of the legislature as expressed through the lawmaking process.

12. According to an academic study, Black men were 65 percent more likely than similarly situated white men to be charged with federal offenses that carry harsh mandatory minimum sentences.²

- a. What do you attribute this to?

Response: I am not familiar with this study. If confirmed as a district judge, I will treat every person fairly and impartially.

² Sonja B. Starr & M. Marit Rehaavi, *Racial Disparity in Federal Criminal Sentences*, 122 J. POL. ECON. 1320, 1323 (2014).

- b. Do you believe the law should address the effects of disparate impact?

Response: As I said in response to 12.a. I am not familiar with the cited study. However, as a general matter, any unfair treatment of people based on race is a significant cause for concern. The Fourteenth Amendment prohibits government discrimination on the basis of race, and equal protection principles apply throughout the criminal justice system. If confirmed, my responsibility as a district judge would be to apply the Constitution and the statutes Congress has enacted, including any legal standards that govern claims involving disparate impact, in a fair and evenhanded manner.

13. A recent report by the United States Sentencing Commission observed demographic differences in sentences imposed during the five-year period studied, with Black men receiving federal prison sentences that were 13.4 percent longer than white men.³

- a. What do you attribute this to?

Response: I am not familiar with this study. If confirmed as a district judge, I will treat every person fairly and impartially.

14. What role do you think federal judges, who review difficult, complex criminal cases, can play in ensuring that a person's race did not factor into a prosecutor's decision or other instances where officials exercise discretion in our criminal justice system?

Response: If confirmed as a district judge, I will treat every person fairly and impartially and will faithfully apply 18 U.S.C. § 3553(a), which direct judges to consider a variety of factors in sentencing, including "the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct..."

15. Do you believe it is an important goal for there to be demographic diversity in the judicial branch? Why or why not.

Response: Yes, no one should ever be denied the opportunity to serve as a judge based on race, ethnicity, sex, religion, or any other protected characteristic.

16. Do you believe demographic diversity is an important goal in the legal profession? Why or why not.

Response: Yes, no one should ever be denied the opportunity to work in the legal profession based on race, ethnicity, sex, religion, or any other protected characteristic.

17. Please indicate whether you have ever published written material or made any public statements relating to the following topics. If so, provide a description of the written or

³ U.S. SENTENCING COMM'N, DEMOGRAPHIC DIFFERENCES IN SENTENCING 2 (Nov. 2023), https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf.

public statement, the date and place/publication where the statement was made or published, and a summary of its subject matter. Mere reference to the list of publications and statements provided in your Senate Judiciary Questionnaire is insufficient; provide specific responses.

If you have not disclosed a copy of the publication or a transcript of the statement to the Judiciary Committee, please attach a copy or link to the materials and please explain why you have not previously disclosed them.

- a. Abortion
- b. Affirmative action
- c. Contraceptives or birth control
- d. Gender-affirming care
- e. Firearms
- f. Immigration
- g. Same-sex marriage
- h. Miscegenation
- i. Participation of transgender people in sports
- j. Service of transgender people in the U.S. military
- k. Racial discrimination
- l. Sex discrimination
- m. Religious discrimination
- n. Disability discrimination
- o. Climate change or environmental disasters
- p. "DEI" or Diversity Equity and Inclusion

Response: I do not recall having published written material or made public statements regarding the topics set forth above.

18. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: In nearly all instances, unless a stay is granted, all parties must obey federal court orders unless and until the court's order is vacated or reversed by an appellate court. However, I am aware of narrow exceptions to the general rule. For example, A party's noncompliance may also be excused if it is impossible for the party to comply with the court's order. *See Shillitani v. United States*, 384 U.S. 364, 371 (1966) ("[T]he justification for coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order.") The Supreme Court has also recognized that, in some circumstances, it may be necessary for a party to defy a court order to appeal it. *See Mohawk Industries, Inc. v. Carpenter*, 558 U.S. 100, 111 (2009) ("Another long-recognized option is for a party to defy a disclosure order and incur court-imposed sanctions.")

- a. If an executive branch official ignores or defies a federal court order, what legal analysis would you employ to determine whether that official should be held in contempt?

Response: As a general matter, if a party defies a court order, the court should look to the Federal Rules of Civil and Criminal Procedure and to binding precedent from the Supreme Court and the Ninth Circuit to determine the appropriate course of action. Courts may consider show cause orders, sanctions, or contempt proceedings. I cannot comment on a more specific scenario, as similar issues could come before me if I am confirmed as a district judge.

- b. Is there any legal basis that would allow an executive branch official to ignore or defy temporary restraining orders and preliminary injunctions issued by federal district court judges? Please provide each one and the justification.

Response: Please see my responses to Questions 18 and 18.a.

19. Does the president have the power to ignore or nullify laws passed by Congress?

Response: This question seeks an opinion on an issue regarding ongoing or potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct United States Judges, Canon 3A(6).

20. Does the president have the power to withhold funds appropriated by Congress?

Response: This question seeks an opinion on an issue regarding ongoing or potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct United States Judges, Canon 3A(6).

21. Does the president have the power to discriminate by withholding funds against state or local jurisdictions based on the political party of a jurisdiction's elected officials?

Response: This question seeks an opinion on an issue regarding ongoing or potential litigation. Therefore, I cannot provide an answer consistent with my ethical obligations as a district court judicial nominee. *See* Code of Conduct United States Judges, Canon 3A(6).

22. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: Yes. Article VI, Clause 2 of the U.S. Constitution states that the "Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land..."

23. Does the Fifth Amendment of the U.S. Constitution apply to non-citizens present in the United States?

Response: The Fifth Amendment states that “No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.” The Supreme Court has held that “the Due Process Clause applies to all ‘persons’ within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent.” *Zadvydas v. Davis*, 533 U.S. 678, 693 (2001). As a district court judge, I would apply all Supreme Court and Ninth Circuit precedents in addressing due process claims. To the extent this question asks about hypothetical cases or matters that are the subject of pending or impending litigation, it would be improper for me as a judicial nominee to comment further. See Code of Conduct of United States Judges, Canon 3(A)(6).

24. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: The Supreme Court has held that it is lawful for Congress to delegate power to federal agencies so long as Congress provides an “intelligible principle” to guide the action. See, e.g., *FCC v. Consumers’ Rsch.*, 145 S. Ct. 2482, 2491 (2025).

25. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes. As many previous nominees have said, it is almost always improper for judicial nominees to opine on whether Supreme Court precedent is correctly decided. The two exceptions to this general rule against opining on the merits of Supreme Court cases are *Brown* and *Loving*. I agree that both those decisions were correctly decided.

26. Is *Griswold v. Connecticut*, 381 U.S. 479 (1965), binding precedent? Please describe the facts and holding of this case.

Response: *Griswold v. Connecticut* is binding precedent. Griswold provided contraceptives to married couples and was arrested and convicted under a Connecticut statute that made it a crime for any person to use or counsel the use of contraceptives. The Supreme Court held that a state law criminalizing the use of contraceptives by a married couple was unconstitutional.

27. Is *Lawrence v. Texas*, 539 U.S. 558 (2003), binding precedent? Please describe the facts and holding of this case.

Response: *Lawrence v. Texas* is binding precedent. Two men were arrested under a Texas law that prohibited same-sex sodomy. The Supreme Court held that a Texas statute criminalizing consensual sexual conduct between same-sex adults violated the Due Process Clause of the Fourteenth Amendment.

28. Is *Obergefell v. Hodges*, 576 U.S. 644 (2015), binding precedent? Please describe the facts and holding of this case.

Response: *Obergefell v. Hodges* is binding precedent. Several same-sex couples sued state officials challenging state bans on same-sex marriage and refusal to recognize valid out-of-state same-sex marriages. The Supreme Court held that state laws banning same-sex marriage (or refusing to recognize out-of-state same-sex marriages) are unconstitutional.

29. Do you believe that President Biden won the 2020 election? Note that this question is not asking who was certified as president in the 2020 election.

Response: President Biden was certified as the winner of the 2020 presidential election and served as the 46th President of the United States. To the extent you are asking about disputes or political statements regarding the conduct of the 2020 presidential election, consistent with the positions of prior judicial nominees when asked questions regarding the 2020 election, I cannot provide such an answer consistent with my ethical obligations as a judicial nominee. See Code of Conduct of United States Judges, Canons 3(A)(6), 5.

- a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 29.

- b. Do you believe that the results of the 2020 election, meaning the vote count, were accurate? If not, please provide why not and examples.

Response: Please see my response to Question 29.

30. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”⁴

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: President Trump was certified as the winner of the 2016 presidential election and served as the 45th President of the United States.

- b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my response to Question 30.a.

- c. Do you agree that President Trump was elected to the office of the President in the 2024 election?

Response: President Trump was certified as the winner of the 2024 presidential election and is serving as the 47th President of the United States.

⁴ U.S. CONST. amend. XXII.

- d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to Question 30.c.

- e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: The 22nd Amendment states that “[n]o person shall be elected to the office of President more than twice....”

31. Has any official from the White House or the Department of Justice, or anyone else involved in your nomination or confirmation process, instructed or suggested that you not opine on whether any past Supreme Court decisions were correctly decided?

Response: As part of the process for preparing for the confirmation hearing I watched several previous hearings and observed responses to commonly asked questions. I also had general discussions with personnel at the Office of Legal Policy regarding the common responses to those commonly asked questions. I was encouraged to understand and follow the Code of Conduct for United States Judges. My answers are based upon my understanding of what is appropriate under the Code of Conduct for United States Judges.

32. Have you spoken or corresponded with Elon Musk since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

33. Have you spoken or corresponded with any member of the Department of Government Efficiency (DOGE) since November 2024? If yes, identify the member(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

34. Have you spoken or corresponded with Stephen Miller since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

35. Have you spoken or corresponded with Chad Mizelle since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

36. Have you spoken or corresponded with Pam Bondi since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

37. Have you spoken or corresponded with Todd Blanche since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

38. Have you spoken or corresponded with Emil Bove since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

39. Have you spoken or corresponded with Leonard Leo since November 2024? If yes, provide the dates, mode, and content of those discussions and communications.

Response: No.

40. Have you—personally or through any of your affiliated companies or organizations, agents, or employees—provided financial support or other resources to any members of the Proud Boys or of the Oath Keepers for their legal fees or for other purposes? If yes, state the amount of financial support provided, dates provided, and for what purposes.

Response: No.

41. Have you ever spoken or corresponded with any of the following individuals? If yes, provide the dates, mode, and content of those discussions and communications.

- a. Enrique Tarrio
- b. Stewart Rhodes
- c. Kelly Meggs
- d. Kenneth Harrelson
- e. Thomas Caldwell
- f. Jessica Watkins
- g. Roberto Minuta
- h. Edward Vallejo
- i. David Moerschel
- j. Joseph Hackett
- k. Ethan Nordean
- l. Joseph Biggs
- m. Zachary Rehl
- n. Dominic Pezzola
- o. Jeremy Bertino
- p. Julian Khater

Response: No to all of the above listed names in 41.a.-p.

42. Have you ever spoken or corresponded with any individuals convicted and later pardoned of offenses related to the January 6, 2021 attack on the U.S. Capitol? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No.

43. Federal judges must file annual financial disclosure reports and periodic transaction reports. If you are confirmed to the federal bench, do you commit to filing these disclosures and to doing so on time?

Response: Yes.

44. Article III Project (A3P) “defends constitutionalist judges and the rule of law.” According to Mike Davis, Founder & President of A3P, “I started the Article III Project in 2019 after I helped Trump win the Gorsuch and Kavanaugh fights. We saw then how relentless—and evil—too many of today’s Democrats have become. They’re Marxists who hate America. They believe in censorship. They have politicized and weaponized our justice systems.”⁵

- a. Do you agree with the above statement?

Response: I have no familiarity with this organization or this statement. As a district court nominee, it is inappropriate for me to comment on the political statements of others. *See* Code of Conduct for United States Judges, Canon 5.

- b. Have you discussed any aspect of your nomination to the federal bench with any officials from or anyone directly associated with A3P, or did anyone do so on your behalf? If yes, identify the individual(s) and provide the dates, mode, and content of those discussions and communications.

Response: No. To the best of my knowledge, neither I nor anyone acting on my behalf has discussed my nomination with any official of the Article III Project or with any person directly associated with Article III Project.

- c. Are you currently in contact with anyone associated with A3P? If so, who?

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I am not currently in contact with anyone associated with the Article III Project.

- d. Have you ever been in contact with anyone associated with A3P? If so, who?

⁵ <https://www.article3project.org/about>

Response: No. I am not familiar with the members of that association, but to the best of my knowledge, I have never been in contact with anyone associated with the Article III Project.

45. Since you were first approached about the possibility of being nominated, did anyone associated with the Trump Administration or Senate Republicans provide you guidance or advice about which cases to list on your Senate Judiciary Questionnaire (SJQ)?

Response: No.

- a. If so, who? What advice did they give?
- b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

Response: No.

46. During your selection process did you talk with any officials from or anyone directly associated with the Article III Project, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: No. To the best of my knowledge, neither I nor anyone acting on my behalf has discussed my nomination with any official of the Article III Project or with any person directly associated with Article III Project.

47. During your selection process did you talk with any officials from or anyone directly associated with the Federalist Society, or did anyone do so on your behalf? If so, what was the nature of those discussions?

Response: I know people associated with the Federalist Society and consulted a some of my lawyer friends and colleagues about the nomination process, including lawyers who are members of the Federalist Society.

48. Please explain, with particularity, the process whereby you answered these written questions, including whether you personally drafted initial responses and whether anyone helped draft, review, or edit the answers.

Response: I reviewed the responses of several previous nominees to get a sense for the generally appropriate expected level of detail and length. I drafted the answers, and staff from the Office of Legal Policy reviewed the drafts for completeness and compliance with the Committee's requirements. The answers I have submitted are my own.