

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

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

Patrick Joseph Bumatay

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

United States Court of Appeals Judge for the Ninth Circuit

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.

U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530

Residence: San Diego, California

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

1978; Secaucus, New Jersey

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.

2003 – 2006, Harvard Law School, J.D., 2006

1996 – 2000, Yale College, B.A. (*cum laude*), 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.

2018 – present
Office of the Attorney General
U.S. Department of Justice

950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counselor to the Attorney General

2012 – present
U.S. Attorney's Office for the Southern District of California
880 Front Street
San Diego, California 92101
Assistant U.S. Attorney

2017 – 2018
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Deputy Attorney General (2017)
Senior Counsel to the Deputy Attorney General (2017 – 2018)

2017; 2007 – 2008; 2005 – 2006; Summer 2005
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Detailee (2017)
Special Assistant and Counsel (2007 – 2008)
Law Clerk (2005 – 2006) (unpaid)
Summer Law Clerk (2005) (unpaid)

2010 – 2012
Morvillo Abramowitz Grand, Iason & Anello, P.C.
565 5th Avenue
New York, New York 10017
Associate

2009 – 2010
Honorable Sandra Townes
United States District Court for the Eastern District of New York
225 Cadman Plaza
Brooklyn, New York 11201
Law Clerk

2008 – 2009
Office of the Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, D.C. 20530

Counsel to the Associate Attorney General

2006 – 2007

Honorable. Timothy Tymkovich
United States Court of Appeals for the Tenth Circuit
1823 Stout Street
Denver, Colorado 80257
Law Clerk

Summer 2006; Summer 2005
Gibson Dunn & Crutcher, LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Summer Law Clerk

Summer 2004
Bush Cheney 2004 Inc.
2107 Wilson Boulevard
Arlington, Virginia 22201
Summer Law Clerk (unpaid)

2002 – 2003
Office of Counsel to the President
Executive Office of the President
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500
Paralegal (2003)
Staff Assistant (2002 – 2003)

2001
Mark Earley for Governor
1111 North Thompson Street.
Richmond, Virginia 23230
Northern Virginia Field Director

2001
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202
Staffer

2000 – 2001
2001 Presidential Inaugural Committee
No longer extant
Washington, D.C.

Staffer

2000

Delaware Bush Cheney 2000

No longer extant

Field Director (unpaid)

2000

Connecticut Victory 2000

No longer extant

New Britain, Connecticut

Organizational Director

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 did not serve in the 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.

Attorney General's Award for Distinguished Service (2017)

Heyman Fellowship for Academic Excellence and Commitment to Public Service, Harvard Law School (2008)

Article Editor, *Harvard Journal of Law & Public Policy* (2006)

Degree from Yale College conferred *cum laude* (2000)

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.

Federal Bar Association, San Diego Chapter (2016 – present)

Federalist Society (2003 – present)

Filipino American Lawyers of San Diego (2017 – present)

Pan Asian Lawyers of San Diego (2017 – present)

Filipino American Lawyers Association of Washington, D.C. (2017 – 2018)

National Asian Pacific Islander Prosecutors Association (2015, 2018 – present)

Tom Homann LGBT Law Association (2017 – present)

DOJ Pride (2008 – 2009)

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.

New York, 2007

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.

U.S. Court of Appeals for the Fourth Circuit, 2008

U.S. Court of Appeals for the Ninth Circuit, 2008

U.S. Court of Appeals for the Tenth Circuit, 2008

U.S. District Court for the Southern District of California, 2012

U.S. District Court for the Eastern District of New York, 2010

U.S. District Court for the Southern District of New York, 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.

To the best of my recollection:

Yale Alumni Association (2000 – present)

Harvard Law School Alumni Association (2006 – present)

Foreign Policy Initiative (2012)

Manhattan Institute Young Leaders Circle (2010 – 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.

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 four (4) copies of all published material to the Committee.

To the best of my recollection:

Causes, Commitments, & Counsels: A Study of Political and Professional Obligations Among Bush Administration Lawyers, 31 J. Legal Prof. 1 (2007). Copy supplied.

Bush: A Real Conservative, Yale Herald, Mar. 2, 2000, at 8. Copy supplied.

Elihu's Diary's, Light & Truth: Yale J. Opinion & Investigative Reporting, Oct. 1999, at 14. Copy supplied.

Undergrads Shouldn't Insult George W. Bush '68, Yale Daily News, Sept. 22, 1999. Copy supplied.

Letter to the Editor, Yale Daily News, Oct. 25, 1997. Copy supplied.

Yale's Empty Promise, Light & Truth: Yale J. Opinion & Investigative Reporting, Fall 1997, at 23. Copy supplied.

b. Supply four (4) 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.

To the best of my recollection, I have no reports, memoranda or policy statements

responsive to this question.

c. Supply four (4) 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.

To the best of my recollection, I have no testimony, official statements, or other communications responsive to this question.

d. Supply four (4) 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.

To the best of my recollection:

July 10, 2018: Keynote address, Hispanic National Bar Foundation Future Latino Leaders Event, U.S. Department of Justice, Washington, D.C. Speech supplied.

February 20, 2018: Panelist, "Government Attorneys Lecture," Berkeley School of Law UCDC Law Program, Washington, D.C. I answered law school students' questions about my role as a Department of Justice attorney and federal prosecutor. I have no notes, transcript, or recording. The address of the University of California Washington Center is 1608 Rhode Island Avenue, N.W., Room 342, Washington, D.C. 20036.

October 21, 2016: Panelist, "LWR in Practice – What Bosses Want," University of San Diego School of Law Legal Writing and Research Program, San Diego, California. I answered law students' questions regarding legal careers and legal internships. I have no notes, transcript, or recording. The address of the University of San Diego School of Law is 5998 Alcalá Park, San Diego, California 92110.

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 four (4) copies of the clips or transcripts of these interviews where they are available to you.

To the best of my recollection:

Hugo Torres, *HLS GOP Goes to Washington, D.C.*, Harv. L. Rec., Mar. 17, 2005. Copy supplied.

Jennie L. Ilustre, *Earley, Warner Court Asian American Vote*, Asian Fortune, July 3, 2001. Copy supplied.

I recall providing a radio interview in my capacity as Connecticut Victory 2000 Organizational Director in the summer of 2000. I have been unable to locate a recording of that interview.

Maryellen Fillo, *A Lesson in Politics*, Hartford Courant, July 11, 2000, at B1. Copy supplied.

Diane Scarponi, *In Yale-Harvard Rivalry, Presidential Politics is the Big Game*, Associated Press, May 5, 2000. Copy supplied. Reprinted in multiple outlets.

Brigitte Greenberg, *Magazine Publishes Bush's Alleged Grades*, Record-Journal (Meriden, Conn.), Nov. 10, 1999, at 2. Copy supplied.

Perry Bacon, *Yale Students Hit the Campaign Trail in New Hampshire*, Univ. Wire, Oct. 25, 1999. Copy supplied.

Hyorim Suh, *Yale Profs Debate Affirmative Action with Harvard Teachers*, Univ. Wire, Oct. 12, 1999. Copy supplied.

Richard Ma, *As It Were: The Naked Roundup*, Harv. Crimson, Feb. 11, 1999. 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, approximately what percent were:

jury trials:	____%
bench trials:	____% [total 100%]
civil proceedings:	____%
criminal proceedings:	____% [total 100%]

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 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 (3) 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:

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.

I have not served as a judge.

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.

Steering Committee Member, U.S. Council on Transnational Organized Crime, 2017 – present. I am the U.S. Department of Justice Steering Committee member on this Council. I was selected to serve on this Committee by Attorney General Jeff Sessions.

Student Representative, National Board of the Fund for the Improvement of Postsecondary Education, Department of Education (2003 – 2005). I was appointed to this Board by Secretary of Education Rod Paige.

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.

Log Cabin Republicans of San Diego (2012)

Harvard Law School Republicans (2003 – 2006)
Vice President (2005 – 2006)

Bush-Cheney 2004
Summer Law Clerk (2004)

Mark Earley for Governor
Northern Virginia Field Director (2001)

Delaware Bush Cheney 2000
Field Director (2000)

Connecticut Victory 2000
Organizational Director (2000)

Yale College Republicans (1996 – 2000)
Co-President and Vice President (1999 – 2000)

To the best of my recollection, I have also volunteered for get-out-the-vote efforts for

Denise Gitsham for Congress (2016), Carl DeMaio for Congress (2014), Norm Coleman for Senate (2002), Steve Forbes for President (1999), and Bob Dole for President (1996).

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 2009 to 2010, I served as a judicial law clerk for the Honorable Sandra L. Townes of the U.S. District Court for the Eastern District of New York.

From 2006 to 2007, I served as a judicial law clerk for the Honorable Timothy M. Tymkovich of the U.S. Court of Appeals for the Tenth Circuit.

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.

Summer 2006
Gibson Dunn & Crutcher, LLP
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036
Summer Law Clerk

2007 – 2008; 2017
Office of Legal Policy
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Detaillee (2017)
Special Assistant and Counsel (2007 – 2008)

2008 – 2009
Office of Associate Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Associate Attorney General

2010 – 2012
Morvillo Abramowitz Grand, Jason & Anello, P.C.
565 5th Avenue
New York, New York 10017
Associate

2012 – present
U.S. Attorney's Office for the Southern District of California
880 Front Street
San Diego, California 92101
Assistant U.S. Attorney

2017 – 2018
Office of the Deputy Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counsel to the Deputy Attorney General (2017)
Senior Counsel to the Deputy Attorney General (2017 – 2018)

2018 – present
Office of the Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530
Counselor to the 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 never 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.

Since 2012, I have been an Assistant U.S. Attorney in the Southern District of California, where I have prosecuted a wide range of criminal offenses including narcotics, immigration violations, alien smuggling, maritime violations, bank robbery, and assault cases. Beginning in 2013, I was assigned to the Criminal Enterprises Section (now the Organized Crime and Drug Enforcement Section), where I focused on cartel and maritime drug trafficking investigations. At that time, I led investigations of transnational drug trafficking cartels, often using Title

III wiretaps. I also served as the U.S. Attorney's Office maritime coordinator, acting as the chief liaison to the U.S. Coast Guard, Drug Enforcement Administration (DEA), Homeland Security Investigations, and Customs and Border Protection, on maritime cases. I have also argued before the Ninth Circuit Court of Appeals and have drafted several appellate briefs. As an Assistant U.S. Attorney, my client was the United States.

I am currently serving on detail to the Department of Justice in Washington, D.C. From April 2017 to February 2018, I worked as a Counsel and Senior Counsel to the Deputy Attorney General. My areas of responsibility included illicit opioids initiatives, contraband cellphones in prisons, prison reform and inmate reentry, and oversight of the DEA, the Federal Bureau of Prisons (BOP), and the Office of Legal Policy (OLP). Since February 2018, I have served as Counselor to the Attorney General, where I focus on criminal matters; opioid, transnational organized crime, and prison reform and inmate reentry initiatives; and oversight of DEA, BOP, U.S. Marshals Service, Organized Crime and Drug Enforcement Task Forces, and Bureau of Alcohol, Firearms, Tobacco and Explosives. I also act as a steering committee member to the U.S. Council on Transnational Organized Crime.

Prior to becoming an Assistant U.S. Attorney, I was an associate at the law firm of Morvillo Abramowitz Grand Anello Iason & Bohrer, P.C., in New York, New York from 2010 to 2012. At the time, I practiced a mix of criminal defense, administrative, and civil litigation. I defended individuals in insider trading, market manipulation, financial fraud, obstruction of justice, credit rating fraud, and narcotics matters in federal, U.S. Securities and Exchange Commission, and Financial Industry Regulatory Authority investigations. I also participated in an internal investigation of a private, nonprofit organization and represented several clients, including an asset management firm, in civil litigation cases in New York state court, including matters involving default judgment, financial negligence, and other causes of action. I also served as a defense counsel for an indigent defendant charged with federal drug trafficking charges.

From 2008 to 2009, I was Counsel to the Associate Attorney General, where I assisted in the oversight of the Tax, Antitrust, Environmental and Natural Resources, Civil Rights, and Civil Divisions. I also worked on regulatory and legislative matters involving the Department of Justice's civil components. From 2007 to 2008, I was a Counsel in the Office of Legal Policy, where I worked on various policy issues, including Indian Country, import safety, international issues, and judicial confirmations. As a lawyer with the Department of Justice, my client was the United States.

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

During my tenure as a federal prosecutor and Department of Justice attorney, my

client has been the United States. In that period, I have generally specialized in criminal law.

From 2010 to 2012, as an associate at Morvillo Abramowitz, my clients were typically individuals involved in financial investigations. I also represented an asset management firm and a non-profit organization. Furthermore, I represented an indigent criminal defendant in a federal drug trafficking case. At the time, I practiced a mix of criminal defense, administrative, and civil litigation.

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.

As an Assistant U.S. Attorney (AUSA), 100% of my practice is in litigation. While an AUSA, I appear in court approximately ten times per month. During the early part of my career as an AUSA, I appeared in federal court more frequently, multiple times a week, handling hundreds of reactive border enforcement cases. Once I moved to the Criminal Enterprises Section in 2013, I appeared in court less frequently since I was leading proactive narcotics investigations.

As a Counselor to the Attorney General and Senior Counsel to the Deputy Attorney General, my role focuses on the management of the Department of Justice and I do not appear in court.

While an associate for Morvillo Abramowitz, 100% of my practice was in litigation and I appeared in federal and state courts and in administrative proceedings from time to time with a law firm partner; nevertheless, I do not recall having a speaking role during those appearances.

i. Indicate the percentage of your practice in:

- | | | |
|----|--------------------------|-----|
| 1. | federal courts: | 95% |
| 2. | state courts of record: | 4% |
| 3. | other courts: | 0% |
| 4. | administrative agencies: | 1% |

ii. Indicate the percentage of your practice in:

- | | | |
|----|-----------------------|-----|
| 1. | civil proceedings: | 10% |
| 2. | criminal proceedings: | 90% |

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 tried eight criminal cases to verdict, including six jury trials and two non-jury trials. I

also tried one additional criminal jury trial, which resulted in the dismissal of the charges after one week of trial. I was lead counsel in five jury trials and second chair in two jury trials. I was the sole prosecutor in the two bench trials.

i. What percentage of these trials were:

- | | | |
|----|-----------|-----|
| 1. | jury: | 78% |
| 2. | non-jury: | 22% |

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

Petition for Writ of Certiorari, *Simels v. United States*, 565 U.S. 1246 (2012) (No. 11-947). Brief available at 2012 WL 313320.

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. Valdez-Medina*, 15CR0336-JAH (S.D. Cal. Nov. 22, 2016).

The Honorable John A. Houston presided over this maritime drug trafficking case. I was the lead prosecutor for this multi-defendant case involving the transportation of hundreds of kilograms of cocaine, which included significant pre-trial evidentiary hearings on jurisdictional and condition of confinement issues. The four defendants pleaded guilty less than ten days before the start of trial.

Co-counsel

Emily Reuter
[former Special Assistant U.S. Attorney]
Deputy Staff Judge Advocate
U.S. Coast Guard
Coast Guard Island
Alameda, California 94501

(860) 460-1944

Opposing Counsel

Sara Peloquin
Federal Defenders of San Diego
225 Broadway, Suite 900
San Diego, California 92101
(619) 234-8467

Carson Baucher
[former Federal Defender]
Lewis Brisbois
701 B Street, Suite 1900
San Diego, California 92101
(619) 699-4962

Gregory D Obenauer
Law Office of Gregory D Obenauer
1901 First Avenue, Suite 213
San Diego, California 92101
(619) 230-1523

Victor N. Pippins
Law Office of Victor Pippins
225 Broadway, Suite 2100
San Diego, California 92101
(619) 239-9457

L. Marcel Stewart
Law Office of L. Marcel Stewart
600 B Street, Suite 2100
San Diego, California 92101
(619) 702-4123

2. *United States v. Cedeno-Cedeno*, 14CR3305-L (S.D. Cal. Aug. 23-30, 2016).

The Honorable M. James Lorenz presided over this maritime drug trafficking jury trial. I was the lead prosecutor for this multi-defendant case involving the transportation of hundreds of kilograms of cocaine, which included a dozen pre-trial conferences and evidentiary hearings and multiple rounds of motions. This was the first Maritime Drug Law Enforcement Act trial in the district in over a decade and there were many unresolved areas of law, including a *Daubert* hearing on ion spectrometry. The United States prevailed on nearly all pre-trial motions. Ultimately the case proceeded to trial; nevertheless, the United States dismissed the case mid-trial due to unexpected discovery issues.

Co-counsel

Emily Reuter
[former Special Assistant U.S. Attorney]
Deputy Staff Judge Advocate
U.S. Coast Guard
Coast Guard Island
Alameda, California 94501
(860) 460-1944

Opposing Counsel

Jack J. Boltax
Law Offices of Jack J Boltax
701 B Street, Suite 1105
San Diego, California 92101
(619) 233-5129

Michelle Betancourt
Federal Defenders of San Diego
225 Broadway, Suite 900
San Diego, California 92101
(619) 234-8467

Carson Baucher
[former Federal Defender]
Lewis Brisbois
701 B Street, Suite 1900
San Diego, California 92101
(619) 699-4962

Hon. Victor Manuel Torres
[former Defense Counsel]
Commissioner
San Diego Superior Court, North County Division,
325 South Melrose Drive, Department 32
Vista, California 92081
(619) 865-6495

3. *United States v. Gutierrez-Nunez*, 15CR1931-AJB (S.D. Cal. Nov. 19-20, 2015).

The Honorable Anthony J. Battaglia presided over this drug importation jury trial. I was the lead prosecutor in the case, representing the United States. The trial ended with a “guilty” verdict.

Co-counsel

Michelle Maisto
[former Special Assistant U.S. Attorney]
Assistant District Attorney
Contra Costa District Attorney

10 Douglas Drive, Suite 130
Martinez, California 94553
(619) 206-6898

Opposing Counsel

Kimberly Trimble
Federal Defenders of San Diego
225 Broadway, Suite 900
San Diego, California 92101
(619) 234-8467

Amy Kimpel
[former Federal Defender]
Attorney
Criminal Justice Services Operations & Programs Division
Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102
(415) 865-7995

4. *United States v. Zakov*, 14CR2363-AJB (S.D. Cal. Sept. 29, 2015)
United States v. Cornejo-Saavedra, 14CR3066-AJB (July 25, 2016)
United States v. Velasco-Manzano, 17CR0561-AJB (July 10, 2017)

I led the investigation and prosecution of an alien smuggling organization responsible for the death of two Mexican citizens. On August 12, 2014, Nicholas Zakov, a United States citizen, attempted to smuggle two Mexican citizens into the United States illegally. At the San Ysidro Port of Entry, the two men were found unresponsive and near death in Zavok's trunk. The men eventually died from suffocation and hyperthermia. Zakov pleaded guilty to alien smuggling resulting in death and two of his co-conspirators were eventually captured and pleaded guilty to alien smuggling charges. The Honorable Anthony J. Battaglia presided over these cases.

Co-counsel

Michael Wheat
Assistant U.S. Attorney
United States Attorney's Office
880 Front Street
San Diego, California 92101
(619) 546-8437

Beena McDonald
[former Special Assistant U.S. Attorney]
Chimicles & Tikellis LLP
Haverford Office
361 West Lancaster Avenue
One Haverford Centre

Haverford, Pennsylvania 19041
(610) 642-8500

Opposing Counsel

Linda Lopez
Federal Defenders of San Diego, Inc.
225 Broadway, Suite 900
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Gerard Jeffrey Wasson
Law Offices of Gerard J. Wasson
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5. *United States v. Moralex-Felix*, 16CR24380- L (S.D. Cal. Jan. 29 2018)
United States v. Vazquez , 16CR2439-L (Nov. 11, 2017)
United States v. Sainz-Miranda, 16CR1503-L (Jan. 16, 2018)

I led the investigation and prosecution of a major drug trafficking organization which smuggled large quantities of cocaine into the United States from Mexico. The investigation culminated in the seizure of a passenger bus containing 83 kilograms of cocaine. Five defendants were arrested and pleaded guilty as a result of this investigation. The Honorable M. James Lorenz presided over these cases. The sentencings of most of these defendants occurred while I was on detail in Washington, D.C.

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6. *United States v. Rains*, 13CR4518-AJB (S.D. Cal. Dec. 8-10, 2014).

The Honorable Anthony J. Battaglia presided over this jury trial. The defendant was accused of bringing in aliens for financial gain, illegal harboring, and illegal transportation. I was the lead prosecutor in the case, representing the United States. The jury trial ended with a “guilty” verdict on all counts.

Co-counsel

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7. *United States v. Buenaventura-Velasquez*, 14CR2053-LAB (S.D. Cal. Sept. 30, 2014).

The Honorable Larry A. Burns presided over this bench trial. The defendant was charged with attempted transportation of aliens. I was the sole prosecutor on the case, representing the United States. The trial ended with a “guilty” verdict.

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8. *United States v. Ibarra*, 13CR3170-GPC (S.D. Cal. June 23-25 2014).

The Honorable Gonzalo Curiel presided over this drug distribution jury trial. I was the lead prosecutor for the trial, representing the United States. The trial ended in a “guilty” verdict.

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9. *United States v. Randolph*, 11CR0709-JGK (S.D.N.Y. Aug. 8, 2012).

The Honorable John G. Koeltl of the Southern District of New York presided over this case. While at Morvillo Abramowitz, I served as an associate on this case, where the firm defended Reginald “Reggie” Randolph. Mr. Randolph was initially charged with a drug conspiracy count, which would have resulted in many years in prison since he had an aggravated criminal history. Nevertheless, the firm was able to negotiate a plea to a single count of use of a communication facility in furtherance of drug trafficking under 21 U.S.C. § 843(b). Mr. Randolph received a sentence of 12 months.

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10. *Rioseco v. Gamco Asset Mgmt., Inc.*, No. 15862/10 (N.Y. Supr. Ct., Westchester Cty., Comm. Div. Sept. 23, 2011).

The Honorable Alan D. Scheinkman presided over this civil case for breach of fiduciary duty, negligence, and gross negligence. At the time, I was an associate at Morvillo Abramowitz and the firm represented GAMCO Asset Management, an asset management firm, which had invested funds in the Bernard Madoff Ponzi scheme. The plaintiffs were GAMCO account holders who had lost investments in Madoff funds. As an associate, I drafted the motion to dismiss and other pleadings and managed extensive discovery of the client. I also assisted in preparing witnesses for depositions. The firm prevailed on one of the motions and the case was eventually settled.

Lead Counsel

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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.)

As a prosecutor, I led investigations into major drug trafficking cartels, including investigations of higher level associates of the Sinaloa Cartel and the Jalisco New Generation Cartel, that have not progressed to trial or litigation. Some of those defendants, such as Juan Carlos Sanchez-Romo (*see United States v. Juan Carlos Sanchez-Romo*, 16CR1766), who was extradited from Spain, pleaded guilty; others remain fugitives from justice.

In my role as an attorney in the Office of the Attorney General, the Office of the Deputy Attorney General, and the Office of the Associate Attorney General, I assisted in the oversight and management of various components of the Department of Justice, which does not involve litigation of cases.

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 four (4) copies to the committee.

I have not taught any course.

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 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 and I file my Financial Disclosure Report, I 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).

Please see the 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 would recuse myself from matters I have worked on while in the U.S. Attorney's Office or the Department of Justice. I have no known financial arrangements that present conflicts of interest. While I own a handful of individual company stocks, I would seek guidance from judicial ethics officials on how to structure my financial arrangements to minimize any potential conflict. Lastly, in the case of any real or potential conflict, I would seek the advice of the parties and judicial ethics officials in determining how to address such conflicts.

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 reference to 28 U.S.C. § 455, Canon 3 of the Code of Conduct for United States Judges, and any and all 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.

In 2007, while at the Department of Justice, I volunteered for Legal Counsel for the Elderly, an organization that provides free legal services and advocacy for older people in the District of Columbia.

While at Morvillo Abramowitz, I worked on the defense of an indigent criminal defendant, where the firm served as the defendant's Criminal Justice Act attorney. I also worked on the certiorari petition for Robert Simels, described above, which I believe the firm handled as a pro bono matter.

Although my ability to do volunteer legal work is limited as an Assistant U.S. Attorney, I have sought some opportunities to serve the disadvantaged. I participated in a mock trial where local elementary school students act as attorneys, witnesses, and jurors in a simulated trial, in a program designed to increase civic engagement. Although not in a legal capacity, I have volunteered at various San Diego area community service projects, such as participating in beach and park clean-ups, a youth mentoring event, and an event to help homeless LGBT youth.

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 or about March 2017, an Assistant U.S. Attorney colleague asked me if I would like to be considered for a judicial vacancy in the Southern District of California. I replied affirmatively and provided him with my resume, which I understood he would transmit to the White House. In the week of July 10, 2017, a colleague at the Department of Justice asked me if I would like to be interviewed for a judicial vacancy on the Court of Appeals for the Ninth Circuit and I responded affirmatively. On July 17, 2017, I interviewed with White House and Office of Legal Policy attorneys.

On April 14, 2018, I submitted an application to Senator Dianne Feinstein's and Senator Kamala Harris's Judicial Advisory Committees for the Southern District of California. On June 14, 2018, I interviewed with Senator Feinstein's Judicial Advisory Committee. On June 28, 2018, I interviewed with Senator Harris's Judicial Advisory Committee.

In early September 2018, I was asked by the White House Counsel's Office to review a draft biography for a potential nomination to the Ninth Circuit. On October 10, 2018, the President announced his intention to nominate me to the Ninth Circuit.

Throughout this period, I have been in periodic contact with attorneys with the Office of Legal Policy and White House Counsel's Office.

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.