

**Senator Dick Durbin**  
**Ranking Member, Senate Judiciary Committee**  
**Written Questions for Susan Courtwright Rodriguez**  
**Nominee to be U.S. District Judge for the Western District of North Carolina**  
**September 24, 2025**

1. At your hearing, Senator Hirono noted that in your remarks at naturalization ceremonies you commented that “the United States has been referred to as the great melting pot—where everyone brings their culture and history, and we are all the more enriched because of that.” I share that sentiment and the belief that our country is enriched by diversity and immigration. However, there are some—including members of this Committee—who have claimed ancestry and heritage are the defining characteristics of Americans.

- a. **Do you believe that someone must be born in this country in order to be an American citizen?**

Response: As demonstrated by my participation as the presiding judge over the two naturalization ceremonies, there is a process by which individuals can naturalize and become U.S. Citizens. Otherwise, as a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment under the Code of Conduct for United States Judges and its judicial cannons on issues that are currently the subject of political debate and are being actively litigated.

- b. **Do you agree that all people who are born in this country are American citizens?**

Response: Please see my response to Question 1(a).

2. From 2014 to 2015, you represented the telecommunications company Sprint in litigation that involved a Consumer Financial Protection Bureau (CFPB), Federal Communications Commission (FCC), and state attorneys general investigation and subsequent lawsuit. The case involved allegations that Sprint passed along millions of dollars in unauthorized third-party charges to consumers, and the parties eventually reached a \$68 million settlement.

**Please provide additional information about your role in that litigation and its final result.**

Response: Along with several other attorneys at my prior firm, I defended Sprint Corporation in a Consumer Financial Protection Bureau (CFPB), Federal Communication Commission (FCC), and 50-state attorneys general investigation and subsequent lawsuit filed in the Southern District of New York involving allegations of unauthorized third-party charges. At the time, I was the lead senior associate on the matter, and actively participated in the investigation, lawsuit, and subsequent negotiations to resolve the matter with the CFPB. The matter ultimately concluded in a Final Stipulated Judgment and Order involving a \$68

million dollar settlement, with a substantial part of that money going to refunds for consumers. I also was involved in follow-up reporting following a claims process for those impacted consumers.

3. In your Questionnaire, you wrote that you served as a volunteer attorney with the Republican National Lawyers Association during North Carolina's elections in 2016 and 2020.

**a. Was there any evidence of widespread or systemic voter fraud in North Carolina in 2016?**

Response: Not that I am aware of personally.

**b. Was there any evidence of widespread or systemic voter fraud in North Carolina in 2020?**

Response: Not that I am aware of personally.

**c. Was there significant voter fraud involving mail-in or absentee ballots in North Carolina in 2016 or 2020?**

Response: Not that I am aware of personally.

**d. Based on your experience in 2016, did you find that mail-in voting was a safe and accurate way for voters to submit their ballots?**

Response: I cannot say that I had any experience with mail-in voting in 2016. I served as an election day attorney observer.

**e. Based on your experience in 2020, did you find that mail-in voting was a safe and accurate way for voters to submit their ballots?**

Response: I cannot say that I had any experience with mail-in voting in 2020. I served as an election day attorney observer.

President Trump has claimed that "ELECTIONS CAN NEVER BE HONEST WITH MAIL IN BALLOTS/VOTING."<sup>1</sup> North Carolina's 2016 and 2020 elections used mail-in ballots.

**f. Do you believe the 2016 election in North Carolina was honest?**

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any

---

<sup>1</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (Aug. 18, 2025, 7:17 AM), <https://truthsocial.com/@realDonaldTrump/posts/115049485680941254>.

subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

**g. Do you believe the 2020 election in North Carolina was honest?**

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

**4. Did President Trump lose the 2020 election?**

Response: President Trump was not certified as the winner of the 2020 presidential election. To the extent this question seeks a response about legal matters or an opinion about the election, it would be impermissible for me to comment as a sitting U.S. Magistrate Judge under the Code of Conduct of U.S. Judges and its judicial cannons.

**5. Where were you on January 6, 2021?**

Response: Charlotte, North Carolina.

**6. Do you denounce the January 6 insurrection?**

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment based on the Code of Conduct for United States Judges and its judicial cannons on January 6 because those issues are being actively litigated.

**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 pardon power is set forth under Article II, Section 2, Clause 1 of the U.S. Constitution. As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment based on the Code of Conduct for United States Judges and its judicial cannons because those issues are the subject of litigation.

**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: There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

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

Response: Generally, lower court orders must be followed. If a party disagrees with a court order, there are procedural mechanisms and safeguards in place as I described in response to 8(a) in which a party can challenge the order.

**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 Supreme Court and Courts of Appeals, meaning the judicial branch under Article III, are generally responsible for reviewing and determining whether a lower court order is lawful. The Supreme Court also has stated in *Marbury v. Madison*, 5 U.S. 137, 177 (1803), that “[i]t is emphatically the province and duty of the judicial department to say what the law is.”

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

**a. Are non-party injunctions constitutional?**

Response: The Supreme Court has recently spoken on this issue in *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), and held that universal injunctions likely exceed the equitable authority that Congress has granted to federal courts. Certain questions related to non-party injunctions remain open. I would follow all binding Supreme Court and Fourth Circuit precedent on these issues. As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to further comment on “pending or impending in any court.” Code of Conduct of 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: To the best of my recollection, 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 Twenty-second Amendment to the U.S. Constitution addresses this issue. A further answer to this question would require rendering a political and/or legal opinion which I am not permitted to do as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial canons.

- 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...”<sup>2</sup>**

- 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...”?**

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial canons.

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

Response: Please see my response to Question 12(a).

- 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**

---

<sup>2</sup> Donald J. Trump (@realDonaldTrump), TRUTH SOCIAL (May 26, 2025, 7:22 AM), <https://truthsocial.com/@realDonaldTrump/posts/114573871728757682>.

“judicial coup”<sup>3</sup> and later reposted the images of the three judges who decided the case and wrote, “we are living under a judicial tyranny.”<sup>4</sup>

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

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

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

Response: Please see my response to Question 13(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: Under the Code of Conduct for United States Judges, Canon 3 states that “[a] judge should be faithful to, and maintain professional competence in, the law and should not be swayed by . . . fear of criticism.” Individuals are permitted to exercise their First Amendment rights concerning my role as a judge or the Court’s decisions.

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

Response: Lower courts may not depart from Supreme Court precedent.

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

Response: Only the circuit court can overturn its own precedent. As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to opine on when Fourth Circuit precedent should be overturned.

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

Response: The Supreme Court has set forth certain factors in determining whether to overturn its own precedent, and only the Supreme Court can overrule its own precedent.

---

<sup>3</sup> Stephen Miller (@StephenM), X, (May 28, 2025, 7:48 PM), <https://x.com/StephenM/status/1927874604531409314>.

<sup>4</sup> Stephen Miller (@StephenM), X, (May 29, 2025, 8:25 AM), <https://x.com/StephenM/status/1928065122657845516>.

As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to opine on when Supreme Court precedent should be overturned.

**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*
- 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: In the tradition of judicial nominees who have come before the Committee have stated, *Brown v. Board of Education* and *Loving v. Virginia* were correctly decided. As to each of the other cases listed, they are binding Supreme Court precedent which I would faithfully follow.

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

Response: As a lower court judge, I am bound to follow all binding precedent of the Supreme Court and the Fourth Circuit regardless of whether it comports with the original meaning of the Constitution. Originalism is one means of interpretation that judges can utilize in interpreting the U.S. Constitution based on the original public meaning of the words or clauses used at the time of passage.

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

Response: Originalism discerns the original meaning as consented to by the people that ratified it. A different interpretation might not adhere to what the people of this Nation originally consented. As a lower court judge, binding Supreme Court precedent is controlling regardless of the interpretation method used.

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

Response: The Supreme Court has spoken on this issue in *Obergefell v. Hodges*, 576 U.S. 644, (2015), in which the Court held that the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment guarantees the right to marry and that right extends to same-sex couples. This is binding Supreme Court precedent that I am bound to follow as a lower court judge.

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

Response: The Supreme Court has spoken on this issue in *Loving v. Virginia*, 388 U.S. 1 (1967), in which the Court recognized the constitutional right to marry persons of a different race. This is binding Supreme Court precedent that I am bound to follow as a lower court judge.

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

Response: The Equal Protection Clause of the Fourteenth Amendment states: “No state shall... deny to any person within its jurisdiction the equal protection of the laws.” The Due Process Clause of the Fourteenth Amendment states: “nor shall any State deprive any person of life, liberty, or property, without due process of law.” As a lower court judge, I follow binding Supreme Court and Fourth Circuit precedent on fundamental and protected rights under the Fourteenth Amendment.

**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 interpreted these clauses in cases such as *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. 215 (2022), and *Obergefell v. Hodges*, 576 U.S. 644 (2015). As a lower court judge, I follow this binding Supreme Court precedent as well as any Fourth Circuit precedent.

**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: The meaning of a Constitutional provision or a statute is typically fixed at the time it is passed unless the legislature takes future action to amend such provision or statute. Generally, it would be inappropriate for judges to rewrite laws in their decision making because that role is left to the legislature under our governmental framework. Having said that, the Supreme Court has interpreted Constitutional provisions like the Equal Protection Clause and Due Process Clause and its text to apply more broadly to issues that might not have been envisioned at the time of passage.

**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: This issue has been the source of recent litigation and public debate, and as a sitting U.S. Magistrate Judge and district court nominee, it would be inappropriate for me to weigh in on this issue under the Code of Conduct for United States Judges and its judicial canons.

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

Response: The First Amendment to the U.S. Constitution provides: “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 interpreted the First Amendment and its protections in numerous cases. I would faithfully apply the precedent of the Supreme Court and the Fourth Circuit as to the First Amendment.

**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: There are several recent Supreme Court cases that address speech and whether it is “content-based” or “content-neutral”, which include *TikTok Inc. v. Garland*, 604 U.S. 56 (2025) and *Reed v. Town of Gilbert*, 576 U.S. 155 (2015), among others. “Content-based” generally focuses on the words said and “content-neutral” generally focuses on another goal that is not aimed at words, but rather on time, place, or manner restrictions. I will apply the precedent of the Supreme Court and the Fourth Circuit in determining whether a law that regulates speech is “content-based” or “content-neutral.”

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

Response: The Supreme Court has addressed the standard for determining “true threats” most recently in *Counterman v. Colorado*, 600 U.S. 66 (2023) and *Elonis v. United States*, 575 U.S. 723 (2015).

**29. 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.

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

Response: This issue has been the source of recent litigation and public debate, and as a sitting U.S. Magistrate Judge and district court nominee, it would be inappropriate for me

to weigh in on this issue under the Code of Conduct for United States Judges and its judicial canons.

- 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: I am aware of the Supreme Court case, *United States v. Wong Kim Ark*, 169 U.S. 649 (1898), and that the above listed question has been the subject of recent litigation. It would be impermissible for me to further comment as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial canons.

- 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 31(b).

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

Response: Well-qualified individuals from all backgrounds should have the opportunity to serve. If confirmed, I will be the first female judge to serve on the U.S. District Court for the Western District of North Carolina.

- 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: There are many aspects to the implementation of the *First Step Act*. For judges, this issue arises in the context of applying the sentencing reforms

under the Act, such as applying the modified mandatory minimum sentences for some drug traffickers with prior drug convictions, making provisions of the Fair Sentencing Act retroactive, and expanding the safety valve provision.

- 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.

**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. 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 or what was intended by the term.

- 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.<sup>5</sup>**

- 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: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

- 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 34(b)(i).

- iii. If you are confirmed, do you plan to remain affiliated with the Federalist Society?**

Response: By way of attending events, yes.

---

<sup>5</sup> 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: No.

- 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 disclosed in my Senate SQJ, I served on the Federalist Society Steering Committee Member, Charlotte Chapter from approximately 2012 to 2023. I was also a member at the chapter at Antonin Scalia Law School, George Mason University from approximately 2006 to 2009. I have spoken at various events as previously disclosed including:

October 6, 2023: Co-Moderator, "Interview with Honorable Amul R. Thapar, Judge, United States Court of Appeals, Sixth Circuit," 2023 North Carolina Chapter Conference, The Federalist Society, Raleigh NC.

November 11, 2021: Speaker, "Administrative Inquisitions? How Agencies Initiate, Conduct, and Conclude Investigations," 2021 National Lawyers Convention, The Federalist Society, Washington, D.C.

October 8, 2014: Speaker, "2014 North Carolina Supreme Court Judicial Candidate Forum," The Federalist Society, Charlotte, NC.

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

Response: No. During the 2021 speaking engagement (before I joined the bench), the Federalist Society covered lodging costs as they do for all speakers.

- 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.

- 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: I have spoken occasionally with my former law school classmate, Professor Joshua Blackman. I understand Professor Blackman is the Senior Editor of the Heritage Guide to the Constitution (3rd Edition). My conversations with him were not related to any organizational interest of the Heritage Foundation or Heritage Action.

- 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.

- 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.

- 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.

- 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.

- 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: I know Carrie Severino and have spoken with her in the past. To the best of my recollection, we last spoke in November 2024. I have not discussed my nomination or the selection process with her or anyone else at this organization.

- 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 guided by the Code of Conduct for United States Judges and Canon 4(C) on this topic, 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.”

- 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 41(d). If confirmed, I will continue to 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 41(d).



**Nomination of Susan Courtwright Rodriguez**  
**Nominee to the United States District Court for the Western District of North Carolina**  
**Questions for the Record**  
**Submitted September 24, 2025**

**QUESTIONS FROM SENATOR WHITEHOUSE**

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

1. You said in your questionnaire that President Trump called you regarding your nomination on August 20, 2025.

- a. What did you discuss in that call?

Response: The President called to tell me of his intent to nominate me to be U.S. District Court Judge for the Western District of North Carolina. I thanked him for the nomination. We also briefly talked about our families and that his sister served as a judge.

- b. Did President Trump ask you to make any commitments?

Response: No.

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: I interviewed with attorneys from the White House Counsel's Office in Washington, D.C. on July 25, 2025. No one solicited my views or sought any promises as to how I would rule. I was asked in a similar manner to Senator's questions on the Senate Judiciary Committee to ensure I was knowledgeable about Supreme Court cases and their holdings. I was not asked whether I agreed or disagreed with those cases.

3. You said in your questionnaire that you are a member of the Federalist Society.

- a. Do you know Leonard Leo? If so, how do you know Leo?

Response: Yes, I have met him in the past at Federalist Society events.

- b. Have you ever communicated with Leo? If so, state how many times and describe the communication(s).

Response: To the best of my recollection, I briefly spoke to him in 2021 at the Federalist Society National Lawyers Convention. Prior to that, I believe I met him at events on two other occasions prior to 2021, but I do not recall the years or the

communications other than they were brief.

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: I do have friends and former colleagues affiliated with the Federalist Society, but I have only discussed my nomination in a personal manner, and not in the context of any organizational interest.

- c. Carrie Severino?

Response: I know Carrie Severino and have spoken with her in the past. To the best of my recollection, we last spoke in November 2024. I have not discussed my nomination or the selection process with her.

- d. Mike Davis?

Response: No.

- e. Anyone affiliated with The Article III Project?

Response: No.

**Nomination of Susan Rodriguez to the  
United States District Court for the Western District of North Carolina  
Questions for the Record  
Submitted September 24, 2025**

**QUESTIONS FROM SENATOR COONS**

1. 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, investigation, 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.

2. How would you describe your judicial philosophy?

Response: I frequently ask, “What does the statute say?” and “What is the plain meaning?”. This is foundational to me; to say what the law is, and not to interject personal opinions. I often look to the original public meaning of the words at the time they were enacted. I apply widely known canons of construction like *expressio unius est exclusio alterius* and *eiusdem generis*. In addition, I hold steady to our U.S. Constitution and the unique system of government where the judiciary acts under Article III. I have a deep respect for the role of the legislative and executive branches and our framework of separation of powers. As to all parties, attorneys, staff, and visitors who are in Court, I endeavor to treat everyone with respect, explain the process, to hear all the arguments and evidence, and to decide matters fairly and impartially.

3. 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: As a lower court judge, I follow binding Supreme Court precedent, including the test articulated in *Washington v. Glucksberg*, 521 U.S. 702 (1997), and other binding cases that have recognized a fundamental and protected right under the Fourteenth Amendment.

- 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: As a lower court judge, I follow binding Supreme Court precedent which has referred to whether a right is deeply rooted in this nation's history and tradition, including the test articulated in *Washington v. Glucksberg*, 521 U.S. 702 (1997), and cases such as *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), as well as other Supreme Court precedent on this issue.

- 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, as a lower court judge, I follow Supreme Court and Fourth Circuit precedent about whether the right has been previously recognized. In some instances, if the Supreme Court or the Fourth Circuit has not spoken on the issue, a lower court judge may consider how another circuit has ruled.

- 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: As a lower court judge, I follow binding Supreme Court precedent, including the test articulated in *Washington v. Glucksberg*, 521 U.S. 702 (1997) as to whether that right is deeply rooted in this Nation's history and tradition, and implicit in the concept of ordered liberty. I also follow other binding cases that have determined that there is a fundamental and protected right under the Fourteenth Amendment, including *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215 (2022), and *Obergefell v. Hodges*, 576 U.S. 644 (2015).

4. In your view, is it ever appropriate for a judge to ignore, disregard, refuse to implement, or issue an order that is contrary to an order from a higher court? Please explain.

Response: No.

5. In *United States v. Virginia*, 518 U.S. 515, 536 (1996), the Court explained that in 1839, when the Virginia Military Institute was established, "[h]igher education at the time was considered dangerous for women," a view widely rejected today. In *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015), the Court reasoned, "As all parties agree, many same-sex couples provide loving and nurturing homes to their children, whether biological or adopted. And hundreds of thousands of children are presently being raised by such

couples. ... Excluding same-sex couples from marriage thus conflicts with a central premise of the right to marry. Without the recognition, stability, and predictability marriage offers, their children suffer the stigma of knowing their families are somehow lesser.” This conclusion rejects arguments made by campaigns to prohibit same-sex marriage based on the purported negative impact of such marriages on children.

- a. When is it appropriate for a court to consider evidence that sheds light on our changing understanding of society?

Response: A lower court judge must consider all of the arguments presented to it from the parties in their briefs, and any weight given to that evidence must be consistent with Supreme Court and, in my district, Fourth Circuit precedent.

- b. What is the role of sociology, scientific evidence, and data in judicial analysis?

Response: The role of scientific evidence and data are often raised in both civil and criminal cases. Federal Rule of Evidence 702 governs the admissibility of scientific, technical, or other specialized knowledge. Courts also are dealing with the use of cell phone and other types of data technology. I follow Supreme Court and Fourth Circuit precedent on these issues.

6. 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 recently finalized an amendment to supervision guidelines implementing certain parts of the bill; this amendment will go in effect in November.

- 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: As a current sitting U.S. Magistrate Judge and district court nominee, I endeavor to review U.S. Sentencing Commission amendments, reports, and legislation (whether passed or proposed) on these issues, which would include the *Safer Supervision Act*. Consistent with the Code of Conduct for United States Judges and its judicial canons, I cannot forecast how I would rule on any such issue, but I will follow all precedent interpreting enacted legislation or applying recent Sentencing Commission amendments.

7. What is the remedy if the President violates his constitutional duty to faithfully execute the laws?

Response: This is a matter of ongoing political debate, and as a sitting U.S. Magistrate Judge and district court nominee, I cannot opine on this issue consistent with the Code of Conduct of United States Judges and its judicial canons.

8. Is President Trump eligible to be elected President for a third term in 2028?

Response: The Twenty-second Amendment to the U.S. Constitution addresses presidential term limitations. A further answer to this question would require rendering a political and/or legal opinion which I am not permitted to do as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial canons.

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

Response: President Trump was certified the winner of the 2016 presidential election and served four years as President.

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

Response: President Biden was certified the winner of the 2020 presidential election and served four years as President.

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

Response: President Trump was certified the winner of the 2024 presidential election and is currently serving as President.

12. Would it be constitutional for the President of the United States to punish a private person for a viewpoint that person expresses in a newspaper op-ed?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons because it is a matter of ongoing litigation.

13. 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: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment based on the Code of Conduct for United States Judges and its judicial cannons because those issues are being actively litigated.

14. Would it be constitutional for the President of the United States to terminate government contracts with a private person specifically because that person donated to members of the opposite political party?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

15. Would it ever be appropriate for the President of the United States to punish a law firm for taking on a client that the President did not like?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

16. Do you agree that there is a constitutional right to privacy that 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: As a lower court judge, I am bound to follow *Griswold v. Connecticut*, 381 U.S. 479 (1965), which recognized such a right.

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

Response: Yes, the Supreme Court has issued several decisions on this issue interpreting the Privileges and Immunities Clause of Article IV, Section 2, Clause 1 of the U.S. Constitution, the Commerce Clause found in Article I, Section 8, Clause 3, and the Fourteenth Amendment's Equal Protection and Due Process Clauses. These cases include, but are not limited to, *United States v. Guest*, 383 U.S. 745 (1966) and *Edwards v. California*, 314 U.S. 160 (1941). As a lower court judge, I follow Supreme Court and Fourth Circuit precedent on this issue.

- a. Do you think it is constitutional for a state to restrict the interstate travel of its citizens?

Response: Please see my response to Question 17(a). As a lower court judge, I follow Supreme Court and Fourth Circuit precedent on this issue.

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

Response: The Supreme Court has recognized a fundamental right to privacy in cases such as *Griswold v. Connecticut*, 381 U.S. 479 (1965). Privacy also has been recognized in the Fourth Amendment context in cases such as *Katz v. United States* 389 U.S. 347 (1967). As a lower court judge, I will follow Supreme Court and Fourth Circuit precedent on this issue.

a. Does that right extend to information about your health care and medical history?

Response: There are other laws concerning health care and medical history, such as the Health Insurance Portability and Accountability Act (“HIPPA”), that protect disclosure of certain health care and medical history.

b. Do you agree that it is a violation of that right for states to surveil people’s health care and medical history?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons.

19. Do you agree that there is a constitutional right to privacy that protects the right to in vitro fertilization (IVF)? If you do not agree, please explain whether this right is protected or not and which constitutional rights or provisions encompass it.

Response: An answer to this question would require rendering a political and/or legal opinion which I am not permitted to do as a sitting U.S. Magistrate Judge and district court nominee under the Code of Conduct for United States Judges and its judicial canons.

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

Response: 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). I would follow all binding Supreme Court and Fourth Circuit precedent on this topic.

21. Does the public’s original understanding of the scope of a constitutional provision constrain its application decades later?



Response: The meaning of a Constitutional provision or a statute is typically fixed at the time it is passed unless the legislature takes future action to amend such provision or statute. Generally, it would be inappropriate for judges to rewrite laws in their decision making because that role is left to the legislature under our governmental framework. Having said that, the Supreme Court has interpreted Constitutional provisions and statutes to apply in new situations, such as the application of the Fourth Amendment to cell phones and emerging technology.

22. What sources would you employ to discern the contours of a constitutional provision?

Response: As a lower court judge, I look to Supreme Court and Fourth Circuit precedent to discern the contours of a Constitutional provision. Judges have used many tools to interpret Constitutional provisions, including reviewing the generally understood meaning of the word or phrases at the time of passage by consulting, for example, period dictionaries.

23. What role does morality play in determining whether a challenged law or regulation is unconstitutional or otherwise illegal?

Response: While morality may be a factor in the passage of legislation, the role of a judge is to decide cases and controversies fairly and impartially through application of binding Supreme Court and circuit precedent. Judges should not interject personal views or their views of morality in deciding cases.

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

Response: Generally speaking, the role of a judge is to decide cases and controversies based on binding Supreme Court and, in my case, Fourth Circuit precedent without regard to consequences that may occur thereafter. It has been recognized in certain circumstances, such as assessing the scope of injunctive relief, that a court might properly consider the practical consequences of the order on the parties.

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

Response: The role of a judge is to decide cases and controversies fairly and impartially through application of binding Supreme Court and circuit precedent. While empathy should not generally play a role in deciding the case, empathy could come into play in understanding the parties appearing before the court and their circumstances.

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

Response: The role of a judge is to decide cases and controversies fairly and impartially through application of binding Supreme Court and circuit precedent. Judges should not interject personal views in deciding cases.

27. Should you be confirmed, would you ever inform parties before you that they do not need to comply with your orders?

Response: No, unless a stay of my order has been granted.

a. Under what circumstances would you tell a party they could decide not to comply with your orders?

Response: I generally expect full compliance with my court orders. There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

b. What would you do if a party refuses to comply with one of your orders?

Response: As noted above, there are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

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

Response: In the Western District of North Carolina, there are many judges that are role models in the area of ethics, including, but not limited to, The Honorable Frank D. Whitney, for whom I clerked, and The Honorable Robert J. Conrad, Jr., who currently serves as the Director of the Administrative Office of United States Courts.

29. Discuss your proposed hiring process for law clerks.

Response: In the past, I have hired law clerks through OSCAR, which is the online system for clerkship application and review. Generally, I look for a strong academic record and writing skills. When I hire someone in chambers, I view it not just as a temporary clerkship, but a long-term opportunity to mentor the individual for years to come.

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

Response: Currently, the federal judiciary is exempt from Title VII of the Civil Rights Act of 1964. I am aware that Congress has drafted legislation related to this

topic. I note that the Administrative Office of the U.S. Courts, Office of Judicial Integrity, has published an Employment Dispute Resolution plan that prohibits discrimination, harassment, and retaliation consistent with Title VII and related statutes. As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to further comment on this issue under the Code of Conduct for United States Judges and its judicial cannons.

30. In the past year, 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: All law clerks, judicial assistants, court personnel deserve to be treated with dignity and respect. In the Western District of North Carolina, we are very fortunate to have a positive, collegial culture. Still, it is important to conduct training on this issue. The Office of Judicial Integrity requires annual training for all judges and employees, including chambers staff, to ensure that they are aware of the rights and obligations under the Employment Dispute Resolution Plan, and the options available for reporting wrongful conduct and seeking relief.

- 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: It is important that each law clerk, judicial assistant, or court personnel experience a work environment based on dignity and respect. I ensure the required training is implemented in my chambers so that clerks and judicial assistants know how to report wrongful conduct and how to seek relief in a confidential manner.

- 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 follow the guidance in the Employment Dispute Resolution Plan, and raise the issue with the Chief Judge and Clerk of our District.

31. 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. In the Western District of North Carolina, we permit third-year law students to associate with practicing lawyers and appear before the Court. A student used this in my courtroom several times this past summer and argued several motions.

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

Response: I strongly encourage skills development and mentoring of junior lawyers. As noted in my SJQ, I have presided over swearing-in ceremonies of newly minted attorneys, and I typically speak to them about professionalism. I also host several interns each summer so they can observe court and hone their written skills.

32. Do you think the individuals convicted of assaulting law enforcement officers at the Capitol on January 6, 2021, deserved to be pardoned?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on this issue based on the Code of Conduct for United States Judges and its judicial canons because those issues are being actively litigated.

33. 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?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on this issue based on the Code of Conduct for United States Judges and its judicial canons because those issues are being actively litigated.

34. You have held multiple leadership positions with MiraVia, formerly known as Room at the Inn, a nonprofit located at Belmont Abbey College that supports pregnant college students and characterizes itself as “committed to upholding the dignity of life from the moment of conception.” If you are confirmed, will you recuse yourself from any future cases involving reproductive healthcare procedures like abortion?

Response: MiraVia is an organization that provides college tuition, residential housing, childcare, and necessities like diapers and formula to young mothers and underserved communities. I concluded my role on the Board in 2021. I will continue to 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.

**Questions for the Record for Judge Susan Rodriguez**  
**Submitted by Senator Richard Blumenthal**  
**September 24, 2025**

1. On September 15, 2025, Attorney General Pam Bondi tried to distinguish between “free speech” and “hate speech,” claiming that the Department of Justice would prosecute the latter.

Attorney General Bondi received criticism for her assertion from across the political spectrum. While hate speech is odious, it is not exempt from First Amendment protections unless it is harassment, a true threat, or an incitement to violence.

- a. Do you believe that there is a legal distinction between “free speech” and “hate speech”?

Response: The Supreme Court has addressed this question in cases like *Snyder v. Phelps*, 562 U.S. 443 (2011) and *Virginia v. Black*, 538 U.S. 343 (2003), among others. As a lower court judge, I would follow binding Supreme Court and Fourth Circuit precedent on this topic.

- b. Can the Department of Justice prosecute hate speech absent threats, harassment, or incitement of violence?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

2. If confirmed, will you recuse yourself from any case where a reasonable person, knowing all the relevant facts, might question your impartiality, even if you personally believe you can be fair?

Response: As I have done as a sitting U.S. Magistrate Judge, I will continue to address all actual or potential conflicts or recusal requirements by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules. As noted on my SJQ, the U.S. District Court for the Western District of North Carolina employs an “automatic” recusal system based on identified conflicts like spouse’s place of work, former law firms (for a period of time), cases in which I was previously an attorney of record, and financial interests or holdings. That system scans filed and assigned cases and is managed by our Deputy Clerk of Court. I am required to maintain a conflicts list that is routinely reviewed and updated. I also monitor my assigned cases for any other potential conflicts, such as those involving my law clerks or anything else that might create a potential conflict or an appearance of impropriety.

- a. If confirmed, will you recuse yourself from cases involving individuals, organizations, or entities to which you or your family members have made political contributions or provided political support?

Response: As a sitting U.S. Magistrate Judge, I am prohibited from making contributions to a political organization or candidate under the Code of Conduct for United States Judges, Cannon 5(A)(3). As to my family, I will continue to address all actual or potential conflicts or recusal requirements by reference to 28 U.S.C. § 455, the Code of Conduct for United States Judges, and any other applicable laws and rules.

- b. If confirmed, will you recuse yourself from cases involving former clients, former law firms, or organizations with which you have had significant professional relationships?

Response: Please see my response to Question 2 above.

- c. If confirmed, will you recuse yourself from cases involving personal friends, social acquaintances, or individuals with whom you have ongoing personal relationships?

Response: Please see my response to Question 2 above.

- 3. If confirmed, will you commit to avoiding all *ex parte* communications about pending cases, including informal discussions at social events or professional gatherings?

Response: Yes, unless the matter is the subject of a permissible *ex parte* motion.

- d. If confirmed, will you avoid discussing pending cases or judicial business with elected officials, political appointees, or political operatives?

Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial canons on this topic.

- e. If confirmed, will you commit to declining meetings or communications with lobbyists, advocacy groups, or special interests seeking to influence your judicial decisions?

Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial canons on this topic.

- f. If confirmed, will you refrain from making public statements about legal or political issues that could reasonably be expected to come before your court?

Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial canons on this topic.

4. If confirmed, will you commit to filing complete and accurate financial disclosure reports that include all required information about your financial interests and activities?

Response: As a sitting U.S. Magistrate Judge, I currently file complete and accurate financial disclosure reports with all required information, and will diligently continue to do so if confirmed.

- g. If confirmed, will you decline all gifts from parties who might appear before your court or who have interests that could be affected by your judicial decisions?

Response: Yes, and I am currently held to this standard.

- h. If confirmed, will you decline privately funded travel, hospitality, or entertainment that could create an appearance of impropriety or special access?

Response: Yes, consistent with the Code of Conduct for United States Judges and its judicial canons on this topic.

- i. If confirmed, will you ensure that any teaching, speaking, or writing activities comply with judicial ethics requirements and do not create conflicts with your judicial duties?

Response: Yes, and I will follow the Code of Conduct for United States Judges and its judicial canons on this topic.

5. The House Republican-authored budget reconciliation bill had included a provision that would have limited federal judges' ability to hold government officials in contempt. While the Senate Parliamentarian ruled that the provision violated the Byrd Rule, and it was, therefore, removed, it would have prohibited federal courts from issuing contempt penalties against officials who disobey preliminary injunctions or Temporary Restraining Orders if the party seeking the order did not provide financial security to cover potential future damages for wrongful enjoining.

The contempt power was first codified in law in the Judiciary Act of 1789. In 1873, the Supreme Court described it as "inherent in all courts" and "essential to the preservation of order in judicial proceedings and to the enforcement of the judgements, orders, and writs of the courts, and consequently to the due administration of justice." Yet House Republicans are seeking to exempt government officials from this key tool for judicial enforcement.

- a. Do you believe the contempt power is "essential . . . to the due administration of justice[?]"

Response: I believe this quote is from *Ex parte Robinson*, 86 U.S. 505 (1873). I generally expect full compliance with my court orders. There are procedural

mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

- b. Do you believe that federal judges should be limited in their ability to hold government officials who defy court orders in contempt?

Response: Please see my response to Question 5(a). As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on the issue you described above under the Code of Conduct for United States Judges and its judicial canons.

- 6. If confirmed, you, like all other members of the federal bench, would have the ability to issue orders. On February 9, 2025, Vice President Vance posted on X that “[j]udges aren’t allowed to control the executive’s legitimate power.” This raises an extremely concerning specter of Executive Branch defiance of court orders.

- a. If confirmed, would you have the ability to issue orders?

Response: As a sitting U.S. Magistrate Judge, I issue many court orders each day. If confirmed, I will continue to issue court orders.

- i. Would you have the ability to enforce those orders?

Response: Yes, courts have certain procedures available, such as sanctions or contempt powers, to enforce court orders. As noted in response to Question 5(a), there are procedural safeguards available for those who wish to challenge or seek relief from such a court order.

- ii. What powers would you have to enforce those orders?

Response: Please see my response to Question 6(a)(i).

- b. Does there exist a legal basis for federal Executive Branch officials to defy federal court orders? If so, what basis and in which circumstances?

Response: This question calls for a legal conclusion, and as a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons.

- c. Does there exist a legal basis for state officials to defy federal court orders? If so, what basis and in which circumstances?



Response: This question calls for a legal conclusion, and as a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

- d. What would make a court order unlawful?

Response: This question calls for a legal conclusion, and as a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons.

- i. What is the process a party should follow if it believes a court order to be unlawful?

Response: There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

- ii. Is it ever acceptable to not follow this process? When and why?

Response: Generally speaking, court orders must be followed unless a party has filed a motion for reconsideration, a request for a stay of the court order, or appealed the order.

7. Were you in Washington, D.C. on January 6, 2021?

Response: No.

- a. Were you inside the U.S. Capitol or on the U.S. Capitol grounds on January 6, 2021?

Response: No.

**Nomination of The Honorable Susan Courtwright Rodriguez  
United States District Court for the Western District of North Carolina  
Questions for the Record  
Submitted September 23, 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."<sup>1</sup>

- 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 sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on statements of any political figure or on any subject of political controversy based on the Code of Conduct for United States Judges and its judicial cannons.

2. How would you characterize your judicial philosophy?

Response: I frequently ask, "What does the statute say?" and "What is the plain meaning?". This is foundational to me; to say what the law is, and not to interject personal opinions. I often look to the original public meaning of the words at the time they were enacted. I apply widely known cannons of construction like *expressio unius est exclusio alterius* and *ejusdem generis*. In addition, I hold steady to our U.S. Constitution and the unique system of government where the judiciary acts under Article III. I have a deep respect for the role of the legislative and executive branches and our framework of separation of powers. As to all parties, attorneys, staff, and visitors who are in Court, I endeavor to treat everyone with respect, explain the process, to hear all the arguments and evidence, and to decide matters fairly and impartially.

3. What do you understand originalism to mean?

---

<sup>1</sup> 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>.

Response: Originalism is a means of interpreting the U.S. Constitution based on the original public meaning of the words or clauses used at the time of passage.

4. Do you consider yourself an originalist?

Response: Yes.

5. What do you understand textualism to mean?

Response: Textualism analyzes the words, clauses, and plain meaning of the words used in the U.S. Constitution, statute, contract, or agreement and interprets them according to their common meaning. For instance, if the written text says “state,” the word does not have the same meaning as “territory” unless the text says otherwise. This approach of interpretation also applies canons like *expressio unius est exclusio alterius*, meaning the express mention of one thing is the exclusion of another.

6. Do you consider yourself a textualist?

Response: Yes.

7. 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 the words of a statute are unambiguous, then there is no need to cite legislative history. If the text is ambiguous, I do not generally rely on legislative history to analyze or interpret a federal statute and typically apply other canons of construction. However, if a party recited legislative history in a brief, as a judge, I will review and thoughtfully consider the argument of the parties.

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

Response: I have a deep respect for the role of the legislature, and attempt to review the text of the statute as Congress enacted and whether the terms used therein have an ordinary and plain meaning.

8. 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.<sup>2</sup>

---

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

- a. What do you attribute this to?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to express a view on the substance of the academic study or forecast any issues related to sentencing under the Code of Conduct for United States Judges and its judicial canons. However, I will faithfully adhere to the U.S Sentencing Guidelines and apply the factors set forth in 18 U.S.C. 3553(a), which includes considering “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” I am firmly committed to treating each person that comes before the Court in a respectful, fair, consistent, unbiased, and transparent manner.

9. 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.<sup>3</sup>

- a. What do you attribute this to?

Response: Again, as a sitting U.S. Magistrate Judge and district court nominee, it would be improper for me to express a view on the substance of the report or forecast any issues related to sentencing under the Code of Conduct for United States Judges and its judicial canons. However, I will faithfully adhere to the U.S Sentencing Guidelines and apply the factors set forth in 18 U.S.C. 3553(a), which includes considering “the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct.” I am firmly committed to treating each person that comes before the Court in a respectful, fair, consistent, unbiased, and transparent manner.

10. 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: I am reminded of Judicial Cannon 1 that “A Judge Should Uphold the Integrity and Independence of the Judiciary,” which states that “[a]n independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved.” As part of this, it is incumbent on judges to uphold integrity and fairness in our criminal justice system at all stages.

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

---

<sup>3</sup> 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](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2023/20231114_Demographic-Differences.pdf).

Response: Well-qualified individuals from all backgrounds should have the opportunity to serve. If confirmed, I will be the first female judge to serve on the U.S. District Court for the Western District of North Carolina.

12. 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: My past writings and speeches were provided with my Senate Judiciary Questionnaire. Where I recall specifically addressing the issues mentioned below, I have listed out those talks or publications. But for a full accounting of the topics I have addressed, please refer to the list of the list of publications and statements provided in my Senate Judiciary Questionnaire and the corresponding recordings or attachments:

With others, Proposed Federal Rule Signals Remote Form I-9 Inspection of Employee Documents Will Likely Become Permanent Option, McGuireWoods’ Subject to Inquiry Blog, August 25, 2022.

With others, Online-Only International Students May Lose U.S. Visa Status — Analysis and Impact, McGuireWoods Update, July 9, 2020.

With others, U.S. Supreme Court Determines Action to Rescind DACA was Arbitrary and Capricious, McGuireWoods’ Subject to Inquiry Blog, June 19, 2020.

With others, DHS Announces Flexibility in Form I-9 “Physical Presence” Requirement During COVID-19, McGuireWoods Legal Insights, March 20, 2020.

With others, Employer Update: DHS Extends Temporary Protected Status and Work Authorization for El Salvador, Haiti, Sudan, and Nicaragua, McGuireWoods' Subject to Inquiry Blog, March 12, 2019.

With others, Congressional Investigations: Beyond Sensational Headlines — Incoming House Leaders Announce Broad Investigative Priorities Targeting Business Community, McGuireWoods Update, December 18, 2018.

With others, Food and Beverage Industry Focus: DOJ Targets Immigration-Related Discrimination, McGuireWoods Update, November 13, 2018.

With others, Increased Immigration Worksite Enforcement Looming in 2018, McGuireWoods' Subject to Inquiry Blog, October 30, 2017.

With others, H-1B Employers Face Increased Site Visits, McGuireWoods' Subject to Inquiry Blog, April 18, 2017.

With others, Big Changes Come With The New Form I-9 Published by USCIS, McGuireWoods' Subject to Inquiry Blog, November 14, 2016.

With others, Increased Fines on the Horizon for Immigration Law Violations, McGuireWoods' Subject to Inquiry Blog, July 7, 2016.

With others, The Export/Immigration Dilemma: Don't Let OSC Catch Your HR Department Unaware, McGuireWoods' Subject to Inquiry Blog, May 5, 2016.

With others, Buyer Beware: Noncompliant Electronic I-9 Software Risks Customer Company Fines, McGuireWoods' Subject to Inquiry Blog, April 27, 2016.

With others, Conducting Internal I-9 Audits - ICE and DOJ-OSC Provide Joint Guidance, McGuireWoods' Subject to Inquiry Blog, December 16, 2015.

With others, Proposed Changes to Form I-9 Create New Compliance Questions, McGuireWoods' Subject to Inquiry Blog, November 30, 2015.

With others, The Importance of Getting It Right: Employment Eligibility Verification, McGuireWoods' Subject to Inquiry Blog, May 7, 2014.

May 9, 2025: Presiding Judge and Speaker, "Naturalization Ceremony," U.S. District Court for the Western District of North Carolina, Charlotte, NC.

December 7, 2023: Speaker, "Fall White Collar Crime Social," hosted by local white collar bar, an informal association of several local attorneys, Charlotte, NC.

September 29, 2023: Speaker, "Swearing-In Speech as United States Magistrate Judge," U.S. District Court for the Western District of North Carolina, Charlotte, NC.

August 25, 2023: Presiding Judge and Speaker, "Naturalization Ceremony," U.S. District Court for the Western District of North Carolina, Charlotte, NC.

November 11, 2021: Speaker, "Administrative Inquisitions? How Agencies Initiate, Conduct, and Conclude Investigations," 2021 National Lawyers Convention, The Federalist Society, Washington, D.C.

October 29, 2020: Speaker, “Remarks,” MiraVia virtual annual banquet, Charlotte, NC. I made brief remarks on how MiraVia adapted to pandemic guidelines to serve those who come for assistance.

October 24, 2019: Speaker, “Welcome and Thank you Remarks,” MiraVia annual banquet, Charlotte, NC.

October 24, 2018: Speaker, “Welcome and Thank you Remarks,” MiraVia annual banquet, Charlotte, NC.

December 1, 2016: Presenter, “The New Frontier of the Form I-9 and E-Verify Compliance,” McGuireWoods CLE, Charlotte, NC.

October 22, 2014: Speaker, “Form I-9 Compliance,” McGuireWoods Virtual CLE, Charlotte, NC.

In addition, cases I have handled as a U.S. Magistrate Judge may involve the issues mentioned above. To the extent I recall specifically addressing those issues, I have listed those cases here:

*Akstin v. City of Charlotte*, No. 3:22-CV-00284-RJC-DSC, 2023 U.S. Dist. LEXIS 241580 (W.D.N.C. Dec. 14, 2023)

*Bellamy v. Union Cnty. Bd. of Educ.*, No. 3:23-CV-00898-RJC-SCR, 2025 U.S. Dist. LEXIS 42806 (W.D.N.C. Feb. 6, 2025), *memorandum and recommendation adopted*, 2025 U.S. Dist. LEXIS 42042 (W.D.N.C. Mar. 7, 2025)

*Carpenter v. City of Newton*, No. 5:24-CV-192-KDB-SCR, 2025 WL 2680589 (W.D.N.C. Sept. 3, 2025), *memorandum and recommendation*, 2025 WL 2677896 (W.D.N.C. Sept. 18, 2025) (Note: this was recently issued and therefore, was not included on my SJQ).

*Chapman v. City of Newton*, No. 5:23-CV-00040-KDB-SCR, 2023 U.S. Dist. LEXIS 220106 (W.D.N.C. Nov. 22, 2023), *memorandum and recommendation adopted*, 2023 U.S. Dist. LEXIS 219402 (W.D.N.C. Dec. 8, 2023)

*Freudenberg v. Servcon, LLC*, No. 3:23-CV-00068-SCR, 2024 U.S. Dist. LEXIS 176198 (W.D.N.C. Sept. 27, 2024)

*Hardin v. McLaurin*, No. 3:25-CV-00040-KDB-SCR, 2025 WL 2692694 (W.D.N.C. Sept. 4, 2025), *memorandum and recommendation adopted*, 2025 WL 2689870 (W.D.N.C. Sept. 19, 2025) (Note: this was recently issued and therefore, was not included on my prior SJQ).

*Johnson v. Honeywell Int’l, Inc.*, No. 3:23-CV-00640-RJC-SCR, 2024 U.S. Dist. LEXIS 240456 (W.D.N.C. Aug. 27, 2024), *memorandum and recommendation adopted*, 2025 U.S. Dist. LEXIS 34825 (W.D.N.C. Feb. 26, 2025)

*Kelly v. City of Charlotte*, No. 3:24-CV-0008, 2025, 2025 U.S. Dist. LEXIS 148275 (W.D.N.C. May 31, 2025), *memorandum and recommendation adopted*, 2025 U.S. Dist. LEXIS 147536 (July 31, 2025)

*Lineberger v. University of N.C. Sys. Through Its Governing Body*, No. 3:23-CV-00284-RJC-SCR, 2024 U.S. Dist. LEXIS 186782 (W.D.N.C. Sept. 5, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 177793 (W.D.N.C. Sept. 30, 2024)

*Patterson v. Wells Fargo & Co.*, No. 3:23-CV-00407-KDB-SCR, 2024 U.S. Dist. LEXIS 106245 (May 21, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 105494 (W.D.N.C. June 13, 2024)

*Patterson v. Wells Fargo & Co.*, No. 3:23-CV-00407-KDB-SCR, 2023 U.S. Dist. LEXIS 174531 (W.D.N.C. Sept. 27, 2023)

*Rodriguez v. Wipro Ltd.*, No. 3:23-CV-00354-SCR, 2023 U.S. Dist. LEXIS 170747 (W.D.N.C. Sept. 22, 2023)

*Rodriguez v. Wipro Ltd.*, No. 3:23-CV-00354-SCR, 2024 U.S. Dist. LEXIS 177800 (W.D.N.C. Sept. 30, 2024), *aff'd by*, 2025 U.S. App. LEXIS 5918 (4th Cir. Mar. 13, 2025)

*Seme v. Autumn Care of Statesville*, No. 5:23-CV-00152-KDB-SCR, 2024 U.S. Dist. LEXIS 80433 (W.D.N.C. Apr. 12, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 79839, 2024 WL 1916716 (W.D.N.C. May 1, 2024)

*Simpson v. Adam McCoy's Hauling & Grading, Inc.*, No. 3:23-CV-00322-KDB-SCR, 2023 U.S. Dist. LEXIS 218960 (W.D.N.C. Oct. 13, 2023), *memorandum and recommendation adopted*, 2023 U.S. Dist. LEXIS 218272, 2023 WL 8470624 (W.D.N.C. Dec. 6, 2023)

*Sloan v. Google LLC*, No. 5:23-CV-00164-KDB-SCR, 2024 U.S. Dist. LEXIS 172923 (W.D.N.C. Aug. 6, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 171577 (W.D.N.C. Sept. 23, 2024)

*Stone v. Truist Bank*, No. 3:23-CV-00596-KDB-SCR, 2024 U.S. Dist. LEXIS 173815 (W.D.N.C. Aug. 23, 2024), *memorandum and recommendation adopted*, 2024 U.S. Dist. LEXIS 172753 (W.D.N.C. Sept. 24, 2024)

*Warren v. Psa Airlines, Inc.*, No. 3:23-CV-00022-RJC-SCR, 2023 U.S. Dist. LEXIS 164068 (W.D.N.C. July 28, 2023), *memorandum and recommendation adopted*, 2023 U.S. Dist. LEXIS 163611 (W.D.N.C. Sept. 14, 2023)

Additionally, as a sitting U.S. Magistrate Judge, I routinely handle matters, including but not limited to initial appearances, arraignments, detention hearings, and motions to suppress, in cases where the defendant had been indicted on charges involving firearms including violations of 18 U.S.C. §§ 922(g), 922(o), and 924(c).

13. Under what circumstances would it be acceptable for an executive branch official to ignore or defy a federal court order?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial cannons. However, I have endeavored to explain the general procedures of the court below.



- 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: There are procedural mechanisms and safeguards that are in place when a party does not agree with a court order, including a motion for reconsideration, request for a stay of the order, or appeal of the order. A show cause hearing is generally held to give an individual an opportunity to be heard before any finding of contempt. Also, there are enumerated civil and criminal contempt procedures to follow if such a matter proceeded to that level.

- 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 13(a).

14. Does the president have the power to ignore or nullify laws passed by Congress?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons.

15. Does the president have the power to withhold funds appropriated by Congress?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons.

16. 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: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons.

17. Does the Supremacy Clause of the U.S. Constitution establish that federal laws supersede conflicting state laws?

Response: The Supremacy Clause, found in Article VI of the U.S. Constitution, has been the subject of a number of U.S. Supreme Court cases and Fourth Circuit precedent (*see e.g., Haaland v. Brackeen*, 599 U.S. 255, 287 (2023)), and I would faithfully follow all binding precedent on this topic.

18. 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 “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). I would faithfully follow all binding Supreme Court and Fourth Circuit precedent on this topic.

19. Is it constitutional for Congress to delegate to federal agencies the power to implement statutes through rulemaking?

Response: This issue has been the subject of several recent Supreme Court decisions, such as *West Virginia v. EPA*, 597 U.S. 697 (2022). I would faithfully follow all binding Supreme Court and Fourth Circuit precedent on this topic.

20. Was *Brown v. Board of Education*, 347 U.S. 483 (1954), correctly decided?

Response: Yes.

21. 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. In a 7-2 decision, the Court ruled that the U.S. Constitution protected the right of marital privacy regarding use of contraception.

22. 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. In a 6-3 decision, the Court ruled that the Texas statute criminalizing two persons of the same sex engaging in certain sexual conduct violated the Due Process Clause of the Fourteenth Amendment.

23. 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. In a 5-4 decision, the Court held that the Due Process Clause and the Equal Protection Clause of the Fourteenth Amendment guarantees the right to marry and that right extends to same-sex couples.

24. 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 served four years as President of the United States and was certified as the winner of the 2020 presidential election. “Certify” is a term used in the Twelfth Amendment to the U.S. Constitution. As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to weigh in on any political debate or election-

related arguments under the Code of Conduct for United States Judges and its judicial canons.

- a. Did Biden win a majority of the electoral vote in the 2020 election?

Response: Please see my response to Question 24.

- 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 24.

25. The 22nd Amendment says that “no person shall be elected to the office of the President more than twice.”<sup>4</sup>

- a. Do you agree that President Trump was elected to the office of the President in the 2016 election?

Response: President Trump was certified the winner of the 2016 presidential election and served four years as President.

- b. Did Trump win a majority of the electoral vote in the 2016 election?

Response: Please see my response to Question 25(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 the winner of the 2024 presidential election and is currently serving as President.

- d. Did Trump win a majority of the electoral vote in the 2024 election?

Response: Please see my response to Question 25(c).

- e. Do you agree that the 22nd Amendment, absent a constitutional amendment, prevents President Trump from running for a third presidential term?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it would be impermissible for me to opine on this issue under the Code of Conduct for United States Judges and its judicial canons.

26. 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?

---

<sup>4</sup> U.S. CONST. amend. XXII.

Response: As a sitting U.S. Magistrate Judge and district court nominee, I am guided by the Code of Conduct for United States Judges and its judicial canons. I have followed the tradition of judicial nominees before me in answering questions on past Supreme Court decisions. I have requested feedback, but my answers are my own and no one from the White House or the Department of Justice has instructed me to answer one way or another.

27. 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.

28. 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.

29. 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

35. 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.

36. 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 individuals listed above.

37. 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, I have not spoken or corresponded with any individuals directly. However, in the routine handling of duty court matters, to the best of my recollection, there was one individual that had an initial appearance for a case out of the District of Columbia. There is also a separate case pending before a different judge in my district, and as a sitting U.S. Magistrate Judge and district court nominee, I cannot comment further on any pending litigation.

38. Have you ever been demoted, terminated, or experienced any other adverse employment action?

Response: No.

- a. If yes, please describe the events that led to the adverse employment action.
- b. If no, please affirm that, since becoming a legal adult, you have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

Response: I so affirm that since becoming a legal adult (and even before that), I have left each place of employment voluntarily and not subject to the request or suggestion of any employer.

39. 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, and I began such filings when I became a U.S. Magistrate Judge in April 2023.

40. 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.”<sup>5</sup>

- a. Do you agree with the above statement?

Response: As a sitting U.S. Magistrate Judge and district court nominee, it is impermissible for me to comment on these statements or any subject of political controversy based on the Code of Conduct for United States Judges and its judicial canons.

- 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.

No.

- c. Are you currently in contact with anyone associated with A3P? If so, who?

No.

- d. Have you ever been in contact with anyone associated with A3P? If so, who?

No.

---

<sup>5</sup> <https://www.article3project.org/about>

41. 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. However, I disclosed to the Office of Legal Policy at the Department of Justice (and in my Senate SJQ) that as a United States Magistrate Judge, many of my opinions are not selected for publication in reporters. I estimate that in my two and a half years as a Magistrate Judge, I issued approximately 2,913 orders in 2024 in both criminal and civil matters. In 2023, I issued approximately 2,384 orders. All reported and unreported opinions I have issued are filed and stored on CM/ECF, the federal court Case Management/Electronic Case Files system. I further explained that I listed every opinion that was available on Westlaw or Lexis, or substantive opinions involving Constitutional issues that had not been reported in Westlaw or Lexis.

- a. If so, who? What advice did they give?

Not applicable.

- b. Did anyone suggest that you omit or include any particular case or type of case in your SJQ?

No.

42. 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?

No.

43. 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?

No.

44. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding your nomination.

I was invited to submit my resume to my home-state Senators in or around August and September of 2023 for the two vacancies in the Western District of North Carolina. I was referred to the White House for consideration, and had a virtual meeting on January 10, 2024. I did not have further discussions with the previous administration. Later, I received communications from the White House on July 10, 2025, and interviewed with attorneys from the White House Counsel's Office in Washington, D.C. on July 25, 2025. On August 20, 2025, the President called to tell me I would be nominated. I have been in continued

contact with officials from the White House Counsel's Office and the Office of Legal Policy at the Department of Justice since July 25, 2025.

45. Please explain, with particularity, the process whereby you answered these written questions.

I received these questions from the Office of Legal Policy at the United States Department of Justice on September 25, 2025. I drafted all answers to the questions. I solicited feedback from members of the Office of Legal Policy. My final answers to the questions are mine alone.